

Julie

HEARING PROCEDURE 2-16-2000

1. **Call to Order** "The Senate Committee on Privacy, Electronic Commerce and Financial Institutions will come to order. Will members please take your seats."
2. **Call the roll:** " We will dispense with the calling of the roll and the clerk will note presence of Senators as they arrive." Julie will fill in roll sheet as Senators arrive.
3. **Welcome and Announce Purpose of Hearing**
 - "Welcome members of the public, legislators, and staff."
 - "The purpose of this hearing is to hold a public hearing and executive session. We will hear testimony on AB267, AB 431 and LRB3675. Then we may hold an executive session."
4. **Operation of the Hearing** "If you wish to testify to the Committee, please fill out a hearing slip and return it to the Senate messenger." Point out messenger "If you wish to simply to register fill out the slip and give it to the messenger as well."
5. **Order of speakers** "To the extent possible I will alternate between speakers with different points of view on the subjects before us."
6. **Begin the hearing:**
 - a. Julie will sort slips by topic,
 - b. Jon calls the first speaker, call Legislators first
 - c. When speaker is through ask if committee members have questions
 - d. When last slip is given, let everyone know this is the last slip, anyone who wishes to speak on the bill should fill out a slip right now.

Senate

Committee Report

The committee on **Privacy, Electronic Commerce and Financial Institutions**, reports and recommends:

Assembly Bill 431

Relating to: confidentiality of documents reviewed by notary publics.

By Representative Staskunas, Schneider, Huebsch, Kelso, Goetsch, Stone, Pettis, Seratti, Ryba, Ladwig, M. Lehman, Musser, J. Lehman, F. Lasee, Sykora, Coggs, Nass, Meyerhofer, Hasenohrl, Kedzie; cosponsored by Senator Roessler, Rude, Huelsman, Farrow.

CONCURRENCE RECOMMENDED, Ayes 5, Noes 0, Absent 0

Ayes: (5) Senators Erpenbach, Jauch, Plache, Rude and Fitzgerald.

Noes: (0) None.

Absent: (0) None.

Senate Bill 387

Relating to: the sales tax on sales of lists.

By Senator Erpenbach; cosponsored by Representative Miller, Staskunas, J. Lehman, Boyle.

PASSAGE RECOMMENDED, Ayes 4, Noes 1, Absent 0

Ayes: (4) Senators Erpenbach, Jauch, Plache and Rude.

Noes: (1) Senator Fitzgerald.

Absent: (0) None.

Senator Jon Erpenbach
Chair

Senate

Record of Committee Proceedings

Committee on Privacy, Electronic Commerce and Financial Institutions

Assembly Bill 431

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By Representative Staskunas, Schneider, Huebsch, Kelso, Goetsch, Stone, Pettis, Seratti, Ryba, Ladwig, M. Lehman, Musser, J. Lehman, F. Lasee, Sykora, Coggs, Nass, Meyerhofer, Hasenohrl, Kedzie; cosponsored by Senator Roessler, Rude, Huelsman, Farrow.

February 2, 2000 Referred to committee on Privacy, Electronic Commerce and Financial Institutions.

February 16, 2000 **PUBLIC HEARING HELD**

Present: (4) Senators Erpenbach, Jauch, Rude and Fitzgerald.

Absent: (1) Senator Plache.

Appearances for

- Representative Anthony Staskunas

Appearances against

- None.

Appearances for Information Only

- Juna Krajewski, Office of Secretary of State

Registrations for

- James E. Hough, Wisconsin Court Reporters Association

Registrations against

- None.

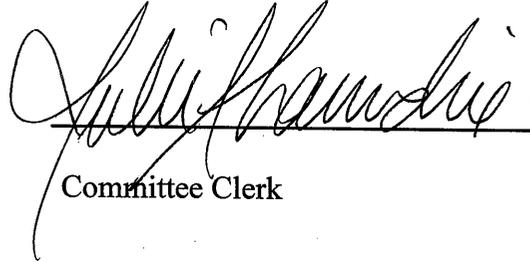
February 17, 2000 **EXECUTIVE SESSION(polling)**

Senators Erpenbach, Jauch, Plache, Rude and Fitzgerald.

Moved by Senator Erpenbach that **Assembly Bill 431** be recommended for concurrence.

Ayes: (5) Senators Erpenbach, Jauch, Plache, Rude and
Fitzgerald.
Noes: (0) None.
Absent: (0) None.

CONCURRENCE RECOMMENDED, Ayes 5, Noes 0, Absent 0



Committee Clerk



ANTHONY J. STASKUNAS

STATE REPRESENTATIVE • 15TH ASSEMBLY DISTRICT

**Testimony of Rep. Tony Staskunas, 1999 AB-431
Senate Committee on Privacy, Electronic Commerce & Financial Institutions
February 16, 2000**

Mr. Chairperson and Members of the Senate Committee on Privacy, Electronic Commerce & Financial Institutions, I am Representative Tony Staskunas of the 15th Assembly District, the author of Assembly Bill 431.

Periodically we sign documents that we think are private. If the documents need to be notarized, an individual unrelated to the document will view it before they sign and notarize it. This bill requires that individual to keep the information they have viewed as private, confidential information. Insurance applications, financial transactions, medical records, and other business contracts are a few of the items that are not public record, but could become public information if a notary does not keep information confidential.

I have introduced Assembly Bill 431 because I had always been under the impression that confidentiality was required of notary publics. After reviewing the State Statutes and the Notary Public Handbook, I found this not to be the case.

I did contact the Office of the Secretary of State, which oversees the commissioning of Notary Publics, for their input prior to introduction of the bill. The Assistant Secretary of State called my office to say that they have no problem with the bill. Their office believes that confidentiality is common practice, so they were not going to take a position on AB 431.

On a final note, the Wisconsin Court Reporters had raised concerns with how AB 431 might effect deposition transcripts in litigation. I met with their representative and offered an amendment that was adopted by the Assembly to address their concern. AB 431 has received unanimous support from the Assembly Committee on Judiciary and Personal Privacy, as well as the Assembly as a whole.

Mr. Chairperson and committee members, I appreciate your kind attention today. I would be happy to answer any questions you may have.

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DOUGLAS LA FOLLETTE



SECRETARY OF STATE
WISCONSIN

**Testimony Presented to the Senate Committee on
Privacy, Electronic Commerce, and Financial Institutions**

Wednesday, February 16, 2000

AB 431: relating to confidentiality of documents reviewed by notary publics

When consulted by the bill's author before introducing A.B. 431, the Office of Secretary of State indicated that we did not have a formal position on this bill. This remains true in regards to the Assembly Substitute Amendment and the Amendment to the substitute.

The Office feels that if a notary public is acting professionally and ethically, the notary does not divulge information in documents notarized by him or her. The exception would be documents that are part of the public domain, as in court depositions referenced in paragraph (b) of the Substitute Amendment.

As far as keeping copies of documents, notaries are not encouraged to do so except in the case of documents with irregularities as noted by the notary, such as blanks, omissions, etc. In fact, notaries are discouraged from notarizing any document that appears to be incomplete or has blanks not filled in. But, if they do notarize a document with irregularities, any such irregularities should be noted on the document when notarization occurs and in the notary's records.

In summary, the Office feels this bill states the obvious. But we understand the concern and the possible need by the public for recourse against a notary public other than decommissioning.

JON (2)

AB 431

Confidentiality of Documents Reviewed by Notary Public

ISSUE/BILL

Currently, the law is silent regarding the confidentiality of documents reviewed by notaries. AB 431 states that all documents are confidential that are reviewed and that the notary may release information obtained from reviewing the documents ONLY if written consent is obtained.

Staskunas should testify regarding how the substitute amendment affects the bill – also there is a memo from Don Dyke on the substitute amendment. I don't think it really makes any major changes and certainly carries out the intent of the original bill.

We could exec if you want and the intent of the Committee seems to be there.

Roessler, Rude, Huelsman, and Farrow are the Senator's on the bill