

**SENATE SUBSTITUTE AMENDMENT 1,  
TO 1999 ASSEMBLY BILL 267**

March 14, 2000 – Offered by COMMITTEE ON PRIVACY, ELECTRONIC COMMERCE AND FINANCIAL INSTITUTIONS.

1     **AN ACT to repeal** 137.04 (1), 137.06 (1) (e) and 224.30; **to renumber and amend**  
2           137.05; **to amend** 137.05 (title); **to repeal and recreate** 137.04 (2); and **to**  
3           **create** 137.01 (6e), 137.04 (1m) and 137.05 (2) of the statutes; **relating to:** the  
4           use and regulation of electronic signatures, providing an exemption from  
5           emergency rule procedures and granting rule-making authority.

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

6           **SECTION 1.** 137.01 (6e) of the statutes is created to read:  
7           137.01 **(6e)** ELECTRONIC SIGNATURES. The secretary of state and department of  
8           administration shall jointly promulgate rules establishing requirements that a  
9           notary public must satisfy in order to use an electronic signature, as defined in s.  
10          137.04 (2), for any attestation. The joint rules shall be numbered as rules of each  
11          agency in the Wisconsin Administrative Code. The electronic signature of a notary

1 public is not valid for official acts unless the signature is used in compliance with  
2 those requirements.

3 **SECTION 2.** 137.04 (1) of the statutes is repealed.

4 **SECTION 3.** 137.04 (1m) of the statutes is created to read:

5 137.04 **(1m)** “Document” means information that is inscribed on a tangible  
6 medium or that is stored in an electronic or other medium and that is retrievable in  
7 a perceivable form.

8 **SECTION 4.** 137.04 (2) of the statutes is repealed and recreated to read:

9 137.04 **(2)** “Electronic signature” means an electronic sound, symbol or process  
10 that is attached to or logically associated with a document and that is executed or  
11 adopted by a person with intent to sign the document.

12 **SECTION 5.** 137.05 (title) of the statutes is amended to read:

13 **137.05** (title) **Submission of written documents to governmental units.**

14 **SECTION 6.** 137.05 of the statutes is renumbered 137.05 (1) and amended to  
15 read:

16 137.05 **(1)** ~~Unless otherwise prohibited by law, any document that is required~~  
17 ~~by law to be submitted in writing to a governmental unit and that requires a written~~  
18 ~~signature may be submitted by transforming the document into electronic format,~~  
19 ~~but~~ A document that is signed or given effect with an electronic signature may be  
20 submitted to a governmental unit only with the consent of the governmental unit  
21 that is to receive the document.

22 **SECTION 7.** 137.05 (2) of the statutes is created to read:

23 137.05 **(2)** The department of administration shall promulgate rules  
24 concerning the use of electronic signatures by governmental units. With respect to

1 use of electronic signatures by notaries public, the rules shall be consistent with rules  
2 promulgated under s. 137.01 (6e).

3 **SECTION 8.** 137.06 (1) (e) of the statutes is repealed.

4 **SECTION 9.** 224.30 of the statutes is repealed.

5 **SECTION 10. Nonstatutory provisions.**

6 (1) USE OF ELECTRONIC SIGNATURES BY GOVERNMENTAL UNITS. Using the procedure  
7 under section 227.24 of the statutes, the department of administration may  
8 promulgate emergency rules under section 137.05 (2) of the statutes, as created by  
9 this act, for the period before the effective date of permanent rules initially  
10 promulgated under section 137.05 (2) of the statutes, as created by this act, but not  
11 to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes.  
12 Notwithstanding section 227.24 (1) (a), (2) (b) and (3) of the statutes, the department  
13 is not required to provide evidence that promulgating a rule under this subsection  
14 as an emergency rule is necessary for the preservation of the public peace, health,  
15 safety or welfare and is not required to provide a finding of emergency for a rule  
16 promulgated under this subsection.

17 (2) USE OF ELECTRONIC SIGNATURES BY NOTARIES PUBLIC. The secretary of state  
18 and department of administration shall promulgate initial rules under section  
19 137.01 (6e) of the statutes, as created by this act, to become effective no later than  
20 January 1, 2002.

21 **SECTION 11. Effective date.**

22 (1) This act takes effect on the first day of the 4th month beginning after  
23 publication.

24

(END)