



1997 ASSEMBLY BILL 661

December 18, 1997 - Introduced by Representatives STASKUNAS, PLOUFF, J. LEHMAN, TURNER, GUNDERSON, LADWIG, KAUFERT, HASENOHRL, OLSEN, BRANDEMUEHL, ZIEGELBAUER and GRONEMUS. Referred to Committee on Government Operations.

1 AN ACT to amend 137.01 (1) (title), 137.01 (1) (a) and 165.85 (3) (cm); and to
2 create 137.01 (2m) of the statutes; relating to: permanent notary public
3 commissions for law enforcement officers.

Analysis by the Legislative Reference Bureau

Under current law, a person may obtain a notary public commission if he or she has the equivalent of a 8th grade education, is familiar with the duties of a notary public, does not have an arrest or conviction record, pays a \$20 fee, takes an official oath and files a \$500 bond. The notary public commission is for a term of 4 years and may be renewed. Currently, attorneys in good standing with the supreme court may receive a notary public commission that is permanent upon submitting an application and paying a fee of \$50.

This bill allows a law enforcement officer who is employed by a political subdivision of the state to obtain a permanent notary public commission if the officer submitting the application is in good standing as certified by the law enforcement standards board, if the \$50 fee is paid and if the chief law enforcement officer of the political subdivision executes a bond for \$500.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

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

4 SECTION 1. 137.01 (1) (title) of the statutes is amended to read:
5 137.01 (1) (title) NOTARIES PUBLIC WHO ARE NOT ATTORNEYS OR LAW ENFORCEMENT
6 OFFICERS.

1 **SECTION 2.** 137.01 (1) (a) of the statutes, as affected by 1997 Wisconsin Act 27,
2 is amended to read:

3 137.01 (1) (a) The governor shall appoint notaries public who shall be
4 Wisconsin residents and at least 18 years of age. Applicants who are not attorneys
5 or law enforcement officers shall file an application with the secretary of state and
6 pay a \$20 fee.

7 **SECTION 3.** 137.01 (2m) of the statutes is created to read:

8 137.01 (2m) NOTARIES PUBLIC WHO ARE LAW ENFORCEMENT OFFICERS. (a) Any
9 Wisconsin resident who is a law enforcement officer, as defined in s. 165.85 (2) (c),
10 and who is employed by a political subdivision of the state, as defined in s. 165.85 (2)
11 (d), is entitled to a permanent commission as a notary public upon application to the
12 secretary of state and payment of a \$50 fee. The application shall include a certificate
13 of good standing from the law enforcement standards board, the signature and
14 post-office address of the applicant and an impression of the applicant's official seal,
15 or imprint of the applicant's official rubber stamp.

16 (b) Qualified applicants shall be notified by the secretary of state to take and
17 file the official oath and of the requirement that the chief law enforcement officer of
18 the political subdivision that employs the person execute and file an official bond in
19 the sum of \$500, with surety to be approved by the clerk of the circuit court for his
20 or her county, or, if executed by a surety company, approved by the secretary of state.
21 Each political subdivision of the state shall expend the amount necessary to pay all
22 fees and expenses incurred in qualifying a law enforcement officer as a notary public,
23 and securing a notarial seal or rubber stamp, but that notary shall receive no fees
24 for notarial services rendered to the political subdivision.

1 (c) The secretary of state shall issue a certificate of appointment as a notary
2 public to persons who qualify under the requirements of this subsection. Such
3 certificate shall state that the notary public commission is permanent.

4 (d) The law enforcement standards board shall file with the secretary of state
5 notice of the decertification of any law enforcement officer under s. 165.85 (3) (cm)
6 who holds a permanent commission as a notary public. That notice shall be
7 considered a revocation of the commission as a notary public.

8 **SECTION 4.** 165.85 (3) (cm) of the statutes is amended to read:

9 165.85 **(3)** (cm) Decertify law enforcement, tribal law enforcement, jail or
10 secure detention officers who terminate employment or are terminated or who
11 violate or fail to comply with a rule or order of the board relating to curriculum or
12 training. The board shall establish procedures for decertification in compliance with
13 ch. 227. The board shall file with the secretary of state notice of the decertification
14 of any law enforcement officer who holds a permanent commission as a notary public.

15 (END)