

AMENDMENTS TO LB 690

(Amendments to E & R amendments, ER139)

Introduced by Harr

1 1. Insert the following new sections:

2 Sec. 14. A declaration under sections 71-6901 to 71-6908
3 and sections 4, 5, 11, 13, and 14 of this act shall be confidential
4 except as would be required in any court proceedings under such
5 sections.

6 Sec. 15. Section 64-113, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 64-113 (1) Whenever charges of malfeasance in office are
9 preferred to the Secretary of State against any notary public in
10 this state, or whenever the Secretary of State has reasonable cause
11 to believe any notary public in this state is guilty of acts
12 of malfeasance in office, the Secretary of State may appoint any
13 disinterested person, not related by consanguinity to either the
14 notary public or person preferring the charges, and authorized by
15 law to take testimony of witnesses by deposition, to notify such
16 notary public to appear before him or her on a day and at an hour
17 certain, after at least ten days from the day of service of such
18 notice. Such appointee may summon witnesses, in the manner provided
19 by section 64-108, to appear at the time specified in the notice,
20 and he or she may take the testimony of such witnesses in writing,
21 in the same manner as is by law provided for taking depositions,
22 and certify the same to the Secretary of State. The notary public

1 may appear, at such time and place, and cross-examine witnesses
2 and produce witnesses in his or her behalf, which cross-examination
3 and testimony shall be likewise certified to the Secretary of
4 State. Upon the receipt of such examination, duly certified in the
5 manner prescribed for taking depositions to be used in suits in
6 the district courts of this state, the Secretary of State shall
7 examine the same, and if therefrom he or she is satisfied that the
8 charges are substantially proved, he or she may remove the person
9 charged from the office of notary public or temporarily revoke
10 such person's commission. Within fifteen days after such removal or
11 revocation and notice thereof, such notary public shall deposit,
12 with the Secretary of State, the commission as notary public and
13 notarial seal. The commission shall be canceled or temporarily
14 revoked by the Secretary of State. A person so removed from office
15 shall be forever disqualified from holding the office of notary
16 public. A person whose commission is temporarily revoked shall be
17 returned his or her commission and seal upon completion of the
18 revocation period and passing the examination described in section
19 64-101.01. The fees for taking such testimony shall be paid by the
20 state at the same rate as fees for taking depositions by notaries
21 public. The failure of the notary public to deposit his or her
22 commission and seal with the Secretary of State as required by
23 this section shall subject him or her to a penalty of one thousand
24 dollars, to be recovered in the name of the state.

25 (2) For purposes of this section, malfeasance in office
26 means, while serving as a notary public, (a) failure to follow
27 the requirements and procedures for notarial acts provided for

1 in Chapter 64, articles 1 and 2, ~~or (b)~~ (b) violating the
2 confidentiality provisions of section 14 of this act, or (c) being
3 convicted of a felony or other crime involving fraud or dishonesty.

4 2. On page 1, line 18; page 2, line 7; page 6, line 9;
5 page 12, lines 9 and 13 and 14; page 13, line 12; page 14, lines
6 1 and 7; and page 15, lines 7 and 10, strike "and 13" and insert
7 "13, and 14".

8 3. Renumber the remaining sections and correct the
9 repealer section accordingly.