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(FORM UPDATED: 08/11/2010)

**WISCONSIN STATE LEGISLATURE ...  
PUBLIC HEARING - COMMITTEE RECORDS**

**1999-00**

(session year)

**Assembly**

(Assembly, Senate or Joint)

**Committee on ... Judiciary and Personal Privacy  
(AC-JPP)**

**COMMITTEE NOTICES ...**

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

**INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL**

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)  
(**ab** = Assembly Bill)                      (**ar** = Assembly Resolution)                      (**ajr** = Assembly Joint Resolution)  
(**sb** = Senate Bill)                              (**sr** = Senate Resolution)                              (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

\* Contents organized for archiving by: Mike Barman (LRB) (May/2012)

## Assembly

### Record of Committee Proceedings

#### Committee on Judiciary and Personal Privacy

##### Assembly Bill 431

Relating to: confidentiality of documents reviewed by notary publics.

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

August 19, 1999      Referred to committee on Judiciary and Personal Privacy.

October 21, 1999      **PUBLIC HEARING HELD**

Present:    (7)      Representatives Huebsch, Gundrum, Walker,  
Suder, Grothman, Hebl and Staskunas.

Excused:   (2)      Representatives Sherman and Colon.

##### Appearances for

- Rep. Tony Staskunas, 15th Assembly District

##### Appearances against

- None.

##### Appearances for Information Only

- None.

##### Registrations for

- Amy Boyer, WI Court Reporters Association
- Sen. Carol Roessler, 18th Senate District

##### Registrations against

- None.

October 27, 1999      **EXECUTIVE SESSION**

Present:    (9)      Representatives Huebsch, Gundrum, Walker,  
Suder, Grothman, Sherman, Colon, Hebl and  
Staskunas.

Excused:   (0)      None.

Moved by Representative Walker, seconded by Representative Staskunas, that **Assembly Substitute Amendment 1 to Assembly Bill 431** be recommended for introduction and adoption.

Ayes: (9) Representatives Huebsch, Gundrum, Walker, Suder, Grothman, Sherman, Colon, Hebl and Staskunas.

Noes: (0) None.

Excused:(0) None.

INTRODUCTION AND ADOPTION RECOMMENDED, Ayes 9,  
Noes 0, Excused 0

Moved by Representative Walker, seconded by Representative Staskunas, that **Assembly Bill 431** be recommended for passage as amended.

Ayes: (9) Representatives Huebsch, Gundrum, Walker, Suder, Grothman, Sherman, Colon, Hebl and Staskunas.

Noes: (0) None.

Excused:(0) None.

PASSAGE AS AMENDED RECOMMENDED, Ayes 9, Noes 0,  
Excused 0



Robert Delaporte  
Committee Clerk

# Vote Record

## Assembly Committee on Judiciary and Personal Privacy

Date: 10-27-99  
 Moved by: \_\_\_\_\_ Seconded by: \_\_\_\_\_  
 AB: 43i Clearinghouse Rule: \_\_\_\_\_  
 AB: \_\_\_\_\_ SB: \_\_\_\_\_ Appointment: \_\_\_\_\_  
 AJR: \_\_\_\_\_ SJR: \_\_\_\_\_ Other: \_\_\_\_\_  
 A: \_\_\_\_\_ SR: \_\_\_\_\_

A/S Amdt: 2 LRBa 0824/1  
 A/S Amdt: \_\_\_\_\_ to A/S Amdt: \_\_\_\_\_  
 A/S Sub Amdt: \_\_\_\_\_  
 A/S Amdt: \_\_\_\_\_ to A/S Sub Amdt: \_\_\_\_\_  
 A/S Amdt: \_\_\_\_\_ to A/S Amdt: \_\_\_\_\_ to A/S Sub Amdt: \_\_\_\_\_

- Be recommended for:
- Passage
  - Introduction
  - Adoption
  - Rejection
  - Indefinite Postponement
  - Tabling
  - Concurrence
  - Nonconcurrence
  - Confirmation

Committee Member	Aye	No	Absent	Not Voting
Rep. Michael Huebsch, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Mark Gundrum	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Scott Walker	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Scott Suder	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Glenn Grothman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Gary Sherman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Pedro Colon	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Tom Hebl	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Tony Staskunas	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals: \_\_\_\_\_

# Vote Record

## Assembly Committee on Judiciary and Personal Privacy

Date: 10-27-99  
 Moved by: Walker      Seconded by: Stask.  
 AB: 439      Clearinghouse Rule: \_\_\_\_\_  
 AB: \_\_\_\_\_      SB: \_\_\_\_\_      Appointment: \_\_\_\_\_  
 AJR: \_\_\_\_\_      SJR: \_\_\_\_\_      Other: \_\_\_\_\_  
 A: \_\_\_\_\_      SR: \_\_\_\_\_

A/S Amdt: H0794H  
 A/S Amdt: \_\_\_\_\_ to A/S Amdt: \_\_\_\_\_  
 A/S Sub Amdt: 1  
 A/S Amdt: \_\_\_\_\_ to A/S Sub Amdt: \_\_\_\_\_  
 A/S Amdt: \_\_\_\_\_ to A/S Amdt: \_\_\_\_\_ to A/S Sub Amdt: \_\_\_\_\_

- Be recommended for:
- |  |  |
|--|--|
| <input type="checkbox"/> Passage                 | <input type="checkbox"/> Indefinite Postponement |
| <input checked="" type="checkbox"/> Introduction | <input type="checkbox"/> Tabling                 |
| <input checked="" type="checkbox"/> Adoption     | <input type="checkbox"/> Concurrence             |
| <input type="checkbox"/> Rejection               | <input type="checkbox"/> Nonconcurrence          |
|  | <input type="checkbox"/> Confirmation            |

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Rep. Michael Huebsch, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Mark Gundrum	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Scott Walker	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Scott Suder	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Glenn Grothman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Gary Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Pedro Colon	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Tom Hebl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Tony Staskunas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>9</u>	_____	_____	_____

# Vote Record

## Assembly Committee on Judiciary and Personal Privacy

Date: 10-27-99  
 Moved by: Walker      Seconded by: Staskunas  
 AB: 431      Clearinghouse Rule: \_\_\_\_\_  
 AB: \_\_\_\_\_      SB: \_\_\_\_\_      Appointment: \_\_\_\_\_  
 AJR: \_\_\_\_\_      SJR: \_\_\_\_\_      Other: \_\_\_\_\_  
 A: \_\_\_\_\_      SR: \_\_\_\_\_

A/S Amdt: \_\_\_\_\_ to A/S Amdt: \_\_\_\_\_  
 A/S Sub Amdt: \_\_\_\_\_ to A/S Sub Amdt: \_\_\_\_\_  
 A/S Amdt: \_\_\_\_\_ to A/S Sub Amdt: \_\_\_\_\_  
 A/S Amdt: \_\_\_\_\_ to A/S Amdt: \_\_\_\_\_ to A/S Sub Amdt: \_\_\_\_\_

- Be recommended for:
- Passage *as amended*
  - Introduction
  - Adoption
  - Rejection
  - Indefinite Postponement
  - Tabling
  - Concurrence
  - Nonconcurrence
  - Confirmation

Committee Member	Aye	No	Absent	Not Voting
Rep. Michael Huebsch, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Mark Gundrum	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Scott Walker	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Scott Suder	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Glenn Grothman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Gary Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Pedro Colon	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Tom Hebl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Tony Staskunas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>9</u>	_____	_____	_____

Motion Carried       Motion Failed





# **ANTHONY J. STASKUNAS**

STATE REPRESENTATIVE • 15TH ASSEMBLY DISTRICT

**Testimony of Rep. Tony Staskunas, 1999 AB-431  
Assembly Committee on Judiciary and Personal Privacy  
October 21, 1999**

Mr. Chairperson and Members of the Assembly Judiciary and Personal Privacy Committee, I am Representative Tony Staskunas of the 15<sup>th</sup> 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 have raised concerns with how AB 431 might effect deposition transcripts in litigation. I have met with their representative and will be offering an amendment to address this concern.

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

OFFICE: P.O. BOX 8953 • MADISON, WI 53708 • (608) 266-0620  
HOME: 2010 SOUTH 103RD COURT • WEST ALLIS, WI 53227 • (414) 541-9440  
TOLL-FREE NUMBER: 1-888-534-0015 • FAX: (608) 282-3615







# Wisconsin Court Reporters Association

TO: Members, Assembly Committee on Judiciary and Personal Privacy

FROM: Amy Boyer,  
on behalf of WCRA Board of Directors

DATE: October 21, 1999

RE: Support for AB 431 – With Amendment

The Wisconsin Court Reporters Association (WCRA) has suggested an amendment to specifically address issues related to confidentiality and release of deposition transcripts.

Under a recent Advisory Opinion, the selling of deposition transcripts that have not been made part of the public record to other than the litigants and the deponent without the agreement of the litigants and the deponent (not just the hiring party) would violate the Court Reporters Code of Professional Ethics.

Once a deposition transcript has, however, been made part of the public record, subject to any protective order, a reporter may ethically sell the transcript to third parties without the consent of the parties or the deponent.

WCRA believes that the proposed amendment strengthens AB 431 in relation to deposition transcripts by codifying current ethical practices, protecting all parties and the deponent to an action, and recognizing the distinction between depositions that have and have not been made part of a public record.

WCRA respectfully urges adoption of the suggested amendment and passage as amended.

Thank you.

**HOUGH, FASSBENDER, OSBORNE  
& ASSOCIATES, INC.**

10 E. Doty St., Suite 500 • Madison, WI 53703  
Phone: 608/258-9506 • Fax: 608/283-2589  
email: boyer@hfomadison.com

Amy L. Boyer





## WISCONSIN LEGISLATIVE COUNCIL STAFF MEMORANDUM

One East Main Street, Suite 401; P.O. Box 2536; Madison, WI 53701-2536  
Telephone: (608) 266-1304  
Fax: (608) 266-3830  
Email: leg.council@legis.state.wi.us

DATE: October 27, 1999

TO: REPRESENTATIVE MICHAEL HUEBSCH, CHAIRPERSON, ASSEMBLY  
COMMITTEE ON JUDICIARY AND PERSONAL PRIVACY

FROM: Don Dyke, Senior Staff Attorney

SUBJECT: 1999 Assembly Bill 431, Relating to Confidentiality of Documents Reviewed  
by Notary Publics

This memorandum, prepared at your request, describes the provisions of the above-captioned bill and two amendments to the bill.

### 1. 1999 Assembly Bill 431

Current statutory law is silent concerning confidentiality requirements on notary publics. Assembly Bill 431 provides that all documents, and the information contained in any documents, reviewed by a notary public while performing his or her duties as a notary public are confidential. The bill authorizes release by a notary public of such documents and information only with the written consent of the person who requested the services of the notary public.

Assembly Bill 431 provides a \$500 forfeiture for violation of the confidentiality and release provisions and specifies that a violation also subjects the notary to liability to an injured party for any damages resulting from the violation.

### 2. Assembly Amendment — (LRBa0824/1)

Assembly Amendment \_\_\_\_ (LRBa0824/1) gives specific treatment to deposition transcripts in the context of the bill. It expressly authorizes deposition transcripts to be released by a notary to all parties of record in the action. However, a notary is not authorized to release deposition transcripts that have not been made part of the public record to a third party without the written consent of all parties to the action and the person whose deposition was taken. Finally, when a deposition transcript has been made part of the public record, a notary who is also a court reporter may, subject to a protective order (by the court) or agreement to the

contrary, prohibit the release of the deposition transcript or sell the transcript to third parties without the consent of the person who requested the services of the notary.

**3. Assembly Amendment — (LRBa0794/1)**

Assembly Amendment \_\_\_\_ (LRBa0794/1) clarifies:

a. That the proposal requires a notary to “keep confidential” all documents and the information contained in any documents reviewed by the notary while performing his or her duties as a notary. Read literally, the original bill could be interpreted as making the general status of any document reviewed by a notary confidential; the intent is not to change the public or confidential status of the document for all purposes, but to require the notary to keep the document confidential.

b. That the prohibition against release of a document or the information contained in the document is against release to a third person (i.e., a person other than the person who requested the services of the notary). Thus, under the amendment, it is not necessary to obtain the written consent of the person who requested the notary’s services in order to release the document or information to that person.

If you have any questions or need additional information, please contact me directly at the Legislative Council Staff offices.

DD:rv:tlu;ksm





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## WISCONSIN LEGISLATIVE COUNCIL STAFF MEMORANDUM

One East Main Street, Suite 401; P.O. Box 2536; Madison, WI 53701-2536

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Fax: (608) 266-3830

Email: [leg.council@legis.state.wi.us](mailto:leg.council@legis.state.wi.us)

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DATE: January 31, 2000

TO: REPRESENTATIVE MICHAEL HUEBSCH, CHAIRPERSON, ASSEMBLY COMMITTEE ON JUDICIARY AND PERSONAL PRIVACY

FROM: Don Dyke, Senior Staff Attorney

SUBJECT: 1999 Assembly Bill 431, Relating to Confidentiality of Documents Reviewed by Notary Publics

This memorandum, prepared at your request, describes the provisions of the above-captioned bill and Assembly Substitute Amendment 1 to the proposal (as amended by Assembly Amendment 1).

### **1. 1999 Assembly Bill 431**

Current statutory law is silent concerning confidentiality requirements on notary publics. Assembly Bill 431 provides that all documents, and the information contained in any documents, reviewed by a notary public while performing his or her duties as a notary public are confidential. The bill authorizes release by a notary public of such documents and information only with the written consent of the person who requested the services of the notary public.

Assembly Bill 431 provides a \$500 forfeiture for violation of the confidentiality and release provisions and specifies that a violation also subjects the notary to liability to an injured party for any damages resulting from the violation.

### **2. Assembly Substitute Amendment 1 (as Amended by Assembly Amendment 1)**

Assembly Substitute Amendment 1 (as amended by Assembly Amendment 1) gives specific treatment to deposition transcripts in the context of the bill. It expressly authorizes deposition transcripts to be released by a notary to all parties of record in the action. However, a notary is not authorized to release deposition transcripts that have not been made part of the public record to a third party without the written consent of all parties to the action and the person whose deposition was taken. When a deposition transcript has been made part of the public record, a notary who is also a court reporter may, subject to a protective order (by the

court) or agreement to the contrary, release the deposition transcript or sell the transcript to third parties without the consent of the person who requested the services of the notary.

The substitute amendment also clarifies:

a. That the proposal requires a notary to "keep confidential" all documents and the information contained in any documents reviewed by the notary while performing his or her duties as a notary. Read literally, the original bill could be interpreted as making the general status of any document reviewed by a notary confidential; the intent is not to change the public or confidential status of the documents for all purposes, but to require the notary to keep the document confidential.

b. That the prohibition against release of a document or the information contained in the document is against release to a third person (i.e., a person other than the person who requested the services of the notary). Thus, under the amendment, it is not necessary to obtain the written consent of the person who requested the notary's services in order to release the document or information to that person.

If you have any questions or need additional information, please contact me directly at the Legislative Council Staff offices.

DD:jal:ksm;wu





Codifies what we think  
is current law

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Sec. of State  
good idea but common  
practice already

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Amend.  
coming

AB 431 folder  
Date?