

No. 16, S.]

[Published April 29, 1943.]

CHAPTER 89.

AN ACT to amend 326.23 of the statutes, relating to depositions concerning public institutions.

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

326.23 is amended to read:

326.23 (1) **WHO MAY REQUIRE.** The state * * * *department of public welfare, the state board of health, the state superintendent, the board of regents of the university, * * * or the board of regents of normal schools may * * * order* the deposition of any witness to be taken concerning any institution under *his or* its government or superintendence, or concerning the conduct of any officer or agent thereof, or concerning any matter relating to the interests thereof. Upon presentation of a certified copy of such * * * *order* to any justice, notary public or court commissioner, such officer shall take the desired deposition in the manner provided for taking depositions to be used in actions. When any officer or agent of any institution is concerned and will be affected by the testimony, 2 days' written notice of the time and place of taking such deposition shall be given him. Any party interested may appear in person or by counsel and examine the witness touching the matters mentioned in the * * * *order*. The deposition, duly certified, shall be delivered to the * * * *authority which ordered it*.

(2) **FEEES.** Every officer who * * * takes a deposition, and every witness who * * * appears and * * * *testifies* under this section, shall be paid the fees allowed on the taking of other depositions, and the account of the * * * expenses incurred in taking any such deposition, being duly certified * * *, shall be paid out of the state treasury and charged to the appropriation of the * * * *authority which ordered the deposition*.

Approved April 28, 1943.