

**2001 DRAFTING REQUEST**

**Bill**

Received: 01/04/2001

Received By: nelsorp1

Wanted: As time permits

Identical to LRB:

For: Gary George (608) 266-2500

By/Representing: Dan Rossmiller

This file may be shown to any legislator: NO

Drafter: nelsorp1

May Contact:

Alt. Drafters:

Subject: Courts - miscellaneous

Extra Copies:

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Contracts with persons who take depositions

---

**Instructions:**

See Attached 99-2510

---

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	nelsorp1 01/08/2001	wjackson 01/09/2001		_____			
/1			rschluet 01/29/2001	_____	lrb_docadmin 01/29/2001	lrb_docadmin 01/29/2001	

FE Sent For:

<END>

**2001 DRAFTING REQUEST**

**Bill**

Received: 01/04/2001

Received By: nelsorp1

Wanted: As time permits

Identical to LRB:

For: Gary George (608) 266-2500

By/Representing: Dan Rossmiller

This file may be shown to any legislator: NO

Drafter: nelsorp1

May Contact:

Alt. Drafters:

Subject: Courts - miscellaneous

Extra Copies:

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Contracts with persons who take depositions

---

**Instructions:**

See Attached 99-2510

---

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	nelsorp1 01/08/2001	wjackson 01/09/2001		_____			
/1			rschluet 01/29/2001	_____	lrb docadmin 01/29/2001		

FE Sent For:

<END>

**2001 DRAFTING REQUEST**

**Bill**

Received: **01/04/2001**

Received By: **nelsorp1**

Wanted: **As time permits**

Identical to LRB:

For: **Gary George (608) 266-2500**

By/Representing: **Dan Rossmiller**

This file may be shown to any legislator: **NO**

Drafter: **nelsorp1**

May Contact:

Alt. Drafters:

Subject: **Courts - miscellaneous**

Extra Copies:

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Contracts with persons who take depositions

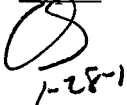
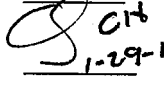
---

**Instructions:**

See Attached 99-2510

---

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	nelsorp1	/i WLj 1/9	 1-28-1	 1-29-1			

FE Sent For:

<END>

# State of Wisconsin



GARY R. GEORGE  
SENATOR

MEMORANDUM

CONFIDENTIAL

TO: Robert Nelson, Senior Attorney  
Legislative Reference Bureau Drafting Section

FROM: Dan Rossmiller <sup>DR</sup>

DATE: January 2, 2001

RE: Drafting Request

Senator George would like to have 1999 Senate Bill 284, relating contracts with persons who take depositions, re-drafted for re-introduction in the 2001 Legislative Session.

Thank you for your assistance.

Please feel free to contact me (6-2500) if you have any questions.

**SENATE BILL 284**

An Act to renumber and amend 804.03 (3); and to create 804.03 (3) (b) of the statutes; relating to: contracts with persons who take depositions.

1999

- 11-09-99. S. Introduced by Senators George, Rude, Breske, Cowles and Rosenzweig; cosponsored by Representatives Walker, Huebsch, Hebl, Staskunas, M. Lehman, Albers, Goetsch, J. Lehman, Hahn, Colon, Richards and Cullen.
- 11-09-99. S. Read first time and referred to committee on Judiciary and Consumer Affairs **328**

2000

- 01-25-00. S. Public hearing held.
- 02-01-00. S. Executive action taken.
- 03-03-00. S. Report passage recommended by committee on Judiciary and Consumer Affairs, Ayes 4, Noes 1 . . . . . **462**
- 03-03-00. S. Available for scheduling.
- 03-07-00. S. Read a second time . . . . . **471**
- 03-07-00. S. Senate substitute amendment **1** offered by Senator Huelsman . . . . . **471**
- 03-07-00. S. Senate substitute amendment **1** rejected, Ayes 23, Noes 10 . . . . . **471**
- 03-07-00. S. Ordered to a third reading . . . . . **471**
- 03-07-00. S. Rules suspended . . . . . **471**
- 03-07-00. S. Read a third time and **passed** . . . . . **471**
- 03-07-00. S. Ordered immediately messaged . . . . . **474**
- 03-09-00. A. Received from Senate . . . . . **727**
- 03-09-00. A. Read first time and referred to committee on Judiciary and Personal Privacy **728**
- 03-16-00. A. Public hearing held.
- 03-16-00. A. Executive action taken.
- 03-22-00. A. Report concurrence recommended by committee on Judiciary and Personal Privacy, Ayes 7, Noes 2 . . . . . **800**
- 03-22-00. A. Referred to committee on Rules . . . . . **800**
- 04-06-00. A. Failed to concur in pursuant to Senate Joint Resolution 1 . . . . . **915**

2001  
**1999 SENATE BILL 284**

November 9, 1999 - Introduced by Senators GEORGE, RUDE, BRESKE, COWLES and ROSENZWEIG, cosponsored by Representatives WALKER, HUEBSCH, HEBL, STASKUNAS, M. LEHMAN, ALBERS, GOETSCH, J. LEHMAN, HAHN, COLON, RICHARDS and CULLEN. Referred to Committee on Judiciary and Consumer Affairs.

REGEN

1 AN ACT to renumber and amend 804.03 (3); and to create 804.03 (3) (b) of the  
2 statutes; relating to: contracts with persons who take depositions.

**Analysis by the Legislative Reference Bureau**

Under current law, a deposition may be taken before a person authorized to administer oaths, including judges, court commissioners, administrative hearing officers, district attorneys, and court reporters. Generally, a deposition is taken before a court reporter, who records and transcribes the deposition. Currently, a deposition may not be taken before a person who is a relative, employe<sup>e</sup>, attorney, or counsel of any of the parties to the action, before a relative or employe<sup>e</sup> of the attorney or counsel of any of the parties, or before a person who is financially interested in the action.

This bill also prohibits any contract between a person financially interested in the action and the person taking a deposition, except a contract to report and transcribe a deposition. The bill includes the parties to the action, a real party in interest, the insurer of a party to the action or real party in interest, and an attorney, agent, or employe<sup>e</sup> of a party to the action, real party in interest, or the insurer as persons who are financially interested in the action, but excludes persons who take depositions for a public agency.

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

Under the bill, the prohibition against the person taking the deposition having a contract with a person financially interested in the action does not apply to

SENATE BILL 284

SECTION 1

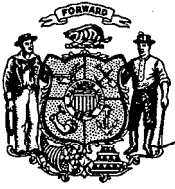
1 SECTION 1. 804.03 (3) of the statutes is renumbered 804.03 (3) (a) and amended  
2 to read:

3 804.03 (3) (a) No deposition shall may be taken before a person who is a relative  
4 ~~or, employe<sup>e</sup> or, attorney, or counsel~~ of any of the parties, ~~or~~ is a relative or employe<sup>e</sup>  
5 of such attorney or counsel, or is financially interested in the action. No contract,  
6 other than for the attendance to record and transcribe a deposition, may be entered  
7 into between a financially interested party and an officer taking a deposition related  
8 to that action or that officer's principal. A financially interested party includes any  
9 party to the action, a real party in interest, the insurer of a party to the action or real  
10 party in interest, or an attorney, agent, or employe<sup>e</sup> of a party to the action, real party  
11 in interest, or the insurer.

12 SECTION 2. 804.03 (3) (b) of the statutes is created to read:

13 804.03 (3) (b) This subsection does not apply to an officer who records or  
14 transcribes depositions for a public agency, as defined in s. 66.07~~20~~<sup>25</sup>(3) (h).

15 (END)



# State of Wisconsin

## LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET  
5TH FLOOR  
MADISON, WI 53701-2037

STEPHEN R. MILLER  
CHIEF

LEGAL SECTION: (608) 266-3561  
LEGAL FAX: (608) 264-6948

January 29, 2001

### MEMORANDUM

To: Senator George

From: Robert P. Nelson, Senior Legislative Attorney

Re: LRB-1767 Contracts with persons who take depositions

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY  JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 267-7511 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.