

1989 Senate Bill 433

Date of enactment: April 19, 1990

Date of publication\*: May 3, 1990

# 1989 WISCONSIN ACT 268

AN ACT to amend 59.34 (1); and to create 59.001 (2m), 59.345 and 63.03 (2) (sg) of the statutes, relating to: changing the method by which the medical examiner in populous counties is appointed and dismissed.

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

**SECTION 1.** 59.001 (2m) of the statutes is created to read:

59.001 (2m) "Members-elect" means those members of a governing body of a county, city, village or town, at a particular time, who have been duly elected or appointed for a current regular or unexpired term and whose service has not terminated by death, resignation or removal from office.

**SECTION 2.** 59.34 (1) of the statutes is amended to read:

59.34 (1) Participate in inquest proceedings when required by law, except that in ~~counties having any county with a population of 500,000 or more and all counties which have instituted the medical examiner system this duty and the powers incident thereto shall be vested exclusively in the office of the medical examiner. Appointment to the office in counties having a population of 500,000 or more shall be made by the board under ss. 63.01 to 63.17. In all other counties, appointment shall be made by~~ Except as provided under s. 59.345, the board shall appoint the medical examiner. The office may be occupied on a full-time or part-time basis and shall be paid such compensation as the board by ordinance provides. The medical examiner may appoint such assistants as the board authorizes. Whenever requested by the court or district attorney, the medical examiner

shall testify to facts and conclusions disclosed by autopsies performed by him or her, at his or her direction or in his or her presence; shall make physical examinations and tests incident to any matter of a criminal nature up for consideration before either the court or district attorney upon request; shall testify as an expert for either the court or the state in all matters where the examinations or tests have been made; and shall perform such other duties of a pathological or medicolegal nature as may be required.

**SECTION 3.** 59.345 of the statutes is created to read:

**59.345 Medical examiner; appointment in populous counties.** In any county with a population of 500,000 or more, the county executive shall appoint the medical examiner in the unclassified service, subject to confirmation by a majority of the board. The medical examiner may be dismissed at any time by the county executive with the concurrence of a majority of the members-elect of the board, or by a majority of the members-elect of the board with the concurrence of the county executive. If the county executive vetoes an action by the board to dismiss the medical examiner, the board may override the veto by a two-thirds vote of the members-elect of the board.

**SECTION 4.** 63.03 (2) (sg) of the statutes is created to read:

63.03 (2) (sg) Medical examiner in any county with a population of 500,000 or more.

**SECTION 5. Effective date.** This act takes effect on the first day of the 3rd month beginning after publication.