

1983 Senate Bill 387

Date of enactment: **March 8, 1984**
Date of publication: **March 13, 1984**

1983 Wisconsin Act 146

AN ACT to amend 59.17 (14) (a), 59.20 (9), 59.34 (1), 59.35 (1), 59.37, 59.57 (9) and (10m), 349.25 (2), 979.16, 979.19 (5) and 979.21; and to create 69.38 (2m) and 979.22 of the statutes, relating to the authority of county medical examiners and the establishment of certain county government fees by county boards.

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

SECTION 1. 59.17 (14) (a) of the statutes is amended to read:

59.17 (14) (a) Make and deliver to any person, ~~on demand and payment of the lawful fees therefor~~ for a fee set by the board under s. 19.35 (3), a certified copy or transcript of any book, record, account, file or paper in his or her office, ~~and make~~ or any certificate

which by law is declared to be evidence, ~~and charge ten cents for each folio of such copy or transcript and twenty five cents for each such certificate.~~

SECTION 2. 59.20 (9) of the statutes is amended to read:

59.20 (9) Make and deliver to any person ~~on demand and payment of the lawful fees therefor,~~ for a fee set by the board under s. 19.35 (3), a certified copy or transcript of any book, record, account, file or paper in his or her office ~~and make or~~ any certificate which by law is declared to be evidence, ~~and collect as fees therefor ten cents for each folio of any copy or transcript and twenty five cents for each certificate.~~

SECTION 3. 59.34 (1) of the statutes is amended to read:

59.34 (1) Take inquest of the dead when required by law, except that in counties having a population of 500,000 or more and all counties which have instituted the medical examiner system ~~such~~ this duty and the powers incident thereto shall be vested exclusively in the office of the medical examiner. Appointment to ~~such~~ this office in counties having a population of 500,000 or more shall be made by the ~~county~~ board of supervisors under ss. 63.01 to 63.17. In all other counties, appointment shall be made by the ~~county~~ board. ~~Such~~ The office may be occupied on a ~~full~~ full-time or part-time basis and shall be paid such compensation as the ~~county~~ board of supervisors by ordinance provides. The medical examiner may appoint such assistants as the ~~county~~ 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 ~~when requested so to do upon request~~; shall testify as an expert for either ~~such~~ the court or the state in all matters where ~~such~~ examinations or tests have been made; and shall perform such other duties of a pathological or medicolegal nature as may be required; ~~and without fees or compensation other than the salary provided.~~

SECTION 4. 59.35 (1) of the statutes is amended to read:

59.35 (1) The medical examiner and his or her assistants shall be compensated for the performance of all their official duties by salaries fixed by the ~~county~~ board of supervisors, ~~which shall be in lieu of any other compensation under s. 979.16.~~

SECTION 5. 59.37 of the statutes is amended to read:

59.37 Coroner; fees. ~~For~~ The board shall set the fees for all services rendered by coroners ~~they shall be allowed the same fees as are allowed to sheriffs for similar services. For confining a sheriff in any house on civil process, fifty cents for each day, to be paid by such sheriff before he shall be entitled to be discharged from such confinement, unless otherwise ordered by the court~~ the coroner. The fees may not exceed an amount reasonably related to the actual and necessary cost of providing the service.

SECTION 6. 59.57 (9) and (10m) of the statutes are amended to read:

59.57 (9) For making a new tract index upon the order of the ~~county~~ board, ~~such sum as is~~ the amount fixed by the ~~county~~ board, ~~not exceeding 10 cents for each entry,~~ to be paid from the county treasury.

(10m) For recording certificates and preparing and mailing documents under s. 867.045, ~~\$10~~ the amount fixed by the board not to exceed an amount reasonably related to the actual and necessary cost of providing the service.

SECTION 7. 69.38 (2m) of the statutes is created to read:

69.38 (2m) CERTIFICATION FEES. For a certification under sub. (2), except a certification of the cause of death of an indigent, a coroner or medical examiner may charge a fee established by the county board, not to exceed an amount reasonably related to the actual and necessary cost of providing the certification. The coroner or medical examiner, or the physician employed by the coroner or medical examiner, may not deny or

delay sending to the department, due to nonpayment of the fee, the information required by the department under sub. (4).

SECTION 8. 349.25 (2) of the statutes is amended to read:

349.25 (2) No county board may issue a license for any of the vehicles mentioned in sub. (1) unless the applicant does not have an arrest or conviction record, subject to ss. 111.321, 111.322 and 111.335, and until the applicant exhibits proof that liability insurance will be in force for the protection of passengers in the minimum amount of \$10,000 for any one passenger and \$50,000 for any single accident. Section 632.24 is applicable to the insurance required under this section, whether the vehicle is a motor vehicle or is propelled in some other manner. The county board shall ~~charge a fee of \$1~~ set the amount for each license issued, not to exceed an amount reasonably related to the actual and necessary cost of providing the license.

SECTION 9. 979.16 of the statutes is amended to read:

979.16 Medical examiner, assistants; salaries; fees; report. ~~Such~~ The medical examiner and medical examiner's assistants authorized by the county board shall be paid semi-monthly out of the county treasury of the proper county, for the performance of all their official duties and in lieu of all other compensation, salaries to be fixed by the county board. ~~Such~~ The medical examiner, and medical examiner's assistants, shall collect for all services ~~which he or they perform (performed,~~ except in cases where ~~such~~ the county is solely liable ~~therefor,~~ all ~~such~~ fees as that coroners are by law entitled to receive, and shall keep accurate books of account in which shall be entered from day to day, the items of services rendered, the titles of the proceedings in which and the names of the persons for whom rendered, and the fees charged and received, and shall, at the end of every 3 months, render to the county board of ~~such~~ the county and to the county treasurer an accurate report or statement, verified by his or ~~her~~ her oath, of all fees and income collected by them or for them during ~~such~~ the 3 months; and at the same time they shall pay to the treasurer of ~~such~~ the county all ~~such~~ fees and incomes of every kind, collected by them, or which they were entitled by law to charge or receive, ~~not theretofore~~ not paid to the treasurer.

SECTION 9m. 979.19 (5) of the statutes is amended to read:

979.19 (5) All the powers and duties granted to or imposed upon the coroner or his deputy in this section are vested in the medical examiner appointed under s. 59.34 (1), except that ~~said~~ the medical examiner shall ~~not~~ be entitled to the fees ~~provided by sub. (3)~~ established by the county board, not to exceed an amount reasonably related to the actual and necessary cost of providing the service.

SECTION 10. 979.21 of the statutes is amended to read:

979.21 Fees for morgue services. ~~In counties having a population of 500,000 or more, there shall be a \$2 per day~~ A county board may establish a fee for the retention of a body at the morgue after the 3rd first day, but such not to exceed an amount reasonably related to the actual and necessary cost of retaining the body. This charge shall not apply to indigents.

SECTION 11. 979.22 of the statutes is created to read:

979.22 Autopsies and toxicological services by medical examiners. A medical examiner may perform autopsies and toxicological services not required under this chapter and may charge a fee established by the county board for such autopsies and services. The fee may not exceed an amount reasonably related to the actual and necessary cost of providing the service.