

ASSEMBLY BILL 201 (LRB -2062)

An Act to amend 59.34 (title), 59.34 (1) (e), 59.34 (2) (title), 59.34 (2) (a), 59.34 (2) (b) 1. and 59.35 (5) of the statutes; relating to: the compatibility of the offices of coroner or medical examiner, and certain emergency services positions. (FE)

2005

- 01-12. A. Introduced by Representatives **Van Roy, Hahn, Bies, Gronemus, Townsend, Krawczyk, Ott, Gunderson, Seidel, Pettis, M. Williams, Petrowski, Nerison, Vrakas, Molepske, Berceau and Boyle**; cosponsored by Senators **Grothman, Risser, Olsen, Roessler and Erpenbach**. 126
- 03-14. A. Read first time and referred to committee on Urban and Local Affairs 126
- 04-19. A. Fiscal estimate received.
- 04-19. A. Public hearing held.
- 05-12. A. Assembly amendment 1 offered by Representative Van Roy (**LRB a0605**) 238
- 05-17. A. Executive action taken.
- 05-19. A. Report Assembly Amendment 1 adoption recommended by committee on Urban and Local Affairs, Ayes 8, Noes 0 251
- 05-19. A. Report passage as amended recommended by committee on Urban and Local Affairs, Ayes 8, Noes 0 251
- 05-19. A. Referred to committee on Rules 251
- 09-22. A. Made a special order of business at 11:19 A.M. on 9-27-2005 pursuant to Assembly Resolution 38 479
- 09-27. A. Read a second time 499
- 09-27. A. Assembly amendment 1 **adopted** 499
- 09-27. A. Ordered to a third reading 499
- 09-27. A. Rules suspended 499
- 09-27. A. Read a third time and **passed** 499
- 09-27. A. Ordered immediately messaged 499
- 09-30. S. Received from Assembly 382
- 09-30. S. Read first time and referred to committee on Health, Children, Families, Aging and Long Term Care 383

2006

- 01-12. S. Public hearing held.
- 01-18. S. Executive action taken.
- 01-20. S. Report concurrence recommended by committee on Health, Children, Families, Aging and Long Term Care, Ayes 5, Noes 0 544
- 01-20. S. Available for scheduling.
- 02-23. S. Placed on calendar 2-28-2006 by committee on Senate Organization.
- 02-28. S. Read a second time.
- 02-28. S. Ordered to a third reading.
- 02-28. S. Refused to suspend rules to read a third time, Ayes 19, Noes 14.
- 02-28. S. Rules suspended.
- 02-28. S. Read a third time and **concurred in**.
- 02-28. S. Ordered immediately messaged.
- 02-28. A. Received from Senate concurred in.

YN

**2005
ENROLLED BILL**

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ADOPTED DOCUMENTS:

Orig Engr SubAmdt

05-206212

Amendments to above (if none, write "NONE"): AA1 - 20605/1

Corrections - show date (if none, write "NONE"): None

Topic Rel

3-1-06 [Signature]
Date Enrolling Drafter

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2005 ASSEMBLY BILL 201

March 14, 2005 - Introduced by Representatives VAN ROY, HAHN, BIES, GRONEMUS, TOWNSEND, KRAWCZYK, OTT, GUNDERSON, SEIDEL, PETTIS, M. WILLIAMS, PETROWSKI, NERISON, VRAKAS, MOLEPSKE, BERCEAU and BOYLE, cosponsored by Senators GROTHMAN, RISSER, OLSEN, ROESSLER and ERPENBACH. Referred to Committee on Urban and Local Affairs.

1 **AN ACT to amend** 59.34 (title), 59.34 (1) (e), 59.34 (2) (title), 59.34 (2) (a), 59.34
2 (2) (b) 1. and 59.35 (5) of the statutes; **relating to:** the compatibility of the
3 offices of coroner or medical examiner, and certain emergency services
4 positions.

Analysis by the Legislative Reference Bureau

Under current law, and subject to an exception, a coroner, deputy coroner, or medical examiner may also serve as a volunteer emergency medical technician (EMT), first responder, or volunteer fire fighter. Under the current law exception, no person serving as a coroner who also serves as a volunteer EMT, first responder, or volunteer fire fighter may participate as a coroner in any case in which he or she may be required to participate as a volunteer EMT, volunteer first responder, or a volunteer fire fighter. If a conflict exists, the deputy coroner is required to act as coroner in the case in which the conflict exists. If there is no deputy coroner, the coroner must request that the coroner, medical examiner, deputy coroner, or medical examiner's assistant in a nearby county act as coroner in the case in which the conflict exists.

This bill extends the provisions of current law regarding conflicts involving a person serving as coroner who also serves as a volunteer EMT, first responder, or volunteer fire fighter to a medical examiner, and extends the provisions which currently apply to a deputy coroner to a medical examiner's assistant. The bill also expands the compatibility provisions of current law to allow a coroner, deputy coroner, or medical examiner, subject to the same exceptions as exist under current

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law, to also serve as an EMT, first responder, or fire fighter, without regard to whether any of the positions are paid or volunteer. Also under the bill, if a conflict exists and if no deputy coroner or medical examiner's assistant exists, the coroner or medical examiner is not limited to requesting assistance from a "nearby" county. Under the bill, he or she must request that the coroner, medical examiner, deputy coroner, or medical examiner's assistant in another county must act as coroner or medical examiner.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

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

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

2 **59.34 (title) Coroner, medical examiner duties; coroner, medical**
3 **examiner compatibility.**

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

5 59.34 (1) (e) Act as coroner in a ~~nearby~~ another county when requested to do
6 so ~~under sub. (2) (b).~~

7 **SECTION 3.** 59.34 (2) (title) of the statutes is amended to read:

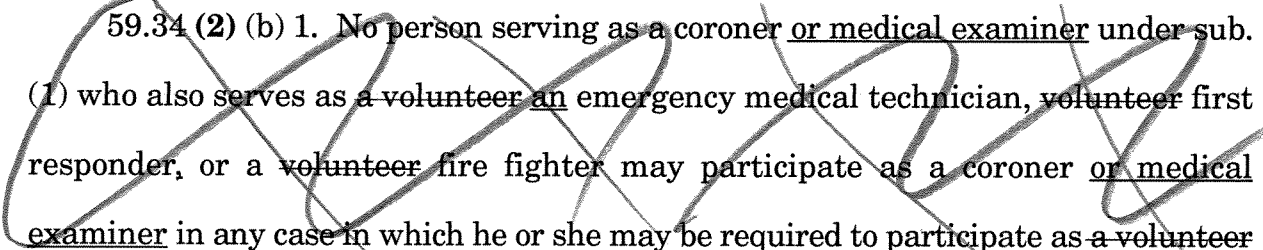
8 59.34 (2) (title) CORONER, MEDICAL EXAMINER; COMPATIBILITY WITH OTHER OFFICES.

9 **SECTION 4.** 59.34 (2) (a) of the statutes is amended to read:

10 59.34 (2) (a) Notwithstanding s. 979.04 (3) and except as provided in par. (b),
11 any person holding office under sub. (1) may also serve as a ~~volunteer~~ an emergency
12 medical technician, first responder or ~~volunteer~~ fire fighter.

13 **SECTION 5.** 59.34 (2) (b) 1. of the statutes is amended to read:

14 59.34 (2) (b) 1. No person serving as a coroner or medical examiner under sub.
15 (1) who also serves as a ~~volunteer~~ an emergency medical technician, ~~volunteer~~ first
16 responder, or a ~~volunteer~~ fire fighter may participate as a coroner or medical
17 examiner in any case in which he or she may be required to participate as a ~~volunteer~~



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1 ~~an emergency medical technician, volunteer first responder, or a volunteer fire~~
 2 ~~fighter. If an apparent or actual conflict of interest arises between the person's duties~~
 3 ~~as coroner or medical examiner and as volunteer emergency medical technician,~~
 4 ~~volunteer first responder, or volunteer fire fighter, the deputy coroner or medical~~
 5 ~~examiner's assistant shall act as coroner or medical examiner in the case in which~~
 6 ~~the conflict exists. If there is no deputy coroner or medical examiner's assistant, the~~
 7 ~~coroner or medical examiner shall request that the coroner, medical examiner,~~
 8 ~~deputy coroner, or a medical examiner's assistant in a nearby another county act as~~
 9 ~~coroner or medical examiner in the case in which the conflict exists. Any fees owed~~
 10 ~~to or expenses incurred by the acting coroner or medical examiner from the nearby~~
 11 ~~other county shall be paid by the county that requested the acting coroner's or~~
 12 ~~medical examiner's services.~~

INSERT 1-1

13 **SECTION 6.** 59.35 (5) of the statutes is amended to read:

14 59.35 (5) A person holding office under this section may also serve as a
 15 ~~volunteer emergency medical technician, a volunteer first responder, a volunteer fire~~
 16 ~~fighter or a chief, deputy chief or assistant chief of a fire department.~~

INSERT 1-2

17 **SECTION 7. Initial applicability.**

18 (1) This act first applies to a case to which a coroner, deputy coroner, or medical
 19 examiner is first called on the effective date of this subsection.

20

(END)

**ASSEMBLY AMENDMENT 1,
TO 2005 ASSEMBLY BILL 201**

May 12, 2005 - Offered by Representative VAN ROY.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 2, line 14: delete the material beginning with that line and ending with
3 page 3, line 12, and substitute:

4 §59.34 (2) (b) 1. No person serving as a coroner ~~under sub. (1) or medical~~
5 ~~examiner, or deputy coroner or medical examiner's assistant,~~ who also serves as a
6 volunteer an emergency medical technician, ~~volunteer~~ first responder, or a ~~volunteer~~
7 fire fighter may participate as a coroner or medical examiner, or deputy coroner or
8 medical examiner's assistant, in any case in which he or she may be required to
9 participate as ~~a volunteer~~ an emergency medical technician, ~~volunteer~~ first
10 responder, or ~~a volunteer~~ fire fighter. If an apparent or actual conflict of interest
11 arises between the person's duties as coroner or medical examiner and as ~~volunteer~~
12 emergency medical technician, ~~volunteer~~ first responder, or ~~volunteer~~ fire fighter,
13 the deputy coroner or medical examiner's assistant shall act as coroner or medical

1-1

1 examiner in the case in which the conflict exists. If an apparent or actual conflict of
2 interest arises between the person's duties as deputy coroner or medical examiner's
3 assistant and as emergency medical technician, first responder, or fire fighter, a
4 coroner or another deputy coroner, or a medical examiner or another medical
5 examiner's assistant shall act as coroner or medical examiner in the case in which
6 the conflict exists. If there is no coroner, deputy coroner, medical examiner, or
7 medical examiner's assistant available who may act without an apparent or actual
8 conflict of interest, the coroner or medical examiner shall request that the coroner,
9 medical examiner, deputy coroner, or a medical examiner's assistant in a nearby
10 another county act as coroner or medical examiner in the case in which the conflict
11 exists. Any fees owed to or expenses incurred by the acting coroner or medical
12 examiner from the nearby other county shall be paid by the county that requested
13 the acting coroner's or medical examiner's services."

14 **2.** Page 3, line 16: after that line insert:

15 "SECTION 6m. 59.38 (1) of the statutes is amended to read:

16 59.38 (1) MEDICAL EXAMINER, ASSISTANTS; SALARIES; FEES; REPORT. The medical
17 examiner and medical examiner's assistants authorized by the board shall be paid
18 semimonthly out of the county treasury of the proper county, for the performance of
19 all their official duties and in lieu of all other compensation, salaries to be fixed by
20 the board. The medical examiner and medical examiner's assistants shall collect for
21 all services performed, except in cases where the county is solely liable, all fees that
22 coroners are by law entitled to receive, and shall keep accurate books of account in
23 which shall be entered from day to day the items of services rendered, the titles of
24 the proceedings in which and the names of the persons for whom rendered, and the

1-2

1-2

1 fees charged and received, and shall, at the end of every 3 months, render to the board
2 and to the treasurer an accurate report or statement, verified by his or her oath, of
3 all fees and income collected by them or for them during the 3 months; and at the
4 same time they shall pay to the treasurer all fees and incomes collected by them, or
5 which they were entitled by law to charge or receive, not paid to the treasurer. The
6 medical examiner or a medical examiner's assistant shall act as coroner in ~~a nearby~~
7 another county when requested to do so under s. 59.34 (2) (b)."

8

(END)