

# State of Wisconsin



2005 Assembly Bill 201

Date of enactment: **March 10, 2006**  
Date of publication\*: **March 24, 2006**

## 2005 WISCONSIN ACT 127

AN ACT *to amend* 59.34 (title), 59.34 (1) (e), 59.34 (2) (title), 59.34 (2) (a), 59.34 (2) (b) 1., 59.35 (5) and 59.38 (1) of the statutes; **relating to:** the compatibility of the offices of coroner or medical examiner, and certain emergency services positions.

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

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

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

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

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

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

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

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

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

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

59.34 (2) (b) 1. No person serving as a coroner ~~under sub. (1) or medical examiner, or deputy coroner or medical examiner's assistant,~~ who also serves as a ~~volunteer~~

an emergency medical technician, ~~volunteer~~ first responder, or a ~~volunteer~~ fire fighter may participate as a coroner or medical examiner, or deputy coroner or medical examiner's assistant, in any case in which he or she may be required to participate as ~~a volunteer~~ an emergency medical technician, ~~volunteer~~ first responder, or a ~~volunteer~~ fire fighter. If an apparent or actual conflict of interest arises between the person's duties as coroner or medical examiner and as ~~volunteer~~ emergency medical technician, ~~volunteer~~ first responder, or ~~volunteer~~ fire fighter, the deputy coroner or medical examiner's assistant shall act as coroner or medical examiner in the case in which the conflict exists. If an apparent or actual conflict of interest arises between the person's duties as deputy coroner or medical examiner's assistant and as emergency medical technician, first responder, or fire fighter, a coroner or another deputy coroner, or a medical examiner or another medical examiner's assistant shall act as coroner or medical examiner in the case in which the conflict exists. If there is no coroner, deputy coroner, medical examiner, or medical examiner's assistant available who may act without an apparent or actual conflict of interest, the coroner or medical examiner shall request that the coroner, medical examiner, deputy coroner, or a medical examiner's assistant in ~~a nearby~~ another county act as coroner or medical examiner in the case in which the conflict exists. Any fees owed to or expenses incurred

\* Section 991.11, WISCONSIN STATUTES 2003-04 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

by the acting coroner or medical examiner from the ~~nearby~~ other county shall be paid by the county that requested the acting coroner's or medical examiner's services.

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

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

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

59.38 (1) MEDICAL EXAMINER, ASSISTANTS; SALARIES; FEES; REPORT. The medical examiner and medical examiner's assistants authorized by the board shall be paid semimonthly 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 board. The medical examiner and medical examiner's assistants shall collect for all services performed,

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

**SECTION 7. Initial applicability.**

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