



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.

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.

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)