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## WISCONSIN LEGISLATIVE COUNCIL

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### POWERS AND DUTIES OF CORONERS AND MEDICAL EXAMINERS

Legislative Council Conference Room, One East Main Street, Suite 401  
Madison, Wisconsin

November 22, 2005  
10:00 a.m. – 11:45 p.m.

[The following is a summary of the November 22, 2005 meeting of the Special Committee on the Powers and Duties of Coroners and Medical Examiners. The file copy of this summary has appended to it a copy of each document prepared for or submitted to the committee during the meeting. A digital recording of the meeting is available on our Web site at <http://www.legis.state.wi.us/lc/2004studies.htm>.]

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#### Call to Order and Roll Call

Chair Nischke called the meeting to order. The roll was called and it was determined that a quorum was present.

COMMITTEE MEMBERS PRESENT: Rep. Ann Nischke, Chair; Sen. Alan Lasee; Reps. Daniel LeMahieu and Amy Sue Vruwink; and Public Members Anthony D'Alessandro, Susan Karaskiewicz, Melanie Ramey, Michelle Rinehart, Thomas Thelen, and John Stanley.

COMMITTEE MEMBER ABSENT: Sen. Fred A. Risser.

COUNCIL STAFF PRESENT: Dan Schmidt, Senior Analyst; Don Salm, Senior Staff Attorney; and Julie Learned, Support Staff.

**\*ATTENTION:** This was the final meeting of the Special Committee on the Powers and Duties of Coroners and Medical Examiners. Committee members are requested to send any corrections regarding these Minutes to the Legislative Council staff. After the incorporation of any corrections, these Minutes will be considered approved by the committee.

## **Approval of the Minutes of the October 18, 2005 Meeting**

As moved by Ms. Ramey and seconded by Mr. Stanley, the minutes from the October 18, 2005 meeting of the committee were approved by unanimous consent of the members, with an amendment requested by Mr. Stanley to add on page 3, line 1, language indicating his opposition to a constitutional amendment to abolish the office of coroner.

### **Description of Material Distributed**

- Memo No. 2, *Discussion of Selected Statutory Provisions in Other States Relating to Qualifications of Coroners and Medical Examiners; Examples of States With Statutory Provisions Relating to a Coroners and Medical Examiners Training and Standards Board or Commission*

Mr. Salm discussed the content of Memo No. 2, pointing out that the part of the memo describing qualifications in other states does not set forth those states that, similar to Wisconsin, have no or minimal qualifications for elected or appointed coroners or medical examiners.

- 2005 Assembly Joint Resolution \_\_ (LRB-3899/P1), a preliminary draft of a resolution for a constitutional amendment, relating to abolishing the office of coroner.

The staff described the constitutional amendment, noting that if the amendment were ratified, all counties would be under the current statutory provisions relating to appointed (by the county board) county medical examiners.

### **Discussion of Committee Assignment**

Chair Nischke noted that the tissue donation issues, discussed at prior meetings of the Special Committee, are being considered by the Assembly Health Committee in connection with 2005 Assembly Bill 830. She explained that the Special Committee will not be taking any further action on this topic.

Mr. Schmidt explained that if the constitutional amendment was ratified, this would not leave counties without a death investigation process, but would require counties to use the current medical examiner system.

Mr. Stanley stated that eliminating the office of the coroner is not necessary and that he strongly opposes the constitutional amendment. He distributed to the committee a proposal to implement higher training standards and promote professionalism for coroners using the current law (i.e., not changing the constitution).

Ms. Ramey indicated that she supports the constitutional amendment, noting that the office of the coroner is a partisan office and death is not a partisan issue, and that there is not adequate oversight of the office because of constitutional restraints.

Representative LeMahieu suggested that, whatever the change, counties should continue to have the option to choose whether they have an office of the coroner or an appointed medical examiner. He stated that he opposed the amendment.

Ms. Karaskiewicz said that she was in favor of this constitutional amendment because there are currently no qualifications for the office, is no real oversight of the office, and are no training or continuing education requirements for the office.

Mr. Thelen stated that he is a lay medical examiner and his system in Eau Claire County works well. He noted that something beyond the constitutional amendment needs to be done relating to qualifications, training, and standards for the office. He questioned what the benefit of an elected position is over an appointed position.

Various committee members raised the question as to who would have oversight authority over the requirements for coroner training if such training were mandated.

Senator Lasee commented that it seemed logical to eliminate the office of the coroner because the oversight authority currently rests with the Governor and that that did not appear to be logical with reference to this county office. He stated that the county board should have oversight. Mr. Stanley responded that there is currently plenty of county oversight even if it is not spelled out in the statutes.

Ms. Karaskiewicz said she would like to see the office of the coroner abolished and then work on changing the qualifications and training for coroners and medical examiners.

With reference to the training requirements proposal (using current law) from Mr. Stanley, the staff noted that one issue might be whether the Governor would have authority to remove a coroner from the position for cause just because a coroner did not meet the proposed training standards, explaining that it might be argued that this reason for removal does not meet the standard of "for cause" envisioned by the constitutional and statutory removal provisions. The staff indicated, however, that this issue is not clear and that it may, in fact, be permissible to have such a sanction for failing to meet the proposed training requirements.

Chair Nischke suggested that the committee vote on LRB-3899/P1, relating to abolishing the office of the coroner. The vote was as follows.

*Senator Lasee moved, seconded by Ms. Karaskiewicz, to approve LRB-3899/1. The motion failed on a roll call vote of Ayes, 4 (Nischke, Lasee, Karaskiewicz, and Ramey); Noes, 6 (LeMahieu, Vruwink, D'Alessandro, Rinehart, Stanley, and Thelen); and Absent, 1 (Risser).*

The staff distributed an alternative amendment, suggested by Chair Nischke, for the committee to consider, 2005 Assembly Joint Resolution \_\_\_ (LRB-4127/P1), relating to deleting from the constitution the office of coroner. The staff explained that this amendment would delete (not abolish) the office of coroner from the constitution, leaving the current statutory provisions relating to coroners and medical examiners as the mechanism that controls those positions. The staff added that this change would permit the Legislature to revise or restructure the coroner and medical examiner system in any ways it thought appropriate, including, for example, changing to a statewide medical examiner system or requiring qualifications for coroners, without the real or possible constraints imposed by the current constitutional provisions relating to elected county coroners.

After some discussion, the committee voted to approve this draft as follows:

*Senator Lasee moved, seconded by Chair Nischke, to approve LRB-4127/P1. The motion passed on a roll call vote of Ayes, 6 (Nischke, Lasee, D'Alessandro, Karaskiewicz, Ramey, and Thelen); Noes, 4 (LeMahieu, Vruwink, Rinehart, and Stanley); and Absent, 1 (Risser).*

### **Other Business**

Chair Nischke thanked the members for serving on the committee.

### **Adjournment**

The meeting was adjourned at 11:45 p.m.

DLS:jal