

require the county clerk to perform the duties and where such duties are not important duties which have been performed by the county clerk on an immemorial basis.

BCL:RJV

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*Anti-Secrecy; Coroner; Open Meeting; Tape Recordings; Television;* The open meeting law does not apply to a coroner's inquest. OAG 75-78

October 17, 1978.

ED HINSHAW, *Media Coordinator*

*4th Judicial District*

*WTMJ AM-TV, WKTI TELTRON*

You ask my opinion on two questions. First, does the open meeting law, subch. IV, ch. 19, Stats., apply to coroner's inquests? Second, if a coroner's inquest is an open meeting, may the broadcast media cover the inquest using camera and recording equipment?

The coroner is a county officer provided for in Wis. Const. art. VI, sec. 4. The office of coroner is not a "governmental body" as defined by sec. 19.82(1), Stats. Therefore, the open meeting law does not apply to the office of coroner or to inquests taken by the coroner.

Moreover, a coroner's inquest is not covered by the Wisconsin Supreme Court's recent authorization of television and radio coverage in judicial proceedings. Although an inquest is a quasi-judicial proceeding, *Mohrhusen v. McCann*, 62 Wis.2d 509, 512, 215 N.W.2d 560 (1974), the coroner is not a judicial officer, and the court's authorization is explicitly confined to proceedings in courtrooms. *See In re Code of Ethics*, 83 Wis.2d XIX.

It follows that a coroner's inquest is not required to be open under current law and that there is no duty on the part of a coroner to permit radio and television news coverage by electronic or other means. The decision whether to close an inquest rests in the sound discretion of the coroner.

BCL:CDH

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*Ordinances; State; Zoning;* Under sec. 13.48(13), Stats., the state is subject to local governmental zoning regulations when remodeling a newly acquired or leased facility. OAG 76-78

October 19, 1978.

DONALD PERCY, *Secretary*

*Department of Health and Social Services*

Your predecessor requested my opinion on two questions, the first of which is:

"Does sec. 13.48 (13), Wis. Stats., which makes 'any building, structure or facility ... constructed for the benefit or use of the state of any state agency, board, commission, or department' subject to local zoning ordinances, apply to the acquisition and use of existing facilities which will be remodeled for state use? Does sec. 13.48 (13), Wis. Stats., include within the term 'constructed' reconstruction, remodeling, or additions to buildings or do those terms have separate meanings as in sec. 13.48 (10), Wis. Stats.?"

Your question is somewhat hypothetical. The only specific facts given are that "the Department is considering the purchase or lease and remodeling of certain facilities in the City of Milwaukee." Accordingly, my opinion will be restricted to circumstances where your Department remodels a newly acquired or leased facility for the purpose of converting it into a state facility.

For the reasons hereinafter discussed, it is my opinion the state is subject to local zoning regulations in the specific situation of remodeling a newly acquired or leased facility.

My opinion is based on the provisions of sec. 13.48(13), Stats., which read:

**"Exemption from local ordinances and regulations.** *Where any building, structure or facility is constructed for the benefit of or use of the state or any state agency, board, commission or department, such construction shall be in compliance with all applicable state laws, codes and regulations but such*