

**Health Officers—County Health Officers—Officers—
Residence.**

No particular period of residence in the state or in a county is required as a qualification to hold the office of county health officer.

November 16, 1927.

Dr. W. F. Cogswell,
Secretary, Department of Public Health,
Helena, Montana.

My dear Doctor Cogswell:

You have requested my opinion as to how long a person must reside in the state, or in any particular county thereof, before he can legally accept the position of county health officer.

Section 2473 R. C. M. 1921, which provides for the appointment of a county health officer, does not prescribe any qualifications as to residence. The only requirement is that such officer shall be a physician regularly authorized to practice medicine and surgery in this state.

There are a number of general constitutional and statutory provisions relative to the qualifications as to residence of public officers. Section 4723 provides that no person is eligible to a county office who is not an elector of the county in which the duties of the office are to be exercised.

This section, however, must, in my opinion, be read in connection with section 4725 of the code which expressly enumerates the officers of a county. Since the county health officer is not one of the officers mentioned in section 4725, it is my opinion that the requirements of section 4723 are not applicable to that office.

Section 11 of article 9 of the constitution of the state provides that any person qualified to vote at general elections and for state officers in this state shall be eligible to hold office therein.

In my opinion, this constitutional provision is applicable to state offices only. It is therefore my opinion that neither the constitutional nor statutory provisions governing the residence of county and state officers have any application to the office of county health officer and that no particular time of residence in the state or in a county is required as a qualification to hold said office.

Very truly yours,

L. A. FOOT,
Attorney General.