

HOUSE BILL 476

IN THE HOUSE

January 30, 1979	Introduced and referred to Committee on Local Government.
February 20, 1979	Committee recommend bill, as amended.
February 22, 1979	Second reading, as amended.
February 23, 1979	Correctly engrossed.
	Third reading, passed.

IN THE SENATE

February 23, 1979	Introduced and referred to Committee on Local Government.
March 14, 1979	Committee recommend bill, not concurred.

IN THE HOUSE

March 15, 1979	Returned from Senate, not concurred.
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1 HOUSE BILL NO. 476
 2 INTRODUCED BY Richard Otter
 3 Richard Kemmis
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO MAKE THE OFFICE OF
 5 COUNTY CORONER AN APPOINTIVE OFFICE; SETTING MINIMUM
 6 QUALIFICATIONS AND CERTAIN PROHIBITIONS; AMENDING SECTION
 7 7-4-2203, MCA."
 8

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 10 Section 1. Section 7-4-2203, MCA, is amended to read:
 11 "7-4-2203. County officers. (1) There may be elected
 12 or appointed in each county the following county officers,
 13 who shall possess the qualifications for suffrage prescribed
 14 by the Montana constitution and such other qualifications as
 15 may be prescribed by law:
 16 (a) one county attorney;
 17 (b) one clerk of the district court;
 18 (c) one county clerk;
 19 (d) one sheriff;
 20 (e) one treasurer;
 21 (f) one county superintendent of schools;
 22 (g) one county surveyor;
 23 (h) one assessor;
 24 ~~††--one coroner†~~
 25 ~~††††~~ one public administrator; and

1 ~~††††~~ at least one justice of the peace.
 2 (2) The ~~commissioners county governing body~~ may
 3 appoint at their ~~its~~ discretion constables. Not more than
 4 one constable may be appointed for each justice of the peace
 5 court.
 6 (3) County auditors and all elective township officers
 7 may be elected at each general election as now provided by
 8 law.
 9 ~~†††† The county governing body shall appoint one county~~
 10 ~~coroner who must possess the qualifications prescribed by~~
 11 ~~[section 2]†~~"
 12 NEW SECTION. Section 2. Qualifications for county
 13 coroner -- prohibitions. (1) To be eligible to be appointed
 14 a county coroner an individual must:
 15 (a) be at least 21 years of age;
 16 (b) have been a resident of the county for the 2 years
 17 immediately preceding appointment; and
 18 (c) have knowledge of the laws concerning coroners and
 19 related investigative procedures.
 20 (2) A person who is a licensed practicing funeral
 21 director or mortician or a person who has a financial
 22 interest in a mortuary as defined in 37-19-101, or in a
 23 cemetery is not eligible for the office of county coroner.
 24 (3) The county governing body may appoint the county
 25 sheriff to the office of county coroner if he possesses the

1 qualifications in subsection (1) and is not ineligible under
2 subsection (2).

3 (4) This section does not apply to an individual who
4 has served 4 years or more as a county coroner or a deputy
5 county coroner.

-End-

1 HOUSE BILL NO. 476
 2 INTRODUCED BY FABREGA, O'HARA, MOORE,
 3 DUSSAULT, KEMMIS
 4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO MAKE ~~THE~~ ~~OFFICE~~ ~~OF~~
 6 ~~COUNTY~~ ~~CORONER~~ ~~AN~~ ~~APPPOINTIVE~~ ~~OFFICE~~; SETTING SEI MINIMUM
 7 QUALIFICATIONS AND CERTAIN PROHIBITIONS FOR THE OFFICE OF
 8 COUNTY CORNER; AMENDING SECTION 7-4-2203, MCA."
 9
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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 17 (a) one county attorney;
 18 (b) one clerk of the district court;
 19 (c) one county clerk;
 20 (d) one sheriff;
 21 (e) one treasurer;
 22 (f) one county superintendent of schools;
 23 (g) one county surveyor;
 24 (h) one assessor;
 25 ~~++one coroner~~

1 ~~++ONE CORONER~~
 2 (1) ONE CORONER;
 3 ~~++(1) one public administrator; and~~
 4 ~~++(1) at least one justice of the peace.~~
 5 (2) The ~~commissioners~~ county governing body may
 6 appoint at their ~~its~~ discretion constables. Not more than
 7 one constable may be appointed for each justice of the peace
 8 court.
 9 (3) County auditors and all elective township officers
 10 may be elected at each general election as now provided by
 11 law.
 12 ~~++The county governing body shall appoint one county~~
 13 ~~coroner who must possess the qualifications prescribed by~~
 14 ~~section 23.~~
 15 ~~++THE COUNTY GOVERNING BODY SHALL APPOINT ONE COUNTY~~
 16 ~~CORONER WHO MUST POSSESS THE QUALIFICATIONS PRESCRIBED BY~~
 17 ~~SECTION 23.~~
 18 NEW SECTION. Section 2. Qualifications for county
 19 coroner -- prohibitions. (1) To be eligible to be appointed
 20 a county coroner an individual must:
 21 (a) be at least 21 years of age;
 22 (b) have been a resident of the county for the 2 years
 23 immediately preceding appointment; and
 24 (c) have knowledge of the laws concerning coroners and
 25 related investigative procedures.

1 ~~(2)--A--person--who--is--a--licensed--practicing--funeral~~
2 ~~director--or--mortician--or--a--person--who--has--a--financial~~
3 ~~interest--in--a--mortuary--as--defined--in--37-19-101v--or--in--a~~
4 ~~cemetery--is--not--eligible--for--the--office--of--county--coroner.~~

5 ~~(2)--NO--PERSON--IS--ELIGIBLE--FOR--THE--OFFICE--OF--COUNTY~~
6 ~~CORONER--IF--HE--PRACTICES--OR--WILL--PRACTICE--DURING--HIS--TERM--~~
7 ~~AS--A--LICENSED--FUNERAL--DIRECTOR--OR--MORTICIAN--OR--IF--HE--HAS--OR~~
8 ~~WILL--HAVE--DURING--HIS--TERM--A--FINANCIAL--INTEREST--IN--A~~
9 ~~MORTUARY--AS--DEFINED--IN--37-19-101v--A--CEMETERY--CREMATORIUM--~~
10 ~~MEMORIAL--SOCIETY--OR--ANY--OTHER--ORGANIZATION--THAT--CARES--FOR~~
11 ~~THE--REMAINS--OF--DECEASED--PERSONS.~~

12 (2) NO PERSON IS ELIGIBLE FOR THE OFFICE OF COUNTY
13 CORONER IF HE PRACTICES OR WILL PRACTICE, DURING HIS TERM,
14 AS A LICENSED FUNERAL DIRECTOR OR MORTICIAN OR IF HE HAS OR
15 WILL HAVE, DURING HIS TERM, A FINANCIAL INTEREST IN A
16 MORTUARY AS DEFINED IN 37-19-101, A CEMETERY, CREMATORIUM,
17 MEMORIAL SOCIETY, OR ANY OTHER ORGANIZATION THAT CARES FOR
18 THE REMAINS OF DECEASED PERSONS. THIS SUBSECTION DOES NOT
19 APPLY TO COUNTIES WHICH HAVE ONLY ONE LICENSED FUNERAL
20 DIRECTOR OR MORTICIAN AND WHERE NO APPARENT CONFLICT OF
21 INTEREST MAY DEVELOP.

22 ~~(3)--DEPUTY--CORONERS--SHALL--ALSO--MEET--THE--QUALIFICATIONS~~
23 ~~IN--SUBSECTION--(2).~~

24 (3) DEPUTY CORONERS SHALL ALSO MEET THE QUALIFICATIONS
25 IN SUBSECTION (2).

1 ~~(3)--(4)~~ The county governing body may appoint the
2 county sheriff to the office of county coroner if he
3 possesses the qualifications in subsection (1) and is not
4 ineligible under subsection (2).

5 ~~(4)--This--section--does--not--apply--to--an--individual--who~~
6 ~~has--served--4--years--or--more--as--a--county--coroner--or--a--deputy~~
7 ~~county--coroner.~~

8 ~~SECTION 3. CODIFICATION. THIS ACT IS INTENDED TO BE~~
9 ~~CODIFIED AS AN INTEGRAL PART OF TITLE 7, CHAPTER 4, PART 29,~~
10 ~~AND THE PROVISIONS CONTAINED IN TITLE 7, CHAPTER 4, PART 29,~~
11 ~~SHALL APPLY TO THIS ACT.~~

12 SECTION 3. THERE IS A NEW MCA SECTION THAT READS:
13 Grandfather clause. A coroner presently serving shall
14 be allowed to complete the term for which he was appointed
15 or elected.

16 SECTION 4. CODIFICATION. THIS ACT IS INTENDED TO BE
17 CODIFIED AS AN INTEGRAL PART TITLE 7, CHAPTER 4, PART 29,
18 AND THE PROVISIONS CONTAINED IN TITLE 7, CHAPTER 4, PART 29,
19 SHALL APPLY TO THIS ACT.

-End-