

SENATE BILL NO. 177

1/21 Introduced
1/22 Referred to Local Government
1/23 Fiscal Note Requested
1/29 Fiscal Note Received
2/05 Hearing
2/06 Committee Report-Bill Do Pass
2/09 2nd Reading Pass
2/12 3rd Reading Pass

Transmitted to House

2/27 Referred to Local Government
3/19 Hearing
3/20 Committee Report-Bill Concurred
3/23 2nd Reading Not Concurred
3/23 Bill Killed

1 *Senate* BILL NO. 177
 2 INTRODUCED BY *Kristad, Robinson, Reddy, Kelly*
 3 *Richard E. Manning, Joseph, Kelly, Kelly, Kelly*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO SPECIFY REQUIREMENTS
 5 FOR THE OFFICE OF COUNTY CORONER AND TO MANDATE EDUCATIONAL
 6 REQUIREMENTS FOR THE CORONER AND DEPUTY CORONERS; AMENDING
 7 SECTIONS 7-4-2901 AND 7-4-2902, MCA."
 8 *Secretary*
Bo
Hill
Kell

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 NEW SECTION. Section 1. Qualifications for office of
 11 county coroner. (1) In addition to the qualifications set
 12 forth in 7-4-2201, to be eligible for the office of coroner,
 13 at the time of election or appointment to office a person
 14 must be:

- 15 (a) 23 years of age or older; and
- 16 (b) a high school graduate or holder of an equivalency
 17 of completion of secondary education as provided by the
 18 superintendent of public instruction under 20-7-131 or of an
 19 equivalency issued by another state or jurisdiction.

20 (2) Each coroner, before entering the duties of his
 21 office, must:

- 22 (a) take, and file with the county clerk, the
 23 constitutional oath of office; and
- 24 (b) certify to the county clerk that:
 25 (i) he has satisfactorily completed the basic coroner

1 course of study provided in [section 4] or that he has
 2 completed the equivalent educational requirements approved
 3 by the Montana coroner's association; or

4 (ii) he intends to take the basic coroner course at the
 5 next offering of the course if the coroner has been
 6 appointed or was elected by other than a local government
 7 general election and, from the date of appointment or
 8 election and assumption of his duties as coroner, no basic
 9 coroner course was offered. A coroner forfeits his office
 10 for failure to take and satisfactorily complete the next
 11 offering of the basic coroner course.

12 Section 2. Section 7-4-2902, MCA, is amended to read:

13 "~~7-4-2902. Justice-of-peace-to-act-as~~ Vacancy in
 14 office of county coroner or disqualification of coroner in
 15 certain-cases. (1) The coroner or the board of county
 16 commissioners, if the coroner is unable or refuses to act,
 17 shall request the coroner or a qualified deputy coroner of
 18 another county to be acting county coroner if the coroner:

- 19 ~~(a) if-the-office-of-coroner-is-vacant-or-he~~ is absent
 20 or unable to attend, ~~the-duties-of-his-office-may-be~~
 21 ~~discharged-by-any-justice-of-the-peace-of-the-county-with~~
 22 ~~the-like-authority-and-subject-to-the-same-obligations-and~~
 23 ~~penalties-as-the-coroner;~~ to his duties or if the office of
 24 coroner is vacant, and there are no qualified deputies
 25 available;



1 (b) is related to the deceased;
 2 (c) is a potential party in the death or his inquiry
 3 into the death may pose a conflict of interest;
 4 (d) has not successfully completed the basic coroner
 5 course required in [section 4] and there are no qualified
 6 deputies available; or
 7 (e) is disqualified under the provisions of 46-4-201.
 8 (2) The salary of and expenses incurred by an acting
 9 coroner on behalf of a requesting county are an allowable
 10 charge against the requesting county. A justice-of-the-peace
 11 acting--as-coroner-is-allowed-the-same-salary-as-the-coroner
 12 for-that-portion-of-time-he-actually-spends-discharging--the
 13 duties-of-coroner."
 14 Section 3. Section 7-4-2901, MCA, is amended to read:
 15 "7-4-2901. Appointment of deputy coroners. (1) The
 16 coroner, with approval of the county commissioners, may
 17 appoint one or more deputy coroners to assist him or act in
 18 his absence.
 19 (2) At the time of appointment, a deputy coroner or
 20 acting coroner must meet the qualifications required of a
 21 coroner as provided in [section 1(1) and (2)(a)]. Within a
 22 reasonable time after appointment, a deputy must
 23 successfully complete the basic coroner course, as provided
 24 for in [section 1(2)(b)(ii)]. The deputy must also meet the
 25 requirements for advanced education as provided in [section

1 4(2)(b)].
 2 (2)(3) A deputy coroner may be the coroner, or
 3 qualified deputy coroner, from another county."
 4 NEW SECTION. Section 4. Coroner education and
 5 continuing education. (1) Coroner education will be
 6 conducted by the state medical examiner. The cost of
 7 conducting such education must be borne by the office of the
 8 state medical examiner from money appropriated for such
 9 education. The county shall pay the salary, mileage, and per
 10 diem of each coroner-elect, coroner, and deputy coroner
 11 attending from that county.
 12 (2) (a) The state medical examiner shall conduct a
 13 40-hour basic coroner course of study after each general
 14 election held in an odd-numbered year. The course, or an
 15 equivalent course approved by the Montana coroner's
 16 association, must be completed before the first Monday in
 17 January following the election. The state medical examiner
 18 may conduct other basic coroner courses at times he
 19 considers appropriate.
 20 (b) The state medical examiner shall annually conduct
 21 a 16-hour advanced coroner course. Failure of any coroner or
 22 deputy coroner to satisfactorily complete the advanced
 23 coroner course, or an equivalent course approved by the
 24 Montana coroner's association, at least once every 2 years
 25 results in forfeiture of office.

STATE OF MONTANA
FISCAL NOTE

REQUEST NO. FNN 194-85

Form BD-15

In compliance with a written request received January 25, 19 85, there is hereby submitted a Fiscal Note for Senate Bill 177 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

Senate Bill 177 is an act to specify requirements for the office of county coroner and to mandate educational requirements for the coroner and deputy coroners.

ASSUMPTIONS:

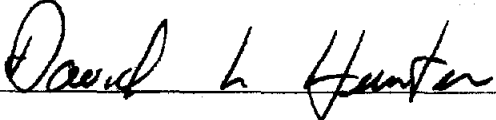
1. It is assumed that the primary instructor responsibilities will be performed by Forensic Science Division staff, with occasional qualified lecturers from the private sector.
2. It is assumed that a 16-hour class will be presented in both years of the biennium, but the 40-hour class only given in FY 1987.

FISCAL IMPACT:

	<u>FY 1986</u>	<u>FY 1987</u>
General Fund: Expenditures	\$ 500	\$ 2,450

LOCAL IMPACT:

Each county must pay mileage and per diem for one 40-hour and for one 16-hour course every other year.



BUDGET DIRECTOR
Office of Budget and Program Planning

Date: JAN 29, 1985

SB 177

APPROVED BY COMM.
ON LOCAL GOVERNMENT

1 Senate BILL NO. 177
 2 INTRODUCED BY *K. St. Ad. S. Adams Reddy Kelly*
 3 *Richard E. Manning Zander*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO SPECIFY REQUIREMENTS
 5 FOR THE OFFICE OF COUNTY CORONER AND TO MANDATE EDUCATIONAL
 6 REQUIREMENTS FOR THE CORONER AND DEPUTY CORONERS; AMENDING
 7 SECTIONS 7-4-2901 AND 7-4-2902, MCA."

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Boyle
Hill
Matt

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11 county coroner. (1) In addition to the qualifications set
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14 must be:

- 15 (a) 23 years of age or older; and
- 16 (b) a high school graduate or holder of an equivalency
- 17 of completion of secondary education as provided by the
- 18 superintendent of public instruction under 20-7-131 or of an
- 19 equivalency issued by another state or jurisdiction.

20 (2) Each coroner, before entering the duties of his
21 office, must:

- 22 (a) take, and file with the county clerk, the
- 23 constitutional oath of office; and
- 24 (b) certify to the county clerk that:
- 25 (i) he has satisfactorily completed the basic coroner

1 course of study provided in [section 4] or that he has
2 completed the equivalent educational requirements approved
3 by the Montana coroner's association; or

4 (ii) he intends to take the basic coroner course at the
5 next offering of the course if the coroner has been
6 appointed or was elected by other than a local government
7 general election and, from the date of appointment or
8 election and assumption of his duties as coroner, no basic
9 coroner course was offered. A coroner forfeits his office
10 for failure to take and satisfactorily complete the next
11 offering of the basic coroner course.

12 Section 2. Section 7-4-2902, MCA, is amended to read:

13 "7-4-2902. Justice-of-peace-to-act-as Vacancy in
14 office of county coroner or disqualification of coroner in
15 certain-cases. (1) The coroner or the board of county
16 commissioners, if the coroner is unable or refuses to act,
17 shall request the coroner or a qualified deputy coroner of
18 another county to be acting county coroner if the coroner:

- 19 (a) if-the-office-of-coroner-is-vacant-or-he is absent
- 20 or unable to attend, the-duties-of-his-office-may-be
- 21 discharged-by-any-justice-of-the-peace-of-the-county-with
- 22 the-like-authority-and-subject-to-the-same-obligations-and
- 23 penalties-as-the-coroner, to his duties or if the office of
- 24 coroner is vacant, and there are no qualified deputies
- 25 available;

SECOND READING

SB177



1 (b) is related to the deceased;

2 (c) is a potential party in the death or his inquiry
3 into the death may pose a conflict of interest;

4 (d) has not successfully completed the basic coroner
5 course required in [section 4] and there are no qualified
6 deputies available; or

7 (e) is disqualified under the provisions of 46-4-201.

8 (2) The salary of and expenses incurred by an acting
9 coroner on behalf of a requesting county are an allowable
10 charge against the requesting county. A justice-of-the-peace
11 acting--as-coroner-is-allowed-the-same-salary-as-the-coroner
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16 coroner, with approval of the county commissioners, may
17 appoint one or more deputy coroners to assist him or act in
18 his absence.

19 (2) At the time of appointment, a deputy coroner or
20 acting coroner must meet the qualifications required of a
21 coroner as provided in [section 1(1) and (2)(a)]. Within a
22 reasonable time after appointment, a deputy must
23 successfully complete the basic coroner course, as provided
24 for in [section 1(2)(b)(ii)]. The deputy must also meet the
25 requirements for advanced education as provided in [section

1 4(2)(b)].

2 †2†(3) A deputy coroner may be the coroner, or
3 qualified deputy coroner, from another county."

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9 education. The county shall pay the salary, mileage, and per
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12 (2) (a) The state medical examiner shall conduct a
13 40-hour basic coroner course of study after each general
14 election held in an odd-numbered year. The course, or an
15 equivalent course approved by the Montana coroner's
16 association, must be completed before the first Monday in
17 January following the election. The state medical examiner
18 may conduct other basic coroner courses at times he
19 considers appropriate.

20 (b) The state medical examiner shall annually conduct
21 a 16-hour advanced coroner course. Failure of any coroner or
22 deputy coroner to satisfactorily complete the advanced
23 coroner course, or an equivalent course approved by the
24 Montana coroner's association, at least once every 2 years
25 results in forfeiture of office.

-End-

1 *Senate* BILL NO. *177*
 2 INTRODUCED BY *Kristad* *Reddy* *Filly*
 3 *Richard E. Manning* *Frank* *Clay* *Keith* *Wendy* *Boehne*
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 8 *Scott* *Boyle* *Mark*

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 18 another county to be acting county coroner if the coroner:

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 20 ~~or unable to attend, the duties of his office may be~~
 21 ~~discharged by any justice of the peace of the county with~~
 22 ~~the like authority and subject to the same obligations and~~
 23 ~~penalties as the coroner;~~ to his duties or if the office of
 24 coroner is vacant, and there are no qualified deputies
 25 available;

(b) is related to the deceased;

(c) is a potential party in the death or his inquiry into the death may pose a conflict of interest;

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-End-