

SENATE BILL NO. 356

INTRODUCED BY KOLSTAD, B. WILLIAMS, IVERSON,
STRIZICH, MANNING, BRADLEY, GRADY

IN THE SENATE

FEBRUARY 17, 1987 INTRODUCED AND REFERRED TO COMMITTEE
ON LOCAL GOVERNMENT.

ON MOTION, REREFERRED TO COMMITTEE
ON JUDICIARY.

FEBRUARY 20, 1987 COMMITTEE RECOMMEND BILL
DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 21, 1987 PRINTING REPORT.

SECOND READING, DO PASS.

FEBRUARY 23, 1987 ENGROSSING REPORT.

THIRD READING, PASSED.
AYES, 49; NOES, 0.

TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 24, 1987 INTRODUCED AND REFERRED TO COMMITTEE
ON LOCAL GOVERNMENT.

MARCH 13, 1987 COMMITTEE RECOMMEND BILL BE
CONCURRED IN. REPORT ADOPTED.

MARCH 17, 1987 SECOND READING, CONCURRED IN AS
AMENDED.

MARCH 18, 1987 ON MOTION, TAKEN FROM THIRD READING
AND PLACED ON SECOND READING.

MARCH 20, 1987 SECOND READING, CONCURRED IN AS
AMENDED.

MARCH 23, 1987

THIRD READING, CONCURRED IN.
AYES, 91; NOES, 8.

RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

MARCH 26, 1987

RECEIVED FROM HOUSE.

SECOND READING, AMENDMENTS
CONCURRED IN.

MARCH 27, 1987

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

1 *Senate* BILL NO. *356*
 2 INTRODUCED BY *Richard B. Manning*
 3 *Bradley D. Dinsley*

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO SPECIFY
 5 QUALIFICATIONS FOR THE OFFICE OF COUNTY CORONER AND TO
 6 MANDATE EDUCATIONAL REQUIREMENTS FOR THE CORONER AND DEPUTY
 7 CORONERS; AND AMENDING SECTIONS 7-4-2901 AND 7-4-2902, MCA."

8
 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
 5 the 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 an action concerning the
3 death or his inquiry into the death may pose a conflict of
4 interest;

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

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

9 (2) The salary of and expenses incurred by an acting
10 coroner on behalf of a requesting county A-justice-of-the-peace
11 charge against the requesting county ~~A-justice-of-the-peace~~
12 ~~acting--as-coroner-is-allowed-the-same-salary-as-the-coroner~~
13 ~~for-that-portion-of-time-he-actually-spends-discharging--the~~
14 ~~duties-of-coroner."~~

15 Section 3. Section 7-4-2901, MCA, is amended to read:

16 "7-4-2901. Appointment of deputy coroners. (1) The
17 coroner, with approval of the county commissioners, may
18 appoint one or more deputy coroners to assist him or act in
19 his absence.

20 (2) At the time of appointment, a deputy coroner or
21 acting coroner must meet the qualifications required of a
22 coroner as provided in [section 1(1) and (2)(a)]. Within a
23 reasonable time after appointment, a deputy must
24 successfully complete the basic coroner course, as provided
25 for in [section 4(2)(a)]. The deputy must also meet the

1 requirements for advanced education as provided in [section
2 4(2)(b)].

3 ~~†2†~~3 A deputy coroner may be the coroner or
4 qualified deputy coroner from another county."

5 NEW SECTION. Section 4. Coroner education and
6 continuing education. (1) Coroner education will be
7 conducted by the state medical examiner. The cost of
8 conducting such education must be borne by the office of the
9 state medical examiner from money appropriated for such
10 education. The county shall pay the salary, mileage, and per
11 diem of each coroner-elect, coroner, and deputy coroner
12 attending from that county.

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

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

LC 0680/01

1 results in forfeiture of office.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB356, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act to specify qualification for the Office of County Coroner and to mandate educational requirements for the coroner and deputy coroners.

ASSUMPTIONS:

1. County general funds will incur minimal costs for coroners' travel expenses for training and for occasional payments for substitute coroners in cases where a local coroner is disqualified.

FISCAL IMPACT:

No impact on state expenditures and revenues.

EFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:

See assumptions.

 DATE 2/19/87

DAVID L. HUNTER, BUDGET DIRECTOR
Office of Budget and Program Planning

 DATE _____

ALLEN KOLSTAD, PRIMARY SPONSOR

Fiscal Note for SB356, as introduced.

SB 356

RE-REFERRED AND
APPROVED BY COMMITTEE
ON JUDICIARY

1 SENATE BILL NO. 356

2 INTRODUCED BY KOLSTAD, B. WILLIAMS, IVERSON,
3 STRIZICH, MANNING, BRADLEY, GRADY

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14 at the time of election or appointment to office a person
15 must be:

16 (a) 23 years of age or older; and

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

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

23 (a) take, and file with the county clerk, the
24 constitutional oath of office; and

25 (b) certify to the county clerk that:

1 (i) he has satisfactorily completed the basic coroner
2 course of study provided in [section 4] or that he has
3 completed the equivalent educational requirements approved
4 by the ~~Montana coroner's association~~ ATTORNEY GENERAL; or

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

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

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

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

1 available;
 2 (b) is related to the deceased;
 3 (c) is a potential party in an action concerning the
 4 death or his inquiry into the death may pose a conflict of
 5 interest;
 6 (d) has not successfully completed the basic coroner
 7 course required in [section 4] and there are no qualified
 8 deputies available; or
 9 (e) is disqualified under the provisions of 46-4-201.
 10 (2) The salary of and expenses incurred by an acting
 11 coroner on behalf of a requesting county are an allowable
 12 charge against the requesting county A-justice-of-the-peace
 13 acting--as-coroner-is-allowed-the-same-salary-as-the-coroner
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 18 coroner, with approval of the county commissioners, may
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 20 his absence.
 21 (2) At the time of appointment, a deputy coroner or
 22 acting coroner must meet the qualifications required of a
 23 coroner as provided in [section 1(1) and (2)(a)]. Within a
 24 reasonable time after appointment, a deputy must
 25 successfully complete the basic coroner course, as provided

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

SB 0356/02

1 the advanced coroner course, or an equivalent course
2 approved by the Montana--coroner's--association ATTORNEY
3 GENERAL, at least once every 2 years results in forfeiture
4 of office.

-End-

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INTRODUCED BY KOLSTAD, B. WILLIAMS, IVERSON,
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(b) a high school graduate or holder of an equivalency
of completion of secondary education as provided by the
superintendent of public instruction under 20-7-131 or of an
equivalency issued by another state or jurisdiction.

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

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constitutional oath of office; and

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shall request the coroner or a qualified deputy coroner of
another county to be acting county coroner if the coroner:

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or unable to attend,--the--duties--of--his--office--may--be
discharged--by--any--justice-of-the-peace-of-the-county-with
the-like-authority-and-subject-to-the-same-obligations--and
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 24 reasonable time after appointment, a deputy must
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SB 0356/02

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(a) 23 years of age or older; and

(b) a high school graduate or holder of an equivalency of completion of secondary education as provided by the superintendent of public instruction under 20-7-131 or of an equivalency issued by another state or jurisdiction.

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

(a) take, and file with the county clerk, the constitutional oath of office; and

(b) certify to the county clerk that:

(i) he has satisfactorily completed the basic coroner course of study provided in [section 4] or that he has completed the equivalent educational requirements approved by the Montana coroner's association ATTORNEY GENERAL; or

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

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

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



1 available;

2 (b) is related to the deceased;

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4 death or his inquiry into the death may pose a conflict of
5 interest;

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7 course required in [section 4] and there are no qualified
8 deputies available; or

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11 coroner on behalf of a requesting county are an allowable
12 charge against the requesting county ~~A justice-of-the-peace~~
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SB 0356/03

1 the advanced coroner course, or an equivalent course
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3 GENERAL, at least once every 2 years results in forfeiture
4 of office.

-End-

COMMITTEE OF THE WHOLE AMENDMENT

(93)

3-18-87

DATE

12:00

TIME

HOUSE

MR. CHAIRMAN: I MOVE TO AMEND SB 356

3rd reading copy (blue) as follows:
Color

PASSED

1) Page 1, line 15.
Strike: " : (a) 23 years of age or older; and (b) "

ADOPT

REJECT

Geo. A. Giacometto
Rep. Giacometto