

LETTER OPINION
93-L-56

February 19, 1993

Mr. Jerry Renner
Kidder County State's Attorney
Steele, ND 58482

Dear Mr. Renner:

Thank you for your January 12, 1993, letter requesting an opinion as to whether the Kidder County Commissioners can authorize a nursing home physician to act as coroner for all deaths occurring at the nursing home.

N.D.C.C. ? 11-19.1-17 provides that chapter 11-19 applies in counties with a population of less than 8,000 residents, but coroners in those counties are to be appointed pursuant to N.D.C.C. ? 11-19.1-03. Under N.D.C.C. ? 11-19.1-03 the county commissioners appoint a single coroner for a two-year term. N.D.C.C. ? 11-10-02 provides that each county may have only one coroner. Kidder County has a population of less than 8,000 residents. Therefore it is my opinion that North Dakota statutes permit the Kidder County Commissioners to appoint only one coroner to serve Kidder County and do not authorize the appointment of an additional person to serve as a special coroner for all deaths at the nursing home.

If the coroner is temporarily absent from the county or cannot discharge the duties of the office, N.D.C.C. ? 11-19.1-03 provides that the coroner may appoint a qualified person to act in the coroner's absence. In addition, when the coroner is absent or unable to act, the Kidder County sheriff, the state highway patrol, or an agent of the bureau of criminal investigation may perform the duties of the coroner relating to dead bodies. N.D.C.C. ? 11-19-19.

It is important to note that North Dakota law does not

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require the coroner to be involved in every death occurring within the county. A coroner is only required to become involved in a given case where the circumstances suggest that the death was caused by unlawful or suspicious means or where the death occurred without medical attendance. See N.D.C.C. ? 23-02.1-19. Whether a death has occurred without medical attendance or under suspicious circumstances is essentially a question of fact.

Also, for your information, I have enclosed copies of two bills which have been introduced at the current legislative session. Both bills have passed their respective houses but House Bill 1370 was amended before its passage. I have enclosed a copy of the house journal setting forth the amendment.

Sincerely,

Heidi Heitkamp
ATTORNEY GENERAL

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