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X-RAY TECHNICIAN—APPOINTED BY COUNTY CORONER—  
SECTION 2855-17 G. C.—NOT ENTITLED TO COMPENSATION  
FOR SERVICES UNDER SECTION 2855-18 G. C.

SYLLABUS:

An X-Ray technician appointed by a county coroner under authority of Section 2855-17 of the General Code is not entitled to compensation for his services under Section 2855-18 of the General Code.

Columbus, Ohio, October 5, 1949

Hon. Harold Lutz, Prosecuting Attorney  
Richland County, Mansfield, Ohio

Dear Sir:

I have reviewed your request for my opinion on the following question:

“Is it permissible for a county coroner to hire X-Ray technicians to help him investigate a death, and if so, would such services be paid for out of the county general fund?”

The power of appointment by a county coroner of assistants to aid in autopsies and payment for said services are controlled by Sections 2855-17 and 2855-18 of the General Code. These sections are as follows:

Section 2855-17, General Code.

“The coroner may appoint in writing assistant coroners who shall be licensed physicians of good standing in their profession, one of whom may be designated as the chief deputy coroner, and pathologists, who shall assist in doing autopsies and making such pathological and chemical examinations and performing such other duties as may be required and directed by the county coroner or recommended by the county prosecuting attorney and shall be known as assistant coroners, and the coroner may also appoint necessary technicians.

“The coroner may appoint in writing a secretary and an official stenographer who shall record the testimony of witnesses in attendance upon the coroner’s inquest and preserve and file properly indexed records of all official reports, acts and communications of the office, and perform such other services as may be required by the coroner.

“All records in the coroner’s office shall be open to inspection by the public, and any person shall be entitled to receive a copy of any such record or part thereof upon demand in writing accompanied by payment of the transcript fee, which shall be at the rate of fifteen cents per hundred words, or a minimum fee of one dollar.

“In counties where there is maintained a coroner’s office, laboratory and a county morgue, the coroner may also appoint necessary clerks, stenographers and custodians and investigators and shall define their duties.”

Section 2855-18, General Code.

“For the performance of such duties the deputy coroner, assistant coroners, pathologists, stenographers, secretary, clerks,

and custodians and investigators shall receive salaries fixed by the coroner and payable from the county treasury upon the warrant of the county auditor. Such compensation shall not exceed in the aggregate for the coroner's office the amount fixed by the county commissioners for such office."

It is noted that Section 2855-17, General Code, definitely authorizes a coroner to appoint assistant coroners, pathologists, clerical help and *technicians*. However, in Section 2855-18, General Code, dealing with payment for said services, all of the types of assistants mentioned in Section 2855-17, supra, are specifically included by designation *except technicians*. This omission by the legislature is unexplained. Therefore, we must look to the rules of statutory construction.

In 37 O. Jur. Section 281, at page 524, the following principles are outlined:

"In the construction of statutes it is the expressed legislative intent that is of importance. The law does not concern itself with the legislature's unexpressed intention. The question is not what the general assembly intended to enact, but what is the meaning of that which it did enact. That body should be held to mean what it has plainly expressed or to have intended to express its entire meaning by the import of the language used. \* \* \*

Applying the above quoted rule to the instant question, I can reach but one conclusion, namely, that the legislature did not intend to have appointed technicians paid from the county treasury upon warrant of the county auditor, otherwise it would have so stated.

A coroner is a public officer, who can exercise only such powers as are provided by statute, and, in the absence of any specific authority from the legislature to pay X-Ray technicians, he is limited by the exact terms of Section 2855-18 of the General Code.

In submitting this opinion, I have followed the rule that words in a statute are to be given their common meaning. The term "technician" is defined in Vol. 41, Words and Phrases, as one skilled particularly in the technical details of his work. Therefore an X-Ray technician is one skilled in the job of taking X-Ray pictures. Such a person could not (without being a doctor) qualify as an assistant coroner, deputy coroner or pathologist under Section 2855-17 of the General Code. If the "X-Ray technician" referred to in your inquiry is also a licensed physician in good standing

in his profession, then the coroner could appoint him as an assistant coroner or pathologist under Section 2855-17, supra, and he would be paid as provided by Section 2855-18, General Code.

Respectfully,

HERBERT S. DUFFY,  
Attorney General.