

CHAPTER 65

GOVERNMENT - COUNTY

HOUSE BILL 18-1142

BY REPRESENTATIVE(S) Hooton and Thurlow, Arndt, McKean, Gray, Hamner, Herod, Jackson, Kraft-Tharp, Lontine, Pabon, Rosenthal, Salazar, Singer, Weissman, Young;
also SENATOR(S) Martinez Humenik and Zenzinger, Moreno, Aguilar, Donovan, Kefalas, Kerr, Merrifield, Todd.

AN ACT**CONCERNING MODERNIZING LANGUAGE IN STATUTORY SECTIONS THAT REFER TO PAUPERS.**

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Legislative declaration. The general assembly declares that the purpose of House Bill 18-1142, enacted in 2018, is to effect a nonsubstantive change to replace antiquated references to "paupers" in the Colorado Revised Statutes with the more modern and appropriate "indigent persons". The general assembly further declares that modernizing these references does not in any way alter the scope or applicability of the statutory sections involved.

SECTION 2. In Colorado Revised Statutes, 15-19-302, **amend** (2) and (3) as follows:

15-19-302. Duty of public officers as to unclaimed bodies. (2) ~~Such notices~~ NOTICE shall be given to the anatomical board in all cases, but ~~no such~~ THE body ~~shall~~ MUST NOT be delivered if any relative, by blood or marriage, ~~shall~~ HAS previously ~~claim~~ CLAIMED the body for burial at the expense of the relative, ~~but~~ IN WHICH CASE the body ~~shall~~ MUST be surrendered to the claimant for interment. ~~nor shall any such~~ FURTHER, THE body MUST NOT be delivered if any representative of a fraternal society of which the deceased was a member, or a representative of any charitable organization, or if any friend of the deceased ~~shall claim~~ INDIGENT PERSON CLAIMS the body for burial prior to delivery to the board, WITH the burial ~~to be~~ at the expense of the fraternal society, charitable organization, or friend. In the case of death of any person whose body is required to be buried at public expense and the duly authorized officer or agent of the anatomical board deems the body unfit for anatomical purposes, he or she shall notify the board of county commissioners or ~~such other~~ agency as ~~may be~~ in charge of ~~the county paupers of~~

Capital letters or bold & italic numbers indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

INDIGENT PERSONS IN the county in which the person dies, in writing, and the board of county commissioners or ~~other~~ agency shall direct ~~some~~ A person to take charge of the body of the deceased indigent person, and cause it to be buried, and draw warrants upon the treasurer of the county for the payment of ~~such~~ expenses.

(3) ~~No~~ Warrants for the payment of the expenses of the burial of any person whose body is required to be buried at public expense ~~shall~~ MUST NOT be drawn or paid except upon the certificate of the duly authorized officer or agent of the anatomical board to the effect that the unclaimed body is unfit for anatomical purposes ~~by reason of~~ DUE TO decomposition or contagious disease, and that the provisions of this part 3 have been complied with. If, through the failure of any person to deliver the body of a deceased indigent PERSON as required by this part 3, the unclaimed body ~~becomes~~ IS unfit for anatomical purposes, and is ~~so~~ certified AS UNFIT by the duly authorized officer or agent of the anatomical board, the body ~~shall~~ MUST be buried in accordance with the provisions of this part 3, and the person ~~so failing~~ WHO FAILED to deliver the unclaimed body shall pay to the county treasurer the ~~expense so~~ EXPENSES incurred. Upon the refusal or failure of the person, on demand, to pay the ~~expense~~ EXPENSES, the board of county commissioners, or such other agency as may be in charge of ~~the county paupers~~ INDIGENT PERSONS IN THE COUNTY, may bring suit to recover the expenses, and the ~~same~~ EXPENSES may be recovered as debts ~~of like amount~~ are collectible by law.

SECTION 3. In Colorado Revised Statutes, **amend** 25-3-309 as follows:

25-3-309. Hospital fees. Every hospital established under this part 3 ~~shall be~~ IS for the benefit of the inhabitants of ~~such~~ THE county and of any person falling sick or ~~being~~ WHO IS injured or maimed within its limits. Every inhabitant or person who is not a ~~pauper~~ INDIGENT shall pay to the board of public hospital trustees or ~~such~~ TO THE officer as it ~~shall designate~~ DESIGNATES for ~~such~~ THE county public hospital a reasonable compensation for occupancy, nursing, laboratories, care, medicine, or attendants according to ~~the rules and regulations~~ prescribed by ~~said~~ THE board in order to render the use of ~~said~~ THE hospital of the greatest benefit to the greatest number.

SECTION 4. In Colorado Revised Statutes, 28-5-502, **amend** (2) as follows:

28-5-502. Interment of deceased veterans. (2) ~~Such~~ Burial ~~shall~~ MUST not be made in that portion of ~~any~~ A cemetery or burial ground used exclusively for the burial of ~~the pauper dead~~ DECEASED INDIGENT PERSONS. Each county, by resolution of its board of county commissioners, shall establish the maximum expense to the county for each burial, exclusive of any federal funds provided for such purposes. In case the deceased VETERAN has relatives or friends who desire to conduct the funeral services, they shall be permitted to do so, and the expenses shall be paid as provided in this section.

SECTION 5. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect

unless approved by the people at the general election to be held in November 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: March 22, 2018