

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 18-0528.01 Brita Darling x2241

HOUSE BILL 18-1142

HOUSE SPONSORSHIP

Hooton and Thurlow, Arndt, McKean

SENATE SPONSORSHIP

Martinez Humenik and Zenzinger, Moreno

House Committees

Public Health Care & Human Services

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING MODERNIZING LANGUAGE IN STATUTORY SECTIONS THAT**
102 **REFER TO PAUPERS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Statutory Revision Committee. The bill modernizes the language in statutory sections by replacing the terms "pauper" and "paupers" with "indigent" or "indigent persons".

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

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

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

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

10 **15-19-302. Duty of public officers as to unclaimed bodies.**

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

1 direct ~~some~~ A person to take charge of the body of the deceased indigent
2 person, and cause it to be buried, and draw warrants upon the treasurer of
3 the county for the payment of ~~such~~ expenses.

4 (3) ~~No~~ Warrants for the payment of the expenses of the burial of
5 any person whose body is required to be buried at public expense ~~shall~~
6 MUST NOT be drawn or paid except upon the certificate of the duly
7 authorized officer or agent of the anatomical board to the effect that the
8 unclaimed body is unfit for anatomical purposes ~~by reason of~~ DUE TO
9 decomposition or contagious disease, and that the provisions of this part
10 3 have been complied with. If, through the failure of any person to deliver
11 the body of a deceased indigent PERSON as required by this part 3, the
12 unclaimed body ~~becomes~~ IS unfit for anatomical purposes, and is ~~so~~
13 certified AS UNFIT by the duly authorized officer or agent of the
14 anatomical board, the body ~~shall~~ MUST be buried in accordance with the
15 provisions of this part 3, and the person ~~so failing~~ WHO FAILED to deliver
16 the unclaimed body shall pay to the county treasurer the ~~expense so~~
17 EXPENSES incurred. Upon the refusal or failure of the person, on demand,
18 to pay the ~~expense~~ EXPENSES, the board of county commissioners, or such
19 other agency as may be in charge of ~~the county paupers~~ INDIGENT
20 PERSONS IN THE COUNTY, may bring suit to recover the expenses, and the
21 ~~same~~ EXPENSES may be recovered as debts ~~of like amount are~~ collectible
22 by law.

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

25 **25-3-309. Hospital fees.** Every hospital established under this part
26 3 ~~shall be~~ IS for the benefit of the inhabitants of ~~such~~ THE county and of
27 any person falling sick or ~~being~~ WHO IS injured or maimed within its

1 limits. Every inhabitant or person who is not a ~~pauper~~ INDIGENT shall pay
2 to the board of public hospital trustees or ~~such~~ TO THE officer as it shall
3 ~~designate~~ DESIGNATES for ~~such~~ THE county public hospital a reasonable
4 compensation for occupancy, nursing, laboratories, care, medicine, or
5 attendants according to the rules ~~and regulations~~ prescribed by ~~said~~ THE
6 board in order to render the use of ~~said~~ THE hospital of the greatest benefit
7 to the greatest number.

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

10 **28-5-502. Interment of deceased veterans.** (2) ~~Such~~ Burial shall
11 MUST not be made in that portion of ~~any~~ A cemetery or burial ground used
12 exclusively for the burial of ~~the pauper dead~~ DECEASED INDIGENT
13 PERSONS. Each county, by resolution of its board of county
14 commissioners, shall establish the maximum expense to the county for
15 each burial, exclusive of any federal funds provided for such purposes. In
16 case the deceased VETERAN has relatives or friends who desire to conduct
17 the funeral services, they shall be permitted to do so, and the expenses
18 shall be paid as provided in this section.

19 **SECTION 5. Act subject to petition - effective date.** This act
20 takes effect at 12:01 a.m. on the day following the expiration of the
21 ninety-day period after final adjournment of the general assembly (August
22 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
23 referendum petition is filed pursuant to section 1 (3) of article V of the
24 state constitution against this act or an item, section, or part of this act
25 within such period, then the act, item, section, or part will not take effect
26 unless approved by the people at the general election to be held in

- 1 November 2018 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.