

Summaries of Bills Enacted in 2010 of Interest to County Coroners

NOTE: These summaries were taken from the 2010 Bill Digest prepared by the Office of Legislative Legal Services.

HB 10-1024

CONCERNING ELIMINATING THE ABILITY OF ADVANCED PRACTICE NURSES TO DECLARE PATIENTS TERMINALLY ILL.

By Representatives Balmer and Riesberg and Senator Williams

The ability to declare a patient terminally ill for purposes of triggering end-of-life decisions is left to the sole discretion of a physician. The act shall not take effect if House Bill 10-1025 is enacted and becomes law.*

EFFECTIVE August 11, 2010

HB10-1062

CONCERNING THE ABILITY TO ALLOW A COUNTY TO PURCHASE CRIME INSURANCE COVERAGE IN LIEU OF SURETY BONDS.

By Representative S. Schafer and Senator Hodge

In addition to the surety bonds that county officers have been required to purchase to ensure the faithful performance of duties, counties have the option to purchase crime insurance coverage to protect against potential malfeasance of county employees and any of the following county officers or their deputies while in office: County commissioners, clerk and recorders, sheriffs, coroners, treasurers, assessors, and surveyors. Additionally, obsolete references to clerks of district and county courts as county officers are repealed. Such court clerks are now employees of the judicial branch.

EFFECTIVE August 11, 2010

HB10-1275

CONCERNING A REQUIREMENT THAT THE LOCATION OF A PRIVATE BURIAL BE RECORDED.

By Representative Baumgardner and Senator Newell

The act requires a landowner to record information about a private burial with the county clerk, setting standards for the recording including the deceased person's name, location of burial, dates of birth and death, cause of death, the legal description of the property where the body is interred, and the reception number for the death certificate. The act requires a burial permit to contain a notice of the recording requirement.

EFFECTIVE August 11, 2010

HB10-1291

CONCERNING THE ELIMINATION OF CERTAIN WITNESS FEES, AND MAKING AN APPROPRIATION THEREFOR.

By Representative Priola and Senator Newell

The act eliminates the statutory, daily witness fee for attending certain courts and for attending a coroner's inquest. For fiscal year 2010-11, the act reduces the appropriation to the judicial department for district attorney mandated costs by \$17,300 to reflect the elimination of witness fees.

EFFECTIVE May 27, 2010

SB 10-047**CONCERNING RIGHTS RELATING TO THE DISPOSITION OF THE LAST REMAINS OF MEMBERS OF THE ARMED FORCES.**

By Senator K. King and Representative Looper

If a person is a member of the United States armed forces, United States reserve forces, or a state National Guard called to federal service, then a valid federal record of emergency data (DD form 93), or any successor form, executed by the service member as part of his or her military service shall be the controlling document with respect to the person authorized to direct the disposition of the service member's last remains, regardless of when the document was executed. The person authorized by the service member on the DD form 93 shall direct the disposition of the service member's remains, including ceremonial arrangements, in accordance with the service member's declaration.

EFFECTIVE August 11, 2010

SB10-182**CONCERNING THE IMPLEMENTATION OF CERTAIN RECOMMENDATIONS OF THE COUNTY ELECTED OFFICIALS' SALARY COMMISSION.**

By Senator Schwartz and Representative Peniston

The following 2 requests made by the county elected officials' salary commission in its 2010 report to the general assembly are implemented:

* The frequency of when the commission will meet and submit its report to the general assembly is changed from every 4 years to every 2 years. The timing is also changed from the second regular session to the first regular session of a general assembly.

* The language regarding payments to a county surveyor is clarified to reflect that the board of county commissioners may compensate the county surveyor for any additional work beyond the scope of the original contract.

EFFECTIVE May 26, 2010

* House Bill 10-1025 (see summary below) was signed into law rendering House Bill 1024 inactive.

HB10-1025**CONCERNING UPDATES TO THE "COLORADO MEDICAL TREATMENT DECISION ACT".**

By Representative Roberts and Senator Newell

The act repeals and reenacts, with amendments, the "Colorado Medical Treatment Decision Act". The term "lacking decisional capacity" replaces "incompetent", and a new term, "persistent vegetative state", is added to clarify different medical conditions under which the act shall be applied. The options available to the patient when he or she is in a terminal condition or persistent vegetative state and lacking decisional capacity are clarified. The act removes from statute the legal form that the declaration as to medical or surgical treatment may take and makes further clarifications concerning the declaration. Any declaration executed in compliance with Colorado law at the time it was made shall continue to be an effective declaration, and any declaration executed in compliance with the laws of another state shall be considered effective in Colorado, so long as the declaration does not violate any Colorado law.

EFFECTIVE August 11, 2010