

Second Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO

**REENGROSSED**

*This Version Includes All Amendments  
Adopted in the House of Introduction*

LLS NO. 12-0524.01 Jery Payne x4217

**HOUSE BILL 12-1068**

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**HOUSE SPONSORSHIP**

**McKinley,**

**SENATE SPONSORSHIP**

**Grantham,**

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**House Committees**

Local Government  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING THE ADMINISTRATION OF A NONPROFIT CEMETERY**  
102 **CORPORATION BY PERSONS WHO OWN THE RIGHT TO BURY A**  
103 **DECEASED PERSON WITHIN THE CEMETERY.**

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**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://www.leg.state.co.us/billsummaries>.)*

The bill requires the board of directors of a nonprofit cemetery to include at least one owner of a lot, grave space, niche, or crypt. The bill also gives owners and designees the right to inspect the cemetery's financial records and attend board meetings. If the right to inspection is

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

HOUSE  
3rd Reading Unanimous  
March 27, 2012

HOUSE  
Amended 2nd Reading  
March 23, 2012

HOUSE  
Amended 2nd Reading  
February 13, 2012

denied, an owner may obtain a court order requiring disclosure and may be awarded reasonable attorney fees.

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

2 **SECTION 1.** In Colorado Revised Statutes, 7-47-101, **add** (1.5)  
3 as follows:

4 **7-47-101. Who may organize - powers.** (1.5) A BOARD OF  
5 DIRECTORS FOR A NONPROFIT CEMETERY CORPORATION SHALL INCLUDE AT  
6 LEAST ONE DIRECTOR WHO OWNS A LOT, GRAVE SPACE, NICHE, OR CRYPT.

7 **SECTION 2.** In Colorado Revised Statutes, **amend** 7-47-105 as  
8 follows:

9 **7-47-105. Rights of lot owners.** (1) If the grounds purchased or  
10 otherwise acquired for cemetery purposes have been previously used as  
11 a burial ground, those who are lot owners at the time of the purchase ~~shall~~  
12 continue to own the ~~same~~ LOTS and ~~shall be~~ ARE members of the  
13 corporation.

14 (2) A NONPROFIT CEMETERY CORPORATION SHALL MAKE **BYLAWS,**  
15 **FINANCIAL RECORDS,** AND BOARD-MEETING RECORDS OPEN FOR  
16 INSPECTION TO ANY OWNER OF A LOT, GRAVE SPACE, NICHE, OR CRYPT  
17 WITHIN THE CEMETERY OR TO THE OWNER'S DESIGNEE.

18 (3) THE OWNER OF A LOT, GRAVE SPACE, NICHE, OR CRYPT WITHIN  
19 A NONPROFIT CEMETERY CORPORATION MAY ATTEND, OR MAY DESIGNATE  
20 A PERSON TO ATTEND ON HIS OR HER BEHALF, ANY MEETING OF THE  
21 CORPORATION'S BOARD OF DIRECTORS.

22 (4) THE OWNER, INCLUDING ANY PERSON WITH AN OWNERSHIP  
23 INTEREST, OF A LOT, GRAVE SPACE, NICHE, OR CRYPT WITHIN A NONPROFIT  
24 CEMETERY CORPORATION, OR THE OWNER'S DESIGNEE, MAY ENFORCE  
25 SUBSECTIONS (2) AND (3) OF THIS SECTION THROUGH A CIVIL ACTION

1 SEEKING INJUNCTIVE RELIEF, DAMAGES, OR BOTH. ■ ■

2 **SECTION 3.** In Colorado Revised Statutes, **add 7-47-110** as  
3 follows:

4 **7-47-110. Enforcement - attorney general.** IF A PERSON  
5 PROVIDES INFORMATION THAT A CEMETERY CORPORATION MAY NOT BE  
6 FULFILLING THE DUTIES REQUIRED BY SECTIONS 7-47-101 (1.5) AND  
7 7-47-105, THE ATTORNEY GENERAL SHALL HOLD A HEARING AFTER SIXTY  
8 DAYS' NOTICE TO THE CEMETERY AND THE PERSON PROVIDING THE  
9 INFORMATION. ■ THE ATTORNEY GENERAL RETAINS OVERSIGHT ■ FOR AS  
10 LONG AS NECESSARY TO ENSURE COMPLIANCE.

11 **SECTION 4. Act subject to petition - effective date.** This act  
12 takes effect at 12:01 a.m. on the day following the expiration of the  
13 ninety-day period after final adjournment of the general assembly (August  
14 7, 2012, if adjournment sine die is on May 9, 2012); except that, if a  
15 referendum petition is filed pursuant to section 1 (3) of article V of the  
16 state constitution against this act or an item, section, or part of this act  
17 within such period, then the act, item, section, or part will not take effect  
18 unless approved by the people at the general election to be held in  
19 November 2012 and, in such case, will take effect on the date of the  
20 official declaration of the vote thereon by the governor.