



General Assembly

January Session, 2019

Raised Bill No. 7367

LCO No. 5351



Referred to Committee on PLANNING AND DEVELOPMENT

Introduced by:
(PD)

**AN ACT CONCERNING THE USE OF THE PENFIELD REEF
LIGHTHOUSE AS A COLUMBARIUM.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 22a-27w of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2019*):

3 (a) The state of Connecticut, acting through the Commissioner of
4 Energy and Environmental Protection, is authorized to grant a lease or
5 other appropriate authorization to allow for the occupancy of
6 submerged lands held in public trust by the state underlying or
7 associated with lighthouses for the purpose of facilitating the
8 preservation of such lighthouses pursuant to the National Historic
9 Lighthouse Preservation Act of 2000, 16 USC 470w-7, provided any
10 such lease shall be for a term: (1) Of thirty years with the option to
11 renew whenever such lighthouse is sold pursuant to said act, or (2)
12 that is coterminous with the applicable lease whenever such lighthouse
13 is leased pursuant to said act. Any such lease shall contain appropriate
14 conditions to ensure consistency with the goals and policies of section
15 22a-92 and with other interests of the state, including, but not limited

16 to, reasonable public access whenever such lease is to a nonprofit
17 organization, preservation of historic structures and education of the
18 public regarding such structures. Nothing in this section and no
19 provision in any lease authorized pursuant to this section shall be
20 construed to relieve any lessee from the obligation to obtain any
21 applicable federal, state or local permit for the construction of any new
22 structure or appurtenance on such submerged lands.

23 (b) Notwithstanding the provisions of subsection (a) of this section,
24 the state of Connecticut, acting through the Commissioner of Energy
25 and Environmental Protection is authorized to grant a lease or other
26 appropriate authorization to allow for the occupancy of submerged
27 lands held in public trust by the state underlying or associated with
28 the Penfield Reef lighthouse for the purpose of facilitating the
29 preservation of said lighthouse pursuant to the National Historic
30 Lighthouse Preservation Act of 2000, 16 USC 470w-7, provided any
31 such lease shall be for a term of not more than ten years with the
32 option to renew. Any such lease shall contain appropriate conditions
33 to ensure consistency with the goals and policies of section 22a-92 and
34 with other interests of the state, including, but not limited to,
35 reasonable public access, preservation of historic structures and
36 education of the public regarding to such structures. Any such lease
37 may permit the use of Penfield Reef lighthouse as a columbarium,
38 used solely as a repository for the remains, after cremation, of
39 deceased persons, provided any such lease provision is approved by
40 the Commissioner of Energy and Environmental Protection. Nothing
41 in this section and no provision in any lease authorized pursuant to
42 this section shall be construed to relieve any lessee from the obligation
43 to obtain any applicable federal, state or local permit for the
44 construction of any new structure or appurtenance on such submerged
45 lands.

46 Sec. 2. Section 19a-310 of the general statutes is repealed and the
47 following is substituted in lieu thereof (*Effective July 1, 2019*):

48 No person shall construct any vault, crypt, columbarium or

49 mausoleum for public use, wholly or partially above the surface of the
50 ground, to be used to contain the body of any dead person [(1)] unless
51 (1) the same is located within the confines of (A) an established
52 cemetery containing not less than five acres, which cemetery has been
53 in existence and operation for a period of at least five years
54 immediately preceding the time of the erection thereof; [, or (2) if
55 located within] (B) a cemetery containing less than five acres, provided
56 such location has been approved by the board of selectmen, [of any
57 town, the] mayor and council, [or] board of aldermen [of any city and
58 the] or warden and burgesses of [any borough;] the town, city or
59 borough in which such cemetery is located, except that in any town,
60 city or borough having a zoning commission or combined planning
61 and zoning commission, such commission shall have the authority to
62 grant such approval; [nor until] or (C) the Penfield Reef lighthouse;
63 and (2) plans and specifications for such vault, crypt, columbarium or
64 mausoleum are approved by the Department of Public Health and a
65 fee of one thousand two hundred fifty dollars is paid to the
66 Department of Public Health for its review and approval of such plans
67 and specifications. [, provided a] A columbarium which is used solely
68 as a repository for the remains, after cremation, of deceased persons
69 and is located on the premises of any religious society or corporation
70 shall not be subject to the provisions of this section. Such plans and
71 specifications shall set forth the sections, halls, rooms, corridors,
72 elevators or other subdivisions thereof, with their descriptive names
73 and numbers, and shall provide: [(a)] (i) That such structure be so
74 arranged that the cell, niche or crypt may be readily examined at any
75 time by any person authorized by law to do so; [(b)] (ii) that the
76 materials of which such structure is to be constructed are to be of the
77 best quality and of a character best suited for the purposes intended;
78 and [(c)] (iii) that the structure shall be so constructed as to insure its
79 durability and permanence as well as the safety, convenience, comfort
80 and health of the community in which it is located, as dictated and
81 determined at the time by modern mausoleum construction and
82 engineering science. The person making the application shall file a
83 certificate of such approval, signed by the Commissioner of Public

84 Health, with a copy of such plans and specifications, in the office of the
85 town clerk of the town wherein such structure is to be erected, and
86 such clerk shall retain the same on file.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2019</i>	22a-27w
Sec. 2	<i>July 1, 2019</i>	19a-310

Statement of Purpose:

To authorize the use of the Penfield Reef Lighthouse as a columbarium for the cremated remains of deceased persons.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]