



General Assembly

Substitute Bill No. 7367

January Session, 2019



**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 Section 22a-27w of the general statutes is repealed and the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 any lease authorized pursuant to subsection (a) of this section may
25 permit the use of Penfield Reef lighthouse as a columbarium, used
26 solely as a repository for the remains, after cremation, of deceased
27 persons, provided any such lease (1) contains terms describing a plan
28 for the relocation of such remains in the event of the termination of or
29 refusal to renew such lease, and (2) is approved by the Commissioner
30 of Energy and Environmental Protection. Nothing in this subsection
31 and no provision in any lease authorized pursuant to this subsection
32 shall be construed to relieve the owner of the Penfield Reef lighthouse
33 from the obligation to pay all costs associated with clean-up,
34 remediation or reconstruction in the event that the lighthouse is
35 damaged or destroyed. No lease permitting the use of the Penfield
36 Reef lighthouse as a columbarium pursuant to this subsection shall be
37 assigned to a third party without the prior approval of the
38 Commissioner of Energy and Environmental Protection.

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 Section 19a-310 of the general statutes is repealed and the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

41 No person shall construct any vault, crypt, columbarium or
42 mausoleum for public use, wholly or partially above the surface of the
43 ground, to be used to contain the body of any dead person [(1)] unless
44 (1) the same is located within the confines of (A) an established
45 cemetery containing not less than five acres, which cemetery has been
46 in existence and operation for a period of at least five years
47 immediately preceding the time of the erection thereof; [, or (2) if
48 located within] (B) a cemetery containing less than five acres, provided
49 such location has been approved by the board of selectmen, [of any
50 town, the] mayor and council, [or] board of aldermen [of any city and
51 the] or warden and burgesses of [any borough;] the town, city or
52 borough in which such cemetery is located, except that in any town,

53 city or borough having a zoning commission or combined planning
 54 and zoning commission, such commission shall have the authority to
 55 grant such approval; ~~nor until~~ or (C) the Penfield Reef lighthouse;
 56 and (2) plans and specifications for such vault, crypt, columbarium or
 57 mausoleum are approved by the Department of Public Health and a
 58 fee of one thousand two hundred fifty dollars is paid to the
 59 Department of Public Health for its review and approval of such plans
 60 and specifications. ~~], provided a]~~ A columbarium which is used solely
 61 as a repository for the remains, after cremation, of deceased persons
 62 and is located on the premises of any religious society or corporation
 63 shall not be subject to the provisions of this section. Such plans and
 64 specifications shall set forth the sections, halls, rooms, corridors,
 65 elevators or other subdivisions thereof, with their descriptive names
 66 and numbers, and shall provide: ~~[(a)]~~ (A) That such structure be so
 67 arranged that the cell, niche or crypt may be readily examined at any
 68 time by any person authorized by law to do so; ~~[(b)]~~ (B) that the
 69 materials of which such structure is to be constructed are to be of the
 70 best quality and of a character best suited for the purposes intended;
 71 and ~~[(c)]~~ (C) that the structure shall be so constructed as to insure its
 72 durability and permanence as well as the safety, convenience, comfort
 73 and health of the community in which it is located, as dictated and
 74 determined at the time by modern mausoleum construction and
 75 engineering science. The person making the application shall file a
 76 certificate of such approval, signed by the Commissioner of Public
 77 Health, with a copy of such plans and specifications, in the office of the
 78 town clerk of the town wherein such structure is to be erected, and
 79 such clerk shall retain the same on file.

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

PD *Joint Favorable Subst.*

