



# House of Representatives

**File No. 695**

General Assembly

February Session, 2014

**(Reprint of File No. 476)**

House Bill No. 5557  
As Amended by House Amendment  
Schedule "A"

Approved by the Legislative Commissioner  
April 28, 2014

## ***AN ACT CONCERNING NEGLECTED CEMETERIES.***

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

1 Section 1. Section 19a-308 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2014*):

3 (a) In any town in which there is a burial ground or cemetery  
4 containing more than six places of interment and not under the control  
5 or management of any currently functioning cemetery association,  
6 [which] that has been neglected and allowed to grow up to weeds,  
7 briars and bushes, or about which the fences have become broken,  
8 decayed or dilapidated, the selectmen of such town may [annually]  
9 cause such burial ground or cemetery to be cleared of weeds, briars  
10 and bushes, may mow the ground's lawn areas and may cause its  
11 fences or walls to be repaired and kept in orderly and decent condition  
12 and its memorial stones to be straightened.

13 (b) No municipality or employee, officer or agent of a municipality  
14 shall be civilly or criminally liable for undertaking the care and  
15 maintenance of a burial ground or cemetery, as described in subsection

16 (a) of this section.

17 Sec. 2. (NEW) (*Effective October 1, 2014*) (a) There is established an  
18 account to be known as the "neglected cemetery account" which shall  
19 be a separate, nonlapsing account within the General Fund. The  
20 account shall contain any moneys required by law to be deposited in  
21 the account. Moneys in the account shall be expended by the Office of  
22 Policy and Management for the purposes of municipal maintenance of  
23 neglected burial grounds and cemeteries, as described in section 19a-  
24 308 of the general statutes, as amended by this act.

25 (b) Each municipality may apply for moneys in the account  
26 established pursuant to this section on a form and in such manner as  
27 prescribed by the Secretary of the Office of Policy and Management.

28 Sec. 3. Section 7-74 of the general statutes is repealed and the  
29 following is substituted in lieu thereof (*Effective October 1, 2014*):

30 (a) The fee for a certification of birth registration, short form, shall  
31 be fifteen dollars. The fee for a certified copy of a certificate of birth,  
32 long form, shall be twenty dollars, except that the fee for such  
33 certifications and copies when issued by the department shall be thirty  
34 dollars.

35 (b) (1) The fee for a certified copy of a certificate of marriage or  
36 death shall be twenty dollars. Such fees shall not be required of the  
37 department.

38 (2) Any fee received by the Department of Public Health for a  
39 certificate of death shall be deposited in the neglected cemetery  
40 account, established in accordance with section 2 of this act.

41 (c) The fee for one certified copy of a certificate of death for any  
42 deceased person who was a veteran, as defined in subsection (a) of  
43 section 27-103, shall be waived when such copy is requested by a  
44 spouse, child or parent of such deceased veteran.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>October 1, 2014</i>	19a-308
Sec. 2	<i>October 1, 2014</i>	New section
Sec. 3	<i>October 1, 2014</i>	7-74

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 15 \$	FY 16 \$
Public Health, Dept.	GF - Revenue Loss	approx. 31,800	approx. 42,300

**Municipal Impact:**

Municipalities	Effect	FY 15 \$	FY 16 \$
Various Municipalities	Revenue Gain	approx. 31,800	approx. 42,300

**Explanation**

The bill results in a General Fund revenue loss of approximately \$31,800 in FY 15 and \$42,300 in FY 16 and a revenue gain of the same amounts to a neglected cemetery account. It allows municipalities to apply to the Office of Policy and Management (OPM) for funding under this account for maintenance of neglected burial grounds and cemeteries. Currently, the fees for death certificates collected by the Department of Public Health (DPH) are deposited in the General Fund as unrestricted revenue. In FY 13, DPH generated approximately \$42,300 from death certificate fees. This revenue will be deposited into a separate, nonlapsing account known as the "neglected cemetery account" under the bill. As the bill is effective 10/1/14, nine months of revenue is reflected in FY 15 and twelve months of revenue is reflected in FY 16. There is no anticipated cost to OPM to administer this account.

House "A" clarified that an employee, officer or agent of a municipality shall not be held civilly or criminally liable for the undertaking of the care and maintenance of a burial ground or cemetery

and does not result in a fiscal impact.

***The Out Years***

The fiscal impact identified above would continue into the future subject to the number of death certificates issued by DPH.

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**OLR Bill Analysis****HB 5557 (as amended by House "A")\*****AN ACT CONCERNING NEGLECTED CEMETERIES.****SUMMARY:**

This bill establishes a "neglected cemetery account," funded by fees the Department of Public Health receives for death certificates, as a separate, nonlapsing General Fund account and requires the Office of Policy and Management (OPM) secretary to use the account's funds to maintain neglected burial grounds and cemeteries. It allows municipalities to apply for funds on a form and in the manner the OPM secretary prescribes.

The bill protects municipalities and their employees, officers, and agents from civil or criminal liability arising from their care and maintenance of a neglected burial ground or cemetery. It also specifically allows municipalities to mow the lawns of neglected burial grounds or cemeteries, and makes minor and technical changes regarding municipal authority to care for such sites.

By law, municipalities can undertake certain maintenance of burial grounds or cemeteries that (1) have more than six places of internment; (2) are not under the control or management of a functioning cemetery association; and (3) show certain signs of neglect, including weeds and damage to fences. Such maintenance includes clearing weeds and repairing fences.

\*House Amendment "A" extends the liability protection to municipal employees, officers, and agents.

EFFECTIVE DATE: October 1, 2014

**COMMITTEE ACTION**

Public Health Committee

Joint Favorable

Yea 26 Nay 0 (03/21/2014)

Planning and Development Committee

Joint Favorable

Yea 18 Nay 0 (04/21/2014)