



House of Representatives

General Assembly

File No. 476

February Session, 2014

House Bill No. 5557

House of Representatives, April 9, 2014

The Committee on Public Health reported through REP. JOHNSON of the 49th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

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 Section 19a-308 of the general statutes is repealed and the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) A municipality shall not be liable for civil damages or criminal
14 penalties resulting from undertaking the care and maintenance of a

15 burial ground or cemetery, as described in subsection (a) of this
16 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 Section 7-74 of the general statutes is repealed and the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:

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

PH *Joint Favorable*

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.

The Out Years

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

OLR Bill Analysis**HB 5557*****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 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 from liability for civil damages or criminal penalties due to 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.

EFFECTIVE DATE: October 1, 2014

COMMITTEE ACTION

Public Health Committee

Joint Favorable

Yea 26 Nay 0 (03/21/2014)