

JAN 18 2006
LOCAL GOVERNMENT

HOUSE FILE 2071
BY SWAIM

(COMPANION TO SF 2008
BY KREIMAN)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to access to certain burial sites located on
2 private property.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2071

1 Section 1. Section 523I.316, subsection 3, Code Supplement
2 2005, is amended to read as follows:

3 3. DUTY TO PRESERVE AND PROTECT.

4 a. A governmental subdivision having a cemetery, or a
5 burial site that is not located within a dedicated cemetery,
6 within its jurisdiction, for which preservation is not
7 otherwise provided, shall preserve and protect the cemetery or
8 burial site as necessary to restore or maintain its physical
9 integrity as a cemetery or burial site. The governmental
10 subdivision may enter into an agreement to delegate the
11 responsibility for the preservation and protection of the
12 cemetery or burial site to a private organization interested
13 in historical preservation.

14 b. If a public or private organization enters into an
15 agreement with a governmental subdivision pursuant to this
16 subsection to preserve and protect a cemetery or burial site
17 that is located on property owned by another person within the
18 jurisdiction of the governmental subdivision, the governmental
19 subdivision shall notify the property owner of the location of
20 the cemetery or burial site and that the property owner is
21 required to permit members of the organization reasonable
22 ingress and egress for the purposes of preserving and
23 protecting the cemetery or burial site.

24 EXPLANATION

25 This bill provides that if a public or private organization
26 enters into an agreement with a governmental subdivision to
27 preserve and protect a cemetery or burial site that is located
28 on the property of another person within the jurisdiction of
29 the governmental subdivision, the governmental subdivision
30 shall notify the property owner of the location of the
31 cemetery or burial site and that the property owner is
32 required to permit members of the organization reasonable
33 ingress and egress for the purposes of preserving and
34 protecting the cemetery or burial site.

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