

FEB 1 2006
LOCAL GOVERNMENT

HOUSE FILE 2219
BY KAUFMANN and LALK

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

A BILL FOR

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

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

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HF 2219

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 public or private organization
13 interested 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 c. For the purposes of this subsection, reasonable ingress
25 and egress to a cemetery or burial site shall include the
26 following:

27 (1) A member of a public or private organization who
28 desires to visit such a cemetery or burial site shall give the
29 property owner at least ten days' notice of the intended
30 visit.

31 (2) If the property owner cannot provide reasonable access
32 to the cemetery or burial site on the desired date, the
33 property owner shall provide reasonable alternative dates when
34 the property owner can provide access to the member.

35 d. A governmental subdivision that enters into an

1 agreement with a public or private organization pursuant to
2 this subsection is liable for any personal injury or property
3 damage that occurs in connection with the preservation or
4 protection of the cemetery or burial site or access to the
5 cemetery or burial site.

6 EXPLANATION

7 This bill provides that if a public or private organization
8 enters into an agreement with a governmental subdivision to
9 preserve and protect a cemetery or burial site that is located
10 on the property of another person within the jurisdiction of
11 the governmental subdivision, the governmental subdivision
12 shall notify the property owner of the location of the
13 cemetery or burial site and that the property owner is
14 required to permit members of the organization reasonable
15 ingress and egress for the purposes of preserving and
16 protecting the cemetery or burial site.

17 The bill provides that reasonable ingress and egress to a
18 cemetery or burial site must include 10 days' advance notice
19 to the property owner that a member of an organization desires
20 to visit the cemetery or burial site and if the property owner
21 cannot provide reasonable access on the desired date, the
22 owner must provide reasonable alternative dates when the
23 member can visit.

24 The bill also provides that a governmental subdivision that
25 enters into an agreement with an organization to delegate
26 responsibility for a cemetery or burial site to the
27 organization is liable for any damages that occur in
28 connection with the preservation or protection of the cemetery
29 or burial site or access to the cemetery or burial site.

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