

CHAPTER 1158

PROGRAMS OF HISTORICAL SIGNIFICANCE

S. F. 1126

AN ACT relating to and appropriating funds for programs of historical significance under the jurisdiction of the state archaeologist and the Iowa state historical department.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. There is appropriated from the general fund of the state to the
2 Iowa state historical department for the fiscal year beginning July 1, 1976, and
3 ending June 30, 1977, the following amounts, or so much thereof as may be
4 necessary, to be used in the manner designated:

	1976-1977
	<u>Fiscal Year</u>
7 IOWA STATE HISTORICAL DEPARTMENT	
8 1. State historical board:	
9 For per diem and expense of the board	\$ 15,000
10 2. Division of historical museum and archives:	
11 For salary, support, maintenance and miscellaneous purposes	\$ 323,895
12 3. Division of historic preservation:	
13 For salaries, support, maintenance and miscellaneous purposes	\$ 67,248
14 4. Division of the state historical society:	
15 For salaries, support, maintenance and miscellaneous purposes	\$ 324,163
16 For gathering and controlling bibliographical data on newspapers	\$ 17,170
17 5. Montauk governor's mansion:	
18 For salaries, support, maintenance, capital improvements and	
19 miscellaneous purposes	\$ 54,738

1 SEC. 2. All federal grants to and the federal receipts of the agencies
2 appropriated funds under this Act are appropriated for the purposes set forth in
3 such federal grants or receipts.

1 SEC. 3. It is the recommendation of the general assembly that a nominal
2 entrance fee be charged, as authorized by subsection eleven (11) of section three
3 hundred three point five (303.5) of the Code, for Montauk governor's mansion,
4 with all fees collected to be deposited in the general fund as required by section
5 three hundred three point nine (303.9) of the Code.

1 SEC. 4. The division of the state historical society shall acquire on behalf of
2 the state of Iowa title to the site known as Montauk governor's mansion.

1 SEC. 5. Section three hundred three point three (303.3), Code 1975, is
2 amended to read as follows:

3 **303.3 Divisions of department.** The Iowa state historical department shall
4 consist of the division of historical museum and archives, located in Des Moines,
5 and the division of the state historical society, located in Iowa City, and the
6 division of historic preservation, both located in Iowa City in order to benefit
7 from, and contribute to, the state University of Iowa.

1 SEC. 6. There is appropriated from the general fund of the state for the fiscal
2 year commencing July 1, 1976 and ending June 30, 1977 to the state board of
3 regents, the sum of fifteen thousand (15,000) dollars, or so much thereof as may
4 be necessary, to be used by the state archaeologist in investigating, reporting upon
5 and interring ancient human remains pursuant to section seven (7) of this Act.

1 SEC. 7. Chapter three hundred five A (305A), Code 1975, is amended by
2 adding the following new sections:

3 NEW SECTION. The state archaeologist shall have the primary responsibility
4 for investigating, preserving and reintering discoveries of ancient human remains.
5 For the purposes of section six (6) of this Act ancient human remains shall be
6 those remains found within the state which are more than one hundred fifty years
7 old. The state archaeologist shall make arrangements for the services of a forensic
8 osteologist in studying and interpreting ancient burials and may designate other
9 qualified archaeologists to assist the state archaeologist in recovering physical and
10 cultural information about the ancient burials. The state archaeologist shall file
11 with the department of health a written report containing both physical and
12 cultural information regarding the remains at the conclusion of each
13 investigation.

14 NEW SECTION. The state archaeologist shall establish, with the approval of the
15 executive council, a cemetery on existing state lands for the reburial of ancient
16 human remains found in the state. The cemetery shall not be open to the public.
17 The state archaeologist in cooperation with the Iowa state conservation
18 commission shall be responsible for coordinating interment in the cemetery.

1 SEC. 8. Section three hundred thirty-nine point five (339.5), Code 1975, is
2 amended to read as follows:

3 **339.5 Reports by others.** Every person who knows of the existence of a body
4 where death occurred in the manner specified in section 339.6, shall notify the
5 county or state medical examiner or the city or state law enforcement agency or
6 county sheriff thereof as soon as possible, unless such person shall have good
7 reason to believe that such notice has already been given. *If the remains are*
8 *believed to be over one hundred fifty years old, the state archaeologist shall be*
9 *notified.* Any person who shall fail to give such notice to a ~~medical examiner~~ shall
10 be guilty of a public offense, and upon conviction thereof shall be punished by a
11 fine of not more than five hundred dollars or a ~~sentence in the county jail of not~~
12 ~~more than six months, or by both such fine and imprisonment.~~

1 SEC. 9. Section seven hundred fourteen point twenty-one (714.21), Code 1975,
2 is amended to read as follows:

3 **714.21 Violating sepulcher.** If any person, without lawful authority, willfully
4 dig up, disinter, remove, or carry away any human body, or the remains thereof,
5 *including ancient human remains as defined in section six (6) of this Act,* from its
6 place of interment; or aid, assist, encourage, incite, or procure the same to be
7 done or attempted; or willfully receive, conceal, or dispose of any such human
8 body or the remains thereof; or if any person, with the intent to commit any of
9 the aforesaid acts, partially perform the same, ~~he~~ *the person* shall be imprisoned in
10 the penitentiary not more than two years, or be fined not exceeding twenty-five
11 hundred dollars, or both.

1 SEC. 10.

2 1. It is the intent of the general assembly that, as used in chapter three hundred
3 three (303) of the Code, "state historical society" means only the division of the
4 Iowa state historical department, an agency solely of the state, which is
5 denominated the division of the state historical society. It does not mean or
6 include any private entity.

7 2. A corporation organized under the laws of this state shall not exercise any
8 powers or duties exercisable by law by the Iowa state historical department and
9 its divisions. If a corporation exercises or attempts to exercise these powers or
10 duties, it shall be subject to an equitable suit for involuntary dissolution by any
11 interested person.

12 3. Unless specifically designated otherwise, any gift, bequest, devise,
13 endowment, or grant to or application for membership in the state historical
14 society shall be presumed to be to or in the division of the state historical society
15 of the Iowa state historical department.

1 SEC. 11.

2 1. Without personal liability, the director of the division of the state historical
3 society shall immediately take possession of all real or personal property of the
4 state historical society and treat it as property of the state. If any of this property
5 is money, the director shall deposit it as provided in chapter three hundred three
6 (303) of the Code.

7 2. To implement any of the provisions of this Act and notwithstanding
8 anything to the contrary in chapter thirteen (13) of the Code, the executive
9 council may appoint competent legal counsel to represent the Iowa state historical
10 department and its divisions. There is appropriated from unappropriated funds in
11 the general fund of the state an amount necessary to pay the reasonable expense
12 incurred under this subsection.

Approved June 28, 1976

CHAPTER 1159

HISTORICAL PRESERVATION DISTRICTS

H. F. 1498

AN ACT relating to establishment of historical preservation districts.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. NEW SECTION. **Definitions.** As used in this Act, unless the
2 context otherwise requires:

3 1. "Area of historical significance" means contiguous pieces of property of no
4 greater area than one hundred sixty acres under diverse ownership which:

5 a. Are significant in American history, architecture, archaeology and culture,
6 and

7 b. Possess integrity of location, design, setting, materials, workmanship, feeling
8 and association, and

9 c. Are associated with events that have been a significant contribution to the
10 broad patterns of our history, or

11 d. Are associated with the lives of persons significant in our past, or

12 e. Embody the distinctive characteristics of a type; period; method of
13 construction; represent the work of a master; possess high artistic values;
14 represent a significant and distinguishable entity whose components may lack
15 individual distinction.

16 f. Have yielded, or may be likely to yield, information important in prehistory
17 or history.

18 2. "Commission" is the five-person body, elected by the qualified electors in the
19 historical preservation district from persons living in the district for the purpose
20 of administering this Act.

21 3. "District" means a historical preservation district established under this Act.

22 4. "Division" means the division of historical preservation, Iowa state historical
23 department.

24 5. "Exterior features" means the architectural style, general design and general
25 arrangement of the exterior of a building or other structure, including the kind
26 and texture of the building material and the type and style of all windows, doors,
27 light fixtures, signs and other appurtenant fixtures. In the case of an outdoor
28 advertising sign, "exterior features" means the style, material, size and location of
29 the sign.