

CHAPTER 140
PRIVATE BURIAL SITES
H.F. 472

AN ACT relating to burial sites on private property.

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

Section 1. Section 558.69, Code 1999, is amended to read as follows:

558.69 REPORTING OF PRIVATE BURIAL SITES, WELLS, DISPOSAL SITES, UNDERGROUND STORAGE TANKS, AND HAZARDOUS WASTE — LIABILITY.

With each declaration of value submitted to the county recorder under chapter 428A, there shall also be submitted a statement regarding whether any known private burial site is situated on the property, and if a known private burial site is situated on the property, the statement shall state the approximate location of the site. The statement shall also state that no known wells are situated on the property, or if known wells are situated on the property, the statement must state the approximate location of each known well and its status with respect to section 159.29 or 455B.190. The statement shall also state that no known disposal site for solid waste, as defined in section 455B.301, which has been deemed to be potentially hazardous by the department of natural resources, exists on the property, or if such a known disposal site does exist, the location of the site on the property. The statement shall additionally state that no known underground storage tank, as defined in section 455B.471, subsection 11, exists on the property, or if a known underground storage tank does exist, the type and size of the tank, and any known substance in the tank. The statement shall also state that no known hazardous waste as defined in section 455B.411, subsection 3, or listed by the department pursuant to section 455B.412, subsection 2, or section 455B.464, exists on the property, or if known hazardous waste does exist, that the waste is being managed in accordance with rules adopted by the department of natural resources. The statement shall be signed by at least one of the sellers or their agents. The county recorder shall refuse to record any deed, instrument, or writing for which a declaration of value is required under chapter 428A unless the statement required by this section has been submitted to the county recorder. A buyer of property shall be provided with a copy of the statement submitted, and, following the fulfillment of this provision, if the statement submitted reveals no private burial site, well, disposal site, underground storage tank, or hazardous waste on the property, the county recorder may destroy the statement. The land application of sludges or soils resulting from the remediation of underground storage tank releases accomplished in compliance with department of natural resources rules without a permit is not required to be reported as the disposal of solid waste or hazardous waste.

If a declaration of value is not required, the above information shall be submitted on a separate form. The director of the department of natural resources shall prescribe the form of the statement and the separate form to be supplied by each county recorder in the state. The county recorder shall transmit the statements to the department of natural resources at times directed by the director of the department.

The owner of the property is responsible for the accuracy of the information submitted on the form. The owner's agent shall not be liable for the accuracy of information provided by the owner of the property. The provisions of this paragraph do not limit liability which may be imposed under a contract or under any other law.

Sec. 2. NEW SECTION. 566.35 BURIAL SITES LOCATED ON PRIVATE PROPERTY.

1. If a person notifies a governmental subdivision or agency of the existence within the jurisdiction of the governmental subdivision or agency of a burial site of the person's ancestor on property owned by another person, the owner of the property shall permit the person reasonable ingress and egress for the purposes of visiting the burial site, and the governmental subdivision or agency shall notify the owner of this obligation.

2. Pursuant to section 558.69, the declaration of value submitted to the county recorder under chapter 428A shall also include the existence of any known private burial site situated on the property.

Approved May 18, 1999

CHAPTER 141

PUBLIC HEALTH — MISCELLANEOUS PROGRAMS AND ISSUES

H.F. 497

AN ACT relating to certain programs and public health issues including those under the purview of the Iowa department of public health.

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

Section 1. Section 125.39, subsection 1, Code 1999, is amended by striking the subsection.

Sec. 2. Section 135.11, subsection 9, Code 1999, is amended to read as follows:

9. Exercise sole jurisdiction over the disposal and transportation of the dead bodies of human beings and prescribe the methods to be used in preparing such bodies for disposal and transportation. However, the department may approve a request for an exception to the application of specific embalming and disposition rules adopted pursuant to this subsection, if such rules would otherwise conflict with tenets and practices of a recognized religious denomination to which the deceased individual adhered or of which denomination the deceased individual was a member. The department shall inform the board of mortuary science examiners of any such approved exception which may affect services provided by a funeral director licensed pursuant to chapter 156.

Sec. 3. Section 135.22, Code 1999, is amended to read as follows:

135.22 CENTRAL REGISTRY FOR BRAIN OR SPINAL CORD INJURIES.

1. As used in this section, “brain:

a. ~~“Brain injury” means clinically evident brain damage or spinal cord injury resulting from trauma or anoxia, which temporarily or permanently impairs a person’s physical or cognitive functions~~ the occurrence of injury to the head not primarily related to a degenerative disease or aging process that is documented in a medical record with one or more of the following conditions attributed to the head injury:

(1) An observed or self-reported decreased level of consciousness.

(2) Amnesia.

(3) A skull fracture.

(4) An objective neurological or neuropsychological abnormality.

(5) A diagnosed intracranial lesion.

b. ~~“Spinal cord injury” means the occurrence of an acute traumatic lesion of neural elements in the spinal cord including the spinal cord and cauda equina, resulting in temporary or permanent sensory deficit, motor deficit, or bladder or bowel dysfunction.~~

2. The director shall establish and maintain a central registry of persons with brain ~~or spinal cord~~ injuries in order to facilitate prevention strategies and the provision of appropriate rehabilitative services to the persons by the department and other state agencies. Hospitals shall report patients who are admitted with a brain ~~or spinal cord~~ injury and their