

House Amendment 8579

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1 1 Amend the amendment, H=8566, to House File 2794 as
1 2 follows:

1 3 #1. Page 23, by inserting after line 5 the
1 4 following:

1 5 <Sec. _____. Section 523I.316, subsection 3, Code
1 6 Supplement 2005, is amended to read as follows:

1 7 3. DUTY TO PRESERVE AND PROTECT.

1 8 a. A governmental subdivision having a cemetery,
1 9 or a burial site that is not located within a
1 10 dedicated cemetery, within its jurisdiction, for which
1 11 preservation is not otherwise provided, shall preserve
1 12 and protect the cemetery or burial site as necessary
1 13 to restore or maintain its physical integrity as a
1 14 cemetery or burial site. The governmental subdivision
1 15 may enter into ~~an~~ a written agreement to delegate the
1 16 responsibility for the preservation and protection of
1 17 the cemetery or burial site to ~~a~~ the owner of the
1 18 property on which the cemetery or burial site is
1 19 located or to a public or private organization
1 20 interested in historical preservation. The
1 21 governmental subdivision shall not enter into an
1 22 agreement with a public or private organization to
1 23 preserve and protect the cemetery or burial site
1 24 unless the property owner has been offered the
1 25 opportunity to enter into such an agreement and has
1 26 declined to do so.

1 27 b. A governmental subdivision is authorized to
1 28 expend public funds, in any manner authorized by law,
1 29 in connection with such a cemetery or burial site.

1 30 c. If a governmental subdivision proposes to enter
1 31 into an agreement with a public or private
1 32 organization pursuant to this subsection to preserve
1 33 and protect a cemetery or burial site that is located
1 34 on property owned by another person within the
1 35 jurisdiction of the governmental subdivision, the
1 36 proposed agreement shall be written, and the
1 37 governmental subdivision shall provide written notice
1 38 by ordinary mail of the proposed agreement to the
1 39 property owner at least fourteen days prior to the
1 40 date of the meeting at which such proposed agreement
1 41 will be authorized. The notice shall include the
1 42 location of the cemetery or burial site and a copy of
1 43 the proposed agreement, and explain that the property
1 44 owner is required to permit members of the public or
1 45 private organization reasonable ingress and egress for
1 46 the purposes of preserving and protecting the cemetery
1 47 or burial site pursuant to the proposed agreement.
1 48 The notice shall also include the date, time, and
1 49 place of the meeting and a statement that the property
1 50 owner has a right to attend the meeting and to comment
2 1 regarding the proposed agreement.

2 2 d. Subject to chapter 670, a governmental
2 3 subdivision that enters into an agreement with a
2 4 public or private organization pursuant to this
2 5 subsection is liable for any personal injury or
2 6 property damage that occurs in connection with the
2 7 preservation or protection of the cemetery or burial
2 8 site or access to the cemetery or burial site by the
2 9 governmental subdivision or the public or private
2 10 organization.

2 11 For the purposes of this paragraph, "liable" means
2 12 liability for every civil wrong which results in
2 13 wrongful death or injury to a person or injury to
2 14 property or injury to personal or property rights and
2 15 includes but is not restricted to actions based upon
2 16 negligence; error or omission; nuisance; breach of
2 17 duty, whether statutory or other duty; or denial or
2 18 impairment of any right under any constitutional
2 19 provision, statute, or rule of law.

2 20 e. A property owner who is required to permit
2 21 members of a public or private organization reasonable
2 22 ingress and egress for the purpose or preserving or
2 23 protecting a cemetery or burial site on that owner's
2 24 property and who acts in good faith and in a

2 25 reasonable manner pursuant to this subsection is not
2 26 liable for any personal injury or property damage that
2 27 occurs in connection with the preservation or
2 28 protection of the cemetery or burial site or access to
2 29 the cemetery or burial site.
2 30 f. For the purposes of this subsection, reasonable
2 31 ingress and egress to a cemetery or burial site shall
2 32 include the following:
2 33 (1) A member of a public or private organization
2 34 that has entered into a written agreement with the
2 35 governmental subdivision who desires to visit such a
2 36 cemetery or burial site shall give the property owner
2 37 at least ten days' written notice of the intended
2 38 visit.
2 39 (2) If the property owner cannot provide
2 40 reasonable access to the cemetery or burial site on
2 41 the desired date, the property owner shall provide
2 42 reasonable alternative dates when the property owner
2 43 can provide access to the member.
2 44 (3) A property owner is not required to make any
2 45 improvements to that person's property to satisfy the
2 46 requirement to provide reasonable access to a cemetery
2 47 or burial site pursuant to this subsection.>

2 48 #2. Page 31, by inserting after line 18, the
2 49 following:
2 50 <#____. Title page, line 4, by inserting after the
3 1 word <taxes,> the following: <affecting the
3 2 administration of certain cemetery property by
3 3 governmental subdivisions,>.
3 4 #3. By renumbering as necessary.
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3 8 _____
3 8 HUSER of Polk
3 9

3 10 _____
3 11 KAUFMANN of Cedar
3 12
3 13

3 14 _____
3 15 LALK of Fayette
3 16
3 17

3 18 _____
3 19 SCHUELLER of Jackson
3 20
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3 22 _____
3 23 SWAIM of Davis
3 24
3 25 HF 2794.703 81
3 26 av/gg/5458