

Senate File 2333 - Enrolled

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SENATE FILE 2333

AN ACT

RELATING TO THE TRANSFER OF VETERANS COMMEMORATIVE PROPERTY
PLACED IN A CEMETERY, RECODIFYING A PROVISION REGARDING
VETERAN MARKERS, AND PROVIDING A PENALTY.

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

Section 1. Section 35A.5, Code Supplement 2005, is amended
by adding the following new subsection:

NEW SUBSECTION. 11. Authorize the sale, trade, or
transfer of veterans commemorative property pursuant to
chapter 37A.

Sec. 2. NEW SECTION. 37A.1 VETERANS COMMEMORATIVE
PROPERTY.

1. For purposes of this chapter, unless the context
otherwise requires:

a. "Cemetery" means as defined in section 523I.102, but
includes pioneer cemeteries. "Cemetery" does not include
religious cemeteries as defined in section 523I.102 that
commenced business prior to July 1, 2005.

b. "Department" means the Iowa department of veterans
affairs.

c. "Veteran" means a deceased person who served in the
armed forces of the United States during a war in which the
United States was engaged or served full-time in active duty
in a force of an organized state militia, excluding service in
the national guard when in an inactive status.

d. "Veterans commemorative property" means any memorial as
defined in section 523I.102, including a headstone, plaque,
statue, urn, decoration, flag holder, badge, shield, item of
memorabilia, or other embellishment, that meets all of the
following criteria:

(1) Is over seventy-five years old.

(2) Identifies or commemorates any veteran or group of
veterans, including any veterans organization or any military
unit, company, battalion, or division.

(3) Has been placed in a cemetery.

e. "Veterans organization" means the grand army of the
republic, sons of union veterans of the civil war, sons of
confederate veterans, veterans of foreign wars, disabled
American veterans, united Spanish war veterans, the Jewish war
veterans of the United States, inc., the catholic war
veterans, inc., American legion, American veterans of World
War II, Italian American war veterans of the United States,
inc., or other corporation or association of veterans.

2. A person who owns or controls a cemetery where any
veterans commemorative property has been placed shall not
sell, trade, or transfer any part of such veterans
commemorative property unless the department authorizes the
person to do so. The department may authorize the sale,
trade, or transfer based upon the following criteria:

a. The veterans commemorative property is at reasonable
risk of physically deteriorating so that it will become
unrecognizable as identifying or commemorating the veteran or
group of veterans originally identified or commemorated.

b. The veterans commemorative property is proposed to be
sold, traded, or transferred to a suitable person that will
preserve the current condition of the veterans commemorative
property and place it in a suitable place that will
commemorate the veteran or group of veterans.

c. The person needs to sell, trade, or transfer the
veterans commemorative property to ensure that sufficient
funds are available to suitably maintain the cemetery where
the veterans commemorative property is placed, and the
specific lot, plot, grave, burial place, niche, crypt, or
other place of interment of such veteran or group of veterans.

d. The veterans commemorative property that is to be sold,
traded, or transferred will be replaced at its original site
by a fitting replacement commemorative property, monument, or
marker that appropriately identifies and commemorates the
veteran or group of veterans.

3 4 e. If the person reasonably believes that the veterans
3 5 commemorative property to be sold, traded, or transferred was
3 6 donated by a veterans organization, the veterans organization
3 7 consents to the sale, trade, or transfer of the veterans
3 8 commemorative property.
3 9 f. If the person is not the owner of the veterans
3 10 commemorative property that is to be sold, traded, or
3 11 transferred, the person is authorized by the owner of such
3 12 veterans commemorative property, or by operation of law other
3 13 than this section, to sell, trade, or transfer the veterans
3 14 commemorative property and to retain and use the proceeds of
3 15 the sale, trade, or transfer.
3 16 3. A person who engages in the sale, trade, or transfer of
3 17 veterans commemorative property without the authorization of
3 18 the department pursuant to this section is guilty of a simple
3 19 misdemeanor.
3 20 4. The department may adopt rules in accordance with
3 21 chapter 17A to administer this chapter.
3 22 Sec. 3. CODE EDITOR DIRECTIVE. The Code editor is
3 23 directed to transfer section 714.7A regarding theft of a
3 24 veteran's grave marker to chapter 35B as section 35B.16A.
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3 28 JEFFREY M. LAMBERTI
3 29 President of the Senate
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3 32 CHRISTOPHER C. RANTS
3 33 Speaker of the House
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4 1 I hereby certify that this bill originated in the Senate and
4 2 is known as Senate File 2333, Eighty-first General Assembly.
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4 5 MICHAEL E. MARSHALL
4 6 Secretary of the Senate
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4 8 Approved _____, 2006
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4 11 THOMAS J. VILSACK
4 12 Governor
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