House File 469 - Introduced

A BILL FOR

1 An Act relating to the protection and care of pioneer
2   cemeteries.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 523I.102, subsection 6, Code 2011, is
2 amended to read as follows:
3 6. *a.* *"Cemetery"* means any area that is or was open to use
4 by the public in general or any segment thereof and is used or
5 is intended to be used to inter or scatter remains.
6 *b.* *"Cemetery"* does not include the following:
7 *a.* (1) A private burial site where use is restricted to
8 members of a family, if the interment rights are conveyed
9 without a monetary payment, fee, charge, or other valuable form
10 of compensation or consideration.
11 *b.* (2) A private burial site where use is restricted to
12 a narrow segment of the public, if the interment rights are
13 conveyed without a monetary payment, fee, charge, or other
14 valuable form of compensation or consideration.
15 *c.* (3) A pioneer cemetery.
16 *c.* Notwithstanding paragraph *"b"*, subparagraph (3), a
17 pioneer cemetery shall be considered a cemetery for the
18 purposes of section 523I.316, 523I.317, 523I.401, and 523I.402.
19   EXPLANATION
20 This bill extends certain protections to pioneer cemeteries
21 that are available to cemeteries. A pioneer cemetery is
22 defined as a cemetery where there were 12 or fewer burials
23 in the preceding 50 years. Currently, a pioneer cemetery is
24 specifically excluded from the definition of a cemetery for
25 purposes of cemetery regulation in Code chapter 523I.
26 The bill provides that a pioneer cemetery shall be
27 considered a cemetery for the purposes of preserving and
28 protecting a cemetery for which preservation is not otherwise
29 provided, providing reasonable public access to a cemetery,
30 allowing interested persons to report a neglected cemetery to
31 the commissioner of insurance, and allowing the removal of
32 remains from one cemetery to another upon a showing of good
33 cause.