HOUSE FILE 698
BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO HSB 234)

(As Amended and Passed by the House March 20, 2019)
ALL New Language by the House

A BILL FOR

An Act relating to the jurisdiction and management of pioneer cemeteries.

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

Section 1. Section 331.325, subsection 3, Code 2019, is amended to read as follows:

3. *a.* In lieu of management of the cemeteries, the board of supervisors may create, by ordinance, a cemetery commission to assume jurisdiction and management of the pioneer cemeteries in the county. The ordinance shall delineate the number of commissioners, the appointing authority, the term of office, officers, employees, organizational matters, rules of procedure, compensation and expenses, and other matters deemed pertinent by the board. The board may delegate any power and duties relating to cemeteries ~~which~~ that may otherwise be exercised by township trustees pursuant to sections 359.28 through 359.40 to the cemetery commission except the commission shall not certify a tax levy pursuant to section 359.30 or 359.33 and except that the expenses of the cemetery commission shall be paid from the county general fund.

b. The cemetery commission, once created, may continue to assume jurisdiction and management of a cemetery that would no longer qualify as a pioneer cemetery due to recent burials if the cemetery qualified as a pioneer cemetery upon or after creation of the cemetery commission. The choice to continue retaining jurisdiction and control of a cemetery that no longer qualifies as a pioneer cemetery shall be made jointly between the county board of supervisors and the cemetery commission.

c. The board of supervisors and the cemetery commission may jointly decide to allow the cemetery commission to care for any cemetery that had between thirteen and twenty-four burials within the previous fifty years. However, a cemetery that had thirteen or more burials within the previous fifty years shall not be considered a pioneer cemetery.