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HOUSE REPUBLICAN STAFF ANALYSIS

Bill: House File 469
Committee: State Government
Date: March 7, 2011
Staff: Kristi Kielhorn (2-5290)
Members: Representative Kaufmann

Pioneer Cemeteries

House File 469 notwithstanding the definition of cemetery for some enumerated purposes.

Summary of Action

Passed House State Government 23-0
Referred to House State Government

Section by Section Analysis

Section 1—Definition, Pioneer Cemeteries

Currently, Iowa Code Section 523I.102(6) states that a pioneer cemetery is not included in the definition of cemetery for that chapter. A pioneer cemetery is defined as one where 12 or fewer burials have occurred in the last 50 years. This strike after amendment notwithstanding the proposition that pioneer cemeteries are not cemeteries for purposes of the following code sections:

- 523I.16
This means a governmental subdivision notified of the existence of a pioneer cemetery (that is not otherwise provided for under 523I) is required to notify the land owner of its existence as well as the state archaeologist of there is a basis to believe that interment may have occurred more than 150 years earlier. The governmental subdivision must also preserve and protect a pioneer cemetery or enter into an agreement with the landowner or an interested organization to do so. Reasonable ingress and egress requirements for preservation and for families of buried persons also apply to pioneer cemeteries.
- 523I.17
This means that pioneer cemeteries must allow for public access at reasonable times.
- 523I.401

This means that the commissioner of insurance is to create a form that interested persons may use to report neglected cemeteries and pioneer cemeteries to the commissioner. It also requires that the commissioner catalogue and review any neglect received on or before December 31, 2011 and then publish a report within a year.

- 523I.402

This means that a county cemetery commission, an heir at law, or a descendent of a deceased buried person is allowed to file suit to have remains removed from a pioneer cemetery and put in another cemetery.