

## CHAPTER 114

## HIGHWAYS

S. F. 159

AN ACT to amend sections forty-seven hundred thirty-six (4736) and forty-seven hundred thirty-eight (4738) of the code, 1924, relating to the maintenance of the primary roads of the state and the purchase of material and machinery for roads; creating a primary road development fund and providing for the expenditure thereof; providing for the payment of the primary road bonds and providing for the condemnation of real and personal property for use of the highways of the state.

*Be it enacted by the General Assembly of the State of Iowa:*

1     **SECTION 1. Highway commission in general authority.** That section  
2     forty-seven hundred thirty-six (4736) of the code, 1924, is hereby  
3     amended by striking paragraphs one and two and substituting in lieu  
4     thereof the following:

5     “The highway commission shall have general authority and super-  
6     vision over the maintenance of the primary roads outside of cities and  
7     towns and along the corporate limit lines thereof, and are hereby in-  
8     structed to cooperate with the various county boards of supervisors  
9     to provide and establish an economical policy of primary road main-  
10    tenance. In case of disagreement as to policy between the highway  
11    commission and the county boards of the various counties the decision  
12    of the highway commission as to policy shall be final.

13    Bills for said work shall be prepared and shall designate the amounts  
14    properly chargeable to the individual counties of the state and shall  
15    be paid from the counties’ allotment of the primary road fund.”

1     **SEC. 2. Road machinery.** That section forty-seven hundred thirty-  
2     eight (4738) of the code, 1924, is hereby amended by adding to the  
3     end thereof the following:

4     “Road machinery purchased by any county out of the primary road  
5     fund, and government trucks or tractors used by any county for  
6     maintaining primary roads shall be available for use by the highway  
7     commission in maintaining the primary roads of said county.”

1     **SEC. 3. Primary road development fund—procedure.** Before the  
2     primary road fund is allotted among the counties each year, there  
3     shall be set aside the federal aid road fund and an amount equal to the  
4     amount received from the federal government as road aid during the  
5     year, to constitute a primary road development fund, which primary  
6     road development fund shall be expended under the jurisdiction of the  
7     state highway commission for the improvement of primary roads.  
8     In the expenditure of the primary road development fund the com-  
9     mission shall have the power to receive bids, award and execute con-  
10    tracts and proceed with the construction work and all the provisions  
11    of the primary road law so far as applicable, shall apply to the work  
12    done and the expenditure of said fund. The highway commission  
13    shall keep a record showing in detail the expenditures from said fund,  
14    which records shall show in which counties the expenditures were  
15    made and the amount expended in each county.

16    The highway commission shall, prior to the making of any contract

17 involving expenditures from the primary road development fund, file  
 18 with the board of supervisors detailed plans and specifications, includ-  
 19 ing the estimated cost, the character of the improvement proposed,  
 20 the character of the surface, if any, and the proposed form of contract  
 21 to be made. Within five days after the making of any such contract,  
 22 the highway commission shall file a copy thereof with the board of  
 23 supervisors, accompanied by the commission's estimate of additional  
 24 expenditures above the amount provided in the contract for the work  
 25 to be performed. For a period of fifteen days after the filing of either  
 26 of the foregoing, the board of supervisors shall have the right to  
 27 object to the same or to any part thereof. The objection must be in  
 28 writing, filed with the highway commission, and setting forth the  
 29 objections with reasonable particularity. If objections are filed the  
 30 commission shall meet promptly with the board of supervisors at the  
 31 county seat to hear the objections. After such hearings, the commis-  
 32 sion may make such changes, if any, as conditions justify.

33 Upon the completion of any project or contract to be paid for from  
 34 the primary road development fund the commission shall file with  
 35 the board of supervisors of the county in which the work has been  
 36 done a report thereof together with a statement of the total of the  
 37 project.

1 **SEC. 3-a. Limitation.** If in any year the primary road allotment  
 2 of any county is not sufficient to maintain the primary roads of said  
 3 county and pay the maturing principal of primary road bonds author-  
 4 ized by the county prior to April 2nd, 1925, said deficiency shall be  
 5 made up from the primary road development fund.

6 Provided that the county's allotment of the primary road fund plus  
 7 the amount of the primary road development fund made available to  
 8 the county under this section shall not in any year exceed the total  
 9 amount of both of said funds which said county would have received  
 10 if said development fund had been allotted among the counties on the  
 11 area basis.

1 **SEC. 4. Machinery and material.** The highway commission is  
 2 authorized to purchase road material and machinery for primary roads  
 3 after receiving competitive bids and to pay for same out of the primary  
 4 road development fund.

1 **SEC. 5. Eminent domain.** The state may purchase or condemn any  
 2 corporate or private personal property, including manufactured or  
 3 processed commodities that may be needed for the construction, main-  
 4 tenance or repair of the highways of the state, and where condemna-  
 5 tion proceedings are instituted they shall be conducted under the  
 6 provisions of chapters three hundred sixty-five (365) and three hun-  
 7 dred sixty-six (366) of the code, 1924.

1 **SEC. 6. Date effective.** This act shall take effect on November 30th,  
 2 1925, and be in force thereafter.

Approved April 3, A. D. 1925.