CHAPTER 263B
STATE ARCHAEOLOGIST

263B.1 Appointment.
The state board of regents shall appoint a state archaeologist, who shall be a member of
the faculty of the department of anthropology of the state university of Iowa.
[C62, 66, 71, 73, 75, 77, 79, 81, §305A.1]
C93, §263B.1
Referred to in §457A.1

263B.2 Duties.
The state archaeologist shall have the primary responsibility for the discovery, location
and excavation of archaeological sites and for the recovery, restoration and preservation of
archaeological remains in and for the state of Iowa, and shall coordinate all such activities
through cooperation with the state department of transportation, the department of natural
resources, and other state agencies concerned with archaeological salvage or the products
thereof. The state archaeologist may publish educational and scientific reports relating to
the responsibilities and duties of the office.
[C62, 66, 71, 73, 75, 77, 79, 81, §305A.2]
C93, §263B.2

263B.3 Agreements with federal departments.
The state archaeologist is authorized to enter into agreements and cooperative efforts
with the federal highway administrator; the United States departments of commerce,
interior, agriculture, and defense; and any other federal or state agencies concerned with
archaeological salvage or the preservation of antiquities.
[C62, 66, 71, 73, 75, 77, 79, 81, §305A.3]
C93, §263B.3

263B.4 Definitions.
As used in sections 263B.5 and 263B.6:
1. "Historical objects" means archaeological and paleontological objects, including all
ruins, sites, buildings, artifacts, fossils, or other objects of antiquity that have state and
national significance from an historical or scientific standpoint for the inspiration and benefit
of the people of the United States.
2. "Salvage" means the salvage of historical objects.
3. "Appropriate authority" means the federal or state authorities concerned with the
preservation and study of historical objects.
[C66, 71, 73, 75, 77, 79, 81, §305A.4]
C93, §263B.4

263B.5 State department of transportation contracts.
1. The state department of transportation in letting contracts for road construction shall
take action to see that historical objects will not be needlessly destroyed or if such destruction
cannot be avoided reasonable action shall be taken to obtain all information concerning such
objects prior to destruction. If it should appear that the proposed construction will result in
the destruction of historical objects and it is determined by the appropriate authority that
such objects cannot be reasonably removed or otherwise preserved, consideration shall be
given to possible alternate locations of the highway.

2. If during the course of construction, historical objects are encountered, the appropriate
authority shall be notified immediately and steps taken to excavate and preserve the objects
if practicable or if preservation is impracticable, to permit the appropriate authority to obtain
and record data relative thereto.

3. Agreements may be entered into with the appropriate authority to pay from federal
highway funds the reasonable cost of salvage work. Extra work orders may be issued to
the contractor where necessary and extra work orders may be issued in cases within the
meaning of “subsurface or lateral conditions” or “unknown physical conditions” where such
terms are used in the standard contract forms. Payment for salvage work shall be limited to
that performed within the roadway prism and any location designated as a source of material.
If the contractor’s operations are delayed because of salvage work such contractor shall be
entitled to an appropriate extension of the contract time. If practicable, the operations shall
be rescheduled to avoid the section where the historical material is, until the removal of it.

4. The cost of exploratory work prior to construction shall be borne by the appropriate
authority. Costs of excavation of historical objects or recordation of data may be paid by the
federal highway funds. Excavation costs may include costs of protecting and preservation
during removal from the site but shall not include the expense of shipping historical objects
from the site.

[C66, 71, 73, 75, 77, 79, 81, §305A.5]
C93, §263B.5
Referred to in §263B.4

263B.6 Federal funds.
Where federal funds are available to the state under federal statutes providing for
archaeological and paleontological salvage, they shall be collected and credited as provided
in section 307.44.

[C66, 71, 73, 75, 77, 79, 81, §305A.6]
C93, §263B.6
Referred to in §263B.4

263B.7 Ancient remains.
The state archaeologist has the primary responsibility for investigating, preserving, and
reinterring discoveries of ancient human remains. For the purposes of this section, ancient
human remains are those remains found within the state which are more than one hundred
fifty years old. The state archaeologist shall make arrangements for the services of a forensic
osteologist in studying and interpreting ancient burials and may designate other qualified
archaeologists to assist the state archaeologist in recovering physical and cultural information
about the ancient burials. The state archaeologist shall file with the Iowa department of
public health a written report containing both physical and cultural information regarding
the remains at the conclusion of each investigation.

[C77, 79, 81, §305A.7]
91 Acts, ch 97, §41
C93, §263B.7

263B.8 Cemetery for ancient remains.
The state archaeologist shall establish, with the approval of the executive council, a
cemetery on existing state lands for the reburial of ancient human remains found in the
state. The cemetery shall not be open to the public. The state archaeologist in cooperation
with the department of natural resources shall be responsible for coordinating interment in the
cemetery.

[C77, 79, 81, §305A.8]
C93, §263B.8
263B.9 Authority to deny permission to disinter human remains.
The state archaeologist shall have the authority to deny permission to disinter human remains that the state archaeologist determines have state and national significance from an historical or scientific standpoint for the inspiration and benefit of the people of the United States.
[C79, 81, §305A.9]
C93, §263B.9

263B.10 Confidentiality of archaeological locations and information.
The state archaeologist shall comply with the requirements of section 22.7, subsection 20, regarding information pertaining to the nature and location of archaeological resources or sites. The state archaeologist shall consult with other public officers serving as lawful custodians of archaeological information to determine whether the information should be confidential or be released.
86 Acts, ch 1228, §2
C87, §305A.10
C93, §263B.10