

February 25, 1965.
Transportation. "do pass" 3/15

House File 371
By GILLETTE of Story.

Passed House, Date 3/26

Passed Senate, Date 5/28

Vote: Ayes 170 Nays 0

Vote: Ayes 52 Nays 0

Approved June 2, 1965

passed on file 3/29
+ transportation 3/21
pass 5/24

A BILL FOR

An Act to authorize the state highway commission to enter into agreements for removal and preservation of historical, archeological, and paleontological remains disturbed or to be disturbed by highway construction.

Be It Enacted by the General Assembly of the State of Iowa:

1 Section 1. As used in this Act:

2 1. "Historical objects" means archeological and paleontologi-
3 cal objects, including all ruins, sites, buildings, artifacts,
4 fossils, or other objects of antiquity that have state and nation-
5 al significance from an historical or scientific standpoint for
6 the inspiration and benefit of the people of the United States.

7 2. "Salvage" means the salvage of historical objects.

8 3. "Appropriate authority" means the federal or state author-
9 ities concerned with the preservation and study of historical
10 objects.

1 Sec. 2. 1. The state highway commission in letting contracts
2 for road construction shall take action to see that historical
3 objects will not be needlessly destroyed or if such destruction
4 cannot be avoided reasonable action shall be taken to obtain all
5 information concerning such objects prior to destruction. If it
6 should appear that the proposed construction will result in the
7 destruction of historical objects and it is determined by the
8 appropriate authority that such objects cannot be reasonably re-
9 moved or otherwise preserved, consideration shall be given to

10 possible alternate locations of the highway.

11 2. If during the course of construction, historical objects
12 are encountered, the appropriate authority shall be notified im-
13 mediately and steps taken to excavate and preserve the objects if
14 practicable or if preservation is impracticable, to permit the ap-
15 propriate authority to obtain and record data relative thereto.

16 3. Agreements may be entered into with the appropriate author-
17 ity to pay from federal highway funds the reasonable cost of sal-
18 vage work. Extra work orders may be issued to the contractor
19 where necessary and extra work orders may be issued in cases with-
20 in the meaning of "subsurface or lateral conditions" or "unknown
21 physical conditions" where such terms are used in the standard
22 contract forms. Payment for salvage work shall be limited to
23 that performed within the roadway prism and any location desig-
24 nated as a source of material. If the contractor's operations
25 are delayed because of salvage work such contractor shall be en-
26 titled to an appropriate extension of the contract time. If
27 practicable, the operations shall be rescheduled to avoid the
28 section where the historical material is, until the removal of it.

29 4. The cost of exploratory work prior to construction shall
30 be borne by the appropriate authority. Costs of excavation of
31 historical objects or recordation of data may be paid by the fed-
32 eral highway funds. Excavation costs may include costs of pro-
33 tecting and preservation during removal from the site but shall
34 not include the expense of shipping historical objects from the
35 site.

1 Sec. 3. Where federal funds are available to the state under
2 federal statutes providing for archeological and paleontological
3 salvage, they shall be collected and credited as provided in sec-
4 tion three hundred seven point seven (307.7) of the Code.

EXPLANATION OF HOUSE FILE 371

This bill would save historical sites from destruction where highways are being built, and it would make it possible to readily secure federal funds to preserve historical landmarks in such a situation.