

CHAPTER 249.

ACCEPTANCE OF PROVISIONS OF FEDERAL ROAD AID ACT.

S. F. 327.

AN ACT to provide for the improvement and maintenance of rural post roads in accordance with the federal aid statute, providing for the construction of such highway improvements and the supervision thereof, defining the powers and duties of the public officials charged with the construction and supervision thereof, providing for the financing of such public improvements, accepting on behalf of the state and its political sub-divisions said federal aid proposal, and assenting to the provisions of the act of congress granting same.

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

1 **SECTION 1. Provisions of Federal Road Aid Act accepted.** That
 2 the state of Iowa, through its legislature, hereby accepts the proposal
 3 of the United States as set forth in the Act of Congress, approved July
 4 eleventh, nineteen hundred sixteen (1916), entitled "An Act To pro-
 5 vide that the United States shall aid the States in the construction of
 6 rural post roads, and for other purposes," thirty ninth United States
 7 Statutes at Large, page three hundred and fifty five, and assents to
 8 the provisions of said Act of Congress. For the construction and
 9 maintenance of rural post roads the good faith of the state is hereby
 10 pledged to cause to be made available funds sufficient to equal the
 11 sum apportioned to the state by or under the United States govern-
 12 ment during each of the five years for which Federal funds are ap-
 13 propriated by Section 3 of the said Act and to maintain the roads
 14 constructed with the aid of funds so appropriated, and to make ade-
 15 quate provisions for carrying out such maintenance.

1 **SEC. 2. State Highway Commission—duty to select roads.** The
 2 State Highway Commission is hereby authorized and directed, as soon
 3 as may reasonably be done, to designate and select from the roads
 4 which are now or hereafter may become rural post roads, including
 5 a part of each of the ninety-nine counties of the state and including
 6 not less than two thousand nor more than six thousand miles, giving
 7 equitable consideration to the claims of each county, said system to
 8 be so selected and designated as to at least meet the requirements of
 9 the federal act and a sufficient number of miles to at least require
 10 the full appropriation provided for by the federal act during the life
 11 of said statute. Before designating the roads of such system, the
 12 State Highway Commission shall request the co-operation and assist-
 13 ance of the boards of supervisors of the respective counties, and shall
 14 give due consideration to the judgment of each of said boards in such
 15 designations.

1 **SEC. 3. Management—duty of Highway Commission.** The
 2 State Highway Commission is hereby authorized and directed to enter
 3 into and complete negotiations with the Secretary of Agriculture and
 4 to secure the full apportionment from the Federal Aid Fund for and
 5 on behalf of the state of Iowa and the several counties thereof, and is
 6 further authorized to enter into all contracts and agreements with the
 7 United States government relating to the survey, construction and

8 maintenance of roads under the provisions of the said Act of Con-
9 gress, to submit such scheme or program of construction and main-
10 tenance as may be required by the Secretary of Agriculture, to super-
11 vise and direct the work of construction on behalf of the state of Iowa
12 and its counties, to supervise the expenditures of all funds paid out
13 on account of such work by the counties of the state, and do all other
14 things necessary fully to carry out the cooperation contemplated and
15 provided for by the said Federal Aid Road Act.

SEC. 4. **Application by supervisors—project statement—plans, etc.** The board of supervisors of each county of the state of Iowa is
2 hereby authorized to make application by resolution to the State High-
3 way Commission for the apportionment to such county of its share of
4 the Federal Aid Fund, indicating with particularity what portion of
5 the comprehensive system designated by the State Highway Commis-
6 sion in such county they desire to first improve and to clearly specify
7 the general character of the improvement which it is proposed to
8 make. The State Highway Commission shall act upon such application
9 promptly and, if approved, shall prepare a project statement and,
10 when funds for its construction are available, submit the same to the
11 Secretary of Agriculture for his approval and, if the same is approved
12 by him and conforms to the terms of the Federal Aid Road Act, then
13 the State Highway Commission shall prepare the plans and specifica-
14 tions for such improvement, or shall cause same to be prepared by the
15 county engineer under its supervision, which plans and specifications
16 shall thereupon, if satisfactory, be approved by the board of super-
17 visors and the State Highway Commission.

18 The board of supervisors of said county is hereby authorized and
19 directed to forthwith take the necessary legal action to execute and
20 enter into an agreement with the State Highway Commission, on forms
21 prepared by it; which agreement shall be a valid contract of the county
22 and obligate such county to cause the improvement to be made accord-
23 ing to said plans and specifications, and further bind the county to
24 maintain such improved highways in the manner required by the
25 Federal Aid Road Act and the rules made thereunder; provided, how-
26 ever, that such contract shall expressly provide that not to exceed an
27 amount equal to double the amount of the Federal Aid Fund appor-
28 tioned to the county in which such project is located, shall be paid out
29 of the Federal-County-Co-operative Road-Fund hereinafter created.

SEC. 5. **Apportionment of funds—certificate as to amount.** The
2 State Highway Commission is hereby directed to apportion the federal
3 aid provided for by the Federal Aid Road Act, among the several coun-
4 ties of the state, in the same ratio that the area of each county in the
5 state bears to the area of the state, and shall notify the auditor of each
6 county in writing the amount allotted to his respective county. The
7 State Highway Commission is further directed not later than the first
8 of March of each year to certify in writing to the treasurer of state the
9 amount of the federal aid apportioned to the state for each year dur-
10 ing the life of said Act of Congress; also the estimated annual expense
11 to the State Highway Commission for plans and specifications pre-
12 pared by it under the provisions of this act, which certificate shall be
13 kept in the office of the state treasurer.

1 **SEC. 6. Fund to be kept—payment of claims.** The treasurer of
2 state is hereby authorized and directed to receive, from time to time,
3 the federal funds apportioned to the state of Iowa, as provided for by
4 the said Act of Congress, and is hereby directed to open an account
5 to be known as the Federal-County-Cooperation-Road-Fund; and to
6 credit to such fund, from time to time, all federal aid received from
7 the United States government under the provisions of said Act of
8 Congress. The treasurer of state is further authorized and directed
9 before distributing the Motor Vehicle Road Fund to the counties to
10 transfer to such fund from any moneys paid into the state treasury
11 pursuant to the provisions of Chapter 2-B, Title VIII, supplement to
12 the code, 1913, as amended, an amount equal to the amount of federal
13 aid apportioned to the state of Iowa for that year under said Act of
14 Congress, one-half of which amount shall be transferred by said treas-
15 urer of state on the first day of April and the other one-half of said
16 amount to be transferred on the first day of August of each year dur-
17 ing the life of the Federal Aid Road Act. The Federal-County-Co-
18 operation-Road-Fund shall be held in trust for the sole and exclusive
19 purpose of carrying out the provisions of the Federal Aid Road Act,
20 and shall be used for no other purpose.

21 The treasurer of state is also authorized and directed at the same
22 time and in the same manner to transfer from said Motor Vehicle Road
23 Fund, an amount equal to the estimated cost of plans and specifications
24 for the current year, as certified by the State Highway Commission,
25 which shall be known as The Federal-Aid-Engineering Fund. The
26 balance of the money paid into the state treasury under the provisions
27 of Chapter 2-B, Title VIII, supplement to the code, 1913, shall be ap-
28 portioned in the manner provided by section 1571-m32, supplemental
29 supplement, 1915. Whenever any improvement which is being con-
30 structed under and in accordance with the provisions hereof has been
31 completed or so far completed as to call for partial payments on the
32 contract price under the terms of the contract, a voucher, upon forms
33 prepared by the State Highway Commission, for the amount then due
34 the contractor shall be made out in itemized form and verified by such
35 contractor and presented to the State Highway Commission and the
36 board of supervisors; and if the work thus far completed is satisfac-
37 tory to such commission and the board of supervisors and according to
38 contract, the voucher shall be approved by the State Highway Com-
39 mission and the board of supervisors, which approval shall be in
40 writing upon the voucher. When a voucher so prepared and so ap-
41 proved is presented to the auditor of state, he is hereby authorized
42 and directed to thereupon draw a state warrant for the amount called
43 for in such voucher upon the Federal-County-Cooperation-Road-Fund,
44 payable to the claimant; and the treasurer of state is hereby author-
45 ized and directed to pay such warrants out of said fund and out of
46 no other.

47 The State Highway Commission is hereby authorized, on the first of
48 any calendar month, to prepare a voucher for all expenses previously
49 incurred by said commission in the preparation of plans and specifi-
50 cations under this act, and not heretofore reported, which voucher
51 shall be fully itemized, verified by the state engineer, and approved
52 by the State Highway Commission; and when such voucher so prepared
53 and approved is presented to the auditor of state, he is hereby author-

54 ized and directed to thereupon draw a state warrant, payable to said
 55 State Highway Commission, for the amount called for in said voucher
 56 upon the Federal-Aid-Engineering Fund; and the treasurer of state is
 57 hereby authorized and directed when presented such warrant properly
 58 indorsed, to transfer to the Maintenance Fund for the State High-
 59 way Commission, the amount of such warrant out of said Federal-Aid
 60 Engineering Fund, and out of no other.

1 **SEC. 7. Failure of county to apply for allotment.** In the event
 2 any county shall fail by July 1, 1920, to make application to the State
 3 Highway Commission for its allotment of federal aid funds and shall
 4 fail or neglect to enter into a contract for such improvement in the
 5 manner provided for in section 4 hereof, the said county shall be
 6 deemed to have waived its right to participate in such federal aid
 7 fund; and in such event, the State Highway Commission is hereby au-
 8 thorized and directed to use the allotment previously assigned to such
 9 county as hereinbefore provided, on any other portion of the compre-
 10 hensive scheme of road improvement selected by them and in any coun-
 11 ty or counties which may be designated by the Secretary of Agriculture
 12 as best designed to aid in the completion of the post road system of the
 13 state of Iowa; provided, however, such county or counties to which
 14 such abandoned apportionment has been allotted shall provide out of
 15 any funds in their treasury and available for road purposes, an amount
 16 equal to the allotment so made to said county, which allotment and
 17 appropriation made by the county shall be expended in the manner
 18 hereinbefore provided and in accordance with the requirements of the
 19 federal aid act.

Approved April 14, A. D. 1917.

CHAPTER 250.

DESCENT AND DISTRIBUTION OF INTESTATE PROPERTY.

S. F. 67.

AN ACT to amend section thirty-three hundred seventy-nine (3379) supplement of the code, relating to the disposition of property of an intestate who dies leaving a surviving spouse and no issue, and providing for the appraisement of the property of said estate.

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

1 **SECTION 1. Amendatory clause.** That section thirty-three hun-
 2 dred seventy-nine (3379) supplement to the code, 1913, be and the
 3 same is hereby amended by adding thereto the following:

1 **SEC. 2. Appraisal in case of surviving spouse and no issue.**
 2 That prior to the settlement of every such estate in which there is a
 3 surviving spouse it shall be the duty of the court to appoint three
 4 competent, disinterested appraisers, whose duty it shall be, after
 first being duly sworn, to appraise such estate and to make their