

1 **SEC. 2. Fee.** The license fee shall be one dollar (\$1.00) per annum,
2 and each license shall expire on March 1st after the date of issue.

1 **SEC. 3. Records.** Each licensee shall keep such records as the
2 Department of Agriculture shall require, as to date of purchase, name
3 and residence of seller and number and description of such poultry
4 or domestic fowls purchased from the producer.

1 **SEC. 4. Inspection.** Such records as are required by the depart-
2 ment of agriculture to be kept by such licensee shall be open to
3 inspection by any peace officer at any reasonable time.

1 **SEC. 5. Enforcement.** The department of agriculture shall be
2 charged with the duty of the enforcement of this act.

1 **SEC. 6. Penalty.** Any person who shall violate the provisions of
2 this chapter shall, for each offense, be deemed guilty of a mis-
3 demeanor and punishable as such.

Approved April 5, A. D. 1927.

CHAPTER 68

CORN BORER—CROP PEST ACT

S. F. 118

AN ACT to prevent the introduction into and dissemination within this state of insect pests and diseases injurious to plants and plant products of this state, to create the office of state entomologist within the state department of agriculture, and to prescribe its powers and duties, and to provide penalties for a violation thereof and to repeal chapter two hundred one (201) of the code relating to the state entomologist.

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

1 **SECTION 1. Short title.** This chapter shall be known by the short
2 title of "The Iowa Crop Pest Act."

1 **SEC. 2. Definitions.** For the purposes of this chapter, the following
2 terms shall be construed, respectively, to mean:

3 **Insect pests and disease.** Insect pests and diseases injurious to
4 plants and plant products, including any of the stages of develop-
5 ment of such insect pests and diseases.

6 **Plants and plant products.** Trees, shrubs, vines, berry plants, green-
7 house plants and all other nursery plants; forage and cereal plants,
8 and all other parts of plants; cuttings, grafts, scions, buds, and all
9 other parts of plants; and fruit, vegetables, roots, bulbs, seeds, wood,
10 lumber, and all other plant products.

11 **Places.** Vessels, cars, boats, trucks, automobiles, aircraft, wagons
12 and other vehicles or carriers, whether air, land or water, buildings,
13 docks, nurseries, greenhouses, orchards, fields, gardens, and other
14 premises or any container where plants and plant products are grown,
15 kept or handled.

1 **SEC. 3. State entomologist.** There is hereby created and estab-
2 lished within the department of agriculture the office of state en-
3 tomologist. The entomologist of the Iowa agricultural experiment
4 station is hereby constituted the state entomologist who is the
5 executive officer of this act. The state entomologist shall be re-
6 sponsible to and under the authority of the secretary of agriculture
7 in the issuance of all rules, regulations, the establishment of quar-
8 antines and other official acts. He shall be provided with a suitable
9 office at the college of agriculture and mechanic arts, where his
10 records shall be kept.

1 **SEC. 4. Employees—expenses.** For the purpose of carrying out
2 the provisions of this chapter, the state entomologist with the ap-
3 proval of the secretary of agriculture shall employ, prescribe the duties
4 of, and fix the compensation of, such inspectors, and other employees
5 as needed and incur such expenses as may be necessary, within the
6 limits of appropriations made by law. He shall co-operate with other
7 departments, boards and officers of the state and of the United States
8 as far as practicable.

1 **SEC. 5. Duties—public nuisances.** The state entomologist shall
2 keep himself informed as to known species and varieties of insect
3 pests and diseases, the origin, locality, nature and appearance thereof,
4 the manner in which they are disseminated, and approved methods
5 of treatment and eradication. In the rules and regulations made
6 pursuant to this chapter the state entomologist shall list the dan-
7 gerously injurious insect pests and diseases which he shall find
8 should be prevented from being introduced into, or disseminated
9 within, this state in order to safeguard the plants and plant products
10 likely to become infested or infected with such insect pests and
11 diseases. Every such insect pest and disease listed, and every plant
12 product infested or infected therewith, is hereby declared to be a
13 public nuisance. Every person who has knowledge of the presence
14 in or upon any place of any insect pest or disease so listed, shall im-
15 mediately report the fact and location to the state entomologist, or
16 the assistant state entomologist, giving such detailed information
17 relative thereto as he may have. Every person who deals in or
18 engages in the sale of plants and plant products shall furnish to the
19 state entomologist or his inspectors, when requested, a statement of
20 the names and addresses of the persons from whom and the localities
21 where he purchased or obtained such plants and plant products.

1 **SEC. 6. Rules and regulations.** The state entomologist shall, from
2 time to time, make rules and regulations for carrying out the pro-
3 visions and requirements of this chapter, including rules and regu-
4 lations under which the inspectors and other employees shall (a)
5 inspect places, plants and plant products, and things and substances
6 used or connected therewith, (b) investigate, control, eradicate and
7 prevent the dissemination of insect pests and diseases, and (c) super-
8 vise or cause the treatment, cutting and destruction of plants and
9 plant products infested or infected therewith. The state entomologist,
10 his inspectors, employees, or other authorized agents shall have

11 authority to enforce these rules and regulations which shall be pub-
12 lished in the same manner as are the other rules and regulations of
13 the department of agriculture.

1 **SEC. 7. Infection—infestation—eradication—notice.** Whenever in-
2 spection discloses that any places, or plants or plant products, or
3 things and substances used or connected therewith, are infested or
4 infected with any dangerously injurious insect pest or disease listed
5 as a public nuisance, written notice thereof shall be given the owner
6 or person in possession or control of the place where found, who shall
7 proceed to control, eradicate or prevent the dissemination of such
8 insect pest or disease, and to remove, cut or destroy infested and
9 infected plants and plant products, or things and substances used or
10 connected therewith, as prescribed in the notice or the rules and
11 regulations. Whenever such owner or person in possession cannot
12 be found, or shall fail, neglect or refuse to obey the requirements of
13 the notice and the rules and regulations, such requirements shall be
14 carried out by the state entomologist, as required by section 17 of
15 this chapter.

1 **SEC. 8. Importation—regulations.** It shall be unlawful for any
2 person to bring or cause to be brought into this state any plant or
3 plant product listed in the rules and regulations, unless there be
4 plainly and legibly marked thereon or affixed thereto, or on or to
5 the carrier, or the bundle, package, or container, in a conspicuous
6 place, a statement or tag or device showing the names and addresses
7 of the consignors or shippers and the consignees or persons to whom
8 shipped, the general nature and quantity of the contents, and the
9 name of the locality where grown, together with a certificate of
10 inspection of the proper official of the state, territory, district, or
11 country from which it was brought or shipped, showing that such
12 plant or plant product was found or believed to be free from dan-
13 gerously injurious insect pests and diseases, and giving any other
14 information required by the state entomologist.

1 **SEC. 9. Inspection—certificate—fees.** It shall be unlawful for
2 any person to sell, give away, carry, ship, or deliver for carriage or
3 shipment, within this state, any plants or plant products listed in the
4 rules and regulations, unless such plants or plant products have been
5 officially inspected and a certificate issued by an inspector of the
6 state entomologist's office stating that such plants or plant products
7 have been inspected and found to be apparently free from dangerously
8 injurious insect pests and diseases, and giving any other facts pro-
9 vided for in the rules and regulations. For the issuance of such
10 certificate, the state entomologist may require the payment of a
11 reasonable fee to cover the expense of such inspection and certification.
12 Provided, that if such plants or plant products were brought into this
13 state in compliance with section eight, the certificate required by
14 that section may be accepted in lieu of the inspection and certificate
15 required by this section, in such cases as shall be provided for in the
16 rules and regulations. If it shall be found at any time that a cer-
17 tificate of inspection, issued or accepted under the provisions of this

18 section, is being used in connection with plants and plant products
19 which are infested or infected with dangerously injurious insect
20 pests or diseases or in connection with uninspected plants, its further
21 use may be prohibited, subject to such inspection and disposition of
22 the plants and plant products involved as may be provided for by the
23 state entomologist. All moneys collected under the provisions of this
24 chapter shall be turned over to the secretary who shall deposit them
25 in the state treasury.

26 A fee of not less than five dollars nor more than sixty-five dollars
27 per annum, according to the amount of stock inspected, shall be paid
28 at the time of inspection or before a certificate is granted. Such
29 certificate shall be valid for one year from date of issue, unless
30 sooner revoked by the state entomologist. The inspection of nurseries
31 shall take place between May 1st and October 30th of each year and
32 at such other times as may be necessary to make effective the pro-
33 visions of this chapter and the rules and regulations made pursuant
34 thereto.

1 **SEC. 10. Report of violations.** Any person who receives from with-
2 out the state any plant or plant product without section eight having
3 been complied with, or who receives any plant or plant product sold,
4 given away, carried, shipped, or delivered for carriage or shipment
5 within this state without section nine having been complied with,
6 shall immediately inform the state entomologist or one of his in-
7 spectors of such facts and isolate and hold the plant or plant product
8 unopened or unused, subject to such inspection and disposition as
9 may be provided for by the state entomologist.

1 **SEC. 11. Quarantine—general powers.** Whenever the state en-
2 tomologist shall find that there exists outside of this state any insect
3 pest or disease, and that its introduction into this state should be
4 prevented in order to safeguard plants and plant products in this
5 state, the state entomologist is authorized to quarantine and pro-
6 mulgate quarantine restrictions covering areas within the states
7 affected by the pest and may adopt, issue, and enforce rules and
8 regulations supplemental to such quarantines for the control of the
9 pest. Under such quarantines, the state entomologist or his author-
10 ized agents may prohibit and prevent the movement within the state
11 without inspection, or the shipment or transportation within the
12 state, or any agricultural or horticultural product, or any other
13 material of any character whatsoever, capable of carrying any danger-
14 ously injurious insect pest or disease in any living state or its de-
15 velopment; and, in the enforcement of such quarantine, may inter-
16 cept, stop, and detain for official inspection any person, car, vessel,
17 boat, truck, automobile, aircraft, wagon, vehicles or carriers or any
18 container, material, or substance believed or known to be carrying
19 the insect pest or plant disease in any living state of its development
20 in violation of said quarantines or of the rules or regulations issued
21 supplemental thereto, and may seize, possess, and destroy any
22 agricultural or horticultural product or other material of any char-
23 acter whatsoever, moved, shipped, or transported in violation of such
24 quarantines or the rules and regulations.

NOTE: The word "or" in lines 12 and 14 is according to enrolled bill.

1 **SEC. 12. Federal quarantine—seizures.** (a) Until the secretary
2 of agriculture of the United States shall have made a determination
3 that a federal quarantine is necessary, and has duly established the
4 same with reference to any dangerous plant disease or insect in-
5 festation, the state entomologist of this state is authorized to pro-
6 mulgate and enforce quarantine regulations prohibiting or restricting
7 the transportation of any class of plant material or product or article
8 into this state from any state, territory or district of the United
9 States, when he shall have information that a dangerous plant disease
10 or insect infestation exists in such state, territory, district, or portion
11 thereof.

12 (b) The state entomologist, his inspectors or duly authorized agents
13 are authorized to seize, destroy, or return to the point of origin any
14 material received in this state in violation of any state quarantine
15 established under the authority of subsection (a) hereof, or in
16 violation of any federal quarantine established under the authority
17 of the act of August 20, 1921 (Thirty-Seventh United States Statutes
18 at Large, Page 315) or any amendment thereto.

1 **SEC. 13. State quarantines—seizure and destruction.** Whenever the
2 state entomologist shall find that there exists in this state, or any
3 part thereof, any dangerously injurious insect pest or plant disease,
4 and that its dissemination should be controlled or prevented, he may
5 institute quarantines and promulgate quarantine restrictions covering
6 areas within the state affected by such pest or disease, and may adopt,
7 issue and enforce rules and regulations supplemental to such quar-
8 antines for the control of this pest. Under such quarantines, the
9 state entomologist, his inspectors or authorized agents may prohibit
10 and prevent the movement within the state without inspection or the
11 shipment or transportation within this state, or any agricultural or
12 horticultural product, or any other material of any character what-
13 soever, capable of carrying any dangerously injurious insect pest or
14 disease in any living state of its development; and, in the enforce-
15 ment of such quarantine, may intercept, stop, and detain for official
16 inspection any person, car, vessel, boat, truck, automobile, aircraft,
17 wagon, or other vehicles or carriers of any kind or character, whether
18 air, land or water, or any container or material believed or known to
19 be carrying such insect pest or plant disease in any living state of its
20 development or any such material, in violation of said quarantine or
21 of the rules or regulations issued supplemental thereto, and may
22 seize, possess, and destroy any agricultural or horticultural product
23 or other material of any character whatsoever, moved, shipped, or
24 transported in violation of such quarantines or the said rules and
25 regulations.

26 The state entomologist shall give public notice of such quarantines,
27 specifying the plants and plant products infested or infected, or likely
28 to become infested or infected; and the movement, planting or other
29 use of any such plant or plant product, or other thing or substance
30 specified in such notice as likely to carry and disseminate such insect
31 pest or disease, except under such conditions as shall be prescribed as
32 to inspection, treatment and disposition, shall be prohibited within
33 such area as he may designate. When the state entomologist shall

34 find that the danger of the dissemination of such insect pest or disease
 35 has ceased to exist, he shall give public notice that the quarantine is
 36 raised.

NOTE: The word "or" in line 11 is according to enrolled bill.

1 **SEC. 14. Right of access.** The state entomologist and his author-
 2 ized inspectors, employees, and agents shall have free access within
 3 reasonable hours to any farm, field, orchard, nursery, greenhouse,
 4 garden, elevator, seed house, warehouse, building, cellar, freight or
 5 express office or car, freight yard, truck, automobile, aircraft, wagon,
 6 vehicle, carrier, vessel, boat, container or any place which it may be
 7 necessary or desirable for such authorized agents to enter in carrying
 8 out the provisions of this chapter. It shall be unlawful to deny such
 9 access to such authorized agents or to hinder, thwart, or defeat such
 10 inspection or entrance by misrepresentation or concealment of facts
 11 or conditions, or otherwise.

1 **SEC. 15. Right to hearing.** Any person affected by any rule or
 2 regulation made or notice given may have a review thereof by the
 3 secretary of agriculture for the purpose of having such rule, regulation
 4 or notice modified, suspended or withdrawn.

1 **SEC. 16. Violations.** Any person, copartnership, association or
 2 corporation, or any combination of individuals, violating any provision
 3 of a quarantine promulgated under the authority of this act, or of
 4 any rules and regulations issued supplemental thereto, shall be guilty
 5 of a misdemeanor and upon conviction thereof be punished by im-
 6 prisonment in the county jail not exceeding thirty days or by a fine
 7 of not less than twenty-five dollars nor more than one hundred dollars
 8 for each offense.

1 **SEC. 17. Duty of owner—assessment of costs.** Whenever treat-
 2 ment or destruction of any agricultural or horticultural plant or
 3 product, in field, feed lot, place of assemblage or storage, or else-
 4 where, or whenever any special type of plowing or any other agri-
 5 cultural or horticultural operation is required under the rules and
 6 regulations, the owner or person having charge of such plants, plant
 7 products or places, upon due notice from the state entomologist or
 8 his authorized agents, shall take the action required within the time
 9 and in the manner designated by such notice. In case the owner or
 10 person in charge shall refuse or neglect to obey the notice, the sec-
 11 retary of agriculture, or his authorized agents, may do what is
 12 required, and the expense thereof the secretary shall assess to the
 13 owner after giving him legal notice and a hearing. Provided that no
 14 expense other than such as is incidental to normal and usual farm
 15 operations shall be so assessed. If the assessment is not paid, the
 16 secretary shall certify it to the treasurer of the proper county who
 17 shall enter it on the tax books and collect it as ordinary taxes are
 18 collected and remit it to the secretary.

19 The said secretary is hereby authorized to refund to the Federal
 20 Department of Agriculture all moneys so assessed and collected
 21 which represent expenditures made on such premises by the United
 22 States in accordance with the provisions of the act of congress enacted

23 by the sixty-ninth congress, approved February 23rd, 1927, and en-
24 titled, "an act to provide for the eradication or control of the Eu-
25 ropean corn borer."

1 **SEC. 18. Violations.** Any person who shall violate any provision or
2 requirement of this chapter, or of the rules and regulations made or
3 of any notice given pursuant thereto, or who shall forge, counterfeit,
4 deface, destroy or wrongfully use, any certificate provided for in this
5 chapter, or in the rules and regulations made pursuant thereto, shall
6 be deemed guilty of a misdemeanor and upon conviction thereof shall
7 be punished by a fine of not less than ten dollars, nor more than one
8 hundred dollars (\$100.00) or by imprisonment for not more than
9 thirty (30) days.

1 **SEC. 19. Harmful barberry.** (a) No person, firm, or corporation
2 shall receive, ship, accept for shipment, transport, sell, offer for sale,
3 give away, deliver, plant, or permit to exist on his or its premises any
4 plant of the harmful barberry, or any plant of a species that shall be
5 designated by the state entomologist in published regulations to be a
6 host or carrier of a dangerous plant disease or insect pest.

7 (b) The state entomologist and his inspectors, and his authorized
8 agents, are hereby empowered to eradicate any such plant found
9 growing in the state. If the owner shall refuse or neglect to eradicate
10 such plants within ten days after receiving a written notice, the
11 expense of such eradication shall be assessed, collected, and enforced
12 against the premises upon which such expense was incurred as taxes
13 are assessed, collected and enforced.

14 (c) The term "harmful barberry" shall be interpreted to consist
15 of any species of *Barberis* or *Mahonia* susceptible to infection by
16 *Puccinia graminis*, commonly called black stem rust of grain, but not
17 including Japanese barberry, *B. thunbergii*, which does not propagate
18 the rust.

19 (d) The penalties provided in section seventeen (17) and all other
20 applicable provisions of sections five (5) to eighteen (18) inclusive,
21 shall govern and apply to the enforcement of this section.

1 **SEC. 20. Liability of principal.** In construing and enforcing the
2 provisions of this chapter, the act, omission or failure of any official,
3 agent or other person acting for or employed by an association,
4 partnership or corporation within the scope of his authority shall, in
5 every case, also be deemed the act, omission or failure of such asso-
6 ciation, partnership, or corporation as well as that of the person.

1 **SEC. 21. Party plaintiff.** The secretary of agriculture, the state
2 entomologist, or any of their inspectors or authorized agents shall
3 be a proper party plaintiff in any action in any court of equity brought
4 for the purpose of carrying out any of the provisions of this chapter.

1 **SEC. 22. Construction.** This chapter shall not be so construed or
2 enforced as to conflict in any way with any act of congress regulating
3 the movement of plants and plant products in interstate or foreign
4 commerce.

1 **SEC. 23. Interpretative clause.** If any section or part of a section

2 of this chapter shall for any cause be held unconstitutional, such fact
3 shall not affect the remainder of this act.

1 SEC. 24. All acts and parts of acts inconsistent with the provisions
2 of this act are hereby repealed; all of chapter 201 of the code is
3 hereby repealed.

1 SEC. 25. This act being deemed of immediate importance, it shall
2 be in full force and effect from and after its publication in the Elkader
3 Register, a newspaper published in Elkader, Iowa, and the Council
4 Bluffs Nonpareil, a newspaper published in Council Bluffs, Iowa.

Approved March 22, A. D. 1927.

I hereby certify that the foregoing act was published in the Elkader Register March
24, 1927, and the Council Bluffs Nonpareil March 24, 1927.

W. C. RAMSAY, *Secretary of State.*

CHAPTER 69

SCHOOL FACILITIES—STATE INSTITUTIONS

H. F. 217

AN ACT providing for school facilities for children of appointees or employees residing
in state institutions, whose children attend school in a school district in which
such institution is situated or who attend school in a nearby school district.

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

1 SECTION 1. Lands under the control of the state board of con-
2 servation or the state board of control shall be deemed an "insti-
3 tution" within the meaning of this act.

1 SEC. 2. The term "children" shall embrace any person of school
2 age who is a member of the family of an appointee or employee in
3 said institution.

1 SEC. 3. The children of appointees and employees of any state
2 institutions under the control of the state board of control or state
3 board of conservation residing in one school corporation may attend
4 school in another school corporation in the same or an adjoining county
5 if the county superintendent of the county in which said children
6 reside shall so order. Before granting such order the county super-
7 intendent shall give notice to the school board of the school corpora-
8 tion which is to receive said children and hear objections, if any,
9 to the granting of such order.

10 When the children of appointees and employees of any state insti-
11 tution under the control of the state board of control or the state
12 board of conservation attend another school corporation in the same
13 or an adjoining county, the school corporation of the residence of
14 said children shall not be liable for the payment of tuition to the
15 other school corporation as provided in section forty-two hundred
16 seventy-four (4274), section forty-two hundred seventy-five (4275),