

23 full annual tax may be so surrendered during the first three months
 24 of the period covered by said payment, and the said municipality or
 25 county shall refund to the holder a sum equal to one-fourth of an
 26 annual tax."

Senate File No. 358. Approved April 30, 1931.

CHAPTER 26

FISH AND GAME COMMISSION

AN ACT relating to fish, game, fur-bearing animals and protected birds; creating a fish and game commission, prescribing its powers and duties, and transferring funds for the use of such commission.

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

1 **SECTION 1. Purposes.** The purpose of this act is to provide an
 2 adequate and flexible system for the propagation, protection, develop-
 3 ment and use of forests, fish, game, fur-bearing animals, protected
 4 birds, lakes, streams, plant life, and other outdoor resources in the
 5 state of Iowa.

1 **SEC. 2. Commission, members, appointment, term, qualifications.**
 2 To carry out the purpose of this act, and other acts for like purposes,
 3 there is created a state fish and game commission of five (5) mem-
 4 bers, to be appointed by the governor by and with the approval of
 5 the senate by a two-thirds vote of the members present in executive
 6 session, not more than three from one zone, and not more than three
 7 from the same political party. The term of office for each member
 8 of the commission shall be four (4) years, provided that of those
 9 first appointed, two shall be appointed for two years and three for
 10 four (4) years, from and after May 1st, 1931, and further provided
 11 that all of those first appointed shall serve, in addition, from their
 12 appointment to May 1st, 1931. Thereafter, during February in each
 13 odd-numbered year, beginning in 1933, two (2) or three (3) mem-
 14 bers, as the number to be appointed may be, shall be likewise ap-
 15 pointed and approved for a full term. The commissioners appointed
 16 shall be citizens of the state and persons having a knowledge of and
 17 interest in conservation. No person appointed as such commissioner
 18 shall, during his term as such commissioner, hold any other state or
 19 federal office; provided further, that in case of death, removal from
 20 the state, resignation, or removal from office, as hereinafter provided,
 21 or inability to act, the governor shall appoint a successor for the
 22 unexpired term and the said successor shall be confirmed by the
 23 senate in the same manner as the original appointments.

1 **SEC. 3. Members, salaries.** The members of the state fish and
 2 game commission shall receive no compensation for their services,
 3 but shall be allowed their actual necessary traveling and hotel ex-
 4 penses while absent from their homes in attendance upon meetings
 5 of the commission and in discharge of their official duties, as delegated
 6 and authorized by the commission; said expenses to be paid from the
 7 state fish and game commission fund.

1 **SEC. 4. Qualifications.** Members of said commission shall take
2 the usual constitutional oath of office before entering upon the dis-
3 charge of their duties, and each shall execute a surety bond to the
4 state of Iowa in the amount of five thousand (\$5000.00) dollars, sub-
5 ject to the approval of the attorney general, to be filed in the office
6 of the secretary of state, for the faithful performance of his duties;
7 the expense of said bonds to be paid out of the state fish and game
8. commission fund.

1 **SEC. 5. Commission, organization, officers, meetings.** Within ten
2 (10) days after their appointment and confirmation said state fish
3 and game commissioners shall qualify and shall meet at the state
4 capitol and organize by electing from their own membership a chair-
5 man, vice-chairman and secretary. The officers provided for in this
6 section shall hold office for a term of one year at the discretion of
7 the commission. The commission shall meet regularly on the first
8 Tuesday of January, April, July and October of each year, and at
9 such other times and places as the commission shall deem necessary.
10 Meetings may be called by the chairman and shall be called on the
11 request of any two members. Three members of the commission shall
12 constitute a quorum to transact business at all meetings.

1 **SEC. 6. Office at capitol, supplies and equipment.** The commission
2 shall keep its office at the state capitol and the executive council shall
3 provide suitable rooms for that purpose, and shall furnish the neces-
4 sary furniture.

1 **SEC. 7. Purposes, duties, services, powers and penalties.** It shall
2 be the duty of the commission to protect, propagate, increase and
3 preserve the fish, game, fur-bearing animals and protected birds of
4 the state and to enforce by proper actions and proceedings the laws,
5 rules and regulations relating thereto. The commission shall collect,
6 classify, and preserve all statistics, data and information as in its
7 opinion shall tend to promote the objects of this act; shall conduct
8 research in improved conservation methods and disseminate informa-
9 tion to residents of Iowa in conservation matters.

10 The commission is hereby authorized and empowered:

11 (a) To expend any and all moneys accruing to the fish and game
12 commission fund from any and all sources in carrying out the pur-
13 poses of this act: any act, or acts, not consistent with this provision
14 are hereby repealed so far as they may apply to the fish and game
15 commission fund;

16 (b) To acquire by purchase, condemnation, lease, agreement, gift
17 and devise lands or waters suitable for the purposes hereinafter
18 enumerated, and rights-of-way thereto, and to maintain the same for
19 the following purposes, to-wit:

20 (1) Public hunting, fishing and trapping grounds and waters to
21 provide areas in which any person may hunt, fish, or trap in accord-
22 ance with the provisions of the law and the regulations of the com-
23 mission:

24 (2) Fish hatcheries, fish nurseries, game farms and fish, game,
25 fur-bearing animal and protected bird refuges;

26 (c) To extend and consolidate lands or waters suitable for the
27 above purposes by exchange for other lands or waters and to pur-

28 chase, erect and maintain buildings necessary to the work of the
29 commission;

30 (d) To capture, propagate, buy, sell, or exchange any species of
31 fish, game, fur-bearing animals and protected birds needed for stock-
32 ing the lands or waters of the state, and to feed, provide and care
33 for such fish, animals and birds;

34 (e) To temporarily regulate, shorten or close seasons on any
35 species of fish, game, fur-bearing animals and protected birds in any
36 particular locality, or localities, or throughout the state, when it shall
37 find, after investigation that such action is reasonably necessary to
38 assure the perpetuation or preserve a proper balance, or maintain
39 an adequate supply of any such fish, game, fur-bearing animal and
40 protected bird. The statutes governing such subjects shall continue
41 in full force and effect, except as further restricted and limited by
42 the rules and regulations promulgated by the commission, as herein
43 provided;

44 (f) To temporarily establish, regulate and close to hunting and
45 trapping or fishing, fish, game, fur-bearing animal and protected bird
46 refuges, and to close and regulate such other lands, streams, or waters,
47 or portions thereof to hunting, fishing and trapping as in its judg-
48 ment may be deemed best to perpetuate any kind of fish, game, fur-
49 bearing animals and protected birds to maintain an adequate supply
50 thereof;

51 (g) To pay the salaries, wages, compensation, traveling and other
52 necessary expenses of the state fish and game commissioners, state
53 game warden, deputy state fish and game wardens and other em-
54 ployes of the commission, and to expend money for necessary sup-
55 plies and equipment, and to make such other expenditures as may be
56 necessary for the carrying into effect the purposes of this act.

1 **SEC. 8. Rules and regulations, violations.** The state fish and game
2 commission is hereby authorized to make, formulate and execute such
3 rules and regulations and to establish such services as it may deem
4 necessary to accomplish the purposes of this act. All rules and regu-
5 lations of the commission shall have the effect of law and shall be
6 published in at least two (2) newspapers of general circulation in the
7 territory to be affected at least two (2) weeks prior to the time the
8 rules or regulations become effective, except in case of an emergency,
9 when the commission shall give such advance notice as it may deem
10 reasonable.

11 Any person violating any rule or regulation of the commission shall
12 be punished by a fine not to exceed one hundred (\$100.00) dollars for
13 each offense, or by imprisonment in the county jail for a period not
14 to exceed thirty (30) days, or by both such fine and imprisonment,
15 under the same legal procedure as prescribed for violations of the fish
16 and game laws of the state.

1 **SEC. 9. Interpretation and limitations.** The foregoing sections
2 shall not be construed as authorizing the commission to change any
3 penalty for violating any game law or regulation, or change the
4 amount of any license established by the legislature, or to promulgate
5 any open season on any fish, animal or bird contrary to the laws of
6 the state of Iowa, or to extend any open season or bag limit on any

7 kind of fish, game, fur-bearing animal or of any birds prescribed by
8 the laws of the state of Iowa or by federal laws or regulations, or
9 to contract any indebtedness or obligation beyond the funds to which
10 they are lawfully entitled.

1 **SEC. 10. Warden, employment, salary, qualifications, powers and**
2 **duties.** The commission shall as soon as practicable select and em-
3 ploy a state fish and game warden who shall have charge of all activi-
4 ties under the jurisdiction of the commission. Said warden shall
5 continue in office at the pleasure of the commission, and his salary
6 shall be fixed by the commission. Said warden shall take oath of
7 office prescribed by the constitution, and shall execute a surety bond
8 to the state of Iowa in the sum of not less than ten thousand
9 (\$10,000.00) dollars, conditioned for the faithful performance of the
10 duties of his office, and file the same with the secretary of state; pro-
11 vided, however, the present state fish and game warden shall serve
12 his unexpired term to March 1, 1933.

13 Said warden shall be a person having executive ability and experi-
14 ence, special training and skill in conservation work. He shall be
15 administrative head of the state fish and game commission and shall
16 be responsible to the commission for the execution of its policies; he
17 shall employ, by and with the advice and consent of the commission,
18 such technical and administrative assistants as may be necessary for
19 the execution of such policies and shall exercise the powers of the
20 commission in the interim of its meeting, but subordinate thereto.

1 **SEC. 11. Deputy wardens, bonds, salary.** The state fish and game
2 warden shall employ not to exceed fifty suitable and qualified persons,
3 to serve as deputy state fish and game wardens. Said deputy fish and
4 game wardens may be removed by said warden at any time. Before
5 entering upon their duties such wardens shall take the constitutional
6 oath of office and execute a surety bond to the state of Iowa in the
7 penal sum of five hundred (\$500.00) dollars for the faithful perform-
8 ance of the duties of their office. This bond shall be subject to the
9 approval of the warden and shall be filed in the office of the secretary
10 of state. The deputy fish and game wardens shall receive a salary
11 not in excess of two thousand (\$2000.00) dollars per annum, payable
12 monthly and such incidental expenses as may be allowed by said
13 warden. All appointments of deputy game wardens and other em-
14 ployes made after the taking effect of this act, shall be with the
15 advice and approval of the commission; provided, however, that such
16 approval shall not be required for the deputy game wardens now in
17 the service.

1 **SEC. 12. Reports to state treasurer.** The state fish and game
2 warden shall at least once a month make a return of all moneys re-
3 ceived by the department to the state treasurer, to be deposited in
4 the fish and game commission fund.

1 **SEC. 13. Reports of deputy wardens.** Each deputy state fish and
2 game warden shall keep a daily record of his official acts, receipts and
3 expenditures and at the end of each month shall, under oath, make a
4 summary of such record and report to the state fish and game warden.
5 The state fish and game warden shall report to the commission any

6 negligence, dereliction in duties, or incompetence on the part of any
7 deputy, or other employee, with facts relating thereto. He may dis-
8 miss any employee, subject to the approval of the commission.

1 **SEC. 14. Transfer from state warden to commission.**

2 (a) All duties, liabilities, authority, power and privileges now im-
3 posed or conferred by law upon the state game warden are hereby
4 imposed and conferred on the state fish and game commission, except-
5 ing as provided for in sections ten (10) and eleven (11).

6 (b) All moneys now credited or belonging to the state fish and
7 game protection fund, the books, records, files and all properties of
8 every kind of the fish and game department is hereby transferred to
9 the commission created herein and the state treasurer is hereby di-
10 rected to make such necessary change and transfer on the books of
11 his office. From and after such transfer all moneys received from
12 whatsoever sources by the commission shall be deposited in said fish
13 and game commission fund.

1 **SEC. 15. Penalties.** Any member of the state fish and game com-
2 mission, the state fish and game warden, the deputy fish and game
3 warden, or any employee of the state fish and game commission, who
4 shall give, solicit, or accept any bribe, political favor, or other thing
5 of value, in connection with the performance of duties entrusted to
6 him or her, or who shall violate, or consent to, or permit, a violation
7 of the rules and regulations of the commission, or the fish and game
8 laws of the state shall be guilty of a felony, and upon conviction shall
9 be fined an amount not to exceed five hundred (\$500.00) dollars, or
10 be imprisoned for a term not to exceed two (2) years in the state
11 penitentiary, or both such fines and imprisonment, and shall be re-
12 moved from office.

1 **SEC. 16. Constitutionality.** The provisions of this act shall be
2 severable, and if any of its provisions shall be held to be unconsti-
3 tutional the decision of the court shall not affect the validity of the
4 remaining provisions of this act. It is hereby declared as a legislative
5 intent that this act would have been adopted by the general assembly
6 had such unconstitutional provisions not been included therein.

1 **SEC. 17.** Section 1708 of the code of 1927 and all laws, or parts
2 of laws, in conflict with any or all of the above are hereby repealed.

1 **SEC. 18.** This act being deemed of immediate importance, shall
2 take effect and be in force from and after approval and publication in
3 the Estherville Daily News, a newspaper published in Estherville,
4 Iowa, and the Pocahontas Democrat, a newspaper published in Poca-
5 hontas, Iowa.

House File No. 124. Approved April 8, 1931.

I hereby certify that the foregoing act was published in the Estherville Daily News
April 13, 1931, and the Pocahontas Democrat April 16, 1931.

G. C. GREENWALT, *Secretary of State.*