

- 3 1. It shall be an unfair or discriminatory practice for any:
 4 a. Person to refuse to hire, accept, register, classify, or refer for
 5 employment, to discharge any employee, or to otherwise discriminate
 6 in employment against any applicant for employment or any em-
 7 ployee because of the *age*, race, creed, color, sex, national origin, or
 8 religion of such applicant or employee, unless based upon the nature
 9 of the occupation.
 10 b. Labor organization or the employees, agents, or members thereof
 11 to refuse to admit to membership any applicant, to expel any member,
 12 or to otherwise discriminate against any applicant for membership
 13 or any member in the privileges, rights, or benefits of such member-
 14 ship because of the *age*, race, creed, color, sex, national origin, or re-
 15 ligious of such applicant or member.
 16 c. Employer, employment agency, labor organization, or the em-
 17 ployees, agents, or members thereof to directly or indirectly advertise
 18 or in any other manner indicate or publicize that individuals of any
 19 particular *age*, race, creed, color, sex, national origin, or religion are
 20 unwelcome, objectionable, not acceptable, or not solicited for employ-
 21 ment or membership unless based on the nature of the occupation.

1 SEC. 2. Section one hundred five A point eight (105A.8), subsec-
 2 tion two (2), Code 1971, is amended as follows:

3 2. Any person to discriminate against another person in any of the
 4 rights protected against discrimination on the basis of *age*, race,
 5 creed, color, sex, national origin, or religion by this chapter because
 6 such person has lawfully opposed any practice forbidden under this
 7 chapter, obeys the provisions of this chapter, or has filed a complaint,
 8 testified, or assisted in any proceeding under this chapter.

1 SEC. 3. Section one hundred five A point fifteen (105A.15), Code
 2 1971, is amended as follows:

3 105A.15 **Sex provisions not applicable to retirement plans.** The
 4 provisions of this chapter relating to discrimination because of sex *or*
 5 *age* shall not be construed to apply to any retirement plan or benefit
 6 system of any employer unless such plan or system is a mere subter-
 7 fuge adopted for the purpose of evading the provisions of this chapter.

Approved March 17, 1972.

CHAPTER 1033

CONSERVATION COMMISSION AUTHORITY

S. F. 1172

AN ACT relating to the authority of the state conservation commission and providing a penalty.

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

1 SECTION 1. Section one hundred nine point one (109.1), Code 1971,
 2 is amended by adding the following new subsection:

3 " 'Commission' means the state conservation commission."

1 SEC. 2. Section one hundred nine point four (109.4), Code 1971,
2 is amended to read as follows:

3 **109.4 Fish hatcheries—game farms.** ~~The state conservation direc-~~
4 ~~tor shall have the right to~~ *commission may* establish and control the
5 state hatcheries and game farms, which shall be used for the purpose
6 of stocking the waters of the state with fish and the natural covers
7 with game birds to the extent of the means provided for that purpose;
8 and impartially and equitably distribute all birds, eggs, and fry
9 raised by or furnished to the state, or for it through other sources,
10 in the streams, lakes, and natural covers of the state.

1 SEC. 3. Section one hundred nine point five (109.5), Code 1971,
2 is amended by striking the section and inserting in lieu thereof the
3 following new section:

4 **109.5 State game refuges.**

5 1. The commission may establish state game refuges or sanctuaries
6 on any land owned by the state of Iowa suitable for this purpose when
7 necessary for the preservation of biological balance pursuant to the
8 provisions of section one hundred nine point thirty-nine (109.39) of
9 the Code, for the protection of public parks, for the protection of the
10 public health, safety and welfare, or to effect sound wildlife manage-
11 ment.

12 2. In emergency situations when the maintenance of the biological
13 balance as provided in section one hundred nine point thirty-nine
14 (109.39) of the Code is threatened, the director may establish tempo-
15 rary state game refuges in conformity with sound wildlife manage-
16 ment. The establishment of a temporary refuge shall be accomplished
17 by posting notices in conspicuous places around the refuge. The estab-
18 lishment of a temporary refuge by the director shall be effective until
19 five days after the next meeting of the commission or for such longer
20 time as the commission may determine is necessary to maintain a bio-
21 logical balance as provided in section one hundred nine point thirty-
22 nine (109.39) of the Code and to effect sound wildlife management.

1 SEC. 4. Section one hundred nine point six (109.6), Code 1971, is
2 amended to read as follows:

3 **109.6 Game management area.** ~~Whenever the~~ *The* commission
4 ~~shall may~~ establish and ~~create~~ a game management area upon any
5 public lands or waters, or with the consent of the owner thereof upon
6 any private lands or waters, ~~it when necessary to maintain a biologi-~~
7 ~~cal balance as provided in section 109.39 or to provide for public hunt-~~
8 ~~ing, fishing, or trapping in conformity with sound wildlife manage-~~
9 ~~ment; and when a game management area is established, the commis-~~
10 ~~sion~~ shall with the consent of such owner, if any, have the right to
11 post and prohibit, and to regulate or limit such lands or waters against
12 trespassing, ~~and/or against~~ hunting, fishing, or trapping, and any
13 violation thereof shall be unlawful ~~and punishable as provided in sec-~~
14 ~~tion 109.32.~~

1 SEC. 5. Section one hundred nine point seven (109.7), unnum-
2 bered paragraph two (2), Code 1971, is amended to read as follows:

3 ~~The director shall have the authority to~~ *commission may* specify the
4 distance from a state game refuge where shooting ~~may be~~ *is* prohib-
5 ited, and shall have notice of same ~~published in one newspaper in the~~

6 ~~county so affected~~ posted at such distance in conspicuous places around
 7 the refuge, provided, however, this prohibition shall not apply to own-
 8 ers or tenants hunting on their own land outside of a state game
 9 refuge. The commission may prohibit shooting at any reasonable dis-
 10 tance from a state game refuge deemed necessary to accomplish the
 11 purposes for which the refuge is established.

1 SEC. 6. Section one hundred nine point eight (109.8), Code 1971,
 2 is amended to read as follows:

3 109.8 Notice of establishment. ~~Whenever~~ When any such refuge
 4 or preserve is established by the director, ~~he~~ commission, it shall pub-
 5 lish one notice of such establishment in an official newspaper in the
 6 county in which the refuge is located and shall post notices of such
 7 establishment in conspicuous places around the said refuge.

1 SEC. 7. Section one hundred nine point nine (109.9), Code 1971,
 2 is amended to read as follows:

3 109.9 Spawning grounds. The director shall have the right to To
 4 effect sound wildlife management and maintain biological balance as
 5 provided in section 109.39, the commission may set aside certain por-
 6 tions of any state waters for spawning grounds where the same are
 7 suitable for this purpose for such length of time as he it may deem
 8 advisable by the ~~placing~~ posting of notices in conspicuous places
 9 around such area, and it shall be unlawful for any person to fish or
 10 to in any manner interfere with the spawning of fish in this area.
 11 Any person violating any of the provisions of this section shall be
 12 guilty of a misdemeanor and punished as provided in section 109.32.

1 SEC. 8. Section one hundred nine point thirty-two (109.32), un-
 2 numbered paragraph one (1), Code 1971, is amended to read as fol-
 3 lows:

4 Whoever shall take, catch, kill, injure, destroy, have in possession,
 5 buy, sell, ship, or transport any frogs, fish, mussels, birds, their nests,
 6 eggs, or plumage, fowls, game, or animals in violation of the provi-
 7 sions of this chapter or of administrative ~~orders~~ rules of the state
 8 conservation commission or whoever shall use any device, equipment,
 9 seine, trap, net, tackle, firearm, drug, poison, explosive, or other sub-
 10 stance or means, the use of which is prohibited by this chapter, or
 11 use the same at a time, place or in a manner or for a purpose prohib-
 12 ited, or do any other act in violation of ~~such~~ the provisions of this
 13 chapter or of administrative rules of the commission for which no
 14 other punishment is provided, shall be fined not less than ten dollars
 15 nor more than one hundred dollars or be imprisoned in the county jail
 16 not more than thirty days.

1 SEC. 9. Section one hundred nine point thirty-nine (109.39), un-
 2 numbered paragraph one (1), Code 1971, is amended to read as follows:

3 The open seasons, closed seasons, bag limits, size limits, catch limits,
 4 possession limits and territorial limitations set forth herein pertain-
 5 ing to fish, game and various species of wildlife are based upon a
 6 proper biological balance as hereinafter defined being maintained for
 7 each species or kind. The seasons, catch limits, bag limits, size limits,
 8 possession limits and territorial limitations set forth herein shall pre-
 9 vail and be in force and effect for each and every species of wildlife

10 to which they pertain as long as the biological balance for each spe-
 11 cies or kind remain such as to assure the maintenance of an adequate
 12 supply of such species. The commission is hereby designated the sole
 13 agency to determine the facts as to whether such biological balance
 14 does or does not exist. If the commission, after investigation finds
 15 that the number ~~and/or~~ *or the number and* sex of each or any species
 16 or kind of wildlife is at variance to aforesaid condition, the commis-
 17 sion shall, by administrative ~~order~~ *rule*, extend, shorten, open or close
 18 seasons ~~and/or~~ *change and set, increase, or reduce* catch limits, bag
 19 limits, size limits, ~~and/or~~ possession limits, or ~~areas~~ *territorial limi-*
 20 *tations* in accordance with said findings. For the purpose of this sec-
 21 tion, biological balance is defined as that condition when all losses to
 22 population are compensated by natural reproductive activity or artifi-
 23 cial replenishment, replacement or stocking.

Approved March 17, 1972.

CHAPTER 1034
 UNDESIRABLE FISH
 H. F. 1219

AN ACT related to the destruction of undesirable fish.

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

1 SECTION 1. Section one hundred nine point seventeen (109.17),
 2 Code 1971, is amended by striking unnumbered paragraphs two (2)
 3 and three (3) and inserting in lieu thereof the following:

4 "The commission may issue to any person a permit authorizing him
 5 to remove undesirable or injurious fish from the inland waters of the
 6 state. The person receiving such a permit shall comply with the pro-
 7 visions enumerated in chapter one hundred ten (110) and section one
 8 hundred nine point one hundred fifteen (109.115) of the Code and all
 9 fishing equipment shall be properly licensed and tagged as specified
 10 by the commission.

11 The commission shall determine the season, territorial limitations,
 12 method of take, and size limits for the removal of undesirable or inju-
 13 rious fish in accordance with the provisions of section one hundred
 14 seven point twenty-four (107.24) of the Code."

Approved April 21, 1972.