

CHAPTER 33

STATE BOARD OF CONSERVATION

S. F. 702

AN ACT to amend, revise and codify sections eleven hundred seventy-seven (1177), eleven hundred eighty-four (1184) of the compiled code, and sections eleven hundred seventy-seven-a1 (1177-a1), eleven hundred seventy-seven-a2 (1177-a2), and eleven hundred eighty-two-a1 (1182-a1) of the supplement to the compiled code, relating to a state board of conservation, providing for its powers and duties and defining its jurisdiction; providing for supervisory power in the executive council.

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

1 SECTION 1. That sections eleven hundred seventy-seven (1177),
2 eleven hundred eighty-four (1184) of the compiled code, and sections
3 eleven hundred seventy-seven-a1 (1177-a1), eleven hundred seventy-
4 seven-a2 (1177-a2), and eleven hundred eighty-two-a1 (1182-a1) of
5 the supplement to the compiled code be amended, revised and codified
6 so that the law as therein contained shall read as follows:

1 SEC. 2. **Appointment—tenure.** The governor shall appoint five
2 persons who shall constitute a state board of conservation the mem-
3 bers of which shall serve without pay, except actual and necessary
4 expenses. The members of such board shall hold office for three years
5 and until their successors are appointed and qualify, except that of
6 the first board to be appointed one shall be appointed to hold office for
7 the period ending the second secular day in January, 1925, two shall be
8 appointed to hold office until the second secular day in January, 1926,
9 and two shall be appointed to hold office until the second secular day in
10 January, 1927.

11 The secretary of the executive council shall, without additional
12 compensation, act as secretary of the state board of conservation.

1 SEC. 3. **Duties in general.** The board shall investigate places in
2 Iowa rich in natural history, forest reserves, archaeological specimens,
3 and geological deposits; and the means of promoting forestry and
4 maintaining and preserving animal and bird life and the conservation
5 of the natural resources of the state.

1 SEC. 4. **Duties as to parks.** It shall be the duty of the board, under
2 the supervision and direction of the executive council, to establish,
3 maintain, improve and beautify public parks upon the shores of lakes,
4 streams or other waters, or at other places within the state which
5 have become historical or which are of scientific interest, or which by
6 reason of their natural scenic beauty or location are adapted therefor.

1 SEC. 5. **Eminent domain.** The executive council may, upon the
2 recommendation of the board, purchase or condemn lands for public
3 parks. No contract for the purchase of such public parks shall be
4 made to an amount in excess of funds appropriated therefor by the
5 general assembly.

1 SEC. 6. **Highways.** The executive council may, upon the recom-
2 mendation of the board, purchase or condemn highways connecting
3 such parks with the public highways. When such highways have been

4 purchased or condemned the same shall be public highways of this
5 state and shall be maintained as other public highways of the county.

1 **SEC. 7. Condemnation statutes.** All the provisions of the law relat-
2 ing to the condemnation of lands for public state purposes shall apply
3 to the provisions hereof in and so far as applicable.

1 **SEC. 8. Gifts—title—abandonment.** The board of conservation, by
2 and with the written consent of the executive council, may accept gifts
3 of land or other property or the use of lands or other property for a
4 term of years, and improve and use the same as public state parks.

5 And wherever such gifts are so made the conditions going there-
6 with shall be entered in writing with and as part of the record of the
7 title by which the state takes the lands, and shall be inscribed upon
8 any chart, map or description of said park where the condition is
9 made by the grantor in lieu of money as a consideration paid by the
10 state.

11 If the lands transferred to the state as a gift, or if lands purchased
12 in whole or in part by the state from moneys given for that purpose,
13 shall be abandoned or sold and not used for state park purposes, then
14 the donor shall reclaim the land or funds donated by filing his request
15 in writing with the executive council within six months of the time
16 of the abandonment or sale by the state of such lands, but no interest
17 or other charge shall be demanded of or paid by the state.

1 **SEC. 9. Meandered waters and state lands.** Jurisdiction over all
2 meandered streams and lakes of this state and of state lands bordering
3 thereon, not now used by some other state body for state purposes, is
4 conferred upon the board. The board, with the approval of the execu-
5 tive council, may establish parts of such property into state parks, and
6 when so established all of the provisions of this act relative to public
7 parks shall apply thereto.

8 The board shall at once proceed to establish the boundary lines be-
9 tween the state owned property under its jurisdiction and privately
10 owned property, and shall where deemed advisable mark the same so
11 that the boundaries of such state owned property may be easily ascer-
12 tainable to the public.

1 **SEC. 10. Engineer for board—surveys.** The board may call upon
2 the highway commission for the services of at least one competent
3 engineer, who shall, under the direction of the board, proceed to work
4 in conjunction with it in carrying out the true spirit and purpose of
5 this act. The board may call upon the county engineer of any county
6 to advise relative to the true boundary between the state owned
7 property and private property in the county, and to furnish plats and
8 surveys showing such true boundary lines, and when directed by the
9 board, shall mark such boundary lines as herein provided. All surveys
10 and plats shall be filed with the secretary of the board, and shall
11 become public records of this state.

1 **SEC. 11. Compensation.** The compensation and expenses of the
2 highway engineer shall be paid as a part of the maintenance of the
3 highway commission, and by the county engineer by the county as
4 the case may be.

Note: The first "by" in line 3 is superfluous.

1 **SEC. 12. Boundaries—adjustment—leases.** Whenever a contro-
2 versy shall arise as to the true boundary line between state owned

3 property and private property, the board may, with the approval of
4 the executive council, adjust said boundary line or take such other
5 action in the premises, all with the approval of the executive council,
6 as in its judgment may seem right. When such disputed boundary
7 line is fixed it shall be surveyed and marked as herein provided.

8 The board may, with the approval of the executive council, lease for
9 periods not exceeding one year such parts of the property under its
10 jurisdiction as to it may seem advisable. All leases shall reserve to
11 the public of the state the right to enter upon the property leased for
12 any lawful purpose.

1 **SEC. 13. Funds—expenditures.** All funds collected, from whatever
2 source, by the board shall be deposited in the state treasury and shall
3 be available for use by the board subject to the approval of the
4 executive council for any purpose necessary in the carrying out of
5 the terms and provisions hereof.

6 All accounts and expenditures shall be subject to the approval of
7 the executive council and shall be paid out on warrants drawn by the
8 state auditor as is otherwise provided by law.

1 **SEC. 14. State parks—management by municipalities.** The board
2 may, subject to the approval of the executive council, enter into an
3 agreement or arrangement with the board of supervisors of any
4 county or the council of any city or town whereby such county, city or
5 town shall undertake the care and maintenance of any state park.
6 Counties, cities and towns are authorized to maintain such parks and
7 to pay the expense thereof from the general fund of such county, city
8 or town as the case may be.

1 **SEC. 15. Sale of islands.** No islands, in any of the meandered
2 streams and lakes of this state or in any of the waters bordering upon
3 this state shall hereafter be sold, except with the majority vote of the
4 executive council upon the majority recommendation of the board,
5 and in the event any of such islands are sold as herein provided the
6 proceeds thereof shall become a part of the funds to be expended
7 under the terms and provisions of this act.

1 **SEC. 16. Sale of park lands.** The executive council may upon the
2 recommendation of the board of conservation, sell such parts of public
3 parks as in their judgment may be undesirable for park purposes. In
4 the event that a sale is determined upon, the executive council shall
5 have the land appraised by three appraisers to be appointed by the
6 chief justice of the supreme court and such land shall not be sold for
7 less than the appraised price. Reappraisements may be ordered when
8 necessary. Conveyances shall be in the name of the state, signed by
9 the governor and secretary of state, with the great seal of the state
10 attached.

Approved April 21, A. D. 1923.