

CHAPTER 30

FISH AND GAME. REGULATIONS AND ENFORCEMENT

H. F. 238

AN ACT to amend section seventeen hundred three-d twelve (1703-d12) and to repeal sections seventeen hundred six (1706), seventeen hundred seven (1707), seventeen hundred fifteen (1715), seventeen hundred eighteen (1718), seventeen hundred eighteen-c one (1718-c1), seventeen hundred nineteen (1719), seventeen hundred nineteen-a one (1719-a1), seventeen hundred twenty (1720) to seventeen hundred twenty-four (1724), inclusive, seventeen hundred twenty-four-c one (1724-c1), seventeen hundred twenty-five (1725) to seventeen hundred thirty-three (1733), inclusive, seventeen hundred thirty-three-c one (1733-c1), seventeen hundred thirty-four (1734) to seventeen hundred forty (1740), inclusive, seventeen hundred forty-seven (1747) to seventeen hundred sixty-one (1761), inclusive, seventeen hundred sixty-three (1763) to seventeen hundred sixty-six (1766), inclusive, seventeen hundred sixty-six-a one (1766-a1), seventeen hundred sixty-six-a two (1766-a2), seventeen hundred sixty-six-c one (1766-c1) to seventeen hundred sixty-six-c four (1766-c4), inclusive, seventeen hundred sixty-six-d one (1766-d1), seventeen hundred sixty-seven (1767), seventeen hundred sixty-seven-c one (1767-c1), seventeen hundred sixty-seven-c two (1767-c2), seventeen hundred sixty-seven-a one (1767-a1) to seventeen hundred sixty-seven-a four (1767-a4), inclusive, seventeen hundred sixty-eight (1768), seventeen hundred sixty-eight-c one (1768-c1), seventeen hundred sixty-nine (1769) to seventeen hundred seventy-two (1772), inclusive, seventeen hundred seventy-two-c one (1772-c1), seventeen hundred seventy-two-c two (1772-c2), seventeen hundred seventy-three (1773) to seventeen hundred seventy-six (1776), inclusive, seventeen hundred seventy-nine (1779), and seventeen hundred eighty-three (1783), all of the code, 1931, and to provide for additional powers for the state fish and game commission; and to provide for the method of adoption of rules and regulations by the state fish and game commission; to amend section one thousand seven hundred and eighty-nine (1789) of the code of 1931, so as to fix penalties for the violations of the rules of the state fish and game commission; to give the state fish and game commission power to regulate game management areas; to provide for the seizure of illegal devices, contrivances and materials used to violate regulations and statutes; to provide a method of procedure for hearings upon such seizures, and for the confiscation and destruction of property so seized; to prohibit the fishing, trapping, hunting and other pursuits affecting wild life, except under license; to fix and determine the amounts of the various licenses to be collected; to provide for the issuance of licenses; to give the court the right to revoke or suspend licenses; to provide exceptions to license requirements; to define guns, limit their uses, and place a limit upon shipments of fish and game.

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

1 SECTION 1. Section seventeen hundred three-d twelve (1703-d12),
2 code, 1931, is hereby amended by striking out all of paragraph "5" and
3 by inserting in lieu thereof the following, to wit:

4 "5. Adopt rules and regulations subject to the approval of the
5 executive council for the propagation, the protection, the trapping,
6 hunting, pursuing, catching, killing, fishing for, or the taking in any
7 manner of, or the selling or transportation of all or any portion of,
8 or the use or the having possession of any fish, birds, mussels, fur
9 bearing, or other animals, the protection of which may be advisable
10 throughout, or in portions of the state, whenever, after investigation,
11 such regulations shall be desirable for the proper use and conserva-
12 tion of the resources of the state.

1 "SEC. 2. Upon the adoption of such rules and regulations as pro-
2 vided for in the preceding section, they shall be published in at least
3 two newspapers of general circulation in the territory to be affected
4 thereby, at least two weeks prior to the time when they shall become
5 effective, which time shall be specified in such rules and regulations;

6 after which publication they shall be filed in the office of the secre-
7 tary of state, and shall be of the same force and effect as statutes, and
8 may be altered, amended and revoked in the same manner as pro-
9 vided for their promulgation. Provided, however, that nothing con-
10 tained herein shall authorize the said fish and game commission to
11 adopt any rule or regulation inconsistent with the statutes."

1 SEC. 3. Section one thousand seven hundred and eighty-nine
2 (1789), code, 1931, is hereby amended, by inserting after the comma
3 (,) after the word "chapter" in line nine (9) thereof, the following:
4 "or by the rules and regulations adopted by the fish and game com-
5 mission,". Also, by inserting after the word "chapter" in line six
6 (6) thereof, the following: "or of the rules and regulations adopted
7 by the fish and game commission".

1 SEC. 4. Sections seventeen hundred six (1706), seventeen hundred
2 seven (1707), seventeen hundred fifteen (1715), seventeen hundred
3 eighteen (1718), seventeen hundred eighteen-c one (1718-c1), seven-
4 teen hundred nineteen (1719), seventeen hundred nineteen-a1 (1719-
5 a1), seventeen hundred twenty (1720) to seventeen hundred twenty-
6 four (1724), inclusive, seventeen hundred twenty-four-c one (1724-
7 c1), seventeen hundred twenty-five (1725) to seventeen hundred
8 thirty-three (1733), inclusive, seventeen hundred thirty-three-c one
9 (1733-c1), seventeen hundred thirty-four (1734) to seventeen hun-
10 dred forty (1740), inclusive, seventeen hundred forty-seven (1747)
11 to seventeen hundred sixty-one (1761), inclusive, seventeen hundred
12 sixty-three (1763) to seventeen hundred sixty-six (1766), inclusive,
13 seventeen hundred sixty-six-a one (1766-a1), seventeen hundred
14 sixty-six-a two (1766-a2), seventeen hundred sixty-six-c one (1766-
15 c1) to seventeen hundred sixty-six-c four (1766-c4), inclusive, seven-
16 teen hundred sixty-six-d one (1766-d1), seventeen hundred sixty-seven
17 (1767), seventeen hundred sixty-seven-c one (1767-c1), seventeen
18 hundred sixty-seven-c two (1767-c2), seventeen hundred sixty-seven-a
19 one (1767-a1) to seventeen hundred sixty-seven-a four (1767-a4),
20 inclusive, seventeen hundred sixty-eight (1768), seventeen hundred
21 sixty-eight-c one (1768-c1), seventeen hundred sixty-nine (1769) to
22 seventeen hundred seventy-two (1772), inclusive, seventeen hundred
23 seventy-two-c one (1772-c1), seventeen hundred seventy-two-c two
24 (1772-c2), seventeen hundred seventy-three (1773) to seventeen hun-
25 dred seventy-six (1776), inclusive, seventeen hundred seventy-nine
26 (1779), and seventeen hundred eighty-three (1783), all of the code,
27 1931, are hereby repealed.

1 SEC. 5. Whenever the fish and game commission shall establish
2 and create a game management area upon any public lands or waters,
3 or with the consent of the owner thereof upon any private lands or
4 waters, it shall with the consent of such owner, if any, have the right
5 to post and prohibit, and to regulate or limit such lands or waters
6 against trespassing, and/or against hunting, fishing or trapping, and
7 any violation thereof shall be unlawful.

1 SEC. 6. Any device, contrivance or material used to violate any
2 regulation adopted by the fish and game commission, or any other
3 provision of this chapter, is hereby declared to be a public nuisance,

4 and it shall be the duty of the state game warden and his deputies,
5 or any peace officer, to seize such devices, contrivances or materials
6 so used, without warrant or process, and to deliver them to some
7 magistrate having jurisdiction.

1 SEC. 7. Said magistrate, upon said delivery being made to him,
2 shall docket the proceeding and fix a day and hour for hearing thereon
3 which shall not be more than ten nor less than three days after said
4 delivery. Written notice of the time and place of said hearing shall
5 be personally served upon the person from whom the aforesaid articles
6 or things were taken if such person is found in the county, otherwise,
7 said notice shall be served by posting the same in some conspicuous
8 place as near as reasonably possible to the place where the seizure
9 was made. Said notice shall be so served at least two full days prior
10 to said hearing.

1 SEC. 8. Trial of said cause shall be, so far as practicable, by the
2 same procedure as is provided in chapter 96 of the code of 1931, so
3 far as the same is applicable, and except as hereinafter provided.

1 SEC. 9. On said hearing, said magistrate may order such devices,
2 contrivances or materials confiscated and destroyed, or, placed at the
3 disposal of the state fish and game warden who may either use or sell
4 the same, depositing the proceeds of such sale in the fish and game
5 protection fund.

1 SEC. 10. Except as otherwise provided in this chapter, no person
2 shall fish, trap, hunt, pursue, catch, kill or take in any manner, or use
3 or have possession of, or sell or transport all or any portion of any
4 wild animal, bird, game or fish, the protection and regulation of which
5 is desirable for the conservation of the resources of the state, without
6 first procuring a license or certificate so to do and the payment of a
7 fee as follows:

8	Hunting and fishing license:	
9	All persons legal residents of the state, except as other-	
10	wise provided	\$ 1.00
11	Hunting license:	
12	Nonresident or alien.....	15.00
13	Fishing license:	
14	Six-day license for nonresident or alien.....	1.00
15	Fishing license for longer than six days for nonresident or	
16	alien	3.00
17	Game breeder's license.....	2.00
18	Trapping license for legal resident of state using not more	
19	than fifteen traps.....	1.00
20	Trapping license for legal resident of state using more than	
21	fifteen traps	10.00
22	Trapping license for nonresident or alien.....	25.00
23	Fur-dealers' license	10.00
24	Agents or representatives of fur-dealers' certificate.....	1.00
25	Net or seine licenses for residents of state:	
26	Each 300 feet or fraction thereof of trammel net.....	10.00
27	Each 500 feet or fraction thereof of seine.....	15.00
28	Each pound net with less than 100 feet lead on each side..	3.00

29	Each pound net 100 or more feet lead on each side.....	6.00
30	Each bait, dip, hook or fyke net used for commercial pur-	
31	poses	1.00
32	Fees for net and seine licenses issued to nonresidents of	
33	state shall be double that required of residents.	
34	Mussel licenses:	
35	Legal residents	2.00
36	Mussel licenses:	
37	Nonresidents	25.00
38	Wholesale fish-market or fish-peddlers' license.....	10.00
39	Peddlers, employed by wholesale fish market, certificate...	1.00
40	Scientific collectors' license.....	2.00

1 SEC. 11. The state game warden shall provide blanks for, and de-
 2 termine in addition to the following requirements, the method of
 3 issuing licenses.

1 SEC. 12. All licenses other than hunting, fishing, and trapping
 2 licenses, shall be issued by the state game warden upon application
 3 to the departmental office at Des Moines.

4 Hunting, fishing, and trapping licenses shall be issued by the re-
 5 corder of each county.

1 SEC. 13. The county recorder may designate various depositaries
 2 for the sale of such licenses other than the office of the county re-
 3 corder. The state fish and game warden may designate depositaries
 4 other than those designated by the recorders of the various counties,
 5 but in so doing the interest of the state shall be fully protected
 6 either by a sufficient cash deposit or a satisfactory bond. De-
 7 positaries designated by the county recorder or the state game warden
 8 may have the privilege of charging an additional five per cent (5%)
 9 of the cost of each license to be retained for the service rendered in
 10 issuing the license.

1 SEC. 14. The county recorder shall be responsible for all fees for
 2 the issuance of hunting and fishing licenses sold through his office,
 3 or issued through his office and sold by others. All unused license
 4 blanks shall be surrendered to the county recorder upon his demand.

1 SEC. 15. When license blanks in the possession of the county re-
 2 corder or depositaries are accidentally destroyed, either by fire or
 3 theft, the holder of such blanks shall only be relieved from account-
 4 ability upon the presentation of satisfactory proof and the filing of
 5 a bond to the state game warden that such blanks have actually been
 6 so destroyed.

1 SEC. 16. Within five days after the end of each month, each county
 2 recorder shall remit to the state game warden, all duplicate licenses
 3 and all fees for such licenses issued during the previous month. On
 4 or before the tenth of April each year, each county recorder shall
 5 remit to the state game warden all unused license blanks for the
 6 previous year, and he shall make a final accounting for all license
 7 fees received for that period.

1 SEC. 17. All licenses shall be issued in duplicate, one copy of which

2 shall be given to the applicant, one shall be forwarded to the state
3 game warden, and the license stub shall be retained in the office of
4 the county recorder.

1 SEC. 18. Every license shall expire on April first following its
2 issuance.

1 SEC. 19. All hunting, fishing, and trapping licenses shall contain
2 a general description. Such licenses shall be upon such forms as the
3 commission shall adopt. The occupation, address and the signature
4 of the applicant and all signatures and other writing shall be in ink.
5 All licenses shall bear a facsimile signature of the state game warden
6 and the signature of the recorder by whom it is issued. All licenses
7 shall clearly indicate the nature of the privilege granted and all appli-
8 cants for licenses shall be provided with a summary of the regulations
9 of the state fish and game department.

1 SEC. 20. The use of a license by a person other than that to whom
2 issued shall nullify said license and such use shall constitute a mis-
3 demeanor.

1 SEC. 21. Upon the conviction of a licensee of any violation of
2 chapter eighty-six (86) of the code, or of this act, or of any rule or
3 regulation adopted by the state fish and game commission, the magis-
4 trate may, as a part of the judgment, revoke the license of said
5 licensee, or suspend the same for any definite period.

1 SEC. 22. Whenever a license is revoked the date and cause of such
2 revocation shall be noted on the stub retained by the county recorder
3 and upon the duplicate on file in the departmental office. The depart-
4 ment may refuse the issuance of a new license to any person whose
5 license has theretofore been revoked.

1 SEC. 23. Any person may possess not more than two game birds
2 or fur-bearing animals confined as pets without being required to
3 purchase a license as a game breeder, but he shall not be allowed to
4 increase his stock beyond the original number nor shall he be allowed
5 to kill or sell such stock.

6 Owners or tenants of land, and their children, may hunt, fish or
7 trap upon such lands and may shoot ground squirrels, gophers or
8 woodchucks upon adjacent roads without securing a license so to do.

9 No female resident of the state shall be required to have a fishing
10 license, nor shall a male resident of the state under sixteen (16) years
11 of age be required to have a license to fish in the waters of the state.

1 SEC. 24. The word "gun" as used in this chapter, shall include
2 every kind of a gun or rifle, except a revolver or pistol, and shall
3 include those provided with pistol mountings which are designed to
4 shoot shot cartridges.

5 No person, except as permitted by law, shall have or carry any gun
6 in or on any vehicle on any public highway, unless such gun be taken
7 down or contained in a case, and the barrels and magazines thereof
8 be unloaded.

9 No person shall use a swivel gun, nor any other firearm, except
10 such as is commonly shot from the shoulder or hand in the hunting,

11 killing or pursuit of game, and no such gun shall be larger than num-
12 ber 10 gauge.

1 SEC. 25. No person, except as otherwise provided, shall ship,
2 carry or transport in any one day, game, fish, birds, or animals, except
3 fur-bearing animals in excess of the number legally permitted to be
4 in possession of such a person.

1 SEC. 26. This act being deemed of immediate importance, shall be
2 in force and effect from and after its publication in the Waterloo
3 Evening Courier, a newspaper published at Waterloo, Iowa, and the
4 LeMars Semi-Weekly Sentinel, a newspaper published at LeMars,
5 Iowa, the expense of such publication to be paid out of the fish and
6 game fund.

House File No. 238. Approved April 1, 1933.

I hereby certify that the foregoing act was published in the LeMars Semi-Weekly
Sentinel April 7, 1933, and the Waterloo Evening Courier April 5, 1933.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 31

BOARD OF CONSERVATION. PEACE OFFICERS

H. F. 277

AN ACT authorizing the board of conservation to designate certain persons as peace
officers.

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

1 SECTION 1. The board of conservation, in carrying out the provi-
2 sions of chapter eighty-seven (87), code, 1931, may appoint the super-
3 intendent of parks, park and lake custodians, and boat inspectors,
4 special police. Such officers are hereby vested with the powers and
5 charged with the duties of peace officers while in the performance of
6 their official duties.

House File No. 277. Approved April 13, 1933.

CHAPTER 32

BOARD OF CONSERVATION. STATE-OWNED WATERS

H. F. 276

AN ACT to amend section seventeen hundred ninety-nine (1799), code, 1931, to permit
the board of conservation to maintain, improve or beautify state-owned, meandered
and navigable lakes and streams.

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

1 SECTION 1. The law as it appears in section seventeen hundred
2 ninety-nine (1799), code, 1931, be and the same is hereby amended
3 by adding at the end thereof the following: