

A BILL

FOR AN ACT TO PROVIDE FOR THE FURTHER ENFORCEMENT OF CHAPTERS 80 AND 188, OF THE ACTS OF THE SEVENTEENTH GENERAL ASSEMBLY, IN RELATION TO THE CONSTRUCTION AND ATTACHMENT OF FISHWAYS TO DAMS.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That within thirty days after the passage and publication of this act each clerk of the board of supervisors in any county in this state in which there is any dam constructed across any stream therein shall notify the state fish commissioner of the height of each dam in his county, the width of the stream where the dam is constructed, the character of the foundation upon which each dam rests, and shall give to him all other information necessary to convey to said commissioner an intelligent understanding of the situation and location of each dam in said county.

SEC. 2. That within thirty days after the receipt of said notice the state commissioner shall acknowledge the same by mail, and within thirty days from that date the said commissioner shall send through the United States mail, to the clerk of the said board of supervisors, plans and specifications suitable for the construction of a fish-way for each dam reported as aforesaid, and the said clerk shall, immediately on the receipt of said plans and specifications, cause a notice to be published for three weeks in succession in some newspaper nearest the dam where the fish-way is required, and which notice shall be directed to the owner, agent or party in charge of the dam, and which shall inform said owner, agent or party that plans and specifications are in his office, subject to his inspection, for the construction of a fish-way to said dam, and that, unless he consult the same and comply therewith within sixty days, the county will proceed to construct the same, and the costs and penalties therefor will be made a tax lien on the entire premises on which such dam is situated.

SEC. 3. If, within sixty days of the last publication of said notice, the owner, agent or party in charge shall fail to construct and attach a fish-way to such dam, such as required by the commissioner, then the county board of supervisors shall immediately proceed to construct and attach the same at the expense of the county, and, when so constructed and attached, the original cost and twenty per cent thereon as a penalty shall be entered upon

6 the tax books of the county, and shall be a lien on said property, to be collected in the same
7 manner as other taxes and assessments against said property are collected.

SEC. 4. To carry out any of the provisions of this act the county board of supervisors may
2 issue county warrants, and when the said taxes are paid the said warrants and all accrued inter-
3 est thereon shall be refunded to the county, and the balance, after paying the said clerk and
4 state commissioner and board of supervisors for their services, and for the publication of said
5 notice, shall be paid over to the county treasurer to become a part of the school fund of the
6 county.

SEC. 5. Some one of the county board of supervisors, in the first week in April and Septem-
2 ber of each year, shall visit each dam in his county, to which fish-ways are attached, and require
3 the party in charge to keep the same in good repair, and if he fails or for any reason shall
4 neglect to repair the same within ten days after notice so to do, the said supervisor shall im-
5 mediately cause the needed repairs to be made at the expense of the county, and the costs
6 thereof, with a penalty of twenty-five per cent added, shall become a lien on the premises,
7 and shall be collected as other taxes are collected against the same property.

SEC. 6. The said clerk and state fish commissioner and board of supervisors shall keep an
2 accurate and itemized account of their expenditures and report the same under oath to the
3 county board of supervisors at any regular meeting, and the said board shall thereupon allow
4 such reasonable compensation for their services as they may consider reasonable and just.

SEC. 7. Any person who shall kill, trap, ensnare, detain, or in any manner molest the free
2 and unobstructed passage of any fish within one hundred yards of any dam or in their transit
3 through any fish-way attached or belonging thereto, shall be adjudged guilty of a misde-
4 meanor, and upon conviction thereof shall pay a fine for each offense of not less than five
5 nor more than fifty dollars, with costs of prosecution, and stand committed until the same
6 are fully paid: and when said fine shall be collected one half shall be paid to the complain-
7 ing witness, and the residue, after paying costs of prosecution, shall be paid over to the
8 county treasurer, to become part of the county school fund.

SEC. 8. If any member of any board of supervisors shall, by vote or act, neglect or refuse
2 to enforce the provisions of this act, he shall be adjudged guilty of a misdemeanor, and upon
3 the complaint of any person before any justice of the peace having jurisdiction thereof, if he
4 be convicted he shall pay a fine of not less than twenty nor more than one hundred dollars
5 and costs for each offense, and when collected one-half of said fine shall be paid over to the
6 complaining witness, and the residue, after paying the costs, shall be paid over to the county
7 treasurer, to become a part of the school fund of the county.

SEC. 9. Nothing in this act shall be construed to repeal any part of chapters 80 and 188
2 of the acts of the seventeenth general assembly of the state of Iowa.

SEC. 10. This act, being deemed of immediate importance, shall take effect and be in
2 force from and after its publication in the *Iowa State Register* and *Iowa State Leader*, two
3 newspapers published in the city of Des Moines, Iowa.