

JOINT NATURAL RESOURCES SUBCOMMITTEE
ON THE
IOWA STATE CONSERVATION COMMISSION

Report to Members of the
Second Session of the Sixty-seventh General Assembly

State of Iowa
1978

1977 REPORT
JOINT NATURAL RESOURCES SUBCOMMITTEE
ON THE
IOWA STATE CONSERVATION COMMISSION

Authorization

The Joint Natural Resources Subcommittee on the Iowa State Conservation Commission was authorized by the Legislative Council to examine the policies and practices of the Commission. This authorization was preceded by a request by the standing Committees on Natural Resources of the House and Senate meeting jointly during the Special Session for an examination of fish and game license fees, payments in lieu of property taxes, and scenic easements. The Senate Committee on Natural Resources, after a public hearing on the law enforcement and administrative practices of the Commission held on August 3, 1977, requested an examination of those subject matters.

Meetings

The Subcommittee held its first meeting on September 26, 1977 with the following serving as members:

Senator Tom Slater, Co-chairperson
Representative Donald Avenson, Co-chairperson
Senator Cliff Burroughs
Senator James Calhoun
Senator Berl Priebe
Senator Dale Tieden
Representative James Middleswart
Representative Nancy Shimanek
Representative Don Spencer
Representative Semor Tofte

The Subcommittee adopted an agenda of sixteen topics for review. A list of those topics is appended to this report. The Subcommittee also determined to conduct a brief public hearing on the practices of the Commission at its second meeting. The Subcommittee authorized the Co-chairpersons to establish staff procedures for the development of reports on the Subcommittee's agenda.

At the second meeting held October 25, 1977, several citizens and members of the Commission's staff spoke to the Subcommittee about the law enforcement and administrative practices of the Commission. The Subcommittee requested that written complaints about these practices be submitted to the Subcommittee and that a response be elicited from the Commission. At this meeting several memoranda on the subjects of the Subcommittee's agenda, prepared by the Commission staff and the Subcommittee staff, were received and discussed by the Subcommittee.

At the third meeting held December 2, 1977 the Subcommittee received and discussed reports submitted to it on the remaining items of the Subcommittee's agenda. The Subcommittee also discussed the answers from the Commission in response to the inquiry made regarding the complaints submitted.

Findings and Recommendations

1. The Subcommittee inquired about the private use of state quarters by employees of the Commission which had been reported by the press. The Subcommittee requested that the Commission submit a proposal to establish a reimbursement schedule for such use. The Commission responded that they had discovered that the practice was prohibited by section 740.20, Code 1977, in a recent opinion of the Attorney General, and that they had discontinued the practice. It was also discovered that the recodification of that law, section 721.2(5), Code 1977 Supplement, may permit the private use of state quarters if a reimbursement schedule is established.

2. The Subcommittee learned that a personnel rule of the Commission prohibited employees from lobbying without the Commission's consent. The Subcommittee has transmitted to the Commission its recommendation that the personnel rule be amended to allow its employees to discuss with legislators issues confronting the Commission when that employee is speaking for his or herself and not on the behalf of the Commission.

3. The Subcommittee received a volume of testimony and material on hunter-farmer relations. There were several complaints by farmers regarding the effectiveness of the Commission in enforcing game and trespass laws. The Commission stated that their law enforcement resources were inadequate and that the fines levied were not a sufficient deterrent. The Subcommittee recommended the drafting of a bill for discussion purposes to increase the penalties for violations of sections 109.32 and 109.120 to that of a serious misdemeanor, to increase the fines for scheduled violations of chapter 110 from ten dollars to twenty-five dollars, and to make revocation of the game license mandatory for certain violations.

4. The Subcommittee inquired into the practice of the Commission in granting courtesy licenses pursuant to section 110.18 of the Code. The Subcommittee has recommended the drafting of legislation which would require that the Commission approve each courtesy license either prior to or at the next meeting after the license is issued and that the approval be entered in the minutes of that meeting.

5. The Subcommittee gathered and received extensive information on these and other topics. (See attached list) On some of these other topics the Subcommittee's members devoted significant time to discussion of the subject matter, but chose to not make a Subcommittee recommendation or to pursue the matter in

another forum. Numerous suggestions and recommendations were made to the Commission individually by members of the Subcommittee. The information collected by the Subcommittee will remain on file with the Legislative Service Bureau and be available for future reference.

Proposed bill drafts which have been recommended by the Subcommittee will be transmitted to the standing House and Senate Committees on Natural Resources when they have been completed.

MEMO

TO: THE JOINT NATURAL RESOURCES SUBCOMMITTEE ON THE IOWA
STATE CONSERVATION COMMISSION

FROM: David S. Bailey, Legal Counsel, Legislative Service Bureau

The following is a list of topics tentatively approved for review by the Joint Subcommittee at the morning session of its September 26, 1977 meeting:

1. Use of State Facilities by Commission Employees and Commissions
2. The "Gag Order"
3. Accounting Control of Fixed Assets
4. Hunter-Farmer Relations
5. Upper Iowa River and Scenic Easements
6. Payments in Lieu of Property Taxes
7. License Fee Increases
8. Contracts
9. Land Acquisition and Leasing Policies
10. Procedure for the Setting of Seasons
11. Administrative Practices in General
12. Information and Education Section
13. Promotional Activities
14. Out-of-State Travel
15. Budget Matters
16. Access to Public Lakes