

MAY 5 1971

HOUSE FILE 680

PASSED ON FILE

By COMMITTEE ON CONSERVATION  
AND RECREATION

*Com. & Res. - Pass 2/3/72 (273)  
Sen. " " " 2/7/72, Pass 2/15/72*

Passed House, Date 2-7-72 Passed Senate, Date 2-23-72  
Vote: Ayes 90 Nays 1 Vote: Ayes 42 Nays 2  
Approved March 15, 1972

## A BILL FOR

1 An Act to clarify the status of law-enforcement officers appoin-  
2 ted by the state conservation commission.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
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1 Section 1. Section sixty-four point six (64.6), subsection  
2 sixteen (16), Code 1971, is amended as follows:

3 16. ~~State-conservation-officers~~ Officers appointed by  
4 state conservation commission, one thousand dollars.

5 Sec. 2. Section eighty B point three (80B.3), subsection  
6 three (3), Code 1971, is amended as follows:

7 3. "Law-enforcement officer" means ~~a-conservation an~~  
8 officer appointed by the state conservation commission, a  
9 member of a police force or other agency or department of  
10 the state, county, city or town regularly employed as such  
11 and who is responsible for the prevention and detection of  
12 crime and the enforcement of the criminal laws of this state  
13 and all individuals, as determined by the council, who by  
14 the nature of their duties may be required to perform the  
15 duties of a peace officer.

16 Sec. 3. Section eighty-five point sixty-two (85.62), un-  
17 numbered paragraph one (1), Code 1971, is amended as follows:

18 Any policeman (except those pensioned under the policemen's  
19 pension fund created by law), any sheriff, marshal, constable,  
20 state highway patrolman, ~~conservation officer~~ appointed by  
21 the state conservation commission, and any and all of their  
22 deputies and any and all other legally appointed or elected  
23 law-enforcing officers, who shall sustain an injury while  
24 performing the duties of a law-enforcing officer and from  
25 causes arising out of and in the course of his official duty,  
26 or employment as a law-enforcing officer, become temporarily  
27 or permanently physically disabled or if said injury results  
28 in death shall be entitled to compensation for all such  
29 injuries or disability together with statutory medical,  
30 nursing, hospital, surgery and funeral expenses, and where  
31 the officer is paid from public funds said compensation shall  
32 be paid out of the general fund of the state.

33 Sec. 4. Section one hundred six point nineteen (106.19),  
34 Code 1971, is repealed.

35 Sec. 5. Section one hundred six point twenty (106.20),

1 unnumbered paragraph three (3), Code 1971, is amended as  
2 follows:

3 ~~Beat-inspectors, conservation-officers-and-water-safety~~  
4 ~~patrolmen~~ Officers appointed by the commission shall have  
5 the power and authority to determine whether such vessel is  
6 safe for the transportation of passengers or cargo and upon  
7 what waters it may be used. They may determine and desig-  
8 nate the number of passengers or cargo, including crew, that  
9 may be carried and determine whether the machinery, equipment  
10 and all appurtenances are such as to make said vessels  
11 seaworthy, where used, and such other matters as are pertinent.

12 Sec. 6. Section one hundred six point twenty-one (106.21),  
13 unnumbered paragraphs five (5) and seven (7), Code 1971, are  
14 amended as follows:

15 The provisions of this section shall be applicable to all  
16 vessels which are rented to the public for hire, including  
17 vessels furnished with leased cottages. If such vessels are  
18 found to be in satisfactory condition, the ~~beat-inspector~~  
19 inspecting officer shall attach thereto a small plate or  
20 inspection seal, indicating the date of inspection and the  
21 passenger-carrying capacity. The owner of such vessel shall  
22 not offer it for hire or allow it to be so used until such  
23 inspection has been made and the vessel found to be in satis-  
24 factory condition.

25 The ~~beat-inspector-or-conservation~~ inspecting officer shall  
26 collect all inspection fees and forward them to the commission.

27 Sec. 7. Section one hundred six point twenty-two (106.22),  
28 unnumbered paragraph two (2), Code 1971, is amended as follows:

29 Any person desiring a pilot's or engineer's license shall  
30 file an application with the commission upon forms prepared  
31 and furnished by the commission. Such license may be issued  
32 by the commission only upon recommendation of ~~a-beat-inspector,~~  
33 ~~water-safety-patrolman-or-conservation~~ an officer duly  
34 authorized by the commission. Before the ~~beat-inspector,~~  
35 ~~water-safety-patrolman-or-conservation~~ officer recommends

1 such a license, he shall investigate the competency of the  
2 applicant, his acquaintance with and experience in boat work,  
3 his habits as to sobriety, his mental and physical  
4 qualifications for the work, his acquaintance with the waters  
5 for which application to operate upon is made, his familiarity  
6 with the laws and regulations pertaining to the vessel  
7 operation and all other pertinent matters. Such license shall  
8 not be issued to anyone under eighteen years of age.

9 Sec. 8. Section one hundred six point twenty-three  
10 (106.23), subsection one (1), Code 1971, is amended as follows:

11 1. ~~The-boat-inspector,-water-safety-patrolman-or-con-~~  
12 ~~servation~~ Any officer appointed by the commission may, for  
13 cause, temporarily suspend the registration certificate of  
14 any vessel and the license of a pilot or engineer, that has  
15 been issued under this chapter, and the commission, after  
16 a due hearing on the matter at its next session, shall make  
17 final determination in the matter.

18 Sec. 9. Section one hundred seven point six (107.6), Code  
19 1971, is amended as follows:

20 107.6 EXPENSES GENERALLY. The members and employees of  
21 the commission, the conservation director and ~~conservation~~  
22 officers shall be reimbursed for all actual and necessary  
23 expenses incurred by them in the discharge of their official  
24 duties when absent from their usual place of abode, unless  
25 said appointees or employees are serving under a contract  
26 which requires them to defray their own expenses.

27 Sec. 10. Section one hundred seven point thirteen (107.13),  
28 Code 1971, is amended by striking the section and inserting  
29 in lieu thereof the following:

30 "107.13 OFFICERS AND EMPLOYEES. The director shall, with  
31 the consent of the commission, employ the number of assistants,  
32 including a professionally trained state forester, that are  
33 necessary to carry out the duties imposed on the commission;  
34 and, under the same conditions, the director shall appoint  
35 the number of officers and supervisory personnel that are

1 necessary to enforce the laws and rules and regulations, the  
2 enforcement of which are imposed on the commission. The  
3 officers and supervisory personnel shall have the same powers  
4 that are conferred by law on peace officers in the enforcement  
5 of the laws of the state of Iowa and the apprehension of vio-  
6 lators. Any person appointed as a full-time officer shall  
7 be at least twenty-two years of age, but not more than thirty-  
8 one years of age, on the date of his appointment. Officer  
9 means any person appointed by the state conservation  
10 commission to enforce the laws of this state under the  
11 jurisdiction of the commission."

12 Sec. 11. Section one hundred seven point fourteen (107.14),  
13 Code 1971, is amended by striking the section and inserting  
14 in lieu thereof the following:

15 "107.14 TEMPORARY APPOINTMENTS. The commission may appoint  
16 temporary officers for a period not to exceed six months.  
17 The commission may adopt minimum physical, educational, mental,  
18 and moral requirements for the temporary officers. The  
19 provisions of chapter eighty B (80B) of the Code shall not  
20 apply to the temporary officers."

21 Sec. 12. Section one hundred seven point fifteen (107.15),  
22 Code 1971, is repealed.

23 Sec. 13. Section one hundred seven point twenty-one  
24 (107.21), Code 1971, is amended as follows:

25 107.21 DIVISIONS OF DEPARTMENT. The department of con-  
26 servation, herein created, shall consist of the following  
27 divisions:

28 1. A division of fish and game which shall include matters  
29 relating to fish and fisheries, waterfowl, game, fur-bearing  
30 and other animals, birds, ~~and~~ other wildlife resources, and  
31 enforcement.

32 2. A division of lands and waters which shall include  
33 matters relating to state waters, state parks, forests and  
34 forestry, and lakes and streams, including matters relating  
35 to scenic, scientific, historical, archaeological, and

1 recreational matters, and enforcement.

2 3. A division of administration which shall include matters  
3 relating to accounts, records, ~~enforcement~~, technical service,  
4 and public relations.

5 Sec. 14. Section one hundred seven point twenty-four  
6 (107.24), subsection seven (7), Code 1971, is amended as  
7 follows:

8 7. Pay the salaries, wages, compensation, traveling and  
9 other necessary expenses of the state conservation  
10 commissioners, state conservation director, ~~state-conser-~~  
11 ~~vation~~ officers and other employees of the commission, and  
12 to expend money for necessary supplies and equipment, and  
13 to make such other expenditures as may be necessary for the  
14 carrying into effect the purposes of this chapter.

15 Sec. 15. Section one hundred nine point eleven (109.11),  
16 Code 1971, is repealed.

17 Sec. 16. Section one hundred nine point twelve (109.12),  
18 Code 1971, is amended as follows:

19 109.12 SEIZURE OF UNLAWFUL GAME. It shall be the duty  
20 of the director, ~~conservation-officers, and police-officers~~  
21 ~~of-the-state,~~ or any peace officer to seize with or without  
22 warrant and take possession of any fish, furs, birds, or  
23 animals, or mussels, clams, and frogs, except for bait which  
24 have been caught, taken, or killed at a time, in a manner,  
25 or for a purpose, or had in possession or under control, or  
26 offered for shipment, or illegally transported in the state  
27 or to a point beyond the borders thereof, contrary to the  
28 provisions of this chapter.

29 Sec. 17. Section one hundred nine point thirty-five  
30 (109.35), Code 1971, is amended as follows:

31 109.35 ATTORNEY GENERAL AND COUNTY ATTORNEYS. It shall  
32 be the duty of the attorney general, when requested by the  
33 director, to give his opinion in writing upon any question  
34 of law arising under this chapter; and it shall be the duty  
35 of all county attorneys in this state when requested by the

1 director or any conservation officer appointed by the  
2 commission, to prosecute all criminal actions brought in  
3 their respective counties for violations of the provisions  
4 of this chapter. Nothing in this chapter shall be construed  
5 as prohibiting any person from instituting legal proceedings  
6 for the enforcement of any of the provisions thereof.

7 Sec. 18. Section one hundred nine point fifty-two (109.52),  
8 Code 1971, is amended as follows:

9 109.52 EXHIBITING CATCH TO OFFICER. Any person who shall  
10 have in his possession any game bird or game animal, fish  
11 or fur or part thereof shall upon request of the director  
12 or any conservation-officer-or-any-peace officer appointed  
13 by the commission exhibit the same to him, and a refusal to  
14 do so shall constitute a violation of this chapter.

15 Sec. 19. Section one hundred nine point seventy-three  
16 (109.73), Code 1971, is amended as follows:

17 109.73 TROT LINES. It shall be unlawful for any person  
18 to use in the inland waters of the state open to the use of  
19 trotlines or throw lines, more than five trotlines or throw  
20 lines. Such trotlines or throw lines shall not have in the  
21 aggregate more than fifteen hooks. Each separate line when  
22 in use shall have attached a tag plainly labeled with the  
23 owner's name and address, shall be checked at least once each  
24 twenty-four hours, and no person shall use such throw lines  
25 or trotlines in any stocked lake or within three hundred feet  
26 of any dam or spillway or in any stream or portion of stream,  
27 closed or posted against the use of such tackle. One end  
28 of such throw lines or trotlines shall be set from the shore  
29 and be visible above the shore water line, but no such throw  
30 line or trotline shall be set entirely across a stream or  
31 body of water. Any untagged lines when found in use shall  
32 be confiscated by a-conservation any officer appointed by  
33 the commission.

34 Sec. 20. Section one hundred nine point ninety (109.90),  
35 unnumbered paragraph one (1), Code 1971, is amended as follows:

1 It shall be unlawful for any person to molest or disturb,  
2 in any manner, any muskrat house, beaver dam, skunk, mink,  
3 or raccoon den except by permission of a-conservation any  
4 officer appointed by the commission.

5 Sec. 21. Section one hundred nine point ninety-two  
6 (109.92), unnumbered paragraphs one (1) and three (3), Code  
7 1971, are amended as follows:

8 Except as otherwise provided in this chapter no person  
9 shall at any time, use or attempt to use any colony or box  
10 trap including figure four box traps, in taking, capturing,  
11 trapping or killing any game bird or animal or fur-bearing  
12 animals, except cottontail rabbits and squirrels. Box traps  
13 capable of capturing more than one rabbit or one squirrel  
14 at each setting are prohibited. A valid hunting license is  
15 required for box trapping except as otherwise provided. All  
16 box traps shall have a metal tag attached plainly labeled  
17 with the owner's name and address. ~~Conservation~~ Any officers  
18 appointed by the commission shall have authority to confiscate  
19 such traps when found in use that are not properly labeled.

20 All licensed traps shall have a metal tag attached plainly  
21 labeled with the owner's name and address. ~~Conservation~~ Any  
22 officers appointed by the commission shall have authority  
23 to confiscate such traps when found in use that are not  
24 properly labeled.

25 Sec. 22. Section one hundred nine point one hundred seven  
26 (109.107), unnumbered paragraph three (3), Code 1971, is  
27 amended as follows:

28 All licensed nets, seines, wooden basket traps or trot-  
29 lines shall have attached a metal tag identifying the equip-  
30 ment and license for its use. Tags must at all times be  
31 attached to commercial fishing gear and ~~conservation~~ officers  
32 appointed by the commission shall have authority to confiscate  
33 any such commercial fishing gear when found in use without  
34 such tags attached. Identification tags shall be furnished  
35 by the commission and a charge of ten cents shall be made

1 for each tag and such tags shall be renewed annually.

2 Sec. 23. Section one hundred ten point twelve (110.12),  
3 Code 1971, is amended as follows:

4 110.12 SHOWING LICENSE TO OFFICER. Every person shall,  
5 while fishing, hunting or trapping, show his license, certi-  
6 ficate or permit, to any ~~conservation-officer, constable,~~  
7 ~~sheriff, deputy-sheriff, police-officer,~~ peace officer, or  
8 the owner or person in lawful control of the land or water  
9 upon which licensee may be hunting, fishing or trapping when  
10 requested by said persons to do so. Any failure to so carry  
11 or refusal to show or so exhibit his license, certificate  
12 or permit, shall be a violation of this chapter.

13 Sec. 24. Section seven hundred forty point five (740.5),  
14 Code 1971, is amended as follows:

15 740.5 FALSELY ASSUMING TO BE OFFICER. If a person falsely  
16 assume to be a judge, justice of the peace, magistrate,  
17 sheriff, deputy sheriff, peace officer, special agent of the  
18 Iowa department of public safety, ~~conservation officer~~  
19 appointed by the state conservation commission, or constable,  
20 and take upon himself to act as such, or require anyone to  
21 aid or assist him in any matter pertaining to the duty of  
22 any such officer, he shall be imprisoned in the county jail  
23 not more than one year, or be fined not exceeding three hundred  
24 dollars.

25 EXPLANATION

26 This bill clarifies the status of law-enforcement officers  
27 appointed by the State Conservation Commission. Under present  
28 law, the Commission appoints conservation officers, water  
29 safety officers, and boat inspectors. The intent of this  
30 bill is to give each of these officers the same classification  
31 status under the merit employment system.

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