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I hereby certify that the foregoing Act, House File 1147, was published in the Times-Democrat, Davenport, Iowa, April 4, 1972, and in The Muscatine Journal, Muscatine, Iowa, April 7, 1972.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 1026

CONSERVATION OFFICERS

H. F. 680

AN ACT to clarify the status of law-enforcement officers appointed by the state conservation commission.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section sixty-four point six (64.6), subsection sixteen
2 (16), Code 1971, is amended as follows:

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

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

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

1 SEC. 3. Section eighty-five point sixty-two (85.62), unnumbered
2 paragraph one (1), Code 1971, is amended as follows:

3 Any policeman (except those pensioned under the policemen's pen-
4 sion fund created by law), any sheriff, marshal, constable, state high-
5 way patrolman, ~~econservation~~ *officer appointed by the state conserva-*
6 *tion commission*, and any and all of their deputies and any and all
7 other legally appointed or elected law-enforcing officers, who shall
8 sustain an injury while performing the duties of a law-enforcing
9 officer and from causes arising out of and in the course of his official
10 duty, or employment as a law-enforcing officer, become temporarily
11 or permanently physically disabled or if said injury results in death
12 shall be entitled to compensation for all such injuries or disability
13 together with statutory medical, nursing, hospital, surgery and funeral
14 expenses, and where the officer is paid from public funds said com-
15 pensation shall be paid out of the general fund of the state.

1 SEC. 4. Section one hundred six point nineteen (106.19), Code
2 1971, is repealed.

1 SEC. 5. Section one hundred six point twenty (106.20), unnum-
2 bered paragraph three (3), Code 1971, is amended as follows:

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

1 SEC. 6. Section one hundred six point twenty-one (106.21), un-
 2 numbered paragraphs five (5) and seven (7), Code 1971, are amended
 3 as follows:

4 The provisions of this section shall be applicable to all vessels which
 5 are rented to the public for hire, including vessels furnished with
 6 leased cottages. If such vessels are found to be in satisfactory con-
 7 dition, the ~~boat inspector~~ *inspecting officer* shall attach thereto a small
 8 plate or inspection seal, indicating the date of inspection and the
 9 passenger-carrying capacity. The owner of such vessel shall not offer
 10 it for hire or allow it to be so used until such inspection has been made
 11 and the vessel found to be in satisfactory condition.

12 The ~~boat inspector or conservation~~ *inspecting officer* shall collect all
 13 inspection fees and forward them to the commission.

1 SEC. 7. Section one hundred six point twenty-two (106.22), un-
 2 numbered paragraph two (2), Code 1971, is amended as follows:

3 Any person desiring a pilot's or engineer's license shall file an appli-
 4 cation with the commission upon forms prepared and furnished by the
 5 commission. Such license may be issued by the commission only upon
 6 recommendation of a ~~boat inspector, water safety patrolman or con-~~
 7 ~~serva~~ *tion an officer* duly authorized by the commission. Before the
 8 ~~boat inspector, water safety patrolman or conservation~~ officer recom-
 9 mends such a license, he shall investigate the competency of the appli-
 10 cant, his acquaintance with and experience in boat work, his habits
 11 as to sobriety, his mental and physical qualifications for the work, his
 12 acquaintance with the waters for which application to operate upon
 13 is made, his familiarity with the laws and regulations pertaining to
 14 the vessel operation and all other pertinent matters. Such license shall
 15 not be issued to anyone under eighteen years of age.

1 SEC. 8. Section one hundred six point twenty-three (106.23), sub-
 2 section one (1), Code 1971, is amended as follows:

3 1. The ~~boat inspector, water safety patrolman or conservation~~ *Any*
 4 *officer appointed by the commission* may, for cause, temporarily sus-
 5 pend the registration certificate of any vessel and the license of a pilot
 6 or engineer, that has been issued under this chapter, and the commis-
 7 sion, after a due hearing on the matter at its next session, shall make
 8 final determination in the matter.

1 SEC. 9. Section one hundred seven point six (107.6), Code 1971, is
 2 amended as follows:

3 **107.6 Expenses generally.** The members and employees of the
 4 commission, the conservation director and ~~conservation~~ officers shall
 5 be reimbursed for all actual and necessary expenses incurred by them
 6 in the discharge of their official duties when absent from their usual
 7 place of abode, unless said appointees or employees are serving under
 8 a contract which requires them to defray their own expenses.

1 SEC. 10. Section one hundred seven point thirteen (107.13), Code
2 1971, is amended by striking the section and inserting in lieu thereof
3 the following:

4 "107.13 **Officers and employees.** The director shall, with the con-
5 sent of the commission, employ the number of assistants, including a
6 professionally trained state forester, that are necessary to carry out
7 the duties imposed on the commission; and, under the same conditions,
8 the director shall appoint the number of officers and supervisory per-
9 sonnel that are necessary to enforce the laws and rules and regula-
10 tions, the enforcement of which are imposed on the commission. The
11 officers and supervisory personnel shall have the same powers that are
12 conferred by law on peace officers in the enforcement of the laws of
13 the state of Iowa and the apprehension of violators. Any person
14 appointed as a full-time officer shall be at least twenty-two years of
15 age, but not more than thirty-one years of age, on the date of his
16 appointment. Officer means any person appointed by the state con-
17 servation commission to enforce the laws of this state under the juris-
18 diction of the commission."

1 SEC. 11. Section one hundred seven point fourteen (107.14), Code
2 1971, is amended by striking the section and inserting in lieu thereof
3 the following:

4 "107.14 **Temporary appointments.** The commission may appoint
5 temporary officers for a period not to exceed six months. The com-
6 mission may adopt minimum physical, educational, mental, and moral
7 requirements for the temporary officers. The provisions of chapter
8 eighty B (80B) of the Code shall not apply to the temporary officers."

1 SEC. 12. Section one hundred seven point fifteen (107.15), Code
2 1971, is repealed.

1 SEC. 13. Section one hundred seven point twenty-one (107.21),
2 Code 1971, is amended as follows:

3 107.21 **Divisions of department.** The department of conservation,
4 herein created, shall consist of the following divisions:

5 1. A division of fish and game which shall include matters relating
6 to fish and fisheries, waterfowl, game, fur-bearing and other animals,
7 birds, and other wildlife resources, *and enforcement.*

8 2. A division of lands and waters which shall include matters relat-
9 ing to state waters, state parks, forests and forestry, and lakes and
10 streams, including matters relating to scenic, scientific, historical,
11 archaeological, and recreational matters, *and enforcement.*

12 3. A division of administration which shall include matters relating
13 to accounts, records, ~~enforcement~~, technical service, and public rela-
14 tions.

1 SEC. 14. Section one hundred seven point twenty-four (107.24),
2 subsection seven (7), Code 1971, is amended as follows:

3 7. Pay the salaries, wages, compensation, traveling and other neces-
4 sary expenses of the state conservation commissioners, state conserva-
5 tion director, ~~state conservation~~ officers and other employees of the
6 commission, and to expend money for necessary supplies and equip-
7 ment, and to make such other expenditures as may be necessary for
8 the carrying into effect the purposes of this chapter.

1 SEC. 15. Section one hundred nine point eleven (109.11), Code
2 1971, is repealed.

1 SEC. 16. Section one hundred nine point twelve (109.12), Code
2 1971, is amended as follows:

3 **109.12 Seizure of unlawful game.** It shall be the duty of the direc-
4 tor, ~~conservation officers, and police officers of the state, or any peace~~
5 ~~officer~~ to seize with or without warrant and take possession of any
6 fish, furs, birds, or animals, or mussels, clams, and frogs, except for
7 bait which have been caught, taken, or killed at a time, in a manner,
8 or for a purpose, or had in possession or under control, or offered for
9 shipment, or illegally transported in the state or to a point beyond the
10 borders thereof, contrary to the provisions of this chapter.

1 SEC. 17. Section one hundred nine point thirty-five (109.35), Code
2 1971, is amended as follows:

3 **109.35 Attorney general and county attorneys.** It shall be the duty
4 of the attorney general, when requested by the director, to give his
5 opinion in writing upon any question of law arising under this chap-
6 ter; and it shall be the duty of all county attorneys in this state when
7 requested by the director or any ~~conservation~~ officer *appointed by the*
8 *commission*, to prosecute all criminal actions brought in their respec-
9 tive counties for violations of the provisions of this chapter. Nothing
10 in this chapter shall be construed as prohibiting any person from insti-
11 tuting legal proceedings for the enforcement of any of the provisions
12 thereof.

1 SEC. 18. Section one hundred nine point fifty-two (109.52), Code
2 1971, is amended as follows:

3 **109.52 Exhibiting catch to officer.** Any person who shall have in
4 his possession any game bird or game animal, fish or fur or part
5 thereof shall upon request of the director or any ~~conservation officer~~
6 ~~or any peace officer appointed by the commission~~ exhibit the same to
7 him, and a refusal to do so shall constitute a violation of this chapter.

1 SEC. 19. Section one hundred nine point seventy-three (109.73),
2 Code 1971, is amended as follows:

3 **109.73 Trotlines.** It shall be unlawful for any person to use in the
4 inland waters of the state open to the use of trotlines or throw lines,
5 more than five trotlines or throw lines. Such trotlines or throw lines
6 shall not have in the aggregate more than fifteen hooks. Each separate
7 line when in use shall have attached a tag plainly labeled with the
8 owner's name and address, shall be checked at least once each twenty-
9 four hours, and no person shall use such throw lines or trotlines in
10 any stocked lake or within three hundred feet of any dam or spillway
11 or in any stream or portion of stream, closed or posted against the use
12 of such tackle. One end of such throw lines or trotlines shall be set
13 from the shore and be visible above the shore water line, but no such
14 throw line or trotline shall be set entirely across a stream or body of
15 water. Any untagged lines when found in use shall be confiscated by
16 ~~a conservation~~ *any officer appointed by the commission.*

1 SEC. 20. Section one hundred nine point ninety (109.90), unnum-
2 bered paragraph one (1), Code 1971, is amended as follows:

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

1 SEC. 21. Section one hundred nine point ninety-two (109.92), un-
2 numbered paragraphs one (1) and three (3), Code 1971, are amended
3 as follows:

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

15 All licensed traps shall have a metal tag attached plainly labeled
16 with the owner's name and address. ~~Conservation~~ *Any officers ap-*
17 *pointed by the commission* shall have authority to confiscate such traps
18 when found in use that are not properly labeled.

1 SEC. 22. Section one hundred nine point one hundred seven
2 (109.107), unnumbered paragraph three (3), Code 1971, is amended
3 as follows:

4 All licensed nets, seines, wooden basket traps or trotlines shall have
5 attached a metal tag identifying the equipment and license for its use.
6 Tags must at all times be attached to commercial fishing gear and
7 ~~conservation~~ *officers appointed by the commission* shall have authority
8 to confiscate any such commercial fishing gear when found in use with-
9 out such tags attached. Identification tags shall be furnished by the
10 commission and a charge of ten cents shall be made for each tag and
11 such tags shall be renewed annually.

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

3 **110.12 Showing license to officer.** Every person shall, while fish-
4 ing, hunting or trapping, show his license, certificate or permit, to any
5 ~~conservation officer, constable, sheriff, deputy sheriff, police officer,~~
6 ~~peace officer,~~ or the owner or person in lawful control of the land or
7 water upon which licensee may be hunting, fishing or trapping when
8 requested by said persons to do so. Any failure to so carry or refusal
9 to show or so exhibit his license, certificate or permit, shall be a viola-
10 tion of this chapter.

1 SEC. 24. Section seven hundred forty point five (740.5), Code 1971,
2 is amended as follows:

3 **740.5 Falsely assuming to be officer.** If a person falsely assume to
4 be a judge, justice of the peace, magistrate, sheriff, deputy sheriff,
5 peace officer, special agent of the Iowa department of public safety,
6 ~~conservation~~ *officer appointed by the state conservation commission,*
7 or constable, and take upon himself to act as such, or require anyone
8 to aid or assist him in any matter pertaining to the duty of any such
9 officer, he shall be imprisoned in the county jail not more than one
10 year, or be fined not exceeding three hundred dollars.

Approved March 15, 1972.