

located to issue subpoenas or make other appropriate orders to compel the witness' attendance at the deposition.

Approved March 26, 1990

CHAPTER 1042

DISPOSAL OF FORFEITED WEAPONS

S.F. 2137

AN ACT providing for the disposal of forfeited weapons.

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

Section 1. Section 809.21, Code 1989, is amended to read as follows:

809.21 SALE OF CERTAIN AMMUNITION AND FIREARMS.

Ammunition and firearms which are not illegal and which are not offensive weapons as defined by section 724.1 may be sold by the department of public safety at public auction. The department of public safety may sell at public auction forfeited legal weapons received from the director of the department of natural resources, except that rifles and shotguns shall be retained by the department of natural resources for disposal according to its rules. The sale of ammunition or firearms pursuant to this section shall be made only to federally licensed firearms dealers or to persons who have a permit to purchase the firearms. Persons who have not obtained a permit may bid on firearms at the public auction. However, persons who bid without a permit must post a fifty percent of purchase price deposit with the commissioner of public safety on any winning bid. No transfer of firearms may be made to a person bidding without a permit until such time as the person has obtained a permit. If the person is unable to produce a permit within two weeks from the date of the auction, the person shall forfeit the fifty percent deposit to the department of public safety. All proceeds of a public auction pursuant to this section, less department expenses reasonably incurred, shall be deposited in the general fund of the state. The department of public safety shall be reimbursed from the proceeds for the reasonable expenses incurred in selling the property at the auction.

Approved March 26, 1990

CHAPTER 1043

POSTCONVICTION JUDGMENT APPEALS

S.F. 2139

AN ACT relating to the appeal process for certain postconviction procedures.

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

Section 1. Section 663A.9, Code 1989, is amended to read as follows:

663A.9 APPEAL.

An appeal from a final judgment entered under this chapter may be taken, perfected, and prosecuted either by the applicant or by the state in the manner and within the time after judgment as provided in the rules of appellate procedure for appeals from final judgments

in criminal cases. However, if the applicant is seeking an appeal under section 663A.2, subsection 6, the appeal shall be by writ of certiorari.

Approved March 26, 1990

CHAPTER 1044

OWNERSHIP AND THEFT OF FISH IN A PRIVATE HATCHERY

S.F. 2290

AN ACT relating to the theft of fish from private fish hatcheries.

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

Section 1. Section 109.2, Code 1989, is amended to read as follows:

109.2 STATE OWNERSHIP AND TITLE — EXCEPTIONS.

The title and ownership of all fish, mussels, clams, and frogs in any of the public waters of the state, and in all ponds, sloughs, bayous, or other land and waters adjacent to any public waters stocked with fish by overflow of public waters, and of all wild game, animals, and birds, including their nests and eggs, and all other wildlife, found in the state, whether game or non-game, native or migratory, except deer in parks and in public and private preserves, the ownership of which was acquired prior to April 19, 1911, are hereby declared to be in the state, except as otherwise in this chapter provided. The title and ownership of all fish in private fish hatcheries, as defined in section 109.64, shall be in private persons.

Sec. 2. Section 109.64, Code 1989, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. All fish in a private fish hatchery are private property and are not the property of the state, and the theft of fish from a private fish hatchery is punishable as provided in section 714.2.

Approved March 26, 1990

CHAPTER 1045

APPROVAL OF COMMERCIAL WEIGHING AND MEASURING DEVICES AND SERVICERS

S.F. 2363

AN ACT relating to commercial weighing and measuring, and providing an effective date.

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

Section 1. Section 215.14, Code 1989, is amended by striking the section and inserting in lieu thereof the following:

215.14 APPROVAL BY DEPARTMENT.

A commercial weighing and measuring device shall not be installed in this state unless approved by the department. All livestock scales and pit type scales, regardless of capacity, installed on or after July 1, 1990, shall have a clearance of not less than four feet from the finished floor line of the scale to the bottom of the "I" beam of the scale bridge. Livestock