

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

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## 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

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## 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