

Sec. 5. Chapter 80, Code 1983, is amended by adding the following new section:

NEW SECTION. REIMBURSEMENT OF DEFENSE COSTS. If a peace officer employed in any division of the department is charged with the alleged commission of public offense, based on acts or omissions within the scope of the officer's lawful duty or authority, and the charge is dismissed or the officer is acquitted of the charge, the presiding magistrate or judge shall enter judgment awarding reimbursement to the officer for any costs incurred in defending against the charge, including but not limited to a reasonable attorney fee, if the court finds the existence of any of the following grounds:

1. The charge was without probable cause.
2. The charge was filed for malicious purposes.
3. The charge was unwarranted in consideration of all of the circumstances and matters of law attending the alleged offense.

The officer may apply for review of a failure or refusal to rule or an adverse ruling as to the existence of any of the above grounds. The application shall be to a district judge if the officer is seeking review of the act of a magistrate or district associate judge and it shall be to a different district judge if review is sought of an act of a district judge.

Approved May 17, 1984

CHAPTER 1260

FISH AND GAME LICENSES AND PERMITS

H.F. 406

AN ACT relating to the issuing of licenses and permits for the purpose of taking wild mammals, fish, birds, amphibians, and reptiles.

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

Section 1. Section 109.38, subsection 2, Code 1983, is amended to read as follows:

2. If following an investigation the commission finds that the number of hunters licensed to take deer or wild turkey should be limited or further regulated, the commission shall conduct a drawing to determine which applicants shall receive a license. Applications for licenses shall be received and accepted during a ~~thirty-day~~ forty-five day period established by the commission. At the end of such period the drawing shall be conducted. If the quota has not been filled, licenses shall then be issued in the order in which such applications are received and shall continue to be issued until such quota has been met or until a date fifteen days prior to the opening day of the season, whichever first occurs. If an applicant receives a deer license which is more restrictive than licenses issued to others for the same period and place, the applicant shall receive a certificate with his or her license entitling the applicant to priority in the drawing for the less restrictive deer licenses the following year. The certificate must accompany that person's application the following year, or the applicant will not receive this

priority. Persons purchasing a deer license for the gun season as provided under this section and under section 110.1 shall not be eligible for a deer-hunting license under the provisions of section 110.24. This subsection shall not apply to the hunting of wild turkey on game breeding and shooting preserves licensed under chapter 110A.

Sec. 2. Section 110.1, subsections 1 through 4, Code 1983, are amended to read as follows:

1. Fishing licenses:	
a. Legal residents except as otherwise provided	\$ 6.00
	<u>8.50</u>
b. Legal residents permanently disabled or sixty-five years of age or older	1.25
e b. Lifetime license for legal residents permanently disabled or sixty-five years of age or older	\$ 6.00
	<u>8.50</u>
d c. Nonresident license	\$ 12.00
	<u>15.50</u>
e d. Three-day license for resident or non-resident	\$ 3.00
	<u>4.50</u>
e. Three-day license for nonresident	\$ 5.50
f. Special trout license <u>Trout stamp</u>	\$ 5.00
	<u>8.00</u>
2. Hunting licenses:	
a. Legal residents except as otherwise provided	\$ 6.00
	<u>8.50</u>
b. Legal residents permanently disabled or sixty-five years of age or older	1.25
e. Lifetime license for legal residents permanently disabled or sixty-five years of age or older	\$ 6.00
d b. Deer hunting license for residents	\$ 15.00
	<u>20.00</u>
e c. Wild turkey hunting license for residents	\$ 15.00
	<u>20.00</u>
f d. Nonresidents hunting license	\$ 35.00
	<u>47.50</u>
g. Nonresidents raccoon stamp and tags	\$ 100.00
h. Nonresidents pheasant stamp	\$ 5.00
3. Hunting and fishing combined licenses:	
a. Legal residents except as otherwise provided	\$ 11.00
	<u>15.50</u>
b. Legal residents permanently disabled or sixty-five years of age or older	2.50
e b. Lifetime license for residents permanently disabled or sixty-five years of age or older	\$ 8.00
	<u>15.50</u>
4. <u>Trapping Fur harvesters, dealers and game breeders</u> licenses:	
a. <u>Trapping Fur harvester</u> license for legal residents sixteen years of age or older	\$ 10.00
	<u>15.50</u>

b. <u>Trapping Fur harvester license for legal residents under sixteen years of age</u>	\$ 1.00
	<u>2.50</u>
c. <u>Trapping Fur harvester license for nonresidents</u>	\$ 100.00
	150.50
d. <u>Fur dealers license for residents</u>	\$ 150.00
	200.00
e. <u>Fur dealers license for nonresidents</u>	\$ 300.00
	400.00
f. <u>Game breeder's license</u>	\$ 10.00

Sec. 3. Section 110.3, Code 1983, is amended to read as follows:

110.3 WILDLIFE HABITAT STAMP. A resident or nonresident person required to have a hunting or trapping fur harvester license shall not hunt or trap unless he or she has on his or her person a valid wildlife habitat stamp signed in ink with his or her signature across the face of the stamp. This section shall not apply to residents who are permanently disabled or who are younger than sixteen or older than sixty-five years of age. Special wildlife habitat stamps shall be administered in the same manner as hunting and trapping fur harvester licenses except all revenue derived from the sale of the wildlife habitat stamps shall be used within the state of Iowa for habitat development and shall be deposited in the state fish and game protection fund. The revenue may be used for the matching of federal funds. The revenues and any matched federal funds shall be used for acquisition of land, leasing of land or obtaining of easements from willing sellers for use as wildlife habitats. Notwithstanding the exemption provided by section 427.1, any land acquired with the revenues and matched federal funds shall be subject to the full consolidated levy of property taxes which shall be paid from those revenues. In addition such revenue may be used for the development and enhancement of wildlife lands and habitat areas. Not less than fifty percent of all revenue from the sale of wildlife habitat stamps shall be used by the commission to enter into agreements with county conservation boards or other public agencies in order to carry out the purposes of this section. The state share of funding of those agreements provided by the revenue from the sale of wildlife habitat stamps shall not exceed seventy-five percent.

Sec. 4. Section 110.4, Code 1983, is amended to read as follows:

110.4 PERMANENTLY DISABLED DEFINED. For the purpose of obtaining a license, a person is permanently disabled if that any of the following apply:

1. The person has been found under the provisions of the federal Social Security Act, title II, or any other public or private pension system to have a total, permanent physical or mental condition which prevents that person from engaging in his or her occupation or qualifies that person for retirement.

2. The person is physically severely handicapped and has qualified for a special license under section 110.24.

Sec. 5. Section 110.10, Code 1983, is amended to read as follows:

110.10 ISSUANCE OF LICENSE. All licenses other than hunting, fishing, and trapping fur harvester licenses, shall be issued by the director upon application to the departmental office at Des Moines. Hunting, fishing, and trapping fur harvester licenses shall be issued by the recorder of each county. The licenses shall show the cost of the license and issuing fee.

Sec. 6. Section 110.11, Code 1983, is amended to read as follows:

110.11 DEPOSITARIES — BOND. The county recorder may designate various depositaries for the sale of such licenses other than the office of the county recorder. The director may designate depositaries other than those designated by the recorders of the various counties but in so doing the interest of the state shall be fully protected either by a sufficient cash deposit or a satisfactory bond. ~~Depositaries designated by the county recorder or the director may have the privilege of charging an additional twenty-five cents for each license to be retained for the service rendered in issuing the license.~~

Sec. 7. Section 110.12, unnumbered paragraph 2, Code Supplement 1983, is amended by striking the paragraph and inserting in lieu thereof the following:

Depositaries designated by the county recorder or the director shall retain twenty-five cents from the sale of each license for the service rendered in issuing the license. The county recorder shall retain a writing fee of fifty cents from the sale of each license sold by the county recorder's office and a writing fee of twenty-five cents from the sale of each license sold by a depositary designated by the county recorder. The writing fees retained by the county recorder shall be deposited in the general fund of the county. A depositary and county recorder shall not retain any amount from the sale of trout stamps, habitat stamps, and waterfowl stamps.

Sec. 8. Section 110.17, Code 1983, is amended to read as follows:

110.17 TENURE OF LICENSE. Every license, except lifetime hunting and fishing licenses and falconry licenses, shall ~~expire on December 31 following its issuance~~ be valid from the date issued to January 10 of the succeeding calendar year for which it is issued. A license shall not be issued prior to December 15 for the subsequent calendar year.

Sec. 9. Section 110.18, Code 1983, is amended to read as follows:

110.18 FORM OF LICENSE. All hunting, fishing, and ~~trapping fur harvester~~ licenses shall contain a general description of the licensee. Such licenses shall be upon such forms as the commission shall adopt. The address and the signature of the applicant and all signatures and other writing shall be in ink. All licenses shall clearly indicate the nature of the privilege granted.

Sec. 10. Section 110.24, unnumbered paragraphs 2, 3, 4, 5, and 6, Code Supplement 1983, are amended to read as follows:

Upon written application to the state conservation commission, one of the following persons shall be issued a deer or a wild turkey hunting license:

1. The owner of a farm unit; or
2. One member of the family of the farm owner; or
3. The tenant residing on the farm unit; or
4. One member of the family of the tenant, who resides on the farm unit.

The deer or wild turkey hunting permit shall be valid only for hunting on the farm unit upon which the licensee to whom it is issued resides.

The application required ~~herein~~ for the deer or wild turkey hunting license shall be on forms furnished by the conservation commission and shall be without fee.

Deer or wild turkey hunting licenses issued under this section shall be subject to all other provisions of the laws and regulations pertaining to the taking of deer and wild turkey.

~~No~~ A resident of the state under sixteen years of age or a nonresident of the state under fourteen years of age shall be is not required to have a license to fish in the waters of the state. However, residents under sixteen years of age and nonresidents under fourteen years of age must possess a valid trout stamp to possess trout or they must fish for trout with a licensed adult who possesses a valid trout stamp and limit their combined catch to the daily limit established by the commission.

Sec. 11. Section 110.26, Code 1983, is amended to read as follows:

110.26 **NONRESIDENT MAKING FALSE CLAIM.** A nonresident shall not obtain a resident license by falsely claiming residency in the state. The presumptions and provisions of section 321.1A, Code Supplement 1983, relating to residency shall apply to licenses under this chapter. The use of a license by a person other than the person to whom the license is issued is unlawful and shall nullify the license. A resident or nonresident who violates this section is guilty of a simple misdemeanor.

Sec. 12. Chapter 110, Code 1983, is amended by adding the following new section:

NEW SECTION. FUR HARVESTER LICENSE. A fur harvester license is required to hunt all furbearers, except coyote and groundhog and to trap any fur-bearing animal. A hunting license is not required when hunting furbearers, except coyote and groundhog, with a fur harvester's license.

Sec. 13. A trapping license valid on the effective date of this Act shall remain valid until it expires under the provisions of the 1983 Code.

Sec. 14. This Act takes effect December 15 following enactment.

Sec. 15. Sections 110.7, and 110.38, Code 1983, are repealed.

Approved May 11, 1984

CHAPTER 1261
PROTECTED WATER AREA SYSTEM
H.F. 446

AN ACT providing for the creation, management, and administration of a protected water area system in this state.

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

Section 1. Chapter 108A, Code 1983, is repealed and sections 2 and 4 through 18 of this Act are inserted in lieu thereof.

Sec. 2. **NEW SECTION. DEFINITIONS.** As used in this chapter, unless the context otherwise requires:

1. "Commission" means the state conservation commission.
2. "State plan" means a long-range comprehensive document that states the goals and objectives of the protected water area system, establishes the procedure and criteria for prospective protected water area designation, provides the format for prospective area analysis, establishes a priority system for prospective area study, recommends potential areas for inclusion into the system, institutes interagency coordination, and outlines general administrative and management needs to develop and administer this system.
3. "Management plan" means the document that states the goals and objectives of a specific protected water area which has been proposed for designation, the specific description of the