

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

shall not be weighed on any scale other than a livestock scale or pit type scale. An electronic pitless scale shall be placed on concrete footings with concrete floor. After approval by the department, the specifications for a commercial weighing and measuring device shall be furnished to the purchaser of the device by the manufacturer. The approval shall be based upon the recommendation of the United States national institute of standards and technology.

Sec. 2. Section 215.23, Code 1989, is amended to read as follows:

215.23 SERVICER'S LICENSE.

A servicer shall not install, service, or repair a commercial weighing or measuring device until the servicer has demonstrated that the servicer has available adequate testing equipment, and that the servicer possesses a working knowledge of all devices the servicer intends to install or repair and of all appropriate weights, measures, statutes, and rules, as evidenced by passing a qualifying examination to be conducted by the department and obtaining a license. The secretary of agriculture shall establish by rule pursuant to chapter 17A, requirements for and contents of the examination. In determining these qualifications, the secretary shall consider the specifications of the United States national bureau institute of standards and technology, handbook forty-four, "specifications, tolerances, and technical requirements for commercial weighing and measuring devices", or the current successor or equivalent specifications adopted by the United States national institute of standards and technology. The secretary shall require an annual license fee of not more than five dollars for each license. Each license shall expire one year from date of issuance.

Sec. 3. **CHANGE OF NAME.**

1. Sections 100.19 and 213.2, Code 1989, are amended by striking from the sections the words "national bureau of standards" and inserting in lieu thereof the words "United States national institute of standards and technology".

2. Section 210.1, Code 1989, is amended by striking from the section the words "federal bureau of standards" and inserting in lieu thereof the words "United States national institute of standards and technology", and by striking from the section the words "said bureau" and inserting in lieu thereof the words "the institute".

3. Sections 215.18 and 409.31, Code 1989, are amended by striking from the sections the words "United States bureau of standards" or "U. S. bureau of standards" and inserting in lieu thereof the words "United States national institute of standards and technology".

Sec. 4.

This Act, being deemed of immediate importance, takes effect upon enactment.

Approved March 26, 1990

CHAPTER 1046

WORKERS' COMPENSATION OPTIONS FOR OFFICIALS

S.F. 2155

AN ACT relating to the computation of workers' compensation benefits for elected and appointed officials.

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

Section 1. Section 85.36, Code 1989, is amended by adding the following new subsection: **NEW SUBSECTION. 12.** In computing the compensation to be allowed an elected or appointed official, the official may choose either of the following payment options: