

728.13 FORFEITURE. Everything of value that is furnished or intended to be furnished in exchange for material in violation of section 728.2, or 728.4, or 728.12, subsection 2, all proceeds traceable to such an exchange, and all property, moneys, negotiable instruments, and securities used or intended to be used to facilitate a violation of those sections, and all assets traceable to the violation of those sections, is subject to forfeiture. However, property shall not be forfeited under this paragraph, to the extent of the interest of an owner, if the owner did not have knowledge of or did not consent to the violation of the chapter. The burden of proof is upon claimants of the property to rebut this presumption.

Approved June 1, 1983

CHAPTER 168

PROTECTION OF WILD MAMMALS, FISH, BIRDS, REPTILES, AND AMPHIBIANS

H.F. 343

AN ACT authorizing the conservation commission to protect and manage wild game and nongame mammals, birds, reptiles, amphibians, and fish.

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

Section 1. Section 107.23, unnumbered paragraph 1, Code 1983, is amended to read as follows:

It shall be the duty of the ~~The commission to~~ shall protect, propagate, increase, and preserve the ~~fish, game, furbearing animals and protected birds~~ wild mammals, fish, birds, reptiles, and amphibians of the state and ~~to enforce by proper actions and proceedings the laws, rules, and regulations relating thereto to them.~~ The commission shall collect, classify, and preserve all statistics, data, and information as in its opinion shall tend to promote the objects of this chapter; ~~shall,~~ conduct research in improved conservation methods, and disseminate information to residents and nonresidents of Iowa in conservation matters.

Sec. 2. Section 107.24, subsection 2, paragraph b, Code 1983, is amended to read as follows:

b. Fish hatcheries, fish nurseries, game farms, and ~~fish, game, furbearing animal and protected bird~~ wild mammal, fish, bird, reptile, and amphibian refuges.

Sec. 3. Section 107.24, subsection 4, Code 1983, is amended to read as follows:

4. Capture, propagate, buy, sell, or exchange any species of ~~fish, game, fur-bearing animals and protected birds~~ wild mammal, fish, bird, reptile, and amphibian needed for stocking the lands or waters of the state, and to feed, provide for, and care for ~~such fish, animals and birds~~ them.

Sec. 4. Section 107.24, subsection 8, Code 1983, is amended to read as follows:

8. Control by shooting or trapping any ~~fish, game, fur-bearing animals and protected birds~~ wild mammal, fish, bird, reptile, and amphibian for the purpose of preventing the destruction of or damage to private or public property, but shall not go upon private property for ~~such that~~ purpose without the consent of the owner or occupant ~~thereof.~~

Sec. 5. Section 109.1, Code 1983, is amended by adding the following new subsection after subsection 13:

NEW SUBSECTION. 13A. "Wild mammal" means a mammal and family of mammal listed in sections 109.40 and 109.41.

Sec. 6. Section 109.42, Code 1983, is amended by striking the section and inserting in lieu thereof the following:

109.42 **NONGAME PROTECTED.** Protected nongame species include wild fish, birds, reptiles, and amphibians, and a product, egg, or offspring of them, and a dead body or part of a body. However, nongame does not include game, fish, fur-bearing animals, turtles, or frogs, as defined in this chapter. The commission shall designate by rule those species of nongame which by their abundance or habits are declared a nuisance, and these species shall not be protected.

Approved June 2, 1983

CHAPTER 169
REGULATION OF SECURITIES
H.F. 514

AN ACT amending the Iowa Uniform Securities Act, and providing a civil penalty.

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

Section 1. Section 19A.3, Code 1983, is amended by adding the following new subsection:

NEW SUBSECTION. 22. The deputy administrator in charge of securities within the department of insurance as designated pursuant to section 502.601.

Sec. 2. Section 502.102, subsection 4, paragraph d, subparagraph (2), Code 1983, is amended to read as follows:

(2) During any period of twelve consecutive months does not ~~direct more than fifteen offers to sell or buy into effect transactions in this state in any manner to with more than three persons other than those specified in subparagraph (1) of this paragraph, whether or not the offeror or any of the offerees is then present in this state;~~

Sec. 3. Section 502.202, subsection 11, Code 1983, is amended to read as follows:

11. ~~Any~~ A security issued in connection with an employee stock purchase, option, savings, pension, profit sharing or similar benefit plan, provided, in the case of plans which are not qualified under section 401 of the Internal Revenue Code of 1954 and which provide for contribution by employees, the administrator is notified in writing ~~thirty~~ fifteen days before the inception of the plan of the terms of the plan.

Sec. 4. Section 502.203, subsection 8, Code 1983, is amended to read as follows:

8. ~~Any~~ An offer or sale to a bank, savings institution, trust company, insurance company, investment company as defined in the Investment Company Act of 1940, pension or profit sharing trust, or other financial institution or institutional buyer, or to a broker-dealer, whether the purchaser is acting for itself or in a fiduciary capacity. However, the administrator, by rule or order, may grant this exemption to a person or class of persons based upon the factors of financial sophistication, net worth, and the amount of assets under investment.