

*Reprinted*

FEB 18 1991

HOUSE FILE 233

BY COMMITTEE ON NATURAL RESOURCES  
AND OUTDOOR RECREATION

Place On Calendar

(Formerly House Study Bill 78)

Passed House, Date 2/25/91 (G. 130) Passed Senate, Date \_\_\_\_\_

Vote: Ayes 95 Nays 0 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the hunter safety and ethics education  
2 program, and providing a penalty for violations.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 233

1 Section 1. Section 110.27, subsections 1 through 7, Code  
2 1991, are amended to read as follows:

3 1. ~~A hunting license shall not be issued to a~~ person born  
4 after January 1, 1967 ~~by the commission, a county recorder, or~~  
5 ~~a depository authorized to issue hunting licenses, unless the~~  
6 ~~person exhibits a certificate showing satisfactory completion~~  
7 ~~of a hunter safety and ethics education course approved by the~~  
8 ~~commission or a hunting license issued by this state after~~  
9 ~~July 17, 1983, shall not obtain a hunting license unless the~~  
10 person has satisfactorily completed a hunter safety and ethics  
11 education course approved by the commission. A certificate of  
12 completion from an approved hunter safety education course  
13 shall not be issued to a person under twelve years of age. A  
14 certificate of completion from an approved hunter safety and  
15 ethics education course issued in this state since 1960, by  
16 another state or by a province of Canada, is valid for the  
17 requirements of this section, provided the applicant is twelve  
18 years of age or older.

19 2. A certificate of completion shall not be issued to a  
20 person who has not satisfactorily completed a minimum of ten  
21 hours of training in an approved hunter safety and ethics  
22 education course. The commission department shall establish  
23 the curriculum for the first ten hours of an approved hunter  
24 safety and ethics education course offered in this state.  
25 Upon completion of the ten-hour curriculum, a certificate of  
26 completion shall be awarded to the applicant. An examination  
27 shall not be required for the award of the certificate.

28 3. The commission department shall provide a manual on  
29 hunter safety education which shall be used by all instructors  
30 and persons receiving hunter safety and ethics education  
31 training in this state.

32 4. The commission department shall provide for the  
33 certification of persons who wish to become hunter safety and  
34 ethics instructors. A person shall not act as an instructor  
35 in hunter safety and ethics education as provided in this

1 section without first obtaining an instructor's certificate  
2 from the commission department.

3 5. An officer of the commission department or a certified  
4 instructor may issue a certificate to a person who has not  
5 completed the hunter safety and ethics education course but  
6 ~~has demonstrated to that officer or instructor a satisfactory~~  
7 ~~knowledge of hunter safety and ethics~~ meets the criteria  
8 established by the commission.

9 6. A public or private school or organization approved by  
10 the commission department may co-operate with the commission  
11 department in providing a course in hunter safety and ethics  
12 education as provided in this section.

306713 7. A hunting license obtained ~~under this section~~ by a  
14 person who ~~gave false information or presented a fraudulent~~  
15 ~~certificate of completion~~ was born after January 1, 1967, but  
16 has not satisfactorily completed the hunter safety and ethics  
17 education course or has not met the requirements established  
18 by the commission, shall be revoked and a new hunting license  
19 shall not be issued for at least two years from the date of  
20 conviction.

306821 Sec. 2. Section 110.27, Code 1991, is amended by adding  
22 the following new subsection:

306923 NEW SUBSECTION. 10. A person born after January 1, 1967,  
24 who is under eighteen years of age, and who is required to  
25 exhibit a valid hunting license, shall also exhibit a valid  
26 certificate of completion from a state approved hunter safety  
27 and ethics education course upon request of an officer of the  
28 department. A failure to carry or refusal to exhibit the  
29 certificate of completion as provided in this subsection is a  
30 violation of this chapter. A violator is guilty of a simple  
31 misdemeanor as provided in section 110.42.

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#### EXPLANATION

33 This bill provides that an applicant who is born after  
34 January 1, 1967, and is at least twelve years old, must have  
35 completed an approved hunter safety and ethics education

1 course before obtaining a hunting license. This shifts the  
2 burden of proof to the applicant from the issuer of the  
3 license concerning whether or not the applicant has  
4 satisfactorily completed the required hunter safety and ethics  
5 education course.

6 The bill also requires a licensed hunter who is less than  
7 eighteen years of age to carry and exhibit upon request of a  
8 conservation officer a valid certificate of completion from an  
9 approved hunter safety and ethics education course.

10 A violator is guilty of a simple misdemeanor which carries  
11 a minimum fine of ten dollars.

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HOUSE FILE 233

H-3061

1 Amend House File 233 as follows:

2 1. Page 2, by striking lines 21 through 31.

By TYRRELL of Iowa

H-3061 FILED FEBRUARY 14, 1991

*Adopted 2/25*

HOUSE FILE 233

H-3067

1 Amend House File 233 as follows:

2 1. Page 2, by striking lines 13 through 20 and

3 inserting the following:

4 "7. A hunting license obtained under this section  
5 by a person who gave false information or presented a  
6 fraudulent certificate of completion shall be revoked  
7 and a new hunting license shall not be issued for at  
8 least two years from the date of conviction. A  
9 hunting license obtained by a person who was born  
10 after January 1, 1967, but has not satisfactorily  
11 completed the hunter safety and ethics education  
12 course or has not met the requirements established by  
13 the commission, shall be revoked."

By SPEAR of Lee

H-3067 FILED FEBRUARY 18, 1991

*Adopted 2/25*

HOUSE FILE 233

H-3069

1 Amend House File 233 as follows:

2 1. Page 2, by striking lines 23 and 24 and

3 inserting the following:

4 "NEW SUBSECTION. 10. A person under eighteen  
5 years of age who is required to".

By SPEAR of Lee

H-3069 FILED FEBRUARY 18, 1991

*Adopted 2/25*

Sen Natural Resources L. Pass 4/3/91 (p. 1016)

HOUSE FILE 233  
BY COMMITTEE ON NATURAL RESOURCES  
AND OUTDOOR RECREATION

(Formerly House Study Bill 78)

(As Amended and Passed by the House February 25, 1991)

Passed House, Date 2/25/91 (p. 430) Passed Senate, Date 4/16/91 (p. 1249)  
Vote: Ayes 95 Nays 0 Vote: Ayes 47 Nays 0

Approved June 4, 1991

Repassed Senate 5/6/91 (p. 1672)  
46-0

A BILL FOR

3384 1 An Act relating to the hunter safety and ethics education  
2 program, and providing a penalty for violations.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HOUSE FILE 233

S-3384

1 Amend House File 233, as amended, passed, and  
2 reprinted by the House as follows:  
3 1. Page 1, by inserting before line 1, the  
4 following:  
5 "Section 1. NEW SECTION. 109.125 OBSTRUCTION OF  
6 LAWFUL ACTIVITIES PROHIBITED -- PENALTY.  
7 1. A person shall not intentionally obstruct the  
8 participation of another person in the lawful activity  
9 of hunting, fishing, or trapping. This subsection  
10 shall not prohibit a landowner or lessee from  
11 exercising the landowner's or lessee's lawful rights.  
12 2. A person violating this section is guilty of a  
13 simple misdemeanor."  
14 2. Title page, line 2, by inserting after the  
15 word "program," the following: "the obstruction of  
16 lawful hunting, fishing, or trapping,".  
17 3. By renumbering as necessary.

By JAMES B. KERSTEN DERRYL McLAREN  
RICHARD J. VARN JACK RIFE  
BERL E. PRIEBE

S-3384 FILED APRIL 10, 1991  
(Adopted 4/16/91 (p. 1249))

3394>

1 Section 1. Section 110.27, subsections 1 through 7, Code  
2 1991, are amended to read as follows:

3 1. ~~A hunting license shall not be issued to a person born~~  
4 ~~after January 1, 1967 by the commission, a county recorder, or~~  
5 ~~a depository authorized to issue hunting licenses, unless the~~  
6 ~~person exhibits a certificate showing satisfactory completion~~  
7 ~~of a hunter safety and ethics education course approved by the~~  
8 ~~commission or a hunting license issued by this state after~~  
9 July 1, 1983, shall not obtain a hunting license unless the  
10 person has satisfactorily completed a hunter safety and ethics  
11 education course approved by the commission. A certificate of  
12 completion from an approved hunter safety education course  
13 shall not be issued to a person under twelve years of age. A  
14 certificate of completion from an approved hunter safety and  
15 ethics education course issued in this state since 1960, by  
16 another state or by a province of Canada, is valid for the  
17 requirements of this section, provided the applicant is twelve  
18 years of age or older.

19 2. A certificate of completion shall not be issued to a  
20 person who has not satisfactorily completed a minimum of ten  
21 hours of training in an approved hunter safety and ethics  
22 education course. The commission department shall establish  
23 the curriculum for the first ten hours of an approved hunter  
24 safety and ethics education course offered in this state.  
25 Upon completion of the ten-hour curriculum, a certificate of  
26 completion shall be awarded to the applicant. An examination  
27 shall not be required for the award of the certificate.

28 3. The commission department shall provide a manual on  
29 hunter safety education which shall be used by all instructors  
30 and persons receiving hunter safety and ethics education  
31 training in this state.

32 4. The commission department shall provide for the  
33 certification of persons who wish to become hunter safety and  
34 ethics instructors. A person shall not act as an instructor  
35 in hunter safety and ethics education as provided in this

1 section without first obtaining an instructor's certificate  
2 from the commission department.

3 5. An officer of the commission department or a certified  
4 instructor may issue a certificate to a person who has not  
5 completed the hunter safety and ethics education course but  
6 ~~has-demonstrated-to-that-officer-or-instructor-a-satisfactory~~  
7 knowledge-of-hunter-safety-and-ethics meets the criteria  
8 established by the commission.

9 6. A public or private school or organization approved by  
10 the commission department may co-operate with the commission  
11 department in providing a course in hunter safety and ethics  
12 education as provided in this section.

13 7. A hunting license obtained under this section by a  
14 person who gave false information or presented a fraudulent  
15 certificate of completion shall be revoked and a new hunting  
16 license shall not be issued for at least two years from the  
17 date of conviction. A hunting license obtained by a person  
18 who was born after January 1, 1967, but has not satisfactorily  
19 completed the hunter safety and ethics education course or has  
20 not met the requirements established by the commission, shall  
21 be revoked.

22 Sec. 2. Section 110.27, Code 1991, is amended by adding  
23 the following new subsection:

24 NEW SUBSECTION. 10. A person under eighteen years of age  
25 who is required to exhibit a valid hunting license, shall also  
26 exhibit a valid certificate of completion from a state  
27 approved hunter safety and ethics education course upon  
28 request of an officer of the department. A failure to carry  
29 or refusal to exhibit the certificate of completion as  
30 provided in this subsection is a violation of this chapter. A  
31 violator is guilty of a simple misdemeanor as provided in  
32 section 110.42.

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SENATE AMENDMENT TO HOUSE FILE 233

H-3707

1 Amend House File 233, as amended, passed, and  
2 reprinted by the House as follows:

3 1. Page 1, by inserting before line 1, the  
4 following:

5 "Section 1. NEW SECTION. 109.125 OBSTRUCTION OF  
6 LAWFUL ACTIVITIES PROHIBITED -- PENALTY.

7 1. A person shall not intentionally obstruct the  
8 participation of another person in the lawful activity  
9 of hunting, fishing, or trapping. This subsection  
10 shall not prohibit a landowner or lessee from

11 exercising the landowner's or lessee's lawful rights.  
12 2. A person violating this section is guilty of a  
13 simple misdemeanor."

14 2. Title page, line 2, by inserting after the  
15 word "program," the following: "the obstruction of  
16 lawful hunting, fishing, or trapping,".

17 3. By renumbering as necessary.

RECEIVED FROM THE SENATE

H-3707 FILED APRIL 18, 1991

*House referred to committee 5/3/91 (p. 2070)  
Senate debated 5/4/91 (p. 1678)*

HOUSE FILE 233

H-3960

1 Amend the Senate amendment, H-3707, to House File  
2 233, as amended, passed, and reprinted by the House,  
3 as follows:

4 1. Page 1, line 11, by inserting after the word  
5 "rights." the following: "As used in this subsection,  
6 obstruction does not include speech, or a person's  
7 right to lawful assembling including picketing."

By HAMMOND of Story  
OSTERBERG of Linn

H-3960 FILED APRIL 29, 1991

*w/d 5/3*

HOUSE FILE 233

H-3964

1 Amend the Senate amendment, H-3707, to House File  
2 233, as amended, passed, and reprinted by the House,  
3 as follows:

4 1. Page 1, line 9, by inserting after the word  
5 "trapping." the following: "Men shall not stare at,  
6 whistle at, shout at, or follow women around  
7 construction sites, in bars, or on public streets. In  
8 addition, men shall not stand in groups and stare at  
9 women."

By OSTERBERG of Linn  
HAMMOND of Story

H-3964 FILED APRIL 29, 1991

*w/d 5/3*

HOUSE FILE 233

H-3965

1 Amend the Senate amendment, H-3707, to House File  
2 233, as amended, passed, and reprinted by the House,  
3 as follows:

4 1. Page 1, line 9, by inserting after the word  
5 "hunting," the following: "bird-watching,".

6 2. Page 1, line 9, by inserting after the word  
7 "fishing," the following: "jogging,".

By OSTERBERG OF Linn

H-3965 FILED APRIL 29, 1991

*w/d 5/3*

HOUSE FILE 233

H-3982

- 1 Amend the amendment, H-3964, to the Senate
- 2 amendment, H-3707, to House File 233, as amended,
- 3 passed, and reprinted by the House, as follows:
- 4 1. Page 1, line 8, by inserting after the word
- 5 "stand" the following: "on their heads".

By KREMER of Buchanan

H-3982 FILED APRIL 30, 1991

*Placed in 5/3/91*

Tyrrell - Chair  
Pavich  
Royer

HSB 78

NATURAL RESOURCES AND  
OUTDOOR RECREATION

SENATE/HOUSE FILE 233  
BY (PROPOSED DEPARTMENT OF  
NATURAL RESOURCES BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to the hunter safety and ethics education  
2 program, and providing a penalty for violations.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 110.27, subsections 1 through 7, Code  
2 1991, are amended to read as follows:

3 ~~1. A hunting license shall not be issued to a person born~~  
4 ~~after January 1, 1967 by the commission, a county recorder, or~~  
5 ~~a depository authorized to issue hunting licenses, unless the~~  
6 ~~person exhibits a certificate showing satisfactory completion~~  
7 ~~of a hunter safety and ethics education course approved by the~~  
8 ~~commission or a hunting license issued by this state after~~  
9 ~~July 1, 1983, shall not obtain a hunting license unless the~~  
10 person has satisfactorily completed a hunter safety and ethics  
11 education course approved by the commission. A certificate of  
12 completion from an approved hunter safety education course  
13 shall not be issued to a person under twelve years of age. A  
14 certificate of completion from an approved hunter safety and  
15 ethics education course issued in this state since 1960, by  
16 another state or by a province of Canada, is valid for the  
17 requirements of this section, provided the applicant is twelve  
18 years of age or older.

19 2. A certificate of completion shall not be issued to a  
20 person who has not satisfactorily completed a minimum of ten  
21 hours of training in an approved hunter safety and ethics  
22 education course. The commission department shall establish  
23 the curriculum for the first ten hours of an approved hunter  
24 safety and ethics education course offered in this state.  
25 Upon completion of the ten-hour curriculum, a certificate of  
26 completion shall be awarded to the applicant. An examination  
27 shall not be required for the award of the certificate.

28 3. The commission department shall provide a manual on  
29 hunter safety education which shall be used by all instructors  
30 and persons receiving hunter safety and ethics education  
31 training in this state.

32 4. The commission department shall provide for the  
33 certification of persons who wish to become hunter safety and  
34 ethics instructors. A person shall not act as an instructor  
35 in hunter safety and ethics education as provided in this

1 section without first obtaining an instructor's certificate  
2 from the commission department.

3 5. An officer of the commission department or a certified  
4 instructor may issue a certificate to a person who has not  
5 completed the hunter safety and ethics education course but  
6 ~~has demonstrated to that officer or instructor a satisfactory~~  
7 ~~knowledge of hunter safety and ethics~~ meets the criteria  
8 established by the commission.

9 6. A public or private school or organization approved by  
10 the commission department may co-operate with the commission  
11 department in providing a course in hunter safety and ethics  
12 education as provided in this section.

13 7. A hunting license obtained ~~under this section~~ by a  
14 person who ~~gave false information or presented a fraudulent~~  
15 ~~certificate of completion~~ was born after January 1, 1967, but  
16 has not satisfactorily completed the hunter safety and ethics  
17 education course or has not met the requirements established  
18 by the commission, shall be revoked and a new hunting license  
19 shall not be issued for at least two years from the date of  
20 conviction.

21 Sec. 2. Section 110.27, Code 1991, is amended by adding  
22 the following new subsection:

23 NEW SUBSECTION. 10. A person born after January 1, 1967,  
24 who is under eighteen years of age, and who is required to  
25 exhibit a valid hunting license, shall also exhibit a valid  
26 certificate of completion from a state approved hunter safety  
27 and ethics education course upon request of an officer of the  
28 department. A failure to carry or refusal to exhibit the  
29 certificate of completion as provided in this subsection is a  
30 violation of this chapter. A violator is guilty of a simple  
31 misdemeanor as provided in section 110.42.

32 EXPLANATION

33 This bill provides that an applicant who is born after  
34 January 1, 1967, and is at least twelve years old, must have  
35 completed an approved hunter safety and ethics education

1 course before obtaining a hunting license. This shifts the  
2 burden of proof to the applicant from the issuer of the  
3 license concerning whether or not the applicant has  
4 satisfactorily completed the required hunter safety and ethics  
5 education course.

6 The bill also requires a licensed hunter who is less than  
7 eighteen years of age to carry and exhibit upon request of a  
8 conservation officer a valid certificate of completion from an  
9 approved hunter safety and ethics education course.

10 A violator is guilty of a simple misdemeanor which carries  
11 a minimum fine of ten dollars.

12 BACKGROUND STATEMENT  
13 SUBMITTED BY THE AGENCY

14 Current law requires that the person issuing a hunting  
15 license must verify that the applicant, if born after January  
16 1, 1967, has a valid hunter safety certificate before the  
17 license is issued. This requirement places the burden and  
18 liability for determining compliance with this law on the  
19 wrong person. The applicant for the license should bear the  
20 responsibility for having the certificate before the license  
21 is issued.

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HOUSE FILE 233

AN ACT

RELATING TO THE HUNTER SAFETY AND ETHICS EDUCATION PROGRAM,  
AND PROVIDING A PENALTY FOR VIOLATIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 110.27, subsections 1 through 7, Code 1991, are amended to read as follows:

1. ~~A hunting license shall not be issued to a person born after January 1, 1967 by the commission, a county recorder or a depository authorized to issue hunting licenses, unless the person exhibits a certificate showing satisfactory completion of a hunter safety and ethics education course approved by the commission or a hunting license issued by this state after duty in 1983, shall not obtain a hunting license unless the person has satisfactorily completed a hunter safety and ethics education course approved by the commission.~~ A certificate of completion from an approved hunter safety education course shall not be issued to a person under twelve years of age. A certificate of completion from an approved hunter safety and ethics education course issued in this state since 1960, by another state or by a province of Canada, is valid for the requirements of this section, provided the applicant is twelve years of age or older.

2. A certificate of completion shall not be issued to a person who has not satisfactorily completed a minimum of ten hours of training in an approved hunter safety and ethics education course. The commission department shall establish the curriculum for the first ten hours of an approved hunter safety and ethics education course offered in this state. Upon completion of the ten-hour curriculum, a certificate of completion shall be awarded to the applicant. An examination shall not be required for the award of the certificate.

3. The commission department shall provide a manual on hunter safety education which shall be used by all instructors and persons receiving hunter safety and ethics education training in this state.

4. The commission department shall provide for the certification of persons who wish to become hunter safety and ethics instructors. A person shall not act as an instructor in hunter safety and ethics education as provided in this section without first obtaining an instructor's certificate from the commission department.

5. An officer of the commission department or a certified instructor may issue a certificate to a person who has not completed the hunter safety and ethics education course but has demonstrated to that officer or instructor a satisfactory knowledge of hunter safety and ethics meets the criteria established by the commission.

6. A public or private school or organization approved by the commission department may co-operate with the commission department in providing a course in hunter safety and ethics education as provided in this section.

7. A hunting license obtained under this section by a person who gave false information or presented a fraudulent certificate of completion shall be revoked and a new hunting license shall not be issued for at least two years from the date of conviction. A hunting license obtained by a person who was born after January 1, 1967, but has not satisfactorily completed the hunter safety and ethics education course or has not met the requirements established by the commission, shall be revoked.

Sec. 2. Section 110.27, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 10. A person under eighteen years of age who is required to exhibit a valid hunting license, shall also exhibit a valid certificate of completion from a state approved hunter safety and ethics education course upon

request of an officer of the department. A failure to carry  
or refusal to exhibit the certificate of completion as  
provided in this subsection is a violation of this chapter. A  
violator is guilty of a simple misdemeanor as provided in  
section 110.42.

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ROBERT C. ARNOULD  
Speaker of the House

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JOE J. WELSH  
President of the Senate

I hereby certify that this bill originated in the House and  
is known as House File 233, Seventy-fourth General Assembly.

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JOSEPH O'HERN  
Chief Clerk of the House

Approved June 4, 1991

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TERRY E. BRANSTAD  
Governor