

NATURAL RESOURCES DEPARTMENT[561]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 461A.81, the Department of Natural Resources hereby gives Notice of Intended Action to adopt new Chapter 13, “State Lands Volunteer Program,” Iowa Administrative Code.

The purpose of this new chapter is to implement the State Lands Volunteer Program created in 2014 by the passage of 2014 Iowa Acts, House File 2397 (found in new Iowa Code section 461A.81), signed by Governor Branstad on March 26, 2014. The Department proposes to establish a registration program for select nonprofit organizations that, along with individuals providing services on behalf of those nonprofits, will be eligible for liability protections under Iowa Code chapter 669 (Iowa Tort Claims Act) while performing qualifying volunteer services. The significance of this new program is that qualifying “volunteer” services, triggering volunteer liability protection under Iowa Code section 669.24, will include more than the manual labor assistance activities traditionally associated with the term “volunteer” (all of which are still covered). For example, in addition to more routine activities, like trail work, litter pickup, mowing, and other maintenance-type activities, concession operations in which the net proceeds are donated to the state park and park fundraising events may now be considered “volunteer” activities.

Any interested person may submit written suggestions or comments on the proposed rules on or before June 2, 2015. Such written materials should be submitted to Sherry Arntzen, Iowa Department of Natural Resources, 502 East 9th Street, Des Moines, Iowa 50319-0034; fax (515)725-8201; or e-mail to Sherry.Arntzen@dnr.iowa.gov. Persons who wish to convey their views orally should contact Sherry Arntzen at (515)725-8486 or at the State Parks Bureau office on the fourth floor of the Wallace State Office Building in Des Moines, Iowa.

There will be a public hearing on June 2, 2015, at 10 a.m. at the Wallace State Office Building, Conference Room 4E, 502 E. Ninth Street, Des Moines, Iowa, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the content of the proposed rules.

Any person who plans to attend the public hearing and who has special requirements, such as those related to mobility or hearing impairments, should contact the Department to advise of any specific needs.

After analysis and review of this rule making, no impact on jobs has been found.

These rules are intended to implement Iowa Code section 461A.81.

The following amendment is proposed.

Adopt the following **new** 561—Chapter 13:

**CHAPTER 13
STATE LANDS VOLUNTEER PROGRAM**

561—13.1(461A) Definitions.

“Department” means the department of natural resources.

“Director” means the director of the department of natural resources.

“Volunteer” means an organization incorporated under Iowa Code chapter 504 as a nonprofit organization, or an individual providing services on behalf of the nonprofit organization, that provides volunteer services for the benefit of lands under the jurisdiction of the department and that registers as a volunteer under this chapter. A volunteer may include a friends group or organization as defined in rule

571—14.1(461A). A volunteer shall not include an organization or individual that operates a concession operation, as defined in rule 571—14.1(461A), unless that concession operation remits all receipts and returns all net proceeds after qualifying expenses from such operations to the department for the benefit of the state parks system, or otherwise procures goods or services for the benefit of the department. Qualifying volunteer services are, unless otherwise specified, limited to activities undertaken on lands under the jurisdiction of the department to benefit such lands. Volunteer services do not include any administrative functions of a nonprofit organization registered under this program.

561—13.2(461A) Registration. Organizations seeking to provide services under this program for the benefit of lands under the jurisdiction of the department must register with the department. The department shall make forms available for such application. The department may request additional information as part of its review. Registration must be renewed every other year or as soon as substantial changes are planned to the approved services contained in the authorization letter referenced in this chapter, whichever occurs first.

561—13.3(461A) Review. The department will review requests for registration to determine whether the registrant will be designated a volunteer under this program. The department shall evaluate the volunteer's ability to perform the services, the department's identified need for such services, and the department's ability to manage the volunteer's proposed activities, if applicable.

561—13.4(461A) Department decision. The department shall notify the registrant of its decision within a reasonable time period. If the department admits the registrant into the program, the department shall issue an authorization letter that shall be acknowledged by the registrant and shall state the terms of the registrant's participation in the program. The department may authorize the registrant's proposed activities in part and deny them in part. The department may provide reasons for any program denials.

561—13.5(461A) Program benefit. Volunteers providing services consistent with this program shall be afforded liability protection consistent with Iowa Code section 669.24, provided the volunteers are complying with the terms of the authorization letter issued by the department.

561—13.6(461A) Limitation. Nothing in these rules shall expand liability protection afforded volunteers beyond what is authorized by Iowa Code section 669.24. Failure to comply with department directives or policies, including those that may be described in the authorization letter and any amendments, may negate this liability protection. Nothing in these rules shall require registered volunteers to secure insurance for activities approved in the department's authorization letter.

These rules are intended to implement Iowa Code section 461A.81.