

NATURAL RESOURCES DEPARTMENT[561]

Adopted and Filed

Pursuant to the authority of Iowa Code section 461A.81, the Department of Natural Resources hereby adopts 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 establishes 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.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 1989C** on May 13, 2015. A public hearing was held on June 2, 2015. Two public comments were received. One comment was in support of the rules. The other comment included questions asking for clarification regarding the registration process and stated that it seemed like the process involved a lot of paperwork. No changes to the rules were made based on the comments received. These rules are identical to those published under Notice of Intended Action.

The Department of Natural Resources adopted these rules on July 17, 2015.

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.

These rules will become effective September 9, 2015.

The following amendment is adopted.

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.

[Filed 7/17/15, effective 9/9/15]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 8/5/15.