

NATURAL RESOURCES DEPARTMENT[561]

Notice of Intended Action

Proposing rule making related to special nonresident deer and turkey hunting licenses and providing an opportunity for public comment

The Natural Resources Department hereby proposes to amend Chapter 12, “Special Nonresident Deer and Turkey Licenses,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 483A.10.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 483A.24(3)“a” and 483A.24(4)“a.”

Purpose and Summary

The purpose of this proposed rule making is to align Chapter 12 with its recently amended authorizing statute. Chapter 12 sets forth the application, review, and issuance process for special nonresident deer and turkey licenses. These special licenses exist to allow state officials and local development groups to promote Iowa and its natural resources to nonresident guests and dignitaries. Iowa Code sections 483A.24(3)“a” and 483A.24(4)“a” were amended by 2020 Iowa Acts, House File 2627 (signed by Governor Reynolds on June 25, 2020), to remove references to a legislative committee as the final body with primary license issuance authority. This rule making strikes references to the Legislative Committee from the chapter to reflect this change, and inserts the Director or the Director’s designee into that role. No other changes are proposed.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa. A copy of the fiscal impact statement is available from the Department upon request.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found. A copy of the jobs impact statement is available from the Department upon request.

Waivers

This rule is subject to the waiver provisions of 561—Chapter 10. Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on February 2, 2021. Comments should be directed to:

Brian Smith
Department of Natural Resources
Cold Springs State Park
Lewis Road
Lewis, Iowa 51544
Email: brian.smith@dnr.iowa.gov

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend rule **561—12.2(483A)**, definition of “Internal committee,” as follows:

“*Internal committee*” means the committee that ranks certain requests for special licenses for consideration by the ~~legislative committee~~ director or the director’s designee and consists of the coordinator, the administrator of the conservation and recreation division, the chief of the wildlife bureau, and the chief of the law enforcement bureau.

ITEM 2. Rescind the definition of “Legislative committee” in rule **561—12.2(483A)**.

ITEM 3. Amend rule 561—12.4(483A) as follows:

561—12.4(483A) Coordinator duties. The coordinator of the program shall:

12.4(1) Assist the internal ~~and legislative committees~~ committee in the evaluation and selection of hunters who may receive special licenses.

12.4(2) and **12.4(3)** No change.

12.4(4) Summarize each request received and distribute the summaries to the internal committee and ~~legislative committee~~ the director or the director’s designee.

12.4(5) ~~Provide additional information regarding requesters as needed to aid the legislative committee in the selection process.~~

12.4(6) **12.4(5)** Establish the date on which applications for special licenses for disabled veterans and disabled active military personnel are due, establish the dates on which the ~~legislative committee~~ director or the director’s designee will select the conservation organizations and hunters who will receive special licenses, and inform the conservation organizations, the approved organizations and the hunters of their selection.

ITEM 4. Amend subrule 12.5(2) as follows:

12.5(2) Review. The internal committee shall review the summaries prepared by the coordinator, rank the hunters according to criteria in rule 561—12.7(483A), and forward the rankings to the ~~legislative committee~~ director or the director’s designee for consideration and final selection. The internal committee shall exercise its discretion and, in addition to the criteria in rule 561—12.7(483A), shall also consider the following:

a. Requests that demonstrate little or no promotion of the state of Iowa or its natural resources shall not be included in the rankings forwarded to or considered by the ~~legislative committee~~ director or the director's designee.

b. and c. No change.

ITEM 5. Amend rule 561—12.6(483A), introductory paragraph, as follows:

561—12.6(483A) Consideration of requests for promotional special licenses. The internal committee will recommend to the ~~legislative committee~~ director or the director's designee which conservation organizations are best qualified to promote the state and its natural resources. In making recommendations to the ~~legislative committee~~ director or the director's designee, the internal committee will base its recommendations on the expected ability of hunters to promote the state and its natural resources and, if applicable, based on the degree of success special license holders have had in previous years or seasons in promoting the state and its natural resources. By way of illustration, the committee may consider requests from the following:

ITEM 6. Amend subrules 12.6(2) and 12.6(3) as follows:

12.6(2) A conservation organization that will use the special nonresident deer license as a ~~fund-raiser~~ fundraiser for that organization. A conservation organization shall be limited to one special nonresident deer license per year, whether the organization is a local or state chapter or division of a national or international conservation organization. The organization shall return to the department the greater amount of either one-half of the proceeds from its sale of the special nonresident deer license or the fee for a nonresident deer license as set forth in Iowa Code section 483A.1. The department's proceeds shall cover the cost of the special nonresident deer license. A license made available to a conservation organization in accordance with this subrule may be valid for up to two years after selection of the organization by the ~~legislative committee~~ director or the director's designee. The sponsoring conservation organization shall notify the coordinator by July 1 or immediately following the sale of the special nonresident deer license of which year and for what season the special nonresident deer license will be used. The conservation organization shall specifically explain how and during what period the organization will market the special nonresident deer license for auction or some other legal ~~fund-raiser~~ fundraiser.

12.6(3) A hunter nominated by the governor, or a member of the Iowa legislature ~~or a member of the legislative committee~~.

ITEM 7. Amend subrule 12.7(1), introductory paragraph, as follows:

12.7(1) The following criteria shall be used by the internal committee to rank individual hunters as identified in subrules 12.6(1), 12.6(4) and 12.6(5). The rankings shall be determined as the average of the following rating points and will be provided to the ~~legislative committee~~ director or the director's designee as an aid in determining the selection of hunters.

ITEM 8. Amend subrules 12.7(2) and 12.7(3) as follows:

12.7(2) A conservation organization's request shall be forwarded to the ~~legislative committee~~ director or the director's designee if the conservation organization meets the definition in rule 561—12.2(483A) and approval shall be based on evaluation of the organization's prior performance, if any, in selling the special nonresident deer license.

12.7(3) Hunters as identified in subrule 12.6(3) shall not be ranked by the internal committee, and their requests will be forwarded to the ~~legislative committee~~ director or the director's designee ~~for its determination~~ consideration.

ITEM 9. Amend rule 561—12.10(483A) as follows:

561—12.10(483A) Reporting by recipients of promotional special licenses. Within eight months after a hunter's participation in a hunt with a license issued pursuant to this chapter, the sponsor or hunter shall provide to the coordinator information about the hunt to demonstrate how the hunt will provide or has provided promotion of the state and its natural resources. This information may be in the form

of testimonials of the participants, a completed DVD available for retail sale, a DVD copy of the actual television broadcast, an article in a periodical, or other verifiable means that demonstrate the promotional benefits. The ~~legislative committee~~ director or the director's designee may consider compliance with this reporting requirement in evaluating future requests.