Regulatory Analysis

Notice of Intended Action to be published: Iowa Administrative Code 571—Chapters 61 and 63
"State Parks, Recreation Areas, and State Forest Camping; Keg Beer Rules"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 461A.3 and 461A.35
State or federal law(s) implemented by the rulemaking: Iowa Code sections 461A.3 and 461A.35

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

September 25, 2024	6200 Park Avenue, Second Floor
12 noon to 1 p.m.	Des Moines, Iowa

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis. Written or oral comments in response to this Regulatory Analysis must be received by the Department of Natural Resources (Department) no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Jessica Manken
Iowa Department of Natural Resources
6200 Park Avenue, Suite 200
Des Moines, Iowa 50321
Phone: 515.571.4010
Email: jessica.manken@dnr.iowa.gov

Purpose and Summary

Chapter 63 provides guidance on consumption of beer dispensed from a keg in state parks, recreation areas, and designated state forest campgrounds. In compliance with Executive Order 10, Chapter 63 on gatherings involving keg beer is proposed to be rescinded due to outdated and unnecessary language. This chapter is unnecessarily burdensome in light of other existing processes for gatherings within state parks, recreation areas, and designated state forests.

However, one rule from Chapter 63 is proposed to be repromulgated in Chapter 61, and an existing reference in Chapter 61 to Chapter 63 is proposed to be removed. Chapter 61 provides the citizens of Iowa and other visitors who use state parks, recreation areas, and state forest campgrounds with guidance for using these areas. Additionally, during review, it was determined that the phrase "Boy Scouts of America" was no longer accurate, and that has been modified to read "Scouts of America."

Analysis of Impact

1. Persons affected by the proposed rulemaking:

- Classes of persons that will bear the costs of the proposed rulemaking:

No costs are expected from the proposed rulemaking.

- Classes of persons that will benefit from the proposed rulemaking:

The proposed rulemaking maintains the status quo on where keg beer gatherings are restricted. No additional benefits are expected.

2. Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:

- Quantitative description of impact:

No costs are expected from this proposed rulemaking.

- Qualitative description of impact:

No costs are expected from this proposed rulemaking.

3. Costs to the State:

- Implementation and enforcement costs borne by the agency or any other agency:

The proposed rulemaking does not impose costs on the agency or any other agency.

- Anticipated effect on state revenues:

The proposed rulemaking does not have an effect on state revenue.

4. Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:

The public does not have any costs to comply with the process and requirements set forth in these rules that differ from costs under the existing law.

5. Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:

There are no costs associated with this proposed rulemaking.

6. Alternative methods considered by the agency:

- Description of any alternative methods that were seriously considered by the agency:

None.

- Reasons why alternative methods were rejected in favor of the proposed rulemaking:

Not applicable.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

This proposed rulemaking does not have any impact on small business.

Text of Proposed Rulemaking

ITEM 1. Amend rule **571—61.1(461A)**, definition of "Chaperoned, organized youth group," as follows:

"Chaperoned, organized youth group" means a group of persons 17 years of age and under~~, which~~ is sponsored by and accompanied by adult representatives of a formal organization, including~~,~~ but not limited to~~,~~ the ~~Boy~~ Scouts of America or Girl Scouts of America, a church, or a Young Men's or Young Women's Christian Association. "Chaperoned, organized youth group" does not include family members of a formal organization.

ITEM 2. Amend paragraph **61.8(2)"a"** as follows:

a. Renters shall pay in full a damage deposit equal to the weekend daily or nightly rental fee for the facility or $50, whichever is greater, by the established deadline for the facility. ~~If a gathering with keg beer takes place in a lodge or open shelter with kitchenette, the damage deposit shall be waived in lieu of a keg damage deposit as specified in 571—subrule 63.5(3) if the keg damage deposit is greater than the lodge or open shelter with kitchenette damage deposit.~~

ITEM 3. Adopt the following **new** subrule 61.10(15):

61.10(15) *Prohibited areas for kegs.* Gatherings at which keg beer is served shall not be conducted in beach areas, campgrounds, or parking areas or in areas immediately adjacent to those areas. Kegs are permitted in day-use lodges and open-air shelters with a kitchenette.

ITEM 4. Rescind and reserve **571—Chapter 63**.