Regulatory Analysis

Notice of Intended Action to be published: Iowa Administrative Code 561—Chapter 13
"State Lands Volunteer Program"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 461A.81
State or federal law(s) implemented by the rulemaking: Iowa Code section 461A.81

Public Hearing

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

September 25, 2024 12 noon to 1 p.m.	Yellow River Conference Room 6200 Park Avenue, Suite 200 Des Moines, Iowa Via video/conference call

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 no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

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Des Moines, Iowa 50321
Phone: 515.360.3682
Email: kim.bohlen@dnr.iowa.gov

Purpose and Summary

Proposed Chapter 13 establishes the rules regarding the State Lands Volunteer Program. This program allows certain nonprofit organizations and individuals providing qualifying volunteer services for the Department to be eligible for liability protection under Iowa Code chapter 669 (Iowa Tort Claims Act).

The Department has reviewed and edited this chapter consistent with Executive Order 10 (January 10, 2023). Duplicative provisions and redundant statutory language have been removed.

Analysis of Impact

1. Persons affected by the proposed rulemaking:

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

Nonprofit organizations and individuals will bear the costs.

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

Nonprofit organizations and individuals registered under the program, park visitors, and citizens of Iowa will benefit.

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:

There is no financial cost to the public to comply with this rulemaking. There is no financial cost to nonprofit organizations and individuals to register under this program.

- Qualitative description of impact:

This chapter does not impose burdens on the public. This chapter imposes a minimal administrative burden on nonprofit organizations and individuals registering under the program by requiring specific steps to follow to register. This chapter benefits the public, including park visitors and citizens of Iowa because it encourages nonprofit organizations and individuals to participate in this program by creating a straightforward registration and approval process.

3. Costs to the State:

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

The Department administers the program, which includes coordinating the registration and approval process and confirmation of eligibility.

- Anticipated effect on state revenues:

The proposed rules do not affect state revenue.

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

The public does not bear any costs due to the proposed rulemaking. The minimal administrative burden on the nonprofit organizations and individuals registering under the program and the agency's expenses related to the administration of the program are outweighed by the benefits received by Department staff, park visitors, and citizens of Iowa. Some administrative expenses are necessary for the agency to confirm that liability protection and volunteer activities are only approved for nonprofit organizations or individuals that meet the definition of volunteer and are providing appropriate services.

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

The chapter is very low-cost and unobtrusive and yields significant benefits to the Department staff, park visitors, and citizens of Iowa.

6. Alternative methods considered by the agency:

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

None. There are no less restrictive alternatives to achieve the same benefit. Iowa Code section 461A.81 requires the Department to adopt rules to govern the administration of the program to include eligibility requirements and provisions to govern approved volunteer duties and services. Chapter 13's provisions are necessary for reviewing and verifying whether the registrant meets the definition of a volunteer under this program to meet this statutory requirement.

- 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?

The proposed chapter does not have any impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 561—Chapter 13 and adopt the following **new** chapter in lieu thereof:

CHAPTER 13
STATE LANDS VOLUNTEER PROGRAM

561—13.1(461A) Definitions.

"Department" means the same as defined in Iowa Code section 461A.1(2).

"Director" means the same as defined in Iowa Code section 461A.1(3).

"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 571—14.1(461A). A volunteer shall not include an organization or individual that operates a concession operation, as defined in 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. 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.