Regulatory Analysis

Notice of Intended Action to be published: Iowa Administrative Code 561—Chapter 14
"Concessions"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 17A.7 and Executive Order 10 (January 10, 2023)

State or federal law(s) implemented by the rulemaking: Iowa Code section 17A.7 and Executive Order 10

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows. Please contact Kelli Book at kelli.book@dnr.iowa.gov for sign-in information.

September 24, 2024 1 p.m.	Via video/conference call

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis. Written 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:

Tamara McIntosh
Iowa Department of Natural Resources
6200 Park Avenue, Suite 200
Des Moines, Iowa 50321
Email: tamara.mcintosh@dnr.iowa.gov

Purpose and Summary

Chapter 14 creates a framework for the Department to competitively hire a business to operate on public lands or waters under its jurisdiction. However, all concession operations are in state parks, which have their own rules in agency [571] of the Iowa Administrative Code. This chapter has not been used in several decades and has not been amended since 1988. Therefore, consistent with Executive Order 10, it can be rescinded.

Analysis of Impact

1. Persons affected by the proposed rulemaking:

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

None. No private concession opportunities are being eliminated, nor are future opportunities being prevented by this rulemaking.

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

Not applicable. No private concession opportunities are being eliminated, nor are future opportunities being prevented by this rulemaking.

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:

None. No private concession opportunities are being eliminated, nor are future opportunities being prevented by this rulemaking.

- Qualitative description of impact:

None. No private concession opportunities are being eliminated, nor are future opportunities being prevented by this rulemaking.

3. Costs to the State:

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

None.

- Anticipated effect on state revenues:

Not applicable.

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

Not applicable. This chapter has not been utilized in decades. No private concession opportunities are being eliminated, nor are future opportunities being prevented by this rulemaking.

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

None. No private concession opportunities are being eliminated, nor are future opportunities being prevented by this rulemaking.

6. Alternative methods considered by the agency:

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

Not applicable. The Department will utilize its other concession rules in agency [571] to competitively bid for private concessionaires.

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

Not applicable. See above.

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?

Not applicable.

Text of Proposed Rulemaking

ITEM 1. Rescind and reserve **561—Chapter 14**.