State of Iowa

Executive Department

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF IOWA

EXECUTIVE ORDER NUMBER SEVENTY-SEVEN

WHEREAS, when adopting regulations to implement the laws of the State of Iowa, state agencies must reflect legislative language and must not attempt to legislate by regulatory fiat; and

WHEREAS, Senate File 464, allowing hunting of mourning doves, became law on July 1, 2011; and

WHEREAS, Senate File 464 also allowed the Natural Resource Commission ("NRC") to establish the season, bag limits, possession limits and localities for hunting mourning doves (2011 Acts, Senate File 464); and

WHEREAS, Senate File 464 did not allow the NRC to ban the use of traditional shot for use in hunting; in fact the Iowa House of Representatives specifically voted down such a restriction on hunters by a vote of 51 nays to 30 ayes (2011 Amendment H-1444, H.J. 779); and

WHEREAS, despite clear and unambiguous legislative action, the NRC, attempted to ban traditional shot by administrative rule (IAB Volume XXXIV, ARC9674B (August 10, 2011); and

WHEREAS, on August 16, 2011 the bipartisan Administrative Rules Review Committee voted 9-1 to impose a session delay on the last sentence of rule 571 IAC 97.6 which contained the ban on traditional shot; and

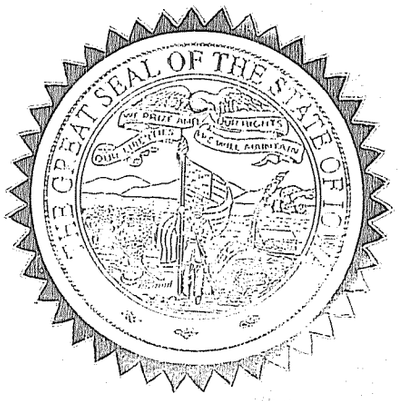
WHEREAS, although H.J.R. 2001 which nullified the ban on traditional shot passed the House of Representatives by a bipartisan vote of 73 to 27, the Senate failed to take up the resolution before adjournment; and

WHEREAS, according to Iowa Code Chapter 17A, the Iowa Administrative Procedure Act the governor may rescind an adopted rule by executive order within seventy days of the rule becoming effective; and

WHEREAS, as a result of the Senate's failure to allow a vote on H.J.R. 2001, the last sentence of rule 571 IAC 97.6 banning traditional shot went into effect following adjournment of both chambers on May 9, 2012; and

WHEREAS, it is in the best interests of the State of Iowa to rescind the Iowa rule banning use of traditional shot by hunters because the determination of whether hunters should be forced to stop using traditional lead shot is the role of the legislature, not an unelected NRC.

NOW, THEREFORE, I, Terry E. Branstad, Governor of the State of Iowa, declare that the ban on traditional shot imposed on hunters by the NRC rule attempts to legislate through regulation and hurts the interests of people of the State of Iowa. I hereby order and direct that the final sentence of ARC 9674B, Item 2 of the state administrative rules attempting to ban traditional shot be immediately rescinded pursuant the authority granted to me by Iowa Code Chapter 17A.4(8) .



IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused the Great Seal of Iowa to be affixed. Done at Des Moines this 11th day of May in the year of our Lord two thousand twelve.

TERRY E. BRANSTAD
GOVERNOR

ATTEST:

MATT SCHULTZ
SECRETARY OF STATE