Regulatory Analysis

Notice of Intended Action to be published: Iowa Administrative Code 282—Chapter 8
"Debts to State and Local Government—Noncompliance"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 256.146 and 272D

State or federal law(s) implemented by the rulemaking: Iowa Code section 256.146 and chapter 272D

Public Hearing

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

September 11, 2024 9 a.m.	Board Room, Suite A 701 East Court Avenue 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 Board of Educational Examiners no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Beth Myers, Attorney
Board of Educational Examiners
701 East Court Avenue, Suite A
Des Moines, Iowa 50309
Phone: 515.242.6506
Email: beth.myers@iowa.gov

Purpose and Summary

This proposed chapter provides procedures for licensees who have debts to state and local government. The Board proposes removing duplicative statutory language.

Analysis of Impact

1. Persons affected by the proposed rulemaking:

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

The Board bears the cost of compliance.

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

Iowans in general will benefit from the proposed 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:

The Board discerns no quantitative impact.

- Qualitative description of impact:

The Board discerns no qualitative impact.

3. Costs to the State:

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

There are no known costs.

- Anticipated effect on state revenues:

Revenue may increase with compliance.

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

The proposed chapter is streamlined and reduces duplicative language.

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

There are no known costs.

6. Alternative methods considered by the agency:

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

The Board determined that the chapter is required but that the language could be significantly reduced.

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

The public benefits from having information about debts to state and local government.

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?

There is no effect on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 282—Chapter 8 and adopt the following **new** chapter in lieu thereof:

CHAPTER 8
DEBTS TO STATE OR LOCAL GOVERNMENT—NONCOMPLIANCE

282—8.1(272D) Issuance or renewal of a license—denial. The board will deny the issuance or renewal of a license upon receipt of a certificate of noncompliance from the centralized collection unit of the department of revenue according to the procedures set forth in Iowa Code chapter 272D. In addition to the procedures contained in Iowa Code chapter 272D, the following will apply:

8.1(1) The notice required by Iowa Code chapter 272D will be served by restricted certified mail, return receipt requested, or by personal service in accordance with the Iowa Rules of Civil Procedure. Alternatively, the applicant or licensee may accept service personally or through authorized counsel.

8.1(2) The effective date of the denial of the issuance or renewal of a license, as specified in the notice required by Iowa Code chapter 272D, will be 60 days following service of the notice upon the applicant or licensee.

8.1(3) The board's administrator is authorized to prepare and serve the notice required by Iowa Code chapter 272D upon the applicant or licensee.

8.1(4) Applicants and licensees will keep the board informed of all court actions and all centralized collection unit actions taken under or in connection with Iowa Code chapter 272D and will provide the board copies, within seven days of filing or issuance, of all applications filed with the district court pursuant to Iowa Code chapter 272D, court orders entered in such actions, and withdrawals of certificates of noncompliance by the centralized collection unit.

8.1(5) All board fees required for application, license renewal, or license reinstatement will be paid by applicants or licensees and all continuing education requirements will be met before a license will be issued, renewed, or reinstated after the board has denied the issuance or renewal of a license pursuant to Iowa Code chapter 272D.

8.1(6) In the event an applicant or licensee timely files a district court action following service of a board notice pursuant to Iowa Code chapter 272D, the board will continue with the intended action described in the notice upon the receipt of a court order lifting the stay, dismissing the action, or otherwise directing the board to proceed. For purposes of determining the effective date of the denial of the issuance or renewal of a license, the board will count the number of days before the action was filed and the number of days after the action was disposed of by the court.

8.1(7) The board will notify the applicant or licensee in writing through regular first-class mail, or such other means as the board deems appropriate in the circumstances, within ten days of the effective date of the denial of the issuance or renewal of a license and will similarly notify the applicant or licensee when the license is issued or renewed following the board's receipt of the certificate of noncompliance.

282—8.2(272D) Suspension or revocation of a license. The board will suspend or revoke a license upon receipt of a certificate of noncompliance from the centralized collection unit according to the procedures set forth in Iowa Code chapter 272D. In addition to the provisions contained in Iowa Code chapter 272D, the following will apply:

8.2(1) The notice required by Iowa Code chapter 272D will be served by restricted certified mail, return receipt requested, or by personal service in accordance with the Iowa Rules of Civil Procedure. Alternatively, the licensee may accept service personally or through authorized counsel.

8.2(2) The effective date of the suspension or revocation of a license, as specified in the notice required by Iowa Code chapter 272D, will be 60 days following service of the notice upon the licensee.

8.2(3) The board's administrator is authorized to prepare and serve the notice required by Iowa Code chapter 272D and is directed to notify the licensee that the license will be suspended unless the license is already suspended on other grounds. In the event a license is on suspension, the administrator will notify the licensee of the board's intention to continue the suspension.

8.2(4) Licensees will keep the board informed of all court actions and all centralized collection unit actions taken under or in connection with Iowa Code chapter 272D and will provide the board copies, within seven days of filing or issuance, of all applications filed with the district court pursuant to Iowa Code chapter 272D, court orders entered in such actions, and withdrawals of certificates of noncompliance by the centralized collection unit.

8.2(5) All board fees required for license renewal or license reinstatement will be paid by licensees and all continuing education requirements will be met before a license will be renewed or reinstated after the board has suspended or revoked a license pursuant to Iowa Code chapter 272D.

8.2(6) In the event a licensee timely files a district court action following service of a board notice pursuant to Iowa Code chapter 272D, the board will continue with the intended action described in the notice upon the receipt of a court order lifting the stay, dismissing the action, or otherwise directing the board to proceed. For purposes of determining the effective date of the suspension or revocation of a license, the board will count the number of days before the action was filed and the number of days after the action was disposed of by the court.

8.2(7) The board will notify the licensee in writing through regular first-class mail, or such other means as the board deems appropriate in the circumstances, within ten days of the effective date of the suspension or revocation of a license and will similarly notify the licensee when the license is reinstated following the board's receipt of the certificate of noncompliance.

282—8.3(17A,22,272D) Sharing of information. Notwithstanding any statutory confidentiality provision, the board may share information with the centralized collection unit for the sole purpose of identifying applicants or licensees subject to enforcement under Iowa Code chapter 272D.

These rules are intended to implement Iowa Code chapter 272D.