Regulatory Analysis

Notice of Intended Action to be published: 543—Chapter 1
"General Provisions"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 24.26, 24.30, 24.31, 24.32 and 25

State or federal law(s) implemented by the rulemaking: Iowa Code chapter 25 and sections 24.26, 24.30, 24.31 and 24.32

Public Hearing

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

November 19, 2024 10 a.m.	State Capitol, Room G14 1007 East Grand Avenue Des Moines, Iowa

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Department of Management no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Brad Horn, General Counsel
Iowa Department of Management
State Capitol, Room G13
1007 East Grand Avenue
Des Moines, Iowa 50319
Phone: 515.414.6187
Email: brad.horn@dom.iowa.gov

Purpose and Summary

The State Appeal Board is proposing to rescind Chapter 1 and replace it with new rules in a new structure. The current chapter includes definitions, information about the Board, and the form and content submission obligations for tort claims. The Board plans to restructure the rules in [543] entirely to make the entire set of rules easier to follow.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

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

Only individuals who submit claims have costs associated with the rules. The rules provide minimally necessary guidance for those seeking to interact with the Board.

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

The proposed rulemaking simplifies the existing rules, which benefits the public by removing burdens and easing access to the Board.

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 rulemaking would not have a quantitative impact on citizens or any other entity.

- **Qualitative description of impact:**

The proposed rulemaking simplifies the existing rules and removes all restrictive words and phrases from the rules, which should provide those who access the rules a better qualitative experience when interacting with the Board.

3. **Costs to the State:**

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

This rulemaking removes any unnecessary statements in the rules and simplifies the text where possible. There are no additional implementation or enforcement costs borne by any agency because of the updates to the rules.

- **Anticipated effect on state revenues:**

State revenues, as well as implementation and enforcement costs, do not change based on this cleanup of the rules. It is not anticipated that there will need to be any system changes or other changes in policy of any kind.

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

Inaction is not permissible because the rules must be addressed pursuant to Executive Order 10. The benefits of the rulemaking should be that taxpayers accessing the Board should have an easier time because the rules will be easier to follow. For instance, contact information for the Board is being moved to the top of the rules so that citizens can find a contact to address their needs without having to search for that information in other rules.

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

All rules were evaluated with the goal of reduction, elimination and simplification of the existing rules. No less intrusive methods have been identified along the way. No less costly alternatives were identified in the process.

6. **Alternative methods considered by the agency:**

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

There are no alternative methods. The Board must comply with Executive Order 10. The rules are minimally necessary to provide citizens the information they need to communicate with the Board.

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

There are no alternative methods. The Board must comply with Executive Order 10.

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 rulemaking does not have any substantial impact on small business. If anything, the rules will have a benefit to small business in the sense that these new rules will make it easier for small businesses to make claims against the State through the Board.

Text of Proposed Rulemaking

ITEM 1. Rescind 543—Chapter 1 and adopt the following **new** chapter in lieu thereof:

CHAPTER 1
GENERAL PROVISIONS

543—1.1(669) Definitions.

"Award" means the same as defined in Iowa Code section 669.2.

"Board" means "state appeal board" as defined in Iowa Code section 24.26.

"Board's mailing address" means State Capitol Building, 1007 E. Grand Ave, Room G13, Des Moines, Iowa 50319.

"Claim" means the same as defined in Iowa Code section 669.2.

"Department" means the department of management.

"Director" means the director of the department.

"Employee of the state" means the same as defined in Iowa Code section 669.2.

"Executive secretary" means executive secretary of the board.

"State agency" means the same as defined in Iowa Code section 669.2.

543—1.2(17A) Organization. The board is a unit of government within the department. The board oversees claims made against the state. Correspondence to the board should be sent to the board's mailing address. Requests for information about the board may be made to the executive secretary at the board's mailing address. The three voting members of the board are:

1. Treasurer of state. Telephone: 515.281.5366.
2. Auditor of state. Telephone: 515.281.5834.
3. Director of the department. Telephone: 515.281.3322.

543—1.3(669) Meetings of the board. The board will meet at a time and place fixed by the chairperson or a quorum of the board.

1.3(1) *Session.* The board will be considered in continuous session for the purpose of entering orders, issuing determinations, and making awards.

1.3(2) *Quorum.* A majority of board members constitutes a quorum of the board. All decisions of the board may be made by a quorum of the board.

1.3(3) *Executive secretary.* The director will appoint an employee of the department to serve as the executive secretary.

These rules are intended to implement Iowa Code chapter 17A and section 25.2.