Regulatory Analysis

Notice of Intended Action to be published: 543—Chapter 3
"General Claims"

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

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 and repromulgate Chapter 3. The statements in the existing chapter were evaluated to ensure the rules were minimally necessary to convey to the public information on how to submit a general claim to the Board and information applicable to the Board's action on that claim. The rules were updated to apply new definitions, remove restrictive words and phrases, and remove any antiquated concepts.

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 bear 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 slightly 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:**

The proposed 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 Board's 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.

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 proposed rules will have a benefit to small business in the sense that the 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 3 and adopt the following **new** chapter in lieu thereof:

CHAPTER 3
GENERAL CLAIMS

543—3.1(25) Claims. General claims include but are not limited to the listing of claims found in Iowa Code section 25.2. General claims will be filed on a form supplied by the board's executive secretary. Claims will be filed with and processed directly by the state agency allegedly responsible for payment when the claim is for an outdated invoice that is from a previous fiscal year and the amount of the reversion is sufficient to pay the claim. If a claim meets this criteria, then the agency will recommend approval of the claim. The claim is then to be submitted to the department of administrative services state accounting enterprise, which will process such claims. The state agency will keep a record of such claims and will report to the board at the board's next regularly scheduled meeting. The claim will be submitted to the department of administrative services state accounting enterprise on the form prescribed by the board. The department of administrative services state accounting enterprise is authorized by the board to pay such claims from the board appropriation if sufficient moneys have been reverted from the state agency involved. If sufficient moneys have not been reverted, or if the state agency or the department of administrative services state accounting enterprise recommends denial of the claim, the claim is to be forwarded by the state agency to the board for consideration. A record of denied claims will be submitted quarterly to the board by the state agency.

3.1(1) *Place of filing.* The original and one copy of the general claim should be addressed to the board's mailing address.

3.1(2) *Names and signatures.* General claims will state the name, address and telephone number of the claimant and be signed.

3.1(3) *Designation.* A general claim will indicate that it is a general claim filed pursuant to Iowa Code chapter 25.

3.1(4) *Designation by number.* The executive secretary of the board will assign a number to each general claim. Thereafter, the claim may be referred to by such number. If a claim meets the conditions for direct state agency adjudication of the claim, a number will not be assigned.

543—3.2(25) Content. All general claims will set forth information as follows:

3.2(1) *Services rendered or merchandise purchased.* An itemized statement indicating the services or merchandise, the name of the state agency or employee involved, and, if available, a bill for the same will be attached.

3.2(2) *Refunds.* A detailed statement of the reasons for the refund, indicating the state agency involved, will be attached.

3.2(3) *Documentation.* Sufficient documentation to support the claim will be attached.

3.2(4) *Amount.* All amounts for which the claim is filed will be stated and itemized.

543—3.3(25) Investigation. The special assistant attorney general assigned will investigate a general claim. The special assistant attorney general may administer oaths and may take testimony and conduct discovery in accordance with the Iowa Rules of Civil Procedure, Division V. The special assistant attorney general may compel the attendance of witnesses and certify to any district court for contempt. All information from the investigation will be included with the report to the board.

543—3.4(25) Notification. The special assistant attorney general will notify the claimant or the claimant's attorney, in writing, of the board's determination and any award.

543—3.5(25) Warrant. Upon acceptance of the award, the board will issue a warrant in the agreed amount, payable to claimant or the claimant's attorney.

543—3.6(25) Withdrawal. Submitted claims may be withdrawn at any time through written notice addressed to the board at the board's mailing address.

These rules are intended to implement Iowa Code chapter 25.