Regulatory Analysis

Notice of Intended Action to be published: 543—Chapters 6 and 7
"Agency Procedure for Rulemaking"

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
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Purpose and Summary

Under the current rules in [543], numerous provisions sought to address concepts covered by the Uniform Rules on Agency Procedure. Guidance provided by the Governor's staff has been to use the Uniform Rules wherever possible and to only make minimal changes to those Uniform Rules where necessary. Applying that guidance, the Board is proposing to rescind Chapters 6 and 7 and has consolidated those concepts into a single new Chapter 5 focused on the Uniform Rules. The new Chapter 5 is proposed in another Regulatory Analysis in the 10/30/24 Iowa Administrative Bulletin. This proposed rulemaking simply rescinds Chapters 6 and 7.

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.

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

The proposed rulemaking slightly simplifies the existing rules by consolidating Chapters 6 and 7 with other Uniform Rules in a new Chapter 5.

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 by removing Chapters 6 and 7, which have been consolidated in a single Uniform Rules chapter.

3. **Costs to the State:**

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

Text from Chapters 6 and 7 was simplified when it was consolidated into a new Chapter 5. 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, and consolidation of Chapters 6 and 7 into Chapter 5 simply makes sense.

- **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 and reserve **543—Chapter 6**.

ITEM 2. Rescind and reserve **543—Chapter 7**.