

Red Tape Review Rule Report (Due: September 1, 20 24)

Department Name:	Dept. of Management	Date:	7/10/2024	Total Rule Count:	12
IAC #:	543	Chapter/ SubChapter/ Rule(s):	1	Iowa Code Section Authorizing Rule:	25.2(3), 24.30, 24.31, 24.32
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PLEASE NOTE, THE BOXES BELOW WILL EXPAND AS YOU TYPE

What is the intended benefit of the rule?

The current rule is an odd combination of definitions, information about the board, and then form and content of tort claims submission obligations. The plan is to restructure the rules entirely to make the entire rule set easier to follow.

Is the benefit being achieved? Please provide evidence.

Yes. The existing rules have not been the source of any controversy. The update to the rules is simply being made to adapt the rules to EO10 requirements. In fiscal year 2024, the State Appeal Board received 816 claims, of which 647 were tort claims and the remainder general claims. Also in fiscal years 2024, the board authorized payment of \$12,175,831.83 to claimants, with funds being drawn from the General Fund or the Road Use Fund.

What are the costs incurred by the public to comply with the rule?

Submission costs are minimal, and the board’s rules provide a good roadmap of how to interact with the board. Citizens may choose to interact with the board through an attorney, resulting in costs there, but this is not mandatory. The new Chapter 1 should minimize impact on citizens and make interaction with the board as simple and straightforward as possible.

What are the costs to the agency or any other agency to implement/enforce the rule?

Very minimal. Agencies costs are limited to responding to information requests. Costs to the Department of Management are limited to small administrative costs.

Do the costs justify the benefits achieved? Please explain.

Yes. Costs are minimal currently and are not in any way increasing going forward.

Are there less restrictive alternatives to accomplish the benefit? YES NO

If YES, please list alternative(s) and provide analysis of less restrictive alternatives from other states, if applicable. If NO, please explain.

Does this chapter/rule(s) contain language that is obsolete, outdated, inconsistent, redundant, or unnecessary language, including instances where rule language is duplicative of statutory language? [list chapter/rule number(s) that fall under any of the above categories]

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Yes. The current chapter speaks to a \$5,000 limitation in the amount of an award that requires additional approvals. This limitation does not exist in Code that we can find. The current rules also assert that claims must be verified, but verification of pleadings is no longer required by the Iowa Rules of Civil Procedure, so the recommendation is to remove this concept from the rules.

RULES PROPOSED FOR REPEAL (list rule number[s]):

Chapter 1 is its entirety.

RULES PROPOSED FOR RE-PROMULGATION (list rule number[s] or include rule text if available):

543—1.1(669) **Definitions.** As used in these rules, “state agency,” “employee of the state,” “claim” and “award” mean the same as the defined terms 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 Capital Building, 1007 E. Grand Ave, Room G13, Des Moines, Iowa 50319.

“Department” means the department of management.

“Director” means the director of the department.

“Executive secretary” means executive secretary of the board.

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 board’s executive secretary at the board’s address. The three voting members of the board are:

Treasurer of State Telephone (515) 281-5366

Auditor of State Telephone (515) 281-5834

Director of the Department of Management Telephone (515) 281-3322

543—1.3(669) **Meetings of 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 board’s executive secretary.

***For rules being re-promulgated with changes, you may attach a document with suggested changes.**

METRICS

Total number of rules repealed:	12
Proposed word count reduction after repeal and/or re-promulgation	981

Proposed number of restrictive terms eliminated after repeal and/or re-promulgation

26 (Title 543 is now down to zero restrictive words/phrases).

ARE THERE ANY STATUTORY CHANGES YOU WOULD RECOMMEND INCLUDING CODIFYING ANY RULES?

The State Appeal Board authority seems to be spread between Chapter 24 (24.26) and Chapter 25. Section 25.2 just starts talking about the State Appeal Board without saying that it is established. Section 24.26 speaks to the State Appeal Board and what it consists of but doesn't necessarily formally establish the board. At some point, it might make sense to consolidate the text, formally establish the board, and put in one chapter that the board has basic authority, such as rulemaking authority.