

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

Department Name:	Dept. of Management	Date:	7/23/2024	Total Rule Count:	5
IAC #:	543	Chapter/ SubChapter/ Rule(s):	Chapter 3	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 rule provides basic information to taxpayers of how to interact with the board concerning general claims.

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Does this chapter/rule(s) contain language that is obsolete, outdated, inconsistent, redundant, or unnecessary language, including instances where rule language is duplicative of statutory language?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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No, the language simply needed to be evaluated for restrictive words. No significant changing in text were made, although changes were considered along the way.

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

All of Chapter 3.

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

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, it 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 its next regularly scheduled meeting. The claim will be submitted to the department of department of administrative services – state accounting enterprise on the form prescribed by the board. The department of 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 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 it 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 and the name of the state agency or employee involved. 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.

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 in writing of the board’s decision if the general claim is denied.

543—3.5(25) *Denial*. For those general claims that are denied, the board will file with the clerk of the house of representatives and the secretary of the senate a list of such claims together with all reports and recommendations. The claims committee of the legislature will then review the denied claims and may make an appropriation for any of them.

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

METRICS

Total number of rules repealed:	5
Proposed word count reduction after repeal and/or re-promulgation	60 words reduced
Proposed number of restrictive terms eliminated after repeal and/or re-promulgation	19 (Title 543 will be down to zero restrictive words/phrases)

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