

RACING AND GAMING COMMISSION[491]

Adopted and Filed Emergency

Rulemaking related to declaratory orders and contested cases

The Racing and Gaming Commission hereby adopts new Chapter 2503, “Declaratory Orders—Modifications to Uniform Rules,” and new Chapter 2506, “Contested Cases—Modifications to Uniform Rules,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code sections 99D.7 and 99F.4.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, 2026 Iowa Acts, Senate File 2463.

Purpose and Summary

Iowa Code section 17A.24 provides that if an agency does not have rules in effect covering certain procedural subjects, then the Uniform Rules on Agency Procedure adopted by the Administrative Rules Coordinator apply to the agency. The Administrative Rules Coordinator has adopted uniform administrative rules under agency [7].

2026 Iowa Acts, Senate File 2463, section 4, subsections 1(be) and (bf), legislatively rescind certain Commission rules effective July 1, 2026. Accordingly, under Iowa Code section 17A.24(2), the agency will not have rules in effect addressing the Uniform Rules on Agency Procedure subjects, so the Uniform Rules on Agency Procedure will apply to the Commission. However, under Iowa Code section 17A.24(3), an agency may adopt rules providing for additions, exceptions, or amendments to a uniform rule. Senate File 2463, section 5, authorizes emergency rulemaking for this purpose.

Under Senate File 2463, section 5, subsection 2, an agency may only adopt emergency rules upon making certain findings. The Commission finds that the emergency rules are otherwise necessary under Senate File 2463, section 5, subsection 2(b), as explained below.

Item 1 modifies a uniform rule by streamlining the requirements applicable to intervenors in declaratory order proceedings before the Commission. The uniform rule requires potential intervenors to detail facts supporting the intervenor’s standing and qualifications for intervention. The Commission’s modification requires potential intervenors only to detail facts supporting the intervenor’s qualifications for intervention. This modification is necessary because an intervenor’s qualifications for intervention necessarily include the intervenor’s standing, rendering a separate mention of standing superfluous.

Item 2 modifies a uniform rule by providing that lengthy and technical filings will not be required in certain categories of licensing appeals. The uniform rule provides that filing requirements in contested cases may be imposed by rule, by the notice of hearing, or by order of the presiding officer. The Commission’s modification to this rule adds an exception clarifying that for certain categories of occupational licensing appeals, pleadings other than a notice of appeal will not be required. Adding this language to the rule is necessary because it avoids imposing a potential burden on occupational license applicants, many of whom are not represented by counsel when going through the licensing process.

*Reason for Adoption of Rulemaking Without
Prior Notice and Opportunity for Public Participation*

Pursuant to Iowa Code section 17A.4(3), the Commission finds that notice and public participation are unnecessary or impractical because statute so provides. 2026 Iowa Acts, Senate File 2463, section 5, authorizes emergency rulemaking to provide for additions, exceptions, or amendments to the Uniform Rules on Agency Procedure.

Reason for Waiver of Normal Effective Date

Pursuant to Iowa Code section 17A.5(2)“b”(1)(a), the Commission also finds that the normal effective date of this rulemaking, 35 days after publication, should be waived and the rulemaking made effective on June 30, 2026, because 2026 Iowa Acts, Senate File 2463, section 5, authorizes emergency rulemaking for the purpose stated above.

Adoption of Rulemaking

This rulemaking was adopted by the Commission on April 23, 2026.

Concurrent Publication of Notice of Intended Action

In addition to its adoption on an emergency basis, this rulemaking has been initiated through the normal rulemaking process and is published herein under Notice of Intended Action as **ARC 0297D** to allow for public comment.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Commission for a waiver of the discretionary provisions, if any.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rulemaking will become effective on June 30, 2026.

The following rulemaking action is adopted:

ITEM 1. Adopt the following **new** 491—Chapter 2503:

CHAPTER 2503

DECLARATORY ORDERS—MODIFICATIONS TO UNIFORM RULES

The Uniform Rules on Agency Procedure, 7—Chapters 2500 through 2506, are rules generally applicable to agencies pursuant to Iowa Code section 17A.24. Additions, exceptions, or amendments to the corresponding chapter are below.

491—2503.3(17A) Intervention in declaratory order proceedings.

2503.3(3) An intervenor seeking to intervene in a declaratory order proceeding is obligated to file the petition for intervention with the commission. The petition for intervention is considered filed when received either in hard copy or by email. The commission will provide the intervenor with a file-stamped copy of the petition upon request. The commission will only accept petitions for intervention that are

typewritten or legibly handwritten in ink. Intervenor's are also obligated to submit the petition so that it substantially conforms with the following:

BEFORE THE IOWA RACING AND GAMING COMMISSION

Petition by [name of original petitioner] For a declaratory order regarding [applicable statutes or rules].	PETITION FOR INTERVENTION
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1. Facts supporting the intervenor's qualifications for intervention.
2. The answers urged by the intervenor to the question or questions presented and a summary of the reasons urged in support of those answers.
3. Reasons for requesting intervention and disclosure of the intervenor's interest in the outcome.
4. Whether the intervenor is currently a party to any proceeding involving the questions at issue and whether, to the intervenor's knowledge, those questions have been decided by, are pending determination by, or are under investigation by any agency or court of law.
5. The names and addresses of any additional persons, or a description of any additional class of persons, known by the intervenor to be affected by or interested in the questions presented.
6. Whether the intervenor consents to be bound by the determination of the matters presented in the declaratory order proceeding.

ITEM 2. Adopt the following **new** 491—Chapter 2506:

CHAPTER 2506

CONTESTED CASES—MODIFICATIONS TO UNIFORM RULES

The Uniform Rules on Agency Procedure, 7—Chapters 2500 through 2506, are rules generally applicable to agencies pursuant to Iowa Code section 17A.24. Additions, exceptions, or amendments to the corresponding chapter are below.

491—2506.11(17A) Pleadings in contested cases.

2506.11(1) *Filing requirements.* Filing requirements may be imposed by rule, by the notice of hearing, or by order of the presiding officer. However, pleadings other than a notice of appeal will not be required in appeals from a licensing decision by a gaming representative, gaming board, or board of stewards.

[Filed Emergency 4/28/26, effective 6/30/26]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/27/26.