



# MINUTES

## FEBRUARY 2026 MEETING ADMINISTRATIVE RULES REVIEW COMMITTEE

---

### MEMBERS PRESENT

Senator Kara Warme, Chair  
Senator Mike Boussetot  
Senator Dan Dawson  
Senator Janet Petersen  
Senator Cindy Winckler

Representative Chad Ingels, Vice Chair  
Representative Austin Harris  
Representative Joshua Meggers  
Representative Rick L. Olson

EX OFFICIO, NONVOTING MEMBER: Stan Thompson, Administrative Rules Coordinator, Office of the Governor

LSA CONTACTS: Organizational staffing provided and minutes prepared by Jack Ewing, Administrative Code Editor, 515.281.6048, and Natalie Sherman, Legal Counsel, 515.725.2299

---

### BULLETINS NEEDED FOR THIS MEETING: 1/7/26, 1/21/26

---

#### Procedural Business

Senator Warme convened the regular, statutory meeting of the Administrative Rules Review Committee (ARRC) at 10 a.m. on Monday, February 9, 2026, in Room 116, State Capitol, Des Moines, Iowa. Committee members voted unanimously in favor, by voice vote, of nominating Senator Warme as chairperson and Representative Ingels as vice chairperson. The next meeting was scheduled for March 9, 2026, at 10 a.m.

Regarding the draft legislation of uniform rules, committee members asked about the process for an agency to change the uniform rules, and whether an agency should be required to indicate why the uniform rules do not work for the agency. Mr. Ewing responded that the draft legislation would require an agency to explain why it is necessary for the agency to deviate from the uniform rules. Mr. Thompson responded that requests to opt out of the uniform rules had already been received, and agencies already were providing an explanation as to why the opt-out is necessary and why the uniform rules do not work. Members asked what process will be provided for the public to be aware of changes made to the Iowa Administrative Code, and what information would be available to the public. Mr. Ewing explained that the draft legislation is the standard way that the legislature rescinds administrative rules. Members asked how it is decided whether rules should be adopted as emergency rules. Mr. Ewing responded that emergency rules can either be authorized in legislation or an agency can come before the committee and request approval of emergency rulemaking.

A vote for the committee to sponsor the draft legislation on the uniform rules passed on a voice vote of 7-2. The meeting was adjourned at 11:45 a.m.

#### Fiscal Overview

Mr. Chris Ubben, Division Editor/Supervisor, presented the LSA fiscal report.

Rulemaking type is indicated in parentheses following the ARC number. The acronyms have the following meanings: Notice of Intended Action (NOIA), Amended Notice of Intended Action (ANOIA), Notice of Termination (NOT), Adopted and Filed Emergency (AFE), Filed Emergency After Notice (FEAN), and Adopted and Filed (AF).

## **WORKFORCE DEVELOPMENT DEPARTMENT**

Representing the agency: Jeffrey Koncsol

Emergency Filing, Approval Required: Unemployment Insurance, Social Security Numbers, Rule 23.10(2)

### **Emergency Rulemaking Authorized**

A motion to authorize emergency rulemaking carried 9-0 on a roll call vote.

## **HUMAN SERVICES DEPARTMENT**

Representing the agency: Victoria Daniels, Jason Geyer, Brynne Howard

ARC 9953C (AF), Student Abuse Reports and Investigations, Ch. 174

Committee members asked whether any concerns brought up during public comment had not been addressed by the changes made to the rulemaking. Mr. Geyer responded that some comments received were misunderstandings about the rulemaking, but any other comments were addressed in the changes. Members asked how the department would cover the costs to enforce the rulemaking without implementing a reimbursement policy. He responded that the costs were covered by the existing budget.

Committee members asked how many investigators were assigned to student abuse. Mr. Geyer stated there was one student abuse investigator that covers the entire state and is located in Cedar Rapids. Members asked for clarification whether the rulemaking only included student abuse during school hours. He responded in the affirmative but said school hours include when a student is riding the school bus and during extracurricular activities or school-sponsored events. Members asked about student abuse by a school employee occurring after school hours. He explained that school abuse would not be considered student abuse, but could be screened for child abuse.

Committee members asked how many claims of student abuse had been made, how many employees work on abuse claims, and how many claims were received annually. Mr. Geyer responded that since July 1, 2026, there had been 226 reports of student abuse and 24 investigations conducted. He stated that the centralized abuse intake office had 39 intake workers plus 8 supervisors, and that approximately 65,000 intakes occurred annually.

Melissa Peterson, representing the Iowa State Education Association, commented that the rulemaking did not account for the notification of an individual accused of student abuse and requested clarification for the notification process. Mr. Geyer responded that after an investigation is completed, the outcome of the investigation is sent to the person accused, and is the same notification provided to the superintendent. He acknowledged this is not stated in the rules.

No action taken on ARC 9953C.

## **PUBLIC HEALTH DEPARTMENT**

Representing the agency: Victoria Daniels, Jess Benson, Dennis Klein

ARC 9948C (NOIA), Vital Records: General Administration, Ch. 95

Committee members asked how and why it was decided to direct all additional fee funds to the state medical examiner's office. Mr. Benson responded that there had not been a fee increase since 2018, and costs for the office had increased. He explained that the rulemaking increases the fees for autopsies, and increases the vital records fees from \$15 to \$20, with a portion of the fees going to the medical examiner's office. Members asked whether all autopsies had the same fee. He responded in the affirmative. Members asked whether the projects from the increased fees would sufficiently meet the needs of the medical examiner's office. He responded that the increased fees would provide a sufficient surplus to the office.

Committee members asked whether the impact caused by Polk County necessitated the fee increases. Dr. Klein responded that the medical examiner's officer performs roughly 2,300 autopsies annually across the entire state, with about 2,000 autopsies performed at sites other than at the state medical examiner's office. He noted that 450 autopsies came from Polk County, and that the number of staff for the medical examiner's office was based on the number of autopsies performed. Members asked about the recruitment of new pathologists, and whether the state medical examiner's office would create a pathologist residency program. He responded that recruitment of forensic pathologists is a national issue, but that the office had recently hired a new pathologist, and the next goal was to consider fellowship training.

No action taken on ARC 9948C.

## **ENVIRONMENTAL PROTECTION COMMISSION**

Representing the agency: Chad Stobbe, Mike Sullivan, Theresa Stiner

### **ARC 9911C (NOIA), Scope of Title—Definitions—Rules of Practice, Ch. 100**

Committee members asked why the rulemaking combined multiple chapters into one chapter with multiple divisions, rather than keeping the chapters separate. Mr. Stobbe responded that Iowa Administrative Code chapter 101 relates to sanitary disposal projects, which has certain requirements that only apply for sanitary disposal projects, and the other solid waste management facilities have different requirements. He stated that keeping sanitary disposal projects in one chapter and all other solid waste facilities in another chapter was a better organizational choice than having a separate chapter for every type of permitted project.

Committee members asked why a virtual meeting link was not posted within the rule, requiring members of the public to contact the commission for a video link. Mr. Sullivan responded that this was to avoid a large number of people from overwhelming a meeting, and allowed the commission to keep track of the number of people that would be on a given video call. He also noted that this prevented bots from using the link. Members asked whether bots had been an issue in video meetings. He responded in the negative.

No action taken on ARC 9911C.

### **ARC 9926C (NOIA), Solid Waste Management, Chs. 102, 108, 116-118, 120-122**

Mr. Eldon McAfee, representing the Iowa Pork Producers Association, Iowa Cattleman's Association, and North Central Poultry Association, explained that the rulemaking included the on-farm disposal of livestock mortalities in the same category as other types of composting, and stated that livestock mortalities should be treated differently than other types of composting. Ms. Stiner responded that if livestock mortalities are a separate category, livestock could not be composted with any other materials without a permit. Mr. McAfee stated that farmers only compost livestock mortalities and use a bulking agent to cover the mortalities. He noted that under the rulemaking, bulking agents would be considered a type A feedstock, which is a different kind of composting than when used as a bulking agent.

No action taken on ARC 9926C.

## **NATURAL RESOURCE COMMISSION**

Representing the agency: Kelli Huser, Kelsey Fleming, Randy Schultz, Travis Baker

### **ARC 9900C (NOIA), Unprotected Nongame, Ch. 76**

Committee members asked about the classification of garter snakes. Ms. Huser responded that under the Iowa Code, the Department of Natural Resources has the authority to designate nongame species because of an animal's abundance or habits. Ms. Fleming noted that due to the population of garter snakes across the state, they are not considered a game species. She noted a person could be subject to a fine for killing a garter snake if they were not so classified.

No action taken on ARC 9900C.

ARC 9906C (NOIA), Promiscuous Fishing, Ch. 84

Committee members asked what constituted promiscuous fishing. Mr. Schultz responded that when a body of water is in imminent danger of loss of fish through natural causes, the fish may be taken from the area by any legal means to salvage such imperiled fish populations.

No action taken on ARC 9906C.

ARC 9910C (NOIA), Endangered and Threatened Plant and Animal Species, Ch. 77

Committee members asked about the process for a species to be placed on the threatened or endangered species lists, and how frequently the lists are reviewed. Mr. Baker responded that the commission is authorized to consider updates to the lists every two years, and the list and rules were last updated in 2009. Members asked if the rulemaking added species to the threatened or endangered lists. He responded that the rulemaking changed the lists: the endangered animals list had a net difference of -1 species, the threatened animals list had a net difference of +24 species, the endangered plants list had a net difference of +95 species, and the threatened plants list had a net difference of +11 species. He also noted that the rulemaking removed the list of special concern species, and relocated the list to the Iowa Wildlife Action Plan.

Committee members asked how the determination whether an animal is endangered or threatened is made, and the addition or removal of a species. Mr. Baker responded that the threatened and endangered lists reflect the federal threatened and endangered species lists. He explained that for species specific to the state, the department had a process for summoning opinions and expertise of experts to convene meetings, review surveys, studies, and literature, and reach a consensus on each individual species and determine if a reclassification is warranted. Members asked how many employees manage the threatened and endangered lists. He responded that two staff members are dedicated to managing the lists, and other employees of the department had expertise on plant and animal management and could also advise on the list.

Briana Kouma, representing the Sierra Club's Iowa Chapter, spoke in opposition to the removal of the special concern species list, stating that the list was actively used as an early warning tool to identify vulnerable species and guide proactive conservation. Mr. Baker agreed about the importance of the special concern species list and responded that the Iowa Code gave the department the authority to maintain a list of threatened species and a list of endangered species, and only the administrative rules contained the list of species of special concern. He noted that under Executive Order 10, the department must ensure the rules are consistent with the Iowa Code, and the department decided to remove the list from the rules and include the list in the Iowa Wildlife Action Plan.

No action taken on ARC 9910C.

## **INSPECTIONS AND APPEALS DEPARTMENT**

Representing the agency: Amy Oetken, Venus Vendoures-Walsh, Dan Horner

ARC 9988C (ANOIA), Occupational Therapists and Occupational Therapy Assistants — Occupational Therapy Licensure Compact, Rules 804.1, 804.2, 804.4-804.10

Denise Behrends, representing the Iowa Occupational Therapy Association, spoke in opposition to the rulemaking's required background checks and fingerprinting for all Iowa members, and noted that these requirements should only apply to individuals seeking to participate in the occupational therapy licensure compact.

No action taken on ARC 9988C.

Special Review: Bingo Locations, Rule 103.9(3)

Ms. Oetken explained that the department had filed a regulatory analysis for the rescission of the subrule. Committee members asked about the applicability of the current rules to a lessor versus a licensee. Ms. Oetken responded that the rule applied to businesses from which a licensee leased a location to hold a bingo event, at which even the lessor could not sell food and beverages. She noted that the rulemaking eliminated this provision, and under the rulemaking, a qualified organization could lease a location for a bingo event and the lessor could sell food and beverages at such event. She also explained that the current rule only applied to a licensee leasing a space for a bingo event.

Committee members asked if the subrule would be enforced until it is rescinded by the department. She responded in the affirmative. Members asked if the committee could authorize emergency rulemaking to rescind the subrule more quickly. Mr. Ewing responded in the affirmative.

**Emergency Rulemaking Authorized**

A motion to authorize emergency rulemaking carried 9-0 on a roll call vote.