



MINUTES

APRIL 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: 8/6/25, 3/18/26, 4/1/26

Procedural Business

Senator Warme convened the regular, statutory meeting of the Administrative Rules Review Committee (ARRC) at 10:00 a.m. on Monday, April 13, 2026, in Room 116, State Capitol, Des Moines, Iowa. The minutes of the March 9, 2026, meeting were approved. The next meeting was scheduled for May 11, 2026, at 10:00 a.m. The meeting was adjourned at 11:50 a.m.

Fiscal Overview

Mr. Chris Ubben, Division Editor/Supervisor, presented the LSA fiscal report. Committee members asked if there is a difference in the fiscal impact between the previous and new tax credits provided in ARC 0133D. Mr. Eric Richardson, Fiscal Analyst, explained that there is a small difference in the amounts of the previous and new tax credits and also that the new credit has a cap of \$40 million.

Rulemaking type is indicated in parentheses following the ARC number. The acronyms have the following meanings: Regulatory Analysis (RA), 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).

ENVIRONMENTAL PROTECTION COMMISSION

Representing the agency: Eric Wicklund, Lori McDaniel

ARC 9467C (AF), Private Sewage Disposal Systems, Ch. 69

Committee members asked for a summary of the timeline for the rulemaking, which Ms. McDaniel provided. Members asked why prior to the rulemaking there was a hierarchy of septic systems. Mr. Wicklund explained that the hierarchy dated from 30 years prior when aerobic treatment units (ATUs) were newer technology and higher maintenance. Members asked about the department's efforts to monitor whether septic systems are properly maintained. He explained that county sanitarians are responsible for ensuring septic systems are properly maintained and that the department would work with counties over the summer to ensure their duties are carried out. He stated the rules reflect counties' responsibilities, though they could be more specific. Members asked if statewide data on counties' efforts regarding septic tank maintenance would be helpful, and he stated it might be. Members asked if the department has a means of tracking compliance by counties. He stated that the department cannot track or impact county compliance.

Committee members asked for a comparison of the rulemaking with the prior rules in regard to septic systems that do not use conventional soil absorption. Mr. Wicklund noted that both require use of a soil filter if possible, with use of a sand filter as the next option. He explained that the differences occur with the options that follow a sand filter, as the rulemaking eliminates the previous hierarchy and instead allows any system that passes national standards known as "NSF 40," including new technology that may be developed in the future. Members asked how many ATUs or packed bed filters (PBFs) are currently operating. He stated that only counties have that information. Members asked whether Iowa is an outlier in relation to regulation of ATUs. He stated that Iowa is the only state that functionally prohibits use of ATUs.

Mr. RG Schwarm, speaking on behalf of Planet Care Biofilters, expressed support for the delay of the rulemaking. He stated that changing the required hierarchy for septic systems would negatively impact the public health and safety, which would be contrary to the requirements of Executive Order 10. He provided historical background on the hierarchy and noted that ATUs would not work in a power outage. He stated that while ATUs and PBFs both meet the NSF 40 standard, that standard is only a baseline, and tests show they do not perform the same.

Mr. Joe Meland, owner of a septic service company, expressed support for the rulemaking becoming effective. He said both ATUs and PBFs work well if properly maintained, but ATUs are lower maintenance and less costly. He explained that maintenance techniques vary from one company to another and can be dirty and complicated. He explained his interactions with county sanitarians and stated that the quality of oversight of septic system maintenance varies by county. He stated that in counties with less quality, the type of septic system used is not the cause.

Ms. Sydney Gangestad, speaking on behalf of the Iowa Rural Water Protection Coalition, expressed support for the delay of the rulemaking. She explained that members of the coalition have a variety of interests in septic tanks and work with both ATUs and PBFs, but believe PBFs are more reliable.

Mr. Nick Laning, speaking on behalf of Infiltrator Water Technologies, expressed support for the rulemaking becoming effective. He stated that NSF is a high-quality national standard that involves significant testing. He explained that PBFs require power for their pumps, and thus neither ATUs nor PBFs work in a power outage. He stated that all neighboring states allow ATUs. He further stated that the commission had adopted the rulemaking unanimously and that the rulemaking process, including the requirements of Executive Order 10, had been followed correctly. He explained that proposed legislation relating to the rulemaking had failed to be enacted. He questioned whether there would be any value in an additional 70-day delay of the rules.

Committee members noted the committee could sponsor legislation relating to the rulemaking. Members asked Mr. Ewing to confirm the committee's ability to impose a 70-day delay on a rulemaking previously subject to a session delay. He so confirmed.

70-Day Delay

A motion for a 70-day delay, in addition to the session delay previously imposed by the committee, carried by an 8-1 roll call vote.

TRANSPORTATION DEPARTMENT

Representing the agency: Ryan Pell, Maria Hobbs

ARC 0154D (AF), Highway-Railroad Grade Crossing Surface Repair Fund, Ch. 821

Committee members stated the program receives \$900,000 annually and that the relevant statute provides no guidance on eligibility, which was addressed in the rescinded rules. Ms. Hobbs explained that program guidance is available on the department's internet site.

Committee members asked if the guidance could be changed without going through the rulemaking process. She responded in the affirmative. Members asked for more information about the department's approach to rulemaking that rescinds rules on programs that remain active. Mr. Pell stated that the department's goal is to conform to Executive Order 10. He explained that the rules were not necessary and that relying on guidance instead would allow more flexibility in the future. Ms. Hobbs stated that the department did not intend to change how the program is implemented. Members asked if replacing rules with guidance could lead to less legislative oversight. Mr. Pell stated the department will not operate outside its statutory authority. Ms. Hobbs noted the highway commission has oversight of the program.

Committee members stated that Executive Order 10 should not be understood as a mandate to replace rules with guidance. Members stated that the statutory standards for the program were less clear than those for other programs where the department rescinded rules and that legislative oversight of the program is important given the size of the budget for the program.

70-Day Delay

A motion for a 70-day delay carried by a 9-0 roll call vote.

INSPECTIONS AND APPEALS DEPARTMENT

Representing the agency: Jeremiah Junker

ARC 0123D (NOIA), Residential Energy Code—Adoption by Reference of Air Exchange Rate, Rule 301.24(12)

Committee members asked if the rulemaking would make houses less energy efficient. Mr. Junker stated that is one possible interpretation but that the rulemaking aligns standards for preconstruction simulated testing with standards already required for testing conducted at the completion of construction.

No action taken on ARC 0123D.

RACING AND GAMING COMMISSION

Representing the agency: Tina Eick

ARC 0186D (AF), Pari-Mutuel Wagering, Simulcasting and Advance Deposit Wagering, Ch. 8

No discussion on 0186D.

ARC 0187D (AF), Thoroughbred and Quarter Horse Racing, Ch. 10

Committee members noted the rulemaking received more public comments than usual and asked how the regulated industry responded to the final rulemaking. Ms. Eick explained that no comments beyond those received on the notice of intended action were received and that the board worked with the regulated industry on the rulemaking.

No action taken on ARC 0187D.

REGENTS BOARD

Representing the agency: Aimee Claeys

ARC 0161D (NOIA), Traffic and Parking at Universities, Ch. 4

Committee members asked why there is not a uniform fine schedule for all three public universities. Ms. Claeys explained that there is a uniform schedule, that it is approved by the board on an annual basis, and that a university will only deviate from the schedule if there is a specific need.

No action taken on ARC 0161D.

ARC 0162D (NOIA), Regents Human Resources Management—Merit System Rules, Ch. 3

Committee members asked if the rulemaking maintains the rights of current employees. Ms. Claeys explained that the rights of current employees are substantially preserved in the rulemaking. Members asked for examples of outdated rules eliminated in the rulemaking. She noted that certain organizational rules were no longer required by statute and that rule language that merely repeated statutory language was eliminated as well. Members asked what the board's policy is on noncompete agreements. She explained that the board does not have a policy and that such agreements are used on campuses, primarily relating to healthcare.

No action taken on ARC 0162D.

HUMAN SERVICES DEPARTMENT

Representing the agency: Victoria Daniels, Megan Abramski, Marcus Johnson-Miller

ARC 0127D (NOIA), Adolescent Pregnancy Prevention and Services to Pregnant and Parenting Adolescents Programs, Ch. 163

Committee members asked if the programs are state or federal programs. Mr. Johnson-Miller responded they are state programs. Members asked how active the programs are. He explained that the department does a competitive application process every six years and that the federal funding covers 14 grantees in 44 counties.

No action taken on ARC 0127D.

ARC 0128D (NOIA), Autism Support Program, Ch. 22

Committee members asked about current usage of the program. Ms. Abramski explained the program currently serves one individual and that two others recently completed the program. She stated that there is a waiting list, and the department is working to move individuals off the waiting list.

Committee members asked if the program previously had more usage before recently enacted insurance mandates in this area. She responded in the affirmative. Members asked for more information about users of the program and the wait list. She explained that an applicant must be under 14 years of age at the time of application but can receive full coverage of 24 months if they turn 14 during that period. Members asked about program integrity efforts. Ms. Daniels stated she would follow up with more information.

No action taken on ARC 0128D.

PUBLIC HEALTH DEPARTMENT

Representing the agency: Victoria Daniels, Patricia Riesberg

ARC 0180D (AF), Registration and Safety Requirements for Radiation Emitting Machines in the Healing Arts—Medicine, Podiatry, Dental, Chiropractic, and Veterinary Medicine, Ch. 40

Committee members asked for an explanation of why this rulemaking received so many public comments compared to others addressing similar subjects. Ms. Riesberg explained that a former department employee made most of the comments, which concerned accreditation standards which were outside the scope of the rulemaking.

No action taken on ARC 0180D.