

Red Tape Review Rule Report

(Due: September 1, 2026)

Department Name:	Iowa Racing and Gaming Commission	Date:	7/15/26	Total Rule Count:	9 rules in chapter 3
IAC #:	491	Chapter/ SubChapter/ Rule(s):	3	Iowa Code Section Authorizing Rule:	22.11
Contact Name:	Barb Blake	Email:	barb.blake@iowa.gov	Phone:	515-281-7355

PLEASE NOTE, THE BOXES BELOW WILL EXPAND AS YOU TYPE

What is the intended benefit of the rule?

IRGC promulgated chapter 3 to comply with Iowa Code section 22.11(1), which requires all agencies to adopt rules addressing certain subjects related to fair information practices. IRGC's existing chapter 3 adopts, with some exceptions and amendments, Uniform Rules on Agency Procedure that were first developed in 1985 and were amended in 1999.

Is the benefit being achieved? Please provide evidence.

Yes. IRGC is still required to comply with Iowa Code section 22.11(1). However, Iowa Code section 17A.24 (enacted in 2024) directed the administrative rules coordinator to develop updated uniform rules on certain agency procedural subjects. The administrative rules coordinator has done so, including a new Iowa Administrative Code chapter 7—2505 addressing fair information practices. In addition, the Iowa Legislature passed, and the Governor signed, Senate File 2463 in April 2026. Senate File 2463 legislatively repeals IRGC's rules 3.3 through 3.13 effective July 1, 2026. Accordingly, as of July 1, 2026, IRGC no longer has rules in effect addressing fair information practices, and thus, the administrative rules coordinator's uniform fair information practices rules apply to IRGC under Iowa Code section 17A.24(2).

The legislative repeal under Senate File 2463 leaves rule 3.1 and rule 3.14 in IRGC's chapter 3. However, these two rules are not necessary to maintain in chapter 3. Rule 3.1 contains one definition which can be rescinded. Rule 3.14's content can be moved to IRGC's chapter 1. Therefore, it is no longer necessary for IRGC's chapter 3 to include any rules. IRGC proposes rescinding chapter 3 in its entirety.

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

Any public compliance costs related to the existing chapter 3 are purely incidental. Existing chapter 3 discusses some categories of records and describes certain categories that are confidential. The public may incur costs in the form of time spent either reviewing these rules or submitting open records requests. In addition, the public may sometimes incur expenses for processing open records requests in accordance with Iowa Code section 22.3 at the agency's discretion. However, these costs stem from the statute and not from chapter 3 itself.

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

The agency's costs to implement chapter 3 primarily relate to open records requests. These costs depend on the breadth and scope of any given records request IRGC receives. The costs can include personnel time that is diverted from other agency work to process and fulfill records requests, including review for confidentiality; or can include reimbursement to other agencies (such as the Department of Management Division of Information Technology) for their time or efforts in retrieving or searching documents that may be responsive to a given request.

Do the costs justify the benefits achieved? Please explain.

The costs incurred both by the public and by the agency illustrate the reasonable balance between the general legislative policy favoring public access to government records and the necessary logistics to implement that policy, including appropriate allocation of staff time and assessing reasonable expenses where necessary.

This balance will continue to exist with the new uniform rules on agency procedure, but IRGC's specific chapter 3 is no longer necessary to include in the Iowa Administrative Code because fair information practices rules will be streamlined into the new uniform rules.

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.

No less restrictive alternative exists. The balance is driven by legislative policy in Iowa Code chapter 22 and, moving forward, the adoption of one set of uniform rules applicable to multiple agencies (including IRGC) is significantly less restrictive than each agency promulgating its own chapter addressing fair information practices.

In addition, repealing an entire chapter is one of the least restrictive steps an agency can take.

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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The entirety of chapter 3 will be unnecessary after July 1, 2026.

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

491 IAC chapter 3—all rules.

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

Rule 3.14—proposed to be moved to chapter 1.

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

METRICS

Total number of rules repealed:	9
Proposed word count reduction after repeal and/or re-promulgation	2070
Proposed number of restrictive terms eliminated after repeal and/or re-promulgation	5 “require”

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

Iowa Code section 22.11, which is the basis for IRGC’s chapter 3, was enacted in 1984 and has not been amended since. It may be useful to revisit section 22.11 and determine whether its requirements for agency rulemaking are still necessary, are outdated, or are encompassed by other laws passed in the last forty years.