

ECONOMIC DEVELOPMENT AUTHORITY[261]

Adopted and Filed

Rule making related to high quality jobs program

The Economic Development Authority hereby amends Chapter 187, “Contracting,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 15.106A.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapters 15 and 15E.

Purpose and Summary

Pursuant to rules 261—187.3(15) and 261—187.4(15), participants in the High Quality Jobs Program (Program) must seek approval from the Economic Development Authority Board to amend the maintenance period completion date specified in Program agreements. It is as of that date that the Authority determines whether a business is in compliance with the job maintenance obligations required by the Program. The Authority intends to amend these rules to allow greater flexibility for businesses impacted by the COVID-19 pandemic that would otherwise be temporarily in default of their job maintenance obligations.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on February 24, 2021, as **ARC 5439C**. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Authority on April 16, 2021.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Authority for a waiver of the discretionary provisions, if any, pursuant to 261—Chapter 199.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making 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 rule making will become effective on June 23, 2021.

The following rule-making actions are adopted:

ITEM 1. Amend subrule 187.3(1) as follows:

187.3(1) Projects shall be completed by the project completion date and maintained through the end of the maintenance date. The contract will establish the duration of the project period and maintenance period. Requests to change the project completion date and the maintenance period completion date shall follow the process for an amended award or contract as described in rule 261—187.4(15). A business that was in compliance with its maintenance obligations as of March 1, 2020, but not in compliance during the COVID-19 impacted period described below, may request, and the director may approve, a change to the maintenance period completion date if the business demonstrates to the authority’s satisfaction that it failed to comply because of the COVID-19 pandemic. The business shall describe the impact of the pandemic on its ability to comply in such form and content acceptable to the authority. For the purposes of this subrule, “COVID-19 impacted period” means the period between March 2, 2020, and June 30, 2021. The board shall have the authority to extend the COVID-19 impacted period beyond June 30, 2021, if the board determines such extension is justified by continued widespread impacts on the ability of businesses participating in the program to comply with maintenance obligations because of COVID-19.

ITEM 2. Amend paragraph **187.4(2)“d”** as follows:

d. ~~Exception~~ Exceptions. Notwithstanding paragraph 187.4(2)“c,” the director may approve contract amendments for the targeted industries internship program consistent with Iowa Code section 15.106C, or a change to the maintenance period completion date for a business impacted by the COVID-19 pandemic as described in subrule 187.3(1), without board approval.

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 5/19/21.