

15.384 Eligible business.

1. To be eligible to receive incentives under this part, a business shall meet all of the following requirements:

a. The business has not closed or reduced its operation in one area of the state and relocated substantially the same operation in the community.

b. The business is not a retail business or a business where entrance is limited by a cover charge or membership requirement.

c. The business makes a capital investment of at least one million dollars.

d. The business creates high-quality jobs due to the capital investment. In determining whether high-quality jobs are created, the department shall place greater emphasis on jobs that have all the following characteristics:

(1) Have a wage equal to at least the average county wage.

(2) Are full-time or career-type positions.

(3) Provide comprehensive health benefits.

(4) Have other related characteristics which could be considered to be higher in quality than do other jobs.

e. The start-up, location, or expansion of the business occurs within a specified period which will be negotiated with the department and the community, but which shall be at least a period of three years.

f. The business provides the community and the department with an affidavit stating that the business has not, within the five years prior to the application date, violated state or federal environmental or worker safety statutes, rules, or regulations or, if such violation has occurred, that there were mitigating circumstances or such violations did not seriously affect public health or safety or the environment.

2. The community and the department may also consider a variety of factors, including the following, in determining the eligibility of a business to participate in the program:

a. The impact of the proposed project on the community and the state.

b. The impact the business will have on other businesses in competition with it.

c. The potential for future growth in the industry represented by the business.

d. The impact the proposed new capital investment will have on the ability of the business to expand, upgrade, or modernize its capabilities, and the extent to which the new capital investment will result in a more productive and competitive business enterprise and workforce.

e. The local funding match to be provided.

3. If the community determines that a business is eligible, the community shall approve by resolution the application for incentives. Once a business is found to be eligible, the community shall submit the application to the department. The department may approve, defer, or deny the application.