

261—67.3(15) Application process and review.**67.3(1) Application.**

a. Businesses may be invited to submit applications for the program to the authority. Businesses shall utilize a standardized application developed by the authority. A signature from an official authorized to represent the affected local community is required to indicate that the community supports the project. The application shall include an ordinance or resolution of the community's governing body approving the project.

b. An applicant shall provide any information requested by a contractor selected by the authority to evaluate the economic impact of the project pursuant to subrule 67.2(10). Such information will be held confidential by the authority to the extent allowed by Iowa Code sections 15.118 and 22.7 or other applicable laws.

c. During the application process, the authority will identify any assistance previously awarded for which an applicant would no longer be eligible pursuant to Iowa Code section 15.499(1) as enacted by 2024 Iowa Acts, Senate File 574, section 11. The authority may also identify assistance the applicant may be prohibited from receiving in the future pursuant to Iowa Code section 15.499(1) as enacted by 2024 Iowa Acts, Senate File 574, section 11, during the application process or may identify such prohibition at a later time.

67.3(2) Fee.

a. The application fee required by Iowa Code section 15.493 as enacted by 2024 Iowa Acts, Senate File 574, section 5, shall equal the sum of the following:

(1) The actual cost incurred by the authority to conduct an independent analysis of the economic impact of the project, not to exceed \$50,000; and

(2) One half of 1 percent of the amount of tax incentives approved.

b. The authority shall issue an invoice for the portion of the fee assessed pursuant to subparagraph 67.3(2) "a"(1) following completion of the independent analysis. Payment shall be due within 30 days after the date the invoice is issued or a later date identified in writing by the authority.

c. The authority shall issue an invoice for the portion of the fee assessed pursuant to subparagraph 67.3(2) "a"(2) following board approval of tax incentives. Payment shall be equally divided over the term of the contract entered into pursuant to Iowa Code section 15.494 as enacted by 2024 Iowa Acts, Senate File 574, section 6. Payments shall be due by the dates identified by the authority in the invoice or a later date identified in writing by the authority.

67.3(3) Applicability of wage requirements. The qualifying wage threshold applicable to a project is the threshold in effect on the date the fully completed project application is received by the authority. If such an application is received but not acted upon by the board before the qualifying wage thresholds are updated, the thresholds in effect on the date the application was received will remain in effect for a period of three months after the month the thresholds were updated. The authority shall have sole discretion to determine whether an application is fully completed. Qualifying wage thresholds will be calculated and applied as described in rule 261—67.8(15).

67.3(4) Job requirements. Job requirements applicable to a project, identified as described in rule 261—67.7(15), will be established at the time of application. Job requirements will be based on the base employment level as of the date the application was fully completed and submitted to the authority and eligible business's job projections and will be utilized to determine eligibility and the amount of tax incentives.

67.3(5) Investment requirements. The investment requirements applicable to a project will be established at the time of application. Investment requirements are based on an eligible business's estimates of project costs and will be utilized to determine eligibility and the amount of tax incentives.

67.3(6) Negotiations. Authority staff and the board may negotiate with an applicant concerning dollar amounts, terms, conditions of award, or any other elements of the proposed award. All program benefits available under the program are subject to negotiation. The board and the authority will attempt to treat similarly situated applicants similarly. However, the amount, type, and terms of program benefits are necessarily dependent on many factors, and awards shall be entirely at the discretion of the board. The board, in consultation with authority staff, will attempt to determine the appropriate program benefits,

and the board will make a good-faith effort to provide only the amount of program benefits necessary to facilitate the project.

The authority shall consider all of the following factors in negotiating with the business:

a. Level of need. The authority will determine a project's level of need based on the following factors:

(1) Whether the likely returns of the project are inadequate to motivate a company decision maker to proceed with the project in Iowa.

(2) Whether the business is deciding between an Iowa site and a site in another state for its project and the cost of completing the project at the out-of-state site is demonstrably lower, including if any form of incentives have been offered by another state or local government. Such a condition indicates that tax incentives may be needed to equalize the cost differential between the two sites. The authority will attempt to quantify the cost differential between the sites.

(3) The amount of state and local assistance available to the business from sources other than the program.

b. Number of and quality of jobs. The authority will determine the quality of jobs consistent with the factors listed in Iowa Code section 15.492(2)“a”(1) as enacted by 2024 Iowa Acts, Senate File 574, section 4.

c. Percentage of created jobs that are qualified jobs. The authority will consider the number of qualifying jobs in proportion to the total number of created jobs.

d. Amount of investment. The authority will consider the total amount of qualifying investment proposed by the business.

e. Economic impact. Economic impact will be primarily measured by an independent analysis conducted by a contractor chosen by the authority.

f. Effect on likely suppliers to the applicant business. The authority will consider whether a project increases demand for goods or services offered by other businesses in the state.

67.3(7) Board approval and notice.

a. Authority staff will review applications to ensure program eligibility requirements are satisfied. Authority staff may request additional information from the business or may use other resources to obtain the needed information.

Complete and eligible applications and supporting documentation will be submitted to the board for its consideration. Authority staff will generate and submit to the board a report that summarizes the project and provide a recommendation on the amount of tax incentives to be offered to the business and whether the business should be offered an exemption to restrictions on agricultural land holdings pursuant to Iowa Code section 15.498 as enacted by 2024 Iowa Acts, Senate File 574, section 10.

b. Staff may provide the board additional information or documentation as determined by staff. The board may offer an award in a lesser amount or that is structured in a manner different from that requested or recommended by authority staff. Meeting eligibility requirements does not guarantee that an award will be offered or provided in the form sought by the applicant.

c. The due diligence committee of the board established pursuant to 261—subrule 1.3(7) will review applications and make recommendations regarding the size, combination of program benefits, and conditions of awards. The board may accept or reject recommendations from the due diligence committee.

d. If the board approves an award, an applicant will be notified in writing, including any conditions and terms of the approval. If the board approves an application prior to certification of additional acres to qualify the project site pursuant to subrule 67.2(1), such approval shall be contingent upon certification of the additional acres.

67.3(8) Restrictions on board. The authority will reject any application received that would violate the restrictions on the board in Iowa Code section 15.501 as enacted by 2024 Iowa Acts, Senate File 574, section 13.

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