

261—199.1(17A,15) Applicability. This chapter outlines a uniform process for the granting of waivers from rules adopted by the authority. The intent of this chapter is to allow persons to seek exceptions to the application of rules issued by the authority.

199.1(1) Definitions.

“Authority” means the economic development authority created in Iowa Code section 15.105.

“Board” means the members of the economic development authority board appointed by the governor and in whom the powers of the authority are vested pursuant to Iowa Code section 15.105.

“Director” means the director of the authority or the director’s designee.

“Director/board” means either the director or the board depending on which one has decision-making authority pursuant to rule 261—199.2(17A,15).

“Person” means an individual, corporation, limited liability company, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any legal entity.

“Waiver” means an agency action which suspends in whole or in part the requirements or provisions of a rule as applied to an identified person on the basis of the particular circumstances of that person.

199.1(2) Authority.

a. A waiver from rules adopted by the authority may be granted in accordance with this chapter if (1) the authority has exclusive rule-making authority to promulgate the rule from which waiver is requested or has final decision-making authority over a contested case in which a waiver is requested; and (2) no statute or rule otherwise controls the grant of a waiver from the rule from which waiver is requested.

b. No waiver may be granted from a requirement which is imposed by statute. Any waiver must be consistent with statute.

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