

261—199.1(ExecOrd11) Applicability. This chapter outlines a uniform process for the granting of waivers or variances from rules adopted by the department. The intent of this chapter is to allow persons to seek exceptions to the application of rules issued by the department.

199.1(1) Definitions.

“*Board*” or “*IDED board*” means the Iowa department of economic development board created by Iowa Code chapter 15.

“*Department*” or “*IDED*” means the Iowa department of economic development authorized by Iowa Code chapter 15.

“*Director*” means the director of the department of economic development 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 199.2(ExecOrd11).

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

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