

*Purpose and Summary*

Pursuant to Executive Order 10, the Authority proposes to rescind Chapter 1 and adopt a new chapter in lieu thereof. The chapter describes the organization of the Authority and the Authority Board.

The proposed new chapter omits language that is duplicative of statutory language and other unnecessary or inconsistent language.

*Analysis of Impact*

**1. Persons affected by the proposed rulemaking:**

● **Classes of persons that will bear the costs of the proposed rulemaking:**

The proposed rulemaking does not impose any costs.

● **Classes of persons that will benefit from the proposed rulemaking:**

Persons interested in the organization of the Authority may benefit from the improved clarity of the chapter.

**2. Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:**

● **Quantitative description of impact:**

The proposed rulemaking does not impose any costs.

● **Qualitative description of impact:**

Persons interested in the organization of the Authority may benefit from the improved clarity of the chapter.

**3. Costs to the State:**

- **Implementation and enforcement costs borne by the agency or any other agency:**

Authority staff time is required to provide administrative support to the Authority Board and its committees.

- **Anticipated effect on State revenues:**

The proposed rulemaking has no anticipated effect on State revenues.

**4. Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:**

The proposed rulemaking does not impose any costs.

**5. Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:**

The Authority has not identified any less costly methods or less intrusive methods of describing its organization.

**6. Alternative methods considered by the agency:**

- **Description of any alternative methods that were seriously considered by the agency:**

The Authority did not consider any alternative methods.

**• Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

The Authority did not consider any alternative methods because the Authority did not identify a less costly or less intrusive method.

*Small Business Impact*

**If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:**

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

**If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?**

## ECONOMIC DEVELOPMENT AUTHORITY[261]

The proposed rules do not have a substantial impact on small business. The rules do not establish compliance or reporting requirements. The rules do not establish design or operational standards.

### *Text of Proposed Rulemaking*

ITEM 1. Rescind 261—Chapter 1 and adopt the following **new** chapter in lieu thereof:

#### CHAPTER 1

#### ORGANIZATION

**261—1.1(15) Definitions.** As used in these rules, unless the context otherwise requires:

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

“*Authority’s website*” means the information and related content found at opportunityiowa.gov and may include integrated content at affiliate sites.

“*Board*” means the same as defined in Iowa Code section 15.102(4).

“*Committee*” means a committee established by the board and includes any standing committees established by rule or ad hoc committees established pursuant to Iowa Code section 15.105(12).

“*Director*” means the same as defined in Iowa Code section 15.102(8).

**261—1.2(15) Economic development authority board.**

##### **1.2(1) Meetings.**

a. The board generally meets monthly at the authority’s offices. By notice of the regularly published meeting agendas, the board and its committees may hold regular or special meetings at other locations within the state. Meeting agendas are available on the authority’s website.

b. The chairperson may exclude any person disrupting the proceedings.

**1.2(2) Board treasurer.** The accounting director for the authority or the accounting director’s designee serves as the treasurer to the board. The treasurer shall attend audit

entrance and exit interviews conducted by the auditor of state and shall report the results of such audits to the board.

**1.2(3) Committees.**

*a.* A due diligence committee is established to assist the board in making awards of incentives and assistance under the authority's programs.

(1) The due diligence committee is an advisory body comprised of voting members of the board who are selected annually by the voting members of the board. The membership and size of the committee and the terms of committee members will be established annually by the board.

(2) The members of the due diligence committee will elect members to serve as chairperson and vice chairperson. The chairperson may appoint members of the due diligence committee to serve on a due diligence subcommittee if necessary. Such a subcommittee is advisory only and may perform such duties as may be assigned by the chairperson and members of the due diligence committee.

(3) The duties of the due diligence committee may include reviewing applications for financial assistance, conducting a thorough review of proposed projects, making recommendations to the board regarding the size and conditions of awards, and any other duty assigned by the board in relation to the programs administered by the authority.

(4) A majority of committee members constitutes a quorum.

*b.* Technology commercialization committee.

(1) The technology commercialization committee is established pursuant to Iowa Code section 15.116. The membership and size of the committee and the terms of committee members will be established by the board.

(2) The director will appoint a member to serve as chairperson. The chairperson may appoint members of the technology commercialization committee to serve on a technology

commercialization subcommittee if necessary. Such a subcommittee is advisory only and may perform such duties as may be assigned by the chairperson and members of the technology commercialization committee.

(3) The duties of the technology commercialization committee may include reviewing applications for financial assistance, conducting a thorough review of proposed projects, making recommendations to the board regarding the size and conditions of awards, and any other duty assigned by the board in relation to the programs administered by the authority to the extent such programs relate to the areas and industry sectors identified in Iowa Code section 15.116.

(4) A majority of committee members constitutes a quorum.

c. The director may appoint ad hoc committees to serve in an advisory capacity to the authority whenever the director deems them necessary to accomplish the work of the authority. The size of such committees and the terms of committee members will be established by the director. Such committees may be dissolved as deemed appropriate by the director, and other committees may from time to time be established for specific purposes.

#### **261—1.3(15) Authority structure.**

**1.3(1)** *General.* The authority's organizational structure consists of the board, the director and such divisions as the director may from time to time create.

**1.3(2)** *Chief designee.* The director may designate an employee to administer the authority in the director's absence. Such employee may bear the title of deputy director, chief operating officer, chief of staff, or other similar title as long as the director has executed an instrument clearly delegating the director's authority to that employee.

**1.3(3)** *Signature authority.* The director may authorize one or more employees to execute and deliver on behalf of the authority any agreement, document, or instrument as such employee may deem necessary or appropriate to implement and carry out the intent and

## **ECONOMIC DEVELOPMENT AUTHORITY[261]**

purpose of any statute or administrative rule by which the authority is bound other than those statutes or administrative rules requiring a person holding a specified office to sign, if any, as long as the director has executed an instrument clearly delegating such authority to such employee or employees.

**261—1.4(15) Information.** The general public may obtain information about the Iowa economic development authority by contacting the authority at its offices located at 1963 Bell Avenue, Des Moines, Iowa 50315; by telephone at 515.348.6200; or through the authority's website.

These rules are intended to implement Iowa Code chapter 15.