

EXECUTIVE ORDER NUMBER SEVENTY-ONE

WHEREAS, while new policies that encourage a job-friendly environment can take Iowa a significant way forward in our effort to compete for new jobs, much of that work can be undone by a bureaucracy that fails to understand the critical relationship between burdensome regulation and job creation; and

WHEREAS, when adopting regulations to protect the health, safety and welfare of the people of the State of Iowa, state agencies should seek to achieve statutory goals as effectively and efficiently as possible without imposing unnecessary burdens that reduce jobs and hurt job growth;

WHEREAS, small businesses are the greatest generators of job growth and are also disproportionately burdened by regulations; and

WHEREAS, proposed rules and regulations should contain a jobs impact statement so we can identify those that hurt jobs before they impact our job retention and development; and

WHEREAS, now is the time to make Iowa's main streets truly open for business with the jobs we so desperately need.

NOW, THEREFORE, I, Terry E. Branstad, Governor of the State of Iowa, declare that the best interests of our state would be well served if our government would promote private sector jobs and eliminate impediments to economic growth imposed by burdensome administrative rules and regulations. I hereby order and direct that:

1. For purpose of this Order, the following definitions shall apply:
 - a. "Benefit" means the reasonably identifiable and quantifiable positive effect or outcome that is expected to result from implementation of a rule.
 - b. "Cost-Benefit Analysis" means regulatory analysis to provide the public with transparency regarding the cost-effectiveness of a rule, including the economic costs and the effectiveness weighed by the agency in adopting the rule. "Cost-Benefit Analysis" includes a comparison of the probable costs and benefits of the proposed rule to the probable costs and benefits of less intrusive or expensive methods that exist for achieving the purpose of the proposed rule.
 - c. "Cost" means reasonably identifiable, significant, direct or indirect, economic impact that is expected to result from implementation of and compliance with a rule.
 - d. "Jobs" means private sector employment including self-employment and areas for potential for employment growth.
 - e. "Jobs Impact Statement" means a statement that must:
 - i. identify the objective of the proposed rule and the applicable section of the Code of Iowa that provides specific legal authority for the agency to adopt the rule; and
 - ii. identify and describe the cost that the Department or Agency anticipates state agencies, local governments, the public, and the regulated entities, including regulated businesses and self-employed individuals, will incur from implementing and complying with the rule; and
 - iii. show whether a proposed rule would have a positive or negative impact on private sector jobs and employment opportunities in Iowa; and
 - iv. describe and quantify the nature of the impact the proposed rule will have on private sector jobs and employment opportunities including the

- categories of jobs and employment opportunities that are affected by the proposed rule, the number of jobs or potential job opportunities and the regions of the state affected; and
- v. identify, where possible, the additional costs to the employer per employee for the proposed regulation; and
 - vi. include other relevant analysis requested by the Administrative Rules Coordinator.
2. Each Agency, as defined by Iowa Code Section 17A.2(1), must take steps to minimize the adverse impact on jobs and the development of new employment opportunities before proposing a rule. Evidence of such steps would include a Cost-Benefit Analysis of the proposed regulation.
 3. Each Agency shall provide a Jobs Impact Statement to the Administrative Rules Coordinator in the Office of the Governor prior to publication of notice of intended action pursuant to Iowa Code Chapter 17A.
 4. The Jobs Impact Statement shall be published as part of the preamble to the notice of rulemaking in the Iowa administrative bulletin, unless the Administrative Rules Coordinator determines that publication of the entire Jobs Impact Statement would be unnecessary or impractical.
 5. Each Agency shall accept comments and information from stakeholders prior to the Jobs Impact Statement. Any concerned private sector employer or self-employed individual, potential employer, potential small business, or member of the public is entitled to submit information relating to Jobs Impact Statement upon a request for information or notice of intended action by a Department or Agency.
 6. If the Jobs Impact Statement is revised after notice, it shall be published as part of the preamble to the proposed rule, unless the Administrative Rules Coordinator determines that publication of the entire Jobs Impact Statement would be unnecessary or impractical.
 7. The analysis in the Jobs Impact Statement should give particular weight to jobs in production sectors of the economy which includes the manufacturing, and agricultural sectors of the economy and include analysis, where applicable of the impact of the rule on expansion of existing businesses or facilities. The Administrative Rules Coordinator may waive the Jobs Impact Statement requirement for rules proposed on an emergency basis or if unnecessary or impractical.
 8. If any provision of this Order, or the application of such provision to any person or circumstance, is held to be invalid, the remaining provisions, as applied to any person or circumstance, shall not be affected thereby.
 9. This Order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity, by any party against the State of Iowa, its Departments, Agencies, or Political Subdivisions, or its officers, employees, or agents, or any other person.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused the Great Seal of Iowa to be affixed. Done at Des Moines this ____ day of March, in the year of our Lord two thousand eleven.

TERRY E. BRANSTAD
GOVERNOR

ATTEST:

MATTHEW SCHULTZ
SECRETARY OF STATE