

PUBLIC SAFETY DEPARTMENT[661]

Adopted and Filed

**Rule making related to local fire protection
and emergency medical service providers grant program**

The State Fire Marshal Division hereby amends Chapter 265, “Consumer Fireworks Sales Licensing and Safety Standards,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 100.19(8).

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 100.19.

Purpose and Summary

These amendments modify the Local Fire Protection and Emergency Medical Service Providers Grant Program pursuant to the enactment of 2021 Iowa Acts, House File 761. This rule making allows the Division to bestow grants in the form of equipment and not just funds.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on June 1, 2022, as **ARC 6335C**. No public hearing was held, and no comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Division on July 18, 2022.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Pursuant to the provisions of rule 661—10.222(17A), the Division does not have authority to waive requirements established by statute. Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Division for a waiver of the discretionary provisions, if any, pursuant to the provisions of rule 661—10.222(17A).

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on September 14, 2022.

The following rule-making actions are adopted:

ITEM 1. Amend subrule 265.51(3) as follows:

265.51(3) *Authorized purposes of grant funds.* The grant funds in the local fire protection and emergency medical service providers grant program may ~~only~~ be used for the following in order of priority:

- a. To establish or provide fireworks safety education programming to members of the public.
- b. To purchase necessary enforcement, protection, or emergency response equipment related to the sale and use of consumer fireworks in this state.
- c. To purchase necessary enforcement, protection, or emergency response equipment.

ITEM 2. Renumber subrule **265.51(6)** as **265.51(7)**.

ITEM 3. Adopt the following new subrule 265.51(6):

265.51(6) *Award of tangible property.* Should, at the state fire marshal's sole discretion, it better serve the purpose of the grant program for the state fire marshal to award tangible property, such as equipment, rather than funds, the state fire marshal has the authority to award tangible property purchased with grant funds rather than disperse grant funds to the applicants.

[Filed 7/18/22, effective 9/14/22]

[Published 8/10/22]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 8/10/22.