

CHAPTER 259
FIRE FIGHTER TRAINING AND EQUIPMENT FUNDS
[Prior to 1/5/05, see 661—Ch 55]

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

661—259.1 to 259.100 Reserved.

DIVISION I
VOLUNTEER FIRE FIGHTER TRAINING AND EQUIPMENT FUND

661—259.101(17A,77GA,ch1222) Establishment of fund. There is established in the state fire marshal division the volunteer fire fighter training and equipment fund. The fund, to the extent of appropriations made available in each state fiscal year, shall provide support for the training and equipment needs of volunteer fire fighters. Funding is available to individual fire departments for equipment and to organizations or individuals delivering training to support courses available at no cost to volunteer fire fighters receiving the training or to their respective departments.

259.101(1) Advisory committee. The state fire marshal may establish a volunteer fire fighter training and equipment fund advisory committee of persons knowledgeable about the training and equipment needs of volunteer fire fighters and volunteer fire departments to advise on allocation of moneys from the volunteer fire fighter training and equipment fund, including the selection of recipients in competitive situations.

259.101(2) Reserved.

[ARC 4641C, IAB 8/28/19, effective 10/2/19]

661—259.102(17A,77GA,ch1222) Allocations.

259.102(1) *Administrative allocation.* Each year, the state fire marshal shall allocate a portion of the funds appropriated to the volunteer fire fighter training and equipment fund for administration of the fund, including personnel expenses. A portion of the administrative allocation shall be made available to the fire service training bureau to defray the cost of maintaining records of course attendance and completion by volunteer fire fighters and for related expenses.

259.102(2) *Allocation to fire service training bureau.* The state fire marshal may allocate a portion of the moneys appropriated to the volunteer fire fighter training and equipment fund in any year to the fire service training bureau for the purpose of delivering training courses offered by the fire service training bureau to volunteer fire fighters at no cost to the volunteer fire fighters or their respective fire departments.

259.102(3) *Allocation for equipment purchases.* The state fire marshal may allocate a portion of the moneys appropriated to the volunteer fire fighter training and equipment fund in any year to equipment purchases for volunteer fire departments. Awards of funding to volunteer fire departments for equipment purchases shall be on a competitive basis within guidelines published in an announcement of the availability of these funds.

259.102(4) *Allocation to community college consortium.* The state fire marshal may allocate a portion of the moneys appropriated to the volunteer fire fighter training and equipment fund in any year to a consortium of community colleges to deliver training to volunteer fire fighters at no cost to the fire fighters receiving this training or to their respective fire departments. These funds shall be administered in accordance with an agreement entered into between the department of public safety and community colleges pursuant to Iowa Code chapter 28E.

[ARC 4641C, IAB 8/28/19, effective 10/2/19]

661—259.103(17A,77GA,ch1222) Awards to private providers of training. Funds appropriated each year to the volunteer fire fighter training and equipment fund which remain after the allocations set forth in rule 661—259.102(17A,77GA,ch1222) have been implemented shall be awarded on a competitive basis to

private providers of training to provide training to volunteer fire fighters at no cost to the fire fighters receiving the training or to their respective fire departments.

259.103(1) *Funding requests.* Requests for funding of training courses instructed by private persons shall be submitted to the fire service training bureau. Requests for funding in any state fiscal year must be received on or before July 15 following the beginning of the fiscal year on July 1.

Exception:

If moneys which have been previously unexpended become available for additional training courses during the course of a fiscal year, notice shall be given to certified fire and emergency services instructors of the availability of these moneys. In this event, the deadline for receiving applications shall be as stated in the notice of availability.

259.103(2) *Instructor qualifications.* Any person instructing a training course paid for by the volunteer fire fighter training and equipment fund shall be certified as a fire and emergency services instructor by the fire service training bureau or another organization recognized by the National Board on Fire Service Professional Qualifications System or the International Fire Service Accreditation Congress.

Exception:

A person who has applied to the fire service training bureau for certification as a fire and emergency services instructor I and who is actively pursuing such certification may instruct a training course paid for by the volunteer fire fighter training and equipment fund, provided that the instruction is delivered under the direct supervision of a person who is currently certified as a fire and emergency services instructor I by the fire service training bureau or by another organization recognized by the National Board on Fire Service Professional Qualifications System or the International Fire Service Accreditation Congress.

259.103(3) *Course approval.* Each course paid for by the volunteer fire fighter training and equipment fund must have previously been approved by the fire service training bureau. Any person who is certified as a fire and emergency services instructor I or who is actively pursuing certification as a fire and emergency services instructor I should contact the fire service training bureau for information about the course approval process.

259.103(4) *Course availability.* Any course which is approved and funded from the volunteer fire fighter training and equipment fund must be available to any volunteer fire department in the state of Iowa.

259.103(5) *Notification.* Each person applying for moneys from the volunteer fire fighter training and equipment fund for delivery of training to volunteer fire fighters shall receive notification indicating whether the request has been approved or denied. Any approval of a request for funding is contingent upon the execution of a contract between the department of public safety and the provider of the proposed training course or courses setting out specific terms and conditions for the delivery of the proposed course or courses. Any person whose request for funding is denied may appeal that decision to the commissioner of public safety by filing a written notice of appeal within 14 calendar days of the date on which the notice indicating denial of the request is dated. Appeals of denials of funding shall be treated as contested cases and processed according to the procedures set out in rules 661—10.301(17A) through 661—10.332(17A).

[ARC 4641C, IAB 8/28/19, effective 10/2/19]

Rules 661—259.101(17A,77GA,ch1222) to 661—259.103(17A,77GA,ch1222) are intended to implement 1998 Iowa Acts, chapter 1222, section 19(8).

661—259.104(100B) Paul Ryan memorial fire fighter safety training fund. Funds collected from the sale of special fire fighter license plates and deposited to the Paul Ryan memorial fire fighter safety training fund shall be utilized by the fire service training bureau to defray the cost of training provided to any fire fighter currently employed by or serving as a volunteer with any fire department in Iowa. Application of these funds shall be limited to defraying the cost of training courses approved for reimbursement from the volunteer fire fighter training and equipment fund established in rule 661—259.101(17A,77GA,ch1222).

This rule is intended to implement Iowa Code section 100B.12.

[ARC 4641C, IAB 8/28/19, effective 10/2/19]

661—259.105(100B) Volunteer fire fighter preparedness fund. Funds appropriated to the volunteer fire fighter preparedness fund pursuant to Iowa Code section 100B.13 shall be utilized by the fire service training bureau to defray the cost of training provided to fire fighters currently serving as volunteers with

any fire department in Iowa. Application of these funds shall be limited to defraying the cost of training courses approved for reimbursement from the volunteer fire fighter training and equipment fund established in rule 661—259.101(17A,77GA,ch1222).

This rule is intended to implement Iowa Code section 100B.13.

[ARC 4641C, IAB 8/28/19, effective 10/2/19]

661—259.106 to 259.200 Reserved.

DIVISION II
FIRE FIGHTING EQUIPMENT REVOLVING LOAN FUND

661—259.201(80GA,ch177) Fire fighting equipment revolving loan fund. There is established in the fire service training bureau in the state fire marshal division the fire fighting equipment revolving loan fund.

[ARC 4641C, IAB 8/28/19, effective 10/2/19]

661—259.202(80GA,ch177) Purpose and scope. The fire fighting equipment revolving loan fund is established to assist local fire departments to complete purchase or repairs of equipment used in the performance of the departments' fire fighting duties, when the acquisition or repair of such equipment would be impractical in the absence of assistance from the fund. Each payment of funds from the fund to a local fire department shall be a loan awarded in compliance with rules 661—259.201(80GA,ch177) to 661—259.207(80GA, ch177), and shall be for the specific purpose established in a contract entered into between the department of public safety and either the local fire department receiving the funds; or the city, county, or township of which the fire department is a part; or another legal entity authorized to enter into legally binding commitments on behalf of the fire department.

661—259.203(80GA,ch177) Definitions. For purposes of rules 661—259.201(80GA,ch177) to 661—259.207(80GA,ch177), the following definitions apply:

“*Default*” or “*in default*” means that more than one payment on a loan is currently due.

“*Local fire department*” means a paid, volunteer, or combination fire protection service provided by a benefited fire district under Iowa Code chapter 357B or by a county, municipality or township, or a private corporate organization that has a valid contract to provide fire protection service for a benefited fire district, county, municipality, township or governmental agency. “Local fire department” does not include a military or private industrial fire department or service.

“*NFPA*” means the National Fire Protection Association.

“*PASS*” means personal alert safety system.

“*SCBA*” means self-contained breathing apparatus.

[ARC 4641C, IAB 8/28/19, effective 10/2/19]

661—259.204(80GA,ch177) Application process.

259.204(1) Notice of availability of funds. Whenever funds are available for loans through the fire fighting equipment revolving loan fund, the fire service training bureau shall publish notice of the availability of those funds in the Iowa Administrative Bulletin and shall notify fire service organizations, including, but not limited to, the Iowa Firemen's Association, the Iowa Fire Chiefs Association, and the Iowa Association of Professional Fire Chiefs, of the availability of those funds, the procedure for applying for loans through the program, the deadline for applying for funds, and the provisions of rules 661—259.201(80GA,ch177) to 661—259.207(80GA,ch177). All local fire departments in Iowa known to the fire service training bureau shall receive notice by mail or, when available, electronic mail. In addition, notice of availability of funds and the application procedure shall be published on the department's website.

259.204(2) Application. Application for a loan from the fire fighting equipment revolving loan fund shall be made on an application form provided by the fire service training bureau. A completed application shall be submitted to the fire service training bureau by the deadline specified in the notice of availability of

public funds and shall include any attached materials required in the instructions provided with the application form.

a. An application form shall be completed by the local fire department. The application shall include contact information, loan amount requested, purpose of the loan, statement of need, and current financial information, and any additional information specified on the application form or accompanying instructions, and shall be signed by an official authorized to enter into contracts on behalf of the local fire department.

b. In addition to the application, the following information will be required prior to loan approval:

(1) Documentation that the department requesting the loan meets the definition of a “local fire department.”

(2) Financial statements showing income, expenses, assets, liabilities, and sources of income for the department requesting the loan for a three-year period prior to the loan request date.

(3) Verification that the match requirement will be met. A letter from the executive or chief financial officer of the agency funding the match requirement will normally be sufficient.

(4) A copy of the contract, bid specifications, or proposal for purchase of the equipment/apparatus to be purchased with the loan proceeds, or repair work order, if applicable.

259.204(3) *Loan application review.*

a. The state fire marshal and the chief of the fire service training bureau shall review each application for completeness and compliance with rules 661—259.201(80GA,ch177) to 661—259.207(80GA,ch177).

b. The state fire service and emergency response council, or a subcommittee of the council established for this purpose, shall serve as an advisory committee to the state fire marshal in the loan application review process, and shall recommend to the state fire marshal funding, partial funding, or denial of each application. Recommendations regarding loan applications shall be based upon availability of funds in relation to the total funds requested by eligible applicants, documentation of need for the proposed purchase or repair, and documentation of likely ability of the local fire department applying for a loan to repay the loan.

c. Decisions to award or not to award loans shall be made by the state fire marshal.

259.204(4) *Appeals.* If a local fire department’s application is denied or partially funded by the state fire marshal, the department may appeal the decision of the state fire marshal to the commissioner of public safety using procedures for appeals set out in 661—Chapter 10.

[ARC 4641C, IAB 8/28/19, effective 10/2/19]

661—259.205(80GA,ch177) Allowable acquisitions. Loans from the fire fighting equipment revolving loan fund may be used to acquire the following equipment or repair services with the limitations indicated:

1. Fire fighting apparatus, including pumpers, tankers, ladder trucks, hazardous materials emergency response vehicles, or rescue vehicles. Any apparatus obtained with loan funds must comply with applicable NFPA standards, as identified by the state fire marshal. Loans in this category may be awarded in amounts between \$25,000 and \$150,000.

2. Personal protective equipment and communications equipment, including personal protective clothing (structural and wild land) that includes helmets, coats, boots, pants, eye protection, gloves, and protective hoods; SCBA with integrated PASS devices; and radio communications devices. Radio communications devices obtained with loan funds must be interoperable with equipment utilized by agencies with which the agency obtaining the equipment has mutual aid agreements, if such interoperable equipment is available. Equipment obtained must comply with applicable NFPA standards, as identified by the state fire marshal. Loans for purchase in this category are limited to amounts between \$10,000 and \$50,000.

3. Repairs made to apparatuses identified in paragraph “1.” Loans in this category are limited to amounts between \$10,000 and \$50,000.

4. Purchase of accessory equipment, including fire suppression equipment such as hoses, ladders, small fireground tools, ventilation equipment, or vehicle extrication and rescue equipment. Equipment obtained with loan funds must comply with applicable NFPA standards, as identified by the state fire marshal. Loans in this category are limited to amounts between \$10,000 and \$50,000.

5. The state fire marshal, acting on the advice of the fire service and emergency response council, may establish priorities for funding through the revolving loan fund. If such priorities are established, they will be included in the notice of availability of funds and shall be utilized only if the total amount of funding requested exceeds the total of funds available to loan.

[ARC 4641C, IAB 8/28/19, effective 10/2/19]

661—259.206(80GA,ch177) Eligibility requirements and restrictions.

259.206(1) Any local fire department in the state of Iowa is eligible to apply for a loan.

259.206(2) Loan applicants shall be required to provide a 10 percent match.

259.206(3) All successful loan applicants shall comply fully with the fire incident reporting requirements of the state fire marshal division.

259.206(4) No loan shall be made to a local fire department serving a population in excess of 30,000 people which will result in excess of 50 percent of the total funds loaned at any given time being loaned to local fire departments serving populations in excess of 30,000 people, unless the state fire marshal finds that there are no eligible applications pending from local fire departments serving populations of 30,000 people or less.

259.206(5) Following approval, loan funds will be provided only after the local fire department receiving the loan submits documentation showing that the department has either acquired, contracted for, or issued a purchase order for the equipment. Disbursement of the loan shall be in the form of a warrant payable either to the local fire department and the vendor or vendors supplying the equipment or repair services, or solely to the vendor or vendors, or, with the approval of the state fire marshal, solely to the local fire department receiving the loan.

259.206(6) A local fire department is eligible for only one loan during any five-year period or for the duration of an existing loan from this program, whichever is longer.

259.206(7) A local fire department that has been in default on a loan is not eligible for additional loans through this program for a period of two years beyond the time specified in subrule 259.206(6). Any prior history of defaulting on a loan from the revolving loan fund will be taken into account in evaluating a department's ability to repay a loan, pursuant to subrule 259.204(3), paragraph "b."

259.206(8) A local fire department receiving a loan is subject to a financial audit and any operational or program audits necessary to verify compliance with any requirements or conditions of the loan.

[ARC 4641C, IAB 8/28/19, effective 10/2/19]

661—259.207(80GA,ch177) Loan origination fee and repayment schedule.

259.207(1) Each approved loan shall carry an origination fee of 1 percent of the loan amount, which shall be withheld by the fire service training bureau from the original payout of the loan.

259.207(2) A repayment schedule for each loan shall be established at the time the loan is awarded, with a minimum of two payments per year for the duration of the loan. Generally, loans of \$50,000 or less shall be repaid within a five-year period, and loans of more than \$50,000 shall be repaid within a ten-year period, although the state fire marshal may allow variations for good cause. There will be no penalty for early payment. Each payment shall be by warrant, check, or money order made payable to Fire Service Training Bureau, Iowa Department of Public Safety, and shall be clearly marked "Repayment of Loan from Fire Fighting Equipment Revolving Loan Fund."

259.207(3) During any period when a loan is in default, there shall be a penalty of 1.5 percent of the remaining unpaid principal of the loan per month added to the amount of the loan.

[ARC 4641C, IAB 8/28/19, effective 10/2/19]

These rules are intended to implement 2003 Iowa Acts, chapter 177, section 11.

661—259.208 to 259.300 Reserved.

DIVISION III
REGIONAL TRAINING FACILITY FUNDS

661—259.301(100B) Regional training center program.

259.301(1) There is established in the state fire marshal division the regional emergency response training center program. The program shall operate under the authority of the state fire marshal and shall operate within the fire service training bureau. Day-to-day administration of the program shall be under the supervision of the chief of the fire service training bureau.

259.301(2) The purposes of the regional emergency response training center program are:

a. To administer funds appropriated for the program as directed by the general assembly, under the direction of the state fire marshal, and in cooperation with the state fire service and emergency response council.

b. To develop training curricula in cooperation with regional emergency response training facilities.

c. To encourage cooperation among regional emergency response training facilities, between regional emergency response training facilities and the fire service training bureau, and among the fire service training bureau, regional emergency response training facilities, and other providers of training to emergency responders.

[ARC 4641C, IAB 8/28/19, effective 10/2/19]

661—259.302(100B) Definitions. The following definitions apply to rules 661—259.301(100B) through 661—259.305(100B):

“Allocated funds” means funds allocated by the general assembly for the construction of a particular regional emergency response training center.

“Bureau” means the fire service training bureau in the state fire marshal division of the department of public safety.

“Competitive funds” means funds which are appropriated or otherwise available to the regional emergency response training center program for construction of regional emergency response training facilities, but which are not designated by the general assembly for the use of a particular regional emergency response training center.

“Department” means the department of public safety.

“Division” means the state fire marshal division of the department of public safety.

“Lead agency” means one of the community colleges identified as lead agencies in Iowa Code section 100B.22(1).

“Partner agency” means one of the agencies identified as partners in Iowa Code section 100B.22(1).

“Regional emergency response training center” means one of the centers identified in Iowa Code section 100B.22(1).

“Training facility” includes, but is not limited to, the following:

1. Burn building.
2. Smokehouse.
3. Drill tower.
4. Skills building.
5. Training pads with specialized training props.
6. Maintenance facilities.

[ARC 4641C, IAB 8/28/19, effective 10/2/19]

661—259.303(100B) Availability of funds. Lead agencies of regional emergency response training facilities, acting in concert with their respective partner agencies, may apply for and receive funds appropriated or otherwise available for construction of regional emergency response training facilities.

661—259.304(100B) Application process.

259.304(1) *Applications for funds.*

- a. Application for either allocated funds or competitive funds shall be submitted to the fire service training bureau on a form specified by the state fire marshal.
- b. Each lead agency may submit a completed application for allocated funds.
- c. Any lead agency may submit a completed application for competitive funds. An application for competitive funds shall be submitted separately from an application from the same lead agency for allocated funds.
- d. Each completed application shall be signed by an official of the lead agency authorized to enter into contracts on behalf of the lead agency and shall be signed by an official of each partner of the lead agency, each of whom shall be a person authorized to enter into contracts on behalf of the partner agency.
- e. Each application shall be accompanied by at least two letters of support from public or private agencies employing emergency responders and located in the area to be served by the regional emergency response training center.
- f. Each application shall include signed assurances stating that the lead agency, the partner agency or agencies, if any, and the regional emergency response training center shall comply with all federal and state laws applicable to the administration of any funds awarded, the planning, design, and construction of the regional emergency response training center, and the operation of the center after construction is completed.
- g. All information required on the application shall be completed, and all attachments required by the state fire marshal shall be submitted with the application. An application shall not be considered complete unless the application is in compliance with this paragraph.
- h. The deadline for submission of each completed application for funding during a state fiscal year is September 15 of that fiscal year.

Exception:

If funds remain available for distribution through the regional emergency response training center program after all applications received by the September 15 deadline have been processed, the state fire marshal may conduct an additional application process during the same fiscal year. If such an additional application process is conducted, an announcement of the availability of funds, specifying the deadline for receipt of applications and other instructions for applying for funds, shall be provided to all regional emergency response training centers and shall be published in the Iowa Administrative Bulletin.

259.304(2) Initial applications. The initial application received from a lead agency on behalf of a regional emergency response training center shall include the following information:

- a. Proposed location of the regional emergency response training center.
- b. Justification for the proposed location. The justification shall include descriptions of each of the following and explanations of how each was taken into account in the selection of the location:
 - (1) The availability and proximity of quality classroom space with adequate audiovisual support.
 - (2) The availability and adequate supply from area emergency response service entities of equipment which supports training.
 - (3) A site where limited, safe open burning would not be challenged or prohibited due to environmental issues or community concerns.
 - (4) Proximity to a medical facility.
 - (5) The availability of water mains, roadway, drainage, electrical service, and reasonably flat terrain.
 - (6) Accessibility to area fire departments.
- c. List of training facilities needed for the regional emergency response training center to provide training to fire fighters and other emergency responders. If any needed facility already exists and is owned by the lead agency or a partner agency, this fact shall be identified. Funds allocated through the regional emergency response training center program may not be used to duplicate an existing facility owned by a lead agency or any of its partners. However, funds may be used to replace a facility which is obsolete or out of repair, provided that the facility being replaced will not be used for the same purpose as a new facility constructed with these funds.

[ARC 4641C, IAB 8/28/19, effective 10/2/19]

661—259.305(100B) Processing of submitted applications.

259.305(1) All completed applications received shall be reviewed by the state fire service and emergency response council or by a subcommittee of the council appointed by the state fire marshal in consultation with the chair of the council. The council or subcommittee shall recommend funding, partial funding, or denial of each application to the state fire marshal.

259.305(2) After receiving the recommendations of the council or subcommittee, the state fire marshal shall make a determination as to whether funding will be awarded in whole or in part for each application or whether the application will be denied. Each applicant shall be notified promptly of the disposition of the applicant's application. If the application is denied or partial funding is awarded, the applicant shall be informed as to the reasons for the denial or partial funding. Applications for funding shall be evaluated based on the criteria for funding included in Iowa Code section 100B.22(3) and any applicable criteria for establishing priority for the funding established by the general assembly. Competitive funding may not be used for facilities the primary purpose of which is to provide advanced training.

259.305(3) Appeals.

a. An applicant who is denied funding or whose application is funded in part may appeal this decision to the state fire marshal. Such an appeal shall be treated as a contested case subject to the provisions of rules 661—10.301(17A) through 661—10.332(17A), except that the request for an appeal shall be filed with the State Fire Marshal Division, Department of Public Safety Building, 215 East 7th Street, Des Moines, Iowa 50319, and wherever “commissioner” or “commissioner of public safety” appears, “state fire marshal” shall be substituted.

b. Prior to appealing a decision, the applicant may submit a revised application to the state fire marshal. If an applicant intends to submit a revised application, the applicant shall so notify the state fire marshal within the time frame established for filing an appeal. Upon receipt of a revised application, the state fire marshal shall cause the revised application to be processed in accordance with subrules 259.305(1) and 259.305(2). If a revised application is denied or funded in part, the applicant may appeal in accordance with paragraph “*a*” of this subrule.

[ARC 4641C, IAB 8/28/19, effective 10/2/19]

These rules are intended to implement Iowa Code chapter 100B.

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