

12. Matters referred from the Funds Allocation Advisory Committee (FAAC), including, but not limited to:

A. Discussion and possible action on recommendations for funding from the FAAC.

12. Matters referred from the Funds Allocation Advisory Committee (FAAC), including, but not limited to:

B. Discussion and possible action on the interest rate to be used for loans under the Fire Department Emergency Program.

12. Matters referred from the Funds Allocation Advisory Committee (FAAC), including but not limited to:

C. Discussion and possible final adoption on proposed amendments, new sections, repeals, and rule reviews as follows:

1. Proposed amendments to 37 TAC, Chapter 461, General Administration, including, but not limited to §461.4.

Chapter 461

GENERAL ADMINISTRATION

§ 461.4 Definitions

The following words and terms, when used in Chapters 461, 463, and 465 of this title, shall have the following meanings, unless the context clearly indicates otherwise.

- (1) Commission -- The Texas Commission on Fire Protection.
- (2) Commission ID number -- The identification number assigned to fire departments by the Standards and Education Division of the Commission on Fire Protection.
- (3) FAAC -- The Funds Allocation Advisory Committee.
- (4) FDEP -- The Fire Department Emergency Program.
- (5) ISO -- The Insurance **Services Office**~~[Service Organization]~~.
- (6) Municipal fire department -- A fire department which has its primary **response area**~~[fire station]~~ located within an incorporated city.
- (7) **NFA --** National Fire Academy -- The federally funded training facility in Emmitsburg, Maryland.
- (8) NFPA -- The National Fire Protection Association.
- (9) NIMS -- National Incident Management System -- a management system for all government, private sector and non government organizations to work together during domestic incidents.
- (10) TEXFIRS -- The Texas Fire Incident Reporting System administered by the Texas Department of Insurance.
- (11) UL -- The Underwriters Laboratory.

12. Matters referred from the Funds Allocation Advisory Committee (FAAC), including but not limited to:

C. Discussion and possible final adoption on proposed amendments, new sections, repeals, and rule reviews as follows:

2. Proposed amendments to 37 TAC, Chapter 463, Application Criteria, including, but not limited to §§463.2, 463.3, and 463.4.

Chapter 463

APPLICATION CRITERIA

§ 463.2 Limitations on Loans, Scholarships, and Grants

- (a) Applications for loans will be given priority consideration for funding.
- (b) Loans of less than or equal to \$15,000 will have terms not to exceed 10 years. Loans greater than \$15,000 will have terms not to exceed 20 years. The interest rate charged on loans will not exceed the prime rate.
- (c) Specific loan terms and interest rates within the parameters of subsection (b) of this section will be established at each regularly scheduled meeting of the **Commission**~~[commission]~~. It is provided, however, that the term and interest rate applicable to an application will be the term and interest rate in effect at the time of receipt of the application unless the most current **Commission-approved**~~[commission-approved]~~ interest rate is lower than that in effect at the time of receipt of the application. In that case, the lower interest rate will be applicable.
- (d) **The FAAC shall give priority consideration to requests** ~~[Grants and scholarships shall generally be limited to awards]~~ for training, education, personal protective clothing, and self-contained breathing apparatus **to enhance firefighter safety**. Grants for equipment and facilities will not be awarded if, in the opinion of the **Commission**~~[commission]~~, the applicant has the ability to repay a loan for the amount of assistance being requested.
- (e) Applications from fire departments and organizations which are submitted collectively in order to request funds for a single project which exceeds the statutory amount of funds allowed to be awarded to any single applicant will not be considered for funding by the **Commission**~~[commission]~~.
- (f) Loans and grants must be approved by the **Commission** ~~[commission]~~ prior to the purchase of eligible equipment or facilities.
- (g) Loans and grants may not be used to pay previous debts.

§ 463.3 Application Form

- (a) In addition to statutory requirements, the following information will be collected from every applicant to identify the organization and to compile comparative selection criteria established in §463.4 of this title (relating to Competitive Needs Criteria) and loan eligibility in §463.5 of this title (relating to Criteria for Eligibility for Loans):
 - (1) name of fire chief;
 - (2) county location;
 - (3) telephone and fax number (if available);
 - (4) whether **the** fire department is **a municipal fire department or serves a rural or unincorporated area**~~[based within an incorporated city limits or in an unincorporated area]~~;

- (5) federal identification number (if applicable);
- (6) corporate charter number of the fire department (if applicable);
- (7) number of volunteer and/or paid personnel;
- (8) service area in square miles;
- (9) population within service area;
- (10) types of services provided;
- (11) numbers of: fire stations; training facilities; apparatus; personal protective clothing (and whether or not is National Fire Protection Association (NFPA) approved); and self-contained breathing apparatus (and whether or not NFPA approved);
- (12) examples of how approval of request would be in the public interest;
- (13) if applying for scholarships, description of the proposed education and training and the agency(s) approved curricula;
- (14) a description of facilities requested (if applicable);
- (15) a description of equipment requested (if applicable);
- (16) applicant's annual income by tax base, reimbursement, donations, fundraisers, and other categories;
- (17) existing debt information;
- (18) information about matching funds;
- (19) total budget breakdown by major category;
- (20) resources for unexpected costs associated with request;
- (21) credit references;
- (22) description of current training programs;
- (23) certification programs participated in by applicant;
- (24) applicant's fire notification procedures;
- (25) three-year response activity for structure, vehicle, ground cover, and other fires[~~and EMS and rescue response and assists~~];
- (26) TEXFIRS reporting activity;
- (27) mutual aid activity;
- (28) NIMS participation

(b) Each statement in the application and any other report or other document requested by the Funds Allocation Advisory Committee (FAAC) in support of the application shall be current, accurate, and

complete. Any change shall be reported immediately to FAAC. At all times, a current copy of the application and the requested documents supporting the application shall be maintained in the commission office in Austin. The applicant has the responsibility to insure that information submitted to the commission is current.

§ 463.4 Competitive Needs Criteria

(a) All applications must meet the following minimum standards.

- (1) Applicants must train its members on a regular basis (at least monthly).
- (2) Training provided must be approved under §465.3 of this title (relating to Education and Training Standards).
- (3) Applicants must have at least 10 volunteer and/or paid personnel active in the organization.
- (4) Applicants must provide fire protection services and/or fire fighting education and training.
- (5) Applicants must routinely and consistently report incidents to the TEXFIRS system ~~and adopt and utilize NIMS in accordance with the Federal Emergency Management Agency (FEMA) timeline.~~ [The applicant shall furnish sufficient proof of the required reporting at the time the application is submitted].
- (6) Applicants must have adopted and utilized National Incident Management System (NIMS) according to the Governor's Division of Emergency Management requirements.**

(7) ~~(6)~~ Except for applicants for scholarships, all applicants must participate in a training certification program approved by the Texas Commission on Fire Protection at the time of application. Participation in a training certification program means:

- (A) participation by a majority of a department's members in an approved training program as identified in §465.3 of this title (relating to Education and Training Standards); or
- (B) current certification of the department as a **Commission-approved** ~~commission approved~~ training facility that conducts at least 48 hours of drills each calendar year attended by a majority of members; or
- (C) current certification by the **Commission** ~~commission~~ of at least 10 members with current continuing education.

(b) All applications for assistance will be competitively evaluated based on a comparison of the applications being considered for funding during a given meeting using one or more of the following criteria:

- (1) ratio of fire response to fire apparatus. Priority will be given to those with highest ratios;
- (2) ratio of matching funds offered by applicant to amount of assistance requested. Priority will be given to those with highest ratios;
- (3) ratio of taxing authority contributions for fire service to fire response activity;
- (4) ratio of existing debt to income. Priority will be given to those with the highest ratio;

(5) amount of approved protective clothing and equipment compared to number of personnel and fire responses.

12. Matters referred from the Funds Allocation Advisory Committee (FAAC), including but not limited to:

C. Discussion and possible final adoption on proposed amendments, new sections, repeals, and rule reviews as follows:

3. Proposed amendments to 37 TAC, Chapter 465, Equipment, Facilities and Training Standards, including, but not limited to §465.1.

Chapter 465

EQUIPMENT, FACILITIES, AND TRAINING STANDARDS

§ 465.1 Equipment Standards

- (a) All equipment purchased, either new or used, must meet or exceed National Fire Protection Association, Underwriters Laboratory, or Insurance Services Office [~~Service Organization~~] standards.
- (b) Fire fighting equipment must be of a type customarily used in the suppression of fires related to fire suppression activities, for the applicant to meet its fire fighting responsibilities or to comply with federal and state laws (e.g., fire fighting hand tools, self-contained breathing apparatus, personal protective clothing, ladders, hose, etc.).
- (c) [~~Transportation equipment shall be exempt from subsection (a) of this section but subject to commission approval.~~] Transportation equipment must be of a type customarily and commonly used in responding to fires or related to fire fighting activities (e.g., pumpers, ladder trucks, booster and brush vehicles, etc.).
- (d) Equipment may not be acquired with Fire Department Emergency Program funds which have not been expressly approved for purchase by the commission.