

STATE FIRE MARSHAL

FY 2023 – FY 2025 BUDGET ANALYSIS

FIGURE 1
BUDGET OVERVIEW, FY 2023 – FY 2025

| | Actual FY 2023 | Agency FY 2024 | Governor FY 2024 | Agency FY 2025 | Governor FY 2025 |
|--------------------------------|----------------------------|----------------------------|----------------------------|----------------------------|----------------------------|
| Operating Expenditures: | | | | | |
| State General Fund | \$ - | \$ - | \$ - | \$ - | \$ 250,000 |
| Federal Funds | 1,443,478 | - | - | - | - |
| All Other Funds | 6,862,183 | 8,321,091 | 8,321,091 | 9,050,980 | 9,050,980 |
| <i>Subtotal</i> | <u>\$ 8,305,661</u> | <u>\$ 8,321,091</u> | <u>\$ 8,321,091</u> | <u>\$ 9,050,980</u> | <u>\$ 9,300,980</u> |
| Capital Improvements: | | | | | |
| State General Fund | \$ - | \$ - | \$ - | \$ - | \$ - |
| Federal Funds | - | - | - | - | - |
| All Other Funds | - | - | - | - | - |
| <i>Subtotal</i> | <u>\$ -</u> | <u>\$ -</u> | <u>\$ -</u> | <u>\$ -</u> | <u>\$ -</u> |
| TOTAL | <u>\$ 8,305,661</u> | <u>\$ 8,321,091</u> | <u>\$ 8,321,091</u> | <u>\$ 9,050,980</u> | <u>\$ 9,300,980</u> |
| Percentage Change: | | | | | |
| State General Fund | -- % | -- % | -- % | -- % | -- % |
| All Funds | 49.6 % | 0.2 % | 0.2 % | 8.8 % | 11.8 % |
| FTE Positions | 70.3 | 70.3 | 70.3 | 72.5 | 73.5 |

The Office of the State Fire Marshal was originally established in 1913, abolished in 1933, and reestablished in 1939. The mission of the Office of the State Fire Marshal is to protect lives and property from the hazards of fire, explosion, and natural disaster, and promote prevention, educational, and investigative activities to mitigate incidents, promote life safety, and deter crimes. The agency operates four divisions, which include:

ADMINISTRATION DIVISION

The Administration Division provides support services, such as fiscal management, personnel, education training, and legal services. It also provides publication of press releases, maintenance of the information technology services, and continuity of operations planning. Expenditures for the Division include the Kansas Firefighter Recruitment and Safety Grant (KFRSG) Program, which provides no-match funding to local fire departments, primarily for personal protective equipment (PPE).

INVESTIGATION DIVISION

The Investigation Division provides fire origin and cause investigation, criminal investigation, explosives investigation and permits, fireworks permits, fire investigation, and explosives training and education. The Division also operates the Fire Safety Cigarette program, which certifies all cigarette brands sold in Kansas.

FIRE PREVENTION DIVISION

The Fire Prevention Division provides fire and life safety code rules and regulations, fire and safety inspection and enforcement functions, facility plan reviews and code enforcement, boiler inspection and certifications, and elevator safety programs. The agency also contracts with the Kansas Department for Aging and Disability Services to conduct fire and life safety surveys of Medicare and Medicaid nursing facilities and collaborates with the Kansas Department of Health and Environment to conduct fire and life safety surveys of Medicare and Medicaid medical facilities and child care facilities.

EMERGENCY RESPONSE DIVISION

The Emergency Response Division provides hazardous material response and training and search and rescue response and training.

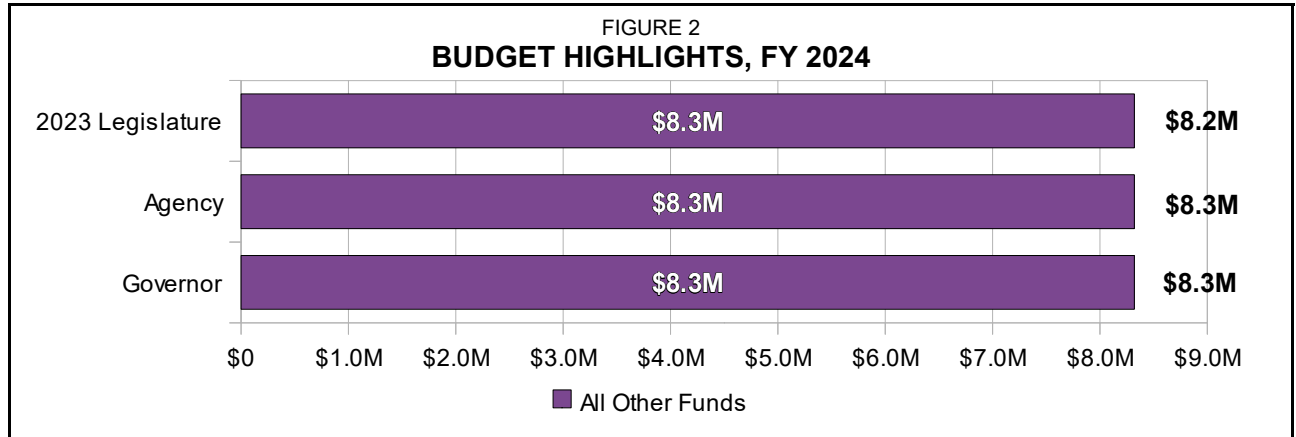
STATUTORY BASIS: • KSA-75-1503, 75 15-5, 75-1510, 75-1513, and 17-3136 established the office of the State Fire Marshal. Other statutes that guide the State Fire Marshal include KSA 31-133, 134, 136, 137, 138, 143, 144, 146, 148, 149, 150, 157, 401-406, 501-506, 601-613, 39-928, 40-2,110, 44-1801-1820, 55-1807-1813, 65-34,105 and 34,136, 65-508, 75-1515, 1518, 1519, 3137, and 6102. KSA 2-3901-3910 regulates commercial hemp.

AGENCY GOALS: • Increase the number of persons arrested and convicted of arson and other related crimes while decreasing the number of incendiary fires through public education.

- Inspect all necessary facilities to ensure compliance with fire prevention standards.
- Provide oversight of explosive users, manufacturers, and distributors. Reduce the number of fires caused by cigarette misuse and ensure compliance by cigarette vendors.
- Inspect and certify water heating and high-pressure steam boiler systems.
- Locate and certify all elevators, review inspection records, and identify hazards and code violations.
- Maintain the skills of nine regional hazmat response teams.
- Train and equip search and rescue teams.

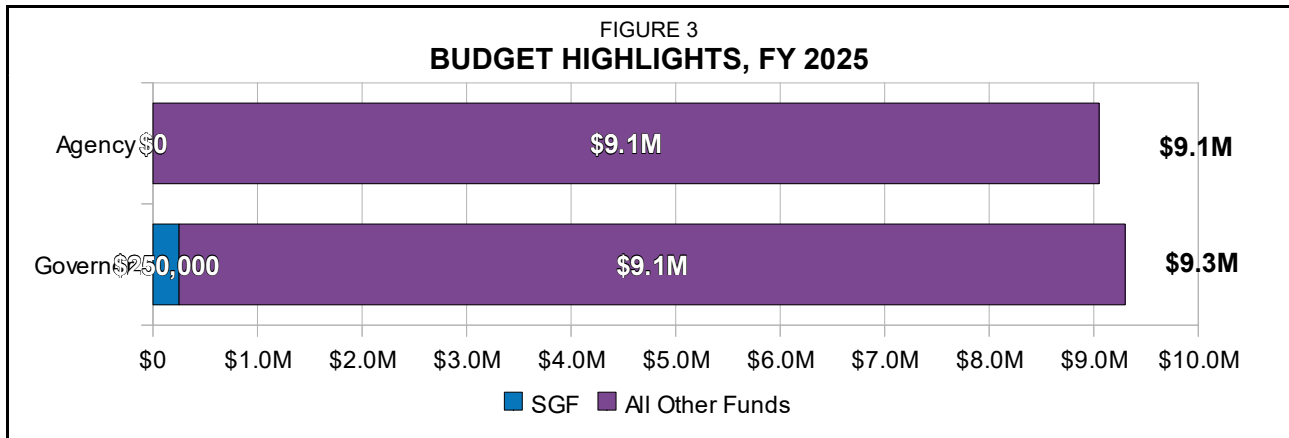
EXECUTIVE SUMMARY

Subsequent to the 2023 Session, no adjustments were made to the \$8.3 million approved for the State Fire Marshal for FY 2024.



The **agency** submits a revised estimate of \$8.3 million, all from special revenue funds, in FY 2024. This is a decrease \$1, or less than 0.1 percent, below the FY 2024 approved amount. The revised estimate includes a shift of expenditures totaling \$321,369 from the Elevator Safety Fee Fund to the Fire Marshal Fee Fund to cover startup costs associated with implementing the Elevator Safety Act of 2022. The Act assigns the agency with licensing elevator inspectors, contractors, and mechanics. The revised estimate includes 70.3 FTE positions, which is unchanged from the FY 2024 approved number.

The **Governor** concurs with the agency's revised estimate in FY 2024.



The **agency** requests \$9.1 million, all from special revenue funds, for FY 2025. This is an increase of \$729,889, or 8.8 percent, above the FY 2024 revised estimate. The increase is attributable to increased salaries and wages expenditures, primarily due to increased employer contributions for fringe benefits and the addition of 2.2 FTE positions. These positions primarily include an Assistant Attorney General for the State Fire Marshal, which was previously located in the Office of the Attorney General, and an Administrative Specialist in the Fire Prevention Division. The increase is also attributable to increased expenditures for specialized equipment, such as hazardous material detection equipment. The increase is offset by decreased expenditures for computer programming services in the Elevator Safety program and attorney fees previously paid to the Office of the Attorney General. The request includes 72.5 FTE positions, which is an increase of 2.2 FTE positions above the FY 2024 revised number. The position increases are mainly in the Administration and Fire Prevention divisions.

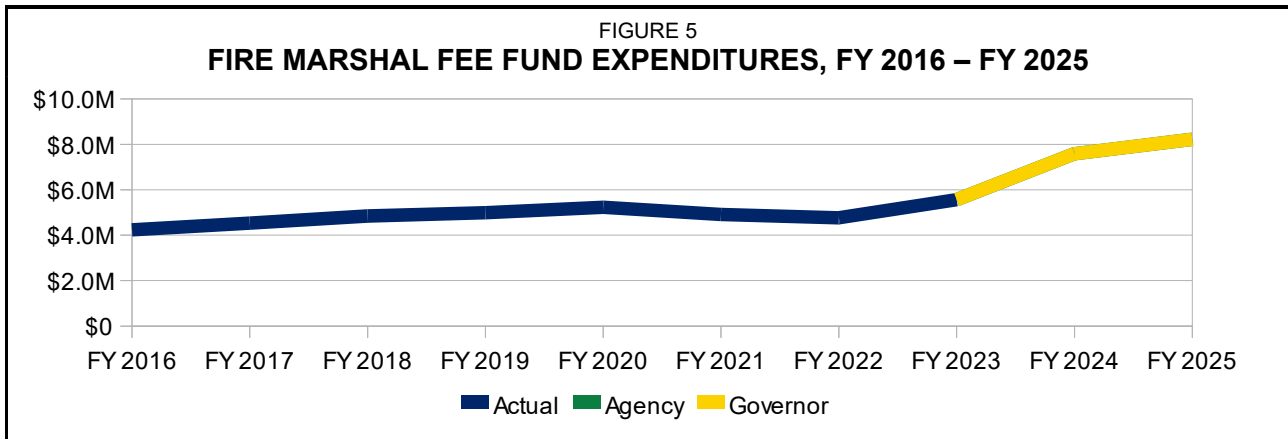
The **Governor** recommends \$9.3 million, including \$250,000 SGF, in expenditures for FY 2025. This is an increase of \$250,000, all SGF, above the agency's FY 2025 requested amount. The increase is due to the Governor adding \$100,000 SGF for 1.0 FTE position for a Childcare Inspection Specialist to provide outreach and \$150,000 SGF for a Volunteer Firefighter Workforce Study. The recommendation includes 73.5 FTE positions, which is an increase of 1.0 FTE position above the requested number. The position increase is in the Investigation Division and accounts for the Governor's addition of the inspector position.

EXPENDITURES AND FINANCING

FIGURE 4
BUDGET SUMMARY BY CATEGORY OF EXPENDITURE, FY 2023 – FY 2025

| Category of Expenditure: | Actual FY 2023 | Agency FY 2024 | Governor FY 2024 | Agency FY 2025 | Governor FY 2025 |
|---------------------------|----------------------------|----------------------------|----------------------------|----------------------------|----------------------------|
| Salaries and Wages | \$ 4,465,926 | \$ 5,577,551 | \$ 5,577,551 | \$ 5,958,915 | \$ 6,058,915 |
| Contractual Services | 1,522,026 | 1,420,590 | 1,420,590 | 1,401,865 | 1,551,865 |
| Commodities | 337,348 | 458,750 | 458,750 | 392,750 | 392,750 |
| Capital Outlay | 496,232 | 464,200 | 464,200 | 897,450 | 897,450 |
| Debt Service Interest | - | - | - | - | - |
| <i>Subtotal</i> | <u>\$ 6,821,532</u> | <u>\$ 7,921,091</u> | <u>\$ 7,921,091</u> | <u>\$ 8,650,980</u> | <u>\$ 8,900,980</u> |
| Aid to Local Units | 1,390,329 | 400,000 | 400,000 | 400,000 | 400,000 |
| Other Assistance | 93,800 | - | - | - | - |
| <i>Subtotal—Operating</i> | <u>\$ 8,305,661</u> | <u>\$ 8,321,091</u> | <u>\$ 8,321,091</u> | <u>\$ 9,050,980</u> | <u>\$ 9,300,980</u> |
| Capital Improvements | - | - | - | - | - |
| Debt Service Principal | - | - | - | - | - |
| TOTAL | <u>\$ 8,305,661</u> | <u>\$ 8,321,091</u> | <u>\$ 8,321,091</u> | <u>\$ 9,050,980</u> | <u>\$ 9,300,980</u> |
| Financing: | | | | | |
| State General Fund | \$ - | \$ - | \$ - | \$ - | \$ 250,000 |
| Federal Funds | 1,443,478 | - | - | - | - |
| All Other Funds | 6,862,183 | 8,321,091 | 8,321,091 | 9,050,980 | 9,050,980 |
| TOTAL | <u>\$ 8,305,661</u> | <u>\$ 8,321,091</u> | <u>\$ 8,321,091</u> | <u>\$ 9,050,980</u> | <u>\$ 9,300,980</u> |
| FTE Positions | 70.3 | 70.3 | 70.3 | 72.5 | 73.5 |

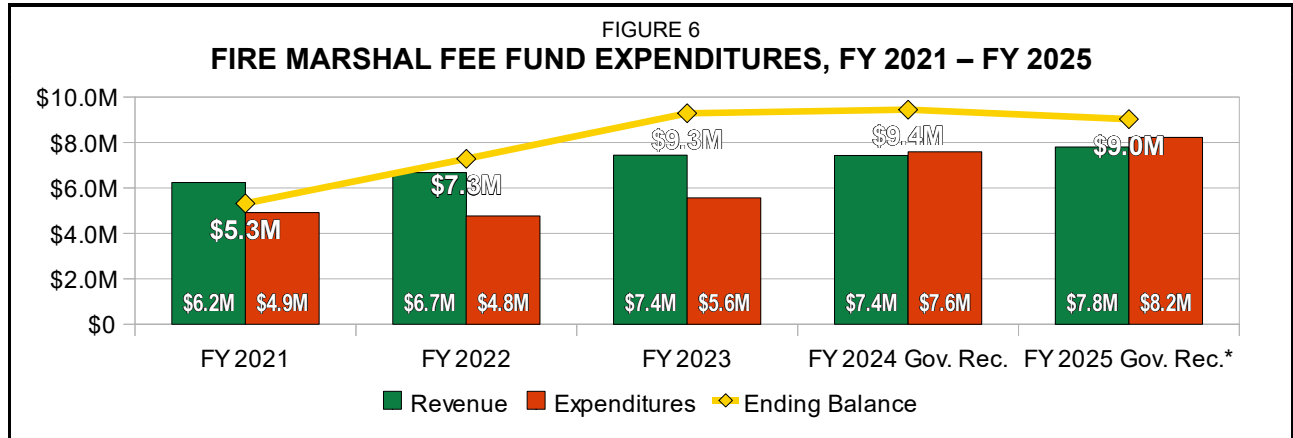
FIRE MARSHAL FEE FUND



The Fire Marshal Fee Fund is the primary source of funding for the agency. The majority of revenue to this fund is derived from a levy on fire insurance premiums. Pursuant to KSA 75-1508, each insurance company doing business in Kansas is required to pay a levy, not to exceed a total of 1.25 percent, on fire insurance premiums sold in Kansas. This levy supports the operations of the State Fire Marshal, Emergency Medical Services Board, and the Fire Service Training Program at the University of Kansas.

Of the moneys generated from this levy, KSA 75-1514 (2021 HB 2270) provides that \$100,000 must be transferred to the SGF, with the balance distributed to the State Fire Marshal (64.0 percent), Emergency Medical Services Board (20.0 percent), and the Fire Services Training Program at the University of Kansas (16.0 percent).

FIRE MARSHAL FEE FUND



* For FY 2025, the lowest month ending balance for the Fire Marshal Fee Fund will occur in November, with a balance of \$6.3 million.

The Fire Marshal Fee Fund receives the majority of the transfers of receipts from the insurance premium fund in the months of December and June. The June transfer funds the agency for the first six months of the next fiscal year. In addition to operating expenditures, this fund is used for the KFRSG program. The grant provides no-match funds to volunteer and part-time departments across the state for PPE, physicals not covered by insurance, and support of junior firefighter programs.

FIGURE 7
ELEVATOR LICENSE FEES, FY 2024

| License | Current Fee | Statutory Limit | Authority |
|---------------------------------|-------------|-----------------|-------------|
| Elevator Contractor License Fee | \$ 500 | \$ 500 | KSA 44-1807 |
| Elevator Mechanic License Fee | 150 | 150 | KSA 44-1807 |
| Elevator Inspector License Fee | 250 | 250 | KSA 44-1807 |

FY 2024 ANALYSIS

FIGURE 8

SUMMARY OF BUDGET REQUEST, FY 2024

| | SGF | All Funds | FTE |
|-----------------------------------------|------|--------------|------|
| Legislative Approved: | | | |
| Amount Approved by 2023 Legislature | \$ - | \$ 8,321,092 | 70.3 |
| 1. No Change | - | - | -- |
| <i>Subtotal—Legislative Approved</i> | \$ - | \$ 8,321,092 | 70.3 |
| Agency Revised Estimate: | | | |
| 2. Fire Marshal Fee Fund | \$ - | \$ 321,368 | -- |
| 3. Elevator Safety Fee Fund | - | (321,367) | -- |
| 4. All Other Adjustments | - | (2) | -- |
| <i>Subtotal—Agency Revised Estimate</i> | \$ - | \$ 8,321,091 | 70.3 |
| Governor’s Recommendation: | | | |
| 5. No Change | - | - | -- |
| TOTAL | \$ - | \$ 8,321,091 | 70.3 |

LEGISLATIVE APPROVED

1. **NO CHANGE.** Subsequent to the 2023 Session, no adjustments were made to the \$8.3 million approved for the State Fire Marshal for FY 2024.

AGENCY ESTIMATE

The **agency** submits a revised estimate of \$8.3 million, all from special revenue funds, in FY 2024. This is a decrease of \$1, or less than 0.1 percent, below the FY 2024 approved amount. The revised estimate include 70.3 FTE positions, which is unchanged from the FY 2024 approved number.

The revised estimate includes the following adjustments:

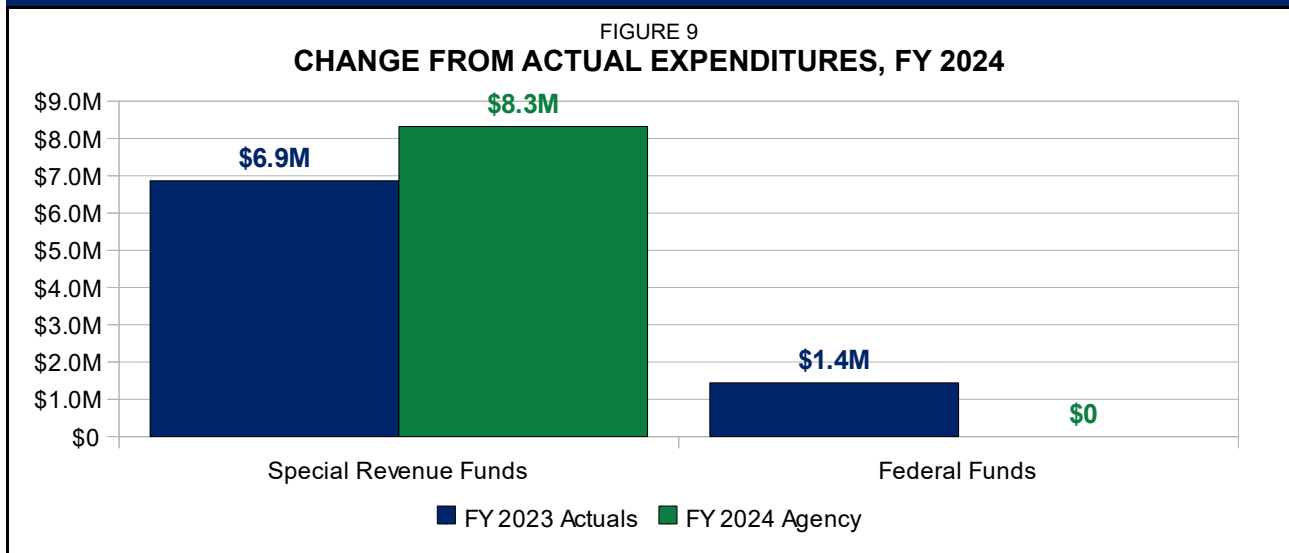
2. **FIRE MARSHAL FEE FUND.** The revised estimate includes an increase of \$321,368, all from the Fire Marshal Fee Fund, for the Elevator Safety Program in FY 2024. These expenditures are startup costs associated with implementing the Elevator Safety Act of 2022, which assigns the agency with licensing elevator inspectors, contractors, and mechanics, and issuing permits for elevators.
3. **ELEVATOR SAFETY FEE FUND.** The revised estimate includes a decrease of \$321,367, all from the Elevator Safety Fee Fund, for the Elevator Safety Program in FY 2024. Revenue to this fund is derived from licensing fees, with collection beginning in January 2023. This adjustment shifts expenditures for the program from the Elevator Safety Fee Fund to the Fire Marshal Fee Fund until a sufficient balance is established in the elevator fund.
4. **ALL OTHER ADJUSTMENTS.** Other adjustments include decreased salaries and wages expenditures for employer contributions for fringe benefits, which is almost entirely offset by increased pay for unclassified employees.

GOVERNOR’S RECOMMENDATION

The **Governor** concurs with the agency's revised estimate and recommends \$8.3 million, all from special revenue funds, in expenditures and 70.3 FTE positions in FY 2024.

5. **NO CHANGE.** The Governor does not recommend any changes to the agency's revised estimate in FY 2024.

FY 2024 CHANGE FROM ACTUAL EXPENDITURES



The **agency** estimates revised expenditures of \$8.3 million, all from special revenue funds, in FY 2024. This is an increase of \$15,430, or 0.2 percent, above the FY 2023 actual budget. The increase is primarily due to an increase of \$1.1 million in salaries and wages expenditures that include a statewide market survey adjustment approved by the 2023 Legislature for FY 2024, increased employer contributions for fringe benefits in FY 2024, and accounts for unfilled positions in FY 2023. The increase is offset by a decrease of \$1.4 million, all from federal American Rescue Plan Act (ARPA) funds, for aid and assistance to local fire departments through the KFRSG program in FY 2024. These federal ARPA funds were provided as a one-time supplement to the grant program in FY 2023. The increase is further offset by decreased expenditures from the Emergency Response Fund, which is partially due to activation of Hazardous Materials Response Teams in response to the white powder threat letter incident in June 2023. The revised estimate includes 70.3 FTE positions, which is unchanged from the FY 2023 actual number.

FY 2025 ANALYSIS

FIGURE 10

SUMMARY OF BUDGET REQUEST, FY 2025

| | SGF | All Funds | FTE |
|------------------------------------------|--------------------------|----------------------------|--------------------|
| Agency Request: | | | |
| Request without Major Changes | \$ - | \$ 8,321,091 | 70.3 |
| 1. Salaries and Wages | \$ - | \$ 381,364 | 2.2 |
| 2. Specialized Equipment | - | 293,000 | -- |
| 3. Information Technology | - | 209,400 | -- |
| 4. Emergency Response Training | - | 70,750 | -- |
| 5. Elevator Safety Program | - | (149,000) | -- |
| 6. Attorney Fees | - | (61,000) | -- |
| 7. All Other Adjustments | - | (14,625) | -- |
| <i>Subtotal—Agency Request</i> | <u>\$ -</u> | <u>\$ 9,050,980</u> | <u>72.5</u> |
| Governor’s Recommendation: | | | |
| 8. Childcare inspection Position | \$ 100,000 | \$ 100,000 | 1.0 |
| 9. Volunteer Firefighter Workforce Study | 150,000 | 150,000 | -- |
| TOTAL | <u>\$ 250,000</u> | <u>\$ 9,300,980</u> | <u>73.5</u> |

AGENCY REQUEST

The **agency** requests \$9.1 million, all from special revenue funds, in expenditures for FY 2025. This is an increase of \$729,889, or 8.8 percent, above the FY 2024 revised estimate. The request includes 72.5 FTE positions, which is an increase of 2.2 positions above the FY 2024 revised number. The position increases are mainly in the Administration and Fire Prevention divisions.

The request includes the following adjustments:

1. **SALARIES AND WAGES.** The request includes an increase of \$381,364, all from special revenue funds, in salaries and wages expenditures for FY 2025. In addition to increased employer contributions for fringe benefits, this adjustment includes the additional 2.2 FTE positions for the following:
 - 1.0 FTE position for an Assistant Attorney General for the State Fire Marshal, which is required pursuant to KSA 75-1515. This position was previously located in the Office of the Attorney General and provided fee-based legal services. Due to an increased workload related to inspections of child care facilities and drafting rules and regulations concerning the Elevator Safety Act, the agencies agreed to assign this position full-time to the State Fire Marshal.
 - 1.0 FTE position for an Administrative Specialist in the Fire Prevention Division to facilitate increased fire and life safety inspections, primarily among child care and nursing facilities. The agency notes recent changes to federal Centers for Medicare and Medicaid Services policies that now require review of emergency preparedness plans for all nursing homes.
 - 0.2 FTE position to transition an Investigator to full-time in the Investigation Division.
2. **SPECIALIZED EQUIPMENT.** The request includes an increase of \$293,000, all from special revenue funds, for specialized equipment for FY 2025. These expenditures include the procurement of sensitive detection equipment for Hazardous Materials Response Teams and the purchase of an arson investigation laser scanner and flashing lights, sirens, and radios for vehicles in the Investigation Division.

3. **INFORMATION TECHNOLOGY.** The request includes an increase of \$209,000, all from special revenue funds, to purchase information technology for FY 2025. These expenditures include replacement of a storage area network — which provides secure storage of information such as building floor plans, inspection records, and proprietary information related to manufacturing facilities — and upgrades to inspection software. This also includes the purchase of laptop computers as part of the agency's three-year replacement cycle.
4. **EMERGENCY RESPONSE TRAINING.** The request includes an increase of \$70,750, all from special revenue funds, for the Emergency Response Division, primarily to provide specialized medical technician and K-9 handler training to search and rescue teams throughout the state.
5. **ELEVATOR SAFETY PROGRAM.** The request includes a decrease of \$149,000, all from special revenue funds, for computer programming services for the Elevator Safety Program for FY 2025, which is attributable to the agency contracting with a service provider at a reduced cost for the collection of elevator licensing fees.
6. **ATTORNEY FEES.** The request includes a decrease of \$61,000, all from special revenue funds, in attorney fees previously paid to the Office of the Attorney General for legal services. This decrease partially offsets the addition of an Assistant Attorney General position for the State Fire Marshal. Those legal services will now be handled in-house for FY 2025 with the addition of an Assistant Attorney General position within the Office of the State Fire Marshal.
7. **ALL OTHER ADJUSTMENTS.** Other adjustments include decreased expenditures for the replacement of cars in the Fire Prevention Division. The decrease is partially offset by increased expenditures for the replacement of a Dodge Ram truck in the Investigation Division and increased office space rental.

GOVERNOR'S RECOMMENDATION

The **Governor** recommends \$9.3 million, including \$250,000 SGF, in expenditures for FY 2025. This is an increase of \$250,000, all SGF, or 2.8 percent, above the agency's FY 2024 requested amount. The recommendation includes 73.5 FTE positions, which is an increase of 1.0 FTE position above the requested number.

The **Governor's** recommendation includes the following adjustments:

8. **CHILDCARE INSPECTION POSITION.** The Governor recommends the addition of \$100,000 SGF for 1.0 FTE position for a Childcare Inspection Specialist in the Investigation Division for FY 2025. The agency provides fire and safety code inspections of child care facilities, which is part of the child day care licensing process. The position will oversee inspections of child care facilities and provide outreach and consistent guidance to aspiring providers and other state agencies.
9. **VOLUNTEER FIREFIGHTER WORKFORCE STUDY.** The Governor recommends the addition of \$150,000 SGF for a volunteer firefighter workforce study for FY 2025. Such a study was recommended by the Governor's Wildfire Task Force in November 2023 to explore trends, incentives, and training among the volunteer firefighter service in Kansas.

GOVERNOR'S WILDFIRE TASK FORCE

The Governor established a Wildfire Task Force in July 2022 to make recommendations for how Kansans can better mitigate and prevent, respond to, and recover from wildfires. The Task Force is chaired by the Secretary of Agriculture and includes representatives from the Kansas Division of Emergency Management, Office of the State Fire Marshal, Kansas Forest Service, Department of Wildlife and Parks, local fire departments, other stakeholders, and the Legislature.

In November 2023, the Task Force submitted a final report to the Governor. The report includes, but is not limited to, the following recommendations:

- The Task Force encourages the Kansas Legislature to support and fund a study (up to \$250,000) of strategies concerning the volunteer firefighter workforce that the Governor and Legislature could consider offering, including:
 - Data related to the capacity, motivation, and roadblocks of current and future trends of the volunteer firefighter service across Kansas;
 - Incentives for volunteer firefighters, as well as their employers, to encourage volunteer firefighting;
 - Impact of standards and training for volunteer firefighters.
- Local fire departments should annually update current local mutual aid agreements and contact information with neighboring departments. In addition, the State Fire Marshal is encouraged to keep a current statewide list of local fire department contacts; and
- State officials should continue to seek other opportunities to utilize federal grant funds to support equipment for public safety assistance, including communications or other needs.

WHITE POWDER THREAT LETTER EVENT

The white powder threat letter incident in June 2023 involved the mailing of threatening letters containing an unknown white powder to more than 100 state legislators in Kansas and other states. The response involved multiple state and local agencies, including regional Hazardous Material Response Teams administered by the Office of the State Fire Marshal. The incident remains under federal investigation as of January 1, 2024.

On October 13, 2023, the Office of the State Fire Marshal reported to the Joint Committee on Kansas Security (Joint Committee) that the agency expended \$170,000, all from the Emergency Response Fund, to activate eight of the nine regional Hazardous Material Response Teams, which was the first activation of such magnitude in program history. Due to the extraordinary fiscal effect to the Office of the State Fire Marshal, the State Finance Council approved these additional expenditures from the Emergency Response Fund in FY 2023.

The **Joint Committee** made the following recommendation:

- The House Committee on Appropriations and the Senate Committee on Ways and Means consider transferring \$170,000 from the SGF to the Emergency Response Fund at the Office of the State Fire Marshal to replenish moneys expended in response to the white powder threat letter incident in June 2023.

KANSAS FIREFIGHTER RECRUITMENT AND SAFETY GRANTS

The agency requests \$400,000, all from the Fire Marshal Fee Fund, as aid to local fire departments through the KFRSG program in FY 2024 and for FY 2025. The program provides no-match grants to volunteer or part-time fire departments for PPE, firefighter physicals not covered by insurance, and support of junior firefighter programs.

There are 650 fire departments in Kansas, of which 80.0 percent are volunteer-operated. The agency indicates these fire departments, especially rural volunteer departments, struggle with recruitment and retention of firefighters due to lack of adequate local funding for safety equipment. A full set of bunker gear, which is PPE for firefighters, is estimated to cost \$3,000 per person. Funds may also be used for extractor washing machines, which are designed for cleaning bunker gear to mitigate exposure to carcinogenic residue.

The KFRSG program was established in FY 2017 with \$200,000 from the Fire Marshal Fee Fund. The amount increased to \$400,000 in FY 2019; however, the program was suspended for one year in FY 2021. The agency budgeted for \$1.3 million, including \$1.2 million from federal ARPA funds, for the program in FY 2023. These federal ARPA funds are one-time moneys not available beyond FY 2023.

| KFRSG PROGRAM | | | | | |
|------------------------------------|-------------|-------------------|---------------------|-------------------|-------------------|
| | FY 2021 | FY 2022 | FY 2023 | FY 2024 | FY 2025 |
| Budgeted | | | | | |
| Fire Marshal Fee Fund | \$ - | \$ 100,000 | \$ 100,000 | \$ 400,000 | \$ 400,000 |
| Federal ARPA Funds | - | - | 1,200,000 * | - | - |
| TOTAL | \$ - | \$ 100,000 | \$ 1,300,000 | \$ 400,000 | \$ 400,000 |
| Number of Fire Department Requests | - | 42 | 96 | 78 | - |
| Total Amount Requested | \$ - | \$ 434,990 | \$ 2,637,835 | \$ 1,368,787 | \$ - |
| Amount Awarded | \$ - | \$ 99,906 | \$ 1,383,529 | \$ 401,315 | \$ - |

*These one-time federal ARPA funds are not available beyond FY 2023.