

September 16, 2024

Adam Proffitt
Secretary of Administration
Division of the Budget
Landon State Office Building
900 SW Jackson Street, Suite 504
Topeka, Kansas 66612

Secretary Proffitt,

The Office of the State Fire Marshal respectfully submits for your consideration our budget request for fiscal year (FY) 2025 and FY 2026.

This budget reflects the conscientiousness of our staff to provide a fire safe environment for Kansans in all places where they live, work, and congregate. We are dedicated to protecting the lives and property of the citizens of Kansas from the hazards of fire, explosion, and natural and man-made disasters.

Our agency is uncertain about the total fiscal impact of the 2024 Legislature's changes to the Elevator Safety Act. This program, established by the 2022 Legislature, is intended to be funded by the Elevator Safety Fee Fund, which started with a \$0 balance in FY 2023. Our agency utilized Fire Marshal Fee Fund (FM FF) money to implement the program in FY 2024, and the program was planned to be fully funded from the Elevator Safety Fee Fund in FY 2025. However, recent amendments by the 2024 Legislature altered the fee structure, reducing the amount of funds that will be deposited into the Elevator Safety Fee Fund. Consequently, we are carefully monitoring that fund in case we need to adjust our FY 2025 budget if fee fund income proves insufficient to support the program.

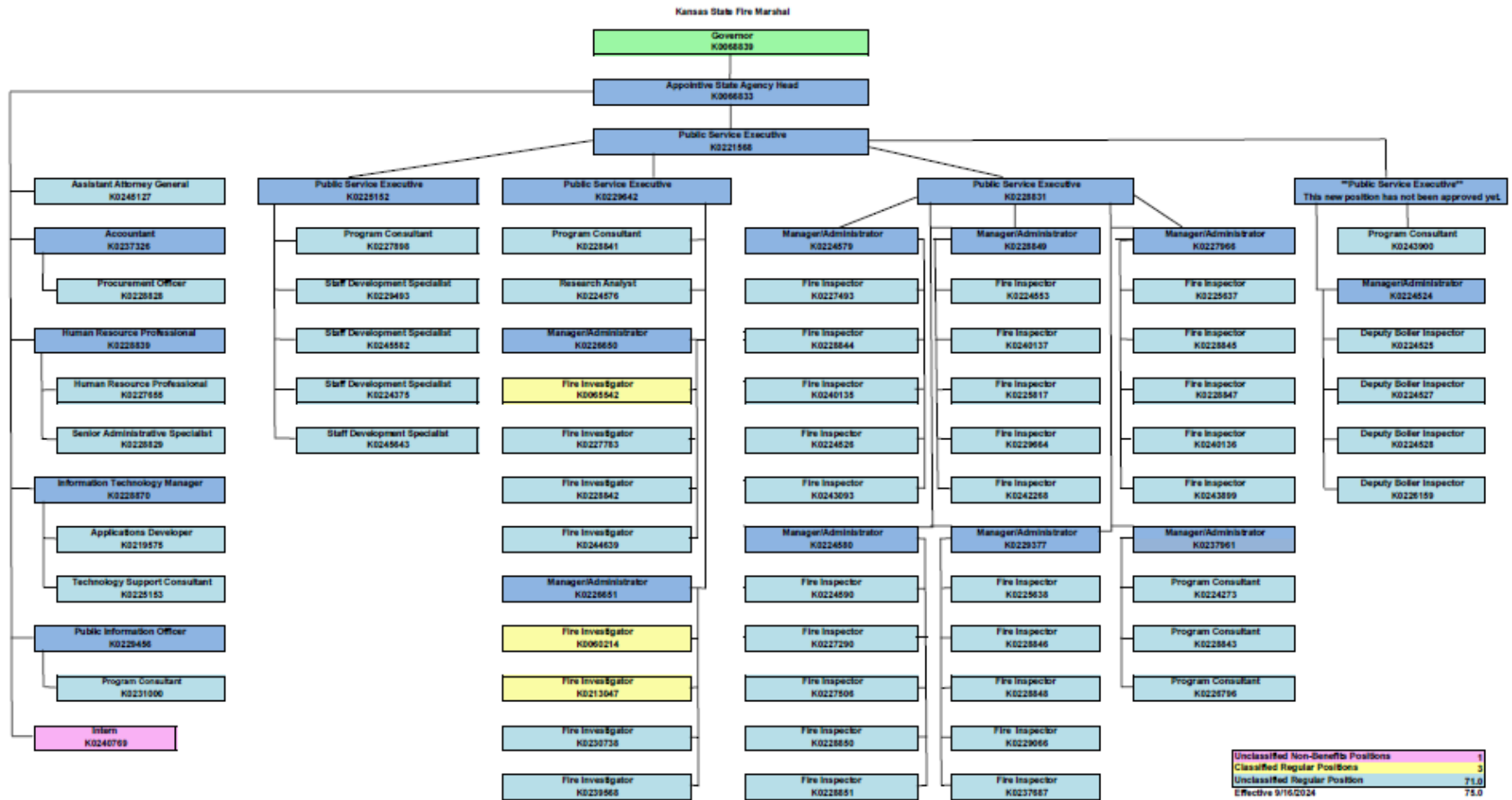
This document is true and correct to the best of my knowledge.

Sincerely,



Mark Engholm
State Fire Marshal

Cc: Alex Feyerherm, Budget Analyst



AGENCY-WIDE OVERVIEW

AGENCY MISSION

The Office of the State Fire Marshal (OSFM) is dedicated to protecting lives and property from the hazards of fire, explosion, and natural disaster and will promote prevention, educational, and investigative activities to mitigate incidents, promote life safety and deter crimes.

AGENCY PHILOSOPHY

The personnel of OSFM act with the highest professional standards of ethics, accountability, and efficiency to protect the lives and property of the citizens of the State of Kansas from the hazards of fire, explosion, hazardous materials incidents, and natural disasters.

We strive to assure the public and the regulated community a balanced and sensible approach to our fire and life safety initiatives.

PROGRAMS ESTABLISHED TO ASSIST WITH AGENCY MISSION

Administrative Division

- Support Services - Fiscal Management, Personnel, Public Education, Legal
- Publication of Press Releases and Public Education Materials
- Maintaining Agency Web and Information Technology Services
- Agency Emergency Management Support function to State Emergency Operations Center

Investigation Division

- Fire Origin and Cause
- Criminal Investigations
- Fire Incident Reporting Systems
- Explosive / Post Blast Investigations
- Explosives Permits (User/Manufacturer/Distributor/Blaster/Handler/Storage)
- Fireworks (Permits/Storage/Sales)
- State Certified Fire Investigator I/II
- Fire Investigation and Explosive Training and Education
- Fire Safe Cigarette Program
- Commercial Industrial Hemp Processing Program

Fire Prevention Division

- Fire and Life Safety Code Rules and Regulations
- Field Fire & Life Safety Inspection/Enforcement Program – Educational, Health Care and Correctional Facilities, Childcare Centers, Home Daycares, Hotel/Motel, Restaurants, Flammable and Combustible Liquids and Fuels
- Fire and Life Safety Training and Education
- Facility Plans Reviews
- Facility Code Enforcement
- Technical Code Interpretation
- Liquefied Petroleum Gas (Propane) Licensing and Registration Program
- Fire Suppression System Certification Programs

Industrial Safety Division* (Currently under Prevention)

- Boiler Inspection and Certification Programs
- Elevator Safety Program

Emergency Response Division

- Hazardous Materials Incident Response
- Hazardous Materials Education and Training
- Search & Rescue Incident Response
- Search and Rescue Education and Training

STATUTORY HISTORY

The Office of the State Fire Marshal was originally established by the 1913 Legislature and began active operation on April 1, 1913. K.S.A.75-1503, 75-1505, 75-1510, 75-1513, and 17-3136 (1) established the office of the state fire marshal; (2) made general provisions for the office including staffing and funding; (3) set the minimum requirements for appointment as state fire marshal; and (4) imposed the duty to keep records for fires.

K.S.A. 31-133 enables the state fire marshal to adopt rules and regulations for the safeguarding of life and property from the hazards of fire, explosions, and hazardous materials. The statute further provides that the rules include, but not be limited to, the following:

- The keeping, storage, use, sale, handling, transportation, or other disposition of highly flammable materials including crude petroleum, natural gas for use in motor vehicles, and explosives, including gunpowder, dynamite, and fireworks.
- The transportation of liquid fuel over public roadways including highways.
- The construction, maintenance, and regulation of exits and fire escapes from buildings and all other places in which people work, live or congregate.
- The installation and maintenance of equipment intended for fire control, detection and extinguishment in all buildings and other places in which persons work, live or congregate.
- Require fire drills in all public and private schools and educational institutions except community colleges, colleges, and universities.

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- Procedures for reporting fires and explosions occurring within the state and for the investigation thereof.
 - Procedures for reporting by health care providers the treatment of second and third degree burn wounds involving 20% or more of the victim's body.
 - Require tornado procedures in all public and private schools and educational institutions.
 - Development and implementation of a statewide system of hazardous materials assessment.
 - Development and implementation of a statewide urban search and rescue response system.
 - Other safeguards, protective measures or means adapted to render inherently safe from the hazards of fire or the loss of life by fire, any building or other place in which people work, live, or congregate except buildings used wholly as dwelling houses containing no more than two families.

K.S.A.31-133a establishes rules and regulations for and certification by the state fire marshal of any business who inspects, installs, or services portable fire extinguishers or automatic fire extinguishers for commercial cooking equipment; shall be known and may be cited as the Kansas fire prevention code and that those rules and regulations shall have uniform force and effect throughout the state.

K.S.A. 31-134a requires the state fire marshal to issue an occupancy permit for buildings meeting the standards of a duly adopted building code as set forth in this statute.

K.S.A. 31-136 gives the state fire marshal the power to grant exemptions from the application of specific requirements of regulations created by this act.

K.S.A. 31-137 authorizes the state fire marshal to conduct investigations of any fires or explosions or any attempt to cause a fire or explosion within the state if there is reason to believe that the fire was of an incendiary origin or was an attempt to defraud an insurance company.

K.S.A. 31-138 authorizes the state fire marshal or state fire marshal deputies to hold hearings with interested parties; it also mandates that the state fire marshal turn over all information and evidence collected to the attorney general or the proper county attorney when there is probable cause to believe that there was a violation of any provision of this act or criminal conduct under the law of this state with respect to any fire or explosion.

K.S.A. 31-139 provides authority to the state fire marshal and designates to enter during reasonable hours all buildings and premises subject to the act for the purpose of examination, investigation, or inspection to determine compliance with the Kansas fire prevention code; authorizes cease and desist procedure.

K.S.A. 31-143 authorizes the state fire marshal to advise, assist and coordinate with the state civil defense director in the development of civil defense disaster plans and on request shall assist any municipality in the enforcement of the State Fire Prevention Code.

K.S.A. 31-144 provides that all school buildings shall be inspected at least once each year and that the responsibility for those school-building inspections other than in cities of the first and second class with full time fire chiefs or fire inspectors rest with the state fire marshal.

K.S.A. 31-146 requires that the rules and regulations concerning the transportation of liquid fuels require inspection of the vehicles by the state fire marshal or by qualified inspectors sufficiently often to ensure operation with maximum safety; allows state fire marshal's office to issue a private inspector's permit to those qualified to perform the inspection to the satisfaction of the state fire marshal's office.

K.S.A. 31-148 requires that the state fire marshal shall annually inspect all buildings under the jurisdiction of the state penal director and the division of institutional management of the department of social welfare.

K.S.A. 31-149 transferred to 75-1516, which provides for appointment of an assistant attorney general for the state fire marshal.

K.S.A. 31-150 establishes the fire safety & prevention for school building; construction requirements; accessibility to persons with a disability; building plans; certification & approval; exceptions; rules and regulations.

K.S.A. 31-157 provides for appointment of rules for certifying fire investigators to exercise the powers of arrest, search, and seizure, and the carrying of firearms while investigating incendiary fires or explosions.

K.S.A. 31-401, 31-402, 31-403, 31-405, and 31-406 establishes the Kansas arson reporting immunity act with requirements for insurers to notify the state fire marshal of all incendiary fires or explosions and requires information sharing.

K.S.A. 31-501 through 31-506 establishes the Kansas Fireworks Act with licensing of commercial fireworks operators, distributors, manufacturers, and storage as well as whole sellers of consumer fireworks in the State of Kansas. The act also addresses the adoption of the appropriate state regulations and licensing fees.

K.S.A. 31-601 through 31-613 establishes the “flame retardant” cigarettes under fire safety standard and firefighter protection act. The act would require all cigarettes sold in the State of Kansas after July 1, 2009, to have been tested for ignition strength by the American Society of Testing and Materials prior to sale. Exemptions from the testing date would be allowed for sale of existing supplies of cigarettes if a state sales tax were affixed to the cigarettes prior to July 1, 2009, and if the wholesale dealer, retail dealer, or vending machine operator can establish that the inventory was purchased prior to July 1, 2009. This exemption would not apply after July 1, 2010, when all cigarettes must comply with testing and performance standards prior to sale. Under this act, no more than 25 percent of cigarettes tested could exhibit full length burn as laboratory tested, and cigarettes would be required to have lowered permeability bands in the cigarette paper to reduce the ignition strength of cigarettes. The act requires that certified cigarettes to be marked with the letters “FSC,” which is defined as fire standards compliant.

K.S.A. 2-3901 through 2-3909 establishes the commercial industry hemp act that authorizes the state fire marshal to regulate all commercial industrial hemp processors in the state.

K.S.A. 39-925 (a) provides for the administration of the adult care home licensure act shall be under authority of the secretary of aging as the licensing agency in conjunction with the state fire marshal.

K.S.A. 39-928 requires that upon the receipt of an application for license, the licensing agency with the approval of the state fire marshal shall issue a license if the applicant is fit, qualified and the adult care home facility meets the requirement established under this law.

K.S.A. 40-2,110 requires every property or casualty insurance company transacting business in Kansas report monthly to the state fire marshal directly or through a reporting service all losses which exceed \$500 and an annual report setting forth the total number of fire losses and the total amount of losses paid.

K.S.A 44-913 through 44-930, requires that the state fire marshal adopt rules and regulations, consistent with Boiler Safety Act, to ensure safe construction, installation, inspection, maintenance, and repair of boilers in the state.

K.S.A. 44-1801 through 44-1820 establishes the elevator safety act and the duties of the state fire marshal in relation to safety standards for elevators and licensure requirements for elevator inspection, installation, and repair. The 2024 Legislature substantially amended this Act with the adoption of House Substitute for Senate Bill No. 143. The 2024 Legislature separately provided the agency with funds to add a Professional Engineer to our staff to serve as the Chief of a new Industrial Safety Division, which will encompass our boiler and elevator safety programs.

K.S.A. 55-1807 through 55-1813 establishes the Kansas propane safety and licensing act. This act applies to firms retailing liquefied petroleum gas, establishes minimum general liability coverage with comparative negligence and liability, plan review for new installations, an advisory board appointed by the governor, licensure classes, fees, and violation penalties and establishes the state fire marshal liquefied petroleum gas fee fund.

K.S.A. 65-34,105 (13b) requires that in the adopting rules and regulations under this section, the secretary shall take notice of rules and regulations pertaining to fire prevention and safety adopted by the state fire marshal pursuant to subsection(a)(1) of KSA 31-133, and amendments thereto.

K.S.A. 65-34,133 establishes Kansas essential fuels supply trust fund compensation advisory board.

K.S.A. 65-34,136 and 65-34-137 establishes an act concerning the environment, relating to non-fuel flammable or combustible liquid aboveground storage tanks. Establishes duties of state fire marshal, civil penalties, and creates the non-fuel flammable or combustible liquid aboveground storage tank system fund.

K.S.A. 65-508 (b) requires that every maternity center or childcare facility shall comply with all applicable fire codes and rules and regulations of the state fire marshal.

K.S.A. 75-1515 provides that the attorney general's office appoints an assistant attorney general to be housed at the fire marshal's office to represent the interests of the fire marshal.

K.S.A. 75-1518 establishes guidelines for regional search and rescue teams, an advisory committee and rules and regulations for training and response.

K.S.A. 75-1519 renames the hazardous materials emergency fund to the emergency response fund and gives the state fire marshal's office expenditure authority. Allows for the transfer of moneys from the fire marshal fee fund to the emergency response fund.

K.S.A.75-3137 establishes deputies, assistants; training coordinator; establishes that the state fire marshal shall appoint a training coordinator for firefighter training programs.

K.S.A 75-6102 designates Office of the State Fire Marshal as the umbrella agency for statewide search and rescue teams.

GOALS ENCOMPASSING CURRENT & BUDGET YEAR:

The primary agency goal considered while preparing this budget is continuing to provide protection to the citizens of Kansas in a fiscally responsible manner. It is also the agency’s goal to fully move forward with minimal disruptions caused by negative impacts to supply chains, increased inflation costs of doing business and maintaining complete staffing levels with trained, qualified, and dedicated personnel.

Recent History of Agency Funding:

Like many entities impacted by COVID-19, this agency experienced decreased operations late in FY 2020, all of FY 2021 and it continued into much of FY 2022. This decrease in agency operations impacted the Fire Marshal Fee Fund balance. It caused great distortion from normal expenditures vs. revenue receipts as expenses were significantly reduced during these three fiscal years.

As noted earlier, the agency has been working to implement the Elevator Safety Act, which was enacted in 2022 and was effective in 2023. The Act created the Elevator Safety Fee Fund, which started with a \$0 balance in FY 2023, and is intended to cover the full costs of this program. In FY 2024, the agency utilized Fire Marshal Fee Fund (FM FF) money to implement the program, and sufficient funding was expected in the Elevator Safety Fee Fund for the program in and following FY 2025. However, substantial amendments to the act during the 2024 Legislative session altered the elevator certificate fee structure, reducing the amount of income into the fund. The agency is carefully monitoring this fund in FY 2025 and may request changes to the FY 2026 budget if the fees received are not sufficient to administer the elevator safety program.

Historically, about one-half of the budget year’s expenditures has been reserved as an ending balance in the current year due the timing of receipts. Because the majority of revenues to the Fire Marshal Fee Fund are received and deposited during the months of June and December, we must reserve enough funds in the ending balance to make it from July to December (the first half of the following fiscal year) without deposits into the fee fund during that period.

Fire Marshal Fee Fund	FY24 Actuals	FY25 Proposed (base)	FY25 Proposed (w/ enhancements)	FY26 Proposed (base)	FY26 Proposed (w/ enhancements)
Beginning Balance	\$9,375,593	\$11,127,877	\$11,127,877	\$10,820,029	\$10,760,029
Insurance Premium Revenue	\$8,308,916	\$8,790,000	\$8,790,000	\$9,240,000	\$9,240,000
Other Revenue	\$433,906	\$6,000	\$6,000	\$6,000	\$6,000
Expenditures	\$6,990,775	\$9,104,848	\$9,164,848	\$9,890,287	\$10,351,834
Ending Balance	\$11,127,877	\$10,820,029	\$10,760,029	\$9,931,729	\$9,655,195

ADMINISTRATION DIVISION

The Administrative Division provides administrative, communications, fiscal, legal counsel, and oversight for the Office of State Fire Marshal’s divisions in the following major areas: human resources, fiscal, facilities and inventory, administrative support, public education, and information technology. This division handles personnel actions such as recruitment, onboarding/hiring, termination, position classification, attendance/payroll, benefits, grievances and appeals; fiscal activities such as budget development and tracking, accounts receivable and accounts payable, purchasing and contracting; legislative monitoring and acquisition, and maintaining of facilities, vehicles, and other agency-wide equipment. This division’s budget also includes items for Continuity of Operations Planning (COOP).

EXPENDITURE JUSTIFICATION

Object Code 1000: Salaries and Wages

Summary – The Salaries and Wages funding for this division represents:

Positions – 15

- 1 Fire Marshal
- 1 Chief Deputy Fire Marshal
- 1 Assistant Attorney General
- 1 Fiscal Officer
- 1 Procurement Officer
- 1 Human Resources Director
- 1 Human Resource Professional
- 1 Information Technology Manager
- 1 Applications Developer
- 1 Information Technology Support Consultant
- 1 Public Information Manager
- 1 Public Education and Outreach Consultant
- 1 Senior Administrative Specialists
- 1 Part-time Internship
- 1 Industrial Safety Division Chief (budgeted, not yet created)

Budget Year 2025: \$1,514,733 Budget Year 2026: \$1,545,593

Object Codes 2000-2900: Contractual Services

Summary – Contractual services funding includes division specific expenses for communication, travel, and training. Travel and subsistence allow the State Fire Marshal, and administrative staff to travel to presentations, training, conferences, and other seminars. Also included are agency-wide expenditures: office rent, IT services and support. Other charges include the monumental building surcharge, SMART support, enterprise application fees and similar services, copier/printer rentals and postage and shipping expenses. In FY 2025, this also includes \$150,000 that the 2024 Legislature approved for the agency to contract for a study of issues the volunteer fire service in Kansas is facing. In support of 2024 House Bill 2648, our agency is requesting an additional \$60,000 spending authority from the Fire Marshal Fee Fund to gather data, conduct research, and generate the required fiscal impact studies.

Budget Year 2025: \$661,605 Budget Year 2026: \$622,380

With Enhancement Request:

Budget Year 2025: \$721,605 Budget Year 2026: \$682,380

Object Codes 3000-3900: Commodities

Summary – Commodities funding includes division specific expenses for vehicle fuel, reference materials, and smoke detectors for the public education program. Also included are agency-wide expenditures for general office supplies and IT related supplies.

Budget Year 2024: \$81,328 Budget Year 2025: \$126,350

Object Code 4000: Capital Outlay

Summary – Capital Outlay funding includes purchases of general equipment with a useful life of one year or more. Division specific expenses include computer hardware equipment and information technology. Please note that the substantial increase in expenditures in FY 2025 was due to replacement of Storage Area Network (SAN) for secure agency operations and enhanced funding approved by the 2024 Legislature to replace obsolete radios used during emergency response.

Budget Year 2025: \$516,500 Budget Year 2026: \$272,200

Object Code 8000: Aid to Locals

The agency introduced the Kansas Firefighter Recruitment and Safety Grant (KFRSG) in FY 2017. This is a no-match grant for volunteer/part-time Kansas fire departments for personal protective equipment, firefighter physicals not covered by insurance, and support of junior firefighter programs. Fire departments, especially small rural volunteer departments, are struggling with the recruitment and retention of firefighters because they don't have funding to provide safety

equipment. This leaves potential volunteers faced with providing their own safety gear or doing without. Firefighter line-of-duty deaths from heart attacks before or after responses and during training continue to occur. The grant could award dollars to departments to assist in paying for physicals that could identify underlying issues so that they could be treated and, ideally, decrease the number of firefighter deaths. With the increased occurrence of cancer diagnosis in firefighters, the grant also allows for extractor type washing machines as an eligible expense for applicants.

In FY 2021, the Legislature did not fund KFRSG. The agency was given Governor and Legislative approval to fund the grant in the amount of \$100,000 in FY 2022. The 2022 Legislature awarded \$1,200,000 from the American Rescue Plan Act in FY 2023 along with \$100,000 from Fire Marshal Fee Fund. The agency was approved to grant \$400,000 for FY 2024 to Kansas fire departments, this is the pre-pandemic amount.

The FY 2025 grant application period will be opening in October, and the program has been amended to provide firefighter personal protective equipment specifically to those volunteer fire departments most in need of assistance. Additionally, the program has been amended so that agencies with limited funding will not need to make purchases out of their own funds and then seek reimbursement from this agency. Instead, departments will demonstrate their need for new firefighter personal protective equipment, which will be purchased by the agency through an existing state contract and delivered to the fire department. The \$400,000 allocated for this grant program will provide around 80 sets of personal protective equipment for Kansas firefighters which, while helpful to those few departments receiving assistance, does not come close to replacing the estimated 1,600 sets of gear that must be replaced annually by Kansas agencies to support firefighter safety and health. Kansas firefighters, 95% of which are volunteers serving their communities, would need an estimated \$8 million each year to adequately fund this program.

Due to the issues raised above, and the need to focus Fire Marshal Fee Funds to support our statutory obligations, the agency is not requesting funding in FY 2026 for this grant program. The agency intends to work with the Governor, Kansas fire service organizations, and the 2025 Legislature to identify a stable funding stream for this program that will not involve drawing from the Fire Marshal Fee Fund and which can adequately support the actual needs of Kansas fire departments.

The graphic below depicts the need based on number of requests and the total dollars being requested each fiscal year.

Fire Marshal Fee Fund KFRSG Program	Actuals FY19	Actuals FY20	Actuals FY22	Actuals FY23*	Actuals FY24	Approved FY25
Grant budgeted/requested	\$400,000	\$400,000	\$100,000	\$1,300,000	\$400,000	\$400,000
Number of FD requests	72	76	42	98	79	Pending
Dollar amount of requests	\$1,328,809	\$968,939	\$434,990	\$2,637,835	\$1,417,877	Pending
Amount awarded	\$401,490	\$390,965	\$99,906	\$1,300,000	\$399,241.81	Pending

*American Recovery Program Act dollars, \$1,200,000, awarded in FY 2023.

Budget Year 2025: \$400,000

Budget Year 2026: \$0.00

Division Total Expenses and Source of Funding:

	FY25 (base)	FY25 (w/enhancement)	FY26 (base)	FY26 (w/enhancement)
Total Expenses:	\$3,174,166	\$3,234,166	\$2,566,523	\$2,626,523
Fire Marshal Fee Fund:	\$3,164,166	\$3,224,166	\$2,556,523	\$2,616,523
Safe Cigarettes Fee Fund:	\$10,000	\$10,000	\$10,000	\$10,000

INVESTIGATION DIVISION –

The goal of the investigation division is to provide thorough, effective, efficient, and reliable investigation of any fire, explosion, release of hazardous materials or attempt to cause a fire and/or explosion or release of hazardous materials that occurred within the state as mandated by K.S.A. 31-137; to provide statewide explosive/post-blast response and investigations, explosive permitting and inspection of explosive sites within the State of Kansas.

The investigation division provides effective and efficient fireworks permitting and inspection of fireworks storage sites within the state as mandated by K.S.A. 31-501 through K.S.A. 31-506. Within the investigation division, the agency also provides the oversight and enforcement for the Fire Safe Cigarette program mandated by K.S.A. 31-601 through 31-613.

All special agents of the investigation division are certified as law enforcement officers through the Kansas Commission on Peace Officer Standards and Testing (KCPOST) and hold certifications above and beyond those required of a regular law enforcement officer. All the special agents are considered to be experts in the field in the investigation of fires and explosives post blasts and may be called to testify as expert witnesses during criminal and civil trials. Many of our special agents have earned nationally recognized certifications, and several others are working towards such certifications. The division also has two nationally certified Accelerant Detection Canines (ADC) that assist in detecting the use of accelerants at arson scenes.

Arson is historically one of the most difficult crimes to successfully investigate, prosecute, and secure a conviction. The national conviction rate for arson is 3 percent. The state fire marshal has consistently stayed above this with the average conviction rate between 10% and 14% annually. In many arson cases other crimes are present such as murder, burglary, insurance fraud, thefts, domestic disputes, and illicit drug manufacturing. Explosives or incendiary weapons are used in 92% of all mass casualty or terrorist (domestic or international) crimes.

We provide specialized and experienced investigations, education, and training to Kansas fire departments, as well as local, state, and federal law enforcement personnel working in Kansas in the areas of fires, arson, and explosives. We also work to enhance public awareness and safety of fire and explosives through educational events throughout the state. The investigation division goal is to have a duty special agent available to answer requests for assistance 24 hours a day, and to provide a special agent to conduct an origin and cause investigation within 24 hours when criminal activity is suspected, or as soon as possible for fires and explosions resulting in injury or death.

The investigation division is responsible for the processing of commercial industrial hemp processor applications, product testing, criminal background checks, licensing/registrations, and accounts receivables.

In addition to the normal threats faced by law enforcement officers, special agents conducting investigation of fires, explosions, or the release of hazardous materials routinely work in hazardous environments containing toxic gases, toxic substances, known carcinogens, biological contaminants, mixes of hazardous chemicals, live electrical lines, and structural instability. As a result, special agents must use respiratory protection and personal protective equipment while

engaged in their scientific investigation of the origin and cause of fires, post blast reconstruction of explosives scenes, and determining whether releases of hazardous materials are accidental or criminal in nature. Studies by the Occupational Safety and Health Administration (OSHA) and the Centers for Disease Control (CDC) have shown that fire investigators have a 102% great risk of testicular cancer, 53% greater risk of multiple myeloma, 51% great risk of non-Hodkins lymphoma, 39% greater risk of skin cancer, 32% greater risk of brain cancer, 28% greater risk of prostate cancer, 22% greater risk of stomach cancer, and a 21% greater risk of colon cancer. The investigation division works diligently to properly train and equip our special agents to safely work under these hazardous conditions, limit their exposure to toxic substances and gasses, and to provide them with the tools they need in order to limit workplace contamination. In FY 2024, the agency purchased powered air purifying respirators and firefighter personal protective equipment ensembles for all of our special agents to provide a higher level of respiratory and personal safety.

The state fire marshal, like other law enforcement agencies across Kansas and the nation, is facing challenges in the recruitment and retention of law enforcement officers, especially experienced and trained criminal investigators. Since the anti-law enforcement uprising in the United States in 2020, law enforcement agencies have struggled to recruit new officers, leading to agencies recruiting experienced officers from other agencies with promises of lateral entry into their agency, financial signing bonuses, and significant increases in pay. Though the state has increased the pay of our special agents, those increases have not kept up with the rapid changes in the law enforcement market. As such, the agency is proposing in FY 2026 to move our eight (8) special agents, two (2) senior special agents, and our investigation division chief to the appropriate LEO I, LEO II, LEO III, LEO IV pay rates on the Kansas Law Enforcement Pay Progression Plan which is used by the Kansas Highway Patrol and Kansas Capitol Police. This change will permit our agency to recruit and retain our special agents by ensuring that our pay is consistent with that paid to other state law enforcement officers.

OBJECTIVE #1:

Increase the number of arson convictions and other criminal charges related to investigations performed and at the same time decrease the number of incendiary fires through public education. The division expects to see an increase in requests from other governmental entities for assistance with fire and explosion investigations and will continue to respond to these requests as outlined in K.S.A. 31-133.

Strategies for Objective #1:

The division continues to dedicate staff to the investigation of fire and explosive incidents, and other related crimes. The agency will periodically publish its incendiary fire convictions and other charges including major case specific information using statewide local media which includes newsprint, news broadcast, radio, and other available publications.

Performance Measures for Objective #1:

Outcome Measures:

	Actuals FY20	Actuals FY21	Actuals FY22	Actuals FY23	Actuals FY24	Projections FY25	Projections FY26
Request for OSFM Investigation/Assistance	367	390	413	460	461	500	500
Polygraph Examinations	14	10	6	8	15	12	12
Canine Responses	78	58	77	67	33**	75	75
Investigation (in hours)	18,064	18,004	15,049*	20,239	26,754	22,500	22,500
Mileage driven by investigators	172,697	234,997	176,242	181,731	212,527	195,000	195,000

*Began a new way to break down hours by task and case.

**One canine handler was out for several months for a medical reason

In FY 2024, there were 461 investigations that were led by the division. Of those, 361 were for fire investigations, 20 were for explosives or fireworks related incidents, and the other 9 were of a miscellaneous nature. There were also 71 different assists to other local, state, or federal agencies that did not require a case number. Nine polygraphs were scheduled.

Goals:

- Of cases investigated by OSFM, a reduction of 10% incendiary fires and explosions in Kansas.
- Increase the total number of persons arrested/convicted of arson and other related crimes.
- Maintain an above “national standard” arson conviction/clearance percentage with dedicated, specialized investigative skilled personnel for fire/explosive investigations.

OBJECTIVE #2:

Provide educational programs and training to enhance the knowledge, skills, and teamwork throughout the public safety community and the general public. The investigation division provides training and educational programs to other public safety agencies statewide on fire, arson, and explosives. Arson and explosive investigations involve complex scene analysis and are much different than other crime scenes and this information needs to be relayed to other investigators and agencies, such as fire departments, that assist on the scene. The knowledge local agencies acquire about what is necessary for fire and explosive investigations, will improve the probability that a conviction is obtained.

Strategies for Objective #2:

- Increase the number of hours instructed to public safety agencies by 20%.
- Increase the number of contact hours in the area of public awareness and public relations by 20%.

Performance Measures for Objective #2:

Category of Classes	Actuals FY20 # Trained	Actuals FY21 # Trained	Actuals FY22 # Trained	Actuals FY23 # Trained	Actuals FY24 # Trained	Projections FY25 # Trained	Projections FY26 # Trained
Basic Fire Investigations	221	338*	218	238	292	285	285
Advanced Fire & Explosion Investigations	24	27	35	40	50	48	48
Explosives	24	25	24	35	50	42	42

*Trained more individuals via online due to in-person classes being cancelled by COVID-19 pandemic. Hands-on training is vital in this field.

OBJECTIVE #3

To provide the necessary oversight of explosive users, manufacturers, distributors, blasters, handlers, and explosive storage sites and commercial fireworks permits to include manufactures, hobbyist manufacturers, distributors, fireworks operators, proximate pyrotechnics, and storage in Kansas. Additionally, provide fireworks and explosive complaint investigations for non-compliance or regulatory violations that could also lead to criminal violations.

The OSFM Investigation Division issues permits for explosive and commercial firework users, manufacturers, distributors, blasters, handlers, shooters, and storage. With explosives and the heightened security in the United States it is apparent that there is a need for background checks on individuals applying for the permits, increased site inspections and investigations of misuse of explosives. Explosive permits are renewed every three years. Fireworks operators, hobbyist manufacturers, proximate pyrotechnics and storage permits are renewed every four years. Fireworks manufacturers and distributors renew annually.

Strategies for Objective #3:

The strategies for this objective are to conduct more extensive review and background checks to ensure that permits are only being issued to competent individuals and reputable firms; and to provide storage site inspections to ensure proper procedures are being followed per the laws and regulations established in Kansas for the storage of explosives and fireworks in Kansas.

Performance Measures for Objective #3:

	Actuals FY21	Actuals FY22	Actuals FY23	Actuals FY24	Projections FY25	Projections FY26
Storage permits issued – Explosives 3 yr, Fireworks 4 yr	66	59	52	38	65	54
Bottle rocket registrations issued – 1 yr	4	4	3	3	3	3
Explosive User permits issued – 3 yr	39	33	30	26	35	32

Explosive Blaster permits issued – 3 yr	211	203	147	151	197	156
Explosive Handler permits issued – 3 yr	202	168	162	252	165	155
Explosive Manufacturer permits issued– 3 yr	1	0	2	1	2	1
Explosive Distributor permits issued– 3 yr	3	4	2	3	4	1
Fireworks Manufacturer permits issued– 1 yr	1	1	2	1	2	1
Fireworks Distributor permits issued - 1 yr	111	96	106	94	95	96
Fireworks Display Operator permits issued – 4 yr	134	129	102	71	128	129
Fireworks Proximate Pyrotechnic permits issued – 4 yr	14	21	4	4	10	21
Site inspections – annual	77	102	76	83	100	100
Fireworks/Explosive Complaints	3	3	3	4	3	3
Explosives Seized Cases	9	0	0	5	3	3
Criminal history checks for permits issued	943	777	655	692	800	700
Fireworks violations	6	16	12	16	15	15

There is a three-year renewal policy for explosives, so only approximately 33% of the total permits will be renewed each year. There is a one to four-year renewal cycle for fireworks depending on the type of license.

OBJECTIVE #4:

Increase the oversight of the Fire Safe Cigarette program and the enforcement/compliance of the statutes and regulations. All cigarettes that are sold in the State of Kansas must be certified and approved as limited ignition cigarettes. FY 2014 began the fourth full registration and certification process for the program and the first year for renewals. In FY 2015 the certification process continued, and we began the random testing of brands to ensure the paper meets the standards set out in K.S.A. 31-603.

Strategies for Objective #4:

The division will continue to dedicate staff to the administrative oversight for the safe cigarette program and monitor any complaints or violations received. Registration and certification are every three years. However, due to KSA 31-604 (d) requiring all recertifications be made before July 31 of the certification year, this causes fluctuations in income received and the number of brands certified in the fiscal year. Companies choosing to pay earlier than July 1, adding new brands, or recertifying brands earlier than expected to realign their own certification schedules causes fiscal year revenue projections and brand certifications to be skewed.

Performance Measures for Objective #4:

Outcome Measures:

	Actuals FY20	Actuals FY21	Actuals FY22	Actuals FY23	Actuals FY24	Projections FY25	Projections FY26
Revenues	\$50,750	\$165,500	\$78,250	\$22,500	\$167,000	\$61,000	\$19,000
Brands holding current certifications	1,226	1,265	1060	1046	1096	1215	1220
Number of brands certified	203	709	313	90	444	468	76
Fires caused by smoking – statewide*	275	128	171	262	75*	240	245
Injury or fatalities – Worked by OSFM	19	17	17	17	27	20	25

* These are incidents that are reported by fire departments via the National Fire Incident Reporting System (NFIRS). Unfortunately, only about half of Kansas fire departments properly report their fires into NFIRS as required, and fire causes are not investigated properly or are often classified incorrectly.

Goals related to the Fire Safe Cigarette Program:

- Reduce the number of fires caused by the discarding and misuse of cigarettes.
- Reduce the number of violations and increase compliance to statutes by all vendors.
- Increase accountability of all aspects of the program by statistical tracking and maintaining one agency point of contact.

EXPENDITURE JUSTIFICATION- Investigations Program

Object Code 100: Salaries and Wages

Summary – The Salaries and Wages funding for this division represents:

Positions – 13

- 1 Investigation Chief – Public Service Executive
- 2 Senior Special Agents – Field Supervisors
- 8 Special Agents- Certified Fire Investigators
- 1 Research Analyst- Fire Reporting
- 1 Program Consultant

Budget Year 2025: \$1,278,617

Budget Year 2026: \$1,339,851

With Enhancement Request:

Budget Year 2025: \$1,278,617

Budget Year 2026: \$1,741,398

A collective bargaining agreement negotiated by Department of Administration with Special Agents established a regular schedule involving 80 work hours in a 14-day standard state pay period. This reduces some overtime costs due to the flexibility of work hours and that overtime is not paid to Special Agents until more than 80 hours are worked in that two-week period. However, employee on-call, call-back, and overtime expenses are impacted by the chaotic nature of supporting emergency responses by the more than 600 fire departments in our state. The agency goal is to have a duty Special Agent available to answer requests for assistance 24 hours per day, and to provide a Special Agent to conduct an origin and cause investigation within 24 hours when criminal activity is suspected, or as soon as possible for fires and explosions resulting in injury or death.

Object Codes 200-290: Contractual Services

Summary – Contractual service expenditures include expenses for travel, communication, hosting education for local public safety departments, training for the division, safe cigarette testing, and vehicle services. The contractual services increase in FY 2026 is to provide standardized fire investigation reporting software to all fire departments in the state.

Budget Year 2025: \$132,750

Budget Year 2026: \$269,250

Object Codes 300-390: Commodities

Summary – Commodities funding includes expenditures for vehicle fuel, supplies, equipment, and protective equipment required for investigator safety.

Budget Year 2025: \$77,075

Budget Year 2026: \$ 91,675

Object Code 4000: Capital Outlay

Summary – Capital outlay funding includes expenditures for the replacement of pickup trucks and associated law enforcement type of equipment including bed cover and accessories. Due to potential contamination of Special Agents by the hazardous toxic and carcinogenic materials that they encounter at fire and explosive scenes, national standards require that the Special Agents contaminated protective clothing, tools, and any evidence recovered be transported separate from the passenger compartment of their assigned vehicles. To comply with this standard, Special Agents are issued pickup trucks with secure vehicle cargo covers and standard law enforcement equipment. Funding also included for crime scene laser scanning and technical equipment support being replaced due to technology changes and warranty coverages.

Budget Year 2025: \$136,600

Budget Year 2026: \$237,500

Division Total Expenses and Source of Funding:

	FY25 (base)	FY26 (base)	FY26 (w/enhancement)
Total Expenses:	\$1,625,042	\$1,938,276	\$2,339,823
Fire Marshal Fee Fund:	\$1,615,042	\$1,924,276	\$2,325,823
Safe Cigarettes Fee Fund:	\$10,000	\$14,000	\$14,000

*Department Code: 2347021100 (Prevention) 2347021200 (Boiler) 2347021300 (Elevator)
FTEs: 41.5*

FIRE PREVENTION DIVISION

The goal of the Fire Prevention Division is to reduce the potential impact of fire and explosion hazards where people live, work, and congregate through education, inspection, and enforcement. Our primary goal is to reduce deaths, injuries and property losses from fire, explosion, and the release of hazardous materials.

Under the authority of K.S.A. 31-133, the state fire marshal has adopted reasonable rules and regulations for the safeguarding of life and property, including the State Fire Code. The division places emphasis on priority occupancies such as schools, colleges, universities, nursing homes, hospitals, childcare facilities, hotels/motels, jails/correctional institutions, and commercial industrial hemp processing facilities. These occupancies have populations at greatest risk, i.e., children, senior citizens, mentally or physically challenged, hospitalized, the incarcerated and/or high risk of fire dangers.

There is also a need to address the facilities where larger numbers of people congregate such as restaurants, assembly areas and multiple family residential buildings. Additionally, flammables and combustible fuel facilities are deemed an importance due to the potential danger they pose to the health and safety of our citizens and the environment. These facilities are considered a security risk as they are recognized as targets for terrorism. Finally, the division is required to follow up on any facility, regardless of type or occupancy classification, on which a complaint is filed.

Fire Prevention Program:

Positions – 34

- 1 Fire Prevention Chief- Public Service Executive
- 1 Prevention Administrative Supervisor
- 2 Program Consultants
- 4 Fire Prevention Supervisors
- 1 Fire Prevention Enforcement Supervisor
- 5 Fire Prevention Inspectors – Enforcement
- 14 Fire Prevention Inspector I
- 6 Fire Prevention Inspector II

OBJECTIVE #1

Lowering the threat of death, injury, or property damage from fire, explosions, or the release of hazardous materials in Kansas through educating facility owner / managers and the uniform and fair enforcement of the Kansas Fire Code.

Strategies for Objective #1:

To ensure the safety of Kansans, the division provides fire safety and code compliance education and enforcement to the owners and operators of places where Kansans gather, live, and work. On site inspections of facilities assist building owners and operators in identifying potential hazards and measures they can take to comply with code and provide a safe environment for their customers and building occupants. The agency views each inspection and interaction with the public as an opportunity to educate them on proper prevention techniques and available technology. When violations are encountered during inspections, they are properly documented, and facility owners are referred to enforcement officers who assist them in creating a plan to bring their facility into compliance.

In very few cases, the state fire marshal is forced to take legal action against the owners of facilities that either commit egregious violations of the code that needlessly and recklessly place occupants at risk or those that intentionally violate the code and endanger others. In these instances, state law provides both civil and criminal remedies that the state fire marshal may use to ensure the safety of our communities.

Most fire safety inspections and enforcement activity in the rural areas and smaller communities of Kansas are conducted directly by prevention division staff. However, around 10% of Kansas fire departments in larger cities and counties sign annual memorandums of understanding with the state fire marshal authorizing them to conduct inspections of certain types of occupancies on our behalf, which is more efficient and generally provides more uniform code enforcement in those communities. However, this process can also be problematic as it creates a “patchwork” of different codes across the state, there are no standard training requirements for those conducting fire inspections in Kansas, and local agencies can alter the types or inspections they are willing to conduct annually, or simply decide not to renew their memorandum of understanding with the state fire marshal at all. For example, in January of 2024 the state fire marshal was informed that Kansas City, Kansas would no longer be conducting inspections in their city on behalf of the state due to local budget constraints. This decision by one city has forced the division to adjust inspector territories across the state as the prevention division suddenly added around 600 more annual on-site inspections that had to be scheduled and completed by our staff.

Our operations, like those of other agencies, are starting to normalize again after the social, supply chain, and staffing disruptions faced during the COVID-19 pandemic. However, we anticipate that the number of design review applications and facility inspections will continue to fluctuate annually based on the health of the economy and annual changes in how local fire departments choose to assist the state fire marshal in inspecting facilities located in their local jurisdictions. The prevention division continues to adapt and address these complexities, knowing that our efforts contribute significantly to the safety of Kansans.

Historical Staffing of the Division	Actuals FY21	Actuals FY22	Actuals FY23	Actuals FY24	Projections FY25	Projection FY26
Number of Fire Prevention Inspector I	15	15	16	16	17	17
Number of Fire Prevention Inspector II	4	4	5	6	6	6
Number of Enforcement Officers	4	4	4	5	5	5
Fire Prevention Inspector I Inspection Hours	12,270	11,113	14,725	13,154	14,469	15,916
Fire Prevention Inspector II Review Hours	4,885	6,130	7,160	9,467	10,414	11,455

Enforcement Inspector Hours	2,252	2,437	3,221	4,048	4,453	4,906
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Annual Inspections Facility Classification	Actuals FY21	Actuals FY22	Actuals FY23	Actuals FY24	Projections FY25	Projections FY26
Child Care Facilities	612	708	521	1,061	1,167	1,284
Fuel Facilities	518	668	1,838	1,106	1,217	1,339
Propane Facilities	1,437	1,048	3,153	2,497	2,747	3,022
Colleges (including Board of Regents)	923	270	930	699	769	846
K-12 Education Facilities	2,201	1,981	1,724	1,403	1,543	1,697
Adult Care Facilities	542	347	349	316	348	383
Assisted Livings Facilities	643	384	262	195	215	237
Restaurants	515	568	673	1,553	1,708	1,879
Hotel/Motels	248	123	371	311	342	376
Correctional Facilities	273	203	330	265	292	321

Our Fire Inspector II's have completed national training certification programs to be qualified to conduct the review of code footprint plans for the construction of new facilities or the modification of existing facilities. In some cases, those plan reviews are conducted by local fire departments under an annual memorandum of understanding with the state fire marshal giving them authority to conduct those reviews in their jurisdiction on behalf of the state. This process is important for building owners as they can made decisions on life safety measures and the classification of their facility in the planning stages before any construction is started. This helps builders avoid delays in construction and additional costs due to change orders to meet code requirements.

Annual Plan Reviews	Actuals FY21	Actuals FY22	Actuals FY23	Actuals FY24	Projections FY25	Projections FY26
Number of Plans Reviewed	2,412	1,947	1,745	2,231	2,462	2,708
Number of Plan Review Hours	2,151	2,543	2,192	1,966	2,163	2,379
Number of On-Site Construction Approvals	217	615	982	621	683	751

The state fire marshal is contracted by the Kansas Department of Aging and Disability Services (KDADS) to provide fire and life safety surveys of facilities in Kansas that receive funding from The Centers for Medicare and Medicaid Services (CMS). These surveys require our staff to conduct additional training and acquire CMS required certifications. Conducting these surveys is extremely time consuming and details, as the federal regulations are exacting and exceed those regularly required by our state. You will note there was a logical decrease of CMS facility inspections in FY 2021 due to the COVID-19 pandemic. Also note that the state fire marshal stopped conducting contracted inspections for the the Kansas Department of Health and Environment (KDHE) in FY 2024. However, per

statute those facilities that were previously inspected for KDHE must receive fire and life safety inspections by prevention division staff, so while the state fire marshal is no longer receiving contracted funds for the KDHE portions of those inspections, our staff still has to conduct annual on-site inspections of all of those facilities.

Centers for Medicaid/Medicare (CMS) Inspections	Actuals FY21	Actuals FY22	Actuals FY23	Actuals FY24	Projections FY25	Projections FY26
Nursing Facilities	145	261	277	202	212	222
Hospitals	148	101	185	174	185	195
Ambulatory Surgical Centers	42	24	40	44	54	64
Other (complaints, compliance checks, etc.)	86	85	132	93	93	93

Please note that the FY 2025 budget request was made prior to our agency planning to reorganize and add an Industrial Safety Division. The FY 2025 budget as adopted has both the boiler safety and the elevator safety programs of the state fire marshal within the prevention division. However, the 2024 Legislature provided enhanced funding to the agency to add an industrial safety division (that is currently budgeted under Administration) and hire an industrial safety division chief. Organizationally, both the boiler and elevator program staff are now operating under the new industrial safety division, and we anticipate hiring the new chief this fall. While we are in this transition SFY26’s budget will still be budgeted the same under Prevention until we get the division created and funded correctly.

Prevention Division Total Expenses and Source of Funding:

	FY25	FY26
Total Expenses:	\$3,806,590	\$3,975,407
Fire Marshal Fee Fund:	\$3,007,427	\$3,214,289
Boiler Inspection Fee Fund:	\$643,125	\$639,955*
Elevator Safety Fee Fund:	\$108,976	\$121,450*
Contract Inspection Fund	\$200,000	\$200,000

* Budget items will transfer to Industrial Safety Division in FY 2026 after reorganization

INDUSTRIAL SAFETY DIVISION (FY 2026)* Under Prevention – process of reorganization

The mission of the newly established industrial safety division is to identify safety hazards surrounding the use of boilers, passenger elevators, and escalators. The division works closely with both public and private sector building owners to ensure that these complex systems are properly installed and maintained to ensure the safety of Kansans.

Summary – The Salaries and Wages funding for this division represents:

Positions – 7

- 1 Industrial Safety Division Chief (Pending)
- 4 Deputy Boiler Inspectors
- 1 Elevator Program Manager
- 1 Program Consultant

Kansas Boiler Safety Program

Under the authority of the Kansas Boiler Safety Act (KSA 44-913 et seq.), the state fire marshal plays a crucial role in ensuring boiler safety within the state. Boilers are generally closed vessels where a fluid, usually water, is heated to create steam or vapor for use in various commercial and industrial applications. The tremendous pressures that boilers contain to heat our buildings, to generate electricity, and for manufacture chemicals can cause tragedy if they are not operated and maintained correctly. Before this program was in place, boiler failures were common and were regularly responsible for deaths, injuries, and the destruction of property across our state.

Here are the key aspects of the boiler safety program:

Boiler Safety Inspections:

Specially trained and certified industrial safety division staff inspect boiler units in operation across Kansas to verify compliance with safety requirements outlined in code and law. The division also conducts inspections of new boiler installations and unfired pressure vessels. The frequency of inspections varies based on pressure vessel type, with some on a three-year cycle, some annual, and others twice per year.

Public-Private Partnership:

The industrial safety division collaborates with fourteen insurance companies that insure boilers in Kansas. These companies conduct private inspections of their insured boilers and provide the state fire marshal with inspection and repair reports.

Kansas Elevator Safety Program:

In 2022, the Kansas Legislature enacted the Kansas Elevator Safety Act (KSA 44-1801 et seq.) to ensure compliance with safety regulations and promote the safe installation, operation, service, and repair of passenger elevators and escalators.

Here are the key points of this program:

Scope and Jurisdiction:

The industrial safety division ensures that passenger elevators and escalators are installed, maintained, and regularly inspected according to recognized safety standards and codes. Elevator contractors, mechanics, and inspectors are required to be licensed by state fire marshal.

The program covers all eligible elevators except those in Sedgwick County, which operates its own elevator safety program.

Public-Private Partnership:

All required inspections are carried out by licensed private sector mechanics and inspectors working for licensed contractors. Generally, industrial safety division staff do not inspect any elevators unless a complaint is received alleging that the condition of an elevator or escalator is an immediate threat to public safety.

Inspection and Testing:

Each elevator and escalator within the scope of the Kansas Elevator Safety Act must be registered with the industrial safety division. As amended in 2024, Kansas state-licensed elevator mechanics or inspectors are required to conduct inspections of elevators and escalators either annually, every two years, or every three years based on the population of the county the device is located in. This change from all passenger elevators and escalators receiving certificates annually to the tiered process based on county population is estimated to have a negative effect on the Elevator Safety Fund, however it remains to be seen whether income will drop below the level necessary to support the program.

Objective #1- Boiler Safety Inspections:

The boiler Inspection program plays a crucial role in maintaining safety standards for boilers and pressure vessels.

Identification and Inspection:

The program aims to identify all boilers and pressure vessels operating in Kansas, including new installations. This involves locating these units across the state and ensuring that they are inspected and in safe working condition.

Regular inspections are conducted to assess their condition, adherence to safety codes, and compliance with regulations.

Hazard Identification and Enforcement:

Boiler safety inspectors actively look for hazards and code violations during their assessments. Any issues that compromise safety are flagged and the necessary corrections, repairs, or replacements are enforced promptly to mitigate risks and ensure safe operation.

Review of Insurance Inspections:

The program collaborates with private sector insurance companies who insure and inspect boilers across the state. The private industry inspection reports are reviewed to verify that safety requirements are consistently met throughout the state and in different occupancies. This collaborative public-private sector partnership helps maintain safety standards and prevent accidents related to boilers and pressure vessels.

Boiler Inspections	Actuals FY21	Actuals FY22	Actuals FY23	Actuals FY24	Projections FY25	Projections FY26
Boilers/pressure vessels inspected - KSFM	4,021	3,842	5,544	5,544	6,098	6,708
Boilers/pressure vessels inspected – Ins. Co.	10,176	9,375	10,176	13,237	14,561	16,017
Number of boiler inspectors	6	5	6	5	5	5
Total found deficient	2,365	1,699	2,365	1,585	1,744	1,918
Certificates issued	12,069	11,386	12,069	11,177	12,295	13,524
Commissions	142	168	142	161	162	162
Shop reviews	6	14	6	5	5	5

Objective #2- Elevator and Escalator Safety Certifications

The industrial safety division ensures that passenger elevators and escalators throughout Kansas are properly and safely installed, operated, serviced, and repaired.

Implementation and Enforcement:

The industrial safety division issues licenses for various roles related to elevators, including elevator contractor, elevator mechanic, and elevator inspector. In addition, the division reviews plans for new elevator/escalator installations and major modifications to existing elevators / escalators prior to issuing permits to contractors for approved projects. Elevator owners are required to register their passenger elevators and escalators with industrial safety division, inspect them at regular intervals, and obtain elevator operation certificates from the state fire marshal (outside of Sedgwick County).

Registration for Existing Elevators:

Any owner/operator of an elevator in operation, must register with the state fire marshal. This ensures that safety standards are maintained for existing elevators and any modifications to those elevators are approved.

NOTE: This program started in FY23. You will see a fluctuation in licensing numbers from year to year because of a two-year certification renewal cycle. Certificates of elevator or escalator operations issued will vary from year to year as the certification renewal cycle may be one, two, or three years based on the population of the county where the elevator or escalator is located.

Elevator Program	Actuals FY23	Actuals FY24	Projected FY25	Projected FY26
Licensed Elevator Mechanics (2-year cycle)	216	58	61	64
Licensed Contractors (2-year cycle)	24	8	9	10
Licensed Inspectors (2-year cycle)	19	4	5	6
Number of Registered Elevators in the State	2,172	5,653	5,936	6,233
Number of Complaints	0	23	24	25
Number of Certificate of Operations	536	3,102	3,257	3,420
Number of Construction Permits	68	351	369	388

CENTERS FOR MEDICARE/MEDICAID SERVICES INSPECTIONS – OFF BUDGET DETAIL

EXPENDITURE JUSTIFICATION – Prevention – Off Budget Detail

Object Code 100: Salaries and Wages

Summary – The Fire Prevention Division contracts with Kansas Department for Aging and Disability Services (KDADS) to conduct fire/life safety surveys of Centers for Medicare and Medicaid (CMS) nursing facilities. The funds received each year help cover some of the prevention program’s payroll expenses. Over twelve years ago, the division went from dedicated inspectors doing these inspections to expanding training and education to all inspectors to save travel and associated costs.

Object Code 100: Salaries and Wages (Fire Prevention & Industrial Safety)

Positions – 41

- 1 Prevention Chief – Public Service Executive
- 1 Industrial Chief Supervisor
- 1 Staff Development Specialist/Education Consultant
- 3 Fire Prevention Supervisors
- 9 Fire Prevention Inspectors I

- 12 Fire Prevention Inspectors II
- 4 Fire Prevention Inspectors I/Enforcement Officers
- 1 Boiler/Elevator Program Supervisor
- 4 Deputy Boiler Inspectors
- 1 Elevator Program Manager
- 2 Program Consultants
- 2 Senior Administrative Specialists

A small portion of the division’s salary and wages expenses for FY 2025 and FY 2026 are funded out of the 6122 Off-Budget Contract Inspections Fund. This funding is sourced by contract inspections through monies collected from the Kansas Department for Aging and Disability Services (*see Centers for Medicare/Medicaid Services Inspections – Off Budget Detail below*).

Budget Year 2025: \$3,061,440 Budget Year 2026: \$3,166,894

Object Codes 200-290: Contractual Services

Summary – Contractual funding includes expenditures for include travel, communication, vehicle service, and employee training. Significant decrease due to more known and defined Elevator Safety Program.

Budget Year 2025: \$361,775 Budget Year 2026: \$406,450

Object Codes 300-390: Commodities

Summary – Commodities includes expenses for vehicle fuel, facility/fire department education materials and misc. equipment and supplies. This category also includes purchase of code materials.

Budget Year 2025: \$104,175 Budget Year 2026: \$126,250

Object Code 4000: Capital Outlay

Summary – Capital outlay funding includes expenditures for replacement vehicles, computer equipment, and specialized equipment used by prevention, boiler, and elevator program employees to perform their respective tasks. Based on the three-year replacement cycle for computer equipment, new laptops/tablets are projected for boiler inspectors in FY 2024. It is anticipated that the inspection software package will need to be updated/upgraded in FY 2025.

Budget Year 2025: \$279,200

Budget Year 2026: \$276,100

CENTERS FOR MEDICARE/MEDICAID SERVICES INSPECTIONS – OFF BUDGET DETAIL

EXPENDITURE JUSTIFICATION – Prevention – Off Budget Detail

Object Code 100: Salaries and Wages

Summary – The Fire Prevention Division contracts with Kansas Department for Aging and Disability Services (KDADS) to conduct fire/life safety surveys of Centers for Medicare and Medicaid (CMS) nursing facilities. The funds received each year cover a small percentage of salaries/wages expenses of the Fire Prevention staff. In late, FY 2009 the division went from dedicated inspectors doing these inspections to expanding training and education to all inspectors to save travel and associated costs and are funded by the 6122-6122 Off-Budget Contract Inspections Fund. Greatly impacted by the pandemic, the actuals for FY 2022 reflect a response to a backlog created by FY 2020 and FY 2021 activity caused by COVID-19 safety precautions and restrictions placed on the division by both Federal and State governments. With memorandums of understanding between OSFM and KDADS currently and previously with KDHE, OSFM is limited on the amount of reimbursement from the other state agencies. Significant decrease shown for FY 2025 due to the abolished agreement with KDHE.

Budget Year 2025: \$200,000

Budget Year 2026: \$200,000

Summary of Off-Budget Transactions:

	Actuals FY19	Actuals FY20	Actuals FY21	Actuals FY22	Actuals FY23	Actuals FY24	Projections FY25	Projections FY26
Total Transfers:	\$271,938	\$287,860	\$155,539	\$359,783	\$230,000	\$205,699	\$200,000	\$200,000
KDADS:	\$218,315	\$221,492	\$72,266	\$282,324	\$202,088	\$205,699	\$200,000	\$200,000
KDHE:	\$53,623	\$66,368	\$83,273	\$77,459	\$59,086	\$0.00	\$0.00	\$0.00

(Note: The contract between KDHE and the state fire marshal was cancelled in FY 2023.)

*Department Code: 2347031100 (Hazardous Materials) and 2347031200 (Search and Rescue)
FTEs: 6*

EMERGENCY RESPONSE DIVISION

The Emergency Response Division includes two key programs, the Hazardous Materials (HAZMAT) Program and the State Urban Search and Rescue (SUSAR) Program.

Hazardous Materials Response Program

The goal of the Hazardous Materials Response Program is to provide technically proficient and properly equipped teams around the state to rapidly respond to and control releases or spills of hazardous materials, including chemical, biological, and radiological hazards. In addition, as the threat of terrorist or nation state use of weapons of mass destruction against Kansans has increased, our teams have adapted to respond to and mitigate these new threats.

The program currently has 9 established hazardous materials teams hosted under memorandums of understanding with the:

- Overland Park Fire Department
- Topeka Fire Department
- Manhattan Fire Department
- Salina Fire Department
- Colby Fire Department
- Ford County Fire Department
- Sedgwick County Fire Department
- Coffeyville Fire Department
- Emporia Fire Department

The state fire marshal is in the process of addressing deficiencies in the program by adding an additional hazardous materials team in central Kansas and forming multi-agency hazardous materials task forces in the northwest, southwest, and southeast regions of the state to spread the staffing load across agencies in these rural areas.

Historically, the hazardous materials program has been focused on providing training at the awareness (basic), operations (intermediate), and technician (advanced) levels to responders in Kansas. A review of this practice found that, while the program was providing quality initial training it was at the price of not providing continuing education and exercises to our regional teams to ensure that they were prepared to respond and complete their missions. As this training is

available at no cost to Kansas emergency responders from the Federal Emergency Management Agency’s Center for Domestic Preparedness, all the initial training of responders has been referred to that provider and the emergency response division will focus on building our regional teams, ensuring that they are properly trained on the tools and instruments they need during responses, and that our teams exercise under realistic conditions and work together to ensure that they are prepared to protect Kansans.

The state fire marshal recently conducted a review of this program and found deficiencies in the equipment and training being provided to our regional teams. As a result, we are requesting additional funding for this program to correct deficiencies and replace equipment that has suffered from deferred maintenance and lack of a lifecycle replacement plan in SFY26

State Urban Search and Rescue (SUSAR) Program

The State Urban Search and Rescue (SUSAR) Program was created in FY 2016 with passage of HB2097, which gave the State Fire Marshal authority to enter into agreements with agencies and individuals as necessary to establish regional search and rescue task forces across the state. The purpose of the program is to provide a coordinated and effective response to man-made and/or natural disasters; bringing relief to affected communities by providing highly specialized technical search and rescue, flood and swiftwater rescue, medical support, initial damage assessment and other humanitarian assistance throughout the state of Kansas and beyond. When called upon and approved to do so, these regional teams can be mobilized into an interstate task force to assist other states during major disasters.

The program includes the following teams:

- Task Force 2- Northeast Kansas (Sponsor: Topeka Fire Department)
- Task Force 3- Kansas City Metro (Sponsor: Olathe Fire Department)
- Task Force 4- Southeast Kansas (Sponsor: Chanute Fire Department)
- Task Force 5- South Central Kansas (Sponsor: Great Bend Fire Department)
- Task Force 6- Southwest Kansas (Sponsor: Garden City Fire Department)
- Task Force 7- Northwest Kansas (Sponsor: Sherman County Fire Department)
- Task Force 8- North Central Kansa (Sponsor: Salina Fire Department)

OBJECTIVE #1

Maintain the technician level competencies of each of the regional hazardous materials response teams.

Strategies for Objective #1:

- Provide continuing education for the members of each regional team associated with the hazardous materials response program.
- Provide specialized training in additional areas of expertise such as sampling, handling hazardous evidence, and advanced monitoring.

- Conduct annual skills evaluations of all members of the regional teams to ensure they can successfully complete assigned duties.
- Conduct realistic response exercises for each regional team and conduct multi-team exercises to ensure that teams can integrate and successfully work together to handle major incidents.

Performance Measures for Objective #1:

Level of Training – Hazmat	Actuals FY19	Actuals FY20	Actuals FY21	Actuals FY22	Actuals FY23	Actuals FY24	Projections FY25	Projections FY26
Number of Students Trained	297	240	252	266	231	70	300	300
Costs of Classes Provided	\$70,355	\$138,326	\$134,265	\$133,255	\$115,910	\$54,738	\$175,000	\$300,000.

Since FY 2020, a portion of the agency hazardous materials training courses have been funded by a United States Department of Transportation Hazardous Materials Emergency Preparedness (HMEP) grant administered by the Kansas Division of Emergency Management (KDEM).

OBJECTIVE #2

Provide the State of Kansas with fully trained, equipped, and National Incident Management Systems (NIMS) typed hazardous materials response teams to control releases of hazardous materials following accidents, natural disasters, or man-made disasters. These incidents may involve hazardous materials, weapons of mass destruction, toxic industrial chemicals, radiological/nuclear and/or biological agents. Regional response teams are contracted across the state with the goal of a team arriving at the scene of an incident to assist local emergency responders within 2 hours of an incident anywhere in the state of Kansas.

Strategies for Objective #2:

The notification, response, and cost recovery system are in place and function efficiently in a timely manner. We continue to monitor the entire program and adjust procedures/processes as necessary to maintain a viable response system and are currently in talks to increase the number of teams and responders available in the central and western portions of our state.

Performance Measures for Objective #2:

Outcome Measures:

History of Hazmat Responses	Actuals FY19	Actuals FY20	Actuals FY21	Actuals FY22	Actuals FY23	Actuals FY24	Projections FY25	Projections FY26
Number of Statewide HazMat Responses	797	822	819	837	763	1,286	800	800

(Data taken from the National Fire Incident Reporting System)

OBJECTIVE #3

Build and maintain the competency of State Urban Search and Rescue (SUSAR) members to meet or exceed national Urban Search and Rescue (US&R) standards and provide the State of Kansas with a fully trained and equipped statewide network of Search and Rescue task forces ready to respond to accidents, natural disasters, or man-made disasters.

Strategies for Objective #3:

- Provide initial and refresher training for each member of the State Urban Search and Rescue program.
- Provide position specific training courses, such as Disaster Medical Specialist, as needed to maintain a cadre of fully qualified task force members.
- Provide additional specialized training for common threats, such as Structural Collapse Technician and Swiftwater Rescue Technician.

Performance Measures for Objective #3:

Outcome Measures:

Search and Rescue Program	Actuals FY19	Actuals FY20	Actuals FY21	Actuals FY22	Actuals FY23	Actuals FY24	Projections FY25	Projections FY26
Number of Students Trained*	242	293	238	249	316	100***	275	275
Costs of Classes Provided**	\$161,905	\$70,930	\$70,100	\$71,400	\$107,716	\$74,700	\$270,100	\$300,000

*Includes search and rescue canine training events on a monthly basis at Crisis City in Saline County, KS

**Provided online classes during the COVID-19 pandemic at a reduced cost in FY 2020 and FY 2021

***The agency did not host a Technical Rescue Conference in FY 2024 reflecting a lower total number of students trained. Planning has already started for the FY2025 Technical Rescue Conference.

OBJECTIVE #4:

Provide communities in the State of Kansas with a response capability of fully trained, equipped, and typed search and rescue task forces that can be activated to assist with the unique challenges presented by collapsed or unstable structures, wide area search, floods, or other complex rescue situations associated with man-made or natural disasters.

Strategies for Objective #4

When response is requested to an incident, our goal is to have regional assets mobilized and deployed within two (2) hours to assist local emergency responders. An efficient notification, response, and cost recovery system are in place to minimize deployment delays for task forces. We continue to monitor the entire program and adjust procedures/processes as necessary to maintain a viable network.

Performance Measures for Objective #4:

Outcome Measures:

History of Search and Rescue Reponses	Actuals FY19	Actuals FY20	Actuals FY21	Actuals FY22	Actuals FY23	Actuals FY24	Projections FY25	Projections FY26
Number of Search and Rescue Responses	725	694	705	713	1084	1,014	1100	1100

(Data taken from the National Fire Incident Reporting System)

EXPENDITURE JUSTIFICATION – Emergency Response Program

Object Code 100: Salaries and Wages

Positions – 6

- 1 Emergency Response Division Chief- Public Service Executive
- 1 Hazardous Materials Program Manager
- 1 State Urban Search and Rescue Program Manager
- 2 Staff Development Specialists (1 position approved for SFY25 but not budgeted, budgeted for SFY26)
- 1 Program Consultant

Budget Year 2025: \$454,328

Budget Year 2026: \$568,479

Object Codes 200-290: Contractual Services

Summary – Contractual services funding includes expenses for emergency incident responses, training, travel, equipment service fees, vehicle maintenance, and communications. Funding includes student’s travel and lodging reimbursements for provided training as well as reimbursements for canine and handler monthly

training. Fluctuations in contractual services spending between fiscal years is mainly attributable to scheduling position specific training class that have different costs associated with them.

Budget Year 2025: \$395,735

Budget Year 2026: \$565,860

Object Codes 300-390: Commodities

Summary – Commodities funding includes expenses for supplies and equipment required for responses and training, vehicle fuel, and protective equipment required for responder safety. The division has realized significant savings in this category by purchasing extended warranties for expensive and highly technical instruments that are issued to our response teams.

Budget Year 2025: \$132,000

Budget Year 2026: \$382,310

Object Code 400: Capital Outlay

Summary – Capital outlay funding include expenses for the periodic replacement of expiring equipment, such as protective suits used by hazardous materials technicians to enter environments that are deemed an immediate danger to life and health under federal regulations or specialized scientific detection and monitoring instruments for hazardous materials. The increase in FY 2025 and FY 2026 is in response to the discovery of expired or expiring suits and equipment that are required to be replaced to ensure the safety of our responders and ensure that they can effectively work in hazardous environments to control releases and spills. The agency is developing a life cycle replacement plan for these items to ensure that all teams have access to current and proper protective equipment and scientific instruments.

Budget Year 2025: \$336,150

Budget Year 2026: \$678,550

Division Total Expenses and Source of Funding:

	FY 2025	FY 2026
Total Expenses:	\$1,318,213	\$2,195,199
Fire Marshal Fee Fund:	\$1,318,213	\$2,195,199