

MINUTES OF THE TRANSPORTATION/PUBLICSAFETY BUDGET COMMITTEE

The meeting was called to order by Chairman Virgil Peck, Jr. at 3:30 on March 10th, 2011, in Room 142-S of the Capitol.

All members were present.

Committee staff present:

Aaron Klaassen, Fiscal Analyst  
Daniel Yoza, Assistant Revisor  
Jeannie Dillon, Committee Assistant

Conferees appearing before the Committee:

Representative Bill Otto  
Representative Bob Bethell  
Mary Jane Stankiewicz, COO and Senior Vice President, Kansas Agribusiness Retailers Asn.  
Doug Jorgensen, Acting State Fire Marshal  
Dennis Phillips, Council of Fire Fighters

Others attending: See attached list

Daniel Yoza, Assistant Revisor, briefed the Committee on **HB 2370**. After questions by the Committee, the Chair opened the hearing on **HB 2370 - Abolishing the office of the state fire marshal and transferring the duties and functions thereof to the division of facilities management, the Kansas Bureau of Investigation and the division of emergency management.**

Representative Bill Otto (Attachment 1) spoke as a proponent to the bill stating that very few people have died as a result of school fires.

Representative Bob Bethell (Attachment 2) gave testimony before the committee in support of **HB 2370** stating that in past years the qualifications of the person appointed by the Governor to become the Fire Marshal has been suspect. He further stated that this bill is more drastic than those proposed in the past and in reality dismantles the agency by splitting it into three other agencies.

Mary Jane Stankiewicz COO and Senior Vice President, Kansas Agribusiness Retailers Asn., (Attachment 3) gave testimony regarding **HB 2370**. She proposed that a more efficient and effective solution was to transfer the propane section from the fire marshal's office to the Kansas Department of Agriculture.

Doug Jorgensen, Acting State Fire Marshal (Attachment 4) came before the committee on behalf of the State Fire Marshall's Office, its employees, and the citizens of the State of Kansas, providing neutral/logistical testimony with regard to **HB 2370**.

Dennis Phillips, representing the Kansas State Council of Fire Fighters, (Attachment 5) gave testimony before the committee as an opponent of **HB 2370**. He told the committee that the Fire marshal's office has been a vital part of the Fire Service in Kansas for over 100 years and that many rural fire departments depend in their services.

Written Testimony was submitted by the following:

Dave Hutchinson, Director, Kansas Bureau of Investigation – Neutral (Attachment 6)  
Lee Tafari, Adjutant General – Neutral (Attachment 7)  
Jack Taylor, President, Kansas Professional Fire Chiefs Asn.- Opponent (Attachment 8)  
Robert McLemore, President, Kansas State Asn. of Fire Chiefs - Opponent (Attachment 9)

Chairman Peck closed the hearing on **HB 2370**.

The Committee entered into discussion and recommendations on the budget of the Kansas Department of Transportation. Without objection, the committee report was accepted.

The meeting was adjourned. The next meeting will be on Tuesday, March 15, 2011, at 3:30 pm.

# Transportation/Public Safety Budget Guest list

Date March 10, 2011

Name

Organization

TED HENRY  
Pat Lehman  
Mary Jane Stankiewicz  
Sandra Johnson  
Todd Foley  
Tara May  
Ben Cleaves  
Sam Hill  
Stacy Gron  
Robert E. Blecha  
Dennis Phillips  
Ed Redmon  
Marilyn Jacobson  
DAVID HUTCHINGS  
RJ Wilson  
Rose Kozmirek  
Brenda Maxwell  
A.J. Clemmons  
Brenda Schutte  
Becky Bahr  
DOUG SORGENSEN

C.S.  
KFC P  
KARA  
KDA  
Wilbur Eale  
KDOT  
KDOT  
DUB  
Am Inst of Architects  
KBI  
KSCFF  
KSCFF  
DOH  
KBI  
KOSE  
KSFM  
KSFM  
KSFM  
State Fire Marshal  
" "  
" " "



# STATE OF KANSAS

## HOUSE OF REPRESENTATIVES

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### BILL OTTO

I requested Cindy Roupe of the Kansas Library look up articles regarding fires in schools. The following is what she has reported to me:

"These are the only stories I could find. I looked at more than 300 articles. One was from a fire in 1958 and the other was from a fire in 1923. Most of the stories were about people who died in home fires and had a school connection or situations where people died in shootings with the language "opened fire" and a school connection.

A handwritten signature in cursive script that reads "Bill Otto".

Transportation/Public Safety  
Budget Committee  
Date: 3-10-2011  
Attachment 1

STATE OF KANSAS

BOB BETHELL  
STATE REPRESENTATIVE, 113TH DISTRICT  
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ALDEN, KS 67512  
(620) 534-3085  
CELL (620) 727-5962  
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COMMITTEE ASSIGNMENTS  
CHAIR: AGING AND LONG TERM CARE  
MEMBER: COMMERCE AND LABOR  
CORRECTIONS AND JUVENILE  
JUSTICE  
ELECTIONS  
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TOPEKA

Testimony on HB 2370  
3/10/11

Mr. Chairman and members of the Transportation and Public Safety Budget Committee, in case you don't know, I am Bob Bethell, Representative of District 113 in the Kansas House. I am appearing in front of this committee today in support of HB 2370.

The State Fire Marshall office has operated for its existence as a separate, stand-alone agency within the State Government of Kansas. It has not been a secret that I and many others in the Legislature have thought that there was a need for oversight on this office. It has appeared in the past that the limitation of the oversight has been for the Governor to appoint the Fire Marshall. In past years the qualifications of the person appointed has been suspect, while nice, personable individuals sometimes the leadership was not evident.

There are many anecdotal incidents that lend to the concern about leadership. Some of those deal with the placement of sprinklers in various facilities across the State.

During the 2010 Session I introduced and shepherded a bill to move the Fire Marshall to the Insurance Commissioner's office. That bill was not sent out of committee due to the contents being placed, as an amendment, in another bill on the floor of the House. It subsequently did not pass the Senate. HB 2370 is more drastic than that bill and in reality dismantles the agency by splitting it and placing it into three other agencies.

Mr. Chairman I would stand for questions.

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House Transportation and Public  
Safety Budget Committee  
HB 2370 – State Fire Marshal Office  
March 10, 2011

Good afternoon Chairman Peck and members of the House Transportation and Public Safety Budget Committee. I am Mary Jane Stankiewicz, the COO and Senior Vice President of the Kansas Agribusiness Retailers Association and I appear before you regarding HB 2370 on behalf of the Kansas Agribusiness Retailers Association (KARA), the Kansas Cooperative Council (KCC) and the Petroleum and Convenience Store Association of Kansas (PMCA of Kansas).

KARA's membership includes over 700 agribusiness firms that are primarily retail facilities which supply fertilizers, crop protection chemicals, seed, petroleum products and agronomic expertise to Kansas farmers. KARA's membership base also includes ag-chemical and equipment manufacturing firms, distribution firms and various other businesses associated with the retail crop production industry. The KCC is a voluntary, statewide trade association representing all forms of cooperative businesses across the state -- agricultural, utility, credit, financial, refining and consumer cooperatives. The Petroleum Marketers and Convenience Store Association of Kansas (PMCA of Kansas), is a statewide trade association representing over 300 independent Kansas petroleum distribution companies and convenience store owners throughout Kansas.

HB 2370 establishes a process to parcel out the duties of the state fire marshal to the various agencies. It is our understanding that this bill was drafted with the thought that by moving these duties to other agencies, we could save money and be more efficient in carrying out these duties. All of our associations have members that sell or distribute liquid propane to Kansas consumers.

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Attachment 3

3-1

Under HB 2370, the inspection and licensing of propane would be transferred to the Department of Administration, division of facilities management. We believe the purpose of the bill is to increase efficiency and reduce costs. While we applaud this purpose and are supportive of the general views of the bill, we think there might be another way to accomplish these goals when dealing with propane. We appear before you and suggest that it would be more efficient and effective to move the propane section of the fire marshal's office be transferred to the Kansas Department of Agriculture.

The reason for our proposal is that currently KDA inspectors come to our members' facilities or stores and perform some type of inspection (scales, feed, food, gasoline dispensers etc) therefore, KDA is already at our locations and could with some training perform the liquid propane inspection also. If you transfer these duties from the fire marshal to department of administration then you are actually adding another agency that will need to travel to our many locations which does not seem to make sense. Under our proposal, the inspections would be done by inspectors that are familiar with the facilities and are already traveling to these locations thus reducing windshield time and gas costs while still ensuring the citizens of Kansas are safe and protected.

If you agree with our proposal, we would also request that the appropriate funding and personnel also be transferred to The Kansas Department of Agriculture.

State Fire Marshal  
700 SW Jackson, Suite 600  
Topeka, KS 66603-3714



phone: 785-296-3401  
fax: 785-296-8155  
www.ksfm.ks.gov

Doug Jorgensen, State Fire Marshal

Office of the State Fire Marshal

Sam Brownback, Governor

**Testimony Regarding HB 2370**  
**Before the Transportation and Public Safety Committee of House Appropriations**  
**Doug Jorgensen, Acting State Fire Marshal**  
**March 10, 2011**

I appear before the committee today on behalf of the State Fire Marshal's Office, its employees, and the citizens of the State Of Kansas, providing neutral/logistical testimony with regard to HB2370.

The present language within HB2370 provides for the transfer of most of the functions and programs currently being provided by the State Fire Marshal's Office to the citizens of Kansas. During the review of this bill by the Fire Marshal's office, some technical, logistical, and funding issues have come to light. Please note the attached list of these issues which includes, where they are found in the bill, and their effect.

In order to ensure that the receiving agencies have the needed support to fulfill the additional reporting and inspection duties being moved I would like to propose the following recommendations:

- In regard to the support positions in the Investigation Division, and their inspection and licensing responsibilities, which do not transfer to the KBI Transfer the currently filled Senior Administrative Specialist position to the Department of Administration where those responsibilities are moving.
- Fill the two vacant Fire Prevention Inspector positions, and the vacant Fire Protection Specialist position. These additional inspectors will be needed to address the added explosive/fireworks inspections that are currently a responsibility of Investigations, but also moving to Department of Administration.
- In order to protect the current employees of the Fire Marshal's Office, if another agency decides not to assume their position, include lay-off language so that the employee can encompass the entire receiving agency when exercising their Civil Service lay-off rights.

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Attachment 4



SB220 Technical Issues

Page	Line	Description	Comments
1	34	Department of Administration shall administer the Fire Prevention Fee Fund established by KSA 75-1514.	KSA 75-1514 established the Fire Marshal Fee Fund, not the Fire Prevention Fee Fund, as listed this could prohibit transfers. This fund is established through this bill but we want to make sure the language listed here would allow for the abolishment of the Fire Marshal Fee Fund as intended.
1	38	To the department of health and environment for the y-fire program as certified by the secretary of administration for fiscal year 2012.	This is the first place that this is noted; however there is no actual transfer of the program or funds.
2	2	The following funds shall be administered by the Department of Administration....	Gifts, Grants, and Donation Fund as established by KSA 75-1513 is not included, currently this fund has funds donation for the investigation division.
2	2	The following funds shall be administered by the Department of Administration....	Above Ground Storage Tank Fund as established by KSA 65-34-128 is not included, currently there are no funds in this fund. The fund is for all fees for aboveground storage tanks. This program is transferred to DofA on page 68, line 2.
4	12	KDHE/Y-Fire noted again.	See Page 1, Line 37
6	4	For fiscal year 2012 to the hazardous materials emergency fund.	Transferring 22% of balance in the fire prevention fund (fire marshal fee fund) into the hazardous materials emergency fund and not the program fund will not allow a funding source for program operating expenses such as trainings, supplies, equipment, and staff.
6	4	KDHE/Y-Fire noted again.	See Page 1, Line 37
10	5	Procedures for reporting by health care providers of treatment of 2 <sup>nd</sup> and 3 <sup>rd</sup> degree burn wounds involving 20% or more of the victims body.	The bill has this function going to the KBI. The splitting of reporting duties would be problematic due to the confusion that may be caused for the reporting entities.
16	42	Procedures for reporting of fires and explosions.	On page 10 line 1 this is all moved to the KBI. Because of overlapping responsibilities all of section 6 & 7 should remain with prevention duties as well in DofA, except the reference to investigations.
77	41	KDHE/Y-Fire noted again.	See Page 1, Line 37
78	2	KDHE/Y-Fire noted again.	See Page 1, Line 37
78	3	For fiscal year 2012 to the hazardous materials emergency fund.	Transferring the funds into the emergency fund and not the program fund will not allow a funding source for program operating expenses such as trainings, supplies, equipment, and staff.

Section 3, Page 3, Line 12

(f) (1) All officers and employees who, immediately prior to the effective date of this act, were engaged in the performance of powers, duties or functions of the state fire marshal concerning programs transferred pursuant to section 2, and amendments thereto, or the powers, duties and functions of which are transferred to the division of facilities management of the department of administration, *shall be transferred to, and become officers and employees of the division of facilities management of the department of administration. Once transferred, if and who, in the opinion of the secretary of administration, layoffs are needed, all transfers, layoffs or abolition of classified service positions under the Kansas civil service act shall be made in accordance with the civil service laws and any rules and regulations adopted thereunder and shall include all employees of the new agency. are necessary to perform* the powers, duties and functions of the division of facilities management of the department of administration, shall be transferred to, and shall become officers and employees of the division of facilities management of the department of administration.

(2) Officers and employees of the state fire marshal transferred by this act shall retain all retirement benefits and leave balances and rights which had accrued or vested prior to the date of transfer, including any benefits and rights accrued or vested as a result of participating in the Kansas public employees retirement system or the Kansas police and firemen's retirement system and such participation shall continue as provided by law. The service of each such officer and employee so transferred shall be deemed to have been continuous. *All transfers, layoffs or abolition of classified service positions under the Kansas civil service act shall be made in accordance with the civil service laws and any rules and regulations adopted thereunder.* Nothing in this act shall affect the classified status of any transferred person employed by the state fire marshal.

Section 6, Page 5, Line 9.

(f) (1) All officers and employees who, immediately prior to the effective date of this act, were engaged in the performance of powers, duties or functions of the state fire marshal concerning programs transferred pursuant to section 5, and amendments thereto, or the powers, duties and functions of which are transferred to the Kansas bureau of investigation, *shall be transferred to, and become officers and employees of the Kansas bureau of investigation. Once transferred, if and who, in the opinion of the attorney general, layoffs are needed, all transfers, layoffs or abolition of classified service positions under the Kansas civil service act shall be made in accordance with the civil service laws and any rules and regulations adopted thereunder and shall include all employees of the new agency. are necessary to perform the powers, duties and functions of the Kansas bureau of investigation, shall be transferred to, and shall become officers and employees of the Kansas bureau of investigation.*

(2) Officers and employees of the state fire marshal transferred by this act shall retain all retirement benefits and leave balances and rights which had accrued or vested prior to the date of transfer, including any benefits and rights accrued or vested as a result of participating in the Kansas public employees retirement system or the Kansas police and firemen's retirement system and such participation shall continue as provided by law. The service of each such officer and employee so transferred shall be deemed to have been continuous. *All transfers, layoffs or abolition of classified service positions under the Kansas civil service act shall be made in accordance with the civil service laws and any rules and regulations adopted thereunder.* Nothing in this act shall affect the classified status of any transferred person employed by the state fire marshal.

Section 9, Page 7, Line 15.

(f) (1) All officers and employees who, immediately prior to the effective date of this act, were engaged in the performance of powers, duties or functions of the state fire marshal concerning programs transferred pursuant to section 8, and amendments thereto, or the powers, duties and functions of which are transferred to the division of emergency management of the office of the adjutant general, *shall become officers and employees of the adjutant general. Once transferred, if and who, in the opinion of the adjutant general, layoffs are needed, all transfers, layoffs or abolition of classified service positions under the Kansas civil service act shall be made in accordance with the civil service laws and any rules and regulations adopted thereunder and shall include all employees of the new agency. are necessary to perform the powers, duties and functions of the division of emergency management of the office of the adjutant general, shall be transferred to, and shall become officers and employees of the division of emergency management of the office of the adjutant general.*

(2) Officers and employees of the state fire marshal transferred by this act shall retain all retirement benefits and leave balances and rights which had accrued or vested prior to the date of transfer, including any benefits and rights accrued or vested as a result of participating in the Kansas public employees retirement system or the Kansas police and firemen's retirement system and such participation shall continue as provided by law. The service of each such officer and employee so transferred shall be deemed to have been continuous. *All transfers, layoffs or abolition of classified service positions under the Kansas civil service act shall be made in accordance with the civil service laws and any rules and regulations adopted thereunder.* Nothing in this act shall affect the classified status of any transferred person employed by the state fire marshal.



# KANSAS STATE COUNCIL OF FIRE FIGHTERS



Affiliated With  
INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS • KANSAS AFL-CIO • CENTRAL LABOR BODIES

## Testimony by Dennis Phillips

I, appear here today on behalf of the Kansas State Council of Fire Fighters (KSCFF) in opposition to H.B. 2370. The Kansas State Fire Marshal office has been a vital part of the Fire Service in Kansas for over 100 years. Many rural fire departments depend on the services of the Fire Marshal office to carry out their mission to the citizens they serve.

If H.B. 2370 would pass the KSCFF feel it would make the process for requesting assistance from the Fire Marshals office a lot more difficult. If a fire department needs help today they have one agency to contact not 2 or 3. These requests can be time sensitive and need to be acted upon as soon as possible.

Just as the Police Department in Kansas have the KBI and Highway Patrol to request help from the Firefighters in Kansas need the Kansas State Fire Marshal Office. So in closing I would ask you to oppose H.B. 2370. Again, I thank you for your consideration on the matter.

A handwritten signature in cursive script that reads 'Dennis Phillips'.

Dennis Phillips  
Lobbyist KSCFF

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Attachment 5



## Kansas Bureau of Investigation

Robert E. Blecha  
*Director*

Derek Schmidt  
*Attorney General*

**Testimony Regarding HB 2370**  
**Before the Transportation and Public Safety Committee of House Appropriations**  
**David Hutchings, Special Agent in Charge**  
**Kansas Bureau of Investigation**  
**March 10, 2011**

Chairman Peck and Members of the Committee,

I appear today on behalf of the Kansas Bureau of Investigation (KBI) providing neutral testimony with regard to HB 2370.

The KBI is supportive of whatever decision the legislature makes with regard to the future of the Office of the Kansas State Fire Marshal (KSFM). We commend the drafter of the bill for placing investigators with the KBI, the state's investigatory agency. The KBI is committed to cooperating with, and providing needed support to, local public safety agencies, and the services provided by the investigators of the KSFM complement our present services well. Indeed, our agents have often worked side by side with KSFM Investigators and have the utmost respect for them.

The present language within HB 2370 provides that the investigation contingent of the KSFM would be transferred to the KBI along with 21% of the "fire prevention fee fund." In reviewing the bill, the KBI found the following issues.

Upon reviewing the costs of the present salary and benefits for each position intended to be transferred and adding the average cost for the operating expenses of a KBI agent, it is estimated that the KBI would see a \$205,867.24 shortfall in funding. Relying on figures provided by the KSFM, the Kansas Department of Emergency Management (KDEM) would receive a windfall of more than \$650,000 beyond what the KSFM presently funds for the duties transferred to that agency.

It would be problematic to transfer the KSFM investigators to the KBI at their present classification. We would, if you will, prefer to accept them into the fold as KBI agents. This would require moving their classification from a range 28 to a range 30 on the state's salary range plan. To do this would require approximately \$24,500 if done in such a manner as to not decrease any individual's present salary, yet pay everyone at least the minimum salary of a new KBI agent. Alternatively, the KBI would also be willing the move each position to the new range at its present step, but this would require \$48,759.51 of additional funding.

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For these reasons, the KBI would request consideration for what we hope will be perceived as friendly amendments to HB 2370:

1. We would ask that the share of the fee fund to be transferred to the KBI be amended from 21% to 27%. This would prevent the KBI from experiencing the equivalent of a further cut to its budget.
2. We would ask that KSFM investigators be transferred to the KBI at a range 30 and be classified as agents, and that we be given guidance as to whether to attempt to retain their present step.

Thank you for your time and consideration. I would be happy to answer your questions.



Major General (KS) Lee E. Tafari  
The Adjutant General and Director of  
Emergency Management & Homeland Security

Adjutant General's Department

Sam Brownback, Governor

## Testimony Position Paper – SB220

### Amendment to Bill

Based upon review of the Bill and information received from the Kansas State Fire Marshal's Office, there is an error in New Section 8(b) and Section 94(b) (2). Both Sections state that 22% of the *Fire Prevention Fee Fund* will be transferred to the *Hazardous Materials Emergency Fund*. The Kansas State Fire Marshal's Office indicates that these funds should be transferred to the *Hazardous Materials Program Fund*. If 22% of the *Fire Prevention Fee Fund* is not transferred to the *Hazardous Materials Program Fund*, there would not be funds for daily operations.

### Organization

If the Kansas State Fire Marshal's Office is abolished, the Regional Hazardous Materials Response Teams will best fit within the Kansas Division of Emergency Management (KDEM). This recommendation is based upon the core functions and statutory authorities of the Adjutant General as Director of Emergency Management, as set forth in KSA Chapter 48, Article 9 – Emergency Preparedness for Disasters. Regional Hazardous Materials Response Teams will be organized and supervised by the Response and Recovery Branch within KDEM, which also oversees the functions of the Technological Hazards Section (Hazardous Materials and Radiation) and Deployable Resources.

### Strategy

Long-range effects of relocating the Hazardous Materials Response from the Kansas State Fire Marshal's Office to Kansas Division of Emergency Management (KDEM) will allow for sustainment and enhancement of hazardous materials response currently carried out by the Kansas State Fire Marshal's Office. Identifying and implementing areas for improvement within the Regional Hazardous Materials Response Teams will enhance the overall effectiveness of the program.

### Immediate Actions:

1. Review the contract agreements with Fire Departments that comprise the Regional Hazardous Materials Response Teams and revise as needed.
2. Review existing Kansas State Fire Marshal's Office Standard Operating Procedures for the Regional Hazardous Materials Response Teams and revise as needed.
3. Coordinate with Fire Departments that comprise the Regional Hazardous Materials Response Teams to review their respective Standard Operating Procedures and revise as needed to align with Kansas Division of Emergency Management's (KDEM's) deployable resources protocols.
4. Conduct a needs assessment regarding personnel.
  - a. Secure and acquire office space and office equipment.
  - b. Obtain security clearances for personnel.
5. Secure and acquire storage space for vehicles and equipment.

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#### Year 1 Actions:

1. Develop a working group (consisting of participating fire departments that comprise the Statewide Regional Hazardous Materials Response Teams) to examine the current structure of the program.
2. Identify best practices and possible areas for improvement.
3. Conduct training for regional response teams.
4. Maintain equipment and resources.

#### Year 2 Actions:

1. Implement changes identified by the working group for enhancement of the program.
2. Conduct training for regional response teams.
3. Maintain equipment and resources.

#### Year 3 Actions:

1. Expand the program vitality.
2. Conduct training for regional response teams.
3. Maintain equipment and resources.

#### Impact

The overall impact to the Kansas Division of Emergency Management (KDEM) will be:

- An increase in staff
- Additional equipment and the responsibility for storing and maintaining additional deployable assets
- Expanded training audiences to include Regional Hazardous Materials Response Teams and Fire Departments; deployment of response teams
- Additional financial responsibilities with different revenue sources.

#### Summary

Based on the bills as written, the Kansas Division of Emergency Management (KDEM) assumes that training of respective Regional Hazardous Materials Response Teams and fire department personnel in the state would be associated with the powers, duties, and functions of the hazardous materials response from the Kansas State Fire Marshal's Office.

Information received from the Kansas State Fire Marshal's Office indicates that 22% of the *Fire Prevention Fee Fund* would equate to \$1,030,663.00. Based on current assumptions and review of the Bills with limited budget information, the agency feels the funding would be adequate for the additional responsibilities. To obtain a true budget picture, the agency would need to examine the program expenditures after a complete fiscal year.

**Written Testimony of**  
**Jack Taylor, President, Kansas Professional Fire Chiefs Association**  
**Presented to the House Committee of Transportation and Public Safety Budget**  
**March 10, 2011**

The Kansas Professional Fire Chiefs Association (KPFCA) submits this written testimony today in **opposition** to HB 2370 relating to the abolishment of the Office of the State Fire Marshal and transferring the duties to the Division of Facilities Management, the Kansas Bureau of Investigation, and the Division of Emergency Management.

The Office of the Kansas State Fire Marshal provides a central clearinghouse for a wide variety of services that might be needed by any of the 600-plus fire departments in the State of Kansas. These 600 fire departments provide a multi-faceted array of services to serve and protect our citizens and visitors to our great state, including fire and injury prevention, fire suppression, technical rescue, hazardous materials response, and fire investigations. Based on the individual resources and abilities of each department, some rely on the services offered through the State Fire Marshal more than others. However, I can't think of any of us who haven't called upon the State Fire Marshal for assistance at some point. Whether the need is for fire prevention, fire investigation, or hazardous materials response, the State Fire Marshal has been the hub for information or hands-on assistance.

Parceling the Fire Marshal's office into several segments and placing them into various unrelated agencies will make it more difficult for communications and interaction from a local level to the state level. Small departments who don't have the need to communicate with the office very often will find it difficult to find the resources they need when the responsibilities are scattered among the departments that are proposed. Today, we call one number. Tomorrow, who knows?

There is an old saying that "if it's not broke, don't fix it." I don't think anyone will give a huge argument that there have been some issues that have arisen with the State Fire Marshal's Office from time to time. The fire service itself has had its share of frustration with the office over the years. However, there is a cure for the illness. For several administrations, the Kansas fire service has offered to assist with placing a true professional in that office with the skills to lead and manage human resources, budgets, projects, etc. We have offered to assist with establishing realistic prerequisite training and experience criteria to assist in insuring the placement of an individual with the skills to lead and manage such an important department. We also suggested a Board of Directors similar to the Kansas Board of EMS to oversee the administrator and set policy for the State Fire Marshal's Office. At every turn, the fire service has been rebuffed in order for previous administrations to appoint individuals with at least the perception that the appointments are made as a political favor.

The Fire Marshal's Office is a fee-funded agency, thus it is not using state general fund dollars to operate. I have not seen a fiscal note on this bill, but if the goal is to save

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Attachment 8



money, I fail to comprehend any large savings with parceling out the responsibilities of the office. I do anticipate a loss of efficiency and service to the citizens of Kansas and a great deal of frustration for the Kansas fire service.

I appeal to you to oppose HB 2370 and give the Kansas fire service the opportunity to assist you with correcting any perceived issues and/or shortcomings you have of the State Fire Marshal's Office.

Thank you for your consideration.

Respectfully,

Jack Taylor, Chief  
Emporia Fire Department

**Written Testimony of**  
**Robert W. McLemore, President, Kansas State Association of Fire Chiefs**  
**Presented to the House Committee of Transportation and Public Safety**  
**Budget**  
**March 10, 2011**

The Kansas State Association of Fire Chiefs (KSAFC) submits this written testimony today in **opposition** of HB 2370 relating to the abolishment of the Office of the State Fire Marshal and transferring the duties to the Division of Facilities Management, the Kansas Bureau of Investigation, and the Division of Emergency Management.

The Kansas Fire Service is 600-plus departments large and small across the state, providing protection to all our citizens and visitors. We look to the Fire Marshal's Office as our representation at the state level. Each fire department is an integrated system that provides many services that must have the ability to interact with each other at an intimate level. This is also true with our communications at the state level. Abolishing the Fire Marshal's Office would leave Kansas fire departments orphaned and without a needed intermediary at the state level.

Dismantling the Fire Marshal's Office into smaller entities and placing them into various unrelated agencies will make it more difficult for communications and interaction from a local level to state level, especially when two or more state agencies need to be involved as outlined in this bill.

During my 25 years in the fire service, I have had the need to interface with different state agencies in a coordinated effort to resolve various incidents both emergency and non-emergency. I am sorry to say that this is not always an easy task. Communication and coordination between various agencies is not always efficient and forthcoming. I don't think this is due to any animosity but most likely the bureaucracy endemic to government agencies, differences in missions and sometimes personalities.

The fire service is typically responsible for the following: fire suppression, fire investigation, fire prevention, fire safety inspections, fire safety education, hazardous materials response, vehicle extrication, and rescue. A few departments are large enough to provide all these services plus more, but the majority of local fire departments rely on the Kansas State Fire Marshal's Office to coordinate hazardous materials response, provide fire safety inspections, or conduct fire scene investigations.

The Fire Marshal's Office is a fee-funded agency; therefore, it is not using state general fund dollars to operate. I have not seen a fiscal note on this bill but would

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Attachment 9

think it would be hard to reduce operating costs by spreading the Fire Marshal's functions around to other agencies.

**Summarizing:**

- The Fire Marshal's Office provides a vital service to fire departments and communities at the local level.
- The office is also a conduit for information flow to and from the state/national level.
- Abolishing the office and moving its parts to other agencies will make timely communications more difficult.
- Dismantling the office will leave an entire sector of public safety orphaned and without state representation.
- Cost savings are questionable.

Thank you for your consideration.

Respectfully,

Robert McLemore, Chief  
Colby Fire Department