

Testimony before the House Federal and State Affairs Committee  
SB 135 Boiler Inspection Duties  
March 19, 2013

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SB 135 would transfer all the powers, duties and functions of the Secretary of Labor under the boiler safety act, K.S.A. 44-913 et seq. and amendments thereto, to the Office of the State Fire Marshal (OSFM). The boiler inspection division is fully funded from the boiler inspection fee fund, established by K.S.A. 44-926 and receives no state general funds.

Current employees and any open positions currently assigned to the boiler inspection group would also transfer to the OSFM. The current staffing of the boiler inspection division consists of 7 positions, with 6 boiler inspectors being unclassified and 1 Sr. Administrative Specialist being classified. Of the 6 boiler inspector positions, 4 are currently filled with one of those temporarily vacant due to an extended medical leave. Of the two open positions, one is currently in the process of being filled and the other will remain open until it can be determined if the position is actually needed. The Sr. Administrative Specialist position would be vacant due to the employee in that position retiring in the near future.

In meetings with Labor, it has been determined that the boiler inspection division would be a more logical fit at the OSFM since this office currently carries out fire and life safety inspections in a majority of the buildings where Labor inspects boilers. Since Secretary Gordon's appointment to Labor there has also been the realization that the boiler inspection program is in need of new direction and guidance. The OSFM has been assisting Labor for the last 3-4 months on updating all of Labor's boiler records and trying to bring all those records current and accurate. The program is in need of some additional administrative oversight and direction to improve the inspection and administrative processes of the program and we believe that the OSFM can help in those areas with our experience in fire and life safety inspections across the state. The Governor's Office is aware of and supports the transfer of the boiler program.

The OSFM believes that this office can successfully administer the boiler inspection program within the current funding limitations of the boiler inspection fee fund but is requesting purchasing approval of vehicles between now and the transfer of the

program. Of the 5 vehicles that the boiler division has, only one was purchased with boiler fee fund monies. The other 4 were purchased with federal grant funds and due to the restrictions of those grants are not transferable to the OSFM. A minimum of 4 vehicles will have to be purchased before the transfer of the program takes place. A possible fifth vehicle would be purchased at a later date, if the sixth and open inspector position is filled in the future. Estimated expense based on current state contract for 6 compact cars would be approximately \$90,000. The current balance in the boiler inspection fee fund would not support that purchase, but the OSFM believes it has current funds to purchase the vehicles and as the boiler inspection program is improved, be able to JV the expense back to the OSFM account.

Just collecting some of the funds that are owed to the boiler inspection program would provide sufficient funds to purchase the vehicles. A review of the funds believed to be receivable for inspections conducted for the boiler program show that since 1999 the boiler program is owed approximately \$280,000 for completed inspections. Once verified, these past due amounts would be aggressively pursued by the OSFM in an attempt to help fully fund the program going forward.