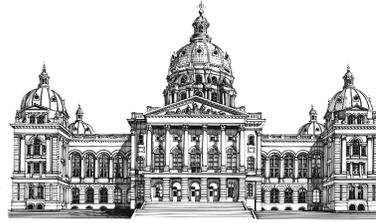

Iowa Legislative Fiscal Bureau

Dennis Prouty
(515) 281-5279
FAX 281-8451



State Capitol
Des Moines, IA 50319
December 21, 1994

Evaluation Of The State Fire Marshal's Office

ISSUE

Senate File 2217, the Transportation and Safety Appropriations bill passed during the 1994 Legislative Session, requires the Legislative Fiscal Bureau to conduct an evaluation of the State Fire Marshal's Office addressing two issues:

- Funding and staffing levels necessary to implement the statutory duties of the Office.
- The feasibility of establishing the Office as a State agency separate from the Department of Public Safety (DPS).

The Legislative Council instructed the Legislative Fiscal Bureau to complete an in-depth **Issue Review** of the State Fire Marshal's Office. Information for this **Issue Review** was supplied by representatives from the Department of Public Safety and the State Fire Marshal's Office.

AFFECTED AGENCIES

State Fire Marshal's Office, Department of Public Safety

CODE AUTHORITY

Chapters 100, 100A, 101, 101A, 102, 103A, Code of Iowa

BACKGROUND

The State Fire Marshal's Office was established in 1911 as a department of State government, with funds appropriated directly to the Office. In 1939, the Office became a division of the Department of Public Safety (DPS), with funds appropriated through the DPS budget.

Today, the State Fire Marshal Division is made up of 3 bureaus and a Flammable Liquids Section. The Division's mission is to reduce the loss of life and property by fire through promotion and enforcement of fire safety regulations, building code provisions, and investigation of arson.

The Fire Prevention and Inspections Bureau is made up of 11 inspectors. Through prevention, education, and correction of fire safety problems, the Bureau's goal is to reduce

I
S
S
U
E

R
E
V
I
E
W

property damage and save lives. Inspectors primary duties are to conduct fire safety code inspections in a wide variety of facilities to ensure compliance with federal and State laws and rules. The Bureau is also responsible for:

- Inspections involving smoke detectors, liquefied petroleum gases, flammable liquid installation sites, old and dilapidated buildings, and exits.
- Promotion of fire safety through educational methods.
- Administration of the Fire Incident Reporting System, with reported data being used to identify trends, develop training programs, and supply management information.

The Arson and Explosives Investigation Bureau consists of 9 investigators. The mission of this Bureau is to investigate and attempt to determine the cause of fires and explosions. The Bureau has statewide responsibility for the investigation of bombings and other explosive devices and incidents. When arson has been determined, special agents conduct criminal investigations directed toward arrest and prosecution.

The Building Code Bureau consists of 3 plan review technicians, whose mission is to assist in the construction of safe and accessible buildings through consultation and plan review. Responsibilities include the review and approval for construction and installation of factory-built structures and mobile homes. The Bureau also oversees the enforcement of handicapped accessibility and energy requirements of the State Building Code, and assists cities and counties in enforcement.

Functions within the Flammable Liquids Section are divided among the 3 bureaus. These functions include providing rules regarding flammable liquids, reviewing plans for aboveground storage tanks and other storage facilities, answering complaints, and investigating explosions and fires.

Attachment A is an organizational chart of the Office. For a detailed listing of statutory duties of the State Fire Marshal's Office, refer to Attachment B.

CURRENT SITUATION

Funding and Staffing Levels

Following is a list of statutory requirements the Fire Marshal's Office is having difficulty fulfilling due to inadequate funding and staffing levels. For a comprehensive detailed listing of the current situation of all statutory requirements of the Fire Marshal's Office, refer to Attachment B. (Page numbers in parentheses refer to Attachment B.)

1. Promotion of fire safety and reduction of loss by fire through educational methods. (Page 1, Sec. 100.1, Code of Iowa)
2. Enforcement of laws, rules, and regulations concerned with electric wiring, heating, and adequate means of exit in case of fire from all structures in which persons congregate periodically, including health care facilities, schools, hotels, etc. (Page 4, Sec. 100.35)
3. Inspection of jails once every 18 months. (Page 6, Sec. 356.43)
4. Investigation into the cause, origin, and circumstances of fires. (Page 7, Sec. 100.1)
5. Enforcement of all laws, rules, regulations concerning the storage, transportation, handling, and use of explosives and inspecting explosive storage facilities at least once a year. (Page 9,, Sec. 101A.7)

6. Requirement of mobile home tiedown systems and maintenance of a list of approved systems. (Page 14, Sec. 103A.30)
7. Enforcement of all laws, rules, and regulations concerned with the storage, transportation, handling, and use of liquefied petroleum gas. (Page 16, Sec. 101.1)
8. Maintenance of an accurate inventory of aboveground storage tanks. (Page 17, Sec. 101.23 and 101.24)
9. Inspection of facilities and records of owners and operators of aboveground petroleum storage tanks. (Page 17, Sec. 101.24)

Feasibility of Agency Independence

Following is a summary of the advantages and disadvantages of agency independence, in the opinion of the Fire Marshal's Office.

Advantages include:

- The ability to adapt hiring and training processes to the needs of the Fire Marshal's Office, rather than the needs of the Department of Public Safety as a whole. Currently, all newly hired inspectors and investigators attend 14 weeks of traffic enforcement at the Iowa Law Enforcement Academy. No formal training is received on building construction and fire codes.
- The ability to submit a budget directly from the Fire Marshal's Office, reflective of priorities set by the Fire Marshal rather than overall Department of Public Safety priorities.

Disadvantages:

- Because the Office shares administrative support functions with the Department of Public Safety, the Office would need an administrative rules coordinator; training, supply, and data processing support; a legislative liaison; and an attorney.
- The possible weakening of a strong working relationship between investigative officers within the Fire Marshal's Office and other investigative divisions of the Department of Public Safety. Currently, these entities work closely together, sharing laboratory facilities, intelligence networking, and communications facilities.
- The potential for complications concerning retirement and benefits packages and peace officer status for investigative personnel within the Fire Marshal's Office. Currently, investigative personnel are of peace officer status and are part of the Peace Officer Retirement Program.

ALTERNATIVES/BUDGET IMPACT

Following is a list of alternatives for dealing with the issues discussed above, along with the associated budget impact.

Funding and Staffing Levels

- Appropriate funding and FTE positions necessary to fulfill all Code of Iowa requirements to the fullest reasonable extent. Alternatives for fulfilling these requirements are listed below. Numbers labeling each alternative correspond to numbers labeling the problem areas identified in the Current Situation Section. For comprehensive detailed information on

alternatives for fulfilling each statutory requirement of the Fire Marshal's Office, refer to Attachment B.

1. Appropriate \$50,000 and 1.0 FTE position to serve as a Public Fire Safety Education Officer, similar to a Community Service Officer in the Iowa State Patrol. (Page 1, Sec. 100.1)
2. Appropriate \$150,000 and 3.0 FTE positions for inspectors to administer the Health Care Inspection Program and inspect a representative number of apartment, hotel, and related inspections annually. Other options include eliminating the requirement for inspection of buildings under the control of the Board of Regents or lowering the number of inspections required at these and other educational occupancies. (Page 4, Sec. 100.35)
3. Remove the requirement that jails be inspected once every 18 months and require the Department of Corrections to perform jail inspections. (Page 6, Sec. 356.43)
4. Appropriate \$50,000 and 1.0 FTE position for an inspector to perform fire and arson investigations. (Page 7, Sec. 100.1)
5. Appropriate \$50,000 and 1.0 FTE position for an inspector to provide enforcement of laws regarding explosives. Increase the \$60 per year licensing fee for explosives to offset the cost of this position. (Page 7, Sec. 100.1 and 101A.5, and Page 9, Sec. 101A.7)
6. Appropriate \$45,000 and 1.0 FTE position for an inspector to perform inspections of manufactured homes and dealers of manufactured homes. (Page 14, Sec. 103A.30)
7. Appropriate \$150,000 and 3.0 FTE positions for inspectors to perform inspections of liquefied petroleum gas facilities and to oversee training provided to liquefied petroleum gas installation, delivery, and service personnel. (Page 16, Sec. 101.1)
8. Appropriate \$30,000 and 1.0 FTE position for a clerical position to maintain an inventory of aboveground petroleum storage tanks, and require annual registration renewal. Or, eliminate the registration requirement. (Page 17, Sec. 101.23 and 101.24)
9. Appropriate \$150,000 and 3.0 FTE positions for inspectors to perform inspections of aboveground flammable liquid tank installations. (Page 17, Sec. 101.24)

The budget impact of implementing all alternatives involving increased funding is \$675,000 and 14.0 FTE positions.

- Do not appropriate any additional funding or FTE positions and allow statutory requirements to remain unfulfilled. This would have no impact on the General Fund.
- Appropriate funding and FTE positions at a level between the current level and the level necessary to fully meet all statutory requirements, allowing some requirements to remain unfulfilled.
- Depending upon the course of action chosen, it can be assumed that the impact of this alternative on the General Fund would be less than \$675,000.

- Allow the Office to charge/increase fees for services currently performed at little or no charge to offset the cost of additional FTE positions.

Depending upon the course of action chosen, it can be assumed that the impact of this alternative on the General Fund would be less than \$675,000.

Feasibility of Agency Independence

- Do not establish the Office as a separate State agency, leaving priorities of the Fire Marshal's Office subject to the overall priorities of the Department of Public Safety.

This would have no impact on the General Fund.

- Establish the Office as a separate State agency, appropriating \$180,000 and 4.0 FTE positions for additional personnel and equipment.

RELATED INFORMATION

A historical comparison of funding and staffing levels of operational divisions of the Department of Public Safety is included as Attachment C.

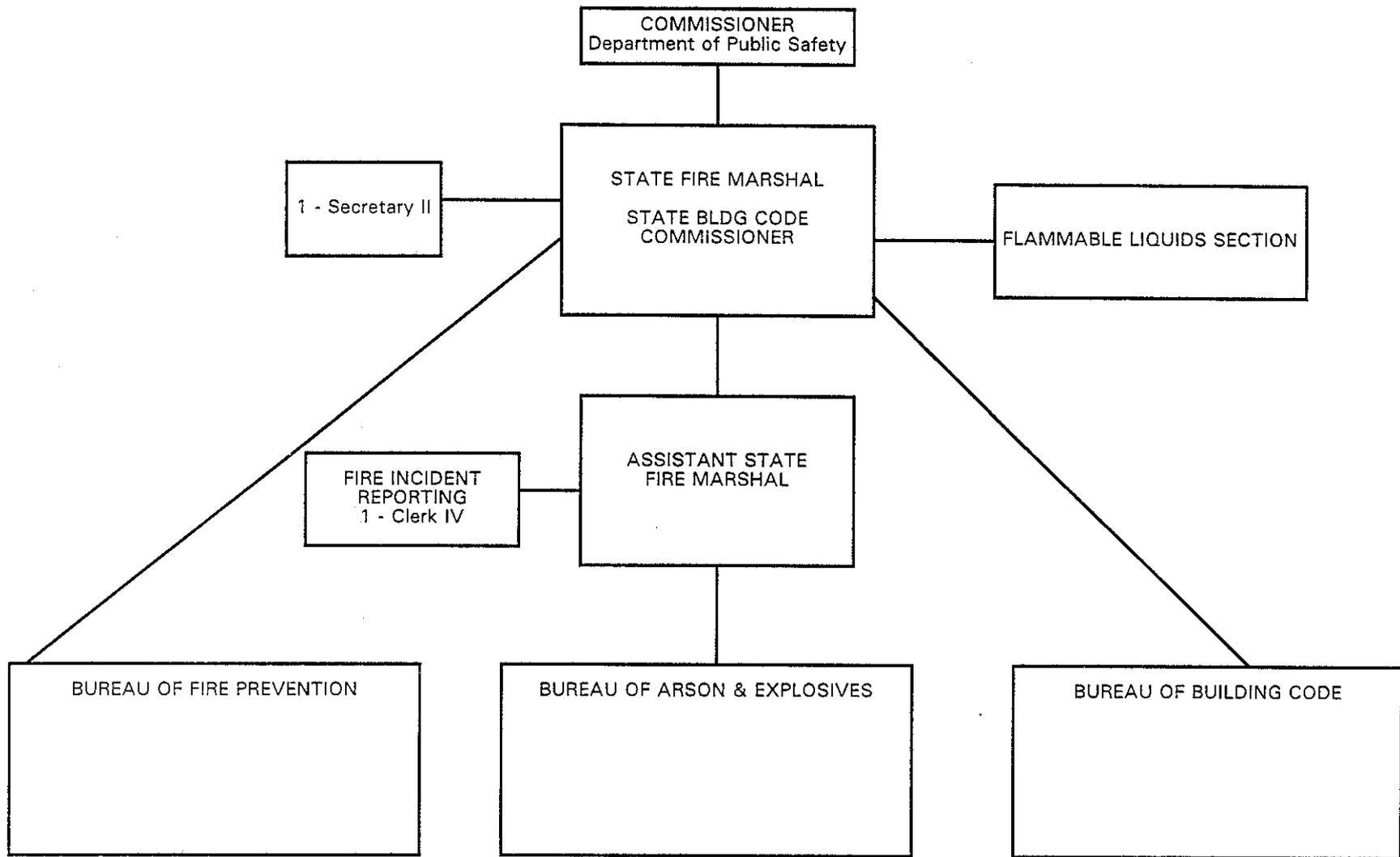
A table depicting historical funding and staffing levels and performance statistics of the State Fire Marshal's Office is included as Attachment D.

For additional information, please contact the Legislative Fiscal Bureau.

STAFF CONTACT: Leah Churchman (Ext. 17846)

IOWA DEPARTMENT OF PUBLIC SAFETY
FIRE MARSHAL DIVISION

TABLE OF ORGANIZATION



Statutory Duties of the State Fire Marshal's Office

Fire Prevention and Inspections Bureau

Many Code of Iowa requirements of the State Fire Marshal's Office are broad and do not specify timelines that must be met or duties that must be fulfilled to meet these requirements. The **Alternatives/Budget Impact** sections list funding and staffing levels necessary to fulfill the requirements based on the Office's opinion of legislative intent.

Sec. 100.1,
Code of Iowa

Code Requirement

Promote fire safety and reduction of loss by fire through educational methods.

Current Situation

Currently, these duties are being performed on an "as available" basis. Through approximately \$14,000 in funds solicited annually from the insurance industry, the Office provides a day care fire safety curriculum, sponsors a fire prevention calendar using artwork from a Statewide elementary school competition, and maintains the annual Hall of Flame fire prevention booth at the Iowa State Fair.

Alternatives/Budget Impact

To fully meet the intent of this requirement, an appropriation of \$50,000 for 1.0 FTE position to serve as a Public Fire Safety Education Officer, similar to a Community Service Officer in the Iowa State Patrol, would be necessary. This person's duties would include:

- Seeking additional outside funding sources for various fire prevention programs.
- Developing new fire prevention/safety programs and upgrading existing programs.
- Taking available programs to the local level and working with volunteer departments statewide to implement the programs.
- Fulfilling requests for service training and talks on fire safety and prevention.
- Expanding fire cause training currently offered to volunteer departments.

Sec. 100.1,
Code of Iowa

Code Requirement

Enforce all laws, rules, and regulations concerned with the prevention of fires.

Current Situation

The Office has difficulty fulfilling this requirement due to the amount of time necessary for inspections required for licensure or by statute.

Alternatives/Budget Impact

Because this requirement is very broad, no specific action is necessary to rectify the situation. Providing the Office with resources listed in the Alternatives/Budget Impact area of other sections would allow current resources to be used to fulfill this requirement.

Statutory Duties of the State Fire Marshal's Office
Fire Prevention and Inspections Bureau

Sec. 100.4,
Code of Iowa

Code Requirement

Act on requests to ban open burning.

Current Situation

Completed as required.

Alternatives/Budget Impact

No action necessary.

Sec. 100.11,
Code of Iowa

Code Requirement

Enforce all laws relating to fire escapes.

Current Situation

This is done generally only in buildings that are inspected for licensing or to meet code requirements. Very little is done to enforce fire escape laws in other buildings.

Alternatives/Budget Impact

Implementing the alternative under Sec. 100.35 for 3.0 FTE positions would allow a reasonable number of these inspections to be performed.

Sec. 100.18,
Code of Iowa

Code Requirement

Enforce smoke detector laws.

Current Situation

In the past, the Office has routinely conducted concentrated spot checks of multi-residential smoke detectors. Currently, due to the amount of time necessary for inspections required for licensure or by statute, checks are completed only when a complaint is received.

Alternatives/Budget Impact

Implementing the alternative under Sec. 100.35 for 3.0 FTE positions would allow a reasonable number of these inspections to be performed.

Statutory Duties of the State Fire Marshal's Office
Fire Prevention and Inspections Bureau

Sec. 100.31,
Code of Iowa

Code Requirement

Enforce rules concerning fire and tornado drills in all private and public schools.

Current Situation

Completed as required.

Alternatives/Budget Impact

No action necessary.

Sec. 100.31,
Code of Iowa

Code Requirement

Enforce rules concerning fire alarm systems and portable fire extinguishers in all private and public schools.

Current Situation

Completed as required.

Alternatives/Budget Impact

No action necessary.

Sec. 100.31,
Code of Iowa

Code Requirement

Inspect each public or private school, college or university, at least once every two years.

Current Situation

Completed as required.

Alternatives/Budget Impact

No action necessary.

Sec. 100.33
Code of Iowa

Code Requirement

Publish and distribute an annual report detailing the Fire Marshal's official acts.

Current Situation

Completed as required.

Alternatives/Budget Impact

No action necessary.

Statutory Duties of the State Fire Marshal's Office

Fire Prevention and Inspections Bureau

Sec. 100.35,
Code of Iowa

Code Requirement

Enforce all laws, rules, and regulations concerned with electric wiring and heating and adequate means of exit in case of fire from churches, schools, hotels, theaters, amphitheatres, asylums, hospitals, health care facilities, college buildings, lodge halls, public meeting places, and all other structures in which persons congregate periodically, whether publicly or privately owned.

Current Situation

Currently, 11 inspectors are performing approximately 2,040 health care related inspections annually, an average of 185 per inspector. These inspectors also perform approximately 4,000 school, day care, jail, group home, flammable liquid, liquefied petroleum gas storage, apartment, hotel, motel, tavern, and other miscellaneous inspections annually.

In 1976 the Fire Marshal's Office contracted with the Health Care Financing Administration to perform inspections of nursing homes and hospitals to assure compliance with federal fire safety requirements necessary for the facilities to participate in the Medicare/Medicaid Program. Over the years, the level of activity in this area has grown steadily. Currently, nearly 50.0% of all inspection time is devoted to this Program, resulting in the annual receipt by the Fire Marshal's Office of approximately \$300,000 from the Health Care Financing Administration.

As a result, hospitals and nursing homes, along with schools and colleges, are inspected as often as required. However, churches are rarely inspected unless they are being used for a school, day care, or other similar purpose. All other buildings are usually inspected only on a complaint basis.

Alternatives/Budget Impact

1. To effectively administer the Health Care Inspection Program and inspect a reasonable number of apartment, hotel, and related inspections annually, an additional appropriation of \$150,000 and 3.0 FTE positions would be necessary.
 2. Eliminate the requirement for inspection of buildings under the control of the Board of Regents, or lower the number of inspections mandated at these and other educational occupancies. Eliminating some of these approximately 1,300 inspections would allow current resources to be utilized in other priority areas.
-

Statutory Duties of the State Fire Marshal's Office
Fire Prevention and Inspections Bureau

Sec. 100.39,
Code of Iowa

Code Requirement

Enforce laws concerning sprinklers in high-rise buildings.

Current Situation

The Fire Marshal's Office does no routine inspections of sprinklers in high-rise buildings. Because these buildings are usually in cities with paid fire departments these inspections are completed by the city fire departments.

Alternatives/Budget Impact

No action necessary.

Sec. 100.39,
Code of Iowa

Code Requirement

Review proposed sprinkler system plans for high-rise buildings.

Current Situation

Completed as required.

Alternatives/Budget Impact

No action necessary.

Sec. 237A.12,
Code of Iowa

Code Requirement

Promulgate fire safety rules and inspect child care centers.

Current Situation

This is a high priority task, as it is required for licensing, and is completed as required.

Alternatives/Budget Impact

No action necessary.

Statutory Duties of the State Fire Marshal's Office
Fire Prevention and Inspections Bureau

Sec. 356.43,
Code of Iowa

Code Requirement

Inspect jails at least once every 18 months.

Current Situation

Completed as required.

Alternatives/Budget Impact

1. Remove this requirement, eliminating approximately 125 inspections which must be performed by the Fire Marshal's Office annually. This would allow current resources to be utilized in other priority areas.
 2. Require the Department of Corrections to perform jail inspections.
-

Statutory Duties of the State Fire Marshal's Office
Arson and Explosives Bureau

Sec. 100.1,
Code of Iowa

Code Requirement

Investigate the cause, origin, and circumstances of fires.

Current Situation

Iowa experiences 15,000 to 20,000 fires annually, of which 1,600 to 2,000 are caused by arson. Currently, nine investigators are performing approximately 800 investigations annually, an average of 90 per investigator. This amounts to approximately 5.0% of all fires, and less than 20.0% of all fires caused by arson. Approximately 20 of Iowa's large cities have full-time fire departments that perform investigations, leaving over 800 fire departments who rely fully on the State Fire Marshal's Office for investigations.

Alternatives/Budget Impact

To fully meet this requirement an additional appropriation of \$50,000 and 1.0 FTE position would be necessary.

Sec. 100.1,
Code of Iowa

Code Requirement

Enforce laws relating to the suppression of arson and explosives related crimes, and apprehend those persons suspected.

Current Situation

This function is performed as part of fire investigation duties explained above.

Alternatives/Budget Impact

See Alternatives/Budget Impact in the above section.

Sec. 100.1 and
101A.5,
Code of Iowa

Code Requirement

Enforce all laws, rules, and regulations concerning the storage, transportation, handling, and use of explosives.

Current Situation

The Fire Marshal's Office issues explosive licenses and inspects storage facilities. Very little actual enforcement of laws governing commercial explosives is done.

Alternatives/Budget Impact

When this requirement was implemented, no FTE positions were authorized to perform the inspections. These inspections are divided among the nine arson investigators. There are approximately 300 magazines at 100 storage sites inspected annually, an average of 11 sites and 33 inspections per investigator. To allow investigators to resume investigative functions that have been eliminated because of this duty, an appropriation of \$50,000 and 1.0 FTE position would be necessary.

Statutory Duties of the State Fire Marshal's Office
Arson and Explosives Bureau

Sec. 100.3 and **Code Requirement**
100.5,
Code of Iowa Compile the State's fire statistics and maintain files for public inspection.

Current Situation

Completed as required.

Alternatives/Budget Impact

No action necessary.

Sec. 101A.2, **Code Requirement**
Code of Iowa Issue commercial licenses for the manufacture, importation, distribution, sale,
and commercial use of explosives.

Current Situation

Completed as required.

Alternatives/Budget Impact

No action necessary.

Sec. 101A.3, **Code Requirement**
Code of Iowa Prescribe, print, and distribute explosives user permits to local permit issuing
authorities.

Current Situation

Completed as required.

Alternatives/Budget Impact

No action necessary.

Sec. 101A.5, **Code Requirement**
Code of Iowa Prepare, adopt, and distribute rules pertaining to the manufacture,
transportation, storage, possession, and use of explosive materials.

Current Situation

Completed as required.

Alternatives/Budget Impact

No action necessary.

Statutory Duties of the State Fire Marshal's Office *Arson and Explosives Bureau*

Sec. 101A.7,
Code of Iowa

Code Requirement

Inspect explosive storage facilities at least once a year.

Current Situation

This is completed as required, although other investigations are often missed or put on hold to do this.

Alternatives/Budget Impact

1. Implementing the alternative listed under Sec. 100.1 and 101A.5 for 1.0 FTE position would remedy this situation. An adjustment in the licensing fee, currently \$60 per year for the manufacture, importation, distribution, sale, and commercial use of explosives, could be made to offset the cost of this position. Many states charge several hundred dollars for similar licenses.
2. Eliminate this statutory responsibility.

Sec. 101A.9,
Code of Iowa

Code Requirement

Prescribe rules concerning the disposal of explosives.

Current Situation

Completed as required.

Alternatives/Budget Impact

No action necessary.

Statutory Duties of the State Fire Marshal's Office

Building Code Department

Sec. 103A.2,
Code of Iowa

Code Requirement

Promulgate and enforce a State Building Code.

Current Situation

The Fire Marshal's Office has established a State Building Code. Enforcement is primarily done through local authorities and the Fire Marshal's Office plan review process.

Alternatives/Budget Impact

No action necessary.

Sec. 103A.5,
Code of Iowa

Code Requirement

Employ necessary staff to assist in carrying out the provisions of Chapter 103A, Code of Iowa.

Current Situation

Staffing levels in the Building Code Bureau have fluctuated from a high of 7.0 FTE positions to the present level of 3.0 FTE positions, two of which are plan review technicians. This staff reduction took place during a declining economy, but as the economy has experienced an upswing, there has been a sharp increase in various building projects and a corresponding increase in the demand for plan reviews. As a result, completion of plan reviews has fallen behind, often resulting in construction delays. To remedy this situation, the Office has contracted with two private sources to perform plan reviews, and the Governor's Office has approved 1.0 FTE position for blueprint review purposes for FY 1995.

Alternatives/Budget Impact

Through the combined resources listed above, approximately 1,700 plan reviews can be performed annually, an average of 340 per individual. Assuming permanent approval is given to the plan review position recently authorized by the Governor's Office, no further action is necessary.

Sec. 103A.5,
Code of Iowa

Code Requirement

Appoint consultants and advisors to assist in carrying out provisions of Chapter 103A, Code of Iowa.

Current Situation

Completed as required.

Alternatives/Budget Impact

No action necessary.

Statutory Duties of the State Fire Marshal's Office
Building Code Department

Sec. 103A.5,
Code of Iowa

Code Requirement

Study the operation and cost of State and local codes.

Current Situation

Completed as required.

Alternatives/Budget Impact

No action necessary.

Sec. 103A.5,
Code of Iowa

Code Requirement

Administer and enforce the provisions of Chapter 104A (handicapped accessibility), Code of Iowa.

Current Situation

Completed as required.

Alternatives/Budget Impact

No action necessary.

Sec. 103A.7,
Code of Iowa

Code Requirement

Formulate and adopt rules designed to establish minimum safeguards in the erection and construction of buildings and structures.

Current Situation

Completed as required.

Alternatives/Budget Impact

No action necessary.

Sec. 103A.7,
Code of Iowa

Code Requirement

Provide provisions for the installation of equipment.

Current Situation

Completed as required.

Alternatives/Budget Impact

No action necessary.

Statutory Duties of the State Fire Marshal's Office
Building Code Department

Sec. 103A.7,
Code of Iowa

Code Requirement

Provide standards for construction materials.

Current Situation

Completed as required.

Alternatives/Budget Impact

No action necessary.

Sec. 103A.7,
Code of Iowa

Code Requirement

Provide for handicapped accessibility in buildings intended for use by the general public.

Current Situation

Completed as required.

Alternatives/Budget Impact

No action necessary.

Sec. 103A.7,
Code of Iowa

Code Requirement

Provide for energy conservation through the adoption and enforcement of thermal and lighting efficiency standards.

Current Situation

Completed as required.

Alternatives/Budget Impact

No action necessary.

Sec. 103A.8A,
Code of Iowa

Code Requirement

Adopt minimum energy efficiency standards for single or two-family residential construction.

Current Situation

Completed as required.

Alternatives/Budget Impact

No action necessary.

Statutory Duties of the State Fire Marshal's Office
Building Code Department

Sec. 103A.9,
Code of Iowa

Code Requirement

Establish provisions relating to manufacture and installation of factory-built structures.

Current Situation

Completed as required.

Alternatives/Budget Impact

No action necessary.

Sec. 103A.14,
Code of Iowa

Code Requirement

Establish a State Building Code Advisory Council.

Current Situation

Completed as required.

Alternatives/Budget Impact

No action necessary.

Sec. 103A.15,
Code of Iowa

Code Requirement

Establish a State Building Code Board of Review.

Current Situation

Completed as required.

Alternatives/Budget Impact

No action necessary.

Sec. 103A.23,
Code of Iowa

Code Requirement

Establish and collect a schedule of fees to be deposited in the State General Fund.

Current Situation

Completed as required.

Alternatives/Budget Impact

No action necessary.

Statutory Duties of the State Fire Marshal's Office
Building Code Department

Sec. 103A.30, **Code Requirement**
Code of Iowa

Require mobile home tiedown systems.

Current Situation

Mobile home tiedown systems are required by the Fire Marshal's Office. However, another issue related to this area has arisen. Inspections of manufactured homes are not currently a statutory requirement, but the increase in the number of homes purchased the last several years has created a safety issue. The number of homes brought into the State has nearly tripled during the last four years, with the annual number of homes sold in Iowa likely to reach 3,000 during 1994.

Alternatives/Budget Impact

To assure that manufactured homes comply with applicable building codes and are properly sited and installed, a representative number of dealers and homes should be inspected annually. In order to do this, an appropriation of \$45,000 and 1.0 FTE position would be necessary. A major portion of the cost of this position could be offset with funds paid to the Fire Marshal's Office by the federal Department of Housing and Urban Development. The Office receives \$9 per unit entering the State, totaling over \$20,000 annually.

Sec. 103A.33, **Code Requirement**
Code of Iowa

Provide a list of approved mobile home tie-down systems and certification of an approved system installation.

Current Situation

Completed as required.

Alternatives/Budget Impact

No action necessary.

Sec. 103A.41, **Code Requirement**
Code of Iowa

Establish a State Historic Building Code.

Current Situation

Not yet completed.

Alternatives/Budget Impact

No action necessary.

Statutory Duties of the State Fire Marshal's Office
Building Code Department

Sec. 470.7,
Code of Iowa

Code Requirement

Evaluate life cycle cost analysis documentation submitted for public buildings.

Current Situation

Completed as required.

Alternatives/Budget Impact

No action necessary.

Statutory Duties of the State Fire Marshal's Office

Flammable Liquid Storage

Sec. 100.1,
Code of Iowa

Code Requirement

Enforce all laws, rules, and regulations concerned with the storage, transportation, handling, and use of flammable and combustible liquids.

Current Situation

Very little enforcement is done in this area.

Alternatives/Budget Impact

This situation would be addressed with implementation of the alternative listed in Sec. 101.24.

Sec. 101.1,
Code of Iowa

Code Requirement

Promulgate rules concerning the safe transportation, storage, handling, and use of flammable liquids, liquefied petroleum gases, and liquefied natural gases.

Current Situation

Completed as required.

Alternatives/Budget Impact

No action necessary.

Sec. 101.1,
Code of Iowa

Code Requirement

Enforce all laws, rules, and regulations concerned with the storage, transportation, handling, and use of liquefied petroleum gas.

Current Situation

Very little is done in terms of "enforcing all laws, rules, and regulations." The Office's functions in this area are limited to responding to complaints and investigating fires and explosions.

Alternatives/Budget Impact

Currently, 11 inspectors perform approximately 25 liquefied petroleum site inspections annually, all based on complaints received. To fully meet this requirement, a reasonable percentage of facilities should be inspected annually, and the Fire Marshal's Office should oversee training provided to liquefied petroleum installation, delivery, and service personnel. This would require an appropriation of \$150,000 and 3.0 FTE positions.

Statutory Duties of the State Fire Marshal's Office

Flammable Liquid Storage

Sec. 101.23
and 101.24,
Code of Iowa

Code Requirement

Maintain an accurate inventory of aboveground petroleum storage tanks.

Current Situation

When legislation was enacted allowing aboveground storage tanks, 1.0 FTE position was appropriated to the Fire Marshal's Office for the purpose of maintaining an inventory. Using this clerical position, a registration system was established and a database was built. After a few months, the position was eliminated, making it difficult for the Office to maintain and update the database. Also, because tanks are sold, put out of service, or moved, an "accurate inventory" cannot be maintained with a one-time registration requirement.

Alternatives/Budget Impact

1. Restore the clerical position with an appropriation of \$30,000 and 1.0 FTE position and require annual registration renewal.
2. Eliminate the inventory requirement.

Sec. 101.24,
Code of Iowa

Code Requirement

Inspect facilities and records of owners and operators of aboveground petroleum storage tanks.

Current Situation

Some complaints are assigned to regular inspectors, but generally enforcement of aboveground storage tanks is confined to reviewing plans for new installations. The Department of Natural Resources has responsibility for underground tanks, but many of the underground tanks have been replaced by aboveground tanks and are the responsibility of the Fire Marshal's Office. As the number of inspectors has not changed, this is an added burden on the Office.

Alternatives/Budget Impact

Currently, 11 inspectors are performing approximately 100 inspections annually, an average of nine per inspector. To fully meet this requirement, a minimum of 10.0% of aboveground flammable liquid tank installations would need to be inspected annually, requiring an appropriation of \$150,000 and 3.0 FTE positions.

DEPARTMENT OF PUBLIC SAFETY APPROPRIATIONS FY 1987-FY1995

	<u>Actual FY 1987</u>	<u>Actual FY 1988</u>	<u>Actual FY 1989</u>	<u>Actual FY 1990</u>	<u>Actual FY 1991</u>	<u>Actual FY 1992</u>	<u>Actual FY 1993</u>	<u>Actual FY 1994</u>	<u>Estimated FY 1995</u>	<u>% Change FY 1987 - FY 1995</u>
Administration	\$1,836,018	\$2,013,257	\$1,970,848	\$2,105,917	\$2,408,778	\$2,138,051	\$2,220,858	\$2,224,005	\$2,148,096	17%
FTEs	41.72	44.36	44.88	51.49	49.82	43.65	38.40	41.00	41.00	-2%
Criminal Investigation	5,010,605	5,231,238	3,692,727	5,094,301	6,535,218	6,337,804	7,075,441	7,110,809	7,046,332	41%
FTEs	129.90	130.08	106.95	125.22	136.86	129.00	127.31	141.00	141.00	9%
Narcotics Enforcement	0	0	1,058,432	2,115,078	2,183,436	1,917,045	2,166,422	2,162,813	2,358,608	123%
FTEs	0.00	0.00	23.25	34.87	39.78	37.83	36.82	38.00	38.00	63%
Fire Marshal	1,105,733	1,167,924	1,290,550	1,487,997	1,503,589	1,210,683	1,372,870	1,369,462	1,363,483	23%
FTEs	30.48	31.01	30.48	31.27	31.09	28.34	27.11	30.00	30.00	-2%
Capitol Security	792,389	858,592	1,054,426	1,164,412	1,195,841	1,023,292	1,092,704	1,111,221	1,106,779	40%
FTEs	30.98	31.57	35.60	34.34	33.97	30.24	27.38	27.00	27.00	-13%
Pari-Mutuel	236,257	181,273	252,419	263,575	288,897	248,719	292,597	300,112	299,369	27%
FTEs	5.72	4.00	4.69	4.61	4.59	4.04	4.69	5.00	5.00	-13%
Highway Patrol	20,865,691	23,087,982	23,669,482	26,014,726	27,932,380	27,591,868	31,074,171	31,661,891	32,211,089	54%
FTEs	512.12	517.63	526.50	527.49	529.50	503.05	515.19	540.00	552.50	8%

ATTACHMENT C

State Fire Marshal's Office
Comparison of Appropriations, FTE Positions, and Performance Statistics

<u>Year</u>	<u>Appropriation</u>	<u>FTE Positions</u>	<u>Number of Fires</u>	<u>Total Dollar Loss From Fires</u>	<u>Fire Deaths</u>	<u>Number of Arson Fires</u>	<u>Arson Dollar Loss</u>
1987	\$ 1,105,733	30.48	16,162	\$ 55,531,570	54	1,655	\$ 5,748,440
1988	1,167,924	31.01	20,277	58,909,626	54	1,742	4,274,314
1989	1,290,550	30.48	15,917	55,570,034	88	1,716	5,637,799
1990	1,487,997	31.27	14,002	52,747,985	37	1,395	4,674,348
1991	1,503,589	31.09	14,394	57,174,164	41	1,609	4,878,798
1992	1,210,683	28.34	14,080	51,681,777	44	1,853	4,555,600
1993	1,372,870	27.11	11,412	52,591,527	54	1,669	9,007,648
1994	1,369,462	30.00	NA	NA	NA	NA	NA
1995	1,363,483	30.00	NA	NA	NA	NA	NA



RECEIVED

DEC 28 1994

LEGISLATIVE
FISCAL BUREAU

TERRY E. BRANSTAD, GOVERNOR

DEPARTMENT OF PUBLIC SAFETY
PAUL H. WIECK II, COMMISSIONER

December 27, 1994

Mr. Dennis Prouty, Director
Legislative Fiscal Bureau
State Capitol
L O C A L

Mr. Prouty,

I have had the opportunity to review the "Evaluation of the State Fire Marshal's Office" recently completed by your staff. I believe it accurately depicts the responsibilities assigned to this office, and I'm supportive of the recommendations contained therein.

I would particularly thank Leah Churchman for her work on the project. We found her to be diligent in her efforts to compile a fair and accurate report of the functions assigned the State Fire Marshal's Office, as well as to evaluate the resources necessary to carry them out.

Respectfully,

Roy Marshall
State Fire Marshal

RM:sm