

Form Number 500

Agency Adjustment Summary

State of Nebraska - Administrative Services - Budget Division

	PAGE NUMBER
	CODE & DESCRIPTION
AGENCY	21 State Fire Marshal

EXPENDITURE ACCOUNT	ADJUSTMENTS	
	2007-2008	2008-2009
Permanent F.T.E. Positions	6.0	6.0
511100 Permanent Salaries - Wages	81,137	324,545
511200 Temporary Salaries - Wages		
511600 Per Diem Payments		
511900 Supplemental (One-time payments)		
All Other Salaries		
Sub-Total Salaries	81,137	324,545
515100 Retirement Plans Expense	3,237	24,341
515200 OASDI Expense	3,301	24,828
515400 Life and Accident Insurance Expense	35	138
515500 Health Insurance Expense	4,726	36,303
All Other Personal Services	2,272	13,630
Sub-Total Benefits	13,571	99,240
510000 Personal Services	94,708	423,785
520000 Operating Expenses	12,324	51,971
521200 Communications Expense	449	1,796
521400 Data Processing Expense	500	1,995
531100 Office Supplies Expense	1,000	4,000
555200 Data Proc Lic. Expense	500	2,000
570000 Travel Expenses	12,866	54,797
580000 Capital Outlay	13,490	3,000
590000 Government Aid		
Total Expense	135,837	543,344
Means of Financing		
General Fund		
Cash Fund	71,774	287,094
Federal Fund	64,063	256,250
Revolving Fund		
Total Funding	135,837	543,344

Note: In the blank lines under Operating Expenses, itemize individual line items that comprise a significant portion of the Total Operating Expenses.

Program Adjustment Narrative

State of Nebraska – Administrative Services – Budget Division

	CODE	DESCRIPTION
AGENCY	021	State Fire Marshal
PROGRAM	193	Fuels Safety Division
REQUEST	1	Add 3 FTE

Provide the following information: A) Description of Request; B) Rationale for Request; C) Impact of Request; and, D) Statutory Change if Required.

A) This request is being made to comply with the Federal Energy Policy Act of 2005 requiring States to adopt and implement several provisions, one of which is to inspect all underground storage tanks at not more than three year intervals. The most efficient approach to accomplish this is to hire two additional field inspectors and one office assistant. Congress has appropriated funds to support the additional requirements, and the U.S. Environmental Protection Agency has awarded a grant to the State Fire Marshal’s office. This request is to add three FTE, and utilize the Federal funding to carry out the additional requirements.

B) Pursuant to the Federal Energy Policy Act of 2005, States are required to adopt and implement several provisions as follows:

INSPECTIONS - *August 8, 2007: EPA or states receiving funding under Subtitle I must complete inspections of tanks not inspected since December 22, 1998. August 8, 2010 – complete first three-year inspection cycle.

*DELIVERY PROHIBITION – August 8, 2006 – EPA must issue and make available to the public the final delivery prohibition guidelines. August 8, 2007 – Unlawful to deliver to “identified” tanks.

August 8, 2007 – States receiving funding must develop a delivery prohibition program consistent with EPA’s guidelines.

*PUBLIC RECORD – States receiving federal funds must develop a program and begin gathering data to meet the public record requirement to October 1, 2007.

OPERATOR TRAINING – August 8, 2007 – EPA must issue and make available to the public the operator training guidelines. August 8, 2009 – States receiving funding under Subtitle I of the Solid Waste Disposal Act must develop state-specific training requirements consistent with EPA’s guidelines.

*SECONDARY CONTAINMENT – February 8, 2007 – States receiving funding under Subtitle I of the Solid Waste Disposal Act must implement secondary containment or financial responsibility requirements.

The State Fire Marshal already has, or, is in the process of complying with those requirements marked with an asterisk(*). The “Inspections” provision consists of two parts, and we have completed the first part of that requirement (Inspection of tanks not inspected since 12/22/98). We are making this request in the middle of a biennium because the federal government has awarded us additional grant funding to carry out their requirements. We received the grant award on October 7, 2007.

C) In August, 2005, the President signed the Energy Policy Act of 2005, which mandated States to enact more stringent provisions of their Underground Storage Tank programs. One of the major provisions of this law requires States to implement a maximum interval of three years between onsite underground tank inspections. Our agency’s inspection interval has been averaging nearly seven years (not unlike many other States’ UST programs). Congress recognized that by lowering inspection intervals compliance rates would increase. Nebraska’s UST compliance rate is typically less than 50% (as determined during “initial” inspections). One of the quantitative impacts of increased personnel would (after training) produce an increase in the number of inspections conducted as required by the Federal law, without setting aside other important UST related inspections that are currently being performed. The addition of two field inspectors and one additional office staff would allow us to meet the mandated interval. Compliance rates will increase and thus raise safety levels

Program Adjustment Narrative

State of Nebraska – Administrative Services – Budget Division

	CODE	DESCRIPTION
AGENCY	021	State Fire Marshal
PROGRAM	193	Fuels Safety Division
REQUEST	1	Add 3 FTE

Provide the following information: A) Description of Request; B) Rationale for Request; C) Impact of Request; and, D) Statutory Change if Required.

necessary to protect the public and the environment. Failure to comply with the provisions of the Energy Policy Act may result in loss of program funding from EPA.

- D) This deficit request will require a change to LB 321 Section 88, lines 11, 12 and 14. On line 11 in the column for FY07-08, the additional amount requested is \$21,354 cash funds and line 12 \$64,063 federal funds, with an additional amount of \$50,644 Salary Limit to line 14. Also on line 11 under column FY08-09, the additional request amount to be added is \$85,417, on line 12 \$256,250 federal funds, and line 14 \$202,575 Salary Limit.

Form Number 520

Program Adjustment Request

State of Nebraska - Administrative Services - Budget Division

PAGE NUMBER

CODE & DESCRIPTION

AGENCY

21 State Fire Marshal

PROGRAM

193 Operations

REQUEST

1 Fuels Safety Division

EXPENDITURE ACCOUNT	APPROPRIATIONS		ADJUSTMENTS	
	2007-2008	2008-2009	2007-2008	2008-2009
Permanent F.T.E. Positions	8.0	8.0	3.0	3.0
511100 Permanent Salaries - Wages	244,728	252,070	50,644	202,575
511200 Temporary Salaries - Wages				
511600 Per Diem Payments				
511900 Supplemental (One-time payments)				
All Other Salaries				
Sub-Total Salaries	244,728	252,070	50,644	202,575
515100 Retirement Plans Expense	18,567	18,905	950	15,193
515200 OASDI Expense	18,868	19,283	968	15,497
515400 Life and Accident Insurance Expense	184	184	17	69
515500 Health Insurance Expense	68,368	78,623	395	18,977
All Other Personal Services	4,665	4,665		
Sub-Total Benefits	110,652	121,660	2,330	49,736
510000 Personal Services	355,380	373,730	52,974	252,311
520000 Operating Expenses	51,399	51,399	9,000	36,000
521200 Communication	11,699	11,699	449	1,796
521400 Data Processing	28,393	28,393	500	1,995
531100 Office Supplies	4,000	4,000	1,000	4,000
555200 Data Processing Lic	10,000	10,000	500	2,000
570000 Travel Expenses	90,613	90,613	10,994	43,565
580000 Capital Outlay	10,000	10,000	10,000	0
590000 Government Aid	50,000	50,000		
Total Expense	611,484	629,834	85,417	341,667
Means of Financing				
General Fund				
Cash Fund	561,484	579,834	21,354	85,417
Federal Fund	50,000	50,000	64,063	256,250
Revolving Fund				
Total Funding	611,484	629,834	85,417	341,667

Note: In the blank lines under Operating Expenses, itemize individual line items that comprise a significant portion of the Total Operating Expenses.

Program Adjustment Narrative

State of Nebraska – Administrative Services – Budget Division

	CODE	DESCRIPTION
AGENCY	21	State Fire Marshal
PROGRAM	193	General Operations
REQUEST	2	Add 3 FTE - Inspectors

Provide the following information: A) Description of Request; B) Rationale for Request; C) Impact of Request; and, D) Statutory Change if Required.

- A) The State Fire Marshal Agency is requesting three additional FTE to conduct life safety code inspections for the Department of Health and Human Services Systems. HHSS receives federal funding from the Centers for Medicare and Medicaid Services (CMS) and contracts with the State Fire Marshal Agency to conduct the inspections since the Fire Marshal inspectors possess the required training and expertise in fire safety codes.
- B) In the past two years, CMS has placed an increased emphasis on health care facilities' compliance with the life safety code regulations. This emphasis is in part due to life safety code violations that have resulted in fires or present a significant potential for fires in healthcare facilities in varying parts of the United States. This increased emphasis requires more in-depth life safety code surveys which have increased the amount of time Fire Marshal staff must devote to each survey. Given the Fire Marshal's staffing level, sufficient time cannot be devoted to meeting the increased workload and the preparation of deficiency reports that comply with CMS expectations. The request is being sought in the middle of a biennium because Federal funds are being requested to fund the additional FTE, but before the Federal government will agree to the additional funding, they must be assured the State will allow the additional personnel.
- C) The State Fire Marshal Agency submitted a proposed budget request to HHSS for the period of October 1, 2007 through September 30, 2009 which included three additional staff members to meet the inspection compliance requirements. The federal funding agency, CMS, cannot fund the request for three additional staff until they are assured the State will add staff. The estimated inspections hours projected to meet increased inspection requirements imposed in 2006 is 10,360 in FY08 and 10,400 in FY09. With the current number of staff we are limited to approximately 5,200 inspection hours annually. In order to receive Medicare Funds from CMS, Nebraska must meet a series of Performance Standards. The Fire Marshal is unable to meet the required deadlines at the present staffing level, which has caused a failure to meet two of the required Performance Standards. The State Fire Marshal's Agency pays the entire cost of the life safety code inspections from its cash funds. HHSS later reimburses the State Marshal's Office for the federal fund cost share of the program. The unreimbursed state match is paid out of State Fire Marshal cash fund appropriations. The deficit request includes cash fund appropriation authority to cover the initial cost of inspections until reimbursed by HHSS and also the state matching requirement.
- D) This deficit request will require a change to LB 321 Section 88, lines 11 and 14. On line 11 in the column for FY07-08, the additional amount is \$50,420 and \$30,393 Salary Limit to line 14. Also on line 11 under column FY08-09, the additional request amount to be added is \$201,677 and \$121,970 Salary Limit to line 14.

Form Number 520

Program Adjustment Request

State of Nebraska - Administrative Services - Budget Division

PAGE NUMBER

CODE & DESCRIPTION

AGENCY

21 State Fire Marshal

PROGRAM

193 General Operations

REQUEST

2 3 FTE

EXPENDITURE ACCOUNT	APPROPRIATIONS		ADJUSTMENTS	
	2007-2008	2008-2009	2007-2008	2008-2009
Permanent F.T.E. Positions	43.5	43.5	3.0	3.0
511100 Permanent Salaries - Wages	2,047,187	2,108,603	30,493	121,970
511200 Temporary Salaries - Wages				
511600 Per Diem Payments				
511900 Supplemental (One-time payments)				
All Other Salaries				
Sub-Total Salaries	2,047,187	2,108,603	30,493	121,970
515100 Retirement Plans Expense	153,539	158,145	2,287	9,148
515200 OASDI Expense	156,609	161,308	2,333	9,331
515400 Life and Accident Insurance Expense	992	992	18	69
515500 Health Insurance Expense	300,000	300,000	4,331	17,326
All Other Personal Services	29,987	29,987	2,272	13,630
Sub-Total Benefits	641,127	650,432	11,241	49,504
510000 Personal Services	2,688,314	2,759,035	41,734	171,474
520000 Operating Expenses	182,958	182,958	3,324	15,971
521200 Communications Expense	53,523	54,228		
524600 Rent Expense - Buildings	67,367	72,998		
531100 Office Supplies Expense	25,000	25,000		
533100 Household & Institutional Exp	40,000	40,000		
570000 Travel Expenses	362,191	362,191	1,872	11,232
580000 Capital Outlay	6,935	35,000	3,490	3,000
590000 Government Aid				
Total Expense	3,426,288	3,531,410	50,420	201,677
Means of Financing				
General Fund	2,647,462	3,194,724		
Cash Fund	778,826	336,686	50,420	201,677
Federal Fund				
Revolving Fund				
Total Funding	3,426,288	3,531,410	50,420	201,677

Note: In the blank lines under Operating Expenses, itemize individual line items that comprise a significant portion of the Total Operating Expenses.