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## Wyoming Legislative Service Office

# EXECUTIVE SUMMARY

## Department of Fire Prevention and Electrical Safety

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Program Evaluation Section

December 2008

### Purpose

The Management Audit Committee directed staff to undertake a review of the Department of Fire Prevention and Electrical Safety (DFPES), headed by the State Fire Marshal. Under its mission to protect life and property from fire and electrical hazards, DFPES enforces codes (fire and life safety; electrical), trains firefighters, issues permits for electrical work, and licenses electricians.

### Background

The Legislature appropriated just under \$7.7 million to DFPES for the '09 - '10 biennium. The Department has 36 staff, half in locations outside Cheyenne, plus a Council on Fire Prevention and Electrical Safety in Buildings and an Electrical Board, both of which adopt rules and hear appeals.

By statute, municipalities and counties (local jurisdictions) may opt to take on enforcement authority for fire, electrical, or building codes – if their standards are equal to or more stringent than the state's. Local jurisdictions may also choose to take joint plan review and inspection authority for state-owned or leased buildings. Areas that do not opt for local enforcement authority remain under DFPES jurisdiction.

A total of 24 municipalities and 6 counties have taken on some combination of enforcement authority, giving DFPES a geographic patchwork of responsibilities that vary by location. Statewide duties include licensing electricians, training firefighters,

and providing public education. DFPES conducts code enforcement activities (fire and electrical plan reviews and inspections; electrical permitting) only in areas that have not taken local enforcement jurisdiction.

Statute also assigns DFPES a mix of mandatory and discretionary code enforcement duties. Mandatory duties include conducting plan review and fire maintenance inspections on state buildings; discretionary duties include other fire maintenance and electrical permit inspections. With five fire inspector and eight electrical inspector positions to cover the state, DFPES does not inspect all projects that are under state jurisdiction.

### Results in Brief

DFPES is constrained by siloed data systems that are difficult for managers to use, a lack of written policies, and by a statute that awkwardly mixes Department, Board, and Council responsibilities. Delegation of enforcement to local jurisdictions reduces the workload of DFPES, but as LSO's 1980 audit found, the public interest may be jeopardized by the Department's lack of authority to set minimum qualifications for local inspectors.

### Principal Findings

Besides a limited staff, vast travel distances and a boom in construction make it increasingly important for the Department to establish priorities. The Fire Prevention Division has a priority list to guide inspectors in selecting projects for on-site review, but

the Electrical Safety Division does not. DFPES can improve its use of data to help managers and inspectors in both divisions assess whether agency priorities are met.

One of the Fire Prevention Division's top priorities is conducting fire maintenance inspections of schools every 18 months. These inspections look at how a building is used, including its exits, sprinklers, and fire alarms. DFPES records do not contain evidence that all schools within its jurisdiction are receiving those inspections in a timely manner.

Department managers have difficulty analyzing data available through the divisions' separate data systems. A new integrated system, scheduled for early 2009, is expected to more quickly answer basic management questions, such whether inspectors are getting to top-priority projects.

DFPES's only oversight of local enforcement jurisdictions takes place when approving an application to take enforcement authority; this oversight is limited to determining whether the jurisdiction has adopted code equal to or more stringent than the state code. State oversight ends with the transfer of enforcement authority to the local jurisdiction.

It is not clear how local jurisdictions can enforce codes equal to or more stringent than the state, as required by statute, since their inspectors may be less qualified than the Council recommends. Statute does not require certification for most local inspectors; only inspectors of state-owned or leased buildings must meet the Council's minimum standards for qualifications.

Certain statutory provisions related to the roles of the Department, Board, and Council are unclear. In addition to rule-making and hearing appeals, statute makes the Electrical Board responsible for specific administrative tasks, such as issuing reciprocal licenses for

electricians licensed in other states. Some of these duties are time-sensitive, and because the Board has no staff of its own and meets only a few times each year, it delegates them to Department staff.

We recommend that DFPES request the Legislature to revise selected provisions in statute. Ministerial duties currently assigned to the Board should be placed with the Department, so the Board can focus on policy and appeals. We also recommend that DFPES provide orientation and training for the Board and Council, and develop written policies and procedures for both to help stabilize practice through changes of administration.

### **Agency Comments**

DFPES agrees with the recommendations to improve its data systems, develop policies for the Electrical Safety Division, and request the Legislature to revise unclear statutory provisions. The Department disagrees with the recommendation that the Council define minimum qualifications for local jurisdiction inspectors.

The Department partially agrees with the recommendation to assist the Council and Board in developing written policies and procedures, and providing training. The Department agrees about the importance of training, but disagrees that the Council and Board need policies and procedures beyond what is already in rules.

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*Copies of the full report are available from the Wyoming Legislative Service Office. If you would like to receive the full report, please fill out the enclosed response card or phone 307-777-7881. The report is also available on the Wyoming Legislature's website at [legisweb.state.wy.us](http://legisweb.state.wy.us)*