

SESSION OF 2021

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2415

As Amended by House Committee on Federal
and State Affairs

Brief*

HB 2415, as amended, would create law related to the law enforcement and investigation powers of the State Fire Marshal and fire prevention personnel, and would amend law concerning standards for clothing and equipment for fire fighters.

State Fire Marshal Investigators

The bill would provide that the State Fire Marshal and investigators of the State Fire Marshal would have the authority to make arrests and conduct searches and seizures while investigating violations of laws enforced or administered by the State Fire Marshal.

The bill would specify that such investigators, who are certified law enforcement officers, pursuant to continuing law, would be authorized to make arrests, conduct searches and seizures, and generally enforce all criminal laws of the state, as are encountered by such employees during the routine performance of their duties.

Joint Investigation

The bill would further require a joint investigation regarding the circumstances of a death to be initiated

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

whenever death occurs as a result of fire or when the body of a deceased person is discovered at the scene of a fire.

The bill would require the chief of the organized fire department and the chief law enforcement officer to initiate an investigation. The bill would specify if there is no local fire department, the chief law enforcement officer and State Fire Marshal would initiate such joint investigation. The bill would require the State Fire Marshal assist an official who initiates any such investigation.

Protective Clothing and Equipment Standards

The bill would specify protective clothing or equipment sold or purchased for firefighters in the state meet or exceed the standards of the National Fire Protection Association designated by the State Fire Marshal through adoption of rules and regulations.

Background

The bill was introduced by the House Committee on Federal and State Affairs at the request of the State Fire Marshal.

[*Note:* The bill, as introduced, contained similar provisions to 2019 SB 206, as further amended by the Senate Committee on Federal and State Affairs.]

House Committee on Federal and State Affairs

In the House Committee hearing on March 12, 2021, **proponent** testimony was presented by the State Fire Marshal and a representative of the Kansas Association of Chiefs of Police, Kansas Peace Officers Association, and the Kansas Sheriffs Association, stating the bill would clarify law enforcement and investigation powers of fire investigators and amend law related to fire protective clothing and equipment.

Neutral testimony was presented by a representative of the League of Kansas Municipalities who expressed a concern with certain language relating to the law enforcement powers of investigators. Written-only neutral testimony was provided by a representative of the Kansas Association of Counties.

No other testimony was provided.

The House Committee amended the bill by inserting language that would clarify certain aspects of law enforcement powers provisions and to specify who shall initiate a joint investigation.

Fiscal Information

According to the fiscal note prepared by the Division of Budget on the bill as introduced, the Office of the State Fire Marshal indicates enactment of the bill would have no fiscal effect because the additional number of fire fatality cases its investigators would be involved in could be absorbed within existing resources.

The Kansas Association of Counties indicates enactment of the bill could result in situations where counties must replace firefighting equipment prior to the end of its useful life if new standards are adopted that would exclude the use of existing equipment. However, a precise fiscal effect

cannot be estimated. The League of Kansas Municipalities indicates enactment of the bill would have a negligible fiscal effect on cities that could be absorbed within existing resources.

Any fiscal effect associated with the bill is not reflected in *The FY 2022 Governor's Budget Report*.

Arrest; investigator; search and seizure; State Fire Marshal