

SESSION OF 2019

SUPPLEMENTAL NOTE ON SENATE BILL NO. 206

As Amended by Senate Committee on Federal
and State Affairs

Brief*

SB 206, as amended, would create and amend law related to the law enforcement powers of the State Fire Marshal and fire prevention personnel, and would amend law concerning standards for clothing and equipment for fire fighters.

The bill would create a new section of law requiring an investigation regarding the circumstances of a death be initiated whenever the death of a person 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 an investigation to be initiated by either the chief of the regular or volunteer organized fire department or the chief law enforcement officer if there is no local fire department. Such investigations would be assisted by the State Fire Marshal.

The bill would also add provisions clarifying that the State Fire Marshal and deputies have the authority to make arrests, conduct searches and seizures, and carry firearms while investigating violations of laws enforced or administered by the State Fire Marshal. The language would further specify that the State Fire Marshal and deputies would have general authority to enforce all state criminal laws encountered during the routine performance of duties.

Regarding fire prevention personnel with law enforcement powers, the bill would specify their authority

*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>

extended only to incidents occurring within the jurisdiction of the paid fire department where they work.

Finally, the bill would specify any protective clothing or equipment sold or purchased for firefighters in the state must 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 Senate Committee on Federal and State Affairs at the request of the State Fire Marshal.

At the hearing in the Senate Committee, the State Fire Marshal appeared in support of the bill. He stated the intent of the bill was to make sure all fatality fires or explosions in the state are investigated and that the Office of the State Fire Marshal (OSFM) is involved in those investigations.

Representatives of Interhab, the Johnson County Sheriff's Office, the Kansas Association of Counties (KAC), and the League of Kansas Municipalities (LKM) appeared in opposition to the bill. The conferees generally expressed concern that the bill, as introduced, would decrease local control over these investigations. Written-only opponent testimony was provided by the Unified Government of Wyandotte and Kansas City, Kansas.

Written-only neutral testimony was provided by a representative of the Kansas Association of Chiefs of Police, the Kansas Peace Officers Association, and the Kansas Sheriffs Association.

The Senate Committee amended the bill by adding language to specify the role of the State Fire Marshal in investigating fire deaths.

According to the fiscal note prepared by the Division of the Budget, the OSFM has indicated the bill, as introduced, would result in a negligible increase in workload that could be handled within existing resources. The LKM indicated enactment of the bill could result in decreased expenditures for local units of government that would no longer have to expend resources conducting death investigations, but it could not estimate an exact fiscal effect because the number of cases referred to the OSFM is unknown. The KAC and the Kansas Commission on Peace Officers' Standards and Trainings indicated enactment of the bill would have no fiscal effect. Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2020 Governor's Budget Report*.