

SESSION OF 2019

SUPPLEMENTAL NOTE ON SENATE BILL NO. 206

As Further Amended by Senate Committee on
Federal and State Affairs

Brief*

SB 206, as further 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.

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.

*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>

At the hearing in the Senate Committee on March 7, 2019, 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 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 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.

The bill was passed out of the Senate Committee on March 21, 2019, and rereferred to the Senate Committee from the Senate Calendar on April 3, 2019.

On April 4, 2019, the Senate Committee further amended the bill by removing all of Section 2, which related to the law enforcement authority of the State Fire Marshal and fire prevention personnel.

According to the fiscal note prepared by the Division of the Budget, the OSFM indicates the bill, as introduced, would result in a negligible increase in workload that could be handled within existing resources. The LKM indicates 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 indicate 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*.