

Testimony Regarding HB 2415

House Federal and State Affairs Committee

Doug Jorgensen, State Fire Marshal

March 12, 2021

I want to thank the committee for the opportunity to appear here today and present supportive and informational testimony on HB 2415. This bill does three things. Section 1. Clarifies the law enforcement authority/powers of our investigators and creates a new requirement that all fire fatalities will be investigated, and our office be involved in that investigation. At the request of the fire service, Section 2. Updates the language in KSA 31-158 which had not been done since 1988.

The current version of KSA 31-157 does not describe the law enforcement authority our investigators have in the same way that other state agencies have, such as the Department of Revenue, the Kansas Lottery, and the Department of Labor. In K.S.A. 74-5602 (g) under the Kansas Law Enforcement Training Act, our investigators are recognized as a "police officer" or "law enforcement officer" and are certified by the Commission on Peace Officer Standards and Training (CPOST). We are just better defining their police powers consistent with other state agencies so that there are no future issues in court regarding the testimony of our investigators.

Over the last couple of years our office has become aware of fires and explosions that have occurred and were not thoroughly investigated. Those incidents cover the entire fire service from 1st class cities with fulltime departments to the local volunteer departments and all sizes of law enforcement agencies.

Our agency's intent with the new legislation is to make sure that all fatalities from fires in the state are investigated and that our office is involved in those investigations. We are not asking to be involved in all fire investigations unless requested by the local fire department or law enforcement. This bill just focuses on new requirements for fire fatalities.

KSA 31-158 protects the state fire service from companies selling non-approved fire clothing or equipment in the state. The current version references the standards of the "National Fire Protection Association (NFPA), in effect on the effective date of the act" which was in 1988. The new version of this statute simply allows our office to use the current version of the NFPA standards as those standards change and are updated, without having to change the statute every 2-3 years.