

SUBJECT: Authorizing state fire marshal to investigate firefighter deaths

COMMITTEE: Urban Affairs — committee substitute recommended

VOTE: 8 ayes — Carter, Bailey, Burnam, Callegari, Edwards, Hill, E. Jones, Najera
0 nays
1 absent — Ehrhardt

WITNESSES: For — Ken Bailey, Texas State Association of Fire Fighters; *Registered but did not testify:* Randy Cain and Vance Riley, Texas Fire Chiefs Association; Richard Gaston; T.T. Moreno, San Antonio Professional Fire Fighters Association; Johnny Villarreal, Houston Professional Fire Fighters; Ken Whalen, Texas Daily Newspaper Association/Texas Press Association

Against — None

On — Mike Davis, State Fire Marshal and Texas Department of Insurance

BACKGROUND: Government Code, chapter 417 establishes guidelines and duties for the state fire marshal. Sec. 417.007 authorizes the fire marshal to investigate the cause, origin, and circumstance of a fire in the state if requested by the insurance commissioner, by local, state, or federal officials, or by an insurance company or policyholder with an interest in the fire.

Many local fire and law enforcement departments investigate the deaths of firefighters, but no state law requires the fire marshal to do so. Fire marshals have the authority to call in experts and commissioned peace officers for assistance.

DIGEST: CSHB 1450 would require the state fire marshal to investigate the death of any firefighter killed in the line of duty, including the cause and origin of the fire, the condition of the structure, and the suppression operation. The fire marshal would have the same powers for this purpose as for investigating fires. The marshal would have to coordinate with local government officials and could enlist the aid of fire service organizations and private entities.

The fire marshal would have to issue a report on each investigation once it was completed and would have to deliver a comprehensive report detailing each investigation conducted over the preceding year to the insurance commissioner by October 31 of each year. Information gathered in an investigation of a firefighter's death could be excepted from public records requirements as information that dealt with the detection, investigation, or prosecution of a crime.

The bill would take effect September 1, 2001.

NOTES:

The committee substitute removed the original bill's provision that a fire marshal could investigate fire incidents that resulted in the hospitalization of a firefighter. The substitute also added the requirement for the marshal to release a report at the end of each investigation and to deliver a detailed report to the insurance commissioner once a year.