

BILL ANALYSIS

Senate Research Center

H.B. 1450
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State Affairs
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Engrossed

DIGEST AND PURPOSE

Current law does not require an investigation of a firefighter fatality. Many local entities do investigate deaths that have occurred in the line of duty, but there is no state mandate to do so. H.B. 1450 requires the state fire marshal to investigate the death of any individual who performs fire suppression duties for a governmental entity or volunteer fire department that occurs in the line of duty in connection with a fire-fighting incident.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 417, Government Code, by adding Section 417.0075, as follows:

Sec. 417.0075. INVESTIGATION OF FIREFIGHTER FATALITY. (a) Defines “firefighter.”

(b) Requires the state fire marshal, if a firefighter dies in the line of duty in connection with a fire-fighting incident in this state, to investigate the circumstances surrounding the death of the firefighter, including the cause and origin of the fire, the condition of the structure, and the suppression operation, to determine the factors that may have contributed to the death of the firefighter.

(c) Provides that, in conducting an investigation under this section, the state fire marshal has the same powers as those granted to the state fire marshal under Section 417.007. Requires the state fire marshal to coordinate the investigative efforts of local government officials and authorizes the state fire marshal to enlist established fire service organizations and private entities to assist in the investigation.

(d) Requires the state fire marshal to release a report concerning an investigation conducted under this section on completion of the investigation.

(e) Requires the state fire marshal, not later than October 31 of each year, to deliver to the commissioner of insurance a detailed report about the findings of each investigation conducted under this section in the preceding year.

(f) Provides that information gathered in an investigation conducted under this section is subject to Section 552.108.

(g) Prohibits the authority granted to the state fire marshal under this section from limiting in any way the authority of the county or municipal fire marshal to conduct the county or municipal fire marshal's own investigation into the death of a firefighter within

the county or municipal fire marshal's jurisdiction.

SECTION 2. (a) Effective date: September 1, 2001.

(b) Requires the state fire marshal to deliver to the commissioner of insurance the first report required by Section 417.0075(e), Government Code, as added by this Act, not later than October 31, 2002.