

## **BILL ANALYSIS**

S.B. 1267  
By: Nichols  
Judiciary & Civil Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Observers note that timberland investment and management organizations have worked extensively with the Texas Forest Service to train equipment operators and employees to fight wildfires, provide them with the proper safety equipment, and furnish them with radios that enable communications while jointly fighting fires. Interested parties contend that although such organizations have enabled their employees and contractors to fight wildfires when called upon by the Texas Forest Service, concerns over liability that may arise when working on property that is not owned by the organizations have restricted the organizations' ability to assist adjoining landowners in certain situations, even though many landowners would appreciate such assistance. S.B. 1267 seeks to address this issue by establishing certain liability protections for any outside labor or assistance providing firefighting services on private land in conjunction with the Texas Forest Service.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

S.B. 1267 amends the Education Code to grant an individual providing labor or assistance to the Texas Forest Service in the performance of certain fire suppression duties on privately owned land immunity from liability for civil damages, including personal injury, wrongful death, property damage, death, or other loss resulting from any act, error, or omission by the individual in providing that labor or assistance unless the act, error, or omission proximately caused the loss and was performed with malice or constitutes gross negligence, recklessness, or intentional misconduct.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.