

1-1 By: Nichols S.B. No. 1267
 1-2 (In the Senate - Filed March 6, 2013; March 13, 2013, read
 1-3 first time and referred to Committee on State Affairs;
 1-4 April 3, 2013, reported favorably by the following vote: Yeas 7,
 1-5 Nays 0; April 3, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10			X	
1-11	X			
1-12	X			
1-13			X	
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the liability of individuals providing labor or
 1-20 assistance to the Texas Forest Service in the performance of
 1-21 certain fire suppression duties.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 88.104, Education Code, is amended to
 1-24 read as follows:

1-25 Sec. 88.104. AUTHORITY TO ENTER PRIVATE LAND.

1-26 (a) Authority is hereby granted to every employee of the Texas
 1-27 Forest Service and any outside labor or assistance the employee
 1-28 deems necessary to enter upon any privately-owned land in the
 1-29 performance of fire suppression duties which are by state law under
 1-30 the direction of the director. These entries on privately-owned
 1-31 land may be made whenever it is necessary to investigate forest and
 1-32 grass fires and to ascertain whether they are burning uncontrolled,
 1-33 and whenever it is necessary to suppress forest and grass fires that
 1-34 are known to be burning uncontrolled.

1-35 (b) An individual providing labor or assistance to the Texas
 1-36 Forest Service under Subsection (a) is not liable for civil
 1-37 damages, including personal injury, wrongful death, property
 1-38 damage, death, or other loss resulting from any act, error, or
 1-39 omission by the individual in providing that labor or assistance
 1-40 unless the act, error, or omission:

1-41 (1) proximately caused the loss; and

1-42 (2) was performed with malice or constitutes gross
 1-43 negligence, recklessness, or intentional misconduct.

1-44 SECTION 2. Subsection (b), Section 88.104, Education Code,
 1-45 as added by this Act, applies only to an act, error, or omission
 1-46 that occurs on or after the effective date of this Act.

1-47 SECTION 3. This Act takes effect immediately if it receives
 1-48 a vote of two-thirds of all the members elected to each house, as
 1-49 provided by Section 39, Article III, Texas Constitution. If this
 1-50 Act does not receive the vote necessary for immediate effect, this
 1-51 Act takes effect September 1, 2013.

1-52 * * * * *