CHAPTER 34
S.B. No. 1267
AN ACT
relating to the liability of individuals providing labor or assistance to the Texas Forest Service in the performance of certain fire suppression duties.

Be it enacted by the Legislature of the State of Texas:

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

Sec. 88.104. AUTHORITY TO ENTER PRIVATE LAND. (a) Authority is hereby granted to every employee of the Texas Forest Service and any outside labor or assistance the employee deems necessary to enter upon any privately-owned land in the performance of fire suppression duties which are by state law under the direction of the director. These entries on privately-owned land may be made whenever it is necessary to investigate forest and grass fires and to ascertain whether they are burning uncontrolled, and whenever it is necessary to suppress forest and grass fires that are known to be burning uncontrolled.

(b) An individual providing labor or assistance to the Texas Forest Service under Subsection (a) is not liable 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:

(1) proximately caused the loss; and
(2) was performed with malice or constitutes gross negligence, recklessness, or intentional misconduct.

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

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

Passed the Senate on April 10, 2013: Yeas 31, Nays 0; passed the House on April 25, 2013: Yeas 136, Nays 0, two present not voting.

Approved May 10, 2013.
Effective May 10, 2013.

CHAPTER 35
S.B. No. 192
AN ACT
relating to access to criminal history record information by the banking commissioner.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subsection (a), Section 411.092, Government Code, is amended to read as follows:

(a) The banking commissioner is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who is:

(1) an applicant for a license, charter, or other authority granted or issued by the banking commissioner under:
(A) Subtitle A, F, or G, Title 3, Finance Code; or any successor to that law; [or]
(B) Chapter 151, 152, or 154, Finance Code; or
(C) Chapter 712, Health and Safety Code;
(2) a principal of an applicant under Subdivision (1);
(3) an employee of or applicant for employment or volunteer with the Texas Department of Banking; or

(4) a contractor or subcontractor of the Texas Department of Banking.

SECTION 2. This Act takes effect September 1, 2013.

Passed the Senate on March 13, 2013: Yeas 31, Nays 0; passed the House on April 25, 2013: Yeas 136, Nays 0, two present not voting.

Filed without signature May 10, 2013.

Effective September 1, 2013.

CHAPTER 36

S.B. No. 228

AN ACT

relating to the regulation of the practice of public accountancy.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 901.153, Occupations Code, is amended by adding Subsection (f) to read as follows:

(f) An enforcement committee may hold a closed meeting as provided by Section 551.090, Government Code, to investigate and deliberate a disciplinary action under Subchapter K relating to the enforcement of this chapter or board rules.

SECTION 2. Subsection (b), Section 901.457, Occupations Code, is amended to read as follows:

(b) This section does not prohibit a license holder from disclosing information that is required to be disclosed:

(1) by the professional standards for reporting on the examination of a financial statement;

(2) under a summons or subpoena under the provisions of the Internal Revenue Code of 1986 and its subsequent amendments, the Securities Act of 1933 (15 U.S.C. Section 77a et seq.) and its subsequent amendments, [or] the Securities Exchange Act of 1934 (15 U.S.C. Section 78a et seq.) and its subsequent amendments, or The Securities Act (Article 581-1 et seq., Vernon’s Texas Civil Statutes);

(3) [or] under a court order signed by a judge if the [summons or] order:

(A) is addressed to the license holder;

(B) mentions the client by name; and

(C) requests specific information concerning the client;

(4) in an investigation or proceeding conducted by the board;

(5) in an ethical investigation conducted by a professional organization of certified public accountants; [or]

(6) in the course of a peer review under Section 901.159 or in accordance with the requirements of the Public Company Accounting Oversight Board or its successor, or

(7) in the course of a practice review by another certified public accountant or certified public accountancy firm for a potential acquisition or merger of one firm with another, if both firms enter into a nondisclosure agreement with regard to all client information shared between the firms.

SECTION 3. Subchapter D, Chapter 551, Government Code, is amended by adding Section 551.090 to read as follows:

Sec. 551.090. ENFORCEMENT COMMITTEE APPOINTED BY TEXAS STATE BOARD OF PUBLIC ACCOUNTANCY. This chapter does not require an enforcement committee appointed by the Texas State Board of Public Accountancy to conduct an open