

BILL ANALYSIS

C.S.H.B. 2601

By: Miller

Defense Affairs and State-Federal Relations
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The United States Nuclear Regulatory Commission (NRC) requires commercial nuclear power plants to maintain rigorous security programs and approved security plans. The NRC also imposes extensive training and qualification requirements for site security personnel. Since the terrorist attacks of September 11, 2001, the NRC and the nuclear industry has worked to strengthen nuclear plants' capability and readiness to respond to potential threats on nuclear facilities. For nuclear plants to fully meet NRC directives and to enhance plant security, nuclear plant security personnel need greater authority under state law to respond to dangerous situations. C.S.H.B. 2601 gives trained security personnel, including security contract personnel, powers of arrest, search and seizure, while in the performance of their duties as part of an approved security organization at certain commercial nuclear power plants. This bill also authorizes commercial nuclear power plant licensees to obtain criminal history record information from the Department of Public Safety.

RULEMAKING AUTHORITY

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

ANALYSIS

HB 2601 gives security personnel, including security contract personnel, powers of arrest, search and seizure, while in the performance of their duties as part of an approved security organization at a commercial nuclear power plant, licensed by the United States Nuclear Regulatory Commission.

HB 2601 provides that commercial nuclear power plant licensees, and their designees, are entitled to obtain information from the Department of Public Safety of the State of Texas (DPS), that relates to a person who has or is seeking employment or access at the commercial nuclear power plant.

The bill provides that it is an affirmative defense to a civil action, for damages for personal injury or death, that the defendant, at the time the cause of action arose, was a peace officer, and was justified in using deadly force.

EFFECTIVE DATE

This Act takes effect September 1, 2003, unless it receives the votes necessary for immediate effect.

SECTION 4 of this bill applies only to a cause of action that accrues on or after the effective date.

COMPARISON OF SUBSTITUTE TO ORIGINAL

The substitute modifies the original version of the bill in that it is a Legislative Council Draft. Several changes are conforming and stylistic changes rather than substantive.

The substitute modifies the original version of the bill in SECTION 1 by removing the security personnel

from the definition of a peace officer and instead gives them certain powers and protections provided by the Penal Code.

The substitute modifies the original version of the bill by removing SECTION 2 of the original bill.

The substitute modifies the original version of the bill by adding a clause in the new SECTION 5 (Effective Date) regarding cause of actions.