

BILL ANALYSIS

S.B. 1278
By: Armbrister
Regulated Industries
Committee Report (Amended)

BACKGROUND AND PURPOSE

The Governor's Task Force on Homeland Security report cites electric power production facilities as critical infrastructure and potential targets for terrorist acts. As proposed, S.B. 1278 authorizes security officers for an electric cooperative that has an electric generation facility to become peace officers to enforce the laws of Texas within a specified jurisdiction.

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

SECTION 1. Amends Subchapter B, Chapter 161, Utilities Code, by adding Section 161.0765, as follows:

Sec. 161.0765. SECURITY OFFICERS. (a) Authorizes the board of an electric cooperative that owns and operates a generating facility to employ and commission security personnel to enforce the law of this state within the jurisdiction designated by Subsection (c).

(b) Authorizes an officer commissioned under this section to make arrests and have all the powers, privileges, and immunities of a peace officer while performing the officer's assigned duties within the jurisdiction designated by Subsection (c). Requires an officer assigned to duty and commissioned to take and file the oath required of peace officers and to execute and file a good and sufficient bond in the sum of \$1,000, payable to the governor, with two or more good and sufficient sureties, conditioned that the officer will fairly, impartially, and faithfully perform the duties required of the officer by law. Authorizes the bond to be sued on from time to time in the name of the person injured until the whole amount is recovered.

(c) Provides that the jurisdiction of an officer commissioned under this section is limited to property owned, leased, managed, or controlled by the electric cooperative, including an electric generation facility, a substation, and land surrounding a power line and a perimeter area that extends not farther than one mile from property owned, leased, managed, or controlled by the electric cooperative, including public streets or alleys.

(d) Provides that an officer commissioned by an electric cooperative under this section is not entitled to compensation or benefits provided by this state or a political subdivision of this state.

(e) Provides that the state or a political subdivision of this state is not liable for an act or omission of an officer commissioned under this section during the performance of the officer's assigned duties.

(f) Prohibits an electric cooperative from commissioning a person under this section unless the person obtains a peace officer license issued by the Commission on Law Enforcement Officer Standards and Education (TCLEOSE). Requires the

electric cooperative to pay to the TCLEOSE on behalf of an employee any fees that are necessary to obtain a required license.

(g) Provides that a person's commission and any authority to act as an officer under this section are automatically revoked if the person's employment with an electric cooperative is terminated for any reason.

SECTION 2. Amends Article 2.12, Code of Criminal Procedure, to include officers commissioned under Section 161.0765, Utilities Code, as individuals who are peace officers.

EFFECTIVE DATE

September 1, 2003.

EXPLANATION OF AMENDMENTS

The amended version of SB 1278 narrows the scope of the bill, limiting the area in which officers of electric cooperatives have authority to act as officers of the peace. The amendments also specify exactly which assets of an electric cooperative are covered by this bill.