

BILL ANALYSIS

C.S.H.B. 1643
By: Springer
Homeland Security & Public Safety
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties contend that the offense of operating an unmanned aircraft over a critical infrastructure facility insufficiently protects farmers raising livestock as flying such aircraft near animals can have adverse effects on the livestock, thus reducing their value. The parties further contend a need to update the telecommunications facilities to which this offense applies. C.S.H.B. 1643 seeks to protect the economic interests of Texas' farmers by classifying certain concentrated animal feeding operations as critical infrastructure facilities for purposes of that offense and to update the offense with respect to telecommunications facilities.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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

C.S.H.B. 1643 amends the Government Code to include the following facilities that meet certain enclosure and signage requirements in the definition of "critical infrastructure facility" for purposes of the offense of operation of an unmanned aircraft over a critical infrastructure facility: any structure used as part of a system to provide wired or wireless telecommunications services and a concentrated animal feeding operation that is operated for meat, milk, or egg production or for growing, stabling, or housing livestock or poultry in pens or houses, in which livestock or poultry are fed at the place of confinement and crop or forage growth or feed is not produced in the confinement area.

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1643 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 423.0045(a)(1), Government Code, is amended to read as follows:

- (1) "Critical infrastructure facility" means:
 - (A) one of the following, if completely enclosed by a fence or other physical barrier that is obviously designed to exclude intruders, or if clearly marked with a sign or signs that are posted on the property, are reasonably likely to come to the attention of intruders, and indicate that entry is forbidden:
 - (i) a petroleum or alumina refinery;
 - (ii) an electrical power generating facility, substation, switching station, or electrical control center;
 - (iii) a chemical, polymer, or rubber manufacturing facility;
 - (iv) a water intake structure, water treatment facility, wastewater treatment plant, or pump station;
 - (v) a natural gas compressor station;
 - (vi) a liquid natural gas terminal or storage facility;
 - (vii) a telecommunications central switching office;
 - (viii) a port, railroad switching yard, trucking terminal, or other freight transportation facility;
 - (ix) a gas processing plant, including a plant used in the processing, treatment, or fractionation of natural gas;
 - (x) a transmission facility used by a federally licensed radio or television station;
 - (xi) a steelmaking facility that uses an electric arc furnace to make steel; [ø]
 - (xii) a dam that is classified as a high hazard by the Texas Commission on Environmental Quality; or
 - (xiii) a concentrated animal feeding operation, as defined by Section 26.048, Water Code; or
 - (B) any portion of an aboveground oil, gas, or chemical pipeline that is enclosed by a fence or other physical barrier that is obviously designed to exclude intruders.

SECTION 2. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 423.0045(a)(1), Government Code, is amended to read as follows:

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 - (i) a petroleum or alumina refinery;
 - (ii) an electrical power generating facility, substation, switching station, or electrical control center;
 - (iii) a chemical, polymer, or rubber manufacturing facility;
 - (iv) a water intake structure, water treatment facility, wastewater treatment plant, or pump station;
 - (v) a natural gas compressor station;
 - (vi) a liquid natural gas terminal or storage facility;
 - (vii) a telecommunications central switching office or any structure used as part of a system to provide wired or wireless telecommunications services;
 - (viii) a port, railroad switching yard, trucking terminal, or other freight transportation facility;
 - (ix) a gas processing plant, including a plant used in the processing, treatment, or fractionation of natural gas;
 - (x) a transmission facility used by a federally licensed radio or television station;
 - (xi) a steelmaking facility that uses an electric arc furnace to make steel; [ø]
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 - (xiii) a concentrated animal feeding operation, as defined by Section 26.048, Water Code; or
 - (B) any portion of an aboveground oil, gas, or chemical pipeline that is enclosed by a fence or other physical barrier that is obviously designed to exclude intruders.

SECTION 2. Same as introduced version.

effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 3. This Act takes effect September 1, 2017.

SECTION 3. Same as introduced version.