

SUBJECT: Allowing electric cooperatives to commission security officers

COMMITTEE: Regulated Industries — favorable, with amendment

VOTE: 4 ayes — King, Hunter, Crabb, Guillen
0 nays
3 absent — Turner, Baxter, Wolens

SENATE VOTE: On final passage, May 8 — 31-0, on Local and Uncontested Calendar

WITNESSES: For — Henry Wood, South Texas Electric Cooperative
Against — None

BACKGROUND: Utilities Code, ch. 161 allows the creation of electric cooperative corporations to provide electric service to rural areas, including both the farm and nonfarm population of an area that is not located in a municipality with a population of more than 1,500 or in an unincorporated city, town, village, or borough with a population of more than 1,500.

Code of Criminal Procedure (CCP), art. 2.12 defines peace officers, which include sheriffs and their deputies, constables and deputy constables, marshals and police officers, Department of Public Safety troopers and rangers, and various other state and local law enforcement officers.

DIGEST: SB 1278, as amended, would authorize an electric cooperative to commission a security officer who had obtained a license through the Commission on Law Enforcement Officer Standards and Education (CLEOSE). The officer would have to take and file the oath required of a peace officer and file a bond of \$1,000, payable to the governor, to ensure that the person faithfully performed the duties required by law.

The electric cooperative would have to pay the fees needed to obtain the officer's license. The license would be revoked automatically if the officer no longer was employed by the electric cooperative for any reason.

The bill would limit the jurisdiction of these security officers to the property owned, leased, managed, or controlled by the electric cooperative, limited to an electric generation facility, switching station, communications repeater site, and substation. The jurisdiction also would include a one-mile perimeter extending from property owned, leased, managed or controlled by the cooperative, limited to an electric generation facility, a switching station, a communications site, and a substation.

An electric cooperative security officer would not be entitled to compensation or benefits paid by the state or by a political subdivision. The state or a political subdivision would not be liable for an act or omission by an electric cooperative security officer.

The bill also would amend CCP, art. 2.12 to include electric cooperative security officers among peace officers recognized by the state.

The bill would take effect September 1, 2003.

**SUPPORTERS
SAY:**

Protecting critical infrastructure and potential targets for terrorists remains a top priority for the Governor's Task Force on Homeland Security. SB 1278 would authorize rural electric cooperatives to commission trained security officers to protect vital facilities such as electric generation facilities and switching stations.

Electric cooperative security officers would have to meet the same strict CLEOSE standards that all other law enforcement officers must meet to carry a gun and badge in Texas. The bill would prevent these officers from imposing additional costs or liabilities on state or on local taxpayers. However, the electric cooperative corporation — and its members — would remain responsible for maintaining the professional standards of its peace officers, or the cooperative could be civilly and criminally liable for those officers' actions.

**OPPONENTS
SAY:**

Security officers are not accountable to the public and should not be given peace officer powers. These officers have the full authority to arrest a citizen, search a person, seize belongings, or even take someone's life. Citizens have redress through elected state and local officials in cases when publicly employed peace officers abuse their power, but it is not as certain who would

be liable for the wrongful actions of an electric cooperative corporation's security officers.

NOTES:

The committee amended the Senate engrossed version of SB 1278 by removing language that would have extended the jurisdiction of an electric cooperative security officer to public streets and alleys and to land surrounding a power line.