

BILL ANALYSIS

H.B. 1009
By: Corte
Defense Affairs & State-Federal Relations
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Provisions included in the US Transportation Security Act of 2002, the International Maritime Organization's International Ship and Port-Facility Code (ISPS) and federal regulations require all ports to control access and maintain an account of who is on their property. Violation of either the act or code could result in fines or immediate shut down of the port by the US Coast Guard.

Texas ports have a number of employees, truckers, laborers, vendors, stevedores, and other maritime professionals that come to work at the port everyday. The ports also get many first-time visitors that come to visit or conduct business infrequently. To efficiently manage and track these first-time or infrequent visitors without disrupting port operations, a system is needed that is quick, accurate and secure.

HB 1009 will allow Texas port authorities to access the information on the magnetic strips on the back of driver licenses to use to provide a temporary pass to a visitor and to monitor the movement of those individuals within port facilities. This data will be confidential and its release to unauthorized persons is subject to criminal prosecution.

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 of HB 1009 allows certain people authorized by the executive or administrative head of a port, port authority, or navigation district to use electronically readable information derived from a driver's license, commercial driver's license or personal identification certificate for purposes of identification of individuals, providing credentials, securing the port, tracking or limiting the movement of individuals, and other security or operational efficiencies.

The bill also limits who is authorized to share electronically readable information derived from these databases, and provides that the information in the databases is not subject to the State's Open Records laws.

EFFECTIVE DATE

This act will take effect immediately if it receives the necessary vote, otherwise it will take effect September 1, 2005.