

SUBJECT: Border crossing initiative and issuance of an enhanced driver's license

COMMITTEE: Border and International Affairs — favorable, without amendment

VOTE: 5 ayes — T. King, Frost, Castro, Hardcastle, Merritt
1 nay — Pickett
1 absent — Hernandez

SENATE VOTE: On final passage, May 1 — 30-1 (Nichols)

WITNESSES: For — (*Registered, but did not testify:* Veronica de Lafuente, Hidalgo County Commissioner's Court)
Against — None
On — Robert Burroughs, Texas Department of Public Safety

DIGEST: SB 2027 would authorize the Department of Public Safety (DPS) to issue an enhanced driver's license or a personal identification certificate for an individual's use when crossing the border between Texas and Mexico. The department could enter into agreements with a U.S. federal agency and Mexico to implement and facilitate this border-crossing initiative.

When applying for an enhanced driver's license or personal identification certificate, the applicant would be required to provide proof of U.S. citizenship, identity and state residency and any other requirements imposed for a standard driver's license or personal identification certificate. DPS would continue to issue standard driver's licenses and personal identification certificates, offering each applicant the option of applying for either the standard or the enhanced version.

DPS would implement a one-to-many biometric matching system for the initiative. An applicant would be required to submit a designated biometric identifier for identity verification purposes. Reasonable security measures would be implemented to protect the privacy of individuals with an enhanced driver's license or a personal identification certification.

Security measures would include safeguards to protect against the unauthorized disclosure of information. If the enhanced driver's license or personal identification certificate included a radio frequency identification chip or similar technology, DPS would make certain that the technology was encrypted or secure from unauthorized information access.

The department could set rules to implement the bill. DPS would periodically review technological innovations related to the security of driver's licenses and personal identification certificates and amend its rules to protect the privacy of a holder. The department could set a fee for the issuance of the license or certificate.

The department would educate the public about the border-crossing initiative. This public information campaign would have to include information about the forms of travel for which each driver's license and personal identification certificate would be used. DPS also would inform the public on implementation dates of laws related to border-crossing identification requirements.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2007.

**SUPPORTERS
SAY:**

With millions of border crossings each year and increasingly stringent security measures, the process of traveling between Texas and Mexico has become difficult and lengthy. The resulting long wait times negatively affect business and relations with Mexico. To ease the process of crossing the border, the bill would establish a program to facilitate speedier and more secure travel between Texas and Mexico. Under the proposed initiative, enhanced driver's licenses and personal identification certificates would include citizenship information and radio frequency identification chips, thus allowing border officials to easily validate a holder's identity and ensure speedier border crossings for those legally authorized to do so.

Prior to 2007, individuals crossing the border only needed photo identification and proof of citizenship. As of January, federal rules require air travelers to show a passport or equivalent identification. Similar regulations may soon apply to individuals traveling by land and sea. Given the difficulty and cost of obtaining a passport, a more efficient and affordable border-crossing process is needed for those who live and work

in the border region. The border crossing initiative would facilitate a more rapid, low-cost process that would meet future federal guidelines for increased border security.

The bill would be modeled after similar legislation implemented in the state of Washington for travel between the United States and Canada. This pilot program distributes enhanced driver's licenses and personal identification certificates with a radio frequency identification chip. These new licenses and certificates can be quickly scanned at border entry points and are issued at a cost of \$40, less costly than a \$97 passport.

The legislation includes measures to adequately protect the privacy of an individual who holds an enhanced driver's license or personal identification certificate.

**OPPONENTS
SAY:**

The radio identification technology has not been developed sufficiently to ensure individuals' privacy. Information included on the radio frequency identification chip could be illegally obtained and jeopardize the security of a holder.

Money should not be invested in this program, given that the federal government may not decide to mandate additional identification requirements for individuals crossing the border by land.

NOTES:

According to the fiscal note, SB 2027 would cost the state highway fund \$12.7 million in fiscal 2008 and \$8.9 million in fiscal 2009. Fees to cover the costs of the program would have to be appropriated to DPS.