

SUBJECT: Restricting release of vessel and outboard motor ownership records

COMMITTEE: State Recreational Resources — favorable, without amendment

VOTE: 8 ayes — Kuempel, Siebert, Black, Hightower, Oakley, Rabuck, B. Turner, Woolley
1 nay — Horn

SENATE VOTE: On final passage, February 9 — voice vote

WITNESSES: For — None
Against — None
On — Howard Kidwell, Texas Parks and Wildlife Department

DIGEST: SB 72 would amend Chapter 31B, Parks and Wildlife Code, by adding sec. 31.0391 to prohibit the Texas Parks and Wildlife Department (TPWD) from releasing the name or address of a person recorded in the department vessel and outboard motor ownership records except under certain conditions. The department or county could release the information upon receipt of a written request that included the requestor's name and address and a statement that the use of the information would be for a lawful purpose.

The information release restriction would not apply to peace officers acting in their official capacity or state or political subdivision officials who request the information for tax purposes.

The bill would take effect September 1, 1995.

SUPPORTERS SAY: SB 72 would simply add for boats a limitation on release of ownership information that is almost identical to the restrictions on information release by the Texas Department of Public Safety for automobiles. The legislation is designed to limit harassment, stalking and theft by persons who call the department to find out where the owner of a particular boat lives. The department is obligated to release the name and address, as well as lien information on all of the boat records it keeps.

TPWD is prepared to establish a one-time only request in writing procedure for boat dealers, financial institutions and others who will need to contact the department on a regular basis to verify information about a particular vessel. Also, the department plans to receive and send information via fax to provide information without delay.

The exemption in the bill for the release of tax information to an appropriate official would grants no more authority than is allowed by current law. Also, while the department is allowed to charge \$1.50 per page to recoup its costs, this measure is not designed to raise money for TPWD.

**OPPONENTS
SAY:**

This bill is another example of bureaucratic excess as it would include no verification procedures to determine if those requesting information are who they say they are. If an individual is going to steal a boat or harass an owner, the person would be willing to use a fake name and address to get the information from the department.

The real purpose of this legislation is to limit the public's access to information contained within the files of the department and to raise money by selling information to the public. Why should someone pay for information when they can get it for free now?