

**First Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. R07-0817.01 Jery Payne

HJR07-1047

HOUSE SPONSORSHIP

Pommer,

SENATE SPONSORSHIP

(None),

House Committees

State, Veterans, & Military Affairs

Senate Committees

HOUSE JOINT RESOLUTION 07-1047

101 **CONCERNING A RESOLUTION IN OPPOSITION TO DIVISION B OF AN ACT**
102 **OF THE UNITED STATES CONGRESS ENTITLED "EMERGENCY**
103 **SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE, THE**
104 **GLOBAL WAR ON TERROR, AND TSUNAMI RELIEF, 2005",**
105 **PUBLIC LAW 109-13, ALSO KNOWN AS THE REAL ID ACT.**

1 WHEREAS, Colorado recognizes the Constitution of the United
2 States as our charter of liberty and that the Bill of Rights enshrines the
3 fundamental and inalienable rights of Americans, including the freedom
4 of privacy and freedom from unreasonable searches; and

5 WHEREAS, Colorado's duly elected public servants have sworn
6 to defend and uphold the United States Constitution and the Constitution
7 of the State of Colorado; and

8 WHEREAS, America must protect itself from foreign and
9 domestic threats; and

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

1 WHEREAS, America is fundamentally the freedom and liberty it
2 guarantees its citizens; and

3 WHEREAS, Security measures to protect the public should be
4 carefully designed and employed to enhance public safety without
5 infringing on the civil liberties and rights of innocent citizens of Colorado
6 and the United States; and

7 WHEREAS, Division B of an act of the United States Congress
8 entitled "Emergency Supplemental Appropriations Act for Defense, the
9 Global War on Terror, and Tsunami Relief, 2005," Pub.L. 109-13,
10 ("REAL ID Act") in effect creates a national identification card by
11 requiring that uniform information be placed on every state driver's
12 license, requiring this information to be machine readable in a standard
13 format, and requiring the use of this card for any federal purpose
14 including air travel; and

15 WHEREAS, The REAL ID Act will be a costly, unfunded
16 mandate on the state with the National Governors' Association, the
17 National Conference of State Legislatures, and the American Association
18 of Motor Vehicle Administrators estimating that the Act will cost at least
19 \$11 billion nationally over the next 5 years; and

20 WHEREAS, The REAL ID Act requires the creation of a massive
21 public sector database containing the driver's license information for
22 every American, accessible to every state motor vehicle employee and
23 state and federal law enforcement officer; and

24 WHEREAS, The REAL ID Act enables the creation of an
25 additional massive private sector database of driver's license information
26 gained from scanning the machine-readable information contained on
27 every driver's license; and

28 WHEREAS, These databases are certain to contain numerous
29 errors and false information, creating significant hardship for Americans
30 attempting to verify their identity in order to fly, open a bank account, or
31 perform any of the numerous functions required to live in the United
32 States today; and

33 WHEREAS, The Federal Trade Commission estimates that 10
34 million Americans are victims of identity theft annually and these thieves
35 are increasingly targeting motor vehicle departments, and the REAL ID
36 Act will enable the crime of identity theft by making the personal
37 information of all Americans including name, date of birth, gender,
38 driver's license or identification card number, digital photograph, address,
39 and signature accessible from tens of thousands of locations; and

40 WHEREAS, The REAL ID act requires the driver's license to
41 contain actual home addresses in all cases and makes no provision for
42 securing personal information for individuals in potential danger such as
43 undercover police officers and victims of stalking or criminal harassment;
44 and

45 WHEREAS, The REAL ID Act contains no exemption for

1 religion, thereby limiting religious liberty and ignoring the beliefs of
2 groups such as the Amish and some Evangelical Christians; and

3 WHEREAS, The REAL ID Act contains onerous record
4 verification and retention provisions that place unreasonable burdens on
5 both the Department of Revenue and on others required to verify records;
6 and

7 WHEREAS, The REAL ID Act will likely place enormous
8 burdens on consumers seeking a new driver's license including longer
9 lines, higher costs, increased document requests, and a waiting period;
10 and

11 WHEREAS, The REAL ID Act was passed without sufficient
12 deliberation by Congress and never received a hearing by any
13 Congressional committee or any vote solely on its own merits; and

14 WHEREAS, The REAL ID Act eliminated a process of negotiated
15 rule-making initiated under the "Intelligence Reform and Terrorism
16 Prevention Act of 2004", which convened federal, state, and local policy
17 makers, privacy advocates, and industry experts to solve the problem of
18 misuse of identity documents; and

19 WHEREAS, More than 600 organizations opposed the passage of
20 the REAL ID Act; and

21 WHEREAS, The REAL ID Act would provide little security
22 benefit and still leave identification systems open to insider fraud,
23 counterfeit documentation, and database failures; now, therefore,

24 *Be It Resolved by the House of Representatives of the Sixty-sixth*
25 *General Assembly of the State of Colorado, the Senate concurring herein:*

26 (1) That the Colorado General Assembly supports the government
27 of the United States in its campaign against terrorism and affirms the
28 commitment of the United States that the campaign not be waged at the
29 expense of essential civil rights and liberties of citizens of this country
30 that are protected in the United States Constitution and the Bill of Rights;
31 and

32 (2) That it is the policy of Colorado to oppose any portion of the
33 REAL ID Act that violates the rights and liberties guaranteed under the
34 Colorado Constitution or the United States Constitution, including the
35 Bill of Rights; and

36 (3) That the General Assembly will enact no legislation nor
37 authorize any appropriation to further the passage of the REAL ID Act in
38 Colorado unless such appropriation will be used exclusively for the
39 purpose of undertaking a comprehensive analysis of the costs of
40 implementing the REAL ID Act, or to mount a constitutional challenge
41 to the Act by the state Attorney General; and

42 (4) That the General Assembly urges Colorado's delegation to the
43 United States Congress to support measures to repeal the REAL ID Act.

1 *Be It Further Resolved*, That a copy of this Joint Resolution be
2 sent to President George W. Bush, United States Attorney General
3 Alberto R. Gonzales, Governor Bill Ritter, and the members of
4 Colorado's Congressional delegation.