



HOUSE JOINT RESOLUTION 07-1047

BY REPRESENTATIVE(S) Pommer, Benefield, Borodkin, Buescher, Butcher, Carroll M., Carroll T., Casso, Cerbo, Gagliardi, Gallegos, Gardner B., Gibbs, Hicks, Jahn, Kefalas, Kerr A., Labuda, Levy, Looper, Lundberg, Madden, Marostica, Marshall, McFadyen, McGihon, McKinley, McNulty, Merrifield, Rose, Soper, Stafford, Todd, and Vaad;
also SENATOR(S) Keller, Bacon, Boyd, Fitz-Gerald, Johnson, Sandoval, Schwartz, and Williams.

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

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

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, The REAL ID Act contains no exemption for religion, thereby limiting religious liberty and ignoring the beliefs of groups such as the Amish and some Evangelical Christians; and

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

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

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

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

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

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

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

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

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

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

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

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

Andrew Romanoff
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Joan Fitz-Gerald
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Karen Goldman
SECRETARY OF
THE SENATE