

STAND. COM. REP. NO. 1032

Honolulu, Hawaii

MAR 12 2007

RE: S.R. No. 13
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Madam:

Your Committee on Intergovernmental and Military Affairs, to which was referred S.R. No. 13 entitled:

"SENATE RESOLUTION OPPOSING THE CREATION OF A NATIONAL IDENTIFICATION CARD AND THE IMPLEMENTATION OF THE REAL ID ACT OF 2005,"

begs leave to report as follows:

The purpose of this measure is to oppose the creation of a National Identification Card and the implementation of the Real ID Act of 2005.

Written testimony in support of this measure was submitted by the City and County of Honolulu, Department of Customer Services, Division of Motor Vehicles, Licensing and Permits Administration; County of Hawaii Police Department; American Civil Liberties Union of Hawaii; Na Loio, Immigrant Rights and Public Interest Legal Center; Americans for Democratic Action; The Hawaii Government Employees Association; and five individuals. Oral testimony in support of this measure was submitted by the Director of the State Civil Defense.

Your Committee finds that the State of Hawaii is proud of its long tradition of protecting civil rights and liberties of all of its residents, affirming the fundamental rights of all people and, in some circumstances, provides more expansive protections than are granted by the United States Constitution.



Your Committee further finds that the State of Hawaii denounces terrorism in all its forms and condemns all acts of terrorism by any entity, wherever the acts may occur. To this end, any new security measures to provide protection from terrorist attacks should be carefully designed to enhance public safety without infringing on the civil liberties and rights of citizens.

Your Committee further finds that Real ID Act of 2005, Public Law 109-13:

- (1) Creates a national identification card by mandating federal standards for state drivers' licenses and identification cards requiring states to share their motor vehicle databases;
- (2) Mandates the documents that states must require to issue drivers' licenses and requires states to place uniform information on every driver's license in a standard, machine-readable format;
- (3) Prohibits federal agencies and federally-regulated commercial aircrafts from accepting a driver's license or identification card issued by a state that has not fully complied with the Act;
- (4) Creates a costly unfunded mandate for the states;
- (5) Creates a database containing information on every American and makes it accessible to motor vehicle employees and law enforcement officials nationwide that can be used to gather and manage information on citizens;
- (6) Enables the creation of additional private sector databases that combine both transactional information and driver's license information gained from scanning the machine-readable information to be contained on every driver's license, which could create significant hardships on Americans attempting to verify their identities in order to utilize air travel, open bank accounts, or perform many other functions required to live in the United States;



- (7) Enables the crime of identity theft by making personal information of all Americans more accessible from more locations;
- (8) Contains onerous record verification and retention provisions that place unreasonable burdens on motor vehicle licensing and registration divisions and on third parties required to verify records;
- (9) Places enormous burdens on consumers seeking new drivers' licenses;
- (10) Places motor vehicle licensing and registration division staff on the front lines of immigration enforcement by forcing public employees to determine federal citizenship and immigration status; and
- (11) Passed as a rider to an emergency appropriations measure for military operations in Iraq and Afghanistan, which did not receive a hearing by any congressional committee or a vote solely on its merits.

Your Committee further finds that it opposes the institution of a National Identification Card and the implementation of the Real ID Act of 2005, particularly those provisions that:

- (1) Violate the rights and liberties granted under the Hawaii State Constitution or the United States Constitution, and the Bill of Rights; and
- (2) Create unfunded mandates for the State without any plan for financial subsidization for implementation.

Your Committee further finds that the Senate of the State of Hawaii supports the repeal of the Real ID Act of 2005, and urges the Hawaii Congressional delegation to support any legislation that calls for the repeal, amendment, or, at a minimum, the provision of proper funding for the implementation of the Real ID Act of 2005.

Your Committee amended this measure by clarifying language in the measure describing the creation of a public sector database and removing language concerning a provision contained in the Real ID Act of 2005 that no longer exists.



As affirmed by the record of votes of the members of your Committee on Intergovernmental and Military Affairs that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 13, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 13, S.D. 1.

Respectfully submitted on
behalf of the members of the
Committee on Intergovernmental
and Military Affairs,


LORRAINE R. INOUE, Chair



The Senate
 Twenty-Fourth Legislature
 State of Hawaii

Record of Votes
Committee on Intergovernmental and Military Affairs
IGM

Bill / Resolution No.:* SR 13	Committee Referral: IGM	Date: 3/7/07		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
INOUE, Lorraine R. (C)	/			
TSUTSUI, Shan S. (VC)	/			
HEMMINGS, Fred				/
TOTAL	2			1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink File with Committee Report Clerk's Office Drafting Agency				

*Only one measure per Record of Votes