

1 HJR130
2 106051-1
3 By Representative Ward
4 RFD: Rules
5 First Read: 12-FEB-09

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8 OPPOSING FURTHER IMPLEMENTATION OF THE FEDERAL REAL
9 ID ACT OF 2005 AND URGING PRIOR APPROVAL OF THE ALABAMA
10 LEGISLATURE BEFORE FINAL IMPLEMENTATION OF THE ACT OR THE
11 IMPLEMENTATION OF ANY FUTURE SIMILAR ACT.

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13 WHEREAS, the State of Alabama recognizes the
14 Constitution of the United States as our charter of liberty
15 and that the Bill of Rights enshrines the fundamental and
16 inalienable rights of Americans, including the freedom of
17 privacy and freedom from unreasonable searches; and

18 WHEREAS, the Constitution of the State of Alabama of
19 1901 enumerates our rights to liberty and to be secure against
20 unreasonable intrusions of government upon our liberty; and

21 WHEREAS, the REAL ID Act of 2005 places a costly,
22 unfunded mandate on the states that according to the National
23 Conference of State Legislatures, the National Governors
24 Association, and the American Association of Motor Vehicle
25 Administrators will cost states more than \$11 billion to
26 implement over five years; and

1 WHEREAS, the projected cost of compliance with the
2 REAL ID Act in Alabama is between 4 and 4.5 million dollars,
3 with an anticipated annual expense of \$275,000; and

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

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

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

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

25 WHEREAS, REAL ID, by requiring some form of
26 biometric information, violates the religious beliefs and
27 conscience of some citizens of Alabama; and

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

5 WHEREAS, REAL ID would provide little security
6 benefit, while still leaving identification systems open to
7 insider fraud, counterfeit documentation, and database
8 failures; now therefore,

9 BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH
10 HOUSES THEREOF CONCURRING, That the Legislature finds that the
11 enactment into law by the U.S. Congress of the REAL ID Act of
12 2005, as part of Public Law 109-13, which was adopted by the
13 U.S. Congress in violation of the principles of federalism
14 contained in the 10th Amendment to the U.S. Constitution, is
15 unfavorable to the security and well-being of the people of
16 Alabama; its implementation will cause unneeded expense in a
17 time of reduced funding at the federal, state, and local
18 levels due to the economic crises, as well as inconvenience to
19 those people.

20 BE IT FURTHER RESOLVED, That the State of Alabama
21 requests and urges Congress to delay or repeal the mandate of
22 further participation in the implementation of the REAL ID Act
23 of 2005. The Department of Public Safety is requested to seek
24 advice on whether it is necessary to further implement the
25 provisions of the REAL ID Act of 2005. The department is
26 further requested to report to the Governor any attempt by
27 agencies or agents to secure the implementation of the REAL ID

1 Act beyond those minimal actions as are absolutely required by
2 law. If allowed by Congress or the President, all information
3 already collected for the REAL ID Act of 2005 by the Alabama
4 departments including any collection of biometric data shall
5 be deleted and expunged from the public record as well as all
6 databases; and the system should be reverted to pre-2005
7 requirements.

8 BE IT FURTHER RESOLVED, That we respectfully request
9 that any future attempt by Congress to implement a national ID
10 system in the State of Alabama, or any collection of biometric
11 information on citizens of Alabama should be approved by the
12 Alabama State Legislature before the implementation of such
13 act. Any attempt to nationalize the Alabama driver's license
14 system, or to require a federally issued identifying number or
15 system will be considered to be against the spirit of this
16 resolution.

17 BE IT FURTHER RESOLVED, That a copy of this
18 resolution be provided to each member of the Alabama
19 Congressional Delegation as an expression of our strong
20 sentiments of opposition to an unnecessary, burdensome, and
21 expensive National ID program.