

Bill as Introduced

HB 1374 - AS INTRODUCED

2010 SESSION

10-2441

03/10

HOUSE BILL **1374**

AN ACT relative to the prohibition against participation in a national identification card system.

SPONSORS: Rep. Winters, Hills 17; Rep. Kurk, Hills 7

COMMITTEE: Transportation

ANALYSIS

This bill modifies the prohibition against participation in a national identification card system.

Explanation: Matter added to current law appears in **bold italics**.
Matter removed from current law appears ~~[in brackets and struck through.]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Ten

AN ACT relative to the prohibition against participation in a national identification card system.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Prohibition Against Participation in National Identification System. Amend 2007, 243:1, I-II
2 to read as follows:

3 I. The general court finds that the public policy established by Congress in the Real ID Act of
4 2005, Public Law 109-13, is contrary and repugnant to Articles 1 through 10 of the New Hampshire
5 constitution as well as Amendments 4 through 10 of the Constitution for the United States of
6 America. Therefore, the state of New Hampshire shall not participate in any driver's license
7 program pursuant to the Real ID Act of 2005 or in any national identification card system that may
8 follow therefrom, *including PASS ID*.

9 II. The department of safety shall not amend procedures for applying for a driver's license
10 under RSA 263 or an identification card under RSA 260:21 in order to comply with the goals or
11 standards set forth in the Real ID Act of 2005 *or in any national identification card system that*
12 *may follow therefrom, including PASS ID*, or in any rules or regulations promulgated
13 thereunder, or in any requirements adopted by the American Association of Motor Vehicle
14 Administrators for such purposes.

15 2 Effective Date. This act shall take effect 60 days after its passage.

Speakers

Hearing Minutes

HOUSE COMMITTEE ON TRANSPORTATION

PUBLIC HEARING ON HB 1374

BILL TITLE: relative to the prohibition against participation in a national identification card system.

DATE: January 19, 2010

LOB ROOM: 203 **Time Public Hearing Called to Order:** 10:20 a.m.

Time Adjourned: 10:55 a.m.

(please circle if present)

Committee Members: Reps. R. Williams, Jennifer Brown, C. Brown, Ingersoll, M. O'Brien, Hebert, LaPlante, Rhodes, Rokas, T. Soucy, Stuart, Nedeau, G. Katsakiores, J. Flanders, Veazey, Coffey, Hikel, Hinch and Umberger

Bill Sponsors: Rep. Winters, Hills 17; Rep. Kurk, Hills 7

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. Winters, sponsor. Support. Would not support REAL-ID as proposed last term. Making changes won't work, this is a real shell game!

Question: **Rep. O'Brien**: would there be a better time?
Question: What if they change the name what happens?

Rep. Kurk, co-sponsor. We have many restrictions (photo be retained), (social security numbers), (creates a file).

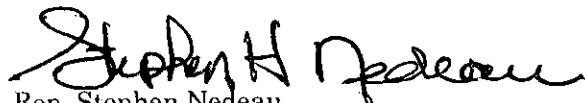
Asst. Comm. Earl Sweeney: Puts requirements on DMV. (Seek amendment.) Very costly \$\$\$.
NLESA, Council State Gov. both against bill.

Dept of Safety shall seek authorization before. Will send one.

Rep. Christiansen would support as written but on card said oppose bill.

Rep. Coffey to work with Rep. Winters.

Respectfully submitted,


Rep. Stephen Nedeau,
Acting Clerk

HOUSE COMMITTEE ON TRANSPORTATION

PUBLIC HEARING ON HB 1374

BILL TITLE: relative to the prohibition against participation in a national identification card system.

DATE: 1/19/10

LOB ROOM: 203

Time Public Hearing Called to Order: 10:20 AM

Time Adjourned: 10:55 AM,

(please circle if present)

Committee Members: Reps. R. Williams, Jennifer Brown, C. Brown, Ingersoll, M. O'Brien, Hebert, LaPlante, Rhodes, Rokas, T. Soucy, Stuart, Nedeau, G. Katsakiores, J. Flanders, Veazey, Coffey, Hike, Hinch and Umberger

Bill Sponsors: Rep. Winters, Hills 17; Rep. Kurk, Hills 7

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

REP. WINTERS: SUPPORT would not support REAL I.D., as proposed LAST TERM. MAKING CHANGES WONT WORK, THIS IS A REAL SHELL GAME! QUESTION: REP. O'BRIEN: WOULD THERE BE BETTER TIME? QUESTION: WHAT IF THEY CHANGE THE NAME what happens

REP. KURK: CO-SPONSOR. WE HAVE MANY RESTRICTIONS (PHOTO BE RETAINED) (SOC. SECURITY NUMBERS) (CREATES A FILE)

ACSD COMM. EARL SWEENEY: POT'S REQUIREMENTS ON DMV (SEEK Amendment,) VERY COSTLY \$\$\$. NLEBK, Council State Gov, Both (SHALL SEEK AUTHORIZATION.) BEFORE)

* will send over



REP. CHRISTOPHER: would support as written but ON CARD SAID oppose Bill..

Coffee to walk with WINTERS

Testimony

Please support HB1374

The PASS ID Act of 2009: An Inadequate Fix for Real ID

On June 15, Senator Akaka (D-Hawaii) introduced S. 1261, the "Providing for Additional Security in States' Identification Act of 2009" or the "PASS ID Act," which repeals and replaces the Real ID Act of 2005 with new national requirements for driver's licenses. While this stems from a sincere attempt to fix the unworkable Real ID Act of 2005, PASS ID simply serves as a band-aid on a gaping wound. It actually re-institutes many of Real ID's problems, and in some cases makes them even worse:

- PASS ID would impose the United States' first-ever national identity card system, which would violate privacy by helping to consolidate data and facilitate tracking. After a 5-year hiatus to allow for implementation, PASS ID will be required for boarding airplanes in the same manner as Real ID, and over time its use will almost certainly expand to cover other activities necessary to participate in society.
- PASS ID mandates that all identity source documents be copied physically or digitally and retained as long as the license is valid. By creating troves of sensitive documents on millions of individuals, this provision will be a dream for identity thieves.
- In a provision that is actually worse than Real ID, PASS ID will allow insecure technology such as radio RFID chips to be used as part of PASS ID, despite the strong potential that technology holds for tracking of individuals' movements.
- While PASS ID makes some concessions for the security of domestic violence victims, it still requires victims to get approval from the state before they can shield their identity. PASS ID will also require a broad array of identity documents and use the same flawed federal databases, creating long lines and hassles for drivers. In a time of shrinking state budgets, its costly administrative changes will be passed directly on to consumers in the form of higher fees.
- PASS ID also burdens the rights of certain religious minorities by requiring digital photographs on each license. While many states have an exceptions process to accommodate these individuals, PASS ID actually preempts state religious protections.
- Under PASS ID some legal immigrants will still be unable to get a PASS ID and many will be required to renew their licenses annually.

This legislation is entirely unnecessary because, thanks to the rebellion in the states, the Real ID Act is already dead. To date, 24 states have enacted anti-real ID bills or resolutions, and fourteen of those states have passed binding legislation prohibiting participation in the Real ID program. And the Real ID rebellion is not over, five states have already passed resolutions or statutes in 2009; Missouri will likely become the next state to opt out of Real ID if its governor signs legislation currently before him.

Rather than saving Americans from the Real ID legislation that they have rejected in such large numbers, PASS ID would actually rescue the core policies of Real ID at a time when it is about to die of its own misguided impracticality.

The problems inherent in Real ID cannot be solved by tinkering around the edges of the act. Instead, the entire unworkable system must be scrapped and replaced with a system that does not endanger Americans' privacy and civil liberties, such as a "negotiated rulemaking" process that brings together stakeholders to hash out wise and realistic improvements to driver's licenses (such a process was underway before Real ID shut it down). The PASS ID Act creates more problems than it solves, and it should not be viewed as a viable alternative to a true repeal of Real ID.

Coalition Statement of Principals on PASS ID

The undersigned organizations believe that by most significant measures the PASS ID Act is the same as the Real ID Act. It still invades our privacy; harms ordinary Americans and won't make us safer.

PASS ID will still:

- Snarl innocent Americans in long lines and bureaucratic red tape – PASS ID will require the same broad array of identity documents and use the same flawed federal databases, creating longer lines and more hassles at motor vehicle offices or similar issuing offices.
- Create a National ID card – PASS ID is a national identity document that will be required to travel by air. If passed it will likely be expanded to serve other purposes, like riding a bus, purchasing a gun, or registering to vote.
- Snarl innocent Americans in long lines and bureaucratic red tape – PASS ID will require the same broad array of identity documents and use the same flawed federal databases, creating longer lines and more hassles at motor vehicle offices or similar issuing offices.
- Cause identity theft – PASS ID will require storage of identity documents like birth certificates for even longer periods than Real ID. The storage of these documents in a central location will form an irresistible target for identity thieves and crooked insiders, even if the system represents a modest improvement over the linkages proposed under Real ID.
- Allow new privacy invasions – PASS ID permits 'enhanced drivers' licenses,' which contain long-range radio frequency identification (RFID) chips, which can be used for tracking by anyone with a reader.
- Endanger victims of domestic violence – PASS ID requires domestic violence victims to prove their safety is in danger before allowing an exception to shield their address. PASS ID also requires the disclosure of victims' confidential name change histories.
- Raise costs and harm consumers – PASS ID, just like Real ID, will require costly administrative changes which, in a time of crisis for state budgets, will necessarily be passed on directly to consumers in the form of higher fees.
- Harm religious minorities and legal immigrants – PASS ID contains no exception for sincerely held religious beliefs so religious minorities like the Amish will face restrictions on travel and any other public accommodation or use ultimately tied to possession of a PASS ID. Some immigrants, even those lawfully admitted, will be unable to get a PASS ID and many will be required to renew their licenses or identity cards annually.

American Civil Liberties Union
American Policy Center
Campaign for Liberty
Consumer Action
Defending Dissent
Electronic Frontier Foundation
FreedomWorks
Gun Owners of America
National Immigration Law Center
Patient Privacy Rights
PRIVACY JOURNAL
Rutherford Institute

American Library Association
Americans for Tax Reform
Citizens Against Government Waste
Cyber Privacy Project
DownsizeDC.org, Inc.
Equal Justice Alliance
Government Accountability Project
Leadership Conference on Civil Rights
National Network to End Domestic Violence (NNEDV)
Privacy International
Privacy Rights Clearinghouse
U.S. Bill of Rights Foundation

Voting Sheets

HOUSE COMMITTEE ON TRANSPORTATION

EXECUTIVE SESSION on HB 1374

BILL TITLE: relative to the prohibition against participation in a national identification card system.

DATE: January 26, 2010

LOB ROOM: 203

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Coffey

Seconded by Rep. Nedeau

Vote: (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

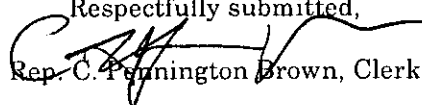
Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. C. Pennington Brown, Clerk

HOUSE COMMITTEE ON TRANSPORTATION

EXECUTIVE SESSION on HB 1374

BILL TITLE: relative to the prohibition against participation in a national identification card system.

DATE: 1/26/10

LOB ROOM: 203

Amendments:

Sponsor: Rep. OLS Document #:
Sponsor: Rep. OLS Document #:
Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. *Coffey*
Seconded by Rep. *NeSean*

Vote: (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.
Seconded by Rep.
Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:
(Vote to place on Consent Calendar must be unanimous)

Statement of Intent: Refer to Committee Report

Respectfully submitted,
Rep. C. Pennington Brown, Clerk

TRANSPORTATION

Bill #: HB 1374 Title: relative to the prohibition against participation in a national identification card system.
 PH Date: 1, 19, 10 Exec Session Date: Jan 26, 10
 Motion: OTR Amendment #: _____

MEMBER	YEAS	NAYS
Williams, Robert W, Chairman	X	
O'Brien, Michael B, V Chairman		X
Brown, Jennifer M	—	
Brown, C. Pennington, Clerk	X	
Ingersoll, Paul H	X	
Hebert, Roger G	—	
LaPlante, Roland H	—	
Rhodes, Brian D	X	
Rokas, Theodoros V	—	
Soucy, Timothy A	—	
Stuart, Richard T		X
Nedeau, Stephen H	X	
Katsakiores, George N <u>Tackard</u>	X	
Flanders, John W	X	
Veazey, John A	—	
Coffey, Jennifer R	X	
Hikel, John A	X	
Hinch, Richard W	X	
Umberger, Karen C	X	
<u>W</u>		
TOTAL VOTE:	11	2

Committee Report

CONSENT CALENDAR

January 27, 2010

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on TRANSPORTATION to which was referred HB1374,

AN ACT relative to the prohibition against participation in a national identification card system.

Having considered the same, report the same with the recommendation that the bill OUGHT TO PASS.

Rep. Jennifer R Coffey

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	TRANSPORTATION
Bill Number:	HB1374
Title:	relative to the prohibition against participation in a national identification card system.
Date:	January 27, 2010
Consent Calendar:	YES
Recommendation:	OUGHT TO PASS

STATEMENT OF INTENT

This bill modifies the prohibition against participation in a national identification card system. The committee believes this bill reaffirms the state's disapproval of a national identification card system. The bill has the full support of the Department of Safety

Vote 11-2.

Rep. Jennifer R Coffey
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

TRANSPORTATION

HB1374, relative to the prohibition against participation in a national identification card system.
OUGHT TO PASS.

Rep. Jennifer R Coffey for TRANSPORTATION. This bill modifies the prohibition against participation in a national identification card system. The committee believes this bill reaffirms the state's disapproval of a national identification card system. The bill has the full support of the Department of Safety **Vote 11-2.**

Original: House Clerk
Cc: Committee Bill File

Blurb

HB 1374 relative to the prohibition against participation in a national identification card system.

Consent Calendar OTP

This bill modifies the prohibition against participation in a national identification card system. The committee believes this bill reaffirms the state's disapproval of a national identification card system. The bill has the full support of the Department of Safety.

11-2

A handwritten signature, possibly "JC", enclosed within a hand-drawn oval.

Rep. Jennifer Coffey,
for the committee

COMMITTEE REPORT

COMMITTEE: TRANSPORTATION

BILL NUMBER: HB 1374

TITLE: relative to the prohibition against participation in a national identification card system.

DATE: _____ CONSENT CALENDAR: YES NO

- OUGHT TO PASS
 OUGHT TO PASS W/ AMENDMENT
 INEXPEDIENT TO LEGISLATE
 INTERIM STUDY (Available only 2nd year of biennium)

Amendment No.

STATEMENT OF INTENT:

This bill modifies the prohibitions against participation in a national identification card system. The committee believes this bill reaffirms the states disapproval of a national identification card system. The bill has the full support of the Department of safety.

RDM

COMMITTEE VOTE: 11:2

- Copy to Committee Bill File
- Use Another Report for Minority Report

RESPECTFULLY SUBMITTED,

Rep. [Signature]
For the Committee