

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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.

HB 1374 - FINAL VERSION

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.

Committee Minutes

Transportation & Interstate Cooperation Committee Hearing Report

TO: Members of the Senate
FROM: Gene Martin, Legislative Aide

RE: Hearing report on **HB 1374** - *AN ACT relative to the prohibition against participation in a national identification card system.*

HEARING DATE: April 15, 2010

MEMBERS OF THE COMMITTEE PRESENT: Senators Letourneau, Gilmour, Fuller Clark, Kelly, Boutin

MEMBERS OF THE COMMITTEE ABSENT: No one

Sponsor(s): Rep. Winters, Hills 17; Rep. Kurk, Hills 7

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

Who supports the bill: Rep. Winters,

Who opposes the bill: No one

Summary of testimony received:

Rep. Winters as the prime sponsor testified in support of the bill. He explained how last term NH opted out of the Real ID and the Federal Government has pushed back the implementation of it and now they are looking to enact PASS ID. This bill is really nothing more than a technical change to make sure that the Department cannot adopt rules to be a part of the National ID Card. Rep. Winters wants to make sure we continue to protect the civil liberties of our constituents.

- Yes, according to the Dept. of Safety it's illegal to put RFID chips in licenses?
- I don't believe the Federal Government will go through on its threats to people of states that don't adopt this.

Earl Sweeny, Department of Safety testified that New Hampshire along with 12 other states (Washington, Oregon, Idaho, Montana, Arizona, Minnesota, Oklahoma, Missouri, Louisiana, Georgia, South Carolina, Virginia, Maine, and Alaska) opted out of Real ID. Mr. Sweeny explained the decision to not participate had to do with the cost to the states without any financial support from the Federal Government and creation of a national motor vehicle database - that would be prime target for hacking. He also explained how Real ID allowed for two extensions and then if they continued to opt out than then the citizens of the state would be subject to additional security measures and might be barred from national museums and parks. Mr. Sweeny shared that Secretary of Homeland Security Janet Napolitano sent a letter to Governor Lynch stating that another extension cannot be granted and the last one expires next April. He told the committee PASS ID is known as "Real ID Light," although some progress has been made issues still lingers including the Homeland Security Secretary's "unreviewable discretion" language.

- Yes, I believe we are the first state to act on PASS ID
- Correct, the Pass ID bill now has a 6 year time frame, but that could be changed.

Fiscal Impact: N/A

Future Action: Senator Boutin moved OPT, Senator Fuller Clark seconded the motion the vote was bill was

epr

[file HB1374]

Date: April 9, 2010

Date: April 15, 2010
Time: 10:30 AM
Room: LOB 102

The Senate Committee on Transportation and Interstate Cooperation held a hearing on the following:

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

Members of Committee present: Senator Letourneau
Senator Gilmour
Senator Fuller Clark
Senator Kelly
Senator Boutin

The Chair, Senator Robert J. Letourneau, opened the hearing on HB 1374 and invited the prime sponsor, Representative Joel Winters, to introduce the legislation.

Representative Joel Winters: Good morning, Mr. Chairman and members of the Committee. For the record, my name is Joel Winters. I represent Hillsboro District 17, which is Manchester's wards 10, 11 and 12, and I am here today to ask for your support for House Bill 1374.

As you recall last term, our state opted out of Real ID, a federal program that essentially sets up a national identification card system. And, as you probably know, the implementation of that has been delayed. They keep pushing back the deadline. It was supposed to go into effect December 31st of 2009 was supposed to be the drop-dead date. They pushed it back another year and now they're saying they're gonna start doing it next year. And one of the reasons that they're pushing it back is they're considering a replacement program which is the PASS ID system.

If you compare the two laws, you can see PASS ID comes directly from Real ID, just with some tweaks and changes that they hope would make it more palatable to the states. However, having read both of them, it is still a bad bill, it is still a national identification card system, and the legislation in

front of you would make it very clear that we will not participate in PASS ID as well, should it pass.

So, you're probably going to ask, "Well, if it hasn't passed yet, is it necessary to have this bill moving forward?" And I'm going to say yes for two reasons. One, to be clear that we are not going to participate, but the second reason is on lines 10 and . . ., I'm sorry, 11 and 12 of the bill, where we add the language . . ., Roman II of the bill, the language that we passed last year in House Bill 685, says the Department of Safety shall not amend these procedures in order to comply with the goals and standards set forth in the Real ID Act of 2005. However, unlike in Roman I, we didn't include the phrase after that "or in any national identification card system that may follow therefrom". So a technical reading of our current law says the state wouldn't participate in anything that follows from Real ID; however, the Department of Safety could amend their rules to comply with anything that follows from Real ID. So adding that phrase on lines 11 and 12, I think, is very important.

The other part I want to talk about PASS ID is that Janet Napolitano, the Secretary of Homeland Security, is sort of looking at PASS ID as a way to push enhanced drivers' licenses, which are drivers' licenses that can be used for border crossings that have RFID chips in them, and they're designed. . . they're unencrypted. They're designed to be read from 30 feet away so that border crossing can pick up the unique ID number on that card from a distance before you get there, which is a really bad idea in my opinion. And there's another bill that's going through the Senate, House Bill 478, that would prohibit New Hampshire from issuing drivers' licenses like that, which is also a good bill. But the PASS ID will also continue to push those kinds of drivers' licenses.

So, I hope that you can support House Bill 1374 and make sure that we continue to protect the civil liberties of our constituents. And with that, I'd be happy to answer any questions the Committee might have.

Please see Attachment #1 –Representative Winters' 4-page submission in support.

Senator Robert J. Letourneau, D. 19: Thank you. Any questions from the Committee? Questions? I just have a couple.

First of all, I think, I thought we had passed something that said that we would not put RFID chips in our drivers' license. Didn't we pass something Earl that said that?

Assistant Commissioner Earl Sweeney: Yes.

Senator Robert J. Letourneau, D. 19: We did?

Assistant Commissioner Earl Sweeney: Yes, it's illegal to do that.

Senator Robert J. Letourneau, D. 19: Yeah, that's already in our law.

Representative Winters: I thought I had different information. . .

Assistant Commissioner Earl Sweeney: Quite sure. At least we're under that assumption.

Senator Robert J. Letourneau, D. 19: Well, we'll check it out.

Representative Winters: Okay.

Senator Robert J. Letourneau, D. 19: I think that happened, not this session, but a previous session. So it's back.

Representative Winters: Okay.

Senator Robert J. Letourneau, D. 19: Two or four years ago.

Representative Winters: I'll follow up.

Senator Robert J. Letourneau, D. 19: The only other issue I need to ask you about on this is, should the government get real serious about this and they say that we will not be able to board aircraft with our drivers' licenses without a passport, that could cause a tremendous backup at the Manchester Airport. We have any way of getting around that if. . . in this law, is this law gonna be so tight that we can't do anything with it?

Representative Winters: This is like the current law that says we will not participate in Real ID. However, of course anything we do doesn't bind the hands of future legis. . . the General Court. They could always repeal this if they wanted to. My own personal opinion is that it would be impossible for, airports all across the country to say "Oh, you're from New Hampshire, I'm sorry you can't, you can't board an airplane." It's a, it's a . . .

Senator Robert J. Letourneau, D. 19: I don't think that's impossible. But, they will have a list, I'm sure.

Representative Winters: I believe it's a bluff, and the number of states that have said they won't participate makes it impossible for them to do such a thing.

Senator Robert J. Letourneau, D. 19: Thank you. Any further questions from the Committee?

Senator Gilmour: Just one question.

Senator Robert J. Letourneau, D. 19: Senator Gilmour.

Senator Gilmour: And maybe it's the same as yours, the word "any". Does this preclude us from having flexibility? I mean, things change, and, sometimes we need to make different choices.

Representative Winters: Sure. Again, we could always repeal this. But the policy that was adopted last term, I think it was 267 to 8 in the House and was unanimous in the Senate, was that we wouldn't participate in any national identification card system.

Senator Gilmour: Okay.

Senator Robert J. Letourneau, D. 19: Thank you.

Representative Winters: Thank you.

Senator Robert J. Letourneau, D. 19: Thank you very much. With that, I'll call . . . There's no further questions, right? With that I'll call Earl Sweeney, from the Department.

Assistant Commissioner Earl Sweeney: Thank you.

Senator Robert J. Letourneau, D. 19: Good morning and welcome to the Senate Transportation, Earl.

Assistant Commissioner Earl Sweeney: Thank you, Mr. Chairman, members. For the record, Earl Sweeney, Assistant Commissioner, Department of Safety, and we supported this bill in the House for a number of reasons.

The Real ID Act, which was passed, there are thirteen states, including New Hampshire that passed laws that said they would not participate. The Real ID was going to cost billions of dollars to the various states. There was very little federal assistance going to be available for it and there were a number

of, what we felt were objectionable parts to Real ID. Among them was the establishment of a national database which would combine everyone's, every state's motor vehicle database into one large database, which we felt would be a ripe target for hackers and people to steal personally identifiable information.

There are a number of other requirements, including putting an RFID chip in the driver license which we don't have the technology or the desire to do, and which we're under the impression is illegal in New Hampshire anyway. So, our Legislature passed the bill along with twelve other legislatures that we would not participate.

The legislation that Congress passed, the Real ID Act, allowed states to get two extensions from participating and when those extensions run out, somebody from a state that was non-participating, such as New Hampshire, that wanted to board a commercial airliner or an interstate bus, would have to, they wouldn't be denied, but they would have to subject themselves to additional screening by the TSA beyond the screening that you normally go through to board them.

They would also be not recognized to access a federal facility, federal monument and so forth. When the time came to apply for an extension, New Hampshire was in contact with the Department of Homeland Security and incidentally, ironically, Janet Napolitano was the Governor of Arizona, and Arizona is one of the states that decided not to participate in Real ID and now she's the Secretary of Homeland Security.

When the time came for an extension, we were in discussions with Homeland Security, and at first they wanted us to certify that, if we got an extension, that it was for the purpose of complying with the Act, and we said, we can't comply with the Act because our legislature has prohibited it. So they gave us the extension anyway.

And then last December, our extension was up and we applied for another extension and we were given another extension. That extension, unless there's some change, and of course Congress could advance that date, but that extension will run out next year and the present state of the federal law is that they will not give an additional extension.

Senator Robert J. Letourneau, D. 19: Could you just tell us what month next year?

Assistant Commissioner Earl Sweeney: I believe it's April of next year. And Secretary Napolitano has written a letter to Governor Lynch informing

him that, you know, Real ID is the law of the land, she must follow the law and she won't be able to grant an additional extension.

In the meantime, Real ID, which some people have called, I mean PASS ID, which some people have called "Real ID light", is languishing in the Senate. It came out of one Senate Committee and there's been no action on it since last July, a year ago July. It eliminates a lot of the objectionable things in Real ID. It does away with the national database, and it eliminates a lot of the things that we found objectionable. But, there are some things in there that concern us greatly.

One thing is that the Secretary of Homeland Security is given the unreviewable discretion to issue rules and regulations for the implementation of PASS ID. And unreviewable discretion to me means that, even the courts couldn't review whatever she comes up with for regulations and we have no idea what those regulations will be. We know that there would still be a considerable cost to implementation. There's no indication as to how much money the federal government would make available to us to do that. As Real ID reads at the present time, if it ultimately passes Congress, the Secretary of Homeland Security would have one year in which to develop and adopt those regulations, and there would be a six-year period before a non-complying state resident would have to subject themselves to additional screening to get onto a commercial airliner or an interstate bus.

And so we feel that there is ample time, the way that law is currently structured, if it passes the way it's introduced, we feel there would be ample time for New Hampshire's Legislature to react and we could see what those regulations are and whether this is something we could take part in or not. Now I would caution that we are somewhat playing Russian roulette because we don't know what may come out of Congress. And if it came out something that said effective immediately, there certainly would be, probably the biggest negative impact would be on the Manchester-Boston Regional Airport because they have been quite successful luring business away from Logan and not only would New Hampshire people have to undergo additional screening, but there certainly would be a backup at TSA and people coming from Massachusetts and choosing to fly out of Manchester might choose not to come because they wouldn't want to cope with the long lines that would be occasioned by this.

So I want to be very clear that we are somewhat taking a chance, but I do feel that this idea of unreviewable discretion and being bound to rules that we haven't even seen and have no idea what they would be, is a problem, and we hope that other states will take the same track because right now, there's some 4,700,000 people in these states that have refused to go along with Real

ID that are impacted, and I think that's one of the reasons that Homeland Security has been not very eager to enforce those restrictions. I'd be glad to answer any questions.

Senator Robert J. Letourneau, D. 19: Question, Senator Clark.

Senator Martha Fuller Clark, D. 24: Yes, could you, would you be so kind as to review for me the other states? What are the other states?

Assistant Commissioner Earl Sweeney: I don't have the list of the other states. Arizona is one, I can get that for you very easily.

Senator Robert J. Letourneau, D. 19: Maine's one.

Assistant Commissioner Earl Sweeney: I believe Maine is, I don't know if they've changed, but they were.

Senator Martha Fuller-Clark: I would appreciate having that list. Thank you.

Assistant Commissioner Earl Sweeney: Sure, we'll get that to you.

Senator Robert J. Letourneau, D. 19: Do we know if there are other states that are opting out of the PASS ID also or are we alone on this?

Assistant Commissioner Earl Sweeney: We're the first one that I've heard of.

Senator Robert J. Letourneau, D. 19: And the other question I had was, when you talked about the Massachusetts passengers at Boston-Manchester Airport, I would assume that if Massachusetts went along with PASS ID that their licenses would be okay. It would just be New Hampshire residents that would be inconvenienced.

Assistant Commissioner Earl Sweeney: It would be New Hampshire residents that would be inconvenienced, but given the amount of staffing they have at the airport, I'm sure that it would take everybody longer to go through because they're going to have to have some of those, some of the help is going to have to be doing the additional screening for New Hampshire licenses and that will leave a smaller number of people available to screen everybody else.

Senator Robert J. Letourneau, D. 19: Thank you. Senator Gilmour.

Senator Peggy Gilmour, D. 12: Thank you, Mr. Chairman. Tell me, Mr. Sweeney, even though a state, one of the twelve states opts out, does the individual person have the right to participate?

Assistant Commissioner Earl Sweeney: No, because we wouldn't issue you a license that was in what's calle, material compliance with Real ID or PASS ID because the law would prohibit us from doing it. So there would be no way you could obtain a driver's license that was compliant.

Senator Robert J. Letourneau, D. 19: I think we have time. If the six years for the implementation of the Act, I think there's time for the states to react.

Assistant Commissioner Earl Sweeney: I believe so. And as I say, the only caveat I'd make is you know, you never know what's gonna ultimately come out of Congress, but . . .

Senator Robert J. Letourneau, D. 19: Apparently they don't care enough about it, they've just been dragging their feet on it for the last year.

Assistant Commissioner Earl Sweeney: If it's worded the way it's currently worded, we would have time.

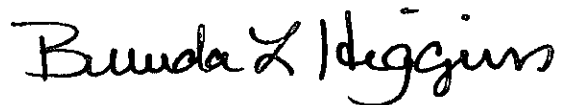
Senator Robert J. Letourneau, D. 19: Okay. Further questions? Seeing none. Thank you so much.

Assistant Commissioner Earl Sweeney: Thank you.

Senator Robert J. Letourneau, D. 19: And with that, there's nobody else signed in to speak for this bill. Is anybody out there for 1374? If not, close the hearing on House Bill 1374.

Hearing closed at 10:48 A.M.

Respectfully submitted,



Brenda L. Higgins
Senate Committee Secretary
April 16, 2010

1 Attachment

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

From the PASS ID Act of 2009, (S1261)

SEC. 202. MINIMUM DOCUMENT REQUIREMENTS AND ISSUANCE STANDARDS FOR FEDERAL RECOGNITION.

(a) MINIMUM STANDARDS FOR FEDERAL USE-

...

(b) MINIMUM DOCUMENT REQUIREMENTS- To meet the requirements of this section, a State shall include, at a minimum, the following information and features on each driver's license and identification card issued to a person by the State:

...

(9) **A common machine-readable technology**, with defined minimum data elements.

SEC. 247. LIMITATION ON STATUTORY CONSTRUCTION.

Nothing in this subtitle may be construed to--

(1) affect the authorities or responsibilities of the Secretary of Transportation or the States under chapter 303 of title 49, United States Code; or

(2) **preempt State privacy laws that are more protective of personal privacy than the requirements of this subtitle** or the standards or regulations promulgated to implement this subtitle, provided that such State laws are consistent with this subtitle and the regulations prescribed pursuant to this subtitle.



PRIVACY USER AGREEMENT

ABOUT THE ISSUE OPPOSITION VOICES RESOURCES / TOOLS IN THE STATES NEWS / UPDATES ACTION CENTER

IN THIS SECTION

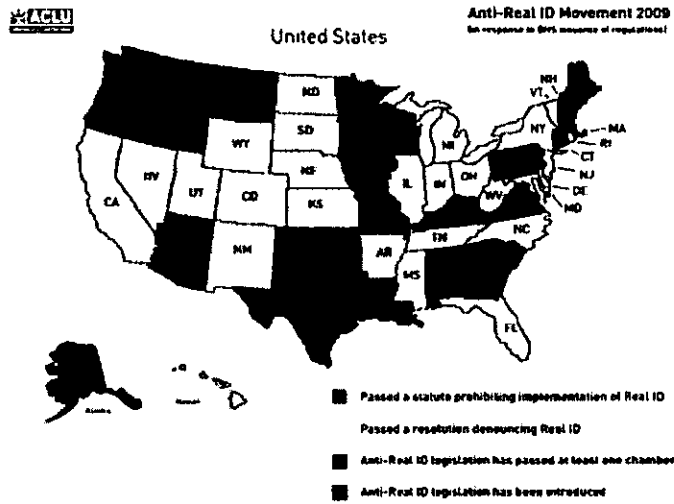
News / Updates
Status of Anti-Real ID Legislation in the States

News / Updates > Status of Anti-Real ID Legislation in the States

Anti-Real ID Legislation in the States

Following is a list of states where legislation against Real ID is currently active, with links to the relevant legislation and, where available, its status. The map below shows the introduction and passage of anti-Real ID bills, as well as states that have already opted out. This list will be constantly changing as more states act, and it will be updated as quickly as possible. View the video short, "Real ID: A Real Nightmare," here.

2009 Legislative Activity:



OPTED OUT

Washington
OREGON
IDAHO
MONTANA
ARIZONA
MINNESOTA

OKLAHOMA
MISSOURI
LOUISIANA
GEORGIA
SOUTH CAROLINA

VIRGINIA
New HAMPSHIRE
MAINE
ALASKA

Speakers

Voting Sheets

Senate Transportation & Interstate Cooperation Committee EXECUTIVE SESSION

Bill # HB 1374

Hearing date: 4/15/10

Executive session date: 4/15/10

Motion of: OTP

VOTE: 5-0

Made by Letourneau
Senator: Gilmour
 Kelly
 Fuller Clark
 Boutin

Seconded Letourneau
by Senator: Gilmour
 Kelly
 Fuller Clark
 Boutin

Reported Letourneau
by Senator: Gilmour
 Kelly
 Fuller Clark
 Boutin

Motion of: _____

VOTE: _____

Made by Letourneau
Senator: Gilmour
 Kelly
 Fuller Clark
 Boutin

Seconded Letourneau
by Senator: Gilmour
 Kelly
 Fuller Clark
 Boutin

Reported Letourneau
by Senator: Gilmour
 Kelly
 Fuller Clark
 Boutin

<u>Committee Member</u>	<u>Present</u>	<u>Yes</u>	<u>No</u>	<u>Reported out by</u>
Senator Letourneau, Chairman	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Gilmour, Vice-Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Kelly	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Fuller Clark	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Boutin	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

*Amendments: _____

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Date: April 15, 2010

THE COMMITTEE ON Transportation and Interstate Cooperation
to which was referred House Bill 1374

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

Having considered the same, the committee recommends that the Bill:

OUGHT TO PASS

BY A VOTE OF: 5-0

AMENDMENT # s

Senator David R. Boutin
For the Committee

Brenda Higgins 271-8631

New Hampshire General Court - Bill Status System

Docket of HB1374

Docket Abbreviations

Bill Title: relative to the prohibition against participation in a national identification card system.*Official Docket of **HB1374**:*

Date	Body	Description
12/10/2009	H	Introduced 1/6/2010 and Referred to Transportation; HJ 6 , PG.238
01/12/2010	H	Public Hearing: 1/19/2010 10:15 AM LOB 203
01/19/2010	H	Executive Session: 1/26/2010 10:45 AM LOB 203
01/27/2010	H	Committee Report: Ought to Pass for Feb 3 CC (vote 11-2); HC 11 , PG.465
02/03/2010	H	Ought to Pass: MA VV; HJ 15 , PG.672
03/03/2010	S	Introduced and Referred to Transportation & Interstate Cooperation
03/18/2010	S	Hearing: April 15, 2010, Room 101, LOB, 10:30 a.m.; SC12
04/15/2010	S	Committee Report: Ought to Pass 4/21/10; SC16
04/21/2010	S	Without Objection, Chair moved to Special Order to 04/28/10; SJ 15 , Pg.304
04/21/2010	S	Committee Report: Ought to Pass 4/28/10
04/28/2010	S	Ought to Pass, MA, VV; OT3rdg; SJ 16 , Pg.341
04/28/2010	S	Passed by Third Reading Resolution; SJ 16 , Pg.354
05/12/2010	H	Enrolled; HJ 41 , PG.2097
05/12/2010	S	Enrolled

NH House

NH Senate

Contact Us

New Hampshire General Court Information Systems
 107 North Main Street - State House Room 31, Concord NH 03301

Other Referrals

COMMITTEE REPORT FILE INVENTORY

HB1374 ORIGINAL REFERRAL

RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE SECRETARY AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
4. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

DOCKET (Submit only the latest docket found in Bill Status)

COMMITTEE REPORT

CALENDAR NOTICE on which you have taken attendance

HEARING REPORT (written summary of hearing testimony)

HEARING TRANSCRIPT (verbatim transcript of hearing)

List attachments (testimony and submissions which are part of the transcript) by number [1 thru 4 or 1, 2, 3, 4] here: | _____

SIGN-UP SHEET

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

____ - AMENDMENT # _____ ____ - AMENDMENT # _____
____ - AMENDMENT # _____ ____ - AMENDMENT # _____

ALL AVAILABLE VERSIONS OF THE BILL:

AS INTRODUCED ____ AS AMENDED BY THE HOUSE
 FINAL VERSION ____ AS AMENDED BY THE SENATE

____ PREPARED TESTIMONY AND OTHER SUBMISSIONS (Which are not part of the transcript)

List by letter [a thru g or a, b, c, d] here: _____

EXECUTIVE SESSION REPORT

____ OTHER (Anything else deemed important but not listed above, such as amended fiscal notes):

IF YOU HAVE A RE-REFERRED BILL, YOU ARE GOING TO MAKE UP A DUPLICATE FILE FOLDER

DATE DELIVERED TO SENATE CLERK

7/8/10

Bruno Z. Higgins

COMMITTEE SECRETARY