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FISCAL IMPACT REPORT

ORIGINAL DATE 1/29/07
LAST UPDATED 3/13/07

SPONSOR Martinez HB HJM 13/aSRC

SHORT TITLE Oppose Creation of National ID Card SB _____

ANALYST Baca

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

SUMMARY

Synopsis of SRC Amendment

The Senate Rules Committee amendment deletes the following provision

”that the New Mexico legislature enact no legislation nor authorize an appropriation to further the implementation of the REAL ID Act in New Mexico, unless such appropriation is used to mount a constitutional challenge to the act by the state attorney general.”

Synopsis of Original Bill

House Joint Memorial 13, endorsed by the Courts, Corrections and Justice Committee, opposes the creation of a national Identification card and the implementation of the REAL ID Act of 2005. HJM 13 further resolves that a copy of the memorial be sent to President George W. bush, U.S. Attorney General Alberto Gonzales, Governor Bill Richardson, Senator Pete Domenici, Senator Jeff Bingaman, Representative Tom Udall, Representative Heather Wilson, and Representative Steve Pearce.

SIGNIFICANT ISSUES

HJM 13 cites New Mexico’s diverse populations, the state’s tradition of protecting civil rights and the expansive protections guaranteed by the United States constitution and denounce terrorism in all its forms. Among the reasons for objecting the implementation of the REAL ID Act OF 2005 are that the Act:

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- places costly unfunded mandates on the state estimated at \$37 million over five years related to requirements that states are to place specified information on electronically readable driver's licenses or the licenses will not be honored by federally regulated airlines and federal agencies (nationally the cost of implementation is estimated at more than \$11 billion over the next five years);
- requires the creation of massive public sector databases containing information on every American that is accessible to all motor vehicle agencies and law enforcement officers that can be used to gather and manage information on citizens, a function not the business or responsibility of the government;
- enables the creation of additional transactional databases that can contain numerous errors and false information thereby creating significant hardship for many Americans attempting to verify their identities and perform many of the transactions needed to live in the United states today; and
- enable (facilitate) the crime of identity theft by making all this information available on all Americans (the Federal Trade Commission estimates that 10 million citizens are victims of identity theft annually).

Moreover, implementation of the REAL ID Act will place additional, undue burdens state staff implementing the Act in areas relating to information verification, records retention, increased documents requests, waiting periods and waiting lines for applicants and enormous costs on businesses that will be affected. In addition, the Act will place state motor vehicle division staff on the front lines of immigration enforcement by forcing state employees to determine federal citizenship and immigration status, thereby excessively burdening both foreign-born applicants and motor vehicle staff. State staff would also be required to issue two classes of driver's licenses, a practice that could promote discrimination among the citizens of the state.

The REAL ID Act, HJM 13 asserts, was passed without due deliberation among federal policy makers and affected constituents, serves as unwarranted intrusion on the privacy of individuals, widens access to those who would commit identify theft, would created enormous paperwork requirements for all affected persons (citizens and non-citizens alike), and, basically, seems to ignore many of the rights guaranteed to Americans by the United States constitution.

LRB/nt