

AMENDED IN ASSEMBLY JUNE 26, 2008

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

Assembly Joint Resolution

No. 51

Introduced by Assembly Member Nava

March 10, 2008

Assembly Joint Resolution No. 51—Relative to ~~the REAL ID Act of 2005~~ *offshore oil drilling*.

LEGISLATIVE COUNSEL'S DIGEST

AJR 51, as amended, Nava. ~~REAL ID Act of 2005: implementation.~~
Oil and gas: offshore drilling: leases: moratorium.

This measure would request that Congress continue the federal offshore oil and gas leasing moratorium for the 2009 fiscal year and beyond, and would express opposition to certain provisions of proposed federal energy policies and legislation.

~~This measure would urge the California Congressional delegation to support measures to repeal the REAL ID Act of 2005 or to at least delay its implementation until such time as its costs are federally funded and amendments are made to reduce its costs and administrative burdens on the states and to preserve essential states' rights and the civil rights and liberties of American drivers.~~

Fiscal committee: *yes-no.*

- 1 *WHEREAS, A bipartisan consensus in Congress has protected*
- 2 *the California coastline from expanded offshore drilling for the*
- 3 *past 27 years, renewing this protection each year in the form of a*
- 4 *congressional moratorium contained in the appropriations bill*
- 5 *for the United States Department of the Interior; and*

1 *WHEREAS, This offshore leasing moratorium also protects the*
2 *coastlines of Oregon and Washington; and*

3 *WHEREAS, President George W. Bush's recent statement on*
4 *June 17, 2008, supports drilling in the Outer Continental Shelf;*
5 *and*

6 *WHEREAS, Senator John McCain has also expressed his opinion*
7 *to relax the current moratorium on offshore drilling; and*

8 *WHEREAS, A report by the United States House Committee on*
9 *Natural Resources stated in June 2008 that drilling for oil off the*
10 *Outer Continental Shelf would not lower gasoline prices; and*

11 *WHEREAS, The Congress has been discussing measures that*
12 *would open our coast and the whole Outer Continental Shelf to*
13 *increased oil and gas drilling; and*

14 *WHEREAS, Other bills and amendments to the annual United*
15 *States Department of the Interior appropriations bill, including*
16 *H.R. 2784, the National Environment and Energy Development*
17 *Act, sponsored by Rep. John Peterson (R-PA), would, if adopted,*
18 *immediately void the entire bipartisan congressional offshore*
19 *leasing moratorium, while undermining states' rights by pressuring*
20 *coastal jurisdictions to facilitate new federal offshore drilling by*
21 *making a state's share of the federal revenues from these activities*
22 *contingent on state approval of new and expanded federal offshore*
23 *leasing; and*

24 *WHEREAS, President George W. Bush has proposed ending*
25 *the presidential withdrawal of the California Outer Continental*
26 *Shelflands managed by the federal government from consideration*
27 *for offshore oil and gas drilling; and*

28 *WHEREAS, Following the infamous 1969 oil spill that resulted*
29 *in the spillage of 3,200,000 gallons of crude oil, fouling Santa*
30 *Barbara County's ocean beaches, Californians became even more*
31 *wary about offshore oil drilling, continuing with the passage of*
32 *additional oil and gas leasing prohibitions in 1969, 1970, and*
33 *1971; and*

34 *WHEREAS, In 1994, the California Coastal Sanctuary Act of*
35 *1994 (Chapter 3.4 (commencing with Section 6240) of Part 1 of*
36 *Division 6 of the Public Resources Code), became law, creating*
37 *a comprehensive statewide coastal sanctuary that prohibits future*
38 *oil and gas leasing in state waters, from Mexico to the Oregon*
39 *border, in perpetuity, and adding leases to the sanctuary as they*
40 *are quitclaimed to the state; and*

1 *WHEREAS, In addition, the protection of California's*
2 *spectacular 1,100 mile coastline is of the utmost importance to a*
3 *number of our state's coastal and ocean dependent industries,*
4 *including tourism and commercial fishing, which contributed over*
5 *\$50 billion to California's economy in 2003; and*

6 *WHEREAS, California's ocean waters are also home to four*
7 *important sanctuaries, the Monterey Bay National Marine*
8 *Sanctuary, the Gulf of the Farallones National Marine Sanctuary,*
9 *the Cordell Bank National Marine Sanctuary, and the Channel*
10 *Islands National Marine Sanctuary that are, by definition, areas*
11 *of special conservation, recreational, ecological, historical,*
12 *cultural, archaeological, scientific, educational, and aesthetic*
13 *qualities and are particularly sensitive to the impacts of oil*
14 *development; and*

15 *WHEREAS, Additional offshore oil leasing and production*
16 *would degrade the quality of our air and water, and adversely*
17 *impact our marine resources, including severe impacts from*
18 *seismic surveys on marine mammals, that could involve threatened*
19 *and endangered species, including blue and humpback whales;*
20 *and*

21 *WHEREAS, Offshore oil development poses a serious risk of*
22 *oil spills, especially with the introduction of deepwater drilling*
23 *technologies and floating oil storage and processing vessels,*
24 *thereby threatening marine ecosystems, and could have devastating*
25 *effects on the southern sea otter, listed as a threatened species*
26 *since 1997, as well as onshore wildlife, birds, and their habitats*
27 *in the ocean, in estuaries, and on beaches; and*

28 *WHEREAS, Offshore oil development also leads to the*
29 *industrialization of the shoreline, creating land use conflicts,*
30 *visually degrading coastal areas, and posing potentially life*
31 *threatening public safety risks; now, therefore, be it*

32 **RESOLVED BY THE ASSEMBLY AND THE SENATE OF**
33 **THE STATE OF CALIFORNIA, JOINTLY, That the Legislature**
34 *of the State of California respectfully requests that Congress*
35 *continue the federal offshore oil and gas leasing moratorium for*
36 *the 2009 fiscal year and beyond; and be it further*

37 **RESOLVED, That the Legislature of the State of California**
38 *respectfully opposes the damaging coastal provisions of proposed*
39 *federal energy policies, including, but not limited to, the adoption*
40 *of H.R. 2784 and the end of presidential withdrawal of Outer*

1 *Continental Shelf lands from any offshore drilling program, or*
2 *any other coastal provisions that would weaken California's*
3 *legitimate role in energy siting decisions due to the threat posed*
4 *by such legislation to the economic integrity of California's coastal*
5 *dependent tourism and fishing economies and the consolidation*
6 *of centralized offshore authority with the federal government; and*
7 *be it further*

8 *RESOLVED, That the Chief Clerk of the Assembly transmit*
9 *copies of this resolution to the President and Vice President of the*
10 *United States, to the Speaker of the House of Representatives, to*
11 *each Senator and Representative from California in the Congress*
12 *of the United States, and to the author for appropriate distribution.*

13 ~~WHEREAS, In May 2005, the Congress of the United States~~
14 ~~passed the REAL ID Act of 2005 (REAL ID) as part of the~~
15 ~~Emergency Supplemental Appropriations Act for Defense, the~~
16 ~~Global War on Terror, and Tsunami Relief Act, 2005 (Public Law~~
17 ~~109-13), which was signed into law on May 11, 2005, and which~~
18 ~~becomes fully effective on May 11, 2008; and~~

19 ~~WHEREAS, REAL ID was passed without sufficient deliberation~~
20 ~~by Congress and never received a hearing by any congressional~~
21 ~~committee or any vote solely on its own merits; and~~

22 ~~WHEREAS, REAL ID prohibits, by 2014, federal agencies and~~
23 ~~federally regulated commercial aircrafts from accepting a driver's~~
24 ~~license or identification card issued by a state that has not fully~~
25 ~~complied with REAL ID; and~~

26 ~~WHEREAS, REAL ID will be a costly unfunded mandate on~~
27 ~~the state, with the National Governors' Association, the National~~
28 ~~Conference of State Legislators, and the American Association of~~
29 ~~Motor Vehicle Administrators estimating that REAL ID will cost~~
30 ~~at least \$11 billion nationally over the next five years; and~~

31 ~~WHEREAS, Implementation of REAL ID could cost the State~~
32 ~~of California in the neighborhood of \$500 million at a time when~~
33 ~~the state is grappling with an estimated \$14 billion budget deficit;~~
34 ~~and~~

35 ~~WHEREAS, REAL ID will effectively reverse the state's efforts~~
36 ~~to reduce licensees' interactions with the California Department~~
37 ~~of Motor Vehicles, because its complex verification process will~~
38 ~~preclude renewals by mail or via the Internet; and~~

39 ~~WHEREAS, REAL ID will thus likely place enormous burdens~~
40 ~~on consumers seeking a new or, a renewal of their, driver's license,~~

1 including longer lines, higher costs, and increased document
2 requests and waiting periods; and

3 WHEREAS, California, under the Tenth Amendment to the
4 Constitution of the United States, has always exercised its exclusive
5 power to establish standards and regulations for the issuance of
6 California state driver's licenses and California state identification
7 cards; and

8 WHEREAS, REAL ID wrongly coerces states into doing the
9 federal government's bidding by threatening to refuse to the
10 citizens of noncomplying states the privileges and immunities
11 enjoyed by the citizens of other states; and

12 WHEREAS, REAL ID mandates that California link parts of
13 its database to the departments of motor vehicles of all other states,
14 in effect creating a single shared national database containing
15 information on every American driver that exposes every state to
16 the information security weaknesses of every other state and
17 threatens the privacy of every American; and

18 WHEREAS, The Federal Trade Commission estimates that 10
19 million Americans are victims of identity theft annually and these
20 thieves are increasingly targeting motor vehicle departments, and
21 REAL ID could facilitate the crime of identity theft by making the
22 personal information of all Americans including name, date of
23 birth, gender, driver's license or identification card number, digital
24 photograph, address, and signature accessible from tens of
25 thousands of locations; and

26 WHEREAS, The "common machine-readable technology"
27 required by REAL ID could convert state-issued driver licenses
28 and identification cards into tracking devices, allowing computers
29 to note and record a person's whereabouts each time he or she is
30 identified; and

31 WHEREAS, At least 17 other states have passed legislation
32 that, to one degree or another, opposes the implementation of
33 REAL ID; and

34 WHEREAS, More than 600 organizations opposed the passage
35 of REAL ID; and

36 WHEREAS, The federal government has failed to show any
37 measurable evidence that the implementation of REAL ID will
38 make our borders more secure and better protect our citizens from
39 terrorism; now, therefore, be it

1 ~~Resolved by the Assembly and the Senate of the State of~~
2 ~~California, jointly, That the Legislature of the State of California~~
3 ~~supports the government of the United States in its campaign~~
4 ~~against terrorism and affirms the commitment of the United States~~
5 ~~that the campaign not be waged at the expense of states' rights or~~
6 ~~the essential civil rights or liberties of residents of this country that~~
7 ~~are protected under the United States Constitution and the Bill of~~
8 ~~Rights; and be it further~~

9 ~~Resolved, That the Legislature urges the California~~
10 ~~Congressional delegation to support measures to repeal REAL ID~~
11 ~~or at least to delay its implementation until such time as its~~
12 ~~implementation costs are federally funded and amendments are~~
13 ~~made to reduce its costs and administrative burdens on the state~~
14 ~~and to preserve essential states' rights and the civil rights and~~
15 ~~liberties of American drivers; and be it further~~

16 ~~Resolved, That the Chief Clerk of the Assembly transmit copies~~
17 ~~of this resolution to the President and Vice President of the United~~
18 ~~States, the Speaker of the House of Representatives, the Majority~~
19 ~~Leader of the Senate, each Senator and Representative from~~
20 ~~California in the Congress of the United States, the Attorney~~
21 ~~General of the United States Department of Justice, and the~~
22 ~~Governor of California.~~