

SENATE CONCURRENT RESOLUTION NO. 7

A CONCURRENT RESOLUTION, Petitioning the United States Congress to repeal the REAL ID Act.

WHEREAS, the implementation of the REAL ID Act intrudes upon the states' sovereign power to determine their own policies for identification, licensure, and credentialing of individuals residing therein; and

WHEREAS, the REAL ID Act reverses policy set in South Dakota law removing the social security number requirement from driver licenses; and

WHEREAS, one page of the 428 page 9/11 Commission report that did not give consideration to identification issues, prompted Congress to pass the legislation which created the REAL ID Act, ignoring states' sovereignty and their right to self-governance; and

WHEREAS, the REAL ID Act constitutes an unfunded mandate by the federal government to the states; and

WHEREAS, the REAL ID Act will cost the states over \$11 billion to implement according to a recent survey of forty-seven state licensing authorities conducted by the National Association of Motor Vehicle Administrators; and

WHEREAS, the REAL ID Act requires states to conform their processes of issuing driver licenses and identification cards to federal standards by May 2008; and

WHEREAS, the National Governors Association, the National Conference of State Legislatures, and the American Association of Motor Vehicle Administrators predict state compliance with the REAL ID Act provisions will require all of the estimated 245 million current driver license and identification card holders in the United States to renew their current identity documents in person by producing three or four identity documents, thereby increasing processing time and doubling wait time at licensing centers; and

WHEREAS, the use of identification-based security cannot be justified as part of a "layered" security system if the costs of the identification "layer"--in dollars, lost privacy, and lost liberty--are greater than the security identification provides; and

WHEREAS, identification based security provides only limited security benefits because it can

be avoided by defrauding or corrupting card issuers and because it gives no protection against people not already known to be planning or committing wrongful acts; and

WHEREAS, the requirement that states maintain databases of information about their citizens and residents and then share this personal information with all other states will expose every state to the information weaknesses of every other state and threaten the privacy of every American; and

WHEREAS, the REAL ID Act coerces states into doing the federal government's bidding by threatening to refuse noncomplying states' citizens the privileges and immunities enjoyed by other states' citizens; and

WHEREAS, Congress passed the REAL ID Act without a single hearing in either house and without an up-or-down vote in either house; and

WHEREAS, the REAL ID Act thus imposes a national identification system through the states, premised upon the threat to national security, but without the benefit of public debate and discourse; and

WHEREAS, on January 11, 2008, the Department of Homeland Security finally, over two years after the passage of the REAL ID Act, released the regulations to implement the REAL ID Act; and

WHEREAS, this late release of the regulations gives the state only three months to implement the regulations by May 2008, as required by the REAL ID Act, or to ask for an extension:

NOW, THEREFORE, BE IT RESOLVED, by the Senate of the Eighty-Third Legislature of the State of South Dakota, the House of Representatives concurring therein, that the REAL ID Act should be repealed by the United States Congress to avoid the significant problems it currently poses to state sovereignty, individual liberty, and limited government; and

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, and the members of South Dakota's congressional delegation.

Adopted by the Senate,
Concurred in by the House of Representatives,

February 5, 2008
February 22, 2008

Dennis Dugaard
President of the Senate

Trudy Evenstad
Secretary of the Senate

Thomas J. Deadrick
Speaker of the House

Karen Gerdes
Chief Clerk of the House