

HOUSE JOINT MEMORIAL NO. 3

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Bill Status

HJM003.....by TRANSPORTATION AND DEFENSE
 REAL ID ACT - Stating findings of the Legislature affirming the state's support of the United States' campaign to secure our country and urging members of Idaho's congressional delegation to support measures to repeal the federal REAL ID Act of 2005.

02/09 House intro - 1st rdg - to printing

02/12 Rpt prt - to Transp

02/15 Rpt out - rec d/p - to 2nd rdg

02/16 2nd rdg - to 3rd rdg

02/20 3rd rdg - ADOPTED - 69-0-1

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Brackett, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Edmunson, Eskridge, Hagedorn, Hart, Harwood, Henbest, Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, McGeachin, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ring, Ringo, Ruchti, Rusche, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Shively, Smith(30), Smith(24), Snodgrass, Stevenson, Thayn, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker

NAYS -- None

Absent and excused -- Roberts

Floor Sponsor - Hart

Title apvd - To Senate

02/21 Senate intro - 1st rdg - to Transp

03/07 Rpt out - rec d/p - to 10th Ord

03/08 10th Ord - ADOPTED - 19-15-1

AYES -- Bair, Bastian, Bilyeu, Broadsword, Fulcher, Geddes, Goedde, Hammond, Heinrich, Jorgenson, Langhorst, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway

NAYS -- Andreason, Cameron, Coiner, Corder, Darrington, Davis,

Gannon, Hill, Kelly, Keough, Little, Lodge, Stegner, Stennett, Werk

Absent and excused -- Burkett

Floor Sponsor - Fulcher

Title apvd - to House

03/08 To enrol
 03/09 Rpt enrol - Sp signed
 03/12 Pres signed
 03/13 To Secretary of State

Bill Text

]]]] LEGISLATURE OF THE STATE OF IDAHO]]]]
 Fifty-ninth Legislature First Regular Session - 2007

IN THE HOUSE OF REPRESENTATIVES

HOUSE JOINT MEMORIAL NO. 3

BY TRANSPORTATION AND DEFENSE COMMITTEE

A JOINT MEMORIAL

1
 2 TO THE PRESIDENT OF THE UNITED STATES, THE UNITED STATES ATTORNEY GENERAL, THE
 3 SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS
 4 ASSEMBLED, TO THE GOVERNOR OF IDAHO AND TO THE CONGRESSIONAL DELEGATION
 5 REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

6 We, your Memorialists, the House of Representatives and the Senate of the
 7 State of Idaho assembled in the First Regular Session of the Fifty-ninth Idaho
 8 Legislature, do hereby respectfully represent that:

9 WHEREAS, the state of Idaho recognizes the Constitution of the United
 10 States as our charter of liberty and the Bill of Rights as affirming the fun-
 11 damental and inalienable rights of Americans, including freedom of privacy and
 12 freedom from unreasonable searches; and

13 WHEREAS, Idaho has a diverse population whose contributions are vital to
 14 the state's economy, culture and civic character; and

15 WHEREAS, Idaho is proud of its tradition of protecting the civil rights
 16 and liberties of all its residents, affirming the fundamental rights of all
 17 people and providing more expansive protections than are granted by the Con-
 18 stitution of the United States; and

19 WHEREAS, the federal REAL ID Act of 2005, Public Law 109-13, creates a
 20 national identification card by mandating federal standards for state driver's
 21 licenses and identification cards and requires states to share their motor
 22 vehicle databases; and

23 WHEREAS, the REAL ID Act mandates the documents that states must require
 24 to issue driver's licenses and requires states to place uniform information on
 25 every driver's license in a standard, machine-readable format; and

26 WHEREAS, the REAL ID Act prohibits federal agencies and federally-
 27 regulated commercial aircraft from accepting a driver's license or identifica-
 28 tion card issued by a state that has not fully complied with the act; and

29 WHEREAS, the REAL ID Act places a costly, unfunded mandate on states, with
 30 initial estimates for Idaho of more than thirty-nine million dollars with on-
 31 going annual expenses of an estimated nine million three hundred thousand dol-
 32 lars and a national estimate of more than eleven billion dollars over the next
 33 five years; and

34 WHEREAS, the REAL ID Act requires the creation of a massive public sector
35 database containing information on every American that is accessible to all
36 motor vehicle employees and law enforcement officers nationwide and that can
37 be used to gather and manage information on citizens. Such activities are not
38 the business or responsibility of government; and

39 WHEREAS, the REAL ID Act enables the creation of additional massive pri-
40 vate sector databases, combining both transactional information and driver's
41 license information gained from scanning the machine-readable information con-
42 tained on every driver's license; and

43 WHEREAS, these public and private databases are likely to contain numerous
44 errors and false information, creating significant hardship for Americans

2

1 attempting to verify their identities in order to travel on commercial air-
2 craft, open a bank account or perform any of the numerous functions required
3 to live in the United States today; and

4 WHEREAS, the federal trade commission estimates that ten million Americans
5 are victims of identity theft annually, and because identity thieves are
6 increasingly targeting motor vehicle departments, the REAL ID Act will enable
7 the crime of identity theft by making the personal information of all Ameri-
8 cans, including date of birth and signature, accessible from tens of thousands
9 of locations; and

10 WHEREAS, the REAL ID Act requires a driver's license to contain a person's
11 actual home address and makes no exception for individuals in potential dan-
12 ger, such as undercover law enforcement personnel or victims of stalking or
13 criminal harassment; and

14 WHEREAS, the REAL ID Act contains onerous record verification and reten-
15 tion provisions that place unreasonable burdens on the motor vehicle division
16 and on third parties required to verify records; and

17 WHEREAS, the REAL ID Act will place enormous burdens on consumers seeking
18 new driver's licenses, such as longer lines, increased document requests,
19 higher costs and a waiting period; and

20 WHEREAS, the REAL ID Act will place state motor vehicle staff on the front
21 lines of immigration enforcement by forcing state employees to determine fed-
22 eral citizenship and immigration status, excessively burdening both foreign-
23 born applicants and motor vehicle staff; and

24 WHEREAS, the REAL ID Act passed without sufficient deliberation by Con-
25 gress and did not receive a hearing by any congressional committee or a vote
26 solely on its own merits, despite opposition from more than six hundred orga-
27 nizations; and

28 WHEREAS, the REAL ID Act eliminated a process of negotiated rulemaking
29 initiated under the Intelligence Reform and Terrorism Prevention Act of 2004,
30 which had convened federal, state and local policymakers, privacy advocates
31 and industry experts to solve the problem of the misuse of identity documents;
32 and

33 WHEREAS, the REAL ID Act provides little security benefit and leaves iden-
34 tification systems open to insider fraud, counterfeit documentation and data-
35 base failures.

36 NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session
37 of the Fifty-ninth Idaho Legislature, the House of Representatives and the
38 Senate concurring therein, that we support the government of the United States
39 in its campaign to secure our country, while affirming the commitment of the
40 United States that this campaign not be waged at the expense of the essential
41 civil rights and liberties of the citizens of this country.

42 BE IT FURTHER RESOLVED that it is the policy of the state of Idaho to
43 oppose any portion of the REAL ID Act that violates the rights and liberties

44 guaranteed under the constitutions of the State of Idaho and the United
45 States, including the Bill of Rights.

46 BE IT FURTHER RESOLVED that the Idaho Legislature shall enact no legisla-
47 tion nor authorize an appropriation to implement the provisions of the REAL ID
48 Act in Idaho, unless such appropriation is used exclusively for the purpose of
49 undertaking a comprehensive analysis of the costs of implementing the REAL ID
50 Act or to mount a constitutional challenge to the act by the state Attorney
51 General.

52 BE IT FURTHER RESOLVED that the Idaho Legislature urges the Idaho congress-
53 sional delegation to support measures to repeal the REAL ID Act.

54 BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representa-
55 tives be, and she is hereby authorized and directed to forward a copy of this

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1 Memorial to the President of the United States George W. Bush, the United
2 States Attorney General Alberto Gonzales, the President of the Senate and the
3 Speaker of the House of Representatives of Congress, the Governor of Idaho C.
4 L. Otter and the congressional delegation representing the State of Idaho in
5 the Congress of the United States.

Statement of Purpose / Fiscal Impact

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STATEMENT OF PURPOSE

RS 16946

This joint memorial is for the purpose of sending a message to Congress and to our Congressional Delegation that the people of Idaho object to the mandates of the Real ID Act of 2005 passed by Congress. The Real ID Act of 2005 is an \$11 billion unfunded mandate on the states. The Real ID Act of 2005 is a backdoor attempt to institute a national ID card as more overt attempts to create a national ID card have always failed in the past.

The Real ID Act of 2005 has serious constitutional and privacy problems. By requiring all states to issue driver's licenses to this new standard, the Federal Government is attempting to force the states to become part of a national database with 50,000 access points to sensitive data on every American Citizen. The opportunities for identify theft will multiply exponentially. Rules for implementing the Real ID Act of 2005 have not yet been promulgated by the federal government and the states are unclear as to the actual expected cost of compliance.

FISCAL NOTE

If Idaho were to comply with the Real ID Act of 2005 the startup costs will be in the range of \$39 million with ongoing costs of about \$9.3 million per year.

Contact

Name: Representative Phil Hart

Phone: 208-332-1000

Representative Liz Chavez, Representative Pete Nielsen,
Representative Cliff Bayer, Representative Lenore Barrett,
Representative Dick Harwood, Representative JoAn Wood,
Representative Jim Clark
Senator Russ Fulcher, Senator Mike Jorgenson

STATEMENT OF PURPOSE/FISCAL NOTE

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