

ONE HUNDREDTH LEGISLATURE

FIRST SESSION

LEGISLATIVE RESOLUTION 28

Introduced by Fischer, 43

Read first time February 12, 2007

Committee: Transportation and Telecommunications

WHEREAS, in May 2005, the United States Congress enacted the REAL ID Act of 2005 (REAL ID Act) as part of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror Act, and Tsunami Relief, 2005 (Public Law 109-13); and

WHEREAS, Congress passed the REAL ID Act as a rider on a military spending bill without a hearing in either the House or the Senate; and

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

WHEREAS, the REAL ID Act mandates an unfunded national driver's license on the people of Nebraska by requiring the state to conform its process of issuing driver's licenses and identification cards to federal standards by May 2008; and

WHEREAS, the REAL ID Act creates the potential of a

massive public sector data base containing information on every American that is accessible to motor vehicle employees and law enforcement officers nationwide that can be used to gather and manage information on citizens; and

WHEREAS, the REAL ID Act converts the state driver licensing function into federal law enforcement and national security functions that are outside the purpose and core competency of driver licensing bureaus; and

WHEREAS, the National Governor's Association, National Conference of State Legislatures, and American Association of Motor Vehicle Administrators predict state compliance with the REAL ID Act provisions will require all of the estimated 245 million driver's license and identification card holders in the United States to renew their current identity documents in person, thereby placing enormous burdens on current driver's license and identification card holders such as higher license and card costs, longer lines to obtain licenses and cards, increased license and card requests, and a waiting period to obtain licenses and cards; and

WHEREAS, the REAL ID Act will cost the states over \$11 billion to implement according to a recent survey of forty-seven licensing authorities conducted by the National Governor's Association, the National Conference of State Legislatures, and the American Association of Motor Vehicle Administrators, with the Nebraska Department of Motor Vehicles estimating that the

implementation of the REAL ID Act will cost Nebraska \$26 million, none of which are costs that will be paid for by the federal government; and

WHEREAS, the REAL ID Act wrongly 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, the REAL ID Act threatens the privacy and liberty of every driver's license and identification card holder in the United States of America.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDREDTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature opposes enactment or enforcement in this state of the REAL ID Act.

2. That Congress should repeal the REAL ID Act to avoid the significant problems it currently poses to state sovereignty, individual liberty, and limited government.

3. That the Clerk of the Legislature transmit copies of this resolution to the President of the United States, the President pro Tempore of the United States Senate, the Speaker of the United States House of Representatives, and the Nebraska congressional delegation.