

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

770P0617

SENATE CONCURRENT RESOLUTION NO. 7

Introduced by: Senators McNenny, Abdallah, Albers, Duenwald, Garnos, Gray, Greenfield, Hansen (Tom), Lintz, Maher, and McCracken and Representatives DeVries, Bradford, Davis, Gilson, Gosch, Nelson, Noem, Vanneman, and Willadsen

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

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

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

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

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

13 WHEREAS, the REAL ID Act will cost the states over \$11 billion to implement according
14 to a recent survey of forty-seven state licensing authorities conducted by the National



1 Association of Motor Vehicle Administrators; and

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

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

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

13 WHEREAS, identification based security provides only limited security benefits because
14 it can be avoided by defrauding or corrupting card issuers and because it gives no protection
15 against people not already known to be planning or committing wrongful acts; and

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

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

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

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

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

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

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

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