

**RESOLUTION OPPOSING REAL ID ACT**

2007 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Glenn A. Donnelson**

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**LONG TITLE**

**General Description:**

This resolution of the Utah House of Representatives urges Congress and the United States Department of Homeland Security to suspend implementation of the REAL ID Act or repeal the REAL ID Act.

**Highlighted Provisions:**

This resolution:

- ▶ urges Congress and the United States Department of Homeland Security to suspend implementation of the REAL ID Act or repeal the REAL ID Act; and
- ▶ provides for distribution of the resolution.

**Special Clauses:**

None

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*Be it resolved by the House of Representatives of the state of Utah:*

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;

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;

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



28 competency of driver licensing bureaus;

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

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

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

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

42 WHEREAS, the REAL ID Act will cost the states over \$11 billion to implement  
43 according to a recent survey of 47 state licensing authorities conducted by the National  
44 Governor's Association, the National Conference of State Legislatures, and the American  
45 Association of Motor Vehicle Administrators;

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

49 WHEREAS, the "common machine-readable technology" required by the REAL ID Act  
50 would convert state-issued driver licenses and identification cards into tracking devices,  
51 allowing computers to note and record people's whereabouts each time they are identified;

52 WHEREAS, a more secure and flexible system of verifying identity may be achieved  
53 by less intrusive means to the individual and to states by employing the free market and private  
54 sector ingenuity;

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

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

62 WHEREAS, the REAL ID Act threatens the privacy and liberty of those individuals  
63 belonging to unpopular or minority groups, including racial and cultural organizations, firearm  
64 owners and collectors, faith-based and religious affiliates, political parties, and social  
65 movements;

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

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

71 WHEREAS, the REAL ID Act is determined by the Utah State House of  
72 Representatives to be in opposition to the Jeffersonian principles of individual liberty, free  
73 markets, and limited government:

74 NOW, THEREFORE, BE IT RESOLVED that the Utah House of Representatives  
75 urges the United States Congress and the United States Department of Homeland Security to  
76 suspend implementation of the REAL ID Act.

77 BE IT FURTHER RESOLVED that the REAL ID Act should be repealed outright by  
78 the United States Congress to avoid the significant problems it currently poses to state  
79 sovereignty, individual liberty, and limited government.

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

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**Legislative Review Note**  
as of 1-26-07 11:43 AM

**Office of Legislative Research and General Counsel**

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**H.R. 2 - Resolution Opposing Real Id Act**

**Fiscal Note**

2007 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

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*1/31/2007, 2:35:48 PM, Lead Analyst: Bleazard, M.*

**Office of the Legislative Fiscal Analyst**