

HOUSE JOINT RESOLUTION NO. HJ0008

Real ID Act repeal.

Sponsored by: Representative(s) Esquibel, F., Edwards and Martin and Senator(s) Barrasso and Decaria

A Bill

for

1 A JOINT RESOLUTION requesting Congress to repeal the  
2 creation of a national identification card and the  
3 implementation of the Real ID Act of 2005.

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5 WHEREAS, the state of Wyoming recognizes the constitution  
6 of the United States as our charter of liberty and the bill  
7 of rights as affirming the fundamental and inalienable  
8 rights of Americans, including privacy and freedom from  
9 unreasonable searches; and

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

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15 WHEREAS, Wyoming is proud of its tradition of protecting  
16 the civil rights and liberties of all of its residents,

1 affirming the fundamental rights of all people and  
2 providing more expansive protections than are granted by  
3 the United States Constitution; and

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5 WHEREAS, the state of Wyoming denounces terrorism in all  
6 its forms and condemns all acts of terrorism by any entity,  
7 wherever the acts occur; and

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9 WHEREAS, any new security measures to protect from  
10 terrorist attacks should be carefully designed to enhance  
11 public safety without infringing on the civil liberties and  
12 rights of citizens; and

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14 WHEREAS, the federal REAL ID Act of 2005, Public Law  
15 109-13, creates a national identification card by mandating  
16 federal standards for state driver's licenses and  
17 identification cards and requiring states to share their  
18 motor vehicle databases; and

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

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1 WHEREAS, the REAL ID Act prohibits federal agencies and  
2 federally regulated commercial aircraft from accepting a  
3 driver's license or identification card issued by a state  
4 that has not fully complied with the act; and

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6 WHEREAS, the REAL ID Act places a costly unfunded mandate  
7 on states, with initial estimates for Wyoming of more than  
8 several million dollars over five (5) years and national  
9 estimates of more than eleven billion dollars  
10 (\$11,000,000,000.00) over the next five (5) years; and

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12 WHEREAS, the REAL ID Act requires the creation of a massive  
13 public sector database containing information on every  
14 American that is accessible to motor vehicle employees and  
15 law enforcement officers nationwide and that can be used to  
16 gather and manage information on citizens, and this is not  
17 the business or responsibility of government; and

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19 WHEREAS, the REAL ID Act enables the creation of additional  
20 massive private sector databases, combining both  
21 transactional information and driver's license information  
22 gained from scanning the machine-readable information  
23 contained on every driver's license; and

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1 WHEREAS, these public and private databases are likely to  
2 contain numerous errors and false information, creating  
3 significant hardship for Americans attempting to verify  
4 their identities in order to fly, open a bank account or  
5 perform any of the numerous functions required to live in  
6 the United States today; and

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8 WHEREAS, the federal trade commission estimates that ten  
9 million (10,000,000) Americans are victims of identity  
10 theft annually, and because identity thieves are  
11 increasingly targeting motor vehicle departments, the REAL  
12 ID Act will enable the crime of identity theft by making  
13 the personal information of all Americans, including date  
14 of birth and signature, accessible from tens of thousands  
15 of locations; and

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17 WHEREAS, the REAL ID Act requires a driver's license to  
18 contain a person's actual home address and makes no  
19 exception for individuals in potential danger, such as  
20 undercover law enforcement or victims of stalking or  
21 criminal harassment; and

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23 WHEREAS, the REAL ID Act contains onerous record  
24 verification and retention provisions that place

1 unreasonable burdens on the motor vehicle division of the  
2 department of transportation and on third parties required  
3 to verify records; and

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

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10 WHEREAS, the REAL ID Act passed without sufficient  
11 deliberation by congress and did not receive a hearing by  
12 any congressional committee or a vote solely on its own  
13 merits, despite opposition from more than six hundred (600)  
14 organizations; and

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16 WHEREAS, the REAL ID Act eliminated a process of negotiated  
17 rulemaking initiated under the Intelligence Reform and  
18 Terrorism Prevention Act of 2004, which had convened  
19 federal, state and local policymakers, privacy advocates  
20 and industry experts to solve the problem of misuse of  
21 identity documents; and

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1 WHEREAS, the REAL ID Act provides little security benefit  
2 and leaves identification systems open to insider fraud,  
3 counterfeit documentation and database failures.

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5 NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE  
6 LEGISLATURE OF THE STATE OF WYOMING:

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8       **Section 1.** That the state of Wyoming supports the  
9 government of the United States in its campaign against  
10 terrorism, while affirming the commitment of the United  
11 States that the campaign not be waged at the expense of the  
12 essential civil rights and liberties of the citizens of  
13 this country; and

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15 BE IT FURTHER RESOLVED that it is the policy of the state  
16 of Wyoming to oppose any portion of the REAL ID Act that  
17 violates the rights and liberties guaranteed under the  
18 constitutions of the state of Wyoming or the United States,  
19 including the bill of rights; and

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21 BE IT FURTHER RESOLVED that the Wyoming legislature enact  
22 no legislation nor authorize an appropriation to further  
23 the passage of the REAL ID Act in Wyoming, unless such  
24 appropriation is used exclusively for the purpose of

1 undertaking a comprehensive analysis of the costs of  
2 implementing the REAL ID Act or to mount a constitutional  
3 challenge to the act by the state attorney general; and

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5 BE IT FURTHER RESOLVED that the Wyoming legislature urge  
6 the Wyoming congressional delegation to support measures to  
7 repeal the REAL ID Act or to delay its implementation until  
8 such time as sufficient funds are available to adequately  
9 cover the costs of implementation.

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11 **Section 2.** That the Secretary of State of Wyoming  
12 transmit copies of this resolution to the President of the  
13 United States, to the President of the Senate and the  
14 Speaker of the House of Representatives of the United  
15 States Congress and to the Wyoming Congressional  
16 Delegation.

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(END)