

REVENUE: No revenue impact

FISCAL: Fiscal statement issued

Action: Do Pass with Different Amendments, Be Printed Engrossed, and Rescind the Subsequent Referral to the Committee on Ways and Means

Signers of the Report: Sen. Starr and Sen. George

Prepared By: Janet Adkins, Administrator

Meeting Dates: 2/22, 4/26

WHAT THE MEASURE DOES: Minority Report: Requires an applicant to submit a Social Security number and proof of legal presence in the United States in order to be eligible for an Oregon driver license, driver permit, or identification card. Applies to applicants for initial issuance, renewal, or replacement documents. Requires the Department of Transportation to determine by rule acceptable documentation to prove that a person is a citizen or otherwise legally present in the country in accordance with federal immigration laws. Requires the department to verify submitted documents with the issuing agency. Provides for temporary licenses that expire when a person's authorization to stay in the U.S. expires or after one year if the length of legal stay is indeterminate.

Majority and Minority Report: Prohibits an Oregon agency from expending funds to implement the federal Real ID Act of 2005 unless sufficient federal funds are allocated to cover the estimated costs. Requires the Department of Transportation (ODOT) to analyze and report on the costs of implementing the Real ID Act and to analyze and compare the costs of funding citizen applications for passports with Real ID implementation costs. Authorizes the Oregon Attorney General, with approval of the Governor, to challenge the legality or constitutionality of the Real ID Act. Requires ODOT to provide reasonable security measures to protect individual privacy and to prevent unauthorized disclosure before issuing Real ID compliant identification.

ISSUES DISCUSSED:

- Estimated costs of compliance
- Privacy and database security concerns
- Difficulty of many citizens in obtaining birth certificates and other documentation of residency
- Status of nationwide databases required for document verification
- Whether to require proof of legal presence
- Activity in other states related to Real ID and legal presence requirements
- Effect of amended measure on compliance planning at ODOT

EFFECT OF MINORITY AMENDMENT: Incorporates the majority amendment and adds provisions requiring proof of legal presence and Social Security number to obtain a drivers license or identification card.

BACKGROUND: The federal Real ID Act (P.L. 109-13) was signed May 11, 2005. It creates national standards for driver license and identification cards to ensure acceptable documents for security checks at airports and federal facilities. States are not required to comply with the federal law, but residents of states whose licensing does not meet the minimum standards by a May 2008 deadline would not be able to use their state identification for federal identity purposes. The verification and sharing of information required by state agencies issuing cards will depend on nationwide databases, some of which are under development. The U.S. Department of Homeland Security (DHS) issued proposed regulations for state implementation on March 9, 2007 and opened a 60-day comment period. The DHS also provided states the opportunity to apply for a compliance extension to December 31, 2009.

Oregon is one of nine states that does not verify an applicant's legal presence in the United States before issuing a drivers license. Of western states, California, Idaho, Nevada, Montana, and Arizona require proof of legal presence, while Oregon and Washington do not. Utah requires proof of legal presence, but offers a driver-only license obtainable without such proof.

5/8/2007 5:25:00 PM

This summary has not been adopted or officially endorsed by action of the committee.