

**MINUTES OF THE
SENATE COMMITTEE ON ENERGY, INFRASTRUCTURE AND
TRANSPORTATION**

**Seventy-fifth Session
February 12, 2009**

The Senate Committee on Energy, Infrastructure and Transportation was called to order by Chair Michael A. Schneider at 9:10 a.m. on Thursday, February 12, 2009, in Room 2135 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4412E, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Michael A. Schneider, Chair
Senator Maggie Carlton, Vice Chair
Senator John J. Lee
Senator Shirley A. Breeden
Senator Randolph Townsend
Senator Barbara K. Cegavske
Senator Dennis Nolan

STAFF MEMBERS PRESENT:

Pat Devereux, Committee Secretary
Matt Nichols, Committee Counsel
Scott Young, Committee Policy Analyst
Lynn Hendricks, Committee Secretary

OTHERS PRESENT:

Debbie Wilson, Management Analyst, Research and Development Division,
Department of Motor Vehicles
Izzy Hernandez, Real ID Project Manager, Department of Motor Vehicles
Edgar J. Roberts, Director, Department of Motor Vehicles
Rebecca Gasca, Public Advocate, American Civil Liberties Union of Nevada
Janine Hansen, Nevada Eagle Forum
John Wagner, Independent American Party
Lynn Chapman, Nevada Families

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Juanita Cox
Lori H. Quinn
Robert Johnson, Gun Owners of Nevada
Juanita Clark, Board Member, Charleston Neighborhood Preservation
Pat Little
Duane Smith
Brian Kennedy
David Schumann, Nevada Committee for Full Statehood
Ed Rathje

CHAIR SCHNEIDER:

I have a handout from Scott Young, Committee Policy Analyst, regarding energy ([Exhibit C](#)). I will now open the hearing on Senate Bill (S.B.) 52.

SENATE BILL 52: Revises provisions relating to drivers' licenses and identification cards to facilitate implementation of the federal Real ID Act of 2005. (BDR 43-391)

DEBBIE WILSON (Management Analyst, Research and Development Division, Department of Motor Vehicles):

Senate Bill 52, which was brought by the Department of Motor Vehicles (DMV), contains proposed changes to the *Nevada Revised Statutes* (NRS) to give us the authority to meet the requirements of the Real ID Act of 2005. I have written testimony explaining the need for these changes ([Exhibit D](#)). I would also like to extend an offer to meet with any member of the Committee or of the public one-on-one to discuss the Real ID Act in detail.

SENATOR NOLAN:

We have been inundated with e-mails expressing opposition to this bill, primarily out of a lack of understanding about the Real ID Act. One of the concerns is with regard to Second Amendment rights and the ability to purchase handguns. There is a feeling that this will somehow impede the process of doing background checks, making it more onerous. I understand that is not the intent, but I would like you to address that.

MS. WILSON:

The Real ID Act is specific to the issuance of driver's license/identification (DL/ID) cards. The requirement is for the citizen to provide evidence of their

identity and date of birth, and for the DMV to verify that the documents presented for that evidence are valid. That is the gist of the Real ID Act: verifying that you are who you say you are before we issue a DL/ID card. There are no ties to the applications for concealed weapons permits or firearm permits. The information is not passed to other agencies and is held by the DMV for our use.

SENATOR TOWNSEND:

How long will it take you to promulgate the regulations to implement this, were it to pass?

MS. WILSON:

Most of the regulations have been drafted based on the changes we are proposing. The regulations will be submitted on July 1, and we plan on having all regulations passed, adopted and ready to implement on or before January 1, 2010.

SENATOR TOWNSEND:

Would it be possible for the Committee to receive copies of the draft regulations?

MS. WILSON:

I will provide them.

SENATOR TOWNSEND:

I assume you will have public hearings on the regulations at some point. Did you work with legal staff from the Legislative Counsel Bureau (LCB) to develop your regulations?

MS. WILSON:

We will submit the regulations to the LCB for review if the bill passes. We will be working with them to ensure proper notice is made to the public. We plan on holding public hearings in the north and the south to address the concerns of the public.

SENATOR TOWNSEND:

Even with the tough financial times we face, it would probably be best for the DMV to make an extra effort in notification of these hearings, including announcements in the press. You might also want to talk to Nevada

broadcasters about getting some public service announcement time. The public might or might not come to the hearing, but you will have made the extra effort to make sure they have the information they need.

Did you say someone who is issued a driver's license after January 1, 2009, will have to get a Real ID or they will not be allowed to enter a federal building or board an aircraft starting January 1, 2010? If that is the case, will those who renewed their licenses before January 1 still be able to use them until they are due to expire?

MS. WILSON:

Yes. If we meet material requirements of the Real ID Act by the end of this year, any driver's license issued prior to January 1 will be accepted through 2014 or 2017, depending on the driver's age. If we meet those requirements, a license issued today will be valid for another four years and can be used to board an aircraft or enter a federal facility. If the driver is over a certain age, the card can be renewed through 2017. This means we have an eight-year period during which people can get a Real ID-compliant DL/ID card.

SENATOR TOWNSEND:

From a financial perspective, those who renew their license this year will have to pay the fee and then get a new one next year. Will they have to pay again when they get the Real ID card?

MS. WILSON:

There is no need to get a Real ID-compliant card before the regular renewal date. If you are issued a driver's license today, it will be valid to let you board a commercial aircraft three years from now, as long as Nevada meets material compliance requirements.

SENATOR TOWNSEND:

Can other documents be used to board an aircraft if you do not have a Real ID?

IZZY HERNANDEZ (Real ID Project Manager, Department of Motor Vehicles):

The federal agencies involved have outlined the documents that can be used in lieu of a Real ID. For example, you can use a passport or military ID. Those documents are outlined on the Website of the Transportation Security Administration and the U.S. Department of State.

SENATOR TOWNSEND:

It might be helpful for the DMV to create a simple one-page document outlining the deadlines in this bill and the documents that can be used to establish identity, along with those that are not acceptable. This could save you thousands of e-mails and phone calls. We might also talk to the Retail Association of Nevada to see if they might allow us to put this single-page document in grocery stores where people are more likely to see it.

SENATOR CEGAVSKE:

One area that I know has been a concern is section 11, subsection 4. Mr. Nichols, could you explain this section?

MATT NICHOLS (Committee Counsel):

Subsection 4 works in conjunction with subsection 2 of section 11 of this bill, and there's an analog for this for identification cards and one for commercial driver's licenses further into the document. But my understanding of subsection 4 is that it authorizes the DMV to continue to issue a driver's license when a person cannot present the documents that are required by regulation to establish the items that are listed in subsection 2. A license issued under subsection 4 would be valid for purposes of operating a motor vehicle in Nevada, but would not entitle you to enter a federal building, board a commercial airliner or any of the other purposes for which the Real ID Act was enacted. My understanding is that—well, I'm sorry, not my understanding—my interpretation of subsection 4 is that if the person does not have the documents that are prescribed by regulation, they're still going to be required to establish proof of their legal name and age, proof of their principal address, proof of their social security number and proof that they are lawfully entitled to live in the United States. It's not a matter that subsection 4 would allow the DMV to issue a license to a person who can't prove those things, only that they can prove them by means other than the documents that DMV will describe in regulation as appropriate for purposes of Real ID.

SENATOR CEGAVSKE:

Ms. Wilson, is that your interpretation of subsection 4?

MS. WILSON:

Yes, that is exactly what subsection 4 means. If an applicant comes in for a driver's license or identification card and they do not have a birth certificate or passport, they can present other documentation to evidence their name, date of birth and social security number (SSN). They can then be issued a standard Nevada DL/ID card that will act as formal identification issued by the state and allow them to drive. If they choose to apply for a Real ID-compliant driver's license later on, they need to bring in that additional documentation. Subsection 4 gives them the flexibility that if they do not wish to get a Real ID-compliant card, they do not have to. If they wish to use a passport for travel purposes, they are not required to present documentation for a Real ID-compliant driver's license.

SENATOR CEGAVSKE:

My understanding is that it was your intent when you wrote this bill to make it so that people do not have to get a Real ID-compliant card, and you will have two different types of IDs.

MS. WILSON:

That is correct.

SENATOR CEGAVSKE:

Do we currently do that?

MS. WILSON:

Currently, we have a standard Nevada driver's license. We have not previously had to worry about official purposes versus unofficial purposes. We want to give citizens the option to not get a Real ID-compliant card.

SENATOR CEGAVSKE:

Do you presently have problems with people who are not legal citizens obtaining DL/ID cards? I am not talking about forged documents. What safeguards are in place so that only those with the correct legal papers get identification?

MS. WILSON:

We will not reduce the standards from our existing level of security. The documents we currently accept as proof of name and date of birth for someone born outside of the United States are the same documents required under the Real ID Act to evidence lawful status. If there is a question about the validity of

those documents, we verify them through the U.S. Department of Homeland Security (DHS). We do not currently require evidence of lawful status, but the documents required to evidence name and date of birth are the same that will be used to evidence lawful status.

SENATOR CEGAVSKE:

Some years ago, there was a break-in at the DMV office in Henderson in which identification equipment was stolen. Has that been resolved?

EDGAR J. ROBERTS (Director, Department of Motor Vehicles):

We retrieved the stolen equipment, and it was not compromised.

SENATOR NOLAN:

Do we currently issue driver's licenses to persons who reside in Nevada who are not legal citizens?

MS. WILSON:

Yes. We will issue a DL/ID card to anyone who presents evidence of their name, date of birth and SSN, if one has been issued. If the person has immigration status, we will issue a document tied to their end-of-stay date. Their Nevada DL/ID card will then expire on the same date their immigration documents expire. If we suspect the document is fraudulent, we verify its authenticity with the DHS.

SENATOR NOLAN:

Is that common practice in other states?

MS. WILSON:

I do not know if every state ties driver's licenses to the expiration date on immigration documentation, though I think more of them are going in that direction. It is good business practice.

SENATOR NOLAN:

Do you know if other states issue driver's licenses to residents who are not legal citizens?

MS. WILSON:

I understand some states do. That is one of the reasons we have been tightening our standards for the past few years. We have had cases of

customers going to a state that issues driver's licenses basically to anyone and then bringing that license to Nevada.

SENATOR CEGAVSKE:

Does this do anything to hurt or hamper those who are here legally trying to become citizens? I know it can take ten years or more to complete the process.

MS. WILSON:

I could not say whether the DHS is making any changes to the citizenship process. As far as Nevada is concerned, as long as you have valid immigration documentation, we will issue you a DL/ID card.

MR. HERNANDEZ:

The Real ID Act also allows us to verify documents electronically. If an immigrant who is here legally presents those documents, we will initiate a real-time request to DHS or the U.S. Department of State to make sure they did indeed issue those documents.

MR. ROBERTS:

I would like to note that the DMV is planning a public information campaign regarding the Real ID Act regarding the requirements and the dates via radio and television announcements.

CHAIR SCHNEIDER:

How often do you get fraudulent documents?

MS. WILSON:

We currently manage that on a case-by-case basis. If there has been erasure on a document or if the photograph looks like it was removed and a new one put in its place, that raises a red flag. I do not have statistics on the number of times that happens. If I can find that information, I will provide it to you.

CHAIR SCHNEIDER:

I know that casino tellers can spot counterfeit bills instantly because they handle them so often. Are you comfortable that your staff are as qualified as that to spot fraudulent documents?

MR. HERNANDEZ:

Our frontline technicians are trained annually on recognizing fraudulent documents by our Compliance Enforcement Division. The Division is well respected, to the extent that agencies such as U.S. Immigration and Customs Enforcement have asked our staff to help train them on fraudulent documents.

SENATOR NOLAN:

The Real ID Act was born prior to the attacks of September 11, 2001, when there was concern about the number of illegal immigrants in the country. Following September 11, there was a major push to create a universal national ID system. After it was passed in Congress, it was repealed and brought back because of opposition from all the states due to the cost of implementation and other onerous impositions. The intention of it is basically the same, and that is to have an ID card that demonstrates legal status. It does not give anyone additional privileges that they do not already have. Is that correct?

MS. WILSON:

Yes. The intention of the Real ID Act is to ensure states are issuing a secure credential based on valid documentation. It is not a national ID card. There is no national database of your information. On the contrary, the Act requires strict security measures to make sure the information is held secure for the DMV's use only. It does not extend privileges other than driving or for official purposes of boarding commercially regulated aircraft and entering federal facilities. It is good business practice. It is just a set of security standards to make sure we are issuing a good, valid, secure credential.

REBECCA GASCA (Public Advocate, American Civil Liberties Union of Nevada):

The American Civil Liberties Union (ACLU) is opposed to S.B. 52. I have written testimony explaining our position ([Exhibit E](#)). In 2007, you passed a bill, A.J.R. No. 6 of the 74th Session, which passed both houses with only one nay vote, urged Congress to repeal the Real ID Act of 2005. We oppose Real ID for many reasons, including privacy intrusion, constitutional problems, the need for information technology overhauls, reenrollment issues, an overwhelming cost to Nevada and a lack of federal funding. The Real ID Act comes down to the federal government's interests, not Nevada's interests.

The Nevada Legislature has a long history of respecting the individual rights and civil liberties of Nevadans and keeping a wary eye on whatever the federal government might mandate. I am asking that you act in the spirit of

A.J.R. No. 6 of the 74th Session and ask Congress to repeal Real ID. I would even ask that you take it a step further. Eleven states have passed laws prohibiting their states from coming into compliance with Real ID. If you passed a resolution to do the same, Nevada could be the twelfth state to do so, part of a groundswell of opposition.

I am asking you to call the federal government's bluff. Fifteen percent of the population of the United States live in the eleven states, which include Montana, Arizona, Alaska and Idaho. The federal government is not going to keep the residents of these states from getting on airplanes in two years. It simply is not going to happen. We would like you to join with these other states and say Real ID is an unfunded mandate that will cost millions of dollars to implement, and it is not in the best form for Nevadans.

SENATOR CEGAVSKE:

The fiscal note included with this bill shows a cost to the State of zero. Where are you getting a cost of \$30 million?

MS. GASCA:

That figure comes from the fiscal note included with A.J.R. No. 6 of the 74th Session, which estimates implementation of Real ID would cost Nevada taxpayers \$30 million in fiscal year (FY) 2007-2008.

SENATOR CEGAVSKE:

The fiscal note for S.B. 52 says zero. Is there, in your opinion, a cost to Nevada that we are not seeing?

MS. GASCA:

Yes, there should be a fiscal note on S.B. 52. The best estimate I have seen is that \$30 million referred to in A.J.R. No. 6 of the 74th Session.

SENATOR CEGAVSKE:

That is federal money, not state money.

CHAIR SCHNEIDER:

Mr. Roberts, can you resolve this?

MR. ROBERTS:

The rules were revised in January 2008, and the costs of implementation came down considerably. We have received two grants totaling \$2.9 million and are well into implementation. Our final funding to finish implementation is \$1.5 million, and we have applied for a final grant. We expect to hear about this grant some time in October 2009, if we are successful. The prior cost of \$30 million is no longer the case with the revised rules.

SENATOR CEGAVSKE:

If we do not receive that final grant, will Nevada be liable for \$1.5 million?

MR. ROBERTS:

Yes. However, we are guaranteed a minimum of \$756,000.

SENATOR CEGAVSKE:

Have we spent the \$2.9 million already received?

MR. HERNANDEZ:

No, but it has all been allocated to making sure we are compliant.

SENATOR CEGAVSKE:

My concern is the balance, the \$1.5 million. If we do not receive it, do you have any reserves to pay it, or will you be coming back to us next session to make up the deficit?

MR. ROBERTS:

We do have a separate Real ID budget within the DMV's budget to finalize implementation.

MR. HERNANDEZ:

We would have to come back to you to ensure the State is able to finance the balance of the costs. We do not have an additional reserve of money for this. We are doing everything we can to make sure this does not happen.

SENATOR TOWNSEND:

When [Exhibit E](#) mentions "Real ID regulations" on page 2, are you referring to the federal bill?

Ms. GASCA:
Yes.

SENATOR TOWNSEND:
The federal government presumes states will figure out how to protect the information. Is that what you are saying?

Ms. GASCA:
Yes. As I understand it, the State bill has been modeled after the federal bill.

SENATOR TOWNSEND:
When you talk about "stored personal information," are you referring to the same information we are currently collecting for driver's licenses? You do not believe that is protected either, is that correct?

Ms. GASCA:
The format of Real ID would store all that information so that it could be retrieved from the ID by running it through a card reader, or swiped. There are no regulations to prohibit that information from being swiped when someone presents an ID to buy liquor, for example, and then being sold for marketing purposes.

SENATOR TOWNSEND:
Does that mean the ACLU objects to the sale of private information from credit cards?

Ms. GASCA:
That is a separate question. This is a government-controlled collection of the information of private citizens. Without regulations prohibiting others from picking up this information, we are wary of it.

SENATOR TOWNSEND:
Some 15 years ago, we prohibited the DMV from selling information collected from the registration of automobiles because of privacy concerns. Are you aware of that?

Ms. GASCA:
I was not aware of that, but it heartens me. Unfortunately, I do not see those steps in this legislation.

SENATOR TOWNSEND:

Is it your concern that Nevada or the federal government would sell this information?

MS. GASCA:

No. My concern is that whenever the ID is swiped, the potential exists for the business to store the information on the card and sell it.

MS. WILSON:

The security plan required by the Real ID Act, section 37.41, requires that we secure personally identifiable information. Swiping is not something that can happen in Nevada, since our DL/ID cards do not have a magnetic strip that can be swiped to read the information. Since 2002, our cards have instead used a two-dimensional bar code that contains only the same information printed on the front of the card: name, date of birth, address, license class and so on. The SSN is not included.

SENATOR TOWNSEND:

What information does Real ID require the DMV to collect that gives the ACLU concern?

MS. WILSON:

There is no information requested by Real ID that we do not already collect when issuing a DL/ID card.

SENATOR TOWNSEND:

This leads me to conclude, then, that the ACLU objects either to the current DL/ID requirements or to the relationship to the federal government.

MS. GASCA:

What we object to is that there is no regulation prohibiting the information from being taken. This is private information that should be kept private. We are against the implementation of an ID card system allowing that information to be easily taken.

MS. WILSON:

Chapter 481 of the NRS does have specific language as to what information can be provided to a company when requesting lists or jury information.

MR. HERNANDEZ:

For the record, I did want to put it on record—it was just mentioned that several states have decided not to implement Real ID. I do want to add to that, and that is a case. For example, Arizona, although they're not implementing the term "Real ID," they are implementing ... most of the requirements that are in the Real ID just because they make business sense and because it makes them also be able to provide a more secure card. They may not call it Real ID, but in principle they are implementing the items that we have, or that are outlined in the Real ID. And that's not only Arizona. That's several other states that we have been in contact as we have these Real ID meetings.

MS. GASCA:

There are portions of Real ID the ACLU might not disagree with if they were singled out, but we are against Real ID as a whole. Other states have taken Real ID apart and figured out which parts are cost-effective, which parts make sense from a business perspective and which parts make sense for security reasons. However, Real ID as it is put forward here is just not a good idea for Nevadans.

JANINE HANSEN (Nevada Eagle Forum):

I appreciated the discussion earlier to reassure us about our concerns about Real ID. I am hoping the record will show that S.B. 52 provides no way for illegal aliens to receive driver's licenses.

I have a packet of information explaining my opposition to this bill ([Exhibit F](#), original is on file in the Research Library). The bill passed in Arizona referred to earlier was signed into law by Arizona Governor Napolitano, who has now been appointed as the director of DHS. Nevada's Legislature does have the power not to implement Real ID in Nevada, according to the Ninth and Tenth Amendments to the U.S. Constitution. Driver's licenses have always been within the purview of the state legislatures. If we reject Real ID, Nevada citizens will still be able to board commercial aircraft by using a passport. I was pleased to note that DMV will give me the option to opt out of Real ID, and I plan to. I have political and religious objections to participating in Real ID. It is not imperative that the State implement Real ID and impose it on our citizens.

On a Website providing questions and answers about Real ID (<http://www.findbiometrics.com/Pages/realid.html>), I found the following

statement: "DHS has worked to align Real ID and EDL [enhanced driver license] requirements." This tells us the federal government is trying to morph those two projects together. The DHS has also proposed to expand the use of vicinity radio frequency identification (RFID) chips in implementing the Western Hemisphere Travel Initiative (WHTI). What they are planning to do is place an RFID chip in the WHTI cards so that at the border they can read those cards from 30 feet. There is technology now that can read these cards from 600 feet. If the information is not encrypted, your personal identification information is available to anyone with the right equipment.

Finally, I would remind you that the Ordinance section of Nevada's constitution states: "[P]erfect toleration of religious sentiment shall be secured, and no inhabitant of said state shall ever be molested, in person or property, on account of his or her mode of religious worship." I have deep religious concerns about the implementation of Real ID, and it will violate my religious beliefs. It is important that you provide an opt-out clause in this bill for those of us who would seriously object to participating in Real ID.

We join with the ACLU in urging you to adopt a resolution similar to the one in Arizona and abandon the implementation of Real ID, which is a fundamental violation of our constitutional liberties and right to privacy.

MS. WILSON:

I would like to just put on record what the Real ID is not. The Real ID is not an EDL. ... The EDL is used primarily by border states for traveling by land and sea only. It is not a Real ID-compliant driver's license. It has different security features, different requirements, than the Real ID Act. The Real ID is not a WHTI. There is no intention or no proposed language at this point to morph those two different documents. Yes, we do have an option to use a passport. In the Nevada DMV, we did some analysis and some statistics regarding the passport, and if it is decided to not implement the Real ID Act in Nevada and our citizens are required to obtain other documentation such as a passport to board an airplane, it could cost the citizens of Nevada in excess of \$188 million. Each passport is \$114 to get, and if we do not pass the Real ID Act and implement the Real ID Act, we would be forcing the citizens of Nevada to take on additional costs to board an aircraft to go to Oklahoma, for example. There is not a national database with the

Real ID Act. In fact, it makes certain that the states keep your information secure. It is not shared in some ... national database where everybody has access to look at this information. It does not contain an RFID chip. ... There is no requirement of the Real ID Act to include that in the driver's license, and we have no intention of implementing that type of security feature. ... And again, it is optional, and we do have language in our proposed—in S.B. 52—that allows somebody to opt out or to not get a Real ID-compliant driver's license. It is a choice for the citizens of Nevada. If they have other methods of documentation for official federal purposes, they do not need to present documentation to get this type of license.

CHAIR SCHNEIDER:
Is what they did in Arizona acceptable to you?

MS. WILSON:
It is my understanding Arizona will be implementing parts of the Real ID act because they are good business practices that make for a more secure card. It is not going to be a Real ID-compliant card and cannot be used for official purposes unless they implement the entire Real ID Act. We have regular meetings with the DHS, and they have confirmed they have no intention of changing the Real ID Act as it now stands. In fact, there is a House resolution on the table at the moment that would reduce federal funding to states that do not implement Real ID.

CHAIR SCHNEIDER:
We need to contact the DHS to try to get some clarity on this.

JOHN WAGNER (Independent American Party):
I oppose this bill and agree with the statements made by the ACLU representative. It sounds like Real ID is being implemented without your approval, since the DMV says it has already begun implementation. If state employees are doing this work, it is costing Nevada money.

LYNN CHAPMAN (Nevada Families):
We oppose this bill and agree with the statements made by the ACLU and Ms. Hansen. In S.B. 52, subsection 6 of section 11 seems to contradict other portions of the bill. I would also like to say that a national database would

present a large risk for identity theft, and the same would be true for a similar statewide database. Information is lost all the time. There are no restrictions on the DHS, and they can change the rules any time they want without the approval of Congress. Representative Jim Guest from Missouri has formed a coalition called Legislators Against Real ID, and you might find it interesting to visit his Website to see what they are doing.

JUANITA COX:

I am opposed to this bill. I have provided written testimony ([Exhibit G](#)) explaining my opposition. It is my belief that DMV employees have quotas, and researching questionable documents takes time. That would tend to make employees less motivated to delay verifying them through DHS. Perhaps we are not as secure as we would hope. We certainly agree with repealing the Real ID Act and hope you go forward with this. Ms. Hansen's testimony covered all of my concerns.

LORI H. QUINN:

I am opposed to this bill. Ms. Wilson seems to be working for both Nevada and the federal government. I use a passport to fly internationally, but it is discomfoting to think I would have to use it to fly within the borders of the United States. I do not believe DMV employees are as good as casino tellers at telling when a document is fraudulent. Unless every single document is checked, there will be a lot of illegal and suspicious people getting IDs. Once you have a driver's license, you can get a lot of things. Regarding swiping, I applied for a local's card at a casino in town, and my card was swiped. The management explained that they do this because it is easier than writing down my name and address by hand. I am sure there is more information on the bar code on the back of the card than they are telling us. I do not trust the federal government with anything. They tell us this makes good business sense, but it sounds like it is costing us a lot of money. The citizens of Nevada cannot afford to go the extra mile for the federal government. We need to take care of our own citizens.

ROBERT JOHNSON (Gun Owners of Nevada):

I am opposed to S.B. 52. I would like to read a quote from Mark Sanford, the governor of South Carolina:

Real ID represents another step against limited government. Our greatest homeland security is liberty, and yet based on the history

of civilizations, its biggest threat is found in a central government that is too powerful. Our founding fathers were explicit in reserving first individual rights, then to states, all powers that were not expressly delegated to the federal government. As mentioned, they did this because they considered the biggest threat to liberty in a large federal government, and as a consequence, they put in place checks on its prerogative, one of the greatest of which is the power of individual states. Real ID upsets the balance of power between the federal government and the states by coercing the states into creating a national ID for federal purposes. Given its requirement to board planes or enter federal buildings, it would also change the balance of power in something as seemingly insignificant as visiting a member of Congress. As a former member of Congress, I had countless meetings with constituents whose personal details I knew nothing about, and this was a good thing. Their background was not the issue; my stand on a given matter was. The First Amendment guarantees Americans the right to assemble and stand on a given matter.

As recently as last year, the DHS refused to rule out requiring Real ID for firearms purchases in the future. On the DHS Website, it states: "DHS will continue to consider additional ways in which Real ID licenses can or should be used and will implement any changes to the definition of 'official purpose' or determination regarding any additional uses of Real ID." That is a Mack truck large enough to drive anything they want through it. Please work with us to make sure there is no funding for Real ID and it is put off as in the other 11 states. We want to stand with them because Nevada stands for liberty.

JUANITA CLARK (Board Member, Charleston Neighborhood Preservation):
I am opposed to S.B. 52. I would like to know how long the waiting period is on a security check with the DHS to find out if my ID had been tampered with.

MS. WILSON:

The DMV will not be checking on existing DL/ID cards with the DHS. What we would be looking at is the documents used to apply for a new DL/ID card, such as birth certificates, passports or immigration documents. If those documents look suspicious, we will verify their authenticity with the issuing agency. We will not be doing background checks or any type of identity checks based on DL/ID cards themselves.

MR. HERNANDEZ:

Verification of documents is done electronically and takes no more than seven seconds per transaction.

MS. CLARK:

It seems in southern Nevada there are at least 5 hit-and-run accidents in a 24-hour period. I would like to know if the DMV has statistics on how many of these are caused by illegal aliens. As I read it, S.B. 52 provides for the issuance of licenses to people who cannot prove they are authorized to live in the United States and does not require them to comply with Real ID. Sections 11, 26 and 33 of this bill remove the requirement that an applicant for a DL/ID card provide proof to the DMV that he or she lives in the United States and has an SSN.

PAT LITTLE:

I am opposed to this bill. The national ID originated in Washington, D.C., in an appropriations bill for the Iraq war, and there were no hearings on that bill. If that is true, you need to get all the information Washington has on the national ID card. The DMV received \$2.9 million for implementation. When was the prior hearing on this bill that they took it upon themselves to ask for that money? Also, if the Legislature does not pass this bill, do the people of Nevada have to pay back the \$2.9 million?

CHAIR SCHNEIDER:

I will try to find answers to your questions. We will not have to pay them back. Each department has the authority to apply for grants, and the DMV was proceeding with due diligence on what they anticipated would be the proper thing to do to comply with federal law.

DUANE SMITH:

I am opposed to this bill. It seems to me that the meaning of words like "citizen" and "illegal alien" have become confused. I would like to know if the DMV is issuing driver's licenses to people who are in Nevada illegally.

CHAIR SCHNEIDER:

No, we are not.

MR. SMITH:

If that is the case, what documents are sufficient to get a driver's license? Is a Matricula Consular de Alta Seguridad card used as a valid form of identification to get a driver's license in Nevada?

CHAIR SCHNEIDER:

No, it is not.

BRIAN KENNEDY:

I am opposed to S.B. 52. The devil is in the details. The DHS keeps coming up in this discussion, and it might be the biggest part of the problem. I do not see anywhere in this bill where the U.S. Federal Witness Protection Program is addressed. How can they ask us to comply with the law when they themselves break it all the time? We should be looking at this carefully. Every paragraph in the Real ID Act includes the phrase "and for other purposes." I have yet to find out what other purposes they are referring to. I do not trust the DHS, and I do not think you should either.

DAVID SCHUMANN (Nevada Committee for Full Statehood):

I am opposed to S.B. 52. Several times I have heard the phrase "no plans at this point." I am a member of the Nevada Livestock Association, and we rejected the notion of joining the National Animal Identification System. This is a federal program in which an RFID chip is inserted in the ear of each cow. It can then be read from a satellite, much further than the 600 feet stated earlier. The whole notion of Real ID is bad precedent. The states are sovereign, and they alone should be setting the regulations for driver's licenses. There is no good reason to have an SSN on a driver's license. They say there are no plans at this time to include the SSN, but I disagree; I think there are plans, and the SSN will be on the Real ID eventually, because that is the way the government works. If you turn down Real ID, the airlines will be forced to accept the noninteractive, nonelectronic driver's licenses they have always used. I support the statements made by the ACLU.

ED RATHJE:

I am opposed to S.B. 52. As a flight instructor, I must get either a passport or a birth certificate for every student I train. When I have a student who is a legal resident alien, I have to go through about \$300 worth of background checks before I begin training. A pilot's license is a plastic card with a hologram that costs about \$2. This means someone knows how to make a secure ID for a

small amount of money. There is no RFID on a pilot's license. What we need is a balance between life and liberty. Recent newspaper reports stated 6,000 illegal aliens passed through McCarran International Airport because they started cracking down at Phoenix International Airport. We need some minimal reliable identification. That means no driver's licenses for illegal aliens. We want a secure driver's license, but that only requires a birth certificate or a passport. No other intrusion is required. I cannot imagine the State would want an illegal alien to be able to drive a propane truck through downtown Reno. We have to maintain secure driver's licenses and not give them to illegal aliens, but that does not mean we need an RFID chip.

CHAIR SCHNEIDER:

I will close the hearing on S.B. 52. Is there any further business to come before the Committee this morning? Hearing none, I will adjourn the meeting at 10:59 a.m.

RESPECTFULLY SUBMITTED:

Lynn Hendricks,
Committee Secretary

APPROVED BY:

Senator Michael A. Schneider, Chair

DATE: _____