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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. **1732**

03/11/2015 Authored by Smith and Petersburg
The bill was read for the first time and referred to the Committee on Transportation Policy and Finance
03/17/2015 Adoption of Report: Placed on the General Register
Read Second Time
05/18/2015 Pursuant to Rule 4.20, re-referred to the Committee on Transportation Policy and Finance
03/16/2016 Adoption of Report: Amended and re-referred to the Committee on Ways and Means

1.1 A bill for an act
1.2 relating to transportation; governing certain planning and implementation
1.3 activities related to the federal REAL ID Act; directing certain planning,
1.4 analysis, and enforcement extension activities; requiring a report; establishing
1.5 requirements on use of state funds; repealing Laws 2009, chapter 92, section 1.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. **REAL ID ACT.**

1.8 Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms
1.9 have the meanings given.

1.10 (b) "Commissioner" means the commissioner of public safety.

1.11 (c) "REAL ID Act" means the REAL ID Act of 2005, Public Law 109-13, Division B.

1.12 Subd. 2. **Planning requirements.** (a) The commissioner shall undertake planning
1.13 activities as provided in paragraph (b) related to compliance with the requirements of the
1.14 REAL ID Act. Planning must proceed so that the commissioner is prepared to begin
1.15 issuing REAL ID-compliant driver's licenses and Minnesota identification cards no later
1.16 than October 1, 2016, or a different date otherwise authorized by law.

1.17 (b) Planning activities include, but are not limited to:

1.18 (1) developing a list of specific REAL ID Act provisions with which Minnesota is
1.19 currently not compliant, including:

1.20 (i) identification of changes in existing statutes, rules, and procedures that are
1.21 recommended in order to achieve compliance with REAL ID Act requirements;

1.22 (ii) development of a summary of any administrative rule changes anticipated; and

1.23 (iii) compilation of associated explanatory or background information as appropriate;

- 2.1 (2) analyzing vendor contracts and information technology operations that may
2.2 be affected by REAL ID implementation, including outlining schedules, costs, and
2.3 procedures necessary to changing contracts and computer programs and operations;
- 2.4 (3) reviewing or seeking implementation guidance or communications provided by
2.5 the United States Department of Homeland Security;
- 2.6 (4) determining feasibility of utilizing an applicant's membership in a Department
2.7 of Homeland Security Trusted Traveler Program, such as Transportation Security
2.8 Administration Precheck, to reduce or eliminate the need for further documentation upon
2.9 license application;
- 2.10 (5) preparing draft certification documents developed under Code of Federal
2.11 Regulations, title 6, section 37.55;
- 2.12 (6) identifying costs involved in planning and implementation of REAL ID Act
2.13 requirements, which must include itemizing costs for each of the following:
- 2.14 (i) achieving compliance with all REAL ID Act requirements;
- 2.15 (ii) optimizing privacy and protection of data concerning Minnesota applicants and
2.16 driver's license and Minnesota identification card holders;
- 2.17 (iii) equipping, training, and qualifying driver's license agents to process REAL
2.18 ID-compliant driver's license and Minnesota identification card applications;
- 2.19 (iv) modifying Minnesota identification cards issued to applicants age 65 or older,
2.20 as necessary to be REAL ID-compliant;
- 2.21 (v) implementing a single-tier license system, in which a REAL ID-noncompliant
2.22 license or identification card is not available; and
- 2.23 (vi) implementing a two-tier license system, in which a choice is available between
2.24 REAL ID-compliant and REAL ID-noncompliant licenses and identification cards;
- 2.25 (7) identifying expected impacts resulting from REAL ID Act implementation on
2.26 the security, privacy, and control of data on individuals contained in records maintained by
2.27 the commissioner or any other state or local government entity, including:
- 2.28 (i) inventorying the verification systems and types of data that must be accessible to
2.29 entities outside of Minnesota, and the purpose for which the data must be made accessible;
- 2.30 (ii) identifying the specific entities that will be provided access to the data and for
2.31 what purpose; and
- 2.32 (iii) analyzing the data security protocols required by federal law related to use of
2.33 and access to the data; and
- 2.34 (8) developing approaches to maximize safeguarding data privacy and protection,
2.35 including any recommendations for legislation to minimize the exposure of Minnesotans'
2.36 data to security, privacy, and control standards under the REAL ID Act that are less

3.1 rigorous than the protections provided under Minnesota Statutes, chapter 13, and other
3.2 applicable state laws.

3.3 Subd. 3. **Legislative report.** (a) By March 31, 2016, the commissioner of public
3.4 safety must submit a report on planning for implementation of the REAL ID Act to the
3.5 chairs and ranking minority members of the legislative committees with jurisdiction over
3.6 transportation policy and finance, public safety, civil law, and data practices, and to the
3.7 Legislative Commission on Data Practices and Personal Data Privacy. The report must
3.8 be submitted as required under Minnesota Statutes, section 3.195, except that printed
3.9 copies are not required.

3.10 (b) At a minimum, the report must specifically provide information on each of the
3.11 planning activities listed in subdivision 2, paragraph (b).

3.12 Subd. 4. **Use of state funds.** Funds appropriated to the commissioner under Laws
3.13 2015, chapter 75, article 1, section 5, subdivision 4, paragraph (b), are available for the
3.14 planning purposes specified under subdivision 2. The commissioner may not expend state
3.15 funds for other implementation activities unless specifically authorized by law.

3.16 Subd. 5. **Extension of time to comply.** The commissioner shall act as soon as
3.17 possible, in coordination with the governor and legislature, to seek an extension from the
3.18 United States Department of Homeland Security to meet REAL ID Act requirements, in
3.19 order to allow holders of Minnesota-issued driver's licenses or identification cards to
3.20 access military bases and other restricted federal facilities while the state completes full
3.21 planning and implementation of the REAL ID Act.

3.22 Subd. 6. **Information on planning and fiscal impacts.** (a) The commissioner and
3.23 Department of Public Safety representatives shall appear before legislative committees
3.24 upon request and testify fully, both orally and by presentation of detailed written materials,
3.25 concerning progress and results of activities under this section.

3.26 (b) The commissioner of public safety shall comply in all respects with Minnesota
3.27 Statutes, section 3.98.

3.28 **Sec. 2. REPEALER.**

3.29 Laws 2009, chapter 92, section 1, is repealed.

3.30 **Sec. 3. EFFECTIVE DATE.**

3.31 Sections 1 to 2 are effective the day following final enactment.

APPENDIX
Repealed Minnesota Session Laws: H1732-1

Laws 2009, chapter 92, section 1

Section 1. NONCOMPLIANCE WITH REAL ID ACT.

The commissioner of public safety is prohibited from taking any action to implement or to plan for the implementation by this state of those sections of Public Law 109-13 known as the Real ID Act.

EFFECTIVE DATE. This section is effective the day following final enactment.