

CHAPTER 83--S.F.No. 1646

An act relating to transportation; directing the commissioner of public safety to plan for eventual implementation of Real ID program; requiring the commissioner to appear before legislative committees upon request, to present oral and written summaries of Real ID planning activities, and to submit fiscal notes under law; directing the commissioner to seek an extension of enforcement of current Real ID requirements with respect to this state; amending Laws 2009, chapter 92, section 1.

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

Section 1. Laws 2009, chapter 92, section 1, is amended to read:

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.

Sec. 2. **REAL ID PLAN FOR IMPLEMENTATION.**

Subdivision 1. Department of Public Safety planning activities. (a) The commissioner of public safety shall undertake planning activities within the meaning of paragraph (b) to prepare for eventual compliance with the requirements of the REAL ID Act of 2005, Public Law 109-13, Division B. Plans must be developed so that, following implementation authorization by legislative enactment, the commissioner is prepared to begin issuing Real ID-compliant drivers' licenses and identification cards no later than October 1, 2016, or a different date authorized by enacted legislation. The commissioner shall not adopt rules concerning Real ID or implement changes in driver license/identification card requirements to comply with Real ID without specific legislative authorization.

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

(1) identifying changes in existing statutes, rules, and procedures that must be enacted or adopted in order to achieve compliance with Real ID;

(2) analyzing vendor contracts and computer operations that may be affected by Real ID implementation and outlining procedures necessary to prepare for any necessary changes in contracts and computer programs and operations;

(3) reviewing or seeking implementation guidance or communications from the United States Department of Homeland Security;

(4) preparing draft certification documents developed under Code of Federal Regulations, title 6, section 37.55;

(5) developing approaches to safeguard under a planned Real ID program, to the greatest possible extent consistent with Minnesota law, the privacy and protection of data concerning Minnesota applicants for and holders of drivers' licenses and identification cards;

(6) determining feasibility of utilizing an applicant's membership in a Department of Homeland Security Trusted Traveler Program, such as Transportation Security Administration precheck and the Global Entry Program, to reduce or eliminate the need for further documentation upon license application;

(7) providing recommendations to the legislature for changes in law that would be necessary or desirable in the event of legislative authorization to implement Real ID; and

(8) itemizing costs involved in planning and implementation of Real ID, including, but not limited to:

(i) achieving compliance with Real ID requirements, including modifying Minnesota identification cards issued to applicants age 65 or older, as necessary to be Real ID-compliant;

(ii) optimizing privacy and protection of data concerning Minnesota applicants and license/card holders;

(iii) equipping, training, and qualifying driver's license agents to process Real ID compliant driver's license and state identification card applications;

(iv) implementing a single-tier license system, in which a Real ID-noncompliant license or identification card is not available; and

(v) implementing a two-tier license program, to offer applicants a choice between Real ID-compliant licenses and noncompliant licenses.

Subd. 2. **Legislative report.** (a) By April 14, 2016, the commissioner of public safety must submit a report on planning for implementation of the Real ID Act to the chairs and ranking minority members of the legislative committees with jurisdiction over transportation policy and finance, public safety, civil law, and data practices, and to the Legislative Commission on Data Practices and Personal Data Privacy. The report must be submitted as required under Minnesota Statutes, section 3.195, except that printed copies are not required.

(b) The commissioner may include in the report analysis of relevant issues in addition to the information on each of the planning activities listed in subdivision 1, paragraph (b).

Subd. 3. **Summary of planning activities and fiscal impacts.** (a) The commissioner and Department of Public Safety representatives shall appear before legislative committees upon request and testify fully, both orally and by presentation of detailed written summaries, concerning progress and results of planning activities.

(b) Notwithstanding Laws 2009, chapter 92, section 1, the commissioner of public safety shall comply in all respects with Minnesota Statutes, section 3.98.

Sec. 3. **EXTENSION OF TIME TO COMPLY.**

The commissioner of public safety shall act as soon as possible, in coordination with the governor and legislature, to seek an extension from the United States Department of Homeland Security to meet Real ID Act requirements, in order to allow holders of Minnesota-issued drivers' licenses or identification cards or United States passports to access military bases and other restricted federal facilities while the state completes full planning for implementation of the Real ID Act.

Sec. 4. **USE OF EXISTING APPROPRIATIONS.**

The commissioner shall perform the duties required under this act within existing appropriations.

Sec. 5. **EFFECTIVE DATE.**

Sections 1 to 4 are effective the day following final enactment.

Presented to the governor March 31, 2016

Signed by the governor March 31, 2016, 11:26 a.m.