

# HOUSE RESEARCH

## Bill Summary

**FILE NUMBER:** H.F. 1732

**DATE:** March 11, 2016

**Version:** Delete-all amendment (H1732DE1)

**Authors:** Smith

**Subject:** REAL ID Act initial authorization

**Analyst:** Matt Burress, Legislative Analyst

This publication can be made available in alternative formats upon request. Please call 651-296-6753 (voice); or the Minnesota State Relay Service at 1-800-627-3529 (TTY) for assistance. Summaries are also available on our website at: [www.house.mn/hrd/](http://www.house.mn/hrd/).

---

### Overview

This proposed delete-all amendment (H1732DE1) would provide authority and direction to the Department of Public Safety concerning the federal REAL ID Act. Its provisions include: (1) directing the department to begin planning; (2) specifying various planning activities; (2) requiring a legislative report, due March 31, 2016, on planning and implementation analysis; (3) limiting the use of state funds for REAL ID purposes; (4) directing the department to seek an extension that would lift current federal restrictions on the use of Minnesota-issued driver's licenses and identification cards to enter secured federal facilities; (5) requiring the department to provide testimony, information, and fiscal notes related to REAL ID; (6) directing the department to commence expedited rulemaking on REAL ID-compliant licenses and identification cards; and (7) repealing the current REAL ID planning and implementation ban.

The federal REAL ID Act and its accompanying federal regulations establish various security, data, and identity verification requirements for state-issued driver's licenses and identification cards. One of its features is that it disallows federal agencies from accepting non-compliant state identification in entering secured areas of federal buildings and facilities (that is, those areas where identification is necessary to enter). In the future the federal law will also prevent acceptance of non-compliant licenses and identification cards as the only document needed to board federally regulated commercial aircraft.

## Section

**1 REAL ID Act.** Establishes various requirements governing planning, reporting, and rulemaking on meeting the requirements of the REAL ID Act.

**Subd. 1. Definitions.** Defines terms for the section.

**Subd. 2. Planning requirements.** Paragraph (a) directs the Department of Public Safety to commence planning related to compliance with the federal REAL ID Act, so that the department is prepared to begin issuing REAL ID-compliant driver's licenses and identification cards by October 1, 2016.

Paragraph (b) specifies a list of planning activities, including identifying noncompliant law provisions and procedures; analyzing vendor contracts; obtaining federal implementation guidance; developing itemized costs for various aspects of implementation; analyzing data security, privacy, and control issues; and developing approaches to safeguard data protections.

**Subd. 3. Legislative report.** Requires a report to the legislature, due March 31 of this year, on each of the planning activities listed in subdivision 2.

**Subd. 4. Use of state funds.** Limits the driver services appropriation to the Department of Public Safety (made in the latest biennial transportation budget), so that funds are only available for (1) planning activities, and (2) certain rulemaking, which is provided for in subdivision 7. The funds are not available for further implementation.

**Subd. 5. Extension of time to comply.** Directs the Department of Public Safety to seek a REAL ID Act enforcement extension from the U.S. Department of Homeland Security so that Minnesota-issued identification would be accepted at secured federal facilities. Currently as part of enforcement of the REAL ID Act, Minnesota driver's licenses and identification cards are not federally accepted, by themselves, as a sufficient form of identification to enter various federal facilities in which there is controlled access (including, for instance, military bases).

**Subd. 6. Information on planning and fiscal impacts.** Directs the Department of Public Safety to provide testimony and written materials regarding REAL ID Act planning activities, and requires completion of fiscal notes as mandated under state law.

**Subd. 7. Expedited rulemaking.** Directs the Department of Public Safety to commence rulemaking as expressly necessary to issue driver's licenses and Minnesota identification cards that comply with the REAL ID Act. Permits use of an expedited rulemaking process, with the authority (but not any resulting rules) expiring December 31, 2018.

**2 Repealer.** Repeals the ban from 2009 on REAL ID Act planning and implementation.

**3 Effective date.** Makes the bill effective the day after enactment.