



Office of the Commissioner

445 Minnesota Street • Suite 1000 • Saint Paul, Minnesota 55101
Phone: 651.201.7160 • Fax: 651.297.5728 • TTY: 651.282.6555
Website: dps.mn.gov

April 18, 2017

Alcohol
and Gambling
Enforcement

Bureau of Criminal
Apprehension

Driver
and Vehicle
Services

Emergency
Communication
Networks

Homeland
Security and
Emergency
Management

Minnesota
State Patrol

Office of
Communications

Office of
Justice Programs

Office of
Pipeline Safety

Office of
Traffic Safety

State Fire
Marshal

Senator Eric R. Pratt
Assistant Majority Leader
95 University Avenue West
Minnesota Senate Building, Room 3219
St. Paul, MN 55155

Representative Dennis Smith
375 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, MN 55155

Dear Senator Pratt, Representative Smith, and conferees:

As the REAL ID Conference Committee begins its work, I want to reiterate our commitment to be a resource for you and the members of the Committee. Our mutual objectives are to ensure that the final legislation meets federal REAL ID requirements and that the Department of Public Safety (DPS) is able to implement the requirements of the bill to provide the most seamless customer service to the more than 4.5 million Minnesota driver license (DL) and ID holders.

As you know beginning January 22, 2018, domestic airline passengers will not be able to board an aircraft with a Minnesota driver's license. Minnesota passengers will be required to show an alternative form of identification because Minnesota's existing license is not REAL ID compliant and, under existing law, Minnesota is not on a path to becoming REAL ID compliant. However, the U.S. Department of Homeland Security continues to convey to the department that a compliance extension may be granted for one year and can be renewed if a state demonstrates continued progress towards compliance.

With that in mind, I look forward to working with you to resolve this important issue for millions of Minnesotans. I ask that you consider several key points as you work towards a final bill regarding REAL ID implementation. None of the following provisions currently being considered by the conference committee are required by federal law in order for Minnesota to become REAL ID compliant.

Data Sharing

- DPS continues to have concerns about the prohibition against all data sharing after the effective date. Minnesota law (Minn. Stat. § 171.50) requires us to comply with the Driver License Compact. The Compact requires information sharing amongst jurisdictions for a number of reasons including information

about convictions and whether a license has been suspended or revoked. The Compact also provides member states with information as to whether an applicant for a driver license has ever held one in another jurisdiction. This reduces the potential for fraud. Although it is the current practice; Minnesota would potentially be prohibited from doing this electronically through the new MN Licensing and Registration System (MNLARS) in the future under the House and Senate proposals.

- DPS has concerns about a provision in the Senate bill that would require us to identify the nearest exam or driver license agent location to receive a card. This would require DPS to acquire geo-location data on all applicants. We are committed to providing educational materials and additional training to all driver license agents and other educational campaigns to help Minnesotans understand their options.
- The House proposal prohibits DPS from sharing certain data related to firearms safety training and firearms permits. The Bureau of Criminal Apprehension (BCA) currently operates the permit tracking system on behalf of the commissioner of public safety (Minn. Stat. § 624.714, subd. 15). This system contains data from county sheriffs who are authorized to issue, deny or revoke permits to carry certain firearms. The statute authorizes law enforcement agencies and prosecutors to have access to this data to determine if an individual has a permit to carry. The statute also provides that sheriffs have access to data about denied and revoked permits in order to perform the duties required by Minn. Stat. section 624.714. Data contained in the database are not shared outside of Minnesota. We interpret the proposed language to prohibit the required sharing of this data and prevent DPS from issuing the required annual Permit to Carry report (Minn. Stat. section 624.714, subd. 20). Data about the permits to carry are classified as private data on individuals by Minn. Stat. section 13.87, subd. 2 and so can only be shared as authorized by the Legislature or with the written informed consent of the permit holder under current law. It is important to note that this provision is not a federal requirement for implementing REAL ID and is therefore unnecessary.

Timelines

In testimony, we have informed the legislature that DPS's Driver and Vehicle Services Division (DVS) is rolling out the new MNLARS system over the next year and transitioning to a new card vendor. The DPS-DVS supports the language in both proposals that requires the distribution of REAL ID cards no later than October 2018. The DPS-DVS is currently developing the driver license functionality of MNLARS and is working closely with the new card vendor to ensure the distribution of Minnesota driver license and identification cards will occur in a timely manner and without jeopardizing security and quality. As part of the development process, the systems will need to be tested and all driver license agents will need to be trained before the new system is launched. Giving DPS-DVS the appropriate amount of time to implement REAL ID will help us achieve our goal of making sure this process is as seamless as possible for Minnesotans.

Funding/Costs

In addition to the costs associated with REAL ID, DPS is also mindful of proposals contained in House and Senate fiscal and policy bills that may also require funding from the Driver and Vehicle Services Special Revenue accounts. The Governor's budget also includes a spending increase from these accounts to ensure that Driver and Vehicle services can maintain current levels of service.

The Governor's budget includes a stable, ongoing funding source (reinstating a \$1 fee on driver and vehicle transactions) to support MNLARS, support statutory changes and requirements, support enhancements to the system, and provide ongoing training. This request was included by the REAL ID conferees last year because it covers the costs of programming, training, and security upgrades related to the issuance of all driver licenses and identification cards, including REAL ID cards.

DPS will continue to work with the authors and staff on any technical changes to the bill that may be necessary to ensure consistency and meet the requirements of the federal REAL ID Act

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script, reading "Ramona L. Dohman". The signature is written in dark ink and is positioned to the right of the word "Sincerely,".

Commissioner Ramona L. Dohman