



Minnesota needs a new approach to compliance with federal Real ID law

Allowing those with objections to opt out is a more reasonable policy.

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Minnesota lawmakers have known since 2009, when they passed legislation defying the federal Real ID law, that state-issued driver's licenses eventually would not meet federal requirements for boarding domestic flights.

While that day of reckoning probably won't occur as Minnesotans head to Orlando and other sunny escapes this January, it is nevertheless time for the state to take a more pragmatic approach than the one embodied in current law.

Specifically, Minnesota should begin the process during the next legislative session to ensure that its licenses will meet the federal Real ID requirements for identity verification and data security. At the same time, the state should allow those with privacy concerns or other objections to the law an "opt out" avenue.

Conscientious objectors could still get a Minnesota driver's license — one that is issued without the enhanced security processes. However, the license would note prominently on its front side that it is not valid for official federal use, meaning it couldn't be used to board aircraft or for entry at other federal facilities.

Everyone else — likely, a majority of Minnesotans — would simply get a Real ID-compliant Minnesota license upon regular renewal, avoiding travel headaches down the road. The U.S. Department of Homeland Security's flexibility with other states' slow progress on compliance suggests an openness to this approach, which would allow Minnesota to cycle through license renewals before aircraft boarding restrictions kick in. The state is one of just four considered fully noncompliant with the law.

It's worth noting that Minnesota is already operating with an "opt in" approach when it comes to the federal law, which was passed in 2005 by a Republican-controlled U.S. House and Senate and signed into law by President George W. Bush. The new standards were in response to security concerns after the Sept. 11, 2001, terrorist attacks.

Those wanting to avoid travel snags caused by the state's defiance can currently get what is called an "enhanced driver's license." It costs an extra \$15 and requires additional documentation, mainly to prove citizenship. Passports are also an acceptable ID.

The burden to jump through additional hurdles in order to fly should instead fall on those worried about data privacy or federal intrusion into state matters. These were the concerns raised

as objections to the law's requirements when state lawmakers passed the 2009 ban in a bipartisan vote.

Minnesota should follow federal law and should not be dragged into broader, ideologically driven crusades against the federal government — the motive behind a Cato Institute commentary that ran on the Opinion Exchange page on Thursday. Having an opt-out approach would respect privacy concerns — issues with which the Star Tribune Editorial Board has previously sympathized — while still meeting the real-world travel needs of a majority of Minnesotans.