

SB 2506

RELATING TO CIVIL IDENTIFICATION.

Transfers the non-driver's, or civil, identification program from the department of the attorney general to the department of transportation. Requires non-driver's identification cards to be issued by the examiners of drivers in each county to comply with the federal REAL ID Act of 2005, division B of P.L. 109-13, by January 1, 2013.

NEIL ABERCROMBIE
GOVERNOR



GLENN M. OKIMOTO
DIRECTOR

Deputy Directors
JADE T. BUTAY
FORD N. FUCHIGAMI
RANDY GRUNE
JADINE URASAKI

IN REPLY REFER TO:

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

February 13, 2012

**SB 2506
RELATING TO CIVIL IDENTIFICATION**

SENATE COMMITTEE(S) ON TRANSPORTATION & INTERNATIONAL AFFAIRS and
PUBLIC SAFETY & GOVERNMENT OPERATIONS & MILITARY AFFAIRS and
JUDICIARY & LABOR

The Department of Transportation (DOT) supports this bill with modifications. Transferring the responsibility of issuing State Identification cards from the State to the county driver licensing offices statewide and the Satellite City Hall offices will make it more convenient for people who want to obtain a State Identification card.

We request that the following language be added to Section 9, "All rules, policies, procedures, guidelines and other material developed or adopted by the attorney general to implement provisions of the Hawaii Revised Statutes to substance of which are reenacted or made applicable to the director of transportation under this Act, shall remain in full force and effect until amended or replaced by the director of transportation pursuant to chapter 91, Hawaii Revised Statutes." This will ensure that rules will be in place to administer and implement the State ID program, until the DOT adopts its rules to do so, if not before January 2013.

Additionally, the balance in the current State Identification Revolving fund should be transferred to The DOT for the support of the State ID program. Thus, we request the following language be added to Section 10 as follows, "All appropriations, records, equipment, machines, files, supplies, contracts, books, papers, documents, maps, balances in the state identification revolving fund, and other personal property ..."

Thank you for the opportunity to provide testimony.





TESTIMONY OF THE DEPARTMENT OF THE ATTORNEY GENERAL TWENTY-SIXTH LEGISLATURE, 2012

ON THE FOLLOWING MEASURE:

S.B. NO. 2506, RELATING TO CIVIL IDENTIFICATION.

BEFORE THE:

SENATE COMMITTEES ON TRANSPORTATION AND INTERNATIONAL AFFAIRS, ON PUBLIC SAFETY, GOVERNMENT OPERATIONS, AND MILITARY AFFAIRS, AND ON JUDICIARY AND LABOR

DATE: Monday, February 13, 2012 TIME: 1:15 p.m.

LOCATION: State Capitol, Room 224

TESTIFIER(S): David M. Louie, Attorney General, or
Liane M. Moriyama, Administrator, Hawaii Criminal Justice Data Center

Chairs English, Espero, and Hee and Members of the Committees:

The Department of the Attorney General supports this bill with modifications.

The purpose of this bill is to transfer the non-driver's, or civil, identification program from the Department of the Attorney General to the Department of Transportation, and requires non-drivers' identification cards to be issued by the examiners of drivers in each county.

Hawaii is unique among the fifty states because the counties, under the general supervision of the Director of Transportation, have been delegated the function of implementing the state driver's license program. Under current law, the Department of the Attorney General issues the non-driver's identification card as a State ID card.

Act 35, Session Laws of Hawaii (SLH) 2011, mandated the Attorney General to work with the Director of Transportation and appropriate county agencies to allow county employees to issue certificates of identification at the same locations where drivers' licenses are issued. The driver's license program has offices throughout the State that handle the initial issuance and/or renewing of drivers' licenses. On the other hand, the State ID program has only one office in downtown Honolulu that handles both the initial issuance as well as renewals of the ID cards. On the Neighbor Islands, except for Molokai and Lanai, the Governor's Liaison Offices assist with the issuance and renewals of State ID cards through a Memorandum of Agreement (MOA) between the Office of the Governor and the Department of the Attorney General. For residents on Molokai and Lanai, staff from the Hawaii Criminal Justice Data Center travel to these islands once a year, on a Saturday, to issue new and renewal cards.

From a national perspective, the United States Congress passed the REAL ID Act of 2005. This Act sets forth the documentation required and procedures to be followed in issuing drivers' licenses and non-drivers' identification cards. **The REAL ID Act must be implemented by January 15, 2013.** A state can then only issue one compliant card, either a driver's license or a non-driver's identification card, to a citizen. Drivers' licenses and non-drivers' identification cards that do not comply with the REAL ID Act on or after January 15, 2013, will not be recognized by federal agencies, such as the Transportation Security Administration (TSA), and may not be recognized by other states. **Coordination amongst the two programs is critical** as the REAL ID Act **must be implemented on a timely basis** so that Hawaii's citizens are able to travel and to do business with the federal government and other states, with a minimum of inconvenience and disruption of services.

In meetings and conference calls held between the Department of the Attorney General, Department of Transportation, and the county agencies responsible for the issuance of drivers' licenses, it was concluded that it would be in the best interest of the State of Hawaii to consolidate the issuance of the drivers' licenses and State ID cards under the auspices of the Department of Transportation, as it is currently responsible for the statewide driver's license program. This will benefit the citizens of Hawaii both from a local perspective in having more locations where they may obtain a State ID card, and from a national perspective in enabling a more coordinated effort in implementing the provisions of the REAL ID Act.

While the Department of Transportation will adopt rules to implement the issuance of the State ID cards, **we recommend that the following language be added to section 9,** "All rules adopted by the attorney general to implement provisions of part III of chapter 846, Hawaii Revised Statutes, the substance of which are made applicable to the director of transportation under this Act, shall remain in full force and effect until amended or replaced by the director of transportation pursuant to rules adopted pursuant to chapter 91, Hawaii Revised Statutes." Thus, if the Department of Transportation is not able, for whatever reason, to adopt its own rules prior to January 2013, rules will be in place to administer and implement the State ID program.

In addition, we believe any balance in the **current State Identification Revolving Fund** should be transferred to the Department of Transportation for support of the State ID program.

Testimony of the Department of the Attorney General
Twenty-Sixth Legislature, 2012
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As such, the following should be added to section 10, after “maps” (page 19, line 11), “balances in the state identification revolving fund”.

We respectfully ask the Committee to pass this bill with the recommended amendments.

NEIL ABERCROMBIE
GOVERNOR



BARBARA A. KRIEG
INTERIM DIRECTOR

DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT
235 S. BERETANIA STREET
HONOLULU, HAWAII 96813-2437

February 6, 2012

TESTIMONY TO THE
SENATE COMMITTEES
ON
TRANSPORTATION AND INTERNATIONAL AFFAIRS,
PUBLIC SAFETY, GOVERNMENT OPERATIONS, AND MILITARY AFFAIRS, AND
JUDICIARY AND LABOR

For Hearing on Monday, February 13, 2012
1:15 p.m., Conference Room 224

BY

BARBARA A. KRIEG
INTERIM DIRECTOR

Senate Bill No. 2506
Relating to Civil Identification

WRITTEN TESTIMONY ONLY

TO CHAIRPERSONS ENGLISH, ESPERO, AND HEE AND MEMBERS OF THE
COMMITTEES:

The purpose of S.B. No. 2506 is to transfer the non-driver's, or civil, identification program from the Department of the Attorney General to the Department of Transportation. The bill requires non-driver's identification cards to be issued by the examiners of drivers in each county to comply with the federal REAL ID Act of 2005, division B of P.L. 109-13, by January 1, 2013.

The Department of Human Resources Development has **comments** on the proposed transfer. **To protect the rights and benefits of the employees to be transferred, we prefer the following proposed transfer language be used in place of the transfer language pertaining to employees in Section 8 of the bill:**

“All employees who occupy civil service positions and whose functions are transferred to the department of transportation by this act shall retain their civil service status (permanent or temporary). Employees shall be transferred without loss of salary, seniority, retention points, prior service credit, any vacation and sick leave credits previously earned, and other rights, benefits, and privileges, in accordance with state personnel laws and this Act, provided that the employees possess the minimum qualifications and public employment requirements for the class and/or position to which transferred or appointed, as applicable, provided further that subsequent changes in status may be made pursuant to applicable civil service and compensation laws.

Any employee who, prior to this Act, is exempt from civil service and is transferred as a consequence of this Act, may continue to retain the employee’s exempt status, but shall not be appointed to a civil service position because of this Act. An exempt employee who is transferred by this Act shall not suffer any loss of prior service credit, any vacation and sick leave credits previously earned, or other employee benefits or privileges as a consequence of this Act, provided that the employees possess legal and public employment requirements for the position to which transferred or appointed, as applicable; provided that subsequent changes in status may be made pursuant to applicable employment and compensation laws. The director of the department of transportation may prescribe the duties and qualifications of such employees

and fix their salaries without regard to chapter 76, Hawaii Revised Statutes.”

Thank you for the opportunity to offer comments on this measure.

DEPARTMENT OF CUSTOMER SERVICES
CITY & COUNTY OF HONOLULU
DIVISION OF MOTOR VEHICLE, LICENSING AND PERMITS
ADMINISTRATION
P.O. BOX 30300
HONOLULU, HAWAII 96820-0300

PETER B. CARLISLE
MAYOR



GAIL Y. HARAGUCHI
DIRECTOR

DENNIS A. KAMIMURA
LICENSING ADMINISTRATOR

February 6, 2012

The Honorable J. Kalani English, Chair
and Committee Members
Committee on Transportation and International Affairs
The Honorable Will Espero, Chair
and Committee Members
Committee on Public Safety, Government Operations
and Military Affairs
The Honorable Clayton Hee, Chair
and Committee Members
Committee on Judiciary and Labor
The Senate
State of Hawaii
State Capitol, Room 231
Honolulu, Hawaii 96813

Dear Chair English, Chair Espero, Chair Hee and Committee Members:

Subject: S.B. No. 2506, Relating to Civil Identification

The City and County of Honolulu has no objections to S.B. No. 2506 which transfers the responsibility of issuing state identification cards to the county driver licensing offices.

Since the required documents and processing procedures for issuance of a driver's license and a state identification card is similar, the transition should not be difficult to implement. However, the lines at the driver licensing offices will be longer with the corresponding increase in waiting time by the public.

Sincerely,

A handwritten signature in black ink, appearing to read "Dennis A. Kamimura".

Dennis A. Kamimura
Licensing Administrator

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 05, 2012 10:10 PM
To: TIATestimony
Cc: Brenda.Kosky@gmail.com
Subject: Testimony for SB2506 on 2/13/2012 1:15:00 PM

Testimony for TIA/PGM/JDL 2/13/2012 1:15:00 PM SB2506

Conference room: 224
Testifier position: Support
Testifier will be present: No
Submitted by: Brenda Kosky
Organization: Individual
E-mail: Brenda.Kosky@gmail.com
Submitted on: 2/5/2012

Comments:

Sharon Lum

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 06, 2012 7:02 PM
To: TIATestimony
Cc: MolokaiMAN@basicisp.net
Subject: Testimony for SB2506 on 2/13/2012 1:15:00 PM

Testimony for TIA/PGM/JDL 2/13/2012 1:15:00 PM SB2506

Conference room: 224
Testifier position: Oppose
Testifier will be present: No
Submitted by: George Peabody
Organization: <http://www.MolokaiAdvertiserNews.com>
E-mail: MolokaiMAN@basicisp.net
Submitted on: 2/6/2012

Comments:
NO to OBAMA REAL I.D. NO FEDERAL Nazi I.D. Its ULTRA VIRES !!