

DAVID Y. IGE
GOVERNOR

JOSH GREEN
LIEUTENANT GOVERNOR



ANNE E. PERREIRA-EUSTAQUIO
DIRECTOR

JOANN A. VIDINHAR
DEPUTY DIRECTOR

JOVANIE DOMINGO DELA CRUZ
EXECUTIVE DIRECTOR

STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
OFFICE OF COMMUNITY SERVICES
830 PUNCHBOWL STREET, ROOM 420
HONOLULU, HAWAII 96813
www.hawaii.gov/labor
Phone: (808) 586-8675 / Fax: (808) 586-8685
Email: dliir.ocs@hawaii.gov

IN REPLY, REFER TO:
OCS 22.1023

February 1, 2022

To: The Honorable Mark Nakashima, Chair,
The Honorable Scot Z. Matayoshi, Vice Chair, and
Members of the House Committee on Judiciary and Hawaiian Affairs

Date: Thursday, February 3, 2022
Time: 2:00 p.m.
Place: Conference Room 325 & videoconference

From: Jovanie Domingo Dela Cruz, Executive Director
DLIR – Office of Community Services

Re: H.B. 1761 – RELATING TO LIMITED PURPOSE IDENTIFICATION CARDS

I. OVERVIEW OF PROPOSED LEGISLATION

H.B. 1761 would provide for the issuance of limited-purpose identification cards for persons who are unable or unwilling to comply with the requirements of federal law for a “Real ID” identification card. The bill sets out detailed requirements that would be included in a new section to be added to HRS Chapter 286, Part XVI, which relates to Civil Identification Cards.

II. CURRENT LAW

Under current law, non-compliant identification cards are addressed in HRS §286-301.5. That section generally provides for the issuance of non-compliant identification cards subject to determination by the U.S. Department of Homeland Security (US DHS) that Hawaii’s non-compliant identification card design complies with the requirements of Title 6, Section 37.71 of the Code of Federal Regulations. The current statute requires the Hawaii Department of Transportation to modify the design of Hawaii’s non-compliant identification cards if required to do so by US DHS.

III. COMMENTS ON THE PRESENT BILL

The Office of Community Services (OCS) is attached to the Department of Labor and Industrial Relations. OCS was created by the Legislature by Act 305, SLH 1985, codified as Hawai‘i Revised Statutes Chapter 371K.

H.B. 1761 – RELATING TO LIMITED PURPOSE IDENTIFICATION CARDS

February 3, 2022

Page 2

The mission of OCS is to eliminate the causes and conditions of poverty for economically disadvantaged persons, immigrants, and refugees in the State of Hawaii, by facilitating and enhancing the development, delivery, and coordination of effective programs for these persons and communities to enable them to achieve and maintain greater economic self-sufficiency.

The people who would be assisted by this bill are largely non-citizens who lack full documentation for legal presence in the United States. These persons generally are economically disadvantaged and are in the basic demographic that qualifies economically for the services provided by OCS.

OCS recognizes that such persons are here in our State, and in our communities, and that they by-and-large contribute productively to our economy and society. Making non-compliant identification cards available to them serves important societal goals. OCS is pleased to support this bill.

Thank you very much for the opportunity to testify on this valuable measure.



TESTIMONY IN SUPPORT OF HOUSE BILL 1761
Relating to Identification Cards

HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS
Representative Mark M. Nakashima, Chair
Representative Scot Z. Matayoshi Vice-Chair

Video Conference Hearing Date: February 3, 2022 Room Number: 325

Chair Nakashima, Vice-Chair Matayoshi, and Members of the Committee,

The Hawai'i Friends of Civil Rights stands in strong support of HB 1761. The federal REAL ID Act of 2005, Pub. L. No. 109-13, requires states to comply with federally mandated eligibility criteria in issuing driver licenses and identification cards. These documents are often referred to as "REAL ID compliant." The REAL ACT does not, however, prohibit states and local governments from issuing non-compliant driver's licenses and identification cards. In 2015, the Hawai'i Legislature created a limited purpose driver's license, limited purpose provisional driver's license, and a limited purpose instruction permit. Act of June 30, 2015, c 172, (codified at HRS §286-104.5).

Many young adults, elderly residents, houseless persons, undocumented immigrants, and lawfully present non-immigrants who do not drive and cannot meet the heightened standards for a REAL ID-compliant identification card are unable to access state-issued identification.

Proving your identity is a necessity that has been turned into an obstacle for many immigrants and non-immigrants and further heightened by COVID-19. Restaurants, theaters, and other public venues now require proof of valid vaccination and identification. Our public libraries require the same. And, even before the onset of COVID-19, state office buildings including Queen Liliuokalani Building (DHS & DOE) and the Princess Ruth Keelikolani building (DLIR, DoTax, HCRC, OCS, and DCD) required valid proof of identity.

Additional benefits of a limited purpose identification card include:

- Helping emergency personnel, including police and emergency response teams, identify the person in distress;

- Providing basic access to **public** services including filling prescriptions at a local pharmacy, picking up packages at a post office, accessing Kamaaina discounts at museums, hotels, and public parks such as Hanauma Bay;
- Promoting public safety by diminishing an undocumented immigrant's fear of interacting with local police due to the lack of identification and also helps local police to properly identify individuals they come into contact with; and
- Providing access to financial services at banks that will honor state identification cards and permit holders to open accounts. Many individuals unable to open bank accounts carry large sums of cash and can be targeted for theft. Others, who cannot access a bank account must rely upon check-cashing businesses which may charge a fee of up to 5% or \$5.00 whichever is greater. HRS §480F-3.

Thank you for the opportunity to testify on this measure,

Amy Agbayani, Co-Chair

Pat McManaman, Co-Chair

Barbara Yamashita, Co-Chair

HB-1761

Submitted on: 2/1/2022 4:56:39 PM

Testimony for JHA on 2/3/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
amy agbayani	Filipina Advocacy Network FAN	Support	Yes

Comments:

My name is Amy Agbayani, co-chair of the Filipina Advocacy Network (FAN)

Thank you to the Filipino House caucus for including HB 1761 in their package and to this committee for hearing the bill. This bill is similar to the Limited Purpose Driver's License which has proven to be very helpful to community members who need to drive and need an acceptable Identification Card. It only makes sense to allow individuals who cannot or do not want to drive a car to also to have Limited Purpose Identification Cards. Having a Limited Purpose ID will be helpful to many citizens (including kupuna citizens) and non-citizens to fully and more easily participate in various activities (e.g. covid-19 regulations require IDs and proof of vaccination or negative test.

Thank you for your consideration.



*An Affiliate of
National Justice
for Our Neighbors*

BOARD OF DIRECTORS

Corey Park, JD
President

Lowell Chun-Hoon, Esq.
Vice President

Roman Leverenz
Secretary

Akram Khalil
Treasurer

Amy Agbayani, PhD

Shanty Asher, JD

Dr. Ismail Elshikh

Ongo Koli

Susan A. Li, Esq.

Agnes Malate, PhD

Shingai Masiya

Rev. Amy C. Wake

Susan S. K. Wong, JD

ADVISORY BOARD

Esther Arinaga, JD
*Retired Immigration
Attorney*

Rev. Dr. Tom Choi,
*First United Methodist
Church*

John Egan, Esq.
*Director-Refugee &
Immigration Law Clinic,
William S. Richardson
School of Law
Univ. of Hawai'i at Mānoa*

February 2, 2022

COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Rep. Mark M. Nakashima, Chair

Rep. Scot Z. Matayoshi, Vice Chair

Hearing Date: February 3, 2022, 2:00 pm

Via Videoconference; Conference Room 325

**Testimony in Support of House Bill 1761
Relating to Identification Cards**

Chair Nakashima, Vice-Chair Matayoshi, and Members of the Committee:

The Legal Clinic (“TLC”) submits this testimony in support of HB 1761, which would authorize the issuance of limited purpose identification cards for certain residents.

TLC provides legal and related services to Hawai'i's low- and moderate-income immigrant community.

In the course of our work, we have learned that there are many in the immigrant and other marginalized communities, such as the homeless, the elderly and others, who cannot obtain the documents necessary to obtain a “Gold Star” identification card. Many also do not drive, and thus are not eligible to obtain the limited purpose driver’s license. And yet, these people have just as much need to access public services and businesses during the pandemic, but cannot do so since some form of proof of identification is required.

While the limited purpose identification card will not satisfy all identification requirements, like the limited purpose driver’s license, it will at least help the considerable number of non-drivers access public services and businesses like virtually everyone else.

We urge you to pass HB 1761 out of committee.

Thank you.

Corey Park
President, Board of Directors
The Legal Clinic

HB-1761

Submitted on: 2/2/2022 1:11:54 PM

Testimony for JHA on 2/3/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Liza Ryan Gill	HI Coalition for Immigrant Rights	Support	Yes

Comments:

Testimony in SUPPORT of HB1761, RELATING TO IDENTIFICATION CARDS

COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Rep. Mark M. Nakashima, Chair

Rep. Scot Z. Matayoshi, Vice Chair

Hearing Date: 2/3/2022

Chair Nakashima and Vice-Chair Matayoshi,

I write to SUPPORT HB 1761, which authorizes the issuance of limited purpose identification cards for certain residents. Hawai'i has already successfully implemented a limited purpose driver's license, and this bill will provide non-drivers with the same kind of ID. As a result, the non-driving members of our community will be able to access public services and businesses during the pandemic, as many entities now require a proof of identification.

It can be difficult to obtain the documents necessary for a "Gold Star" ID, which must be compliant with federal REAL ID Act requirements, including strict documentation of proof of authorized presence in the United States. This can be difficult to obtain for many community members, including some immigrants, kūpuna, houseless individuals, and others.

The inability to overcome these obstacles for a "Gold Star" ID should not prevent individuals from being full members of our community, as the legislature recognized when it created the limited purpose driver's license in 2015.

All individuals, including non-drivers, should have access to identification, which is increasingly required for access to day-to-day needs, like accessing some businesses during the COVID-19 pandemic. If we do not provide another form of ID for folks during this unprecedented time than they will continue to be systematically barred from entering government buildings, restaurants, and other establishments.

This bill simply extends the limited purpose driver's license, already successfully implemented, to a limited purpose state ID, so that non-drivers can have the same opportunities as drivers in Hawai'i. I fully SUPPORT HB 1761.

Thank you for your support and consideration,

Liza Ryan Gill



Medical-Legal Partnership for Children in Hawai'i

A Project of the William S. Richardson School of Law

2515 Dole Street, Honolulu, Hawai'i 96822

T: (808) 688-3313 / www.mlpchawaii.org

COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Rep. Mark M. Nakashima, Chair

Rep. Scot Z. Matayoshi, Vice Chair

Hearing Date: February 3, 2022

Re: In Support of HB 1761: Authorizing the issuance of limited purpose identification cards for certain residents

Dear Committee Members,

The Medical-Legal Partnership in Hawai'i (MLP) provides free legal services and community advocacy for patients at a community health center with their legal needs. Many of our clients, including both immigrants and U.S. citizens and nationals, face significant challenges in accessing vital documents. We strongly support HB 1761.

The federal REAL ID Act requirements for a “Gold Star” ID are stringent, requiring strict documentation of proof of authorized presence in the United States. In our experience with clients, obtaining the documentation needed can be extremely difficult, including for immigrants, kūpuna, houseless individuals, those re-entering the community from incarceration, and others. In addition to undocumented immigrants, who are explicitly excluded from the REAL ID requirements, many others struggle to obtain the necessary documents in a timely manner. This is particularly true now during the COVID-19 pandemic where offices across the country are facing closures and record-setting backlogs. For example, for documented immigrants applying for copies of their documentation, USCIS is facing extreme delays.¹ We often see these problems particularly among the elderly, some of whom had not needed their paperwork to regularly renew their Hawai'i state IDs for many decades and now struggle to access paperwork stored with agencies in states and countries from over half a century ago.

Inability to timely obtain these papers should not prevent these individuals from accessing their day-to-day needs, as more and more businesses now require IDs. For example, IDs are requested by state agencies, banks, pharmacies, and even local businesses for Kama`āina access at museums, hotels, and public parks such as Hanauma Bay. During the COVID-19 pandemic, many more everyday spaces require a valid ID and proof of vaccination.

This bill simply extends the limited purpose driver's license, already successfully implemented, to a limited purpose state ID, so that non-drivers can have the same opportunities as drivers in Hawai'i. We have had many conversations with clients who struggle to obtain ID cards, and

¹ See, e.g., *With Paperwork Locked Underground, Thousands of U.S. Citizenship Applicants Wait and Wait*, THE WALL STREET JOURNAL, Jan. 25, 2022, <https://www.wsj.com/articles/with-paperwork-locked-underground-thousands-of-u-s-citizenship-applicants-wait-and-wait-11643025603>

when we inform them of the limited purpose driver's license, they have found it extremely helpful. We have had the same conversations with other clients, who then say they would need to learn to drive first to get such an ID—a task that is impractical for them for many reasons, from age to disability to lack of access to a car or lessons. Non-drivers deserve the same chance as drivers to have a limited purpose Hawai'i state ID.

Thank you for this opportunity to submit testimony supporting HB 1761.

Catherine Chen

Immigration Attorney, Medical-Legal Partnership for Children in Hawai'i

Dina Shek

Legal Director, Medical-Legal Partnership for Children in Hawai'i



www.hicir.org | Instagram @hicir
hicoalitionforimmigrantrights@gmail.com

Testimony in SUPPORT of HB 1761 RELATING TO IDENTIFICATION CARDS

Rep. Mark M. Nakashima, Chair

Rep. Scot Z. Matayoshi, Vice Chair

COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Hearing Date: 2/3/2022

Room Number: 325

Chair Nakashima and Vice-Chair Matayoshi,

We write to SUPPORT HB 1761, which authorizes the issuance of limited purpose identification cards for certain residents. This bill provides the opportunity for a Hawai`i state ID card to individuals who are unable to get a “Gold Star” ID card because they cannot access their vital documents to meet the strict federal requirements. It will provide non-drivers with the same kind of ID as the limited purpose driver’s license, which Hawai`i has already implemented successfully. This is critical to allow non-driving members of our community access to public services and businesses during the pandemic, as many entities now require a proof of identification.

It is difficult for many Hawai`i residents to obtain the “Gold Star” ID.

The federal REAL ID Act requirements for a “Gold Star” ID are stringent, requiring strict documentation of proof of authorized presence in the United States, and this can be difficult to obtain for many community members, including some immigrants, kūpuna, houseless individuals, and others. First, undocumented immigrants are explicitly excluded from the “Gold Star” ID, because they are unable to show proof of authorized presence. However, they are not the only group excluded by the REAL ID Act requirements. Many U.S. citizens also struggle to obtain the “Gold Star” ID, because of the practical barriers to obtaining the required documents—especially during the COVID-19 pandemic where offices across the country are facing closures and record-setting backlogs.

We have heard many stories of individuals who have struggled to obtain such paperwork, particularly among kūpuna. There is the story of a U.S. national who has lived in Hawai`i for half a century. She was unsure about how to even begin to obtain the documents showing proof of authorized presence, and she used her ID only at the bank. She experienced a sudden and confusing disruption to her decades-long routine when her ID expired, and she was turned away at the DMV. There is the story of a U.S. citizen who has experienced homelessness for many years and has struggled to obtain any of his vital documents—despite his ongoing best efforts.



www.hicir.org | Instagram @hicir
hicoalitionforimmigrantrights@gmail.com

IDs are necessary for many aspects of daily life during the COVID-19 pandemic.

All individuals, including non-drivers, should have access to identification, which is increasingly required for access to day-to-day needs, like accessing some businesses during the COVID-19 pandemic. IDs are requested by state agencies, banks, pharmacies, and accessing businesses as a Kama`āina like at museums, hotels, and public parks such as Hanauma Bay. During the COVID-19 pandemic, many spaces require a valid ID and proof of vaccination. And finally, IDs are critical during emergencies, so that emergency personnel can easily identify injured and distressed individuals.

This bill is about inclusion for all members of our community.

In addition to the practical benefits of the limited purpose State ID, this bill is also necessary for inclusion for all members of our community. The inability to overcome the federal REAL ID Act's obstacles for a "Gold Star" ID should not prevent individuals from being full members of our Hawai`i community. The inability to access documents needed for a "Gold Star" ID has wide-ranging effects on all members of our community regardless of immigration status. It does of course have an outsized effect on undocumented immigrant communities.

Inclusion is important because these communities contribute greatly to our economy and society. There are about 41,246 undocumented individuals in Hawai`i as of 2018, and they are estimated to have paid a total of 110.5 million dollars in taxes that year (\$65.7 million in federal taxes paid, and \$44.8 million in state and local taxes paid).¹ With mechanisms towards greater inclusion, these contributions can be even greater. More than just economic statistics, these individuals are also our friends, neighbors, and family members. This bill recognizes that.

The limited purpose state ID is a simple expansion from the successful limited purpose driver's license.

Finally, a limited purpose state ID would not be an entirely new enterprise. Recognizing the challenges of the federal REAL ID Act requirements and the importance of not leaving behind members of our community, the Hawai`i legislature created the limited purpose driver's license in 2015. It has been successfully implemented since then. We have heard stories of individuals who have obtained a limited purpose driver's license, allowing them to engage with the economy and community in new, expanded ways. Non-drivers deserve the same chance.

We fully SUPPORT HB 1761. Thank you for your support and consideration.

Catherine Chen, Co-chair, Hawai`i Coalition for Immigrant Rights
Liza Ryan Gill, Co-chair, Hawai`i Coalition for Immigrant Rights

¹ New American Economy, *Immigrants and Migrants in Hawai`i* (May 2021), at 26, https://research.newamericaneconomy.org/wp-content/uploads/sites/2/2021/05/NAE_Hawaii_V7_FINAL.pdf.

HB-1761

Submitted on: 2/1/2022 12:31:14 PM

Testimony for JHA on 2/3/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
John Egan	Individual	Support	No

Comments:

Testimony in SUPPORT of HB1761, RELATING TO IDENTIFICATION CARDS

COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Rep. Mark M. Nakashima, Chair

Rep. Scot Z. Matayoshi, Vice Chair

Hearing Date: 2/3/2022

Chair Nakashima and Vice-Chair Matayoshi,

I write to SUPPORT HB 1761, which authorizes the issuance of limited purpose identification cards for certain residents. Hawaii has recognized the need for limited purpose driver's licenses, but that well-considered and appropriate measure did not include any provision for people who need ID (and who does not?) but do not need or want to drive. This measure is a commonsense extension of that same successful program.

I fully SUPPORT HB 1761.

Thank you for your support and consideration,

John Robert Egan, Immigration attorney and educator

HB-1761

Submitted on: 2/1/2022 3:48:45 PM

Testimony for JHA on 2/3/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Gerard Silva	Individual	Oppose	No

Comments:

If you are not a Citizen of the United States of America you should have any IDE So we know who the Eligals are!!

HB-1761

Submitted on: 2/1/2022 4:36:37 PM

Testimony for JHA on 2/3/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Thaddeus Pham	Individual	Support	No

Comments:

Aloha, Chair Nakashima and Vice-Chair Matayoshi and JHA Committee Members,

I write to SUPPORT HB 1761, which authorizes the issuance of limited purpose identification cards for certain residents. Hawai'i has already successfully implemented a limited purpose driver's license, and this bill will provide non-drivers with the same kind of ID. As a result, the non-driving members of our community will be able to access public services and businesses during the pandemic, as many entities now require a proof of identification.

It can be difficult to obtain the documents necessary for a "Gold Star" ID, which must be compliant with federal REAL ID Act requirements, including strict documentation of proof of authorized presence in the United States. This can be difficult to obtain for many community members, including some immigrants, kūpuna, houseless individuals, and others.

The inability to overcome these obstacles for a "Gold Star" ID should not prevent individuals from being full members of our community, as the legislature recognized when it created the limited purpose driver's license in 2015.

All individuals, including non-drivers, should have access to identification, which is increasingly required for access to day-to-day needs, like accessing some businesses during the COVID-19 pandemic. As a public health professional working with many of our most vulnerable communities in Hawai'i, I have witnessed how the lack of ID becomes a major barrier to essentials health and social services.

This bill simply extends the limited purpose driver's license, already successfully implemented, to a limited purpose state ID, so that non-drivers can have the same opportunities as drivers in Hawai'i. I fully SUPPORT HB 1761

With gratitude,

Thaddeus Pham (he/him)

HB-1761

Submitted on: 2/1/2022 5:32:56 PM

Testimony for JHA on 2/3/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Clare M Hanusz	Individual	Support	No

Comments:

Testimony in SUPPORT of HB1761, RELATING TO IDENTIFICATION CARDS
COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Rep. Mark M. Nakashima, Chair

Rep. Scot Z. Matayoshi, Vice Chair

Hearing Date: 2/3/2022

Chair Nakashima and Vice-Chair Matayoshi,

I write to SUPPORT HB 1761, which authorizes the issuance of limited purpose identification cards for certain residents. Hawai'i has already successfully implemented a limited purpose driver's license, and this bill will provide non-drivers with the same kind of ID. As a result, the non-driving members of our community will be able to access public services and businesses during the pandemic, as many entities now require a proof of identification.

I have seen the value of the limited purpose driver's licenses as many of my clients have obtained them, and are now driving more securely with insurance. However, for those who don't drive, there are few ID options. This is why having a limited purpose ID is such a great idea.

Thank you,

Clare Hanusz

HB-1761

Submitted on: 2/1/2022 8:42:19 PM

Testimony for JHA on 2/3/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Taylor Brack	Individual	Support	No

Comments:

I support this bill. Modern living isn't possible without identification documents and our immigrant neighbors should be able to carry locally-issued id. Differential treatment for immigrants on this issue should not continue as it creates so many unnecessary problems.