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# A BILL FOR AN ACT

RELATING TO MARRIAGE LICENSE FEES.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that part XXXIV, chapter  
2   321, Hawaii Revised Statutes, mandates the department of health  
3   to establish the statewide birth defects program to collect  
4   surveillance information on birth defects; report the incidence,  
5   trends, and causes of birth defects; and report information for  
6   the development of prevention strategies to reduce the incidence  
7   of birth defects.

8           Approximately four and a half per cent of Hawaii births  
9   have a major structural or genetic birth defect. Birth defects  
10   may result in serious illness, developmental delays, long-term  
11   disability, or death and may cause an increased need for health,  
12   education, or social services.

13           The Hawaii birth defects program has been supported by a  
14   fee of \$10 per marriage license since 2002. However, the  
15   program's salary and fringe expenses have almost doubled between  
16   2002 and 2019. Without additional funding, the program will not  
17   have sufficient funding for operating expenses beginning fiscal



1 year 2020-2021. Increasing the revenue for the birth defects  
2 special fund will ensure that the program fulfills its mandated  
3 responsibilities.

4 The legislature further finds that the moneys in the vital  
5 statistics improvement special fund are not sufficient for the  
6 modernization and automation of the vital statistics system and  
7 to offset costs for the daily operations of the system of vital  
8 statistics. There is an increased demand for marriage  
9 certificates to prove legal name changes in order to meet the  
10 required REAL ID Act standards for state-issued driver's  
11 licenses and identification cards. The vital statistics  
12 registration system is over twenty years old and needs to be  
13 replaced to support more efficient processing of requests.

14 Furthermore, the current compensation for non-civil service  
15 marriage license agents, who are appointed by the department of  
16 health, is \$9 per license. This amount has not changed since  
17 1998. The current compensation is not sufficient to meet the  
18 operating costs of marriage license agents.

19 The purpose of this Act is to increase the marriage license  
20 fee to support the Hawaii birth defects program, fund



1 modernization of the vital statistics system, and more fairly  
2 compensate marriage license agents.

3 SECTION 2. Section 338-14.6, Hawaii Revised Statutes, is  
4 amended by amending subsection (c) to read as follows:

5 "(c) The fund shall consist of fees remitted pursuant to  
6 section 338-14.5[-] and section 572-5. All realizations of the  
7 fund shall be subject to the conditions specified in subsection  
8 (b)."

9 SECTION 3. Section 572-5, Hawaii Revised Statutes, is  
10 amended by amending subsections (a) and (b) to read as follows:

11 "(a) The department of health shall appoint, and at its  
12 pleasure remove, one or more suitable persons as agents  
13 authorized to grant marriage licenses under this chapter in each  
14 judicial circuit. The agents may issue licenses from any state  
15 facility when deemed necessary by the director. Any agent  
16 appointed under this subsection and receiving an application for  
17 a marriage license shall collect from the applicant for the  
18 license [~~\$60,~~] \$ \_\_\_\_\_, of which the agent, except those  
19 provided for in subsection (b), shall retain [~~\$9~~] \$ \_\_\_\_\_  
20 for the agent's benefit and compensation and shall remit [~~\$51~~]  
21 \$ \_\_\_\_\_ to the director of health. Upon the receipt of



1 remittances under this subsection, the director of health shall  
2 deposit:

3 (1) [~~\$32~~] \$ \_\_\_\_\_ for each license issued to the  
4 credit of the general fund of the State;

5 (2) [~~\$4.50~~] \$ \_\_\_\_\_ for each license issued to the  
6 credit of the spouse and child abuse special fund  
7 established under section 346-7.5;

8 (3) [~~\$4.50~~] \$ \_\_\_\_\_ for each license issued to the  
9 credit of the spouse and child abuse special account  
10 established under section 601-3.6; [~~and~~]

11 (4) [~~\$10~~] \$ \_\_\_\_\_ for each license issued to the  
12 credit of the birth defects special fund established  
13 under section 321-426 [~~-~~]; and

14 (5) \$ \_\_\_\_\_ for each license issued to the credit of  
15 the vital statistics improvement special fund  
16 established under section 338-14.6.

17 (b) The department may appoint, as regular employees under  
18 the civil service and classification laws, the number of  
19 suitable persons as agents authorized to grant marriage licenses  
20 for whom provision has been made in the general appropriation  
21 act. In the case of these agents, the full amount collected



1 from applicants shall be remitted to the director of health.

2 Upon the receipt of remittances under this subsection, the  
3 director of health shall deposit:

4 (1) [~~\$41~~] \$ \_\_\_\_\_ for each license issued to the  
5 credit of the general fund of the State;

6 (2) [~~\$4.50~~] \$ \_\_\_\_\_ for each license issued to the  
7 credit of the spouse and child abuse special fund  
8 established under section 346-7.5;

9 (3) [~~\$4.50~~] \$ \_\_\_\_\_ for each license issued to the  
10 credit of the spouse and child abuse special account  
11 established under section 601-3.6; [~~and~~]

12 (4) [~~\$10~~] \$ \_\_\_\_\_ for each license issued to the  
13 credit of the birth defects special fund established  
14 under section 321-426 [~~-~~]; and

15 (5) \$ \_\_\_\_\_ for each license issued to the credit of  
16 the vital statistics improvement special fund  
17 established under section 338-14.6."

18 SECTION 4. Statutory material to be repealed is bracketed  
19 and stricken. New statutory material is underscored.

20 SECTION 5. This Act shall take effect upon its approval.



S.B. NO. 1144  
S.D. 1

**Report Title:**

Birth Defects Program; Birth Defects Special Fund; Vital  
Statistics Improvement Special Fund; Marriage License Fee

**Description:**

Amends the marriage license statute to support the Hawaii Birth  
Defects Program, modernization of the vital statistics system,  
and operating costs of marriage license agents. (SD1)

*The summary description of legislation appearing on this page is for informational purposes only and is  
not legislation or evidence of legislative intent.*

