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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 existing law  
2 mandates the department of health to establish the statewide  
3 birth defects program to collect surveillance information on  
4 birth defects; report the incidence, trends, and causes of birth  
5 defects; and report information for the development of  
6 prevention strategies to reduce the incidence of birth defects.

7           Approximately 4.5 per cent of Hawaii births have a major  
8 structural or genetic birth defect. Birth defects may result in  
9 serious illness, developmental delays, long-term disability, or  
10 death and may cause an increased need for health, education, or  
11 social services.

12           The Hawaii birth defects program has been supported by a  
13 fee of \$10 per marriage license since 2002. However, the  
14 program's salary and fringe expenses have almost doubled between  
15 2002 and 2019. Without additional funding, the program will not  
16 have sufficient funding for operating expenses beginning fiscal  
17 year 2020-2021. Increasing the revenue for the birth defects



1 special fund will ensure that the program fulfills its mandated  
2 responsibilities.

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

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

18       The purpose of this Act is to increase the marriage license  
19 fee to support the Hawaii birth defects program, fund  
20 modernization of the vital statistics system, and more fairly  
21 compensate marriage license agents.



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

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

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

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



- 1           (1)    ~~[\$32]~~ \$ \_\_\_\_\_ for each license issued to the  
2                    credit of the general fund of the State;
- 3           (2)    ~~[\$4.50]~~ \$ \_\_\_\_\_ for each license issued to the  
4                    credit of the spouse and child abuse special fund  
5                    established under section 346-7.5;
- 6           (3)    ~~[\$4.50]~~ \$ \_\_\_\_\_ for each license issued to the  
7                    credit of the spouse and child abuse special account  
8                    established under section 601-3.6; ~~[and]~~
- 9           (4)    ~~[\$10]~~ \$ \_\_\_\_\_ for each license issued to the  
10                   credit of the birth defects special fund established  
11                   under section 321-426 ~~[-]~~; and
- 12           (5)    \$ \_\_\_\_\_ for each license issued to the credit of  
13                   the vital statistics improvement special fund  
14                   established under section 338-14.6.
- 15           (b)    The department may appoint, as regular employees under  
16                   the civil service and classification laws, the number of  
17                   suitable persons as agents authorized to grant marriage licenses  
18                   for whom provision has been made in the general appropriation  
19                   act. In the case of these agents, the full amount collected  
20                   from applicants shall be remitted to the director of health.



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

- 3 (1) [~~\$41~~] \$ \_\_\_\_\_ 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 SECTION 4. Statutory material to be repealed is bracketed  
18 and stricken. New statutory material is underscored.

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



**Report Title:**

Marriage License Fee; Birth Defects Program; Birth Defects Special Fund; Spouse and Child Abuse Special Fund; Spouse and Child Abuse Special Account; Vital Statistics Improvement Special Fund

**Description:**

Increases the marriage license application fee to support the Hawaii Birth Defects Program, modernization of the vital statistics system, and operating costs of marriage license agents. Amends remittances of the increased fee to various special funds and accounts in unspecified amounts. (SD2)

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