



**STATE OF HAWAII
DEPARTMENT OF HEALTH**

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**Testimony in SUPPORT of HB2146
RELATING TO MARRIAGE LICENSES.**

REP. MARK NAKASHIMA, CHAIR
HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

Hearing Date: February 8, 2022

Room Number: Videoconference

1 **Fiscal Implications:** Potential additional revenue.

2 **Department Testimony:** The Department of Health (DOH) strongly supports this measure to
3 establish parity for fees for licenses paid by individuals who solemnize marriage ceremonies
4 (“performers”). Act 211, SLH 2021, was enacted in response to a lawsuit against the State
5 claiming discrimination against non-religious marriage performers. As of enactment, persons
6 seeking non-religious and non-judicial marriage solemnization may do so after paying a fee.
7 However, there is no statutory for religious and judicial performers that creates a new disparity.

8 The department supports a new fee since State resources are required to process requests for
9 licenses to solemnize marriage. The first draft of this measure eliminates the new fee so all
10 performers are on equal terms, though there is a \$10 administrative fee to support the website
11 hosting that does not come to the department or general fund. This proposal was drafted in 2021
12 when confidence in Hawaii’s economy was uncertain, but given recent projections from the
13 Council on Revenues, as well as low unemployment and enhanced revenue collection, the
14 department supports amendments that establish fees for all license types.

15 Currently, there are over 11,000 performers listed on the department’s website. Performers with
16 local addresses are commissioned for 5 years, and those with non-local addresses are
17 commissioned for 1 year. Out-of-state performers may be charged a higher fee. There are
18 approximately 20,000 marriages per year in Hawaii and two-thirds are for out-of-state couples.
19 Fees charged to couples for this service by performers range from \$100 - \$500 per ceremony, so

1 it is not unreasonable for the State to benefit from its sanction to duly authorize marriage
2 officiants.

3 Thank you for the opportunity to testify.

4 **Offered Amendments:** In addition to the repeal in section 572-12(b) proposed by this measure,
5 DOH recommends the following amendments to establish fees for all performers.

6 **"§572-11 Marriage ceremony; license to solemnize;
7 fees.** (a) It shall not be lawful for any person to perform the
8 marriage ceremony within the State without first obtaining from
9 the department of health a license to solemnize marriages.

10 (b) The fee for any license to solemnize a marriage shall
11 be \$25 per year.

12 (c) The department shall keep an account of all fees
13 collected pursuant to this section and deposit to the vital
14 statistics improvement fund, pursuant to section 338-14.6.

15 (d) The department may increase fees established pursuant
16 to this section in accordance with chapter 91. In establishing
17 a fee, amount shall be sufficient to cover the expenses
18 maintaining, improving, and modernizing the issuance of licenses
19 to solemnize marriages. The department may raise the fees up to
20 ten per cent per year without being subject to the provisions of
21 chapter 91."

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