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A BILL FOR AN ACT

RELATING TO FEES FOR MARRIAGE LICENSES.

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

1           SECTION 1. The purpose of this Act is to increase the  
2 marriage license fee, which is collected from couples when the  
3 department of health or its agents issue a marriage license.  
4 Portions of this fee are deposited into domestic violence  
5 prevention special funds in the judiciary, department of human  
6 services, and department of health, but the department of health  
7 marriage license office which transacts the majority of marriage  
8 licenses receives no portion of the fee. Additional moneys  
9 deposited into the vital statistics improvement special fund  
10 will provide resources for modernization, quality improvement,  
11 and customer satisfaction activities in the marriage license  
12 office.

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

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

H.B. NO. 1073

1 SECTION 3. Section 572-5, Hawaii Revised Statutes, is  
2 amended as follows:

3 1. By amending subsection (a) to read as follows:

4 "(a) The department of health shall appoint, and at its  
5 pleasure remove, one or more suitable persons as agents  
6 authorized to grant marriage licenses under this chapter in each  
7 judicial circuit. The agents may issue licenses from any state  
8 facility when deemed necessary by the director. Any agent  
9 appointed under this subsection and receiving an application for  
10 a marriage license shall collect from the applicant for the  
11 license [~~\$60~~] \$100, of which the agent, except those provided  
12 for in subsection (b), shall retain [~~\$9~~] \$15 for the agent's  
13 benefit and compensation and shall remit [~~\$51~~] \$85 to the  
14 director of health. Upon the receipt of remittances under this  
15 subsection, the director of health shall deposit:

16 (1) [~~\$32~~] \$35 for each license issued to the credit of the  
17 general fund of the State;

18 (2) [~~\$4.50~~] \$5 for each license issued to the credit of  
19 the spouse and child abuse special fund established  
20 under section 346-7.5;

H.B. NO. 1073

1           (3)   ~~[\$4.50]~~ \$5 for each license issued to the credit of  
2                   the spouse and child abuse special account established  
3                   under section 601-3.6; ~~[and]~~

4           (4)   ~~[\$10]~~ \$20 for each license issued to the credit of the  
5                   birth defects special fund established under section  
6                   321-426 ~~[-]~~; and

7           (5)   \$20 for each license issued to the credit of the vital  
8                   statistics improvement special fund established under  
9                   section 338-14.6."

10          2.    By amending subsection (b) to read as follows:

11           "(b)   The department may appoint, as regular employees  
12                   under the civil service and classification laws, the number of  
13                   suitable persons as agents authorized to grant marriage licenses  
14                   for whom provision has been made in the general appropriation  
15                   act.  In the case of these agents, the full amount collected  
16                   from applicants shall be remitted to the director of health.  
17                   Upon the receipt of remittances under this subsection, the  
18                   director of health shall deposit:

19           (1)   ~~[\$41]~~ \$44 for each license issued to the credit of the  
20                   general fund of the State;

H.B. NO. 1073

1 (2) [~~\$4.50~~] \$5 for each license issued to the credit of  
2 the spouse and child abuse special fund established  
3 under section 346-7.5;

4 (3) [~~\$4.50~~] \$5 for each license issued to the credit of  
5 the spouse and child abuse special account established  
6 under section 601-3.6; [and]

7 (4) [~~\$10~~] \$20 for each license issued to the credit of the  
8 birth defects special fund established under section  
9 321-426 [-]; and

10 (5) \$26 for each license issued to the credit of the vital  
11 statistics improvement special fund established under  
12 section 338-14.6."

13 SECTION 4. Statutory material to be repealed is bracketed  
14 and stricken. New statutory material is underscored.

15 SECTION 5. This Act shall take effect on July 1, 2023.

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INTRODUCED BY: 

18

BY REQUEST

**JAN 23 2023**

# H.B. NO. 1073

**Report Title:**

Marriage License Fee.

**Description:**

Increases the marriage license fee from \$60 to \$100, increases the compensation for a marriage license agent from \$9 to \$15 per license, authorizes deposits of marriage license fees into the vital statistics improvement special fund, and adjusts the distribution of the marriage license fee among various domestic violence prevention special funds.

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

JUSTIFICATION SHEET

DEPARTMENT: Health

TITLE: A BILL FOR AN ACT RELATING TO FEES FOR MARRIAGE LICENSE.

PURPOSE: To increase the marriage license fee from \$60 to \$100, increase the compensation for a marriage license agent from \$9 to \$15 per license, authorize deposits of marriage license fees into the vital statistics improvement special fund, and adjust the distribution of the marriage license fee among various funds.

MEANS: Amend sections 338-14.6(c) and 572-5(a) and (b), Hawaii Revised Statutes (HRS).

JUSTIFICATION: There are approximately 20,000 marriage licenses issued in the State of Hawaii, of which about two-thirds are for out-of-state couples. Currently, the Office of Health Status Monitoring (OHSM), whose staff transacts marriage licenses, receives zero dollars.

The vital statistics improvement special fund, authorized by section 338-14.6, HRS, is a key resource to improve customer service, information technology infrastructure, and training for OHSM staff.

The complexity and demand for vital records issued by OHSM staff have grown, including, marriage certificates to prove legal name changes to meet the required REAL ID Act standards for state-issued driver's licenses and identification cards and documenting Native Hawaiian lineage for various benefit programs, including Native Hawaiian Homelands eligibility. Deposits or part of the marriage license fees into the vital statistics improvement special fund will defray increases in costs to meet emerging

needs, including upgrading or replacing the core data system that is over twenty years old.

Furthermore, the current compensation for non-civil service marriage license agents, who are appointed by the Department of Health, is \$9 per license. This amount has not changed since 1998. Low levels of reimbursement create challenges for recruitment and the number of agents in the community is very tenuous and expected to diminish through retirements or more lucrative pursuits. Two-thirds of licenses are for out-of-state couples so long-term disruption to their ability to have a positive experience due to the lack of available marriage license agents in Hawaii may threaten future tourism.

Impact on the public: Improved efficiency for the daily operations of the system of vital statistics will help to improve necessary services provided to the public.

Increasing the compensation for non-civil service marriage license agents will support their continuing to issue marriage licenses.

Impact on the department and other agencies: Proportional deposit increase to other special funds managed by the Department of Human Services, Judiciary, and Department of Health.

GENERAL FUND: Increased deposit amounts.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: HTH-760.

OTHER AFFECTED AGENCIES: Department of Budget and Finance; Department of Human Services; Judiciary.

EFFECTIVE DATE: July 1, 2023.