

LINDA LINGLE
GOVERNOR OF HAWAII



CHIYOME LEINAALA FUKINO, M.D.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. Box 3378
HONOLULU, HAWAII 96801-3378

In reply, please refer to:
File:

HOUSE COMMITTEE ON FINANCE

S.B. 2611, S.D.2, H.D. 1 Relating to Vital Statistics

Testimony of Chiyome Leinaala Fukino, M.D.
Director of Health

March 25, 2010, 11:00 a.m.

Department's Position: The Department of Health respectfully opposes the current draft. However, we are submitting a draft HD2 proposal for the committee's further consideration.

Fiscal Implications: Currently, verification will cost \$5, per record. Given recent figures provided to DOH by all 4 counties, there would be a need for verification of approximately 230,000 real property owners. However, if the proposed HD2 draft is accepted and adopted, the Department of Health's Vital Statistics Office shall upon submission of an electronic list of names from each county at agreed upon intervals provide the counties with an electronic verification of death of any person on the list. The fee for verification of electronic lists for the counties for the purposes of this bill shall be established through a subsequent Memorandum of Agreement with the counties establishing the fee at \$50 per request and shall be deposited to the credit of the vital statistics improvement special fund.

Purpose and Justification: The Department of Health is submitting a proposed HD2 for consideration that lays the groundwork towards a future of fiscal self-sufficiency for the Department of Health's Office of Health Status Monitoring (OHSM), while effectively responding to the needs of the counties, as motivated by the initial introduction of this proposal.

In its current version, this measure proposes to perpetuate an outmoded and inefficient use of government resources and unnecessarily discloses confidential information on individuals to the counties. The county clerks and county real property assessment divisions maintain lists of eligible voters and real property owners with homeowners' tax exemptions. The county clerks want their lists to be current and contain only individuals who are alive and eligible to vote. The property tax assessors want their lists to be current and contain only real property owners who are still living to claim a homeowners' tax exemption. The Department of Health, with the assistance of the legislature, anticipated the need and developed a process called verification in lieu of certified copies (HRS 338-18(g)) that directly addresses the needs of the county clerks and county real property assessors.

As a result of this statute, the State of Hawaii pioneered a nationally utilized process called Electronic Verification of Vital Events (EVVE). This process is extensively used across the nation by federal agencies such as the Social Security Administration, the State Department's Passport Office, and the Federal Office of Personnel Management and should be adapted for these purposes of this bill as well. The process is very simple, efficient, and accurate:

- 1) The requestor, at agreed upon intervals, submits an electronic list of names of individuals to the Department of Health (DOH) and;
- 2) DOH returns the names of all individuals on the list who have died.

This process is efficient because it searches for only names that are contained in the agencies' respective lists that have died. The process proposed by DOH is accurate because it is done by the state agency responsible for matching death records and acknowledged for its expertise in this process. The process proposed by the counties in the original S.B.2611 is inefficient and includes death information of individuals not on any of the agencies' lists.

We are submitting alternative language for S.B.2611, S.D.2, H.D.1, Proposed HD2, that incorporates the process we have described above. In addition, we have proposed several other amendments that provide the means to support the process. This includes a change in the fee structure for verification that allows flexibility to the DOH to charge a nominal fee for verifications. This flexibility should remove most barriers to the use of the verification process. The DOH long term goal is to make the statewide vital statistics system self-sufficient. We would like the statewide system to operate on the revenue they collect for their services through the vital statistics special improvement fund. The legislature eliminated all general funds from the vital statistics operating budget in FY 2010 and substituted special funds to operate the statewide system. We agree with this initiative to move toward self-sufficiency and use of the special improvement funds to assist with offsetting operating costs of the vital statistics system.

We appreciate your support of these amendments to improve and enhance the services that are vital statistics system provides to county clerks and county real property assessors.

Thank you for the opportunity to provide testimony on this measure.

S.B. 2611, S.D. 2, H.D. 1 – Proposed HD2 Draft:

RELATING TO VITAL STATISTICS.

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

1 SECTION 1. Section 338-4, Hawaii Revised Statutes, is amended to
2 read as follows:

3 "**§338-4 Deaths reported to county clerks[-] and real property**
4 **assessment divisions.** [~~The department of health shall within six~~
5 ~~weeks after the end of each month deliver, or forward by mail, to the~~
6 ~~county clerk of each county a list of the names of all citizens of~~

1 ~~voting age or over whose deaths have been recorded in the department~~
2 ~~during each month. The list shall set forth such portion of the~~
3 ~~information contained in the death record of each citizen whose death~~
4 ~~is so reported as will be of assistance to the county clerk in~~
5 ~~identification.] (a) The department of health shall, at agreed upon~~
6 ~~intervals, receive from the county clerk of each county an electronic~~
7 ~~list of the names of all citizens who are registered to vote in the~~
8 ~~State of Hawaii. The names on the list shall include the citizen's~~
9 ~~full name, date of birth, last four digits of the citizen's social~~
10 ~~security number, and the last known address of the citizen, if~~
11 ~~available. The department of health shall then provide electronic~~
12 ~~verification of death, including the date of death, to the county~~
13 ~~clerk of each county, of any of the names on the list that match the~~
14 ~~death records kept by the department of health.~~

15 (b) The department of health shall, at agreed upon intervals,
16 receive from the real property assessment divisions of each county an
17 electronic list of the names of all individuals who are real property
18 owners with homeowners' tax exemptions in the State of Hawaii. The
19 names on the list shall include the individual's full name, date of
20 birth, last four digits of the individual's social security number,
21 and the last known address of the individual, if available. The
22 department of health shall then provide electronic verification of
23 death, including the date of death, to the real property assessment
24 divisions of each county, of any of the names on the list that match
the death records kept by the department of health.

26 (c) Fees for verification shall be subject to section 338-14.3."

1 SECTION 2. Section 338-14.3, Hawaii Revised Statutes, is
amended to read as follows:

3 **"§338-14.3 Verification in lieu of a certified copy. (a)**

4 Subject to the requirements of section 338-18, the department of
5 health, upon request, shall furnish to any applicant, in lieu of the
6 issuance of a certified copy, a verification of the existence of a
7 certificate and any other information that the applicant provides to
8 be verified relating to the vital event that pertains to the
9 certificate.

10 (b) A verification shall be considered for all purposes
11 certification that the vital event did occur and that the facts of
12 the event are as stated by the applicant.

13 (c) Verification may be made in written, electronic, or other
14 form approved by the director of health.

15 (d) The fee for a verification in lieu of a certified
16 copy shall be a maximum of one half of the fee established in section
17 338-14.5 for the first certified copy of a certificate issued and
18 shall be deposited to the credit of the vital statistics improvement
19 special fund in section 338-14.6.

20 [~~(e) Fees received for verifications in lieu of certified copies~~
21 ~~shall be remitted, and one half of the fee shall be deposited to the~~
22 ~~credit of the vital statistics improvement special fund in section~~
23 ~~338-14.6 and the remainder of the fee shall be deposited to the~~
24 ~~credit of the state general fund.]"~~

SECTION 3. Section 338-14.6, Hawaii Revised Statutes, is
26 amended to read as follows:

1 "**§338-14.6 Vital statistics improvement special fund.** (a)

There is established within the state treasury a special fund to be
3 known as the vital statistics improvement special fund. The fund
4 shall be administered and expended by the department of health.

5 (b) Moneys in the fund shall be used by the department of
6 health for the modernization and automation of the vital statistics
7 system in this State. [~~These proceeds shall not be used to supplant~~
8 ~~any other moneys previously allocated to this program necessary for~~
9 ~~the daily operation of the system of vital statistics.~~] These
10 proceeds may be used to assist in offsetting costs for the daily
11 operations of the system of vital statistics.

12 (c) The fund shall consist of fees remitted pursuant to
13 [~~section~~] sections 338-4, 338-14.3, and 338-14.5. All realizations
14 of the fund shall be subject to the conditions specified in
15 subsection (b)."

16 SECTION 5. Statutory material to be repealed is bracketed and
17 stricken. New statutory material is underscored.

18 SECTION 6. This Act shall take effect on July 1, 2010.
19
20

CHARMAINE TAVARES
Mayor



KALBERT K. YOUNG
Director of Finance

AGNES M. HAYASHI
Deputy Director of Finance

SCOTT K. TERUYA
Administrator

GERY MADRIAGA
Assistant Administrator

COUNTY OF MAUI
DEPARTMENT OF FINANCE
REAL PROPERTY TAX DIVISION

70 E. KAAHUMANU AVENUE, SUITE A-16, KAHULUI, MAUI, HAWAII 96732
Assessment: (808) 270-7297 | Billing and Collection: (808) 270-7697 | Fax: (808) 270-7884
www.maulipropertytax.com

March 25, 2010

The Honorable Marcus R. Oshiro Chair
and Members of the House Committee on Finance
House of Representatives
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

RE: SB 2611, SD2, HD1, Relating to Vital Statistics
Hearing Thursday, March 25, 2010, at 11:00 a.m., Conference Room 308

The County of Maui, Real Property Tax Division (Division) supports the intent of SB 2611, SD2, however, asks that this committee consider the City and County of Honolulu Real Property Assessment Division's proposed amendments.

The DOH submitted testimony in opposition to SB2611 SD1 and claims the counties' proposal unnecessarily discloses confidential information on individuals to the counties. However, DOH's records regarding who has died, including date of birth and Social Security Number is not kept confidential by DOH and provides this information to a national database.

Maui County's data consists of confidential information on approximately 55,000 living individuals and to expose the confidential date of birth and Social Security Number information on thousands of living individuals that are not on the DOH's list of deceased persons is of our concern. The privacy rights of living individuals are protected under the City's proposal.

We ask that this Committee on Finance strongly consider the City's recent amendments. Thank you for the opportunity to testify on the matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott K. Teruya".

Scott K. Teruya
Real Property Tax Division Administrator

Bernard P. Carvalho, Jr.
Mayor

Gary K. Heu
Administrative Assistant



Wallace Rezentes, Jr.
Director

Belma Baris
Deputy Director

DEPARTMENT OF FINANCE

Real Property Assessment Division
County of Kaua'i, State of Hawai'i
4444 Rice Street, Suite A-454, Lihu'e, Hawai'i 96766
TEL (808) 241-4224 FAX (808) 241-6252

March 25, 2010

Honorable Marcus R. Oshiro
Chair, House Committee on Finance
Hawai'i State Capitol, Room 308
415 South Beretania Street
Honolulu, Hawai'i 96813

Dear Chair Oshiro and Committee Members:

RE: SB 2611, SD2, HD1 Relating to Vital Statistics

The County of Kaua'i strongly supports **SB2611, SD1** and its companion bill **HB2170, HD1 - Relating to Vital Statistics**.

The County of Kaua'i strongly opposes **SB2611, SD2, HD1** which would require the county clerk and the real property division of each county, at agreed upon intervals, to provide a list of names of all registered voters and individuals receiving real property tax exemptions to the department of health. Upon receipt, requires the department of health to verify the date of death for any person on the list and authorizes the department of health to charge fees.

Now, the County of Kaua'i has a legal interest in the names of all person(s) deceased who own real property within the county not only for tax exemption purposes but for the accuracy of all ownership records. Therefore, according to this new proposal from the department of health, the county would at agreed upon intervals provide the department of health a list of 35,000 owner names to verify maybe 25 - 50 deaths monthly.

Previously, the department of health has provided testimony claiming the counties proposal causes the state to "unnecessarily disclose confidential information on individuals to the counties" and the counties proposal for data verification is inefficient. How can this be true when the counties are only seeking information regarding deceased individuals? Conversely, under the current amended proposal it would be the state receiving the "unnecessary disclosure of confidential information" and inefficient in its verification process when the county has to send a list of 35,000 real property owners to verify only a few deaths.

In 2005, this body of lawmakers saw fit to adopt legislation where the state and the counties agreed to share confidential information without cost, see HRS Sec. 231-18. The sharing of information between government agencies is critically important to their daily operations so each agency can better serve the public. It is self evident that the department of health's "move toward

financial self sufficiency” will bear a financial cost to our taxpayer’s and/or the **subsequent loss of cooperation between government agencies without a fee.**

In conclusion, I want to humbly thank you for the opportunity to testify on this matter.

Respectfully Submitted,
John W. Herring
Real Property Administrator
County of Kauai

William P. Kenoi
Mayor



Nancy E. Crawford
Director

Deanna S. Sako
Deputy Director

County of Hawaii

Finance Department

25 Aupuni Street, Suite 2103 • Hilo, Hawaii 96720
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March 24, 2010

The Honorable Marcus R. Oshiro, Chair
and Members of the House Committee on Finance
Hawai'i State Capitol
415 South Beretania Street
Honolulu, Hawai'i 96813

Dear Chair Oshiro and Members of the Committee:

RE: Testimony in Support of S.B. 2611, SD2, HD 1 Relating to Vital Statistics
Hearing Thursday, March 25, 2010, at 11:00 a.m., Conference Room 308

The County of Hawai'i strongly supports Senate Bill 2611, SD2, HD1, relating to vital statistics, requiring the Director of the Department of Health to provide a list of all reported deaths to the real property assessment division of each county monthly and free of charge.

The County of Hawai'i Department of Finance, Real Property Tax Division is tasked with assessing real property and maintaining current ownership records for Ad Valorem tax purposes. The real property tax division must maintain current information on the owners of all real property to insure fair and equitable assessments. Maintaining the correct status of each owner is critical, but transfer of data has been lacking for several years. This makes the task of the real property divisions very difficult, and limits the accuracy of the information. The lack of up-to-date data often results in required adjustments to tax amounts, and causes undue hardship for taxpayers.

We oppose the requirements of the previous amendment to this bill, which sought to require county clerks and real property assessment divisions of each county to send to the department of health, electronic listings of all registered voters and all property owners of record with homeowner exemptions. These listings would include full name, date of birth, last four digits of social security numbers and last known address. Upon receipt of those listings the Department of Health (DOH) would match the information against their records and produce verification of death information back to the agencies. DOH would charge significant fees to offset the cost of this process.

The process proposed by the DOH would create additional work and increase costs, which will have to be passed on to the taxpayers. It would also result in a very large amount of confidential information on county citizens (all registered voters and all property owners) being transmitted electronically on a routine basis. By contrast, the current process is only a listing of people who have died during the relevant time period, so it is a much smaller population of data. The

SB 2611, SD2, HD1

March 24, 2010

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information is vital to effective operations in both elections and real property tax offices, and should be provided with minimum risk and cost.

We urge the committee to pass this bill to give the counties the means to administer real property tax programs in a timely, cost effective manner, and to eliminate costly adjustments to taxpayers. Implementation should not be difficult since the Department of Health already provides this list to the County Clerks for election purposes.

Sincerely,



Nancy Crawford
Director of Finance

JEFFREY T. KUWADA
County Clerk



LANCE TAGUCHI
Deputy County Clerk

OFFICE OF THE COUNTY CLERK

COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.mauicounty.gov/county/clerk

**Testimony on SB2611 SD2 HD1
Relating to Vital Statistics**

To the House Committee on Finance
March 25, 2009, 11:00 a.m., Room. 308

Chair Oshiro, Vice Chair Lee, and Committee Members:

The Office of the County Clerk, County of Maui, respectfully requests that you refrain from amending Haw. Rev. Stat. §338-4 so as not to impair the present reporting requirement or limit the Department of Health's reporting of decedents' personal information.

The Department of Health ("DOH") has proposed an amendment to Haw. Rev. Stat. §338-4 that will eliminate the current DOH reporting requirement and replace it with a process in which DOH will perform periodic computer verifications to identify deceased registrants on the general county registry.

We strongly oppose such an amendment.

The DOH proposal unnecessarily exposes the personal information of hundreds of thousands of registered voters. The DOH proposal will require the County Clerks to forward the names, dates of birth, and social security numbers of 670,000+ registered voters to allow the DOH to identify approximately 5,000 deceased registered voters in a given year.

In contrast, Haw. Rev. Stat. §338-4 HRS requires DOH to report a list of monthly deaths amounting to less than 10,000 records/year to maintain the county voter registries.

Haw. Rev. Stat. §338-4 makes plain the policy that the removal of deceased registrants from the county voter registries must be an ongoing process, not merely periodic.

If the Committee on Finance is inclined to report this measure, we urge the Committee to consider the amendments offered by the City and County of Honolulu, Real Property Assessment Division.

Thank you for the opportunity to testify.

A handwritten signature in black ink, appearing to read "Jeffrey T. Kuwada", is written over the typed name.

JEFFREY T. KUWADA
County Clerk
County of Maui

PETER A. NAKAMURA
County Clerk

Telephone: (808) 241-4800
TTY: (808) 241-5116



VACANT
Deputy County Clerk

Facsimile: (808) 241-6207
E-mail: elections@kauai.gov

**ELECTIONS DIVISION
OFFICE OF THE COUNTY CLERK**
4386 RICE STREET, SUITE 101
LIHU'E, KAUA'I, HAWAII 96766

**TESTIMONY OF PETER A. NAKAMURA
COUNTY CLERK, COUNTY OF KAUA'I**

**TO THE HOUSE COMMITTEE ON FINANCE
REGARDING SENATE BILL NO. 2611, SD2, HD1
RELATING TO VITAL STATISTICS**

March 25, 2010

The Honorable Marcus R. Oshiro, Chair
House Committee on Finance
and Committee Members

Chair Oshiro and Committee Members:

Thank you for this opportunity to submit comments on Senate Bill No. 2611, SD2, HD1 (requiring the State of Hawai'i Department of Health to provide each county's real property assessment division with a list of all persons age 18 and older whose deaths were recorded during the previous month at no charge).

Ideally, our office prefers not to amend the current statutory language specifically pertaining to the county clerks since the present statute has established a process which ensures the correct deceased individuals are purged from the voter registries. Our primary concern is that any amendments to §338-4 HRS not alter this present reporting requirement or limit the reporting of decedents' personal information by the Department of Health (DOH).

We strongly oppose any changes which would require the transmittal of voter registration data by any means to the DOH since we believe this would unnecessarily endanger the integrity and confidentiality of the voter registries.

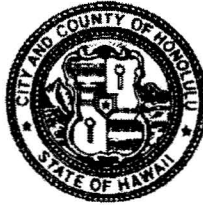
Thank you for your consideration of this testimony.

PETER A. NAKAMURA
County Clerk

DEPARTMENT OF BUDGET AND FISCAL SERVICES
CITY AND COUNTY OF HONOLULU

REAL PROPERTY ASSESSMENT DIVISION
842 BETHEL STREET, 2ND FLOOR * HONOLULU, HAWAII 96813
PHONE: (808) 768-7901 * FAX (808) 768-7782
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MUFI HANNEMANN
MAYOR



RIX MAURER III
DIRECTOR

MARK K. OTO
DEPUTY DIRECTOR

GARY T. KUROKAWA
ADMINISTRATOR

March 25, 2010

Honorable Marcus Oshiro
Chair, Committee on Finance
House of Representatives
Hawaii State Capitol, Room 308
415 South Beretania Street
Honolulu, HI 96813

RE: SB2611 SD2 HD1 - Relating to Vital Statistics

While the City and County of Honolulu supports the intent of SB2611 SD2 HD1, we are respectfully submitting a draft HD2 proposal for the committee's further consideration, which we feel more completely meets our goal of efficiency in government operations while protecting the privacy rights of living individuals.

The Department of Health's ("DOH") previously submitted testimony claiming the counties' proposal "unnecessarily discloses confidential information on individuals to the counties." However, DOH information regarding who has died, including date-of-birth and Social Security Number is not kept confidential by DOH. DOH provides this information to a national data base which is made available to the public for a fee. Moreover, privacy laws that apply to living people do not apply to deceased individuals. OIP advisory opinions have established that the right to privacy is a personal right that is generally extinguished upon an individual's death. On balance, privacy rights of **living** individuals should be protected and the counties' proposal does this.

Contrary to the DOH's characterization and as a point of clarification, the counties are **not** requesting a certified copy of a record or a verification of the person's death under HRS 338-18 (what the DOH refers to as the "closed records" law), nor are we attempting to amend HRS 338-18. While we believe that we are "a governmental agency or organization who for a legitimate government purpose maintains and needs to update official lists of persons in the ordinary course of the agency's or organization's activities", our request is for a list of deceased individuals and **not** for a certified copy of a record or a verification of the person's death. Moreover, the counties' request should not be subject to a redaction of the SSN (only the last 4 digits.) HRS 487J-2(b)(5) clearly entitles local government entities to the **entire** SSN when provided by a government agency. A copy of the encrypted electronic file, containing the requested data, currently sent to the city clerk's office, would be adequate.

The DOH also claims its verification process is efficient and that "[t]he process proposed by the counties in SB2611 SD1 is inefficient and includes information of individuals not on any of the agencies' lists." Again, this claim is misleading. The counties' data consists of confidential information on approximately 700,000 living individuals, whereas the DOH's data applies to only an estimated 12,000 deceased individuals. The DOH's verification process is the one that is inefficient. It requires the counties to expose confidential date-of-birth and Social Security Number information on many thousands of **living** individuals that are not on the DOH's list of roughly 12,000 deceased persons.

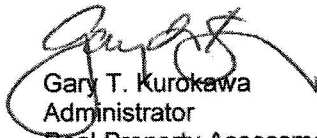
Honorable Marcus Oshiro
March 25, 2010
Page 2

DOH's "move toward self-sufficiency" comes on the backs of taxpayers who will ultimately bear the cost to the counties of obtaining death information. In 2005, this body of lawmakers saw fit to adopt legislation where the State and counties agreed to share confidential information without cost, see HRS Sec. 231-18.

The sharing of information between governmental agencies so that each can better serve the public is the goal we should be striving to achieve.

We thank you for the opportunity to submit comments on this measure and respectfully urge your approval of our proposed amendment.

Sincerely,



Gary T. Kurokawa
Administrator

Real Property Assessment Division

PROPOSED SB2611 SD2 HD2

A BILL FOR AN ACT

RELATING TO THE REPORTING OF DEATHS TO THE COUNTIES.

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

SECTION 1. The purpose of this amendment to Hawaii Revised Statutes Section 338-4 is:

(1) To require the Department of Health, within six weeks after the end of each month, to provide to the administrator of each county's real property assessment division, a list of all individuals eighteen years or older whose deaths have been recorded in the department during each month, to enable each county to identify the deceased and remove the homeowner's exemption that that individual may claim. Under existing law, only the county clerks of each county are provided with a list of citizens of voting age or older whose deaths have been recorded in the department, for purposes of removing the name of any registered voter from the general county register. The county clerks are precluded by the State from sharing the list with any other county agencies or using it for any other purpose.

(2) To minimize the potential for subsequent owners of a deceased individual's home to be penalized and back taxed for receiving an exemption meant for the deceased for which they did not qualify.

(2) To prevent real property tax abuse. Under existing law, the real property assessment division of each county does not receive regular notice of the deaths of individuals. Consequently, members of a deceased individual's household can continue to receive the deceased individual's homeowner's exemption and unfairly benefit from an unreported death. Each county's ability to timely remove a deceased homeowner's exemption would insure a more equitable distribution of taxes among real property owners.

SECTION 2. Section 338-4, Hawaii Revised Statutes, is amended to read as follows:

“§338-4 **Deaths reported to county clerks, real property assessment administrator.**

(a) [The] Notwithstanding any provision in sections 338-14.3 or 338-18 to the contrary, the department of health [shall], within six weeks after the end of each month shall deliver, or forward by mail or electronic transmission, at no charge, to the county clerk of each county a list of the names of all citizens of voting age or over whose deaths have been recorded in the department during each month. The list shall set forth such portion of the information contained in the death record of each citizen whose death is so

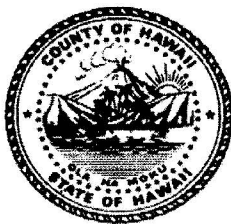
reported as will be of assistance to the county clerk in identification[.],including social security number, date of birth, date of death and address.

(b) Notwithstanding any provision in sections 338-14.3 or 338-18 to the contrary, the department of health, within six weeks after the end of each month, shall deliver, or forward by mail or electronic transmission, at no charge, to the administrator of each county's real property assessment division, a list of the names of all individuals eighteen years old or older whose deaths have been recorded in the department during each month. The list shall set forth such portion of the information contained in the death record of each individual whose death is so reported as will be of assistance to each county in identification, including social security number, date of birth, date of death and address."

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

KENNETH G. GOODENOW
County Clerk



RODNEY OSHIRO
Deputy County Clerk

County of Hawai'i
Office of the County Clerk
25 Aupuni Street
Hilo, Hawai'i 96720
Telephone: (808) 961-8255
Facsimile: (808) 961-8912

March 23, 2010

Honorable Marcus R. Oshiro, Chair
House Committee on Finance
Hawai'i State Capitol, Room 308, 11:00 a.m.
415 South Beretania Street
Honolulu, Hawai'i 96813

TESTIMONY ON S.B. 2611, S.D.2, H.D. 1, RELATING TO VITAL STATISTICS

Aloha, Chair Oshiro and Members of the Committee:

Our office is opposed to any amendments to §338-4 HRS that would limit the reporting of decedents' personal information by the Department of Health (DOH) to the county clerk of each county. The present system has helped to ensure the integrity of our elections process.

Our office is opposed to transforming our current procedure to one where DOH performs periodic computer verifications to identify deceased registrants on the general county registry. Such a proposal would require the County Clerks to forward the names, dates of birth, and social security numbers of 670,000+ registered voters and seems counter-intuitive to the goal of protecting information.

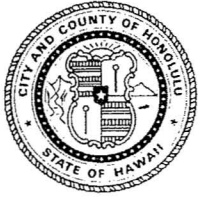
If the Finance Committee is inclined to report this bill out of committee, we ask the Committee to adopt the amendments proposed by the City and County of Honolulu Real Property Assessment Division.

Thank you for the opportunity to testify.

Sincerely,

A handwritten signature in black ink, appearing to read "K. Goodenow".

Kenneth G. Goodenow



BERNICE K.N. MAU
City Clerk

ELECTIONS
OFFICE OF THE CITY CLERK
530 SOUTH KING STREET, ROOM 100
HONOLULU, HAWAII 96813-3077
TELEPHONE: (808) 768-3800

Testimony on SB 2611 SD2 HD1
Relating to Vital Statistics.

Committee on Finance
March 25, 2010
11:00 a.m.

Chair Oshiro, Vice Chair Lee, and Committee Members:

The Office of the City Clerk offers comments on SB2611 SD2 HD1.

Our primary concern is that any amendments to §338-4 HRS not alter the present reporting requirement or limit the reporting of decedents' personal information by the Department of Health (DOH) as noted on the attached memorandum.

We understand that the DOH is proposing a draft to change §338-4 HRS from a reporting requirement into a periodic computer verification process (to be performed by the DOH) to identify deceased registrants on the general county registry. We strongly oppose such an amendment.

The DOH's proposal would require the County Clerks to send the names, dates of birth, and social security numbers of 670,000+ registered voters to allow the DOH to identify approximately 5,000 deceased registered voters in a given year.

The proposal requires divulging the personal information of registered voters unlike §338-4 HRS that requires reporting of a much smaller number of monthly death information (less than 10,000 records/year).

Furthermore, it is our position that the responsibility for identification of deceased voters on the general county registry properly rests with election officials and not the DOH.

While it has been claimed that §338-4 HRS is outdated and not in concert with the rest of Chapter 338 HRS, it is our contention that §338-4 remains intentionally intact as the governing policy on the acceptable uses of death information and the reporting responsibilities of the DOH.

If the Committee on Finance is inclined to forward this measure, we ask that it consider the amendments offered by the City and County of Honolulu Real Property Tax Assessment Division that we would support. Thank you for the opportunity to testify.

**MEMORANDUM OF AGREEMENT BETWEEN
THE DEPARTMENT OF HEALTH AND
OFFICE OF ELECTIONS OF THE STATE OF HAWAII**

This Memorandum of Agreement (MOA) is made on this 1st day of June, 2008, by and between the OFFICE OF ELECTIONS, State of Hawai'i, (hereinafter "OE"), and DEPARTMENT OF HEALTH, State of Hawai'i (hereinafter "DOH"). The parties mutually agree to certain rights and responsibilities relating to lists of names of all citizens of voting age or over whose deaths have been recorded in the DOH every month designed to assist the counties of the STATE OF HAWAII with the identification of deceased persons for voter registration purposes.

SCOPE OF SERVICES AND PURPOSE

Pursuant to 42 U.S.C.A. §§15483(a)(1)(A)(iv), 15483(a)(2)(A)(i), 15483(a)(2)(A)(ii)(II), 15483(a)(4)(A), and Haw. Rev. Stat. §338-4, the DOH shall provide, by secure electronic transmission or by mail, to the county clerk of each county a list of the names of all citizens of voting age or over whose deaths have been recorded in the DOH during each month within six weeks after the end of each month. The list shall set forth such portion of the information contained in the death record of each citizen whose death is so reported as will be of assistance to the county clerks. The purpose of the provision of lists to the county clerks is to allow the STATE OF HAWAII to periodically update the statewide voter registration list.

The lists shall contain the following:

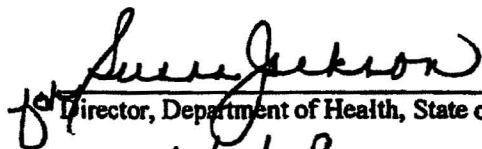
- The full name of each deceased person,
- The date of birth of each person,
- The date of death of each person,
- The gender of each person, and
- The social security number of each person.

The contents of the lists of deceased persons, except for the names of the persons, shall be strictly confidential, and shall be used by the county clerks for voter registration purposes only, and shall not be re-disclosed.

TIME OF PERFORMANCE

The terms of the Agreement shall commence on August 31, 2007, and continue until 42 U.S.C.A. §§15483(a)(1)(A)(iv), 15483(a)(2)(A)(i), 15483(a)(2)(A)(ii)(II), and 15483(a)(4)(A) are repealed or amended, or until this MOA is amended or terminated in writing by mutual agreement of the parties hereto.

The undersigned parties agree to abide by the terms and conditions of this Memorandum of Agreement.



Director, Department of Health, State of Hawai'i

Date



Chief Elections Officer, State of Hawai'i

Date