

# H.B. NO. 895

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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. 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]~~ sections 338-14.5~~[-]~~ and 572-5. All realizations of  
5 the fund shall be subject to the conditions specified in  
6 subsection (b)."

7           SECTION 2. 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]~~ \$100, of which the agent, except those provided  
17 for in subsection (b), shall retain \$9 for the agent's benefit  
18 and compensation and shall remit ~~[\$51]~~ \$91 to the director of

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

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

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

8 (3) [~~\$4.50~~]\$7 for each license issued to the credit of the  
9 spouse and child abuse special account established  
10 under section 601-3.6; [~~and~~]

11 (4) \$5 for each licensed issued to the credit of the  
12 domestic violence and sexual assault special fund  
13 established under section 321-1.3;

14 [~~(4)~~](5) \$10 for each license issued to the credit of the  
15 birth defects special fund established under section  
16 321-426[~~+~~]; and

17 (6) \$30 for each license issued to the credit of the vital  
18 statistics improvement special fund established under  
19 section 338-14.6.

20 (b) The department may appoint, as regular employees under  
21 the civil service and classification laws, the number of  
22 suitable persons as agents authorized to grant marriage licenses

1 for whom provision has been made in the general appropriation  
2 act. In the case of these agents, the full amount collected from  
3 applicants shall be remitted to the director of health. Upon  
4 the receipt of remittances under this subsection, the director  
5 of health shall deposit:


- 6 (1) \$41 for each license issued to the credit of the  
7 general fund of the State;
- 8 (2) [~~\$4.50~~]\$7 for each license issued to the credit of the  
9 spouse and child abuse special account established  
10 under section 346-7.5;
- 11 (3) [~~\$4.50~~]\$7 for each license issued to the credit of the  
12 spouse and child abuse special account established  
13 under section 601-3.6; [and]
- 14 (4) \$5 for each licensed issued to the credit of the  
15 domestic violence and sexual assault special fund  
16 established under section 321-1.3;
- 17 [~~(4)~~](5) \$10 for each license issued to the credit of the  
18 birth defects special fund established under section  
19 321-426[~~-~~]; and
- 20 (6) \$30 for each license issued to the credit of the vital  
21 statistics improvement special fund established under  
22 section 338-14.6."

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1 SECTION 3. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 4. There is appropriated out of the vital  
4 statistics improvement special fund the sum of \$500,000 or so  
5 much thereof as may be necessary for fiscal year 2013-2014 to  
6 offset administrative costs of activities related to the  
7 registration, processing, and issuance of vital records.  
8 The sum appropriated shall be expended by the department of  
9 health for the purposes of this Act.

10 SECTION 5. This Act, upon its approval, shall take effect  
11 on July 1, 2013.

12  
13 INTRODUCED BY:  \_\_\_\_\_

14 BY REQUEST

JAN 22 2013

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**Report Title:**

Marriage Licenses; Fees

**Description:**

Raises the marriage license fee; increases deposits to domestic violence 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 MARRIAGE LICENSE FEES.

PURPOSE: To adjust fees paid by the public for marriage licenses and to use the amount of the increase to support vital statistics operations. Pursuant to section 572B-6(b), Hawaii Revised Statutes, there will be a corresponding identical adjustment to civil unions. Increases deposits to domestic violence special funds.

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

JUSTIFICATION: The Department of Health is permitted to charge reasonable fees for certain permitting and licensing functions. Many fees, such as those for issuing marriage licenses, have not kept pace with operating expenses.

The fee for marriage licenses is currently \$60. It has not been adjusted since 1998 and at its current rate lags behind national averages. The proposed fee is \$100. The annual number of transactions for marriage licenses is approximately 20,000 - 25,000 so the potential additional annual yield is \$1,000,000 (20,000 to 25,000 times the \$40 increase).

The Department of Health proposes that \$30 out of the \$40 increase be allocated specifically to support vital statistics and marriage license operations. Ten dollars of the \$40 increase will be deposited to various domestic violence special funds.

GENERAL FUND: None.

OTHER FUNDS:                   Approximately \$1,000,000 annually to the  
                                  Vital Statistics Improvement Special Fund.  
                                  Approximately \$180,000 in additional moneys  
                                  to domestic violence special funds.

PPBS PROGRAM  
DESIGNATION:                   HTH-760.

OTHER AFFECTED  
AGENCIES:                      None.

EFFECTIVE DATE:               July 1, 2013.