

JAN 23 2020

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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 chapter 321, part  
2 XXXIV, Hawaii Revised Statutes, mandates the department of  
3 health to establish the statewide birth defects program to  
4 collect surveillance information on birth defects; report the  
5 incidence, trends, and causes of birth defects; and report  
6 information for the development of prevention strategies to  
7 reduce the incidence of birth defects.

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

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

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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 and  
6 to offset costs for the daily operations of the system of vital  
7 statistics. There is an increased demand for marriage  
8 certificates to prove legal name changes in order to meet the  
9 required REAL ID Act standards 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       The legislature further finds that the current compensation  
14 for non-civil service marriage license agents, who are appointed  
15 by the department of health, is \$9 per license. This amount has  
16 not changed since 1998. The current compensation is not  
17 sufficient to meet the operating costs of marriage license  
18 agents.

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

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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,~~ \$100, of which the agent, except those provided  
17 for in subsection (b), shall retain [~~\$9~~ \$15 for the agent's  
18 benefit and compensation and shall remit [~~\$51~~ \$85 to the  
19 director of health. Upon the receipt of remittances under this  
20 subsection, the director of health shall deposit:

21 (1) [~~\$32~~ \$35 for each license issued to the credit of the  
22 general fund of the State;

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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)   \$20 for each license issued to the credit of the vital  
11                   statistics improvement special fund established under  
12                   section 338-14.6.

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

21          (1)   ~~[\$41]~~ \$44 for each license issued to the credit of the  
22                   general fund of the State;



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**Report Title:**

Birth Defects Program; Birth Defects Special Fund; Vital Statistics Improvement Special Fund; Marriage License Fee

**Description:**

Amends the marriage license statute to support the Hawaii Birth Defects Program, modernization of the vital statistics system, and operating costs of marriage license agents.

*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

**SB. NO. 2897**

DEPARTMENT: Health

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

PURPOSE: The purpose of this Act is to increase the marriage license fee to support the Hawaii Birth Defects Program, modernization of the vital statistics system, and operating costs of marriage license agents.

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

JUSTIFICATION: The Hawaii Birth Defects Program was established by sections 321.421-426 and sections 324.41-44, Hawaii Revised Statutes. Increasing the birth defects special funds will ensure that the program has enough funding to maintain its responsibilities as required by state law.

The program monitors major structural and genetic birth defects that adversely affect health and development. Data may be used for developing baseline rates, monitoring trends, and performing cluster investigations. In several instances, birth defects data has been used by both communities and state programs to determine if an environmental or infectious health risk may be present. Data may also be used by public health and community programs in developing policies, prevention strategies, and services.

Since 2002, the program has been supported by a fee of \$10 per marriage license, which is placed into the birth defects special fund. However, the program's salary and fringe expenses have almost doubled between 2002 and 2019. The program does not have

enough funding for operating expenses beginning fiscal year 2020-2021.

The vital statistics improvement special fund is not enough for the modernization and automation of the vital statistics system and to offset costs and improve efficiency for the daily operations of the system of vital statistics. There is an increased demand for marriage certificates to prove legal name changes in order to meet the required REAL ID Act standards for state-issued driver's licenses and identification cards. The vital statistics registration system is over 20 years old and needs to be replaced. Adding revenue from increased marriage license fees will allow necessary upgrades.

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. The current compensation is not enough to meet the operating costs of marriage license agents.

The amounts of the marriage license fee deposited to the credit of the general fund, spouse abuse and child abuse special fund, and spouse abuse and child abuse special account have not changed since 1998.

Impact on the public: The Hawaii Birth Defects Program needs to continue as a reliable resource for information about birth defects in communities. This information is critical especially when there are concerns about environmental or other hazards in the community that cause health problems.

Improved efficiency for the daily operations of the system of vital statistics will help to improve 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:  
The Hawaii Birth Defects Program provides to various public agencies the birth defects information needed for planning and development of appropriate statewide strategies, services, and public education to prevent birth defects. Birth defects data has been provided to public agencies regarding claims of increased birth defects due to suspected environmental hazards or other risk factors such as Zika Virus infection.

Improved efficiency for the daily operations of the system of vital statistics will help the timely provision of data to other public agencies, as allowed by law.

Increasing the compensation for non-civil service marriage license agents will support the Department of Health in carrying out its responsibility to issue marriage licenses.

GENERAL FUND: As an alternate funding source for the Hawaii Birth Defects Program, the Department of Health has requested conversion of the program coordinator position from birth defects special funds to general funds, beginning fiscal year 2021.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: HTH-560 for birth defects special fund; HTH-760 for vital statistics improvement special fund.

OTHER AFFECTED AGENCIES: Programs and agencies that provide services for children with birth defects and their families.

EFFECTIVE DATE: Upon approval.