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# A BILL FOR AN ACT

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RELATING TO 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



1 year 2022-2023. Increasing the revenue for the birth defects  
2 special fund will ensure that the program fulfills its mandated  
3 responsibilities.

4 The legislature further finds that the moneys in the vital  
5 statistics improvement special fund are not sufficient for the  
6 modernization and automation of the vital statistics system or  
7 to offset costs for the daily operations of the system of vital  
8 statistics. There is an increased demand for marriage  
9 certificates to prove legal name changes in order to meet the  
10 required REAL ID Act standards for state-issued driver's  
11 licenses and identification cards. The vital statistics  
12 registration system is over twenty years old and needs to be  
13 replaced to support more efficient processing of requests.

14 The legislature further finds that the current compensation  
15 for non-civil service marriage license agents, who are appointed  
16 by the department of health, is \$9 per license. This amount has  
17 not changed since 1998. The current compensation is not  
18 sufficient to meet the operating costs of marriage license  
19 agents.

20 The purpose of this Act is to increase the marriage license  
21 fee to:



- 1       (1) Support the Hawaii birth defects program;
- 2       (2) Fund modernization of the vital statistics system; and
- 3       (3) More fairly compensate marriage license agents.

4       SECTION 2. Section 338-14.6, Hawaii Revised Statutes, is

5 amended by amending subsection (c) to read as follows:

6       "(c) The fund shall consist of fees remitted pursuant to

7 section 338-14.5[-] and section 572-5. All realizations of the

8 fund shall be subject to the conditions specified in subsection

9 (b)."

10       SECTION 3. Section 572-5, Hawaii Revised Statutes, is

11 amended by amending subsections (a) and (b) to read as follows:

12       "(a) The department of health shall appoint, and at its

13 pleasure remove, one or more suitable persons as agents

14 authorized to grant marriage licenses under this chapter in each

15 judicial circuit. The agents may issue licenses from any state

16 facility when deemed necessary by the director. Any agent

17 appointed under this subsection and receiving an application for

18 a marriage license shall collect from the applicant for the

19 license [~~\$60~~] \$100, of which the agent, except those provided

20 for in subsection (b), shall retain [~~\$9~~] \$15 for the agent's

21 benefit and compensation and shall remit [~~\$51~~] \$85 to the



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

3 (1) [~~\$32~~] \$35 for each license issued to the credit of the  
4 general fund of the State;

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

8 (3) [~~\$4.50~~] \$5 for each license issued to the credit of  
9 the spouse and child abuse special account established  
10 under section 601-3.6; [and]

11 (4) [~~\$10~~] \$20 for each license issued to the credit of the  
12 birth defects special fund established under section  
13 321-426[-]; and

14 (5) \$20 for each license issued to the credit of the vital  
15 statistics improvement special fund established under  
16 section 338-14.6.

17 (b) The department may appoint, as regular employees under  
18 the civil service and classification laws, the number of  
19 suitable persons as agents authorized to grant marriage licenses  
20 for whom provision has been made in the general appropriation  
21 act. In the case of these agents, the full amount collected



1 from applicants shall be remitted to the director of health.

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

4 (1) [~~\$41~~] \$44 for each license issued to the credit of the  
5 general fund of the State;

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

9 (3) [~~\$4.50~~] \$5 for each license issued to the credit of  
10 the spouse and child abuse special account established  
11 under section 601-3.6; [~~and~~]

12 (4) [~~\$10~~] \$20 for each license issued to the credit of the  
13 birth defects special fund established under section  
14 321-426; and

15 (5) \$26 for each license issued to the credit of the vital  
16 statistics improvement special fund established under  
17 section 338-14.6."

18 SECTION 4. Statutory material to be repealed is bracketed  
19 and stricken. New statutory material is underscored.

20 SECTION 5. This Act shall take effect on July 1, 2060.

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# H.B. NO. 2155 H.D. 1

**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, operating costs of marriage license agents, and spouse and child abuse programs of the department of human services and of the judiciary. Effective 7/1/2060. (HD1)

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