
A BILL FOR AN ACT

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 and
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 support the Hawaii birth defects program, fund



1 modernization of the vital statistics system, and more fairly
2 compensate marriage license agents.

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

5 "(c) The fund shall consist of fees remitted pursuant to
6 section 338-14.5[-] and section 572-5. All realizations of the
7 fund shall be subject to the conditions specified in subsection
8 (b)."

9 SECTION 3. Section 572-5, Hawaii Revised Statutes, is
10 amended by amending subsections (a) and (b) to read as follows:

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



remittances under this subsection, the director of health shall deposit:

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

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

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

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

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

(b) The department may appoint, as regular employees under the civil service and classification laws, the number of suitable persons as agents authorized to grant marriage licenses for whom provision has been made in the general appropriation 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]~~ \$ _____ for each license issued to the
5 credit of the general fund of the State;

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

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

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

15 (5) \$ _____ for each license issued to the credit of
16 the vital statistics improvement special fund
17 established under 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 January 1, 2050.



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 1/1/2050. (SD1)

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not legislation or evidence of legislative intent.*

