



**STATE OF HAWAII  
DEPARTMENT OF HEALTH**

P. O. Box 3378  
Honolulu, HI 96801-3378  
doh.testimony@doh.hawaii.gov

**Testimony in SUPPORT of SB3114 SD1  
RELATING TO MARRIAGE LICENSES.**

SENATOR DONOVAN M. DELA CRUX, CHAIR  
SENATE COMMITTEE ON WAYS AND MEANS

Hearing Date: February 28, 2022

Room Number: Videoconference

1 **Fiscal Implications:** N/A.

2 **Department Testimony:** The Department of Health (DOH) strongly supports this  
3 Administration Proposal to make the licensing fee for marriage solemnization equitable.  
4 Licenses for non-religious and non-judicial performers was authorized by Act 211, SLH 2021,  
5 however, a fee was created for secular solemnization licenses where none exists for religious and  
6 judicial licenses. A lawsuit against the state claiming religious discrimination is likely, since one  
7 was filed in 2020 for which Act 211, SLH 2021 was the remedy.

8 DOH's website hosts a list of over 11,000 licensed marriage and civil union performers, though  
9 many may be inactive since once listed there is no maintenance unless an individual specifically  
10 requests to be removed.

11 SB3114 SD1 repeals the fee, but the Legislature may consider establishing an equitable fee for  
12 all marriage performers and deposit funds into the vital statistics improvement special fund to  
13 subsidize operations. Currently, DOH receives no moneys from marriage license fees and there  
14 is no revenue for religious and judicial licensees because there is no fee. Funds would used to  
15 improve services related to the issuance of licenses to solemnize and marriage licenses.

16 **Offered Amendments:** The following amendments are recommended if the Legislature opts to  
17 establish fees across the board.

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

1 (c) The fund shall consist of fees remitted pursuant to  
2 section 338-14.5[~~-~~] and section 572-11. All realizations of the  
3 fund shall be subject to the conditions specified in subsection  
4 (b)."

5 SECTION 3. Section 572-11, Hawaii Revised Statutes, is  
6 amended to read as follows:

7 "**§572-11 Marriage ceremony; license to solemnize;**  
8 **fees.** (a) It shall not be lawful for any person to perform the  
9 marriage ceremony within the State without first obtaining from  
10 the department of health a license to solemnize marriages.

11 (b) The fee for any license to solemnize a marriage shall  
12 be \$25 per year.

13 (c) The department shall keep an account of all fees  
14 collected pursuant to this section and deposit to the vital  
15 statistics improvement fund, pursuant to section 338-14.6.

16 (d) The department may increase fees established pursuant  
17 to this section in accordance with chapter 91. In establishing  
18 a fee, the amount shall be sufficient to cover the expenses of  
19 improving, maintaining, and modernizing the issuance of licenses  
20 to solemnize marriages. The department may raise the fees up to  
21 ten per cent per year without being subject to the provisions of  
22 chapter 91."

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