



STATE OF HAWAII
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**Testimony in SUPPORT of SB3114
RELATING TO MARRIAGE LICENSES.**

SENATOR JARRETT KEOHOKALOOLE, CHAIR
SENATE COMMITTEE ON HEALTH

Hearing Date: January 31, 2022

Room Number: Videoconference

- 1 **Fiscal Implications:** Potential additional revenue of \$100,000 for a \$10 annual fee.
- 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 The current draft repeals the fee, but the Legislature may consider establishing an equitable fee
12 for all marriage performers, depositing funds into the vital statistics improvement special fund.
13 Currently, DOH receives no moneys from marriage license fees and there is no revenue for
14 religious and judicial licensees because there is no fee. Funds would used to improve services
15 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 \$10 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."

23 SECTION 4. Section 572-12 is amended by amending
24 subsection (c) to read as follows:

25 "(b) A civil license to solemnize marriages may be issued
26 to, and the marriage rite may be performed and solemnized by,

1 any individual at least eighteen years of age, upon presentation
2 to the individual of a license to marry, as prescribed by this
3 chapter. An individual with a civil license to solemnize a
4 marriage may receive the price stipulated by the parties or any
5 gratuity tendered. ~~[The civil license shall be valid for no
6 less than two years from the date of its issuance; provided that
7 a temporary three-month civil license may be issued upon an
8 individual's request. The fee for a civil license shall be \$100
9 per year the permit is valid; provided that the fee for a
10 temporary three-month license shall be \$25.]~~ An individual who
11 performs a solemnization of a marriage pursuant to a civil
12 license issued under this subsection shall obtain the prior
13 written consent of each person for whom a solemnization is
14 performed and fulfill all provisions of sections 572-13 and
15 572-15 applicable to persons authorized to solemnize marriages."

16 SECTION 5. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 6. This Act shall take effect upon its approval,
19 provided that section 3 take effect on January 1, 2023.