



STATE OF HAWAII
DEPARTMENT OF HEALTH
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**Testimony in SUPPORT of S.B. 1144 S.D. 2 H.D. 1
RELATING TO MARRIAGE LICENSE FEES**

REPRESENTATIVE SYLVIA LUKE, CHAIR
HOUSE COMMITTEE ON FINANCE

Hearing Date: 4/1/2021

Room Number: Via Videoconference

1 **Fiscal Implications:** Increase in the marriage license fee will continue the support of the Hawaii
2 Birth Defects Program and allow for the modernization of the Vital Statistics data system.

3 **Department Testimony:** The Department of Health (DOH) **strongly supports** S.B. 1144 S.D.
4 2 H.D. 1, which is part of the Governor's Administrative Package, to increase the marriage
5 license fee to provide fiscal support to continue the work of the Hawaii Birth Defects Program
6 and modernize the outdated Vital Statistics data system. **The DOH respectfully requests that**
7 **the \$100 fee recommended in S.B. 1144 be reinstated in S.B. 1144 S.D. 2 H.D. 1.**

8 As specified in HRS §321.422, the purpose of the Birth Defects Program is to collect
9 surveillance information on birth defects and other adverse reproductive outcomes; report the
10 incidence, trends, and causes of birth defects and other adverse reproductive outcomes; report
11 information for the development of prevention strategies to reduce the incidence of birth defects
12 and other adverse reproductive outcomes; and develop strategies to improve the access of
13 children with birth defects to health and early intervention services.

14 There are 43 states that have birth defects programs. The Hawaii Birth Defects Program is
15 needed for the collection, analysis, and reporting of birth defects data. It is an active surveillance
16 system in which birth defects data are directly abstracted from medical and other records at
17 hospitals and other medical facilities statewide. It provides more complete data (birth defect rate

1 of approximately 4% births) compared to the limited data in the birth certificate (congenital
2 anomaly rate of less than 0.2% births).

3 Based on diagnostic codes, the number of possible cases reviewed increased from approximately
4 1,000 to over 2,000 cases in the past few years. Of the cases reviewed each year, approximately
5 400 babies are found to have birth defects and the entire medical record needs to be reviewed.
6 The data is essential to identify and investigate factors which may cause higher rates of birth
7 defects and to provide information to answer community concerns about birth defects in Hawaii.

8 Increasing the marriage license fee to support the Hawaii Birth Defects Program will ensure that
9 the program maintains its mandated responsibilities. The Birth Defects Program has been
10 supported by a fee of \$10 per marriage license since 2002 as mandated by the legislature to help
11 support identification of risk factors that may affect adverse birth outcomes. However, the
12 program's salary and fringe expenses have almost doubled between 2002 and 2020. The program
13 currently does not have sufficient funding for operating expenses.

14 Increasing the marriage licenses fee will support the DOH system that collects the marriage
15 license fees and the vital statistics system that issues the marriage certificates. There were over
16 21,000 marriage licenses issued to couples in Hawaii in 2019. No portion of the current \$60.00
17 marriage license fee is retained by the DOH to maintain the statewide marriage license
18 registration system. The current vital statistics computer system that includes the marriage
19 license issuance and registration system is over 20 years old and needs to be modernized. Post
20 9/11 laws like the REAL ID Act create an increased demand for marriage records to prove legal
21 name changes for state-issued driver's license and identification cards. Individuals must provide
22 proof to the Departments of Motor Vehicles that the individual's last name differs from their
23 birth certificate's last name due to marriage to obtain their "gold star" by October 1, 2021.

24 The increased marriage license fee will also support two spouse and child abuse special funds
25 and marriage license agents which have not had a fee increase since 1998.

26 The DOH respectfully requests that the proposed \$100 fee be allocated as in the chart below:

	CURRENT \$60 FEE		PROPOSED \$100 FEE	
	Private marriage license agent	DOH marriage license agent	Private marriage license agent	DOH marriage license agent
Marriage license agent	9.00	-	15.00	-
Director of Health	51.00	60.00	85.00	100.00
<i>General fund</i>	<i>32.00</i>	<i>41.00</i>	<i>35.00</i>	<i>44.00</i>
<i>Spouse and child abuse special fund (Department of Human Services)</i>	<i>4.50</i>	<i>4.50</i>	<i>5.00</i>	<i>5.00</i>
<i>Spouse and child abuse special account (Judiciary)</i>	<i>4.50</i>	<i>4.50</i>	<i>5.00</i>	<i>5.00</i>
<i>Birth defects special fund</i>	<i>10.00</i>	<i>10.00</i>	<i>20.00</i>	<i>20.00</i>
<i>Vital statistics improvement special fund</i>	<i>-</i>	<i>-</i>	<i>20.00</i>	<i>26.00</i>

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2 **Offered Amendments:** Re-insert language of SB1144, Sections 2 through 5, as follows:

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,] \$100, of which the agent, except those provided
19 for in subsection (b), shall retain [\$9] \$15 for the agent's

1 benefit and compensation and shall remit [~~\$51~~] \$85 to the
2 director of health. Upon the receipt of remittances under this
3 subsection, the director of health shall deposit:

4 (1) [~~\$32~~] \$35 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) \$20 for each license issued to the credit of the vital
16 statistics improvement special fund established under
17 section 338-14.6.

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

26 (1) [~~\$41~~] \$44 for each license issued to the credit of the
27 general fund of the State;

28 (2) [~~\$4.50~~] \$5 for each license issued to the credit of
29 the spouse and child abuse special fund established
30 under section 346-7.5;

- 1 (3) [~~\$4.50~~] \$5 for each license issued to the credit of
2 the spouse and child abuse special account established
3 under section 601-3.6; [and]
- 4 (4) [~~\$10~~] \$20 for each license issued to the credit of the
5 birth defects special fund established under section
6 321-426; and
- 7 (5) \$26 for each license issued to the credit of the vital
8 statistics improvement special fund established under
9 section 338-14.6."

10 SECTION 4. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 5. This Act shall take effect upon its approval.

SB-1144-HD-1

Submitted on: 3/30/2021 1:10:59 PM

Testimony for FIN on 4/1/2021 2:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
John D. Smith	Individual	Support	No

Comments:

I support this to be passed through legislature.