

S.B. NO. 2709

JAN 25 2012

A BILL FOR AN ACT

RELATING TO FURNISHING THE DATE OF VITAL EVENTS TO GOVERNMENTAL AGENCIES WITHIN THE STATE OF HAWAII THAT REQUEST VERIFICATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that some governmental
2 agencies within the State of Hawaii require information
3 contained in vital statistics records for purposes of updating
4 official lists of persons in the ordinary course of the agency's
5 activities. While section 338-18(g), Hawaii Revised Statutes,
6 allows governmental agencies or organizations to obtain
7 verification of information contained in vital statistics
8 records, neither section 338-18(g) nor any other section in
9 chapter 338 allows governmental agencies within the State of
10 Hawaii to obtain additional information beyond verification of
11 the information they already possess. The legislature finds
12 that it is often necessary for governmental agencies within the
13 State of Hawaii to acquire the date of the vital event for which
14 they are seeking verification, but without a direct and tangible
15 interest in the record as required by section 338-18(b),
16 additional information is not available to those governmental
17 agencies and they are unable to update their lists. The

1 legislature finds that allowing the department of health to
2 disclose dates of vital events to governmental agencies within
3 the State of Hawaii would assist state and county agencies to
4 maximize the accuracy of their official lists and thus avoid
5 overpayments of benefits and waste of public funds.

6 SECTION 2. Section 338-18, Hawaii Revised Statutes, is
7 amended by amending subsection (g) to read as follows:

8 "(g) The department shall not issue a verification in lieu
9 of a certified copy of any such record, or any part thereof,
10 unless it is satisfied that the applicant requesting a
11 verification is:

12 (1) A person who has a direct and tangible interest in the
13 record but requests a verification in lieu of a
14 certified copy;

15 (2) A governmental agency [~~or organization who~~] that for a
16 legitimate government purpose maintains and needs to
17 update official lists of persons in the ordinary
18 course of the agency's [~~or organization's~~]
19 activities[+]. Notwithstanding other provisions of
20 this section, upon request from a governmental agency
21 of the State of Hawaii or its political subdivisions,
22 the department may further disclose to that

1 governmental agency the date of the vital event that
2 has been verified;

3 (3) A governmental, private, social, or educational agency
4 or organization [~~who~~] that seeks confirmation of a
5 certified copy of any such record submitted in support
6 of or information provided about a vital event
7 relating to any such record and contained in an
8 official application made in the ordinary course of
9 the agency's or organization's activities by an
10 individual seeking employment with, entrance to, or
11 the services or products of the agency or
12 organization;

13 (4) A private or government attorney who seeks to confirm
14 information about a vital event relating to any such
15 record which was acquired during the course of or for
16 purposes of legal proceedings; or

17 (5) An individual employed, endorsed, or sponsored by a
18 governmental, private, social, or educational agency
19 or organization who seeks to confirm information about
20 a vital event relating to any such record in
21 preparation of reports or publications by the agency
22 or organization for research or educational purposes."

S.B. NO. 2709


1 SECTION 3. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: 

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BY REQUEST

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S.B. NO. 2709

Report Title:

Vital Records; Verification for Governmental Agencies Within the State of Hawaii.

Description:

Amends section 338-18, Hawaii Revised Statutes, to allow the Department of Health to disclose dates of vital events to governmental agencies within the State of Hawaii seeking verification of information contained in vital statistics records for purposes of updating official lists.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

JUSTIFICATION SHEET

DEPARTMENT: Attorney General

TITLE: A BILL FOR AN ACT RELATING TO VERIFICATION OF VITAL RECORDS FOR GOVERNMENTAL AGENCIES WITHIN THE STATE OF HAWAII.

PURPOSE: To allow the Department of Health to disclose dates of vital events to governmental agencies within the State of Hawaii seeking verification of information to update official lists of persons.

MEANS: Amend section 338-18(g), Hawaii Revised Statutes.

JUSTIFICATION: Subject to the confidentiality provisions specified in section 338-18, Hawaii Revised Statutes, the Department of Health is authorized by statute to verify the existence of vital record information that an applicant provides to be verified. Governmental agencies or organizations are entitled to obtain verification of vital events for purposes of updating their official lists. However, verification is essentially a "matching" of information that is already in the possession of the applicant and does not provide any data that the applicant does not first provide. Some governmental agencies within the State of Hawaii maintain lists of people who receive public benefits, tax exemptions, or other government services, and to discontinue those benefits, exemptions, or services upon the death of the recipient, the governmental agency must not only verify that the recipient has died, but also must have the date of death. The proposed amendment to section 338-18(g) would allow the Department of Health to disclose the dates of vital events to governmental agencies within the State of Hawaii via the verification

process, upon the request of the governmental agency. The proposal includes provisions that would limit the scope of the disclosure to governmental agencies within the State of Hawaii.

Impact on the public: This measure will assist governmental agencies within the State to stop paying public benefits, to correctly assess taxes, and to discontinue other services on behalf of deceased persons, and thus limit fraud and increase the amount of available funds for those who are alive and need those funds.

Impact on the department and other agencies: This measure will enable the Department of Health to disclose information to other governmental agencies within the State, and it will make it possible for other governmental agencies within the State to update their lists more quickly and accurately.

GENERAL FUND:	None.
OTHER FUNDS:	None.
PPBS PROGRAM DESIGNATION:	
OTHER AFFECTED AGENCIES:	Potentially all governmental agencies within the State will benefit.
EFFECTIVE DATE:	Upon approval.