

JAN 27 2021

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**A BILL FOR AN ACT**

RELATING TO MARRIAGE LICENSE FEES.

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

1           SECTION 1. Chapter 321, part XXXIV, Hawaii Revised  
2 Statutes, mandates the department of health to establish the  
3 statewide birth defects program to collect surveillance  
4 information on birth defects; report the incidence, trends, and  
5 causes of birth defects; and report information for the  
6 development of prevention strategies to reduce the incidence of  
7 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  
18 year 2020-2021. Increasing the revenue for the birth defects

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1 special fund will ensure that the program fulfills its mandated  
2 responsibilities.

3 Furthermore, the moneys in the vital statistics improvement  
4 special fund are not sufficient for the modernization and  
5 automation of the vital statistics system and to offset costs  
6 for the daily operations of the system of vital  
7 statistics. There is an increased demand for marriage  
8 certificates to prove legal name changes in order to meet the  
9 required REAL ID Act standards for state-issued driver's  
10 licenses and identification cards. The vital statistics  
11 registration system is over twenty years old and needs to be  
12 replaced to support more efficient processing of requests.

13 Furthermore, the current compensation for non-civil service  
14 marriage license agents, who are appointed by the department of  
15 health, is \$9 per license. This amount has not changed since  
16 1998. The current compensation is not sufficient to meet the  
17 operating costs of marriage license agents.

18 The purpose of this Act is to increase the marriage license  
19 fee to support the Hawaii birth defects program, fund  
20 modernization of the vital statistics system, and more fairly  
21 compensate marriage license agents.

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

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

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

9 "(a) The department of health shall appoint, and at its  
10 pleasure remove, one or more suitable persons as agents  
11 authorized to grant marriage licenses under this chapter in each  
12 judicial circuit. The agents may issue licenses from any state  
13 facility when deemed necessary by the director. Any agent  
14 appointed under this subsection and receiving an application for  
15 a marriage license shall collect from the applicant for the  
16 license [\$60,] \$100, of which the agent, except those provided  
17 for in subsection (b), shall retain [\$9] \$15 for the agent's  
18 benefit and compensation and shall remit [\$51] \$85 to the  
19 director of health. Upon the receipt of remittances under this  
20 subsection, the director of health shall deposit:

21 (1) [\$32] \$35 for each license issued to the credit of the  
22 general fund of the State;

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1 (2) [\$4.50] \$5 for each license issued to the credit of  
2 the spouse and child abuse special fund established  
3 under section 346-7.5;

4 (3) [\$4.50] \$5 for each license issued to the credit of  
5 the spouse and child abuse special account established  
6 under section 601-3.6; [and]

7 (4) [\$10] \$20 for each license issued to the credit of the  
8 birth defects special fund established under section  
9 321-426[.]; and

10 (5) \$20 for each license issued to the credit of the vital  
11 statistics improvement special fund established under  
12 section 338-14.6.

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


21 (1) [\$41] \$44 for each license issued to the credit of the  
22 general fund of the State;

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- 1 (2) [\$4.50] \$5 for each license issued to the credit of  
2 the spouse and child abuse special fund established  
3 under section 346-7.5;
- 4 (3) [\$4.50] \$5 for each license issued to the credit of  
5 the spouse and child abuse special account established  
6 under section 601-3.6; [and]
- 7 (4) [\$10] \$20 for each license issued to the credit of the  
8 birth defects special fund established under section  
9 321-426; and
- 10 (5) \$26 for each license issued to the credit of the vital  
11 statistics improvement special fund established under  
12 section 338-14.6."

13 SECTION 4. Statutory material to be repealed is bracketed  
14 and stricken. New statutory material is underscored.

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

16 INTRODUCED BY:   
BY REQUEST

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**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, and operating costs of marriage license agents.

JUSTIFICATION SHEET

DEPARTMENT: Health

TITLE: A BILL FOR AN ACT RELATING TO MARRIAGE LICENSE FEES.

PURPOSE: The purpose of this Act is to increase the marriage license fee to support the Hawaii Birth Defects Program, support the modernization of the vital statistics system, and support the operating costs of marriage license agents.

MEANS: Amend sections 338-14.6(c) and 572-5(a) and (b), Hawaii Revised Statutes (HRS).

JUSTIFICATION: The Hawaii birth defects program responsibilities are established by chapter 321, part XXXIV, and chapter 324, part V, HRS. Increasing the birth defects special funds will ensure that the program maintains its responsibilities as required by state law and will address the issue of insufficient birth defect funds to cover program operating expenses.

The program needs funds to monitor major structural and genetic birth defects that adversely affect health and development. It needs to collect and compile data to be used for developing baseline rates, monitoring trends, and performing cluster investigations. Continued funding of the program is crucial because birth defects data are used by both communities and state programs to determine if an environmental or infectious health risk may be present. Data may also be used by public health and community programs in developing policies, prevention strategies, and services.

Since 2002, the program has been supported by a \$10 per marriage license, which is

placed into the birth defects special fund. However, the program's salary and fringe expenses have increased by over 90% between 2002 and 2020. The program does not have sufficient funding for operating expenses beginning fiscal year 2021-2022.

The vital statistics improvement special fund is not sufficient for the modernization and automation of the vital statistics system and to offset costs and improve efficiency for the daily operations of the system of vital statistics. Adding revenue from increased marriage license fees will allow necessary upgrades.

The current compensation for non-civil service marriage license agents, who are appointed by the Department of health, is \$9 per license. This amount has not changed since 1998. The current compensation is not sufficient to meet the operating costs of a marriage license agent.

Impact on the public: The Hawaii birth defects program needs to continue as a reliable resource for information about birth defects in communities. This information is critical especially when there are concerns about environmental or other hazards in the community that cause health problems.

Improved efficiency for the daily operations of the system of vital statistics will help to improve services provided to the public.

Increasing the compensation for non-civil service marriage license agents will support their continuing to issue marriage licenses.

Impact on the department and other agencies: The Hawaii birth defects program provides to various public agencies the birth defects information needed for planning and development of appropriate statewide strategies, services, and public education



to prevent birth defects. Birth defects data has been provided to public agencies regarding claims of increased birth defects due to suspected environmental hazards or other risk factors such as Zika Virus infection.

Improved efficiency for the daily operations of the system of vital statistics will help the timely provision of data to other public agencies, as allowed by law.

Increasing the compensation for non-civil service marriage license agents will support the Department of Health in carrying out its responsibility to issue marriage licenses.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM  
DESIGNATION: HTH-560 for the birth defects special fund.  
HTH-760 for the vital statistics improvement special fund.

OTHER AFFECTED  
AGENCIES: Programs and agencies that provide services for children with birth defects and their families.

EFFECTIVE DATE: Upon approval.