

HOUSE BILL REPORT

HB 2481

As Reported by House Committee On:
Juvenile Justice & Family Law
Appropriations

Title: An act relating to increasing marriage license fees to fund domestic violence programs.

Brief Description: Increasing marriage license fees to fund domestic violence programs.

Sponsors: Representatives Dickerson, Lovick, Kessler, McIntire, Lantz, Upthegrove, Simpson, G., Darneille, Tom, Moeller, Chase and Santos.

Brief History:

Committee Activity:

Juvenile Justice & Family Law: 1/21/04, 1/27/04 [DPS];
Appropriations: 2/3/04, 2/6/04 [DP2S(w/o sub JJFL)].

Brief Summary of Second Substitute Bill

- Requires county auditors to collect an additional \$10.00 for marriage licenses, which shall be deposited in a Domestic Violence Prevention Account and used for community-based services for domestic violence victims.

HOUSE COMMITTEE ON JUVENILE JUSTICE & FAMILY LAW

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 5 members: Representatives Dickerson, Chair; Pettigrew, Vice Chair; Delvin, Ranking Minority Member; Lovick and Upthegrove.

Minority Report: Do not pass. Signed by 2 members: Representatives Carrell and Hinkle.

Staff: Trudes Tango Hutcheson (786-7384).

Background:

Marriage license fees in Washington are established by statute. The statute requires the county auditor to collect the following fees for issuing marriage licenses:

- \$8.00 (retained by the county for processing marriage licenses);
- \$5.00 (transmitted to the State Treasurer for use and support of the prevention of child abuse and neglect); and
- \$10.00 (transmitted to the State Treasurer for the Displaced Homemaker Act).

In addition, if approved by the county legislative body, the auditor may impose the following additional fees for issuing a marriage license:

- A fee not to exceed \$15.00 (for funding family services, such as family support centers); and
- A fee not to exceed \$8.00 (for family court services).

County auditors must impose various fees when recording any instrument (not just marriage licenses). County auditors are required to impose the following surcharges:

- \$2.00 per instrument for each document recorded (for the auditor's Centennial Document Preservation and Modernization Account to be used solely for ongoing preservation of historical documents of county offices);
- \$1.00 per instrument for each document recorded (for the Local Government Archives Account); and
- \$1.00 per instrument for each document recorded (for the construction and improvement of a specialized regional facility in eastern Washington for archives and records).

Because some of the fees are optional, not all counties charge the same amount for marriage licenses. The fees range from \$27.00 to \$54.00. King, Pierce, Thurston, Spokane, Kitsap, and several other counties charge \$54.00. Whatcom County charges \$27.00. Pacific and Jefferson counties charge \$39.00.

In 2002, there were 39,518 marriages in the state.

The Department of Social and Health Services (Department) administers funds appropriated from the general fund and Public Safety and Education Account for domestic violence services.

Summary of Substitute Bill:

County auditors must collect an additional \$10.00 for marriage licenses, to be deposited in a Domestic Violence Prevention Account in the custody of the State Treasurer.

The revenue collected from the additional fee must be used to fund community-based services for domestic violence victims. The Department administers the funds and may establish minimum standards for non-shelter community-based services receiving the

funds.

Substitute Bill Compared to Original Bill:

The substitute bill specifies that the community-based services referred to in the bill are "non-shelter" services for which the Department may establish minimum standards. The substitute bill also made a technical correction.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: Approximately 30 states fund their domestic violence programs through marriage license fees. Increasing funding to non-shelter based programs will help to strengthen community-based programs that provide services to under-served populations, such as immigrants and children. Last year only 10 of the 30 applications for such programs were funded for under-served populations. Funds are greatly needed. All domestic violence services are oversubscribed.

Testimony Against: This is a tax on marriage that works against encouraging marriage. Marriage is not necessarily connected to domestic violence. There is no nexus between the two. Studies show that domestic violence is not a big problem in marriage. There is a low percentage of domestic violence in dissolution cases. Instead of increasing the fee, people should find out how existing money is being spent. There's been an increase in prosecution of minor and nonexistent domestic violence incidents.

Persons Testifying: (In support) Grace Huang, Washington State Coalition Against Domestic Violence; Larry Pederson, Thurston Community Network; Linda Olsen, Eastside Domestic Violence Program; and Terri Kimball, Domestic Abuse Women's Network.

(Opposed) Lawrence Hutt; Lisa Scott, Taking Action Against Bias in the System; and Cliff Hatton, Taking Action Against Bias in the System.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Juvenile Justice

& Family Law. Signed by 16 members: Representatives Sommers, Chair; Fromhold, Vice Chair; Clements, Cody, Conway, Dunshee, Grant, Hunter, Kagi, Kenney, Kessler, Linville, McIntire, Miloscia, Schual-Berke and Sump.

Minority Report: Do not pass. Signed by 10 members: Representatives Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander, Anderson, Boldt, Buck, Chandler, Cox, McDonald and Talcott.

Staff: Holly Lynde (786-7153).

Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Juvenile Justice & Family Law:

The Domestic Violence Prevention Account is changed from nonappropriated to appropriated.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Second Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: This bill would supplement current funding for nonshelter-based services. Currently, there is a minimum amount of state funding administered by DSHS to provide those services. In 1999, the Governor prioritized funding for victims of domestic violence in certain underserved communities after Linda David was found abused by her husband. Currently there are 10 programs across the state that receive funding for these programs; some serve immigrant communities, others serve children, one in Whatcom County serves Native Americans, and there is a program in Thurston County and a few out in Eastern Washington. The purpose of this bill is to make sure that there is prevention, outreach, and services provided for those victims of domestic violence who do not traditionally want to utilize shelter or who are not traditionally linked up to services.

Testimony Against: None.

Persons Testifying: Grace Huang, Washington State Coalition Against Domestic Violence.

Persons Signed In To Testify But Not Testifying: None.