
A BILL FOR AN ACT

RELATING TO STATE FINANCES.

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

1 SECTION 1. Section 576D-5, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "~~{}~~§576D-5~~{}~~ **Fee for obtaining or enforcing nonpublic**
4 **assistance order.** (a) The agency shall require the payment of
5 a reasonable fee on the application of a person under section
6 576D-3(b)(3) who is not receiving public assistance for support
7 of the child for assistance in obtaining or enforcing a child
8 support order. The payment and amount of the fee shall be in
9 compliance with applicable federal regulations promulgated under
10 Title IV-D.

11 (b) In the case of an individual who has never received
12 public assistance for the support of a child under Title IV-A
13 and for whom the State has collected not less than \$500 of
14 support, the agency shall impose an annual fee of \$25 for each
15 case in which Title IV-D services were furnished, which shall be
16 retained in accordance with Title IV-D requirements; provided
17 that the \$25 shall not be retained from the first \$500 so



1 collected. Any fee collected shall be retained by the agency
2 and utilized as required under Title IV-D."

3 SECTION 2. Effective October 1, 2007, all rights, powers,
4 functions, and duties of the family support divisions of the
5 county of Hawaii and the city and county of Honolulu that relate
6 to child support enforcement are transferred to the department
7 of the attorney general.

8 All officers and employees whose functions are transferred
9 by this Act shall be transferred with their functions and shall
10 continue to perform their regular duties upon their transfer,
11 subject to the state personnel laws and this Act. There is
12 established twenty-four permanent full-time equivalent (24.0
13 FTE) positions in the department of the attorney general to
14 carry out the purposes of this Act.

15 No officer or employee of the State having tenure shall
16 suffer any loss of salary, seniority, prior service credit,
17 vacation, sick leave, or other employee benefit or privilege as
18 a consequence of this Act, and such officer or employee may be
19 transferred or appointed to a civil service position without the
20 necessity of examination; provided that the officer or employee
21 possesses the minimum qualifications for the position to which
22 transferred or appointed; and provided that subsequent changes



1 in status may be made pursuant to applicable civil service and
2 compensation laws.

3 An officer or employee of the State who does not have
4 tenure and who may be transferred or appointed to a civil
5 service position as a consequence of this Act shall become a
6 civil service employee without the loss of salary, seniority,
7 prior service credit, vacation, sick leave, or other employee
8 benefits or privileges and without the necessity of examination;
9 provided that such officer or employee possesses the minimum
10 qualifications for the position to which transferred or
11 appointed.

12 If an office or position held by an officer or employee
13 having tenure is affected by workload changes or is abolished,
14 the officer or employee shall not thereby be separated from
15 public employment, but shall remain in the employment of the
16 State with the same pay and classification in accordance with
17 the civil service law and the applicable bargaining unit
18 contract, and shall be transferred to some other office or
19 position for which the officer or employee is eligible under the
20 personnel laws of the State as determined by the head of the
21 department or the governor.



1 Any officer or employee who, prior to this Act, was exempt
2 from civil service and who may be transferred or appointed as a
3 consequence of this Act, may continue to retain the officer's or
4 employee's exempt status, but shall not be appointed to a civil
5 service position because of this Act. No such officer or
6 employee who is transferred or appointed as a consequence of
7 this Act shall suffer any loss of prior service credit,
8 vacation, sick leave, or other employee benefits or privileges
9 as a consequence of this Act. The attorney general may
10 prescribe the duties and qualifications of these employees, and
11 fix their salaries, without regard to chapter 76.

12 All appropriations, records, equipment, machines, files,
13 supplies, contracts, books, papers, documents, maps, and other
14 personal property heretofore made, used, acquired, or held by
15 the family support divisions of the county of Hawaii and the
16 city and county of Honolulu on September 30, 2007, relating to
17 the functions transferred to the department of the attorney
18 general shall be transferred with the functions to which they
19 relate on October 1, 2007.

20 The provisions of this section are to be liberally
21 construed to effectuate its purposes.



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.



Report Title:

State Finances; Child Support

Description:

Requires the Child Support Enforcement Agency to impose an annual fee where no public assistance had been paid to the custodial parent and collection for the case exceeds \$500. Transfers, effective 10/1/2007, child support enforcement personnel from the corporation counsel of the city and county of Honolulu and the county of Hawaii to the attorney general without loss of pay, benefits, or, where applicable, civil service status. (SD2)

