

ACT 167

H.B. NO. 162

A Bill for an Act Relating to State Finances.

*Be It Enacted by the Legislature of the State of Hawaii:*

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

**“[H]§576D-5[3] Fee for obtaining or enforcing nonpublic assistance order.** (a) The agency shall require the payment of a reasonable fee on the application of a person under section 576D-3(b)(3) who is not receiving public assistance for support of the child for assistance in obtaining or enforcing a child support order. The payment and amount of the fee shall be in compliance with applicable federal regulations promulgated under Title IV-D.

**(b) In the case of an individual who has never received public assistance for the support of a child under Title IV-A and for whom the State has collected not less than \$500 of support, the agency shall impose an annual fee of \$25 for each case in**

which Title IV-D services were furnished, which shall be retained in accordance with Title IV-D requirements; provided that the \$25 shall not be retained from the first \$500 so collected. Any fee collected shall be maintained by the agency and used as required under Title IV-D.”

SECTION 2. Effective October 1, 2007, personnel employed by the family support divisions of the county of Hawaii and the city and county of Honolulu whose functions, duties, responsibilities, and activities relate to child support enforcement shall be transferred to the department of the attorney general. There is established twenty-four permanent full-time equivalent (24.0 FTE) positions in the department of the attorney general to carry out the purposes of this Act.

Such employees holding civil service status shall be transferred to similar or corresponding positions in the department of the attorney general, subject to state personnel laws and this Act. All civil service employees shall acquire permanent civil service status within the meanings of chapter 76, Hawaii Revised Statutes, without the necessity of examination, and without loss of salary, seniority, prior service credit, any vacation and sick leave credits previously earned, and other rights, benefits, and privileges; provided that the employees possess the minimum qualifications for the class and/or position to which transferred or appointed, as applicable; provided further that subsequent changes in status may be made pursuant to applicable civil service and compensation laws.

In the event that an office or position held by any employee having permanent civil service status or membership is affected by workload changes or is abolished, such employee shall remain in the employment of the State in accordance with the civil service law, the applicable bargaining unit contract, or the state personnel rules and regulations, whichever is applicable.

Any employee who, prior to this Act, was exempt from civil service and who may be transferred as a consequence of this Act, may continue to retain the employee's exempt status, but shall not be appointed to a civil service position because of this Act. No employee who is transferred by this Act shall suffer any loss of prior service credit, any vacation and sick leave credits previously earned, or other employee benefits or privileges as a consequence of this Act. The attorney general may prescribe the duties and qualifications of such employees and fix their salaries without regard to chapter 76, Hawaii Revised Statutes.

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

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

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

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

(Approved June 12, 2007.)