

ACT 11

H.B. NO. 2447

A Bill for an Act Relating to Statutory Revision: Amending, Reenacting, or Repealing Various Provisions of the Hawaii Revised Statutes and the Session Laws of Hawaii for the Purpose of Correcting Errors and References, Clarifying Language, and Deleting or Repealing Obsolete or Unnecessary Provisions.

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

SECTION 1. Section 26-14.6, Hawaii Revised Statutes, is amended by amending subsection (f) to read as follows:

“(f) Effective July 1, 1990, the functions, authority, and obligations, together with the limitations imposed thereon and the privileges and immunities conferred thereby, exercised by a “sheriff”, “sheriffs”, a “sheriff’s deputy”, “sheriff’s deputies”, a “deputy sheriff”, “deputy sheriffs”, or a “deputy”, under sections 21-8, 47-18, 88-51, 105-4, 134-11, 134-51, 183D-11, 187A-14, 231-25, 281-108, 281-111, 286-52, 286-52.5, 321-1, 322-6, 325-9, 325-80, 353-11, [360-5, 360-14,] 201G-55, 201G-74, 383-71, 438-5, 445-37, 482E-4, 485-6, 501-42, 501-171, 501-218, 521-78, 578-4, 584-6, 587-33, 603-29, 604-6.2, 606-14, 607-2, 607-4, 607-8, 633-8, 634-11, 634-12, 634-21, 634-22, 651-33, 651-37, 651-51, 654-2, 655-2, 657-13, 660-16, 666-11, 666-21, 803-23, 803-34, 803-35, 804-14, 804-18, 804-41, 805-1, 806-71, and 832-23 shall be exercised to the same extent by the department of public safety.”

SECTION 2. Section 29-15.5, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) This section shall not affect sections [201E-161(b)(2),] 201G-312(b)(2), 212-7, or 523A-64.”

SECTION 3. Section 76-9, Hawaii Revised Statutes, is amended to read as follows:

“§76-9 Employees of the judiciary. It is the intent of the legislature that the personnel of the judiciary shall form a separately administered part of the system of personnel administration established by this chapter and chapter 77, unless specifically exempted by this chapter or any other law; provided that:

- (1) The judiciary shall have a status coequal with the executive branch of the State and with the several counties for purposes of the development of a position classification plan, the formulation of personnel rules and regulations, and the administration of the judiciary personnel system, including, but not limited to the classification, reclassification, allocation, and reallocation of a particular position, the publication of a vacancy announcement, the examination of applicants, and the preparation of eligible lists;
- (2) In the development of a position classification plan, the formulation of personnel rules and regulations, and the administration of the judiciary personnel system, the chief justice or the chief justice’s designee shall consult with the director of [personnel services;] human resources development;
- (3) Any action of the chief justice or the chief justice’s designee including the classification, reclassification, allocation, and reallocation of a particular position, the publication of a vacancy announcement, the examination of applicants, the preparation of an eligible list, and appeals from suspensions, dismissals and demotions may be appealed by any person, employee or the exclusive bargaining unit representative to the judiciary personnel appeals board. The board shall be composed of three members, one representative from the department of [personnel services,] human resources development, one representative of the judiciary and one exclusive bargaining unit representative. The provisions contained in section 26-34 shall not apply to the members of the judiciary personnel appeals board. The board shall sit as an appellate body on matters within the jurisdiction of the judiciary with equal authority as the civil service commission established by section 26-5;
- (4) Nothing in chapters 76 and 77 shall be construed to require the approval of the governor or any executive agency for the judiciary to establish such positions in the judicial branch as may be authorized and funded by the legislature.”

SECTION 4. Section 76-22.5, Hawaii Revised Statutes, is amended to read as follows:

“[[§76-22.5[] Recruitment flexibility. Notwithstanding section 76-23, the director of [personnel services] human resources development shall determine, establish, and maintain the manner in which positions shall be filled in accordance with section 78-1 and the following standards:

- (1) Equal opportunity for all regardless of race, sex, age, religion, color, ancestry, physical handicap, or politics;
- (2) First consideration for competent employees already within public service; and
- (3) Impartial selection of the ablest person through competitive means which are fair, objective, and practical.”

SECTION 5. Section 103D-108, Hawaii Revised Statutes, is amended to read as follows:

“[[§103D-108]] Compliance audit unit; duties and responsibilities.

The compliance audit unit shall:

- (1) Review and assess applicable innovations in procurement methods or processes in other governmental jurisdictions or as described in national or regional publications;
- (2) Review current or proposed statutes and rules to determine whether they promote fairness, efficiency, and accountability in the procurement process;
- (3) Review selected contracts awarded pursuant to section 103D-304;
- (4) Conduct studies, research, and analyses, and make reports and recommendations with respect to existing and new methods of procurement and other matters within the jurisdiction of the policy [office;] board;
- (5) Establish and maintain a procurement library;
- (6) Report to the appropriate agency and the chief procurement officer stating the areas of noncompliance and recommendations for remedial action; and
- (7) Be present at legislative hearings and policy [office] board meetings to present the findings of the unit.”

SECTION 6. Section 103D-209, Hawaii Revised Statutes, is amended to read as follows:

“§103D-209 Authority to contract for certain services. Except as provided in section 28-8.3 with respect to agencies of the State of Hawaii, any governmental body of this State may act as a purchasing agency and contract on its own behalf for professional services subject to this chapter and rules adopted by the policy [[board]]. The purchasing agency may consult with the chief procurement officer or the officer’s designee when procuring these services.”

SECTION 7. Section 103D-407, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) When purchasing roadway materials or other high-value, end-use applications for public projects, state agencies shall, and county agencies may, purchase materials with minimum recycled glass content meeting specifications adopted by the policy [[board]] which, at a minimum, shall provide for:

- (1) A minimum recycled glass content of ten per cent crushed aggregate in treated or untreated basecourse in paving materials that shall not reduce the quality standards for highway and road construction; and
- (2) The use of one hundred per cent aggregate in nonstructural capital improvement applications.”

SECTION 8. Section 103D-803, Hawaii Revised Statutes, is amended to read as follows:

“[[§103D-803]] Sale, acquisition, or use of goods by a public procurement unit. Any public procurement unit may sell to, acquire from, or use any goods belonging to another public procurement unit or external procurement [[unit]] independent of the requirements of parts III and XII.”

SECTION 9. Section 103D-804, Hawaii Revised Statutes, is amended to read as follows:

“§103D-804 Cooperative use of goods or services. A public procurement unit may enter into an agreement, independent of the requirements of parts III and

XII, with any other public procurement unit, external procurement [unit], or nonprofit private health and human services organizations for the cooperative use of goods or services under the terms agreed upon between the parties pursuant to rules adopted by the policy board.”

SECTION 10. Section 103D-805, Hawaii Revised Statutes, is amended to read as follows:

“**[§103D-805] Joint use of facilities.** Any public procurement unit may enter into agreements for the common use or lease of warehousing facilities, capital equipment, and other facilities with another public procurement unit or an external procurement [activity] unit under the terms agreed upon between the parties.”

SECTION 11. Section 103D-806, Hawaii Revised Statutes, is amended by amending subsections (a), (b), and (c) to read as follows:

“(a) Any public procurement unit is authorized, in its discretion, upon written request from another public procurement unit or external procurement [activity,] unit, to provide personnel to the requesting public procurement unit or external procurement [activity.] unit. The public procurement unit or external procurement [activity] unit making the request shall pay the public procurement unit providing the personnel the direct and indirect cost of furnishing the personnel, in accordance with an agreement between the parties.

(b) The informational, technical, and other services of any public procurement unit may be made available to any other public procurement unit or external procurement [activity] unit provided that the requirements of the public procurement unit tendering the services shall have precedence over the requesting public procurement unit or external procurement [activity.] unit. The requesting public procurement unit or external procurement [activity] unit shall pay for the expenses of the services so provided, in accordance with an agreement between the parties.

(c) Upon request, the chief procurement officer may make available to public procurement units or external procurement [activities,] units, any of the following services, among others:

- (1) Standard forms;
- (2) Printed manuals;
- (3) Product specifications and standards;
- (4) Quality assurance testing services and methods;
- (5) Qualified products lists;
- (6) Source information;
- (7) Common use commodities listings;
- (8) Supplier prequalification information;
- (9) Supplier performance ratings;
- (10) Debarred and suspended bidders lists;
- (11) Forms for invitations for bids, requests for proposals, instructions to bidders, general contract provisions, and other contract forms; and
- (12) Contracts or published summaries of contracts, including price and time of delivery information.”

SECTION 12. Section 103D-807, Hawaii Revised Statutes, is amended to read as follows:

“**[§103D-807] Use of payments received by a supplying public procurement unit.** All payments from any public procurement unit or external procurement [activity] unit received by a public procurement unit supplying personnel or

services shall be available to the supplying public procurement unit as authorized by law.”

SECTION 13. Section 103D-808, Hawaii Revised Statutes, is amended to read as follows:

“[[§103D-808[]] Public procurement units in compliance with requirements of this chapter. Where the public procurement unit or external procurement [activity] unit administering a cooperative purchase complies with the requirements of this chapter, any public procurement unit participating in the purchase shall be considered to have complied with this chapter. Public procurement units shall not enter into a cooperative purchasing agreement for the purpose of circumventing this chapter.”

SECTION 14. Section 166-3, Hawaii Revised Statutes, is amended to read as follows:

“§166-3 Authority to plan, develop, and manage agricultural parks. The department of agriculture shall plan, develop, and manage agricultural parks in accordance with this chapter, on public lands set aside by the governor for use as agricultural parks pursuant to section 171-11; on other lands with the approval of the board of agriculture as may be subject to a partnership agreement pursuant to sections 166-4 and 166-5; and on lands acquired by the department by way of foreclosure, voluntary surrender, or otherwise pursuant to section [155-4(12).] 155-4(11).”

SECTION 15. Section 206-1, Hawaii Revised Statutes, is amended by amending the definition of “lands” to read as follows:

““Lands” means either undeveloped lands or land together with improvements and appurtenances and includes real property as defined in section [356-2.] 201G-1. All lands owned by the State or any political subdivision or the federal government are “government lands”. All other lands are “private lands”.”

SECTION 16. Section 269-1, Hawaii Revised Statutes, is amended by amending the definition of “public utility” to read as follows:

““Public utility” includes every person who may own, control, operate, or manage as owner, lessee, trustee, receiver, or otherwise, whether under a franchise, charter, license, articles of association, or otherwise, any plant or equipment, or any part thereof, directly or indirectly for public use, for the transportation of passengers or freight, or the conveyance or transmission of telecommunications messages, or the furnishing of facilities for the transmission of intelligence by electricity by land or water or air within the State, or between points within the State, or for the production, conveyance, transmission, delivery, or furnishing of light, power, heat, cold, water, gas, or oil, or for the storage or warehousing of goods, or the disposal of sewage; provided that the term:

- (1) Shall include any person insofar as that person owns or operates a private sewer company or sewer facility;
- (2) Shall include telecommunications carrier or telecommunications common carrier;
- (3) Shall not include any person insofar as that person owns or operates an aerial transportation enterprise;
- (4) Shall not include persons owning or operating taxicabs, as defined in this section;

- (5) Shall not include common carriers transporting only freight on the public highways, unless operating within localities or along routes or between points that the public utilities commission finds to be inadequately serviced without regulation under this chapter;
- (6) Shall not include persons engaged in the business of warehousing or storage unless the commission finds that regulation thereof is necessary in the public interest;
- (7) Shall not include:
 - (A) The business of any carrier by water to the extent that the carrier enters into private contracts for towage, salvage, hauling, or carriage between points within the State and the carriage is not pursuant to either an established schedule or an undertaking to perform carriage services on behalf of the public generally; and
 - (B) The business of any carrier by water, substantially engaged in interstate or foreign commerce, transporting passengers on luxury cruises between points within the State or on luxury round-trip cruises returning to the point of departure;
- (8) Shall not include any person who:
 - (A) Controls, operates, or manages plants or facilities for the production, transmission, or furnishing of power primarily or entirely from nonfossil fuel sources; and
 - (B) Provides, sells, or transmits all of that power, except such power as is used in its own internal operations, directly to a public utility for transmission to the public;
- (9) Shall not include a telecommunications provider only to the extent determined by the commission pursuant to section 269-16.9; and
- (10) Shall not include any person who controls, operates, or manages ☐plants☐ or facilities developed pursuant to chapter 167 for conveying, distributing, and transmitting water for irrigation and such other purposes that shall be held for public use and purpose.

In the event the application of this chapter is ordered by the commission in any case provided in paragraphs (5), (6), (9), and (10), the business of any public utility that presents evidence of bona fide operation on the date of the commencement of the proceedings resulting in the order shall be presumed to be necessary to public convenience and necessity, but any certificate issued under this proviso shall nevertheless be subject to such terms and conditions as the commission may prescribe, as provided in sections 269-16.9 and 269-20."

SECTION 17. Section 269-33, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) There is established in the state treasury a public utilities commission special fund to be administered by the public utilities commission. The proceeds of the fund shall be used by the public utilities commission and the division of consumer advocacy of the department of commerce and consumer affairs for all expenses incurred in the administration of chapters 269, 271, 271G, and [486I;] 486J; provided that the expenditures of the public utilities commission shall be in accordance with legislative appropriations. On a quarterly basis, an amount not exceeding thirty per cent of the proceeds remaining in the fund after the deduction for central service expenses, pursuant to section 36-27, shall be allocated by the public utilities commission to the division of consumer advocacy; provided that all moneys allocated by the public utilities commission from the fund to the division of consumer advocacy shall be in accordance with legislative appropriations."

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SECTION 18. Section 330-8, Hawaii Revised Statutes, is amended to read as follows:

“§330-8 Use of certain chemical substances as inhalants unlawful. It shall be unlawful for any person to use as an inhalant any substance, not a “food” as defined in section [328-1(3),] 328-1, which substance includes in its composition volatile organic solvents including amylacetate, trichloroethylene, and acetone or any other chemical substance, capable of producing upon inhalation any degree of intoxication; provided that this section shall not apply to any person using as an inhalant any such chemical substance pursuant to the direction of a physician.”

SECTION 19. Section 353-22.8, Hawaii Revised Statutes, is amended to read as follows:

“§353-22.8 Orders for payment of child support. The director of public safety shall comply with orders for payment of child support from inmate individual trust accounts to the child support enforcement agency pursuant to section 571-52, 571-52.2, 576D-14, or 576E-16, this section, or chapter [576 or its successor.] 576B. When the total of all new deposits and credits to the inmate’s individual trust account in a given month is less than or equal to \$15, no payment shall be made for child support that month out of the trust account. When the total of all new deposits and credits to the inmate’s individual trust account in a given month exceeds \$15, no more than thirty per cent of the total new deposit or credit to the individual’s trust account shall be paid for child support out of the account for that month.”

SECTION 20. Section 412:7-306, Hawaii Revised Statutes, is amended by amending subsection (h) to read as follows:

“(h) To the extent specified herein, a savings and loan association may invest its own assets in limited partnerships formed to invest in residential properties which will qualify for the low income housing tax credit under section 42 of the Internal Revenue Code of 1986, as amended, and under chapters 235 and 241; provided that the total amount invested by a savings and loan association under this subsection in any one limited partnership shall not, without the prior approval of the commissioner, exceed two per cent of the savings and loan association’s capital and surplus and the aggregate amount invested under this subsection shall not, without the prior approval of the commissioner, exceed five per cent of the savings and loan association’s capital and surplus. In no case shall the aggregate amount invested by a savings and loan association under this subsection exceed ten per cent of the savings and loan association’s capital and surplus.”

SECTION 21. Section 428-1007, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

“(e) The foreign limited liability company, with the approval of the director, may omit the publication of the notice if the foreign limited liability company has insufficient assets to pay for the publication.”

SECTION 22. Section 428-1204, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) The director may direct to any limited liability company or foreign limited liability company subject to this chapter, and to any member or manager of any limited liability company or foreign limited liability company subject to this chapter, any interrogatories reasonably necessary and proper to enable the director to ascertain whether the limited liability company or foreign limited liability company

has complied with all of the provisions of this chapter applicable to the limited liability company or foreign limited liability company.

The interrogatories shall be answered within thirty days after the date of mailing, or within such additional time as shall be fixed by the director. The answers to the interrogatories shall be full and complete and shall be made in writing and under oath. If the interrogatories are directed to an individual, they shall be answered by the individual, and if directed to a limited liability company or foreign limited liability company, they shall be answered by a manager of a manager-managed company, a member of a member-managed company, or fiduciary if the company is in the hands of a receiver, trustee, or other court appointed fiduciary.

The director need not file any record in a court of competent jurisdiction to which the interrogatories relate until the interrogatories are answered as provided in this section, and not then if the answers thereto disclose that the record is not in conformity with the requirements of this chapter. The director shall certify to the attorney general, for such action as the attorney general may deem appropriate, all interrogatories and answers which disclose a violation of this chapter.”

SECTION 23. Section 428-1301, Hawaii Revised Statutes, is amended to read as follows:

“**[[§428-1301]] Fees.** The following fees shall be paid to the director upon the filing and issuance of records under this chapter:

- (1) Articles of organization, \$100;
- (2) Articles of amendment, \$50;
- (3) Restated articles of organization, \$50;
- (4) Articles of merger, \$200;
- (5) Statement of dissociation, \$50;
- (6) Articles of termination, \$50;
- (7) Application for reinstatement for administratively terminated limited liability company, \$50;
- (8) Annual report, \$25;
- (9) Statement of change of designated office or agent for service of process, or both, for limited liability company or foreign limited liability company, \$50;
- (10) Statement of resignation of agent for service of process, \$50;
- (11) Any other statement or document of a domestic or foreign limited liability company, \$50;
- (12) Application for certificate of authority for foreign limited liability company, \$100;
- (13) Application for cancellation of authority of foreign limited liability company, \$50;
- (14) Reservation of name, \$25;
- (15) Good standing certificate, \$25;
- (16) Any other record not otherwise covered in this part, \$50;
- (17) Certified copy of any record relating to a limited liability company or foreign limited liability company, 25 cents per page, and \$10 for the certificate and affixing the seal thereto;
- (18) Special handling fee for review of any record other than articles of merger, \$80;
- (19) Special handling fee for review of articles of merger, \$200;
- (20) Special handling fee for certificates issued by the director not otherwise covered by this part, \$10 per certificate;
- (21) Special handling fee for certification of record, \$1 per page; and

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- (22) Any service of notice, demand, or process upon the director as agent for service of process of a limited liability company or foreign limited liability company, \$50, which amount may be recovered as taxable costs by the party to the suit or action causing such service to be made if such party prevails in the suit or action.

All special handling fees shall be credited to the special fund authorized by section 415-128.”

SECTION 24. Section 514A-14.5, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) This section does not apply:

- (1) To apartments developed under chapters [356,] 201G and 359[, and 201G]; and
- (2) To apartments in a mixed-use project developed under chapter 206E that has a shared parking program approved by the Hawaii community development authority; provided that such a program shall require the availability of the use of not less than one parking space per apartment.”

SECTION 25. Section 514A-62, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) Unless such right has previously been waived pursuant to subsection (a), a prospective purchaser shall have the right to cancel any agreement for the [[purchase[]] or reservation of an apartment at any time prior to the earlier of:

- (1) The conveyance of the apartment to the prospective purchaser; or
- (2) Midnight of the thirtieth day following the date of delivery of the first of either the contingent final public report or the final public report to such purchaser,

and, upon any such cancellation, shall be entitled to a prompt and full refund of all moneys paid, less any escrow cancellation fee and other costs associated with the [[purchase[]], up to a maximum of \$250.”

SECTION 26. Section 516-31, Hawaii Revised Statutes, is amended to read as follows:

“**\$516-31 Disposition by lease.** The housing and community development corporation of Hawaii may lease any of the residential lots in a development tract at such lease rentals and upon such terms and conditions as it may determine. The leases shall be subject to all of the rights of lessees enumerated in part III of this chapter. The corporation may, in its discretion, utilize any of the residential lots and rent out the same for periods of twenty years or less for the purposes set forth in chapters [356 to 360,] 201G and 359, or for any other purpose, all upon such terms and conditions as the corporation may determine.”

SECTION 27. Section 521-7, Hawaii Revised Statutes, is amended to read as follows:

“**\$521-7 Exclusions from application of chapter.** Unless created solely to avoid the application of this chapter, this chapter shall not apply to:

- (1) Residence at an institution, whether public or private, where residence is merely incidental to detention or the provision of medical, geriatric, educational, religious, or similar services;
- (2) Residence in a structure directly controlled and managed by the University of Hawaii for housing students or faculty of the University of

- Hawaii or residence in a structure erected on land leased from the University of Hawaii by a nonprofit corporation for the exclusive purpose of housing students or faculty of the University of Hawaii;
- (3) Occupancy under a bona fide contract of sale of the dwelling unit or the property of which it is a part where the tenant is, or succeeds to the interest of, the purchaser;
 - (4) Residence by a member of a fraternal organization in a structure operated without profit for the benefit of the organization;
 - (5) Transient occupancy on a day-to-day basis in a hotel or motel;
 - (6) Occupancy by an employee of the owner or landlord whose right to occupancy is conditional upon such employment or by a pensioner of the owner or landlord or occupancy for a period of up to four years subsequent thereto, pursuant to a plan for the transfer of the dwelling unit or the property of which it is a part to the occupant;
 - (7) A lease of improved residential land for a term of fifteen years or more, measured from the date of the commencement of the lease;
 - (8) Occupancy by the prospective purchaser after an accepted offer to purchase and prior to the actual transfer of the owner's rights;
 - (9) Occupancy in a homeless facility, or any other program for the homeless authorized under chapter [358D;] 201G, part IV;
 - (10) Residence or occupancy in a public housing complex or shelter directly controlled, owned, or managed by the housing and community development corporation of Hawaii; or
 - (11) Residence or occupancy in a transitional facility for abused family or household members.”

SECTION 28. Section 571-84.5, Hawaii Revised Statutes, is amended to read as follows:

“[[§571-84.5[]] Support order, decree, judgment, or acknowledgment; social security number. The social security number of any individual who is a party to a divorce decree, or subject to a support order or paternity determination, or has made an acknowledgment of paternity issued under this chapter or chapter [576,] 576B, 580, or 584 shall be placed in the records relating to the matter.”

SECTION 29. Section 576E-2, Hawaii Revised Statutes, is amended to read as follows:

“§576E-2 Attorney general; powers. Notwithstanding any other law to the contrary, the attorney general, through the agency and the office, shall have concurrent jurisdiction with the court in all proceedings in which a support obligation is established, modified, or enforced, including but not limited to proceedings under chapters 571, 580, 584, and 576B, the Uniform Interstate Family Support Act. The attorney general, through the agency and the office, may establish, modify, suspend, terminate, and enforce child support obligations and collect or enforce spousal support using the administrative process provided in this chapter on all cases for which the department has a responsibility under Title IV-D of the Social Security Act, including but not limited to welfare and nonwelfare cases in which the responsible parent is subject to the department's jurisdiction, regardless of the residence of the children for whom support is sought. These powers shall include but not be limited to the power to:

- (1) Conduct investigations into the ability of parties to pay support and into nonpayment of support;

- (2) Administer oaths, issue subpoenas, and require production of books, accounts, documents, and evidence;
- (3) Establish, modify, suspend, terminate, or enforce a child support order and to collect or enforce a spousal support order in conjunction with a child support order;
- (4) Determine that a party has not complied with a court or administrative order and make recommendations to the court or other agency with respect to contempt or other appropriate proceedings;
- (5) Establish arrearage;
- (6) Establish a public assistance debt under section 346-37.1;
- (7) Order and enforce assignment of future income under section 576E-16, chapter 571, and section 576D-14;
- (8) Exercise the powers and authority described in this section, notwithstanding the existence of a prior court or administrative order issued by another state or foreign jurisdiction, except as modified or limited by this chapter;
- (9) Determine that an obligor owes past-due support with respect to a child receiving assistance under a state program funded under Title IV-A of the Social Security Act, including Aid to Families with Dependent Children and Temporary Assistance to Needy Families and petition the court to issue an order that requires the obligor to pay such support in accordance with a plan approved by the court or, if the obligor is subject to such a plan and is not incapacitated, participate in work activities, as defined in 42 U.S.C. §607(d), as the court deems appropriate;
- (10) Order genetic testing pursuant to chapter 584 for the purpose of establishing paternity;
- (11) Exercise the powers and authority described in this section, notwithstanding the existence of a prior court or administrative order issued by another state or foreign jurisdiction, except as modified or limited by this chapter and chapter [[576B, the Uniform Interstate Family Support Act[]]; and
- (12) Delegate the powers and authority described in this section to hearings officers and employees of the agency.”

SECTION 30. Section 576E-10, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) In exercising the powers conferred upon the attorney general in section 576E-2, the hearings officers shall have the authority to conduct hearings and enter the following orders:

- (1) Child support orders which have the effect of modifying, suspending, terminating, or enforcing the child support provisions of orders of the family courts;
- (2) Child support orders establishing, modifying, suspending, terminating, or enforcing child support obligations;
- (3) Orders enforcing the collection of spousal support when child support is being established, modified, or enforced;
- (4) Income withholding orders pursuant to section 576E-16;
- (5) Automatic income assignment orders pursuant to sections 571-52.2 and 576D-14;
- (6) Interstate income withholding orders pursuant to chapter [576 or its successor:] 576B;
- (7) State income tax refund setoff orders pursuant to section 231-54;

- (8) Orders determining whether Aid to Families with Dependent Children pass through payments were properly distributed;
- (9) Orders determining whether a party should be required to post bond in order to secure payment of past due support pursuant to section 576D-6;
- (10) Medical insurance coverage orders;
- (11) Orders suspending or denying the granting, the renewal, the reinstatement, or the restoration of licenses or applications of an obligor or individual for noncompliance with an order of support or failure to comply with a subpoena or warrant relating to a paternity or child support proceeding, and authorizations allowing the reinstatement of suspended licenses or consideration of license applications pursuant to section 576D-13; and
- (12) Orders in other child support areas as authorized by the attorney general.”

SECTION 31. Section 577-14, Hawaii Revised Statutes, is amended to read as follows:

“§577-14 Children born to parents not married to each other; support.

Except as otherwise provided by law, children whose parents have not been legally married, in contemplation of chapter 572, shall be designated as children whose parents have not been married to [[each[]] other at the time of the children’s birth, provided that any person, who in writing duly acknowledged before an officer authorized to take acknowledgments declares himself to be the father of those children, shall be compellable to provide those children with necessary maintenance and support and to pay the expenses of the mother’s pregnancy and confinement. The mothers in all cases shall be compellable to maintain and support them during their minority.”

SECTION 32. Section 634-37, Hawaii Revised Statutes, is amended to read as follows:

“[[§634-37[]] Presumption of notice and service of process in child support cases. Whenever notice and service of process is required for child support enforcement proceedings subsequent to an order issued pursuant to chapter 571, [576 or its successor,] 576B, 576E, 580, or 584, upon a showing that diligent effort has been made to ascertain the location of a party, notice and service of process shall be presumed to be satisfied upon delivery of written notice to the most recent residential or employer address on file with the state case registry pursuant to section 571-52.6.”

SECTION 33. Act 200, Session Laws of Hawaii 1994, is amended by amending section 17 to read as follows:

“SECTION 17. This Act shall take effect on July 1, 1994, and shall be repealed on December 31, 1997[.]; provided that section 78-4 shall be reenacted in the form in which it read on the day before the approval of this Act.”

SECTION 34. Act 236, Session Laws of Hawaii 1997, is amended by amending the prefatory language in section 1 to read as follows:

“SECTION 1. [Chapter] Section 304-7, Hawaii Revised Statutes, is amended to read as follows:”

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SECTION 35. Act 236, Session Laws of Hawaii 1997, is amended by amending the prefatory language in section 2 to read as follows:

“SECTION 2. [Chapter] Section 304-9, Hawaii Revised Statutes, is amended to read as follows:”

SECTION 36. Act 251, Session Laws of Hawaii 1997, is amended by amending the prefatory language in section 55 to read as follows:

“SECTION 55. Section [413:12-101,] 431:12-101, Hawaii Revised Statutes, is amended to read as follows:”

SECTION 37. Act 367, Session Laws of Hawaii 1997, is amended by amending the prefatory language in section 2 to read as follows:

“SECTION 2. Section [431:1-502,] 432:1-502, Hawaii Revised Statutes, is amended to read as follows:”

SECTION 38. This Act shall be amended to conform to all other acts passed by the legislature during this regular session of 1998, whether enacted before or after the effective date of this Act, unless the other acts specifically provide otherwise.

SECTION 39. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 40. This Act shall take effect upon its approval; provided that:

- (1) Sections 1, 2, 15, 24, 26, and 27 shall take effect on July 1, 1998;
- (2) Section 33 shall take effect retroactive to July 1, 1994;
- (3) Sections 34 and 35 shall take effect retroactive to June 17, 1997;
- (4) Section 36 shall take effect retroactive to January 1, 1998; and
- (5) Section 37 shall take effect retroactive to July 3, 1997.

(Approved April 7, 1998.)