
A BILL FOR AN ACT

RELATING TO CIVIL SERVICE.

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

1 SECTION 1. The legislature finds that the department of
2 land and natural resources' state historic preservation division
3 experiences significant recruitment difficulties. The division
4 competes directly with cultural resource consultancies and the
5 federal government. To be competitive with the private sector,
6 state historic preservation staff need wage increases between
7 twelve and fifty per cent. Although the current fiscal year
8 budget allows the state historic preservation division to make
9 these wage adjustments, such adjustments are not possible if the
10 positions are converted to civil service as the wages would be
11 set by the department of human resources development.

12 The purpose of this Act is to allow the state historic
13 preservation division to offer more competitive wages for its
14 staff by authorizing the division to employ professional and
15 technical staff exempt from civil service laws.

16 SECTION 2. Section 6E-3, Hawaii Revised Statutes, is
17 amended to read as follows:



1 **"§6E-3 Historic preservation program.** There is
2 established within the department a division to administer a
3 comprehensive historic preservation program, which shall include
4 but not be limited to the following:

- 5 (1) Development of an ongoing program of historical,
6 architectural, and archaeological research and
7 development, including surveys, excavations,
8 scientific recording, interpretation, signage, and
9 publications on the State's historical and cultural
10 resources;
- 11 (2) Acquisition of historic or cultural properties, real
12 or personal, in fee or in any lesser interest, by
13 gift, purchase, condemnation, devise, bequest, land
14 exchange, or other means; preservation, restoration,
15 administration, or transference of the property; and
16 the charging of reasonable admissions to that
17 property;
- 18 (3) Development of a statewide survey and inventory to
19 identify and document historic properties, aviation
20 artifacts, and burial sites, including all those owned
21 by the State and the counties;



- 1 (4) Preparation of information for the Hawaii register of
2 historic places and listing on the national register
3 of historic places;
- 4 (5) Preparation, review, and revisions of a state historic
5 preservation plan, including budget requirements and
6 land use recommendations;
- 7 (6) Application for and receipt of gifts, grants,
8 technical assistance, and other funding from public
9 and private sources for the purposes of this chapter;
- 10 (7) Provision of technical and financial assistance to the
11 counties and public and private agencies involved in
12 historic preservation activities;
- 13 (8) Coordination of activities of the counties in
14 accordance with the state plan for historic
15 preservation;
- 16 (9) Stimulation of public interest in historic
17 preservation, including the development and
18 implementation of interpretive programs for historic
19 properties listed on or eligible for the Hawaii
20 register of historic places;



- 1 (10) Coordination of the evaluation and management of
2 burial sites as provided in section 6E-43;
- 3 (11) Acquisition of burial sites in fee or in any lesser
4 interest, by gift, purchase, condemnation, devise,
5 bequest, land exchange, or other means, to be held in
6 trust;
- 7 (12) Submittal of an annual report to the governor and
8 legislature detailing the accomplishments of the year,
9 recommendations for changes in the state plan or
10 future programs relating to historic preservation, and
11 an accounting of all income, expenditures, and the
12 fund balance of the Hawaii historic preservation
13 special fund;
- 14 (13) Regulation of archaeological activities throughout the
15 State;
- 16 (14) Employment of sufficient professional and technical
17 staff for the purposes of this chapter [~~which shall be~~
18 ~~in accordance with~~] who may be exempt from chapter 76;
19 provided that notwithstanding section 76-16(b)(17)(A),
20 the exemptions for these positions shall not expire;



1 (15) The charging of fees to be determined by the
2 department that are proportional to the nature and
3 complexity of the projects or services provided, and
4 adjusted from time to time to ensure that the
5 proceeds, together with all other fines, income, and
6 penalties collected under this chapter, do not surpass
7 the annual operating costs of the comprehensive
8 historic preservation program;

9 (16) Adoption of rules in accordance with chapter 91,
10 necessary to carry out the purposes of this chapter;
11 and

12 (17) Development and adoption, in consultation with the
13 office of Hawaiian affairs native historic
14 preservation council, of rules governing permits for
15 access by native Hawaiians and Hawaiians to cultural,
16 historic, and pre-contact sites and monuments."

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



H.B. NO. 203

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

2

INTRODUCED BY:

Kindelchizone

JAN 18 2023



H.B. NO. 263

Report Title:

State Historic Preservation Division; Civil Service Exemption

Description:

Allows professional and technical staff of the state historic preservation division to be exempt from civil service laws.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

