

S.B. NO. 1463

JAN 23 2025

A BILL FOR AN ACT

RELATING TO EMPLOYMENT IN THE STATE HISTORIC PRESERVATION PROGRAM.

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

SECTION 1. Section 6E-3, Hawaii Revised Statutes, is amended to read as follows:

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

(1) Development of an ongoing program of historical, architectural, and archaeological research and development, including surveys, excavations, scientific recording, interpretation, signage, and publications on the State's historical and cultural resources;

(2) Acquisition of historic or cultural properties, real or personal, in fee or in any lesser interest, by gift, purchase, condemnation, devise, bequest, land exchange, or other means; preservation, restoration, administration, or transference of the property; and

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the charging of reasonable admissions to that property;

(3) Development of a statewide survey and inventory to identify and document historic properties, aviation artifacts, and burial sites, including all those owned by the State and the counties;

(4) Preparation of information for the Hawaii register of historic places and listing on the national register of historic places;

(5) Preparation, review, and revisions of a state historic preservation plan, including budget requirements and land use recommendations;

(6) Application for and receipt of gifts, grants, technical assistance, and other funding from public and private sources for the purposes of this chapter;

(7) Provision of technical and financial assistance to the counties and public and private agencies involved in historic preservation activities;

(8) Coordination of activities of the counties in accordance with the state plan for historic preservation;

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- 1 (9) Stimulation of public interest in historic
2 preservation, including the development and
3 implementation of interpretive programs for historic
4 properties listed on or eligible for the Hawaii
5 register of historic places;
6 (10) Coordination of the evaluation and management of
7 burial sites as provided in section 6E-43;
8 (11) Acquisition of burial sites in fee or in any lesser
9 interest, by gift, purchase, condemnation, devise,
10 bequest, land exchange, or other means, to be held in
11 trust;
12 (12) Submittal of an annual report to the governor and
13 legislature detailing the accomplishments of the year,
14 recommendations for changes in the state plan or
15 future programs relating to historic preservation, and
16 an accounting of all income, expenditures, and the
17 fund balance of the Hawaii historic preservation
18 special fund;
19 (13) Regulation of archaeological activities throughout the
20 State;

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(14) Employment of sufficient professional and technical staff for the purposes of this chapter which ~~[shall]~~ may be in accordance with chapter 76;

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

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

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

SECTION 2. Section 76-16, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

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"(b) The civil service to which this chapter applies shall comprise all positions in the State now existing or hereafter established and embrace all personal services performed for the State, except the following:

- (1) Commissioned and enlisted personnel of the Hawaii National Guard and positions in the Hawaii National Guard that are required by state or federal laws or regulations or orders of the National Guard to be filled from those commissioned or enlisted personnel;
- (2) Positions filled by persons employed by contract where the director of human resources development has certified that the service is special or unique or is essential to the public interest and that, because of circumstances surrounding its fulfillment, personnel to perform the service cannot be obtained through normal civil service recruitment procedures. Any contract may be for any period not exceeding one year;
- (3) Positions that must be filled without delay to comply with a court order or decree if the director determines that recruitment through normal recruitment civil service procedures would result in delay or

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1 noncompliance, such as the Felix-Cayetano consent
2 decree;

3 (4) Positions filled by the legislature or by either house
4 or any committee thereof;

5 (5) Employees in the office of the governor and office of
6 the lieutenant governor, and household employees at
7 Washington Place;

8 (6) Positions filled by popular vote;

9 (7) Department heads, officers, and members of any board,
10 commission, or other state agency whose appointments
11 are made by the governor or are required by law to be
12 confirmed by the senate;

13 (8) Judges, referees, receivers, masters, jurors, notaries
14 public, land court examiners, court commissioners, and
15 attorneys appointed by a state court for a special
16 temporary service;

17 (9) One bailiff for the chief justice of the supreme court
18 who shall have the powers and duties of a court
19 officer and bailiff under section 606-14; one
20 secretary or clerk for each justice of the supreme
21 court, each judge of the intermediate appellate court,
22 and each judge of the circuit court; one secretary for

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1 the judicial council; one deputy administrative
2 director of the courts; three law clerks for the chief
3 justice of the supreme court, two law clerks for each
4 associate justice of the supreme court and each judge
5 of the intermediate appellate court, one law clerk for
6 each judge of the circuit court, two additional law
7 clerks for the civil administrative judge of the
8 circuit court of the first circuit, two additional law
9 clerks for the criminal administrative judge of the
10 circuit court of the first circuit, one additional law
11 clerk for the senior judge of the family court of the
12 first circuit, two additional law clerks for the civil
13 motions judge of the circuit court of the first
14 circuit, two additional law clerks for the criminal
15 motions judge of the circuit court of the first
16 circuit, and two law clerks for the administrative
17 judge of the district court of the first circuit; and
18 one private secretary for the administrative director
19 of the courts, the deputy administrative director of
20 the courts, each department head, each deputy or first
21 assistant, and each additional deputy, or assistant
22 deputy, or assistant defined in paragraph (16);

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(10) First deputy and deputy attorneys general, the administrative services manager of the department of the attorney general, one secretary for the administrative services manager, an administrator and any support staff for the criminal and juvenile justice resources coordination functions, and law clerks;

(11) (A) Teachers, principals, vice-principals, complex area superintendents, deputy and assistant superintendents, other certificated personnel, and no more than twenty noncertificated administrative, professional, and technical personnel not engaged in instructional work;

(B) Effective July 1, 2003, teaching assistants, educational assistants, bilingual or bicultural school-home assistants, school psychologists, psychological examiners, speech pathologists, athletic health care trainers, alternative school work study assistants, alternative school educational or supportive services specialists, alternative school project coordinators, and

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communications aides in the department of
education;

(C) The special assistant to the state librarian and
one secretary for the special assistant to the
state librarian; and

(D) Members of the faculty of the [~~University~~]
university of Hawaii, including research workers,
extension agents, personnel engaged in
instructional work, and administrative,
professional, and technical personnel of the
university;

(12) Employees engaged in special, research, or
demonstration projects approved by the governor;

(13) (A) Positions filled by inmates, patients of state
institutions, and persons with severe physical or
mental disabilities participating in the work
experience training programs;

(B) Positions filled with students in accordance with
guidelines for established state employment
programs; and

(C) Positions that provide work experience training
or temporary public service employment that are

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1 filled by persons entering the workforce or
2 persons transitioning into other careers under
3 programs such as the federal Workforce Investment
4 Act of 1998, as amended, or the Senior Community
5 Service Employment Program of the Employment and
6 Training Administration of the United States
7 Department of Labor, or under other similar state
8 programs;

9 (14) A custodian or guide at Iolani Palace, the Royal
10 Mausoleum, and Hulihee Palace;

11 (15) Positions filled by persons employed on a fee,
12 contract, or piecework basis, who may lawfully perform
13 their duties concurrently with their private business
14 or profession or other private employment and whose
15 duties require only a portion of their time, if it is
16 impracticable to ascertain or anticipate the portion
17 of time to be devoted to the service of the State;

18 (16) Positions of first deputies or first assistants of
19 each department head appointed under or in the manner
20 provided in section 6, article V, of the Hawaii State
21 Constitution; three additional deputies or assistants
22 either in charge of the highways, harbors, and

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1 airports divisions or other functions within the
2 department of transportation as may be assigned by the
3 director of transportation, with the approval of the
4 governor; one additional deputy in the department of
5 human services either in charge of welfare or other
6 functions within the department as may be assigned by
7 the director of human services; four additional
8 deputies in the department of health, each in charge
9 of one of the following: behavioral health,
10 environmental health, hospitals, and health resources
11 administration, including other functions within the
12 department as may be assigned by the director of
13 health, with the approval of the governor; two
14 additional deputies in charge of the law enforcement
15 programs, administration, or other functions within
16 the department of law enforcement as may be assigned
17 by the director of law enforcement, with the approval
18 of the governor; three additional deputies each in
19 charge of the correctional institutions,
20 rehabilitation services and programs, and
21 administration or other functions within the
22 department of corrections and rehabilitation as may be

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1 assigned by the director of corrections and
2 rehabilitation, with the approval of the governor; two
3 administrative assistants to the state librarian; and
4 an administrative assistant to the superintendent of
5 education;

6 (17) Positions specifically exempted from this part by any
7 other law; provided that:

8 (A) Any exemption created after July 1, 2014, shall
9 expire three years after its enactment unless
10 affirmatively extended by an act of the
11 legislature; and

12 (B) All of the positions defined by paragraph (9)
13 shall be included in the position classification
14 plan;

15 (18) Positions in the state foster grandparent program and
16 positions for temporary employment of senior citizens
17 in occupations in which there is a severe personnel
18 shortage or in special projects;

19 (19) Household employees at the official residence of the
20 president of the [~~University~~] university of Hawaii;

21 (20) Employees in the department of education engaged in
22 the supervision of students during meal periods in the

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distribution, collection, and counting of meal tickets, and in the cleaning of classrooms after school hours on a less than half-time basis;

(21) Employees hired under the tenant hire program of the Hawaii public housing authority; provided that no more than twenty-six per cent of the authority's workforce in any housing project maintained or operated by the authority shall be hired under the tenant hire program;

(22) Positions of the federally funded expanded food and nutrition program of the ~~[University]~~ university of Hawaii that require the hiring of nutrition program assistants who live in the areas they serve;

(23) Positions filled by persons with severe disabilities who are certified by the state vocational rehabilitation office that they are able to perform safely the duties of the positions;

(24) The sheriff;

(25) A gender and other fairness coordinator hired by the judiciary;

(26) Positions in the Hawaii National Guard youth and adult education programs;

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- 1 (27) In the Hawaii state energy office in the department of
2 business, economic development, and tourism, all
3 energy program managers, energy program specialists,
4 energy program assistants, and energy analysts;
5 (28) Administrative appeals hearing officers in the
6 department of human services;
7 (29) In the Med-QUEST division of the department of human
8 services, the division administrator, finance officer,
9 health care services branch administrator, medical
10 director, and clinical standards administrator;
11 (30) In the director's office of the department of human
12 services, the enterprise officer, information security
13 and privacy compliance officer, security and privacy
14 compliance engineer, security and privacy compliance
15 analyst, information technology implementation
16 manager, assistant information technology
17 implementation manager, resource manager, community or
18 project development director, policy director, special
19 assistant to the director, and limited English
20 proficiency project manager or coordinator;
21 (31) The Alzheimer's disease and related dementia services
22 coordinator in the executive office on aging;

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1 (32) In the Hawaii emergency management agency, the
2 executive officer, public information officer, civil
3 defense administrative officer, branch chiefs, and
4 emergency operations center state warning point
5 personnel; provided that for state warning point
6 personnel, the director shall determine that
7 recruitment through normal civil service recruitment
8 procedures would result in delay or noncompliance;

9 (33) The executive director and seven full-time
10 administrative positions of the school facilities
11 authority;

12 (34) Positions in the Mauna Kea stewardship and oversight
13 authority;

14 (35) In the office of homeland security of the department
15 of law enforcement, the statewide interoperable
16 communications coordinator;

17 (36) In the social services division of the department of
18 human services, the business technology analyst;

19 [+] (37) [+] The executive director and staff of the 911 board;

20 [+] (38) [+] Senior software developers in the department of
21 taxation;

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[+] (39) [+] In the department of law enforcement, five

Commission on Accreditation for Law Enforcement

Agencies, Inc., coordinator positions;

[+] (40) [+] The state fire marshal; ~~and~~

[+] (41) [+] The administrator for the law enforcement standards

board[-]; and

(42) Professional and technical staff within the state

historic preservation division of the department of

land and natural resources.

The director shall determine the applicability of this section to specific positions.

Nothing in this section shall be deemed to affect the civil service status of any incumbent as it existed on July 1, 1955."

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.

INTRODUCED BY: 

BY REQUEST

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Report Title:

DLNR; State Historic Preservation Program; Employees

Description:

Amend sections 6E-3 and 76-16(b), HRS, to allow the Department of Land and Natural Resources to employ both civil service and non-civil service professional and technical staff in its State Historic Preservation Program.

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

JUSTIFICATION SHEET

SB. NO. 1463

DEPARTMENT: Land and Natural Resources

TITLE: A BILL FOR AN ACT RELATING TO EMPLOYMENT IN THE STATE HISTORIC PRESERVATION PROGRAM.

PURPOSE: To allow the state historic preservation program to employ both civil service and non-civil service professional and technical staff.

MEANS: Amend sections 6E-3 and 76-16(b), Hawaii Revised Statutes (HRS).

JUSTIFICATION: This bill is needed to allow the state historic preservation program to employ both civil service and non-civil service professional and technical staff. This bill also seeks to amend section 76-16, Hawaii Revised Statutes by amending subsection (b).

Currently, section 6E-3, HRS, requires that the state historic preservation program employ professional and technical staff in accordance with chapter 76, HRS. Authorizing a civil service exemption for these employees will prevent a decrease of wages for existing non-civil service staff which could lead to a loss of staff and inability to fill vacant positions.

Impact on the public: This bill will allow the state historic preservation program to maintain competitive compensation to the private sector, retain staff, and fill vacancies. The Historic Preservation Division will be able to fulfill its responsibilities under chapter 6E, HRS, more quickly and limit delays in processing permits and project reviews.

Impact on the department and other agencies: This bill will provide the Department with a valuable tool and incentive to maintain staff and fill vacancies while preventing decreases in existing employee compensation.

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GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: LNR 802.

OTHER AFFECTED
AGENCIES: Department of Human Resources.

EFFECTIVE DATE: Upon approval.