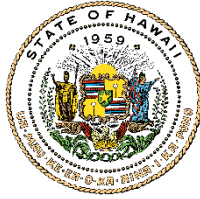


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GOVERNOR | KE KIA'ĀINA

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CONSERVATION AND RESOURCES
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FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Testimony of
DAWN N. S. CHANG
Chairperson

Before the House Committee on
LABOR

Tuesday, February 11, 2025
9:00AM

House Conference Room 309 & Via Videoconference

In consideration of
HOUSE BILL 1144, HOUSE DRAFT 1
RELATING TO EMPLOYMENT IN THE STATE HISTORIC PRESERVATION PROGRAM

House Bill 1144 HD 1 amends 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 Department of Land and Natural Resources (Department) strongly supports this measure and offers the following comments.**

The framework for a comprehensive statewide historic preservation program in Hawai'i is established under Chapter 6E, HRS. However, in order to meet the historic preservation program requirements identified in statute and to ensure that historic preservation reviews conducted pursuant to sections 6E-8, 6E-10, 6E-42, and 6E-43, HRS, are completed in a timely manner, it is imperative that the Department employ and retain qualified subject matter experts within the State Historic Preservation Division (Division).

To address this need, the Legislature has already provided the Division with the means to establish new positions and provide staff with compensation that is both competitive yet commensurate with similar positions within the federal government and private sector. However, maintaining these competitive salaries and retaining staff requires the ability to sustain non-civil service exempt positions beyond the current three-year allowable period.

This bill will amend language within section 6E-3, HRS, that requires the historic preservation program to convert all non-civil service positions to civil service positions three years after the non-civil service position is created. This includes positions created by the state legislature during the 2022 legislative

cycle that the Division has only recently been able to post, after successfully going through the process of reorganizing their office personnel, completing appropriate paperwork, and receiving necessary approvals within the Department as well as the Departments of Human Services and Budget and Finance.

HB 1144 HD 1 will also amend language within 76-16(b), HRS to exempt professional and technical staff within the state historic preservation division of the department of land and natural resources from requiring the Division staff to be reclassified as civil service. These changes will strengthen the Division's ability to attract and retain skilled professionals and ensure the efficient execution of the Division's responsibilities and they will allow us to fill positions created by the state legislature without further delays.

Mahalo for the opportunity to provide testimony on this measure.



TESTIMONY IN SUPPORT OF HB1144 HD1
RELATING TO EMPLOYMENT IN THE STATE HISTORIC PRESERVATION PROGRAM
House Committee on Labor

February 11, 2025

9:00 a.m.

Room 309

Aloha e Chair Sayama, Vice Chair Lee, and Members of the Committee on Labor:

The Office of Hawaiian Affairs (OHA) provides **SUPPORT** on HB1144 HD1, which would allow the Department of Land and Natural Resources (DLNR) to employ both civil service and non-civil service professional and technical staff in the State Historic Preservation Division (SHPD). Hawai'i Revised Statutes (HRS) Section 76-16, which contains a list of civil service positions for the State, would thus be updated to include SHPD. OHA believes this bill is important to aid SHPD with attracting and retaining qualified staff so that they may better works towards fulfilling their HRS Chapter 6E mandates and effectively review HRS Chapter 6E project submittals in a more timely manner.

OHA is the constitutionally established body responsible for protecting and promoting the rights of Native Hawaiians.¹ As part of our constitutional and statutory mandate, OHA has been intimately involved with historic preservation related advocacy for decades and is granted specific kuleana under the Hawai'i Historic Preservation law, Hawai'i Revised Statutes (HRS) Chapter 6E, and implementing regulations.² Thus, we are well aware of the pitfalls within the current laws and rules, and the resources needed by SHPD to effectively carry out their HRS 6E responsibilities.

Historically, state audits of SHPD have revealed employee discord and a significant backlog of project reviews that has substantially undermined the historic preservation review process, particularly with respect to the protection of burial sites throughout the islands. OHA also took part in a public-private working group convened under the prior Governor, David Ige, from 2021 to 2022 to help revise administrative rules pertaining to historic preservation review processes and identifying priority issues of concern. Some of the identified issues included limited SHPD staffing to address current backlog or project reviews, and poorly written reports by archaeological firms submitted to SHPD that require additional time from SHPD to review and comment on. **During these meetings, SHPD had consistently indicated that if more staffing were available, their current backlog of reports to review could be improved as well as their ability to investigate historic preservation related violations.**

OHA believes providing SHPD maximum flexibility in filling its vacant staffing positions is important to allow SHPD to clear out its backlog and continue to move forward

¹ Haw. Const. Art. XII Sec.5

² See HRS 6E-3, 43, -43.5, 43.6; and, HAR 13-284-6(c) and HAR 13-275-6(c).

with addressing the many urgent HRS chapter 6E issues that continue to arise. Through doing this, OHA believes SHPD can more effectively carry out their HRS Chapter 6E responsibilities, which not only includes proper implementation of the historic preservation review process for projects, but also an inventory of historic properties and burials sites on State lands. After completing such a comprehensive inventory, SHPD could then turn to a systemic review and identification of archaeological sensitivity or risk areas that better informs State planning processes, as proposed in other bills before the Committee.

Mahalo for the opportunity to testify in **SUPPORT** of HB1144 HD1. We hope that this measure will **PASS** your committee.



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION
AFSCME Local 152, AFL-CIO

RANDY PERREIRA, Executive Director • Tel: 808.543.0011 • Fax: 808.528.0922

The Thirty-Third Legislature, State of Hawaii
House of Representatives
Committee on Labor

Testimony by
Hawaii Government Employees Association

February 11, 2025

H.B.1144, H.D. 1 – RELATING TO EMPLOYMENT IN THE STATE HISTORIC
PRESERVATION PROGRAM

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO opposes the purpose and intent of H.B.1144, H.D. 1, which amends sections 6E-3 and 76-16 (b), Hawaii Revised Statutes, to allow the Department of Land and Natural Resources (DLNR) the option to employ professional and technical staff which may be exempt from civil service status.

The HGEA has serious concerns and questions the need to blanketly grant DLNR the authority to exempt professional and technical employees within the State Historic Preservation Division. The use of exempt employees, which are considered “at will” by the state, is completely contrary to the principles of civil service. Exempt employees do not have the same rights and benefits of civil service employees, and that is inherently unfair. We have consistently opposed the creation of more exempt positions in state government and have advocated for sensible civil service reform.

This proposed measure goes to the larger issue which is that the civil service system must become more flexible, competitive, and adaptive to the current job market and public demands. The state needs to invest in its current and future civil service workforce – increasing the position pay and offering modern and attractive recruitment and retention incentives, along with reforming the state’s administrative rules to streamline hiring is paramount. Hiring of exempt employees is a band-aid fix and does not address the underlying recruitment and retention issue that faces our workforce. Furthermore, we urge the state to reprice these positions if they are not competitive with the market rate.

Thank you for the opportunity to testify in opposition of H.D.1141, H.D. 1.

Respectfully submitted,

Randy Perreira
Executive Director