
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:

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

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

- 7 (1) Development of an ongoing program of historical,
8 architectural, and archaeological research and
9 development, including surveys, excavations,
10 scientific recording, interpretation, signage, and
11 publications on the State's historical and cultural
12 resources;
- 13 (2) Acquisition of historic or cultural properties, real
14 or personal, in fee or in any lesser interest, by
15 gift, purchase, condemnation, devise, bequest, land
16 exchange, or other means; preservation, restoration,



1 administration, or transference of the property; and
2 the charging of reasonable admissions to that
3 property;

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

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

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

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

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



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



- 1 (13) Regulation of archaeological activities throughout the
2 State;
- 3 (14) Employment of sufficient professional and technical
4 staff for the purposes of this chapter which [~~shall~~]
5 may be in accordance with chapter 76;
- 6 (15) The charging of fees to be determined by the
7 department that are proportional to the nature and
8 complexity of the projects or services provided, and
9 adjusted from time to time to ensure that the
10 proceeds, together with all other fines, income, and
11 penalties collected under this chapter, do not surpass
12 the annual operating costs of the comprehensive
13 historic preservation program;
- 14 (16) Adoption of rules in accordance with chapter 91,
15 necessary to carry out the purposes of this chapter;
16 and
- 17 (17) Development and adoption, in consultation with the
18 office of Hawaiian affairs native historic
19 preservation council, of rules governing permits for
20 access by native Hawaiians and Hawaiians to cultural,
21 historic, and pre-contact sites and monuments."



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

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

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



1 determines that recruitment through normal recruitment
2 civil service procedures would result in delay or
3 noncompliance, such as the Felix-Cayetano consent
4 decree;

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

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

10 (6) Positions filled by popular vote;

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

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

19 (9) One bailiff for the chief justice of the supreme court
20 who shall have the powers and duties of a court
21 officer and bailiff under section 606-14; one



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



1 of the courts, the deputy administrative director of
2 the courts, each department head, each deputy or first
3 assistant, and each additional deputy, or assistant
4 deputy, or assistant defined in paragraph (16);

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

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

18 (B) Effective July 1, 2003, teaching assistants,
19 educational assistants, bilingual or bicultural
20 school-home assistants, school psychologists,
21 psychological examiners, speech pathologists,



1 athletic health care trainers, alternative school
 2 work study assistants, alternative school
 3 educational or supportive services specialists,
 4 alternative school project coordinators, and
 5 communications aides in the department of
 6 education;

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

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

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

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



- 1 (B) Positions filled with students in accordance with
- 2 guidelines for established state employment
- 3 programs; and
- 4 (C) Positions that provide work experience training
- 5 or temporary public service employment that are
- 6 filled by persons entering the workforce or
- 7 persons transitioning into other careers under
- 8 programs such as the federal Workforce Investment
- 9 Act of 1998, as amended, or the Senior Community
- 10 Service Employment Program of the Employment and
- 11 Training Administration of the United States
- 12 Department of Labor, or under other similar state
- 13 programs;
- 14 (14) A custodian or guide at Iolani Palace, the Royal
- 15 Mausoleum, and Hulihee Palace;
- 16 (15) Positions filled by persons employed on a fee,
- 17 contract, or piecework basis, who may lawfully perform
- 18 their duties concurrently with their private business
- 19 or profession or other private employment and whose
- 20 duties require only a portion of their time, if it is



1 impracticable to ascertain or anticipate the portion
2 of time to be devoted to the service of the State;
3 (16) Positions of first deputies or first assistants of
4 each department head appointed under or in the manner
5 provided in section 6, article V, of the Hawaii State
6 Constitution; three additional deputies or assistants
7 either in charge of the highways, harbors, and
8 airports divisions or other functions within the
9 department of transportation as may be assigned by the
10 director of transportation, with the approval of the
11 governor; one additional deputy in the department of
12 human services either in charge of welfare or other
13 functions within the department as may be assigned by
14 the director of human services; four additional
15 deputies in the department of health, each in charge
16 of one of the following: behavioral health,
17 environmental health, hospitals, and health resources
18 administration, including other functions within the
19 department as may be assigned by the director of
20 health, with the approval of the governor; two
21 additional deputies in charge of the law enforcement



1 programs, administration, or other functions within
2 the department of law enforcement as may be assigned
3 by the director of law enforcement, with the approval
4 of the governor; three additional deputies each in
5 charge of the correctional institutions,
6 rehabilitation services and programs, and
7 administration or other functions within the
8 department of corrections and rehabilitation as may be
9 assigned by the director of corrections and
10 rehabilitation, with the approval of the governor; two
11 administrative assistants to the state librarian; and
12 an administrative assistant to the superintendent of
13 education;

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

16 (A) Any exemption created after July 1, 2014, shall
17 expire three years after its enactment unless
18 affirmatively extended by an act of the
19 legislature; and



1 (B) All of the positions defined by paragraph (9)
2 shall be included in the position classification
3 plan;

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

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

10 (20) Employees in the department of education engaged in
11 the supervision of students during meal periods in the
12 distribution, collection, and counting of meal
13 tickets, and in the cleaning of classrooms after
14 school hours on a less than half-time basis;

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



- 1 (22) Positions of the federally funded expanded food and
2 nutrition program of the [~~University~~] university of
3 Hawaii that require the hiring of nutrition program
4 assistants who live in the areas they serve;
- 5 (23) Positions filled by persons with severe disabilities
6 who are certified by the state vocational
7 rehabilitation office that they are able to perform
8 safely the duties of the positions;
- 9 (24) The sheriff;
- 10 (25) A gender and other fairness coordinator hired by the
11 judiciary;
- 12 (26) Positions in the Hawaii National Guard youth and adult
13 education programs;
- 14 (27) In the Hawaii state energy office in the department of
15 business, economic development, and tourism, all
16 energy program managers, energy program specialists,
17 energy program assistants, and energy analysts;
- 18 (28) Administrative appeals hearing officers in the
19 department of human services;
- 20 (29) In the Med-QUEST division of the department of human
21 services, the division administrator, finance officer,



1 health care services branch administrator, medical
2 director, and clinical standards administrator;
3 (30) In the director's office of the department of human
4 services, the enterprise officer, information security
5 and privacy compliance officer, security and privacy
6 compliance engineer, security and privacy compliance
7 analyst, information technology implementation
8 manager, assistant information technology
9 implementation manager, resource manager, community or
10 project development director, policy director, special
11 assistant to the director, and limited English
12 proficiency project manager or coordinator;
13 (31) The Alzheimer's disease and related dementia services
14 coordinator in the executive office on aging;
15 (32) In the Hawaii emergency management agency, the
16 executive officer, public information officer, civil
17 defense administrative officer, branch chiefs, and
18 emergency operations center state warning point
19 personnel; provided that for state warning point
20 personnel, the director shall determine that



1 recruitment through normal civil service recruitment
2 procedures would result in delay or noncompliance;
3 (33) The executive director and seven full-time
4 administrative positions of the school facilities
5 authority;
6 (34) Positions in the Mauna Kea stewardship and oversight
7 authority;
8 (35) In the office of homeland security of the department
9 of law enforcement, the statewide interoperable
10 communications coordinator;
11 (36) In the social services division of the department of
12 human services, the business technology analyst;
13 (37) The executive director and staff of the 911 board;
14 [+] (38) [+] Senior software developers in the department of
15 taxation;
16 [+] (39) [+] In the department of law enforcement, five
17 Commission on Accreditation for Law Enforcement
18 Agencies, Inc., coordinator positions;
19 [+] (40) [+] The state fire marshal; [~~and~~]
20 [+] (41) [+] The administrator for the law enforcement standards
21 board[-]; and



1 (42) Professional and technical staff within the state
2 historic preservation division of the department of
3 land and natural resources.

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

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

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

10 SECTION 4. This Act shall take effect on July 1, 3000.



Report Title:

DLNR; State Historic Preservation Program; Employees

Description:

Allows 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. Effective 7/1/3000. (HD1)

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

