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## A BILL FOR AN ACT

RELATING TO CIVIL SERVICE EXEMPT POSITIONS WITHIN THE DEPARTMENT  
OF LAND AND NATURAL RESOURCES.

**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,  
17 administration, or transference of the property; and

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1 the charging of reasonable admissions to that  
2 property;

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

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

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

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

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

19 (8) Coordination of activities of the counties in  
20 accordance with the state plan for historic  
21 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;
- 21          (14) Employment of sufficient professional and technical  
22          staff for the purposes of this chapter, which shall be

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1       in accordance with chapter 76; provided the state  
2       historic preservation administrator, the assistant  
3       administrator, grants managers, Hawaii and national  
4       register coordinators, preservation planners, Hawaii  
5       cultural resource information system managers, intake  
6       specialists, librarians, archivists, administrative  
7       specialists, archaeologists, architects, architectural  
8       historians, branch chiefs, burial site specialists,  
9       cultural historians, ethnographers, historians,  
10       historic preservation analysts, and geographic  
11       information system technical assistants may be exempt  
12       from chapter 76;

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

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

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

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

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

15       (1) Commissioned and enlisted personnel of the Hawaii  
16               National Guard and positions in the Hawaii National  
17               Guard that are required by state or federal laws or  
18               regulations or orders of the National Guard to be  
19               filled from those commissioned or enlisted personnel;

20       (2) Positions filled by persons employed by contract where  
21               the director of human resources development has  
22               certified that the service is special or unique or is

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1           essential to the public interest and that, because of  
2           circumstances surrounding its fulfillment, personnel  
3           to perform the service cannot be obtained through  
4           normal civil service recruitment procedures. Any  
5           contract may be for any period not exceeding one year;

6           (3) Positions that must be filled without delay to comply  
7           with a court order or decree if the director  
8           determines that recruitment through normal recruitment  
9           civil service procedures would result in delay or  
10          noncompliance, such as the Felix-Cayetano consent  
11          decree;

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

14          (5) Employees in the office of the governor and office of  
15          the lieutenant governor, and household employees at  
16          Washington Place;

17          (6) Positions filled by popular vote;

18          (7) Department heads, officers, and members of any board,  
19          commission, or other state agency whose appointments  
20          are made by the governor or are required by law to be  
21          confirmed by the senate;

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1 (8) Judges, referees, receivers, masters, jurors, notaries  
2 public, land court examiners, court commissioners, and  
3 attorneys appointed by a state court for a special  
4 temporary service;

5 (9) One bailiff for the chief justice of the supreme court  
6 who shall have the powers and duties of a court  
7 officer and bailiff under section 606-14; one  
8 secretary or clerk for each justice of the supreme  
9 court, each judge of the intermediate appellate court,  
10 and each judge of the circuit court; one secretary for  
11 the judicial council; one deputy administrative  
12 director of the courts; three law clerks for the chief  
13 justice of the supreme court, two law clerks for each  
14 associate justice of the supreme court and each judge  
15 of the intermediate appellate court, one law clerk for  
16 each judge of the circuit court, two additional law  
17 clerks for the civil administrative judge of the  
18 circuit court of the first circuit, two additional law  
19 clerks for the criminal administrative judge of the  
20 circuit court of the first circuit, one additional law  
21 clerk for the senior judge of the family court of the  
22 first circuit, two additional law clerks for the civil

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1 motions judge of the circuit court of the first  
2 circuit, two additional law clerks for the criminal  
3 motions judge of the circuit court of the first  
4 circuit, and two law clerks for the administrative  
5 judge of the district court of the first circuit; and  
6 one private secretary for the administrative director  
7 of the courts, the deputy administrative director of  
8 the courts, each department head, each deputy or first  
9 assistant, and each additional deputy, or assistant  
10 deputy, or assistant defined in paragraph (16);

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

18 (11) (A) Teachers, principals, vice-principals, complex  
19 area superintendents, deputy and assistant  
20 superintendents, other certificated personnel,  
21 and no more than twenty noncertificated



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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  
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 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;

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

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

8       (C)   Positions that provide work experience training  
9                   or temporary public service employment that are  
10                  filled by persons entering the workforce or  
11                  persons transitioning into other careers under  
12                  programs such as the federal Workforce Investment  
13                  Act of 1998, as amended, or the Senior Community  
14                  Service Employment Program of the Employment and  
15                  Training Administration of the United States  
16                  Department of Labor, or under other similar state  
17                  programs;

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

20       (15)   Positions filled by persons employed on a fee,  
21                   contract, or piecework basis, who may lawfully perform  
22                   their duties concurrently with their private business

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1 or profession or other private employment and whose  
2 duties require only a portion of their time, if it is  
3 impracticable to ascertain or anticipate the portion  
4 of time to be devoted to the service of the State;

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

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

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

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

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

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

(19) Household employees at the official residence of the president of the university of Hawaii;

(20) Employees in the department of education engaged in the supervision of students during meal periods in the 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 of Hawaii that

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1           require the hiring of nutrition program assistants who  
2           live in the areas they serve;

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

7       (24) The sheriff;

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

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

12      (27) In the Hawaii state energy office in the department of  
13          business, economic development, and tourism, all  
14          energy program managers, energy program specialists,  
15          energy program assistants, and energy analysts;

16      (28) Administrative appeals hearing officers in the  
17          department of human services;

18      (29) In the Med-QUEST division of the department of human  
19          services, the division administrator, finance officer,  
20          health care services branch administrator, medical  
21          director, and clinical standards administrator;

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(30) In the director's office of the department of human services, the enterprise officer, information security and privacy compliance officer, security and privacy compliance engineer, security and privacy compliance analyst, information technology implementation manager, assistant information technology implementation manager, resource manager, community or project development director, policy director, special assistant to the director, and limited English proficiency project manager or coordinator;

(31) The Alzheimer's disease and related dementia services coordinator in the executive office on aging;

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

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- 1 (33) The executive director and seven full-time  
2 administrative positions of the school facilities  
3 authority;
- 4 (34) Positions in the Mauna Kea stewardship and oversight  
5 authority;
- 6 (35) In the office of homeland security of the department  
7 of law enforcement, the statewide interoperable  
8 communications coordinator;
- 9 (36) In the social services division of the department of  
10 human services, the business technology analyst;
- 11 (37) The executive director and staff of the 911 board;
- 12 (38) The software developer supervisor and senior software  
13 developers in the department of taxation;
- 14 (39) In the department of law enforcement, five Commission  
15 on Accreditation for Law Enforcement Agencies, Inc.,  
16 coordinator positions;
- 17 (40) The state fire marshal and deputy state fire marshal  
18 in the office of the state fire marshal;
- 19 (41) The administrator for the law enforcement standards  
20 board;
- 21 (42) In the office of the director of taxation, the data  
22 privacy officer and tax business analysts; ~~and~~



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1     +](43)[+] All positions filled by the Hawaii tourism

2             authority within the department of business, economic  
3             development, and tourism[-];

4     (44) In the state historic preservation division of the  
5     department of land and natural resources, the state  
6     historic preservation administrator, the assistant  
7     administrator, grants managers, Hawaii and national  
8     register coordinators, preservation planners, Hawaii  
9     cultural resource information system managers, intake  
10    specialists, librarians, archivists, administrative  
11    specialists, archaeologists, architects, architectural  
12    historians, branch chiefs, burial site specialists,  
13    cultural historians, ethnographers, historians,  
14    historic preservation analysts, and geographic  
15    information system technical assistants; and

16    (45) In the commission on water resource management of the  
17    department of land and natural resources, hydrologists  
18    and hydrologic program managers.

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

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

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SECTION 3. Section 174C-5, Hawaii Revised Statutes, is amended to read as follows:

**"§174C-5 General powers and duties.** The general administration of the state water code shall rest with the commission on water resource management. In addition to its other powers and duties, the commission:

(1) Shall carry out topographic surveys, research, and investigations into all aspects of water use and water quality;

(2) Shall designate water management areas for regulation under this chapter where the commission, after the research and investigations mentioned in paragraph (1), shall consult with the appropriate county council and county water agency, and after public hearing and published notice, finds that the water resources of the areas are being threatened by existing or proposed withdrawals of water;

(3) Shall establish an instream use protection program designed to protect, enhance, and reestablish, where practicable, beneficial instream uses of water in the State;

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1           (4) May contract and cooperate with the various agencies  
2           of the federal government and with state and local  
3           administrative and governmental agencies or private  
4           persons;

5           (5) May enter, after obtaining the consent of the property  
6           owner, at all reasonable times upon any property other  
7           than dwelling places for the purposes of conducting  
8           investigations and studies or enforcing any of the  
9           provisions of this code, being liable, however, for  
10          actual damage done. If consent cannot be obtained,  
11          reasonable notice shall be given prior to entry;

12          (6) Shall cooperate with federal agencies, other state  
13          agencies, county or other local governmental  
14          organizations, and all other public and private  
15          agencies created for the purpose of utilizing and  
16          conserving the waters of the State, and assist these  
17          organizations and agencies in coordinating the use of  
18          their facilities and participate in the exchange of  
19          ideas, knowledge, and data with these organizations  
20          and agencies. For this purpose the commission shall  
21          maintain an advisory staff of experts;

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(7) Shall prepare, publish, and issue printed pamphlets and bulletins as the commission deems necessary for the dissemination of information to the public concerning its activities;

(8) May appoint and remove agents, including hearings officers and consultants, necessary to carry out the purposes of this chapter, who may be engaged by the commission without regard to the requirements of chapter 76 and section 78-1;

(9) May hire employees in accordance with chapter 76; provided hydrologists and hydrologic program managers may be exempt from chapter 76;

(10) May acquire, lease, and dispose of real and personal property as may be necessary in the performance of its functions, including the acquisition of real property for the purpose of conserving and protecting water and water related resources as provided in section 174C-14;

(11) Shall identify, by continuing study, those areas of the State where salt water intrusion is a threat to fresh water resources and report its findings to the appropriate county mayor and council and the public;

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- 1       (12) Shall provide coordination, cooperation, or approval  
2           necessary to the effectuation of any plan or project  
3           of the federal government in connection with or  
4           concerning the waters of the State. The commission  
5           shall approve or disapprove any federal plans or  
6           projects on behalf of the State. No other agency or  
7           department of the State shall assume the duties  
8           delegated to the commission under this paragraph;  
9           except that the department of health shall continue to  
10          exercise the powers vested in it with respect to water  
11          quality, and except that the department of business,  
12          economic development, and tourism shall continue to  
13          carry out its duties and responsibilities under  
14          chapter 205A;
- 15       (13) Shall plan and coordinate programs for the  
16           development, conservation, protection, control, and  
17           regulation of water resources, based upon the best  
18           available information, and in cooperation with federal  
19           agencies, other state agencies, county or other local  
20           governmental organizations, and other public and  
21           private agencies created for the utilization and  
22           conservation of water;

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(14) Shall catalog and maintain an inventory of all water  
uses and water resources; and

(15) Shall determine appurtenant water rights, including  
but not limited to the quantification of the amount of  
water and the specification of the water course or the  
means of access and delivery entitled to by that  
right, which determination shall be valid for purposes  
of this chapter."

SECTION 4. Statutory material to be repealed is bracketed  
and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

INTRODUCED BY:

Melanie K. Parker

BY REQUEST

JAN 26 2026

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**Report Title:**

DLNR; State Historic Preservation Division; Commission on Water Resource Management; Civil Service; Exemptions

**Description:**

Exempts certain positions within the State Historic Preservation Division and Commission on Water Resource Management within the Department of Land and Natural Resources from the state civil service law.

*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

DEPARTMENT: Land and Natural Resources

TITLE: A BILL FOR AN ACT RELATING TO CIVIL SERVICE  
EXEMPT POSITIONS WITHIN THE DEPARTMENT OF  
LAND AND NATURAL RESOURCES.

PURPOSE: To exempt certain positions within the State  
Historic Preservation Division (SHPD) and  
Commission on Water Resource Management  
(CWRM) within the Department of Land and  
Natural Resources from the state civil  
service law.

MEANS: Amend sections 6E-3, 76-16(b), and 174C-5,  
Hawaii Revised Statutes (HRS).

JUSTIFICATION: This bill authorizes SHPD to employ, exempt  
from chapter 76, the following positions:  
the state historic preservation  
administrator, the assistant administrator,  
grants managers, Hawaii and national  
register coordinators, preservation  
planners, Hawaii cultural resource  
information system managers, intake  
specialists, librarians, archivists,  
administrative specialists, archaeologists,  
architects, architectural historians, branch  
chiefs, burial site specialists, cultural  
historians, ethnographers, historians,  
historic preservation analysts, and  
geographic information system technical  
assistants. It also authorizes CWRM to  
employ hydrologists and hydrologic program  
managers under the same exemption.

These positions require specialized  
expertise in historic preservation,  
traditional cultural practices, burial sites  
management, archaeology, architecture,  
architectural history, history, and  
preservation planning, in accordance with  
state and federal laws and professional  
qualification standards (36 Code of Federal  
Regulations Part 61 and chapter 13-281,  
Hawaii Administrative Rules). They also



require skills in archives and library management, computer systems programming and management, and cartography/geographic information systems mapping, development, and management.

Granting a permanent civil service exemption for these positions will prevent wage reductions for existing non-civil service staff by avoiding reclassification under existing civil service frameworks that impose rigid pay ranges and qualification requirements. These frameworks limit SHPD and CWRM's flexibility to evaluate diverse qualifications and experience, restrict competitive compensation, and hinder the agency's ability to attract and retain qualified professionals. Without this flexibility, SHPD and CWRM face ongoing challenges in filling vacancies and retaining experienced personnel.

Furthermore, the exemption will allow SHPD to maintain temporary contract positions to support short-term or grant-funded projects, providing operational agility for time-limited initiatives.

Impact on the public: This bill will enable SHPD and CWRM to offer compensation competitive with the private sector, improving staff retention and recruitment. Ensuring that these agencies are staffed with qualified personnel will enhance their ability to fulfill their statutory responsibilities more effectively.

Impact on the department and other agencies: This bill provides the Department with a valuable tool to maintain staffing levels and address vacancies, while ensuring that existing employee compensation is not diminished.

GENERAL FUND: None.

OTHER FUNDS: None.

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PPBS PROGRAM  
DESIGNATION:

LNR 404; LNR 802.

OTHER AFFECTED  
AGENCIES:

Department of Human Resources Development.

EFFECTIVE DATE:

Upon approval.