
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 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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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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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

- (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 noncompliance, such as the Felix-Cayetano consent decree;
- (4) Positions filled by the legislature or by either house or any committee thereof;
- (5) Employees in the office of the governor and office of the lieutenant governor, and household employees at Washington Place;
- (6) Positions filled by popular vote;
- (7) Department heads, officers, and members of any board, commission, or other state agency whose appointments are made by the governor or are required by law to be 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

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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1 administrative, professional, and technical
2 personnel not engaged in instructional work;
3 (B) Effective July 1, 2003, teaching assistants,
4 educational assistants, bilingual or bicultural
5 school-home assistants, school psychologists,
6 psychological examiners, speech pathologists,
7 athletic health care trainers, alternative school
8 work study assistants, alternative school
9 educational or supportive services specialists,
10 alternative school project coordinators, and
11 communications aides in the department of
12 education;
13 (C) The special assistant to the state librarian and
14 one secretary for the special assistant to the
15 state librarian; and
16 (D) Members of the faculty of the university of
17 Hawaii, including research workers, extension
18 agents, personnel engaged in instructional work,
19 and administrative, professional, and technical
20 personnel of the university;
21 (12) Employees engaged in special, research, or
22 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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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 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;

21 (22) Positions of the federally funded expanded food and
22 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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1 (30) In the director's office of the department of human
2 services, the enterprise officer, information security
3 and privacy compliance officer, security and privacy
4 compliance engineer, security and privacy compliance
5 analyst, information technology implementation
6 manager, assistant information technology
7 implementation manager, resource manager, community or
8 project development director, policy director, special
9 assistant to the director, and limited English
10 proficiency project manager or coordinator;

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

13 (32) In the Hawaii emergency management agency, the
14 executive officer, public information officer, civil
15 defense administrative officer, branch chiefs, and
16 emergency operations center state warning point
17 personnel; provided that for state warning point
18 personnel, the director shall determine that
19 recruitment through normal civil service recruitment
20 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 SECTION 3. Section 174C-5, Hawaii Revised Statutes, is
2 amended to read as follows:

3 **"§174C-5 General powers and duties.** The general
4 administration of the state water code shall rest with the
5 commission on water resource management. In addition to its
6 other powers and duties, the commission:

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

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

18 (3) Shall establish an instream use protection program
19 designed to protect, enhance, and reestablish, where
20 practicable, beneficial instream uses of water in the
21 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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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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1 (14) Shall catalog and maintain an inventory of all water
2 uses and water resources; and
3 (15) Shall determine appurtenant water rights, including
4 but not limited to the quantification of the amount of
5 water and the specification of the water course or the
6 means of access and delivery entitled to by that
7 right, which determination shall be valid for purposes
8 of this chapter."

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

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

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INTRODUCED BY:

Melanie K. Nader

14

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.