

EXECUTIVE CHAMBERS

HONOLULU

June 18, 2001

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 444

Honorable Members
Twenty-First Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 444, entitled "A Bill for an Act Relating to Burial Sites."

The purpose of this bill is to allow the Department of Land and Natural Resources (DLNR) State Historic Preservation Division (SHPD) to provide archaeological services for a fee for consultation and removal of human skeletal remains on private property.

Currently, if human skeletal remains are found on private property, DLNR's SHPD staff is sent to investigate whether the human remains are over fifty years old and to take appropriate action to preserve and protect the human remains. There are instances in which the SHPD staff will permit the removal of the inadvertently discovered human skeletal remains when there is imminent harm to the human remains (e.g., when the ocean has eroded the remains from the shoreline). In all other cases, the landowner, developer, or permittee is advised to contract with a consulting archaeologist to remove the remains. There are about fifteen archaeological companies that provide this service.


This bill is objectionable for two primary reasons. First, there is no need for the State to compete with private archaeological firms to provide this service. There is no evidence that SHPD's rates will be more affordable than the

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prevailing rates of private archaeologists. Second, there is no need for SHPD to expand its program to provide this additional service. *

For the foregoing reasons, I am returning House Bill No. 444 without my approval.

Respectfully,


BENJAMIN J. CAYETANO
Governor of Hawaii