

STAND. COM. REP. NO.

1327

Honolulu, Hawaii

March 21, 2007

RE: S.B. No. 870
S.D. 1
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Sir:

Your Committee on Water, Land, Ocean Resources & Hawaiian
Affairs, to which was referred S.B. No. 870, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE DESIGNATION OF A HAWAII
ARCHAEOLOGICAL DATA SURVEY,"

begs leave to report as follows:

The purpose of this bill is to provide public access to
existing documentation of archaeological work of the Hawaiian
archipelago, beginning with the collections of Bishop Museum, by:

- (1) Establishing a Hawaii Archaeological Data Survey
(Survey), that consists of an online database; and
- (2) Designating the Survey as a program of the Bishop
Museum, which has been designated as the State of Hawaii
Museum of Natural and Cultural History (Museum) under
Section 6E-40, Hawaii Revised Statutes.

The bill also authorizes the Museum, in consultation with the
Office of Hawaiian Affairs (OHA), to withhold from the database
sensitive information that if disclosed, may threaten the
protection of valuable archaeological sites and artifacts.



OHA and the Bishop Museum testified in support of this bill. The Department of Land and Natural Resources supported the intent of this measure. The Office of Information Practices and the President of the Society for Hawaiian Archaeology provided comments.

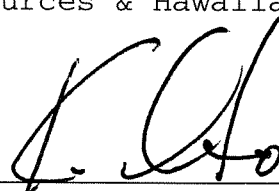
Your Committee has amended this bill by changing the effective date to July 1, 2050, to encourage further discussion.

Your Committee notes that concerns were raised regarding language to ensure that confidentiality of sensitive information is balanced with the public's right to the information under information practices laws. Your Committee respectfully requests the Committee on Finance to consider inserting language to clarify the State's authority when various state agencies and the Bishop Museum differ in opinion as to whether certain information should be disclosed or withheld. Specifically, your Committee requests that the Committee on Finance consider authority the State should have to mandate the Museum to:

- (1) Withhold information the State concludes is sensitive, but Bishop Museum seeks to disclose on the Survey; and
- (2) Disclose information the State concludes is not sensitive, but Bishop Museum seeks to withhold from the Survey.

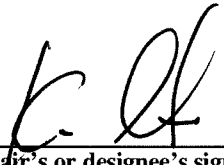
As affirmed by the record of votes of the members of your Committee on Water, Land, Ocean Resources & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 870, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 870, S.D. 1, H.D. 1, and be referred to the Committee on Finance.

Respectfully submitted on
behalf of the members of the
Committee on Water, Land, Ocean
Resources & Hawaiian Affairs,



KEN ITO, Chair



Bill/Resolution No.: SB 870 SD1 (SSCR747)		Date: March 16, 2007		
Committee Referral: WLH, FIN		<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.		
The recommendation is to: <input type="checkbox"/> Pass, unamended <input type="checkbox"/> Hold		<input checked="" type="checkbox"/> Pass, with amendments <input type="checkbox"/> Pass, with amendments, for recommittal for further consideration		
WLH Members	Ayes	Ayes (WR)	Nays	Excused
1. ITO, Ken (C)	✓			
2. CHONG, Pono (VC)	✓			
3. CARROLL, Mele				✓
4. MAGAOAY, Michael Y.	✓			
5. MORITA, Hermina M.				✓
6. SAGUM, Roland D., III	✓			
7. SAIKI, Scott K.	✓			
8. THIELEN, Cynthia				✓
TOTAL	5			3
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: 				
Distribution: Original (White) – Committee Duplicate (Yellow) – Clerk's Office				