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From: Thomas Dye [mailto:sha@tsdye2.com]
Sent: Saturday, February 02, 2008 10:21 PM
To: WLHtestimony
Cc: Society for Hawaiian Archaeology
Subject: Testimony in opposition to HB 2890

TO: Representative Ken Ito, Chair
Representative Jon Riki Karamatsu, Vice Chair
House Committee on Water, Land, Ocean Resources, and Hawaiian Affairs

FROM: Thomas S. Dye, Ph.D., President
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HEARING: February 4, 2008, 8:30 AM, House Conference Room 312
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SUBJECT: Testimony in Strong Opposition of HB 2890, Relating to
Archaeologists

I am Dr. Thomas Dye, President of the Society for Hawaiian Archaeology (SHA). We have over 200 members that include professional archaeologists and advocates of historic preservation in general. I am testifying in strong opposition to HB 2890, a bill that would authorize the Department of Land and Natural Resources (DLNR) to enter into contracts with archaeologists for archaeological services without having to adhere to the state procurement code or any of its implementing regulations. Nearly all of the archaeologists in the State of Hawaii who could provide these services are members of SHA.

If passed, this bill would amend two statutes. First it amends section 103D-102(c), HRS, to include archaeological services contracted by DLNR as one of only two services categorically exempted from the state procurement code and, second, it amends section 171-6, HRS, to specify that DLNR has the power to retain qualified archaeologists for archaeological services under contracts that are exempt from chapter 103D, HRS. SHA believes these amendments are unnecessary and are potentially detrimental to the archaeological consultants that provide these services, to the government projects and the public which rely on them, and to the tax payers of Hawaii. This exemption could easily foster the unfair and non-transparent contracting practices that chapter 103D was meant to prevent. It could also create a business climate marked by suspicion and mistrust within the archaeological community.

The intent of the bill's author is not stated nor is it clear what problems HB 2890 hopes to address. We suspect it could be addressing recent staffing crises at the State Historic Preservation Division (SHPD). Professional positions, including those of archaeologists, were vacant for extended periods of time and staff turn-over rates were high. Out-sourcing the work assigned to these staff positions was seriously considered or attempted. DLNR also enters into contracts, directly and through subcontracts, for archaeological