
HOUSE CONCURRENT RESOLUTION

REQUESTING THE AUDITOR TO PERFORM A SUNRISE ANALYSIS OF THE
REGULATION OF THE PROFESSION OF ARCHAEOLOGY.

1 WHEREAS, the State of Hawaii is a repository of countless
2 cultural sites containing invaluable cultural material and
3 resources; and

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5 WHEREAS, the loss or destruction of these invaluable
6 cultural and historical sites is irreparable; and

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8 WHEREAS, the entire populace of the State of Hawaii
9 benefits from the proper identification, interpretation,
10 appropriate mitigation, preservation, and protection of
11 exceptionally unique cultural sites; and

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13 WHEREAS, the historic review process set forth under
14 chapter 6E, Hawaii Revised Statutes, oversees the care,
15 management, and protection of historic properties; and

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17 WHEREAS, the profession of archaeology currently plays a
18 pivotal role in the identification, protection, and mitigation
19 of these important cultural sites; and

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21 WHEREAS, the practices, understanding, and methods of
22 modern archaeology can contain vastly different understandings
23 and interpretations of both the professional expertise and
24 opinion and the underlying cultural basis for these opinions;
25 and

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27 WHEREAS, these differences can lead to vastly different
28 interpretations of an archaeological site; and

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30 WHEREAS, the Department of Land and Natural Resources,
31 State Historic Preservation Division provides permits to
32 archaeologists qualified under section 13-281-3, Hawaii

1 Administrative Rules, but does not regulate the practice of
2 archaeology; and
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4 WHEREAS, the consumer of archaeological services is at a
5 serious disadvantage without proper oversight and regulation of
6 the profession; and
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8 WHEREAS, the lack of proper regulation leaves the public at
9 a serious disadvantage in protecting and preserving
10 irreplaceable cultural resources that make Hawaii unique to the
11 world; and
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13 WHEREAS, members of the public have no avenue for recourse
14 or investigation in the event lack of professional standards or
15 oversight of the profession results in the destruction of
16 cultural resources; and
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18 WHEREAS, the profession of archaeology is not subject to
19 licensure; and
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21 WHEREAS, the Department of Commerce and Consumer Affairs
22 oversees the regulation of licensed professional service
23 providers; and
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25 WHEREAS, the establishment of a license for professional
26 archaeologists under the Department of Commerce and Consumer
27 Affairs will provide necessary and proper oversight; and
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29 WHEREAS, under section 26H-6, Hawaii Revised Statutes, a
30 sunrise analysis by the Auditor must occur prior to the new
31 regulation of an industry; now, therefore,
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33 BE IT RESOLVED by the House of Representative of the
34 Twenty-fifth Legislature of the State of Hawaii, Regular Session
35 of 2010, the Senate concurring, that the Auditor is requested to
36 perform an analysis of the proposed regulation of the profession
37 of archaeology, as proposed in House Bill No. _____ of the
38 Twenty-fifth Legislature 2010; and
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40 BE IT FURTHER RESOLVED that the Auditor consult with the
41 State Historic Preservation Division of the Department of Land
42 and Natural Resources, the Society For Hawaiian Archaeology, the
43 University of Hawaii at Manoa School of Anthropology,
44 representatives of the Island Burial Councils, the Office of

1 Hawaiian Affairs, and Hui Malama I Na Kupuna O Hawaii Nei in
2 developing a sunrise analysis; and
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4 BE IT FURTHER RESOLVED that the Auditor is requested to set
5 forth the probable effects of the proposed regulation and to
6 assess whether the proposed regulation is consistent with the
7 policies set forth in section 26H-2, Hawaii Revised Statutes,
8 and whether there are alternative forms of regulation; and
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10 BE IT FURTHER RESOLVED that the Auditor is requested to
11 transmit the findings of the sunrise analysis to the Legislature
12 no later than twenty days prior to the beginning of the 2011
13 Legislative Session; and
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15 BE IT FURTHER RESOLVED that certified copies of this
16 Concurrent Resolution be transmitted to the Governor, the
17 Director of Commerce and Consumer Affairs, the Chairperson of
18 the Board of Land and Natural Resources, the Chairperson of the
19 Office of Hawaiian Affairs, the State Auditor, the Dean of the
20 University of Hawaii at Manoa School of Anthropology, Hui Malama
21 I Na Kupuna O Hawaii Nei, the Island Burial Councils, and the
22 Society for Hawaiian Archaeology.
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24 OFFERED BY: Calvin K. Day
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BY REQUEST

JAN 25 2010