



STATE OF NEW YORK
EXECUTIVE CHAMBER
ALBANY 12224

VETO # 197

December 30, 2022

TO THE SENATE:

I am returning herewith, without my approval, the following bill:

Senate Bill Number 5701, entitled:

"AN ACT to amend the not-for-profit corporation law and the education law, in relation to the discovery and disposition of human remains and funerary objects; and to amend the parks, recreation and historic preservation law, in relation to requiring certain notice and consultation prior to the undertaking of certain projects"

NOT APPROVED

This bill would establish a process to utilize on the rare occasion when human remains are discovered on real property through excavation or otherwise.

Under the provisions of this bill, when human remains are discovered, all activity at the site would be required to cease. After determining that the remains are not the result of a homicide, the State archaeologist would be granted access to the site to review the bones and make an initial determination about their provenance. The State archaeologist would then send a report of the findings to the Native American review committee, which would be charged with determining the lineal descendants or culturally-affiliated groups that might have an interest in the remains if they are of Native American origin; the State archaeologist would undertake the same procedure for remains that were not of Native American origin. Once descendants or culturally-affiliated groups are identified, they would be given complete discretion over the disposition of the remains, including deciding to have the remains stay interred on the private property. Throughout this process, which does not have a specified end date or window, the property owners would have no authority over their own real property, and would be forced to accept decisions that impact their property.

I recognize the need for a process to address the handling of unearthened human remains in a way that is respectful to lineal descendants or culturally-affiliated groups. However, any process addressing the handling of unearthened human remains that also involves the private property of New Yorkers must appropriately protect both interests. This bill, as drafted, does not do so.

My administration has been working with the Senate and the Assembly to attempt to reach an agreement that would balance the rights of property owners with the interests of the families of lineal descendants and other groups. While an agreement could not be reached at this time, I am committed to continuing to work in the next legislative session on this issue. For the foregoing reasons, at this time, I am constrained to veto this bill.

The bill is disapproved.

A handwritten signature in black ink that reads "Kathy Hochul".