
HOUSE CONCURRENT RESOLUTION

REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY
TO DETERMINE WHETHER PUBLIC, EDUCATION, AND GOVERNMENT
ACCESS ORGANIZATIONS SHOULD BE EXEMPT FROM STATE
PROCUREMENT LAWS.

1 WHEREAS, the Department of Commerce and Consumer Affairs
2 (DCCA) entered into and renegotiated contracts between 1990 and
3 1999 with the following four public, education, and government
4 (PEG) access organizations: Olelo Community Television; Akaku:
5 Maui Community Television; Hoike: Kauai Community Television;
6 and Na Leo O Hawaii; and

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8 WHEREAS, Chapter 103D, Hawaii Revised Statutes, the State
9 procurement law, was not in effect when two of these contracts
10 were initially entered into,

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12 WHEREAS, the DCCA was not aware that these PEG contracts
13 were subject to the state procurement law at the time the two
14 contracts were renegotiated and two new contracts were entered
15 into by the DCCA;

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17 WHEREAS, the Department of the Attorney General informed
18 the DCCA some time after December 2003 that contracts with the
19 PEG access organizations must comply with the State procurement
20 law; and

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22 WHEREAS, to provide continuous, high-quality PEG services
23 to the public, the DCCA needs to rely on consistent providers;
24 and

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26 WHEREAS, problems with purchases of equipment and long-term
27 maintenance of this equipment by the current PEG access
28 organizations may arise for the DCCA and the current PEG access
29 organizations with the application of the state procurement law;
30 and

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1 WHEREAS, the application of the state procurement law to
2 the contract process between the DCCA and the current PEG access
3 organizations may disrupt the consistent provision of service
4 and long-term maintenance of equipment; and

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6 WHEREAS, the current PEG access organizations are funded
7 primarily through annual PEG access fees that the local cable
8 operator is required to pay pursuant to DCCA franchise orders;
9 and

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11 WHEREAS, the current PEG access organizations do not
12 receive any governmental monies from the state general fund or
13 the DCCA Compliance Resolution Fund; now, therefore,

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15 BE IT RESOLVED by the House of Representatives of the
16 Twenty-third Legislature of the State of Hawaii, Regular Session
17 of 2006, the Senate concurring, that the Legislative Reference
18 Bureau shall review and make recommendations on whether the PEG
19 access organizations should be exempt from the state procurement
20 law; and

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22 BE IT FURTHER RESOLVED that the review and recommendations
23 are to be reported to the Legislature no later than twenty days
24 prior to the convening of the Regular Session of 2007; and

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26 BE IT FURTHER RESOLVED that certified copies of this
27 Concurrent Resolution be transmitted to the Acting Director of
28 the Legislative Reference Bureau, the Director of Commerce and
29 Consumer Affairs, the Administrator of the Cable Television
30 Division, the Attorney General, and the executive directors and
31 chairpersons of the boards of Olelo Community Television; Akaku:
32 Maui Community Television; Hoike: Kauai Community Television;
33 and Na Leo O Hawaii.

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