

MAR 15 2006

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# SENATE 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

7  
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,

11  
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

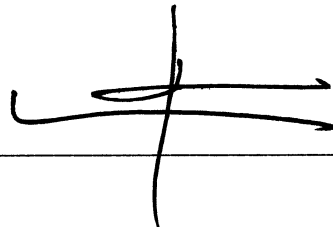
10  
11 WHEREAS, the current PEG access organizations do not  
12 receive any governmental monies from the state general fund or  
13 the DCCA Compliance Resolution Fund; now, therefore,

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

21  
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

25  
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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36 OFFERED BY:

  
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