
SENATE CONCURRENT RESOLUTION

REQUESTING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS AND THE ATTORNEY GENERAL TO IMPLEMENT MEASURES TO PROVIDE A SMOOTH TRANSITION FOR PUBLIC, EDUCATION, AND GOVERNMENT ACCESS ORGANIZATIONS SHOULD IT BE DETERMINED BY THE STATE PROCUREMENT OFFICE THAT THESE ORGANIZATIONS ARE SUBJECT TO THE STATE PROCUREMENT LAW.

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



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; and
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15 WHEREAS, it is the Legislature's understanding that the
16 state administration opposes exempting the PEG access
17 organizations from the state procurement law; now, therefore,
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19 BE IT RESOLVED by the Senate of the Twenty-third
20 Legislature of the State of Hawaii, Regular Session of 2006, the
21 House of Representatives concurring, that the DCCA and the
22 Attorney General implement measures to provide a smooth
23 transition to PEG access organizations should it be finally
24 determined by the State Procurement Office that the PEG access
25 organizations are subject to the state procurement law; and
26

27 BE IT FURTHER RESOLVED that the DCCA and the Attorney
28 General are requested to:
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30 (1) Make available for public inspection and copying the
31 Attorney General's opinion that contracts with the PEG
32 access organizations are subject to the state
33 procurement law;
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35 (2) Extend all existing contracts with the PEG access
36 organizations for an additional year to ensure that
37 there is no reduction in the extent or quality of
38 broadcasts in all access areas;
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40 (3) Work with the PEG access organizations and other
41 interested persons to develop documents and procedures
42 that will help to ensure that the extent and quality
43 of future broadcasts in all access areas will be
44 maintained, at minimum, in their current states; and



1 BE IT FURTHER RESOLVED that the DCCA is requested to submit
2 a report to the Legislature not later than twenty days prior to
3 the convening of the Regular Session of 2007 that:

- 4
- 5 (1) Describes the processes followed by the DCCA in
6 working with the PEG access organizations;
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 - 8 (2) Identifies any problem areas encountered by the DCCA
9 in its efforts to develop the documents and procedures
10 described in paragraph (3) of the preceding clause;
11 and
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 - 13 (3) Provides needed or recommended modifications to
14 existing statutes to further the goals stated in this
15 concurrent resolution; and
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17 BE IT FURTHER RESOLVED that certified copies of this
18 Concurrent Resolution be transmitted to the Director of Commerce
19 and Consumer Affairs, the Administrator of the Cable Television
20 Division, the Attorney General, and the executive directors and
21 chairpersons of the boards of Olelo Community Television; Akaku:
22 Maui Community Television; Hoike: Kauai Community Television;
23 and Na Leo O Hawaii.

