

STAND. COM. REP. NO.

3407

Honolulu, Hawaii

APR - 6 2006

RE: S.C.R. No. 93
S.D. 1

Honorable Robert Bunda
President of the Senate
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Sir:

Your Committee on Commerce, Consumer Protection, and Housing,
to which was referred S.C.R. No. 93 entitled:

"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,"

begs leave to report as follows:

The purpose of this measure is to request the Legislative
Reference Bureau to conduct a study to determine whether public,
education, and government (PEG) access organizations should be
exempt from the state procurement laws.

Testimony in support of this measure was submitted by Akaku
Maui Community Television, Molokai Community Alliance for Media,
and three concerned individuals. A petition signed by 563
individuals in support of an exemption for the PEG access
organization Akaku was submitted with the testimony of two of the
three concerned individuals. These individuals included public
school students and residents of Molokai. Comments were submitted
by the Legislative Reference Bureau.

The application of the state procurement laws to the contract
process involving the DCCA and current PEG access organizations
has raised many concerns within the PEG access community. Your
Committee finds that requesting the DCCA and the Attorney General
to take steps to smooth the transition and maintain the quality of
broadcasts in all access areas should the State Procurement Office

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make a final determination that PEG access organizations are subject to the state procurement laws is a better method to address these concerns.

Accordingly, your Committee has amended this measure by:

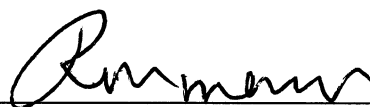
- (1) Deleting the title and language throughout the measure requesting a study by the Legislative Reference Bureau;
- (2) Including language in the title and the resolution that ask the DCCA and the Attorney General to provide a smooth transition for PEG access organizations should it be determined by the State Procurement Office that these organizations are subject to the state procurement laws;
- (3) Requesting that the DCCA and Attorney General are to make available for public inspection and copying the Attorney General's opinion that contracts with the PEG access organizations are subject to the state procurement laws;
- (4) Requesting that the DCCA and Attorney General extend all existing contracts with the PEG access organizations for an additional year to ensure the extent and quality of broadcasts in all access areas;
- (5) Requesting that the DCCA and Attorney General work with the PEG access organizations and other interested persons to develop documents and procedures to ensure the extent and quality of future broadcasts in all access areas; and
- (6) Requesting the DCCA to submit a report to the Legislature not later than twenty days prior to the start of the Regular Session of 2007 that describes the process followed by the DCCA in working with the PEG access organizations, identifies any problem areas in developing documents and procedures to ensure the extent and quality of future broadcasts in all access areas, and provides needed or recommended modifications to existing statutes to further the goals in this measure.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Housing that is attached to this report, your Committee concurs with the intent



and purpose of S.C.R. No. 93, as amended herein, and recommends that it be referred to the Committee on Transportation and Government Operations, in the form attached hereto as S.C.R. No. 93, S.D. 1.

Respectfully submitted on
behalf of the members of the
Committee on Commerce, Consumer
Protection, and Housing,



RON MENOR, Chair



