

Honolulu, Hawaii

APR 11 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 Transportation and Government Operations,
to which was referred S.C.R. No. 93, S.D. 1, entitled:

"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,"

begs leave to report as follows:

The purpose of this measure is to request 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.

Your Committee received testimony in support of this measure
from Akaku Maui Community Television, Na Leo O Hawaii, and four
individuals. Comments were submitted by the Cable Television
Division of the Department of Commerce and Consumer Affairs and
the Attorney General.

The Department of Commerce and Consumer Affairs entered into
and renegotiated contracts between 1990 and 1999 with the
following four public, education, and government access
organizations: Olelo Community Television; Akaku: Maui Community
Television; Hoike: Kauai Community Television; and Na Leo O



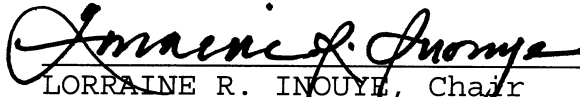
Hawaii. The Department of the Attorney General informed the Department of Commerce and Consumer Affairs some time after December 2003 that contracts with the public, education, and government access organizations must comply with the state procurement law.

Your Committee finds that problems with purchases of equipment and long-term maintenance of this equipment by the current public, education, and government access organizations may arise for the Department of Commerce and Consumer Affairs and the current public, education, and government access organizations with the application of the state procurement law. The application of the state procurement law to the contract process between the Department of Commerce and Consumer Affairs and the current public, education, and government access organizations may disrupt the consistent provision of service and long-term maintenance of equipment. The current public, education, and government access organizations do not receive any governmental monies from the state general fund or the Department of Commerce and Consumer Affairs' Compliance Resolution Fund.

Your Committee believes that the Department of Commerce and Consumer Affairs and the Attorney General should implement measures to provide a smooth transition to public, education, and government access organizations should it be finally determined by the State Procurement Office that the public, education, and government access organizations are subject to the state procurement law.

As affirmed by the record of votes of the members of your Committee on Transportation and Government Operations that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 93, S.D. 1, and recommends its adoption.

Respectfully submitted on
behalf of the members of the
Committee on Transportation and
Government Operations,


LORRAINE R. INOUE, Chair



