

---

# HOUSE CONCURRENT RESOLUTION

REQUESTING A STUDY ON THE EFFECT OF THE PUBLIC PROCUREMENT  
PROCESS ON PUBLIC EDUCATION AND GOVERNMENT ACCESS  
TELEVISION STATIONS.

1 WHEREAS, public education and government cable access  
2 television stations (PEG access stations) are sole-source,  
3 community-television-building entities; and  
4

5 WHEREAS, the Attorney General opined that PEG access  
6 stations are subject to the State's public procurement process;  
7 and  
8

9 WHEREAS, the Attorney General and the Administration have  
10 withheld publishing the Attorney General's opinion for public  
11 review; and  
12

13 WHEREAS, public sentiment has been overwhelming--if not  
14 unanimous--in its support either for exempting PEG access  
15 stations from the public procurement process or acknowledging  
16 that PEG access stations are not subject to the public  
17 procurement process; and  
18

19 WHEREAS, the State Procurement Office and the Cable  
20 Television Administration, the chief overseers of the public  
21 procurement process for PEG access stations, are not subject to  
22 any independent oversight by the public; and  
23

24 WHEREAS, the public has overwhelmingly presented its  
25 concerns to the State Legislature and Administration regarding  
26 the importance of community television in Hawaii; and  
27

28 WHEREAS, in 1995, the Legislative Reference Bureau was  
29 requested to study and make recommendations regarding PEG access



stations, and in 1997, the Department of Commerce and Consumer Affairs commissioned a similar report and found that the method of imposing the public procurement process on PEG access stations is at odds with these reports and recommendations; and

WHEREAS, there has been a tremendous public outcry concerning the clandestine and surreptitious manner in which the imposition of the public procurement process on PEG access stations has been conducted; now, therefore,

BE IT RESOLVED by the House of Representatives of the Twenty-fourth Legislature of the State of Hawaii, Regular Session of 2007, the Senate concurring, that the Legislative Reference Bureau (LRB) is requested to study the legality, effectiveness, and appropriateness of the imposition of the procurement process on PEG access stations; and

BE IT FURTHER RESOLVED that LRB consider the feasibility and potential effectiveness of enacting and implementing alternative regulatory frameworks for PEG access in Hawaii; and

BE IT FURTHER RESOLVED that LRB report its findings to the Legislature no later than twenty days prior to the convening of the Regular Session of 2008; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the Acting Director of LRB; the Director of Commerce and Consumer Affairs; the Administrator of the State Procurement Office; the Chairperson of the Procurement Policy Board; and the chairpersons of the Board of Directors of Hoike: Kauai Community Television, Inc., Na Leo O Hawaii, Inc., Olelo Community Television, and Akaku: Maui Community Television.

OFFERED BY:

*Mele Carroll*

HCR HMS 2007-0936



MAR 14 2007