

MAR 14 2007

## SENATE 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



1 stations, and in 1997, the Department of Commerce and Consumer  
 2 Affairs commissioned a similar report and found that the method  
 3 of imposing the public procurement process on PEG access  
 4 stations is at odds with these reports and recommendations; and  
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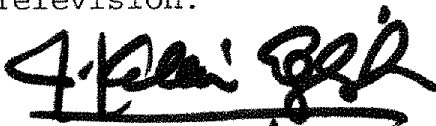
6 WHEREAS, there has been a tremendous public outcry  
 7 concerning the clandestine and surreptitious manner in which the  
 8 imposition of the public procurement process on PEG access  
 9 stations has been conducted; now, therefore,  
 10

11 BE IT RESOLVED by the Senate of the Twenty-fourth  
 12 Legislature of the State of Hawaii, Regular Session of 2007, the  
 13 House of Representatives concurring, that the Legislative  
 14 Reference Bureau (LRB) is requested to study the legality,  
 15 effectiveness, and appropriateness of the imposition of the  
 16 procurement process on PEG access stations; and  
 17

18 BE IT FURTHER RESOLVED that LRB consider the feasibility  
 19 and potential effectiveness of enacting and implementing  
 20 alternative regulatory frameworks for PEG access in Hawaii; and  
 21

22 BE IT FURTHER RESOLVED that LRB report its findings to the  
 23 Legislature no later than twenty days prior to the convening of  
 24 the Regular Session of 2008; and  
 25

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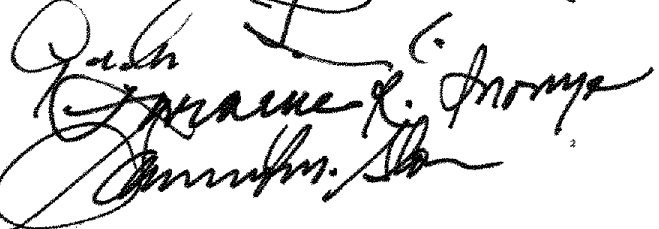
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