

MAR 14 2007

SENATE 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
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5 WHEREAS, the Attorney General opined that PEG access
6 stations are subject to the State's public procurement process;
7 and
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9 WHEREAS, the Attorney General and the Administration have
10 withheld publishing the Attorney General's opinion for public
11 review; and
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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
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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
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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
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28 WHEREAS, in 1995, the Legislative Reference Bureau was
29 requested to study and make recommendations regarding PEG access
30 stations, and in 1997, the Department of Commerce and Consumer
31 Affairs commissioned a similar report and found that the method



1 of imposing the public procurement process on PEG access
 2 stations is at odds with these reports and recommendations; and
 3

4 WHEREAS, there has been a tremendous public outcry
 5 concerning the clandestine and surreptitious manner in which the
 6 imposition of the public procurement process on PEG access
 7 stations has been conducted; now, therefore,
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9 BE IT RESOLVED by the Senate of the Twenty-fourth
 10 Legislature of the State of Hawaii, Regular Session of 2007,
 11 that the Legislative Reference Bureau (LRB) is requested to
 12 study the legality, effectiveness, and appropriateness of the
 13 imposition of the procurement process on PEG access stations;
 14 and
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16 BE IT FURTHER RESOLVED that LRB consider the feasibility
 17 and potential effectiveness of enacting and implementing
 18 alternative regulatory frameworks for PEG access in Hawaii; and
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20 BE IT FURTHER RESOLVED that LRB report its findings to the
 21 Legislature no later than twenty days prior to the convening of
 22 the Regular Session of 2008; and
 23

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