
HOUSE CONCURRENT RESOLUTION

REQUESTING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO ESTABLISH A TASK FORCE TO SOLICIT PUBLIC INPUT AND EXAMINE METHODS OTHER THAN THE PUBLIC PROCUREMENT CODE PROCESS TO OVERSEE PUBLIC, EDUCATION, AND GOVERNMENT ACCESS ORGANIZATIONS' EXPENDITURES AND ENSURE PROPER CHECKS AND BALANCES.

1 WHEREAS, the Department of Commerce and Consumer Affairs
2 (DCCA) entered into and renegotiated contracts between 1990 and
3 1999 with the following four public, education, and government
4 (PEG) access organizations: Olelo Community Television; Akaku:
5 Maui Community Television; Hoike: Kauai Community Television;
6 and Na Leo O Hawaii; and
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8 WHEREAS, two of these PEG contracts were initially entered
9 into prior to the effective date of Chapter 103D, Hawaii Revised
10 Statutes, the Hawaii Public Procurement Code (state procurement
11 code); and
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13 WHEREAS, DCCA was not aware that these PEG contracts were
14 subject to the state procurement code at the time the two
15 contracts were renegotiated, and two new contracts were entered
16 into by DCCA; and
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18 WHEREAS, the Department of the Attorney General informed
19 DCCA some time after December 2003 that contracts with PEG
20 access organizations must comply with the state procurement
21 code; and
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23 WHEREAS, to provide continuous, high-quality PEG services
24 to the public, DCCA needs to rely on consistent providers; and



1 WHEREAS, with the application of the state procurement
2 code, problems with purchases of equipment and long-term
3 maintenance of the equipment by current PEG access organizations
4 may arise for the DCCA and current PEG access organizations; and
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6 WHEREAS, the application of the state procurement code to
7 the contract process between the DCCA and current PEG access
8 organizations may disrupt the consistent provision of service
9 and long-term maintenance of equipment; and
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11 WHEREAS, current PEG access organizations are funded
12 primarily through annual PEG access fees that the local cable
13 operator is required to pay pursuant to DCCA franchise orders;
14 and
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16 WHEREAS, current PEG access organizations do not receive
17 any governmental moneys from the state general fund or the DCCA
18 Compliance Resolution Fund; and
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20 WHEREAS, an alternative method needs to be found that allow
21 PEGs to continue providing their valuable services to the state
22 while ensuring proper expenditure of public funds; now,
23 therefore,
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25 BE IT RESOLVED by the House of Representatives of the
26 Twenty-fourth Legislature of the State of Hawaii, Regular
27 Session of 2008, the Senate concurring, that DCCA is requested
28 to establish a task force to solicit public input and examine
29 methods other than the Public Procurement Code process to
30 oversee PEG expenditures and ensure proper checks and balances;
31 and
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33 BE IT FURTHER RESOLVED that the task force should also
34 examine the selection process for PEG advisory board members;
35 and
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37 BE IT FURTHER RESOLVED that the task force should be
38 comprised of 12 members, including:
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- 40 (1) One representative each from the Olelo Community
41 Television; Akaku: Maui Community Television; Hoike:
42 Kauai Community Television; and Na Leo O Hawaii;



- 1 (2) One representative from each county, appointed by
- 2 the respective county's Mayor;
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- 4 (3) The Director of Commerce and Consumer Affairs or the
- 5 Director's designee;
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- 7 (4) The Superintendent of Education or the
- 8 Superintendent's designee;
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- 10 (5) The President of the University of Hawaii or the
- 11 President's designee; and
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- 13 (6) The Chairperson of the Cable Access Committee or the
- 14 Chairperson's designee;

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16 and

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18 BE IT FURTHER RESOLVED that recommendations made by the
19 task force should take into account the first amendment rights
20 of PEG; and

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22 BE IT FURTHER RESOLVED that the task force is requested to
23 submit a report of its findings to the Legislature no later than
24 20 days prior to the convening of the Regular Session of 2009;
25 and

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27 BE IT FURTHER RESOLVED that certified copies of this
28 Concurrent Resolution be transmitted to the Director of Commerce
29 and Consumer Affairs, Administrator of the State Procurement
30 Office, President of the University of Hawaii, Superintendent of
31 Education, the Mayors of each county, the Administrator of the
32 Cable Television Division of the Department of Commerce and
33 Consumer Affairs, the Attorney General, and the executive
34 directors and chairpersons of the boards of Olelo Community
35 Television; Akaku: Maui Community Television; Hoike: Kauai
36 Community Television; and Na Leo O Hawaii.

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39 OFFERED BY: 