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## 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  
7

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

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I do hereby certify that the within document  
is a full, true and correct copy of the original  
on file in this office.

  
Chief Clerk  
House of Representatives  
State of Hawaii

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  
15

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  
19

20 WHEREAS, an alternative method needs to be found that  
21 allows PEGs to continue providing their valuable services to the  
22 state 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:  
39

40 (1) One representative each from the boards of Olelo  
41 Community Television; Akaku: Maui Community  
42 Television; Hoike: Kauai Community Television; and  
43 Na Leo O Hawaii;



- 1 (2) One representative from each county, appointed by
- 2 the respective county's Mayor;
- 3
- 4 (3) The Director of Commerce and Consumer Affairs or the
- 5 Director's designee;
- 6
- 7 (4) The Superintendent of Education or the
- 8 Superintendent's designee;
- 9
- 10 (5) The President of the University of Hawaii or the
- 11 President's designee; and
- 12
- 13 (6) The Chairperson of the Cable Access Committee or the
- 14 Chairperson's designee;

15  
16 and

17  
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

21  
22 BE IT FURTHER RESOLVED that the task force is requested to

23 submit a report of suggested policy changes to the Legislature

24 no later than 20 days prior to the convening of the Regular

25 Session of 2009; and

26  
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.

