

MAR 14 2007

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## 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  
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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  
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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 Hoike: Kauai Community Television, Inc., Na Leo O Hawaii, Inc.,  
30 Olelo Community Television, and Akaku: Maui Community  
31 Television.  
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33 *[Handwritten signature]*  
34 *Ariel Y. [unclear]*

OFFERED BY: *[Handwritten signature]*

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