

SB 1680

kim4 - Elizabeth

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Aloha Chair Kim, Vice-Chair Tsutsui, and members of the Ways and Means committee,

The Community Media Producers Association (CMPA) is in support of the intent of SB 1680 SD1 RELATING TO TECHNOLOGY Hawaii Broadband commissioner; Broadband Regulation; Broadband Franchising; Broadband Permitting with the following amendments:

PART I. GENERAL PROVISIONS

§ -1 Definitions. As used in this chapter, unless the context otherwise requires:

"Access organization" means any nonprofit organization with voting members under part VI of chapter 414D designated by the commissioner to oversee the development, operation, supervision, management, production, or broadcasting of programs for any channels obtained under section -67, and any officers, agents, and employees of an organization with respect to matters within the course and scope of their employment by the access organization.

If you amend the definition to include voting members, it would remove the appearance of taxation without representation by giving voluntary as well as involuntary contributors a real stake in the organizations. This should provide a place at the table for all to share and implement their ideas. It is not appropriate to exempt the PEGs from procurement without providing for the openness and accountability DCCA believes are crucial,

Thank you for deferring decision making on SB 1680 SD1, allowing for comments on the half truths and disinformation provided you in other testimony. CMPA is the only nonprofit media access corporation in the state advocating for at least one specially designated "Public Access Channel," individual Public producers' rights, and membership and transparency in PEG organizations. As such CMPA is in opposition to exempting public, education and government (PEG) access organizations' contracts from the procurement code unless PEGs are required to adhere to state law providing for true openness and accountability to citizens. We do, however, support the overall intent of the measure which is to lower the impediments to broadband users, providers, and the marketplace of ideas.

To date there has been no compelling argument provided for why PEG organization contracts should be exempt, quite the contrary. The AG, Chief Procurement Officer, and the Procurement Policy Board, have all opined that competing for the contracts would provide for innovation and excellence, which are necessary tools to catch up from being 10 years behind the cutting edge.

Those familiar with procurement law are aware that reports and studies have recognized that exemptions increase the possibility of litigation that would be unlikely if there were strict adherence to the procurement code. Since the State Procurement Office (SPO) granted DCCA an exemption in 2005, hundreds of thousands of dollars have gone to 'Olelo & Akaku's attorneys rather than towards their real purpose in their articles of incorporation.

CMPA and SPO believe competition fosters innovation and excellence. "DCCA believes openness and accountability are crucial", as stated in DCCA's yet unimplemented 2004 PEG Plan, but perhaps DCCA doesn't really want PEGs to be open, accountable, innovative or successful and that is the reason they haven't implemented the plan after almost 5 years and now want Hawai'i PEG organization contracts exempt from the procurement code.

The attached PDF concludes membership PEG access organization boards are more democratic, and that non-membership boards tend to become self-serving. CMPA respectfully requests that this committee amend the bill so that the funding it mandates the public pay to support the PEGs facilitates democracy and not self-serving in-groups.

Please stop Keeping the Public Out of Public Access Hawaiian Style.

Mahalo for doing what's pono.

"The world is too dangerous to live in - not because of the people who do evil,
but because of the people who sit and let it happen."

Albert Einstein