
A BILL FOR AN ACT

RELATING TO THE WIRELESS ENHANCED 911 BOARD.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 138-5, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "[+]§138-5[+] **Recovery from the fund.** (a) After
4 January 1, 2005, every public safety answering point shall be
5 eligible to seek [~~reimbursement~~] recovery from the fund [~~solely~~]
6 to pay for the reasonable costs to lease, purchase, or maintain
7 all necessary equipment, including computer hardware, software,
8 and database provisioning[7] required by the public safety
9 answering point to provide technical functionality for the
10 wireless enhanced 911 service pursuant to the Federal
11 Communications Commission order. [~~All other expenses~~] Expenses
12 necessary to operate the public safety answering point,
13 including but not limited to those expenses related to overhead,
14 staffing, and other day-to-day operational expenses, shall
15 continue to be paid through the general funding of the
16 respective counties. The board may determine by policy that
17 certain expenses necessary to the provision of wireless enhanced



1 911 services by the public safety answering points may be
2 recovered from the fund.

3 (b) After January 1, 2005, each wireless provider may
4 request [~~reimbursement~~] recovery from the fund [~~of~~] for wireless
5 enhanced 911 commercial mobile radio service costs incurred;
6 provided that the costs:

7 (1) Are recoverable under section 138-4(d); and

8 (2) Have not already been [~~reimbursed to~~] recovered by the
9 wireless provider from the fund.

10 In no event shall a wireless provider [~~be reimbursed for~~]
11 recover any amount above its actual wireless enhanced 911
12 commercial mobile radio service costs that are allowed to be
13 recovered under section 138-4(d).

14 (c) After the expenses of the board are paid, the [~~public~~
15 ~~safety answering points shall be allocated two thirds of the~~
16 ~~remaining balance of the fund. The remaining one-third shall be~~
17 ~~available for wireless provider cost recovery.~~] board shall
18 determine the allocation of the remaining balance of the fund
19 between the public safety answering points and wireless
20 providers; provided that at least one-third of the remaining
21 balance shall be available for wireless provider cost recovery.

22 The board shall determine the [~~reimbursement~~] amounts [~~for~~]



1 recoverable by the public safety answering points, based on the
2 limitations set forth in section 138-5(a). The [~~reimbursement~~
3 ~~level for~~] amount recoverable by each wireless provider shall be
4 limited:

5 (1) To the total contribution made by the wireless
6 provider to the wireless provider cost recovery
7 portion of the fund; and

8 (2) As provided in section 138-5(b)."

9 SECTION 2. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 3. This Act shall take effect on July 1, 2060.



SB 2239 SD2

HD1

Report Title:

Wireless Enhanced 911 Fund; Cost Recovery

Description:

Gives the Wireless Enhanced 911 Board flexibility in expending funds by allowing: 911 answering service agencies (PSAPs) to recover rather than be reimbursed for their costs; Recovery of essential operating expenses currently excluded by the wording of the law; The Board to allocate payments to PSAPs and wireless carriers while ensuring at least one-third of funds are available for wireless provider cost recovery. (SB2239 HD1)

