

# S .B. NO. 2279

JAN 25 2006

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

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

3 (b) After January 1, 2005, each wireless provider may  
4 request [~~reimbursement~~] recovery from the fund [~~of~~] 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 the wireless  
9 provider from the fund.

10 In no event shall a wireless provider [~~be reimbursed for~~] recover  
11 any amount above its actual wireless enhanced 911 commercial  
12 mobile radio service costs that are allowed to be recovered under  
13 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. The board shall determine the [~~reimbursement~~] amounts  
21 recovered for the public safety answering points, based on the  
22 limitations set forth in section 138-5(a). The [~~reimbursement~~

1 ~~level]~~ amount recovered for each wireless provider shall be  
2 limited:

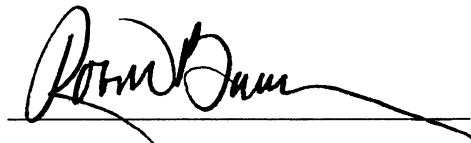
3 (1) To the total contribution made by the wireless  
4 provider to the wireless provider cost recovery  
5 portion of the fund; and

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

7 SECTION 2. Statutory material to be repealed is bracketed  
8 and stricken. New statutory material is underscored.

9 SECTION 3. This Act shall take effect on July 1, 2006.

10  
11 INTRODUCED BY:



12 BY REQUEST  
13

JUSTIFICATION SHEET

SB. NO. 2239

DEPARTMENT: Accounting and General Services

TITLE: A BILL FOR AN ACT RELATING TO THE WIRELESS ENHANCED BOARD.

PURPOSE: Allows the Board to determine if certain expenses should be recoverable by the Public Safety Answering Points (PSAP), giving the Board discretion as to the allocation of reimbursements from the wireless enhanced 911 fund between the PSAPs and the wireless carriers, and to change the "reimbursement" language to "recover" language.

MEANS: Amend HRS Section 138-5.

JUSTIFICATION: Provides for faster implementation of wireless enhanced service by: allowing PSAPs to be reimbursed for operating expenses which are necessary to provide enhanced wireless service that are currently not allowed by law, providing flexibility to reimburse wireless carriers for the purchase of equipment and computer software which may be above the limits now established by statute, and providing a flexible funding mechanism for PSAPs to allow them to purchase required equipment without being restricted by county budget mechanics.

Impact on the public: There would be three areas the public would be impacted. First, with the implementation of wireless enhanced 911 service, the PSAPs' are incurring operating expenses which they would not have had previously. One that Maui is now encountering is long distance charges for call backs to wireless 911 callers as some are calling from out of state phone numbers. All PSAPs are concerned about this expense as it is not budgeted. This portion of the bill would allow the PSAPs to do call backs when required. Secondly, it is possible that the wireless carriers will seek a larger amount of reimbursement than the one third now allowed by law as their equipment

and data processing requirements to implement wireless enhanced service maybe much greater than the PSAPs. This will allow wireless carriers to purchase needed equipment quicker allowing for quicker implementation of wireless enhanced service. Third is to allow the PSAPs' flexibility to purchase necessary equipment without being delayed by the budgetary requirements of the counties again speeding up implementation of wireless enhanced 911 service.

Impact on the department and other agencies: Since the initial Maui deployment, operating budget issues have surfaced creating situations which cause added expense to the counties potentially negatively affecting other services provided. Second, since the press conference announcing the Maui implementation, counties have made it a priority to implement enhanced wireless 911 service accelerating the funding requirements for both the PSAPs and wireless carriers. This legislation would address these areas.

GENERAL FUND: None.  
OTHER FUNDS: Wireless enhanced 911 fund.  
PPBS PROGRAM  
DESTINATION: AGS 891  
OTHER AFFECTED  
AGENCIES: None.  
EFFECTIVE DATE: July 1, 2006.