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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  
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, 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 the wireless  
9 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. The board shall determine the [~~reimbursement~~]  
21 amounts recovered for the public safety answering points, based  
22 on the limitations set forth in section 138-5(a). The



1 ~~[reimbursement level]~~ amount recovered for each wireless  
2 provider shall be 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.

**Report Title:**

Wireless Enhanced 911 Fund; Reimbursements

**Description:**

Gives the Board discretion as to the allocation of reimbursements from the wireless enhanced 911 fund between the Public Safety Answering Points and wireless carriers. (SD1)

