
A BILL FOR AN ACT

RELATING TO WIRELESS ENHANCED 911.

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

1 SECTION 1. Section 138-7, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "~~§~~**138-7 Audits**~~[-]~~; by the board, state auditor. (a)

4 During any period in which a wireless enhanced 911 surcharge is
5 imposed upon customers, the board may request an audited report
6 prepared by an independent certified public accountant that
7 demonstrates that the request for cost recovery from public
8 safety answering points and wireless providers recovers only
9 costs and expenses directly related to the provision of phase I
10 or phase II wireless enhanced 911 service as authorized by this
11 chapter. The cost of the audited reports shall be considered
12 expenses of the board. The board shall prevent public
13 disclosure of proprietary information contained in the audited
14 report, unless required by court order or appropriate
15 administrative agency decision.

16 (b) The board shall select an independent third party to
17 audit the fund every two years to determine whether the fund is
18 being managed in accordance with this chapter. The board may



1 use the audit to determine whether the amount of the surcharge
2 assessed on each commercial mobile radio service connection is
3 required to be adjusted. The costs of the audit shall be an
4 administrative cost of the board recoverable from the fund.

5 (c) Beginning 2014 and every five years thereafter as long
6 as the wireless enhanced 911 fund remains in existence, the
7 auditor shall conduct a review of the fund. The review shall
8 include but not be limited to the criteria set forth in section
9 37-52.3, for the establishment and continuance of special funds.
10 The auditor shall submit a report of its review to the
11 legislature no later than twenty days prior to the convening of
12 the regular session following each year in which the review is
13 required to be performed."

14 SECTION 2. (a) The auditor shall conduct a financial and
15 management audit of the wireless enhanced 911 fund to address
16 the following issues:

17 (1) The role the wireless enhanced 911 board should play
18 in assisting the counties in deployment or operation
19 of wireless enhanced 911 in light of the department of
20 health's duties assigned pursuant to sections 321-
21 224(a)(7) and 321-225(a)(6), Hawaii Revised Statutes;



- 1 (2) The responsibility of the county councils to determine
- 2 whether provision of wireless enhanced 911 services is
- 3 a budget priority within their respective
- 4 jurisdictions;
- 5 (3) Whether the statutory authority to reimburse the
- 6 public safety answering points and the wireless
- 7 service providers for costs incurred to deploy
- 8 wireless enhanced 911 services includes or should
- 9 include:
 - 10 (A) The ongoing cost of operating 911 call centers,
 - 11 including trunking line charges, answering
 - 12 position charges, and long distance calling
 - 13 charges assessed by the local exchange carrier;
 - 14 (B) The cost incurred for acquiring personnel
 - 15 services by contract that would be prohibited if
 - 16 acquired by hiring personnel; and
 - 17 (C) The cost of equipment that may also be used to
 - 18 process wireline 911 calls;
- 19 (4) Whether the wireless enhanced 911 board should be
- 20 expending funds from the wireless enhanced 911 fund to
- 21 purchase products for use by the public safety



1 answering points rather than reimbursing the counties
2 for those purchases;

3 (5) Whether the wireless enhanced 911 fund serves its
4 created purpose and reflects a clear link between the
5 benefit sought and charges made upon the users or
6 beneficiaries of the program, as opposed to serving
7 primarily as a means to provide the program or users
8 with an automatic means of support which is removed
9 from the normal budget and appropriations process;

10 (6) Whether expenditures from the wireless enhanced 911
11 fund by the wireless enhanced 911 board should be
12 subject to legislative appropriation in the same
13 manner as required by section 346-51.5, Hawaii Revised
14 Statutes;

15 (7) Recommendations for other forms of legislative
16 oversight of the wireless enhanced 911 board or other
17 means of ensuring the board is accountable for its
18 actions;

19 (8) Whether the surcharge amount imposed on customers is
20 sufficient to fund the wireless enhanced 911 fund and,
21 if not, recommend an appropriate surcharge amount; and



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1 (9) Any other issues pertinent to the audit revealed by
2 the auditor's review of the wireless enhanced 911
3 board's records and interviews of its personnel.

4 SECTION 3. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 4. This Act shall take effect upon its approval.

7

INTRODUCED BY: *Andy Evans*

JAN 22 2009



Report Title:

Wireless Enhanced 911; Audit

Description:

Requests the state auditor to conduct an audit of the wireless enhanced 911 fund and submit a review of the fund in 2014 and every five years after.

