



COUNTY OF KAUAI
Fire Department
Mo'ikeha Building
4444 Rice Street, Suite 295
Lihu'e, Kaua'i, Hawaii 96766

LATE TESTIMONY

**TESTIMONY
OF
KAUAI COUNTY FIRE DEPARTMENT
TO THE
HOUSE COMMITTEE
ON
FINANCE
ON
FEBRUARY 17, 2010**

H.B. 2542

RELATED TO THE WIRELESS 9-1-1 FUND

Chair Oshiro, Vice Chair Lee and members of the Committee, thank you for the opportunity to testify on H.B. 2542.

We submit this letter of strong opposition to H.B. 2542 that would call for the transfer of at least \$5,000,000 from the Wireless Enhanced 9-1-1 Fund to the general fund. This fund and its intended purpose is for the enhancement and continued maintenance on the existing E9-1-1 system that answer's and responds to over 1,149,000 9-1-1 calls annually in the State. These funds are important to the continued delivery of enhancements to the 9-1-1 network as devices continue to be introduced to the public such for text messaging, video messaging, telematics vehicles, all which use the 9-1-1 wireless network to request emergency response.

The Enhance Act of 2004 (Public Law 108-494) and The New and Emerging Technologies 911 Improvement Act of 2008 (Public Law 110-283) clearly identify that any communications service provider that imposes the collection of a fee for the support or implementation of 9-1-1 or enhanced 9-1-1 services, provided that the fee or charge is obligated or expended only in support of 9-1-1 and enhanced 9-1-1 services, or enhancements of such services, as specified in the provisions of State or local law adopting the fee or charge.

Simply stated, all monies collected on a consumer's bill identified for the purposes of 9-1-1 or E9-1-1 must be expended only for 9-1-1 or E9-1-1 as provided for in the two (2) Public Laws that governs the States authorization to collect fees for the purposes of 9-1-1 or E9-1-1. More specifically;

The Enhance Act of 2004 (Public Law 108-494) Congress found that:

(1) for the sake of our Nation's homeland security and public safety, a universal emergency telephone number (911) that is enhanced with the most modern and state-of-the-art telecommunications capabilities possible should be available to all citizens in all regions of the Nation;

(2) enhanced emergency communications require Federal, State, and local government resources and coordination;

(3) any funds that are collected from fees imposed on consumer bills for the purposes of funding 911 services or enhanced 911 should go only for the purposes for which the funds are collected; and

(4) enhanced 911 is a high national priority and it requires Federal leadership, working in cooperation with State and local governments and with the numerous organizations dedicated to delivering emergency communications services.

The law also requires yearly that the State must report on their compliance to the law, as failure to comply will exclude the State from any Federal Grant money as described within this public law. Public Law 108-494, has met it's five year life span for the program office (and remains active under special conditions) it does not remove the mandate which requires 9-1-1 monies collected be used for that purpose.

The New and Emerging Technologies 911 Improvement Act 2008 (Public Law 110-283) The law requires Internet Protocol (IP) enabled voice service providers to provide 9-1-1 and enhanced 9-1-1 service to its subscribers in accordance with the requirements of the Federal Communications Commission, as in effect on the date of the enactment of the New and Emerging Technologies 911 Improvement Act of 2008 and as such requirements may be modified by the Commission from time to time.

To further clarify the Federal Governments position on using 9-1-1 monies for other than it's intended use, Congress enacted the New and Emerging 911 Improvement Act of 2008 (Public Law 110-383. Senator Daniel Inouye as the Commerce Committee Chairman, along with the sponsors Senator Stevens, Clinton, Stowe and Lautenberg worked tirelessly to ensure the passage of this legislation. This law continues to reinforce State's authority over 9-1-1 fees.

STATE AUTHORITY OVER FEES.—

“(1) AUTHORITY.—Nothing in this Act, the Communications Act of 1934 (47 U.S.C. 151 et seq.), the New and Emerging Technologies 911 Improvement Act of 2008, or any Commission

regulation or order shall prevent the imposition and collection of a fee or charge applicable to commercial mobile services or IP-enabled voice services specifically designated by a State, political subdivision thereof, Indian tribe, or village or regional corporation serving a region established pursuant to the Alaska Native Claims Settlement Act, as amended (85 Stat. 688) for the support or implementation of 9-1-1 or enhanced 9-1-1 services, **provided that the fee or charge is obligated or expended only in support of 9-1-1 and enhanced 9-1-1 services, or enhancements of such services, as specified in the provision of State or local law adopting the fee or charge.** For each class of subscribers to IP-enabled voice services, the fee or charge may not exceed the amount of any such fee or charge applicable to the same class of subscribers to telecommunications services.

“(2) FEE ACCOUNTABILITY REPORT.—To ensure efficiency, transparency, and accountability in the collection and expenditure of a fee or charge for the support or implementation of 9-1-1 or enhanced 9-1-1 services, the Commission shall submit a report within 1 year after the date of enactment of the New and Emerging Technologies 911 Improvement Act of 2008, and annually thereafter, to the Committee on Commerce, Science and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives detailing the status in each State of the collection and distribution of such fees or charges, and including findings on the amount of revenues obligated or expended by each State or political subdivision thereof for any purpose other than the purpose for which any such fees or charges are specified.

On behalf of the Kauai County Fire Department thank you for this opportunity to testify.

Sincerely,



Robert Westerman
Fire Chief, County of Kaua'i

RFW/eld



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February 17, 2010

To: The Honorable Marcus R. Oshiro
Chair, House Committee on Finance

From: 'Ohana Health Plan

Re: House Bill 2542-Relating to Non-General Funds

Hearing: Wednesday, February 17, 2010, 10:00 a.m.
Hawai'i State Capitol, Room 308

Since February 2009, 'Ohana Health Plan has provided services under the Hawai'i QUEST Expanded Access (QExA) program. 'Ohana is managed by a local team of experienced care professionals who embrace cultural diversity, advocate preventative care and facilitate communications between members and providers. Our philosophy is to place members and their families at the center of the health care continuum.

'Ohana Health Plan is offered by WellCare Health Insurance of Arizona, Inc. WellCare provides managed care services exclusively for government-sponsored health care programs serving approximately 2.3 million Medicaid and Medicare members nationwide. 'Ohana is able to take the national experience in providing an Ohana care model that addresses local members' healthcare and health coordination needs.

We appreciate this opportunity to submit our comments in strong support of House Bill 2542-Relating to Non-General Funds.

'Ohana Health Plan (OHP) is one of the five health care plans contract under the QUEST program through the Department of Human Services (DHS). As a new plan, operating largely with the support of government funding from the State of Hawai'i, we are deeply concerned about the potential for a three to four month payment deferral. This deferral may significantly impact our ability to pay our contracted providers in a timely manner and could cause a disruption in services to our members, which are low-income, aged, blind and disabled residents of our State. As a contracted provider of services for the State of Hawai'i, we take out federally mandated responsibility to make covered services available and accessible through a sufficient delivery network very seriously.

We greatly appreciate this measure that would address the fiscal year's 2009-2010 budget shortfall by transferring \$10,000,000 in excess balances from certain special funds into the general fund. We remain concerned with the larger issue regarding the funding and sustainability of the overall Medicaid program, thus ensuring our ability to serve our most vulnerable members' health needs. For this reason we would respectfully request that the Legislature direct the \$1,500,000 excess funds from the Medicaid Investigations Recovery Fund under Section 5 of this bill into HMS 401 budget in order to avoid the DHS payment deferral option.

We respectfully request that this committee pass this measure. Thank you for the opportunity to provide these comments in support of House Bill 2542.