

SB 783

RELATING TO WIRELESS ENHANCED 911 SERVICE.

Eliminates the \$0.66 monthly surcharge on wireless telephone accounts and terminates the wireless enhanced 911 fund once all moneys in the fund are expended. Effective 7/1/2011.

NEIL ABERCROMBIE
GOVERNOR



DWIGHT TAKAMINE
INTERIM DIRECTOR

AUDREY HIDANO
DEPUTY DIRECTOR

**STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS**

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February 9, 2011

The Honorable Will Espero, Chair
Committee on Public Safety, Government
Operations, and Military Affairs
The State Senate
State Capitol, Room 231
Honolulu, Hawaii 96813

The Honorable Carol Fukunaga, Chair
Committee on Economic Development
and Technology
The State Senate
State Capitol, Room 216
Honolulu, Hawaii 96813

Dear Chairs Espero and Fukunaga:

Subject: S.B. 783 Relating to Wireless Enhanced 911 (E911) Service

I am Kenneth G. Silva, Chair of the State Fire Council (SFC) and Fire Chief of the Honolulu Fire Department (HFD). The SFC and the HFD oppose S.B. 783, which proposes to eliminate the \$0.66 monthly surcharge on wireless telephone accounts and terminate the wireless E911 fund once monies are expended.

The elimination of the surcharge and the termination of the wireless E911 fund will place a financial burden on the counties to maintain and upgrade the E911 system. Fees collected from consumers for E911 services should be utilized for the administration of the E911 system. The Federal ENHANCE 911 Act enacted in 2004 addressed the diversion of E911 funds by individual states. As a result, states that use E911 funds for other purposes are not eligible for federal grant programs.

As communication technology advances, systems and equipment costs will increase. E911 funds must be available for its intended purposes. E911 services are an essential part of homeland security and emergency response to manmade and natural disasters.

The Honorable Will Espero, Chair
The Honorable Carol Fukunaga, Chair
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Our community deserves the best emergency communication system when timely response is literally the difference between life and death.

The SFC and the HFD respectfully urge your committees' deferral of S.B. 783.

Should you have any questions, please call SFC Administrator Socrates Bratakos at 723-7151.

Sincerely,

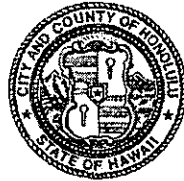
A handwritten signature in black ink, appearing to read "Kenneth G. Silva". The signature is written in a cursive style with a large initial "K" and "S".

KENNETH G. SILVA
Chair

KGS/LR:cn

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU
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TELEPHONE: (808) 529-3111 • INTERNET: www.honolulu-pd.org

PETER B. CARLISLE
MAYOR



LOUIS M. KEALOHA
CHIEF

DELBERT T. TATSUYAMA
RANDAL K. MACADANGDANG
DEPUTY CHIEFS

OUR REFERENCE JC-LS

February 10, 2011

The Honorable Will Espero, Chair
and Members
Committee on Public Safety, Government
Operations, and Military Affairs
The Honorable Carol Fukunaga, Chair
and Members
Committee on Economic Development
and Technology
The Senate
State Capitol
Honolulu, Hawaii 96813

Dear Chairs Espero and Fukunaga and Members:

Subject: Senate Bill No. 783, Relating to Wireless Enhanced 9-1-1 Service

I am Janet Crotteau, Major of the Communications Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD opposes Senate Bill No. 783. This bill would eliminate the \$0.66 monthly surcharge on wireless telephone accounts. It also terminates the wireless enhanced 9-1-1 fund once all monies are depleted, which would be devastating to the City and County of Honolulu.

The HPD is the main Public Safety Answering Point (PSAP) for the City and County of Honolulu. Our PSAP continues to enhance its ability to provide the community with the best possible service by upgrading technology. Future technological enhancements include moving from a voice-centric 9-1-1 communications system to a Next Generation, internet protocol (IP)-based 9-1-1 system that can embrace a wide range of voice, video, and data applications.

The monthly surcharge will fund, in part, the deployment of an IP-enabled 9-1-1 system to comply with the New and Emerging Technologies 9-1-1 Improvement Act of 2008.

This fund assists the HPD to purchase systems and equipment that will enhance our communications ability even in these difficult fiscal times.

Serving and Protecting With Aloha

The Honorable Will Espero and
Carol Fukunaga, Chairs
and Members
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As a result, the HPD urges this committee to hold the bill since it will seriously affect our ability to provide 9-1-1 services. We are willing to provide a progress report on our readiness to support wireless E9-1-1 services. We also welcome the opportunity to share with the Legislature our knowledge of the Next Generation 9-1-1 developments so they can better understand the situation.


The HPD is committed to providing the best communications and to deliver expeditious emergency services to every call.

Thank you for giving us the opportunity to express our opposition to this bill.

Sincerely,


JANET CROTTEAU, Major
Communications Division

APPROVED:


LOUIS M. KEALOHA
Chief of Police



ALAN M. ARAKAWA

MAYOR

OUR REFERENCE

YOUR REFERENCE

POLICE DEPARTMENT
COUNTY OF MAUI

55 MAHALANI STREET
WAILUKU, HAWAII 96793
(808) 244-6400
FAX (808) 244-6411

February 4, 2011



GARY A. YABUTA
CHIEF OF POLICE

CLAYTON N.Y.W. TOM
DEPUTY CHIEF OF POLICE

The Honorable Will Espero, Chair
and Members of the Committee on Public Safety,
Government Operations, and Military Affairs.

The Senate
State Capitol
Honolulu, HI 96813

The Honorable Carol Fukunaga, Chair
and Members of the Committee on Economic Development
and Technology

The Senate
State Capitol
Honolulu, HI 96813

RE: Senate Bill No. 783, Relating to Wireless Enhanced 911 Service


Dear Chair Espero, Chair Fukunaga, and Members of the Committees:

The Maui Police Department does not support S.B. No. 783. This bill eliminates the \$0.66 monthly surcharge on wireless telephone accounts and terminates the wireless enhanced 911 fund once all moneys in the fund are expended. These funds have a direct impact to public safety for residents, military dependants, and visitors. It is also important for the continued delivery of enhancements to the 9-1-1 network as devices continue to be introduced to the public such as text messaging, video messaging, telematics vehicles, all which use the 9-1-1 wireless network to request emergency response.

The Maui Police Department asks for your support in opposing S.B. No. 783.

Thank you for the opportunity to testify.

Sincerely,


GARY A. YABUTA
Chief of Police

William P. Kenoi
Mayor



Harry S. Kubojiri
Police Chief

Paul K. Ferreira
Deputy Police Chief

County of Hawai'i

POLICE DEPARTMENT

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February 9, 2011

Senator Will Espero
Chair and Members
Committee on Public Safety, Government Operations, and Military Affairs
Senator Carol Fukunaga
Chair and Members
Committee on Economic Development and Technology
State Capitol
415 South Beretania Street, Room 224
Honolulu, Hawai'i 96813

Re: Senate Bill 783, Relating to Wireless Enhanced 911 Service

Dear Senator Espero, Senator Fukunaga and Members:

The Hawai'i Police Department strongly opposes the passage of Senate Bill 783, Relating to Wireless Enhanced 911 Service, seeking to eliminate the \$0.66 monthly surcharge on wireless telephone accounts and terminates the wireless enhanced 911 fund once all moneys in the fund are expended.

This fund and its intended purpose is to further upgrade Public Safety Answering Point (PSAP) capabilities and related functions in receiving and processing Enhanced 911 (E911) calls in support of the County's Public Safety mission to expeditiously respond to and dispatch emergency service personnel based on E911 caller information. The fund also supports the construction and operation of a ubiquitous and reliable citizen activated system and the continued maintenance of the existing E911 system as identified in Federal Law.

For the record, it must be noted that the E911 system answers and responds to over 1.2 million 911 calls annually within the State of Hawai'i. In order to keep this system operational, the funds are necessary to provide for the delivery and enhancements to the existing E911 network in preparation for Next Generation 911 (NG 911). Interruption of this funding source from its intended purpose will not only cause a financial hardship on an already limited budget for the County of Hawai'i; but also puts the citizens of our County and our visiting tourists at risk of receiving reduced E911 services by our Public Safety responders.

Senator Will Espero, Chair and Members
Committee on Public Safety, Government Operations, and Military Affairs
Senator Carol Fukunaga, Chair and Members
Committee on Economic Development and Technology
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Re: Senate Bill 783, Relating to Wireless Enhanced 911 Service

As communication devices continue to be introduced to the public that implement the convergence of communications and information technology services over one device (Smart-phones), the need for improvement to the E911 network cannot be overstated. The Public Safety Answering Points (PSAPs) are already facing the rapidly emerging technology and are required by public law to answer E911 calls being delivered by several different modes of communications such as analog phone, digital voice, Voice over IP (VoIP), text messaging, streaming video messaging, and Telematics from vehicles (i.e., OnStar). All of these technologies are required to access the E911 network to enable callers to call 911 for emergency assistance.

Investment in the E911 systems and focus on data synchronization efforts have enabled first responders to successfully utilize the existing technology to respond to 911 emergency calls. Several success stories have been documented. For example, in December 2010, two hikers were lost on the trail at the Pu'u 'O'o volcano. Fortunately for these hikers, they were able to call 911 from their wireless phone and were rescued within an hour and ten minutes. Both hikers were not injured. In July 2009, Hawaii County Fire personnel airlifted a lost hiker to safety from a forested area in Kalapana. The hiker used his wireless phone to call 911. Fortunately, fire rescuers were able to locate the hiker before nightfall. The hiker had no shirt, water or food. First responders were able to locate the 911 callers, in both cases, using the latitude and longitude provided by the Wireless E911 network and databases.

In addition, the collected wireless funds have been utilized in support of ongoing wireless maintenance activities. In 2010, across all Wireless Service Providers (WSPs) providing wireless services on the island of Hawai'i, seventy-five (75) towers and 200 sectors were tested for accuracy and connectivity to the Wireless E911 network. Maintaining the E911 network and databases on a real-time basis are critical when it comes to saving lives and property.

For the reasons above, we strongly urge this committee to reject Senate Bill 783, Relating to Wireless Enhanced 911 Service.

Thank you for allowing the Hawai'i Police Department to testify on this bill.

Sincerely,


HARRY S. KUBOJIRI
POLICE CHIEF



BERNARD P. CARVALHO, JR.
Mayor

GARY K. HEU
Managing Director

POLICE DEPARTMENT COUNTY OF KAUAI

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DARRYL D. PERRY
Chief of Police
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February 9, 2011

TO THE SENATE COMMITTEE ON PUBLIC SAFETY, GOVERNMENT OPERATIONS, AND MILITARY AFFAIRS

Re. SENATE BILL NO. 783

TESTIMONY OF THE KAUA'I POLICE DEPARTMENT

Honorable Members of the Committee,

The Kaua'i Police Department strongly opposes the passage of Senate Bill 783.

The deployment of phase I and phase II wireless enhanced 911 services is not a public safety edict that has been fully satisfied; nor can that edict be completed today and then left to fend for itself tomorrow. Our responsibility to place (and keep) our wireless 911 services in a position of readiness is never-ending. As public safety agencies, we must adjust to the ever-increasing number of wireless devices and evolving technology that accesses our 911 systems for emergency help and response. If we don't know who is calling and where you are calling from, we will not be able to help you. Added to the evolving and increasing challenges of technology, none of the 911 systems we currently have in place are expected to last a lifetime. They falter and fail, and eventually need to be upgraded or replaced.

A relatively small number of people are aware of the fact that our 911 system cannot receive and/or process emergency text messages from cellular phone users. So for example; a woman who is hiding in her bedroom closet from an abusive husband or a dangerous intruder will not be able to text a 911 message to our dispatch center. A student who is hiding under a desk while some crazed gunman is roaming the school campus will not be able to text critical information to the dispatch center and responding emergency personnel. Being that we do not even have the capability to receive emergency wireless text messages, we have not been able to even test whether we can accurately receive and process phase I and phase II data from these messages.

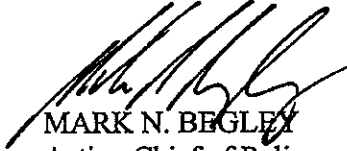
Passage of Senate Bill 783 will place residents and visitors of our State at a heightened risk of not receiving an efficient emergency response when they need it. Passage of senate Bill 783 will

most likely prevent us from advancing to the point where we can efficiently receive, identify and locate emergency text messages.

The small, monthly \$0.66 surcharge on wireless telephone accounts is hardly noticeable. The benefit that it brings to your constituents in emergency services capabilities far outweighs any negative financial impact. The potential impact on our 911 system from the passage of Senate Bill 783 is too great a risk to the health and safety of our community members.

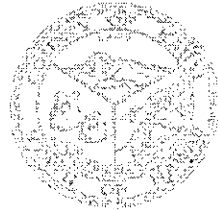
We humbly implore this Committee to reject Senate Bill 783.

Sincerely,



MARK N. BEGLEY
Acting Chief of Police
(808) 241-1646
mbegley@kauai.gov

Bernard P. Carvalho, Jr.
Mayor



Robert F. Westerman
Fire Chief

Gary K. Heu
Managing Director

John T. Blalock
Deputy Fire Chief

KAUA'I FIRE DEPARTMENT
County of Kaua'i, State of Hawai'i
3083 Akahi Street, Suite 101, Lihu'e, Hawai'i 96766
TEL (808) 241-4980 FAX (808) 241-6508

February 8, 2011

The Honorable Will Espero, Chair
Committee on Public Safety, Government Operations, and Military Affairs
The State Senate
State Capitol, Room 231
Honolulu, Hawaii 96813

The Honorable Carol Fukunaga, Chair
Committee on Economic Development and Technology
The State Senate
State Capitol, Room 216
Honolulu, Hawaii 96813

Dear Chair Espero and Fukunaga:

Subject: S.B. 783 Relating to Wireless Enhanced 911 Service

I am Robert F. Westerman, Fire Chief of the Kauai Fire Department (KFD) and a member of the State Fire Council (SFC). The SFC and the KFD **opposes** S.B. 783, which proposes to eliminate the \$0.66 monthly surcharge on wireless telephone accounts and terminates the wireless enhanced 911 fund once all the moneys in the fund are expended.

The elimination of the surcharge and the termination of the wireless enhanced 911 fund once all the funds are expended will place a funding burden of E911 system on the counties to maintain and provide system upgrades. Fees collected from consumers for E911 services should be utilized for the administration of the E911 system. The Federal ENHANCE 911 Act enacted in 2004 addressed the diversion of E911 funds by individual states. As a result, states that use E911 funds for other purposes are not eligible for federal grant programs.

As communication technology advances, systems and equipment costs will increase, and the E911 funds must be available for its intended purposes. E911 services are an essential part of homeland security and emergency response to manmade and natural

The Honorable Will Espero, Chair
The Honorable Carol Fukunaga, Chair
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disasters. Our community deserves the best emergency communication system when timely response is literally the difference between life and death.

The SFC and the KFD respectfully urge your committee to defer on the passage of S.B. 783.

Please call me at (808) 241-4980 should you have any questions regarding this matter.

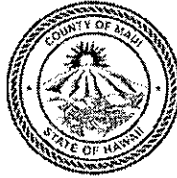
Sincerely,

A handwritten signature in black ink that reads "Robert Westerman". The signature is written in a cursive style with a long, sweeping underline.

Robert Westerman
Fire Chief, County of Kaua'i

RFW/eld

ALAN M. ARAKAWA
MAYOR



JEFFREY A. MURRAY
CHIEF

ROBERT M. SHIMADA
DEPUTY CHIEF

COUNTY OF MAUI
DEPARTMENT OF FIRE AND PUBLIC SAFETY

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February 8, 2011

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Committee on Public Safety, Government Operations, and Military Affairs
The State Senate
State Capitol, Room 231
Honolulu, Hawaii 96813

The Honorable Carol Fukunaga, Chair
Committee on Economic Development and Technology
The State Senate
State Capitol, Room 216
Honolulu, Hawaii 96813

Dear Chair Espero and Fukunaga:

Subject: S.B. 783 Relating to Wireless Enhanced 911 Service

I am Jeffrey A. Murray, Fire Chief of the County of Maui, Department of Fire and Public Safety (MFD) and a Member of the State Fire Council (SFC). The MFD and the SFC opposes S.B. 783, which proposes to eliminate the \$0.66 monthly surcharge on wireless telephone accounts and terminates the wireless enhanced 911 fund once all the moneys in the fund are expended.

The elimination of the surcharge and the termination of the wireless enhanced 911 fund once all the funds are expended will place a funding burden of E911 system on the counties to maintain and provide system upgrades. Fees collected from consumers for E911 services should be utilized for the administration of the E911 system. The Federal ENHANCE 911 Act enacted in 2004 addressed the diversion of E911 funds by individual states. As a result, states that use E911 funds for other purposes are not eligible for federal grant programs.

As communication technology advances, systems and equipment costs will increase, and the E911 funds must be available for its intended purposes. E911 services are an essential part of homeland security and emergency response to manmade and natural

The Honorable Will Espero and Carol Fukunaga, Chair

Page 2

February 8, 2011

disasters. Our community deserves the best emergency communication system when timely response is literally the difference between life and death.

The MFD and the SFC respectfully urge your committee to defer on the passage of S.B. 783.

Should you have any questions, please call SFC Administrator Socrates Bratakos at 723-7151.

Sincerely,



JEFFREY A. MURRAY
Fire Chief

TAXBILLSERVICE

126 Queen Street, Suite 304

TAX FOUNDATION OF HAWAII

Honolulu, Hawaii 96813 Tel. 536-4587

SUBJECT: MISCELLANEOUS, Eliminate wireless enhanced 911 surcharge

BILL NUMBER: SB 783; HB 60 (Identical)

INTRODUCED BY: SB by Ige; HB by Takai, Awana, Belatti, Brower, Hanohano, Marumoto, Nishimoto, Pine, Riviere, Ward, 7 Democrats and 1 Republican

BRIEF SUMMARY: Repeals HRS section 138-4 that provides for the imposition of the monthly wireless enhanced 911 surcharge of 66 cents.

Amends HRS section 138-3 to provide that the wireless enhanced 911 fund shall cease to exist once all the funds have been expended.

Makes conforming amendments to HRS section 138-6.

EFFECTIVE DATE: July 1, 2011

STAFF COMMENTS: The legislature by Act 159, SLH 1994, established a wireless enhanced 911 surcharge of 66 cents per month and a wireless enhanced 911 fund to allow deployment of phase 1 and phase 2 of the wireless enhanced 911 service and expenses of administering the fund. The wireless enhanced 911 program allows wireless phones to be located by public safety personnel in the event of an emergency. The fee is collected to reimburse facilities that provide Public Safety Answering Points (PSAP) which are set up to determine the location of a wireless 911 call for emergency services.

In February of 2007, the Honolulu police department completed its renovation of its communications division as a PSAP. As of August 2007, Oahu, Kauai, Maui and Hawaii were 100% operational with Molokai two-thirds operational.

At December 31, 2008, the wireless enhanced 911 fund had collected nearly \$30 million and the wireless enhanced program is in operation. With the completion of the enhanced 911 system, it is questionable whether the wireless enhanced 911 surcharge is still necessary. What this measure does underscore is the point that has been made over and over again, where fees or taxes are earmarked for a particular program or service and bear no relationship for the demand of that service, there will always be a mismatch of revenues and expenditures. Either the fee will generate insufficient resources or, as it is in this case, produce more resources than necessary for the program. It is, therefore, more appropriate to actually appropriate the necessary funds out of general funds once costs are actually determined.

It should be noted that the legislature by Act 79, SLH 2009, transferred "excess" revenues out of various special and revolving funds for deposit into the general fund, \$16 million was transferred out of "excess" wireless enhanced 911 funds. In opposing the raiding of the fund, public safety officials pointed out that diversion of receipts in the fund would disqualify the state from participating in federal grant programs to enhance the technology of 911 systems. Those officials noted that a second phase known as Next

SB 783; HB 60 - Continued

Generation or NG 9-1-1 has yet to be implemented. While cell phone users dislike the fee and note that surpluses have been allowed to build, lawmakers should investigate whether all the funding needs of the system have been made and if upgrades are still needed. Are there technologies still to be implemented to fully operate the system? Finally, is funding still needed but the rate too high bringing in revenues faster than they can be spent? If the latter is true, then consideration might be given to reducing the rate so the monthly burden will not be as great on the users.

Digested 2/9/11