
A BILL FOR AN ACT

RELATING TO 911 SERVICES.

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

1 SECTION 1. The legislature finds that the technology for
2 911 services is continually evolving, resulting in changing
3 terminology to describe the technology. Twenty years ago, the
4 term "enhanced" for 911 services referred to the new technology
5 at that time, which allowed identification of the caller's
6 telephone number as well as the location of the caller. Across
7 the nation, states are now in the process of implementing "next
8 generation" 911 technology containing significant advances to
9 the "enhanced" 911 technology. However, chapter 138, Hawaii
10 Revised Statutes, identifies 911 services in the State as
11 "enhanced" 911 services and restricts funding solely for
12 "enhanced" 911 services, preventing the State from using funding
13 for future 911 technologies. Deletion of the term "enhanced"
14 will allow continued funding for the most up-to-date 911
15 services, which is critical for the safety and well-being of all
16 people residing in or visiting the State.



1 The legislature also finds that under existing law, the 911
2 board may employ an executive director who is exempt from
3 chapters 76 and 89, Hawaii Revised Statutes, to carry out the
4 responsibilities under chapter 138, Hawaii Revised Statutes,
5 however, the 911 board is not allowed to employ staff exempt
6 from these chapters.

7 The purpose of this Act is to:

- 8 (1) Delete the term "enhanced" in reference to 911
9 services to allow funding of all 911 technologies; and
10 (2) Allow the 911 board to employ staff, in addition to
11 the executive director, who are exempt from chapters
12 76 and 89, Hawaii Revised Statutes, the State's civil
13 service and collective bargaining laws.

14 SECTION 2. Section 76-16, Hawaii Revised Statutes, is
15 amended by amending subsection (b) to read as follows:

16 "(b) The civil service to which this chapter applies shall
17 comprise all positions in the State now existing or hereafter
18 established and embrace all personal services performed for the
19 State, except the following:

- 20 (1) Commissioned and enlisted personnel of the Hawaii
21 National Guard as such, and positions in the Hawaii



1 National Guard that are required by state or federal
2 laws or regulations or orders of the National Guard to
3 be filled from those commissioned or enlisted
4 personnel;

5 (2) Positions filled by persons employed by contract where
6 the director of human resources development has
7 certified that the service is special or unique or is
8 essential to the public interest and that, because of
9 circumstances surrounding its fulfillment, personnel
10 to perform the service cannot be obtained through
11 normal civil service recruitment procedures. Any such
12 contract may be for any period not exceeding one year;

13 (3) Positions that must be filled without delay to comply
14 with a court order or decree if the director
15 determines that recruitment through normal recruitment
16 civil service procedures would result in delay or
17 noncompliance, such as the Felix-Cayetano consent
18 decree;

19 (4) Positions filled by the legislature or by either house
20 or any committee thereof;



- 1 (5) Employees in the office of the governor and office of
2 the lieutenant governor, and household employees at
3 Washington Place;
- 4 (6) Positions filled by popular vote;
- 5 (7) Department heads, officers, and members of any board,
6 commission, or other state agency whose appointments
7 are made by the governor or are required by law to be
8 confirmed by the senate;
- 9 (8) Judges, referees, receivers, masters, jurors, notaries
10 public, land court examiners, court commissioners, and
11 attorneys appointed by a state court for a special
12 temporary service;
- 13 (9) One bailiff for the chief justice of the supreme court
14 who shall have the powers and duties of a court
15 officer and bailiff under section 606-14; one
16 secretary or clerk for each justice of the supreme
17 court, each judge of the intermediate appellate court,
18 and each judge of the circuit court; one secretary for
19 the judicial council; one deputy administrative
20 director of the courts; three law clerks for the chief
21 justice of the supreme court, two law clerks for each



1 associate justice of the supreme court and each judge
2 of the intermediate appellate court, one law clerk for
3 each judge of the circuit court, two additional law
4 clerks for the civil administrative judge of the
5 circuit court of the first circuit, two additional law
6 clerks for the criminal administrative judge of the
7 circuit court of the first circuit, one additional law
8 clerk for the senior judge of the family court of the
9 first circuit, two additional law clerks for the civil
10 motions judge of the circuit court of the first
11 circuit, two additional law clerks for the criminal
12 motions judge of the circuit court of the first
13 circuit, and two law clerks for the administrative
14 judge of the district court of the first circuit; and
15 one private secretary for the administrative director
16 of the courts, the deputy administrative director of
17 the courts, each department head, each deputy or first
18 assistant, and each additional deputy, or assistant
19 deputy, or assistant defined in paragraph (16);
20 (10) First deputy and deputy attorneys general, the
21 administrative services manager of the department of



1 the attorney general, one secretary for the
2 administrative services manager, an administrator and
3 any support staff for the criminal and juvenile
4 justice resources coordination functions, and law
5 clerks;

6 (11) (A) Teachers, principals, vice-principals, complex
7 area superintendents, deputy and assistant
8 superintendents, other certificated personnel,
9 and no more than twenty noncertificated
10 administrative, professional, and technical
11 personnel not engaged in instructional work;

12 (B) Effective July 1, 2003, teaching assistants,
13 educational assistants, bilingual/bicultural
14 school-home assistants, school psychologists,
15 psychological examiners, speech pathologists,
16 athletic health care trainers, alternative school
17 work study assistants, alternative school
18 educational/supportive services specialists,
19 alternative school project coordinators, and
20 communications aides in the department of
21 education;



- 1 (C) The special assistant to the state librarian and
- 2 one secretary for the special assistant to the
- 3 state librarian; and
- 4 (D) Members of the faculty of the University of
- 5 Hawaii, including research workers, extension
- 6 agents, personnel engaged in instructional work,
- 7 and administrative, professional, and technical
- 8 personnel of the university;
- 9 (12) Employees engaged in special, research, or
- 10 demonstration projects approved by the governor;
- 11 (13) (A) Positions filled by inmates, patients of state
- 12 institutions, and persons with severe physical or
- 13 mental disabilities participating in the work
- 14 experience training programs;
- 15 (B) Positions filled with students in accordance with
- 16 guidelines for established state employment
- 17 programs; and
- 18 (C) Positions that provide work experience training
- 19 or temporary public service employment that are
- 20 filled by persons entering the workforce or
- 21 persons transitioning into other careers under



1 programs such as the federal Workforce Investment
2 Act of 1998, as amended, or the Senior Community
3 Service Employment Program of the Employment and
4 Training Administration of the United States
5 Department of Labor, or under other similar state
6 programs;

7 (14) A custodian or guide at Iolani Palace, the Royal
8 Mausoleum, and Hulihee Palace;

9 (15) Positions filled by persons employed on a fee,
10 contract, or piecework basis, who may lawfully perform
11 their duties concurrently with their private business
12 or profession or other private employment and whose
13 duties require only a portion of their time, if it is
14 impracticable to ascertain or anticipate the portion
15 of time to be devoted to the service of the State;

16 (16) Positions of first deputies or first assistants of
17 each department head appointed under or in the manner
18 provided in section 6, article V, of the Hawaii State
19 Constitution; three additional deputies or assistants
20 either in charge of the highways, harbors, and
21 airports divisions or other functions within the



1 department of transportation as may be assigned by the
2 director of transportation, with the approval of the
3 governor; one additional deputy in the department of
4 human services either in charge of welfare or other
5 functions within the department as may be assigned by
6 the director of human services; four additional
7 deputies in the department of health, each in charge
8 of one of the following: behavioral health,
9 environmental health, hospitals, and health resources
10 administration, including other functions within the
11 department as may be assigned by the director of
12 health, with the approval of the governor; two
13 additional deputies in charge of the law enforcement
14 programs, administration, or other functions within
15 the department of law enforcement as may be assigned
16 by the director of law enforcement, with the approval
17 of the governor; three additional deputies each in
18 charge of the correctional institutions,
19 rehabilitation services and programs, and
20 administration or other functions within the
21 department of corrections and rehabilitation as may be



1 assigned by the director [~~or~~] of corrections and
2 rehabilitation, with the approval of the governor; an
3 administrative assistant to the state librarian; and
4 an administrative assistant to the superintendent of
5 education;

6 (17) Positions specifically exempted from this part by any
7 other law; provided that:

8 (A) Any exemption created after July 1, 2014, shall
9 expire three years after its enactment unless
10 affirmatively extended by an act of the
11 legislature; and

12 (B) All of the positions defined by paragraph (9)
13 shall be included in the position classification
14 plan;

15 (18) Positions in the state foster grandparent program and
16 positions for temporary employment of senior citizens
17 in occupations in which there is a severe personnel
18 shortage or in special projects;

19 (19) Household employees at the official residence of the
20 president of the University of Hawaii;



- 1 (20) Employees in the department of education engaged in
2 the supervision of students during meal periods in the
3 distribution, collection, and counting of meal
4 tickets, and in the cleaning of classrooms after
5 school hours on a less than half-time basis;
- 6 (21) Employees hired under the tenant hire program of the
7 Hawaii public housing authority; provided that [~~not~~]
8 no more than twenty-six per cent of the authority's
9 workforce in any housing project maintained or
10 operated by the authority shall be hired under the
11 tenant hire program;
- 12 (22) Positions of the federally funded expanded food and
13 nutrition program of the University of Hawaii that
14 require the hiring of nutrition program assistants who
15 live in the areas they serve;
- 16 (23) Positions filled by persons with severe disabilities
17 who are certified by the state vocational
18 rehabilitation office that they are able to perform
19 safely the duties of the positions;
- 20 (24) The sheriff;



- 1 (25) A gender and other fairness coordinator hired by the
2 judiciary;
- 3 (26) Positions in the Hawaii National Guard youth and adult
4 education programs;
- 5 (27) In the Hawaii state energy office in the department of
6 business, economic development, and tourism, all
7 energy program managers, energy program specialists,
8 energy program assistants, and energy analysts;
- 9 (28) Administrative appeals hearing officers in the
10 department of human services;
- 11 (29) In the Med-QUEST division of the department of human
12 services, the division administrator, finance officer,
13 health care services branch administrator, medical
14 director, and clinical standards administrator;
- 15 (30) In the director's office of the department of human
16 services, the enterprise officer, information security
17 and privacy compliance officer, security and privacy
18 compliance engineer, security and privacy compliance
19 analyst, information technology implementation
20 manager, assistant information technology
21 implementation manager, resource manager,



- 1 community/project development director, policy
- 2 director, special assistant to the director, and
- 3 limited English proficiency project
- 4 manager/coordinator;
- 5 (31) The Alzheimer's disease and related dementia services
- 6 coordinator in the executive office on aging;
- 7 (32) In the Hawaii emergency management agency, the
- 8 executive officer, public information officer, civil
- 9 defense administrative officer, branch chiefs, and
- 10 emergency operations center state warning point
- 11 personnel; provided that for state warning point
- 12 personnel, the director shall determine that
- 13 recruitment through normal civil service recruitment
- 14 procedures would result in delay or noncompliance;
- 15 (33) The executive director and seven full-time
- 16 administrative positions of the school facilities
- 17 authority;
- 18 (34) Positions in the Mauna Kea stewardship and oversight
- 19 authority;



1 (35) In the office of homeland security of the department
2 of law enforcement, the statewide interoperable
3 communications coordinator; ~~and~~

4 (36) In the social services division of the department of
5 human services, the business technology analyst[-];
6 and

7 (37) The executive director and staff of the 911 board.

8 The director shall determine the applicability of this
9 section to specific positions.

10 Nothing in this section shall be deemed to affect the civil
11 service status of any incumbent as it existed on July 1, 1955."

12 SECTION 3. Chapter 138, Hawaii Revised Statutes, is
13 amended by amending its title to read as follows:

14 "CHAPTER 138

15 [Enhanced] 911 SERVICES"

16 SECTION 4. Section 138-1, Hawaii Revised Statutes, is
17 amended as follows:

18 1. By adding two new definitions to be appropriately
19 inserted and to read:

20 ""911 fund" or "fund" means the special fund established by
21 section 138-3.



1 "911 service costs" means all capital, nonrecurring, and
2 recurring costs directly related to the implementation,
3 operation, and administration of 911 services."

4 2. By amending the definitions of "automatic location
5 identification", "automatic number identification", and "board"
6 to read:

7 ""Automatic location identification" means [~~an enhanced~~] a
8 911 service capability that enables the automatic display of
9 information indicating the address or approximate geographic
10 location of the communication device used to place a 911 call.

11 "Automatic number identification" means [~~an enhanced~~] a 911
12 service capability that enables the automatic display of the
13 ten-digit telephone number or some other unique identifier of
14 the device from which a 911 call is placed.

15 "Board" means the [~~enhanced~~] 911 board established under
16 this chapter."

17 3. By amending the definition of "911 system" to read:

18 ""911 system" means an emergency communications system
19 that:

20 (1) Enables the user of a voice communications service
21 connection such as telephone, computer, or commercial



1 mobile radio service, Interconnected Voice over
2 Internet Protocol service or a data communications
3 service connection that transmits data exclusively,
4 such as text messaging, to reach a public safety
5 answering point by accessing 911, or via a
6 service/relay bureau or accessing a 911 system through
7 some other means; and

8 (2) Provides [enhanced] for public safety answering point
9 dispatch and response 911 [service.] services."

10 4. By amending the definition of "proprietary information"
11 to read:

12 ""Proprietary information" means customer lists and other
13 related information (including the number of customers),
14 technology descriptions, technical information, or trade
15 secrets, and the actual or developmental costs of [enhanced] 911
16 service that are developed, produced, or received internally by
17 a communications service provider or by a provider's employees,
18 directors, officers, or agents."

19 5. By repealing the definitions of "enhanced 911 fund" and
20 "enhanced 911 service costs".



1 [~~"Enhanced 911 fund" or "fund" means the special fund~~
2 ~~established by section 138-3.~~

3 ~~"Enhanced 911 service costs" means all capital,~~
4 ~~nonrecurring, and recurring costs directly related to the~~
5 ~~implementation, operation, and administration of enhanced 911~~
6 ~~services."]~~

7 SECTION 5. Section 138-2, Hawaii Revised Statutes, is
8 amended as follows:

9 1. By amending its title and subsection (a) to read:

10 "**§138-2 [Enhanced] 911 board.** (a) There [~~is~~] shall be
11 created within the department of accounting and general
12 services, for administrative purposes, [~~an enhanced~~] a 911 board
13 consisting of thirteen voting members; provided that the
14 membership shall consist of:

15 (1) The chief information officer or the chief information
16 officer's designee;

17 (2) Three representatives from wireless communications
18 service providers, who shall be appointed by the
19 governor as provided in section 26-34;

20 (3) One representative each from the public safety
21 answering points for Oahu, Hawaii, Kauai, Maui, and



1 Molokai and one representative, chosen by the mayor of
2 the city and county of Honolulu, who shall be
3 appointed by the governor as provided in section
4 26-34;

5 (4) The consumer advocate or the consumer advocate's
6 designee;

7 (5) One representative from a communications service
8 company that offers Interconnected Voice over Internet
9 Protocol services, who shall be appointed by the
10 governor as provided in section 26-34; and

11 (6) One representative of the public utility providing
12 telecommunications services and land line [enhanced]
13 911 services through section 269-16.95."

14 2. By amending subsection (e) to read:

15 "(e) The members representing wireless providers, the
16 public utility providing telecommunications services and land
17 line [enhanced] 911 services through section 269-16.95, and
18 Interconnected Voice over Internet Protocol service providers
19 shall be appointed by the governor for terms of two years."

20 3. By amending subsections (h) and (i) to read:



1 "(h) The members shall serve without compensation.
2 Members shall be entitled to reimbursements from the [enhanced]
3 911 fund for reasonable traveling expenses incurred in
4 connection with the performance of board duties.

5 (i) The board, or its chairperson~~[7]~~ with the approval of
6 the board, may employ an executive director and other staff
7 exempt from chapters 76 and 89, ~~[and other staff,7]~~ and may
8 retain independent, third-party accounting firms, consultants,
9 or other third ~~[party]~~ parties to:

10 (1) Create reports, make payments into the fund, process
11 checks, and make distributions from the fund, as
12 directed by the board and as allowed by this chapter;
13 and

14 (2) Perform administrative duties necessary to administer
15 the fund or oversee operations of the board, including
16 providing technical advisory support; provided that no
17 employee, third-party accounting firm, consultant, or
18 other third party hired to perform these
19 administrative duties may be retained if the employee,
20 accounting firm, consultant, or other third party,
21 either directly or indirectly, has a conflict of



1 interest or is affiliated with the management of or
2 owns a pecuniary interest in any entity subject to the
3 provisions of this chapter."

4 SECTION 6. Section 138-5, Hawaii Revised Statutes, is
5 amended as follows:

6 1. By amending subsection (a) to read:

7 "(a) Every public safety answering point shall be eligible
8 to seek disbursements from the fund to pay for the reasonable
9 costs to lease, purchase, or maintain all necessary equipment,
10 including computer hardware, software, and database
11 provisioning, required by the public safety answering point to
12 provide technical functionality for the [~~enhanced~~] 911 service.
13 Reasonable costs may include expenses directly associated with
14 the planning phases and training of personnel in any new and
15 emerging technologies involving [~~enhanced~~] 911[~~-~~] services. All
16 other expenses necessary to operate the public safety answering
17 point, including but not limited to those expenses related to
18 overhead, staffing, and other day-to-day operational expenses,
19 shall continue to be paid through the general funding of the
20 respective counties."

21 2. By amending subsection (c) to read:



1 "(c) Each communications service provider may request
2 reimbursement from the fund of [enhanced] 911 service costs
3 incurred; provided that the costs:

- 4 (1) Are recoverable under section 138-4(d); and
5 (2) Have not already been reimbursed to the communications
6 service provider from the fund.

7 In no event shall a communications service provider be
8 reimbursed for any amount above its actual [enhanced] 911
9 [communications] service costs allowed to be recovered under
10 section 138-4(d)."

11 3. By amending subsection (e) to read:

12 "(e) After the expenses of the board are paid, the public
13 safety answering points shall be allocated two-thirds of the
14 remaining balance of the fund. The remaining one-third shall be
15 available for communications service provider cost recovery.
16 The board shall determine the reimbursement amounts for the
17 public safety answering points, based on the limitations set
18 forth in section 138-5(a). The reimbursement level for each
19 communications service provider shall be limited:

- 20 (1) To one-third of the total contribution made by the
21 individual communications service provider into the



1 fund; provided that this method of direct
2 reimbursement shall not be available to the provider
3 of wire line [~~enhanced~~] 911; and

4 (2) As provided in subsection (c)."

5 SECTION 7. Section 138-7, Hawaii Revised Statutes, is
6 amended by amending subsection (a) to read as follows:

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

19 SECTION 8. Section 138-9, Hawaii Revised Statutes, is
20 amended to read as follows:



1 "**§138-9 Limitation of liability.** (a) Notwithstanding any
2 law to the contrary, in no event shall any communications
3 service provider, reseller, or independent[7] third-party
4 accounting firms, consultants, or other third party retained by
5 the State under section 138-2, or their respective employees,
6 directors, officers, assigns, affiliates, or agents, except in
7 cases of gross negligence or wanton and wilful misconduct, be
8 liable for any civil damages or criminal liability resulting
9 from death or injury to a person or from damage to property
10 incurred by any person in connection with any act or omission in
11 developing, designing, adopting, establishing, installing,
12 participating in, implementing, maintaining, or providing access
13 to [~~enhanced~~] 911 or any other communications service intended
14 to help persons obtain emergency assistance. In addition, no
15 communications service provider, reseller, or independent[7]
16 third-party accounting firms, consultants, or other third party
17 retained by the State under section 138-2, or their respective
18 employees, directors, officers, assigns, affiliates, or agents,
19 shall be liable for civil damages or criminal liability in
20 connection with the release of customer information to any



1 governmental entity, including any public safety answering
2 point, as required under this chapter.

3 (b) In no event shall any public safety answering point,
4 or its employees, assigns, or agents, or emergency response
5 personnel, except in cases of gross negligence or wanton and
6 wilful misconduct, be liable for any civil damages or criminal
7 liability resulting from death or injury to the person or from
8 damage to property incurred by any person in connection with any
9 act or omission in the development, installation, maintenance,
10 operation, or provision of [enhanced] 911 [~~service.~~] services."

11 SECTION 9. Section 269-1, Hawaii Revised Statutes, is
12 amended by amending the definition of "basic exchange service"
13 to read as follows:

14 ""Basic exchange service" means those services consisting
15 of single-line dial tone, touch-tone dialing, access to operator
16 service, access to [enhanced] 911[7] services,
17 telecommunications relay service, telephone directory, and
18 access to directory-assistance service via 411 dialing."

19 SECTION 10. Section 269-16.95, Hawaii Revised Statutes, is
20 amended to read as follows:



1 "**§269-16.95 Emergency telephone service; capital costs;**
2 **ratemaking.** (a) A public utility providing local exchange
3 telecommunications services may recover the capital cost and
4 associated operating expenses of providing a statewide
5 [~~enhanced~~] 911 emergency telephone service in the public
6 switched telephone network, through:

- 7 (1) A telephone line surcharge; or
- 8 (2) Its rate case.

9 (b) Notwithstanding the commission's rules on ratemaking,
10 the commission shall expedite and give highest priority to any
11 necessary ratemaking procedures related to providing a statewide
12 [~~enhanced~~] 911 emergency telephone service; provided that the
13 commission may set forth conditions and requirements [~~as~~] that
14 the commission determines are in the public interest.

15 (c) The commission shall require every public utility
16 providing statewide [~~enhanced~~] 911 emergency telephone service
17 to maintain a separate accounting of the costs of providing [~~an~~
18 ~~enhanced~~] a 911 emergency service and the revenues received from
19 related surcharges until the next general rate case. The
20 commission shall further require that every public utility



1 imposing a surcharge shall identify such as a separate line item
2 on all customer billing statements.

3 (d) This section shall not preclude the commission from
4 changing any rate, established pursuant to this section, either
5 specifically or pursuant to any general restructuring of all
6 telephone rates, charges, and classifications."

7 SECTION 11. Sections 128A-13, 138-3, 138-4, 138-6, 138-8,
8 138-10, 138-12, and 269E-12, Hawaii Revised Statutes, are
9 amended by substituting the word "911", or similar term,
10 wherever the word "enhanced 911", or similar term, appears, as
11 the context requires.

12 SECTION 12. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 13. This Act shall take effect upon its approval.



Report Title:

911 Services; 911 Board; Staff; Public Utilities Commission

Description:

Deletes the term "enhanced" in reference to 911 services to allow funding of all 911 technologies. Allows the 911 Board to employ staff, in addition to the Executive Director, exempt from the civil service and collective bargaining laws. (CD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

