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# 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 the 911 board may employ  
2 staff, in addition to the executive director, exempt from  
3 chapters 76 and 89, Hawaii Revised Statutes, to carry out the  
4 responsibilities under chapter 138, Hawaii Revised Statutes.

5           The purpose of this Act is to:

- 6           (1) Delete the term "enhanced" in reference to 911  
7                 services to allow funding of all 911 technologies; and
- 8           (2) Allow the 911 board to employ staff, in addition to  
9                 the executive director, who are exempt from civil  
10                service and collective bargaining laws.

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

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

- 17           (1) Commissioned and enlisted personnel of the Hawaii  
18                 National Guard as such, and positions in the Hawaii  
19                 National Guard that are required by state or federal  
20                 laws or regulations or orders of the National Guard to



- 1 be filled from those commissioned or enlisted  
2 personnel;
- 3 (2) Positions filled by persons employed by contract where  
4 the director of human resources development has  
5 certified that the service is special or unique or is  
6 essential to the public interest and that, because of  
7 circumstances surrounding its fulfillment, personnel  
8 to perform the service cannot be obtained through  
9 normal civil service recruitment procedures. Any such  
10 contract may be for any period not exceeding one year;
- 11 (3) Positions that must be filled without delay to comply  
12 with a court order or decree if the director  
13 determines that recruitment through normal recruitment  
14 civil service procedures would result in delay or  
15 noncompliance, such as the Felix-Cayetano consent  
16 decree;
- 17 (4) Positions filled by the legislature or by either house  
18 or any committee thereof;
- 19 (5) Employees in the office of the governor and office of  
20 the lieutenant governor, and household employees at  
21 Washington Place;



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



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



- 1 justice resources coordination functions, and law  
2 clerks;
- 3 (11) (A) Teachers, principals, vice-principals, complex  
4 area superintendents, deputy and assistant  
5 superintendents, other certificated personnel, no  
6 more than twenty noncertificated administrative,  
7 professional, and technical personnel not engaged  
8 in instructional work;
- 9 (B) Effective July 1, 2003, teaching assistants,  
10 educational assistants, bilingual/bicultural  
11 school-home assistants, school psychologists,  
12 psychological examiners, speech pathologists,  
13 athletic health care trainers, alternative school  
14 work study assistants, alternative school  
15 educational/supportive services specialists,  
16 alternative school project coordinators, and  
17 communications aides in the department of  
18 education;
- 19 (C) The special assistant to the state librarian and  
20 one secretary for the special assistant to the  
21 state librarian; and



1 (D) Members of the faculty of the University of  
2 Hawaii, including research workers, extension  
3 agents, personnel engaged in instructional work,  
4 and administrative, professional, and technical  
5 personnel of the university;

6 (12) Employees engaged in special, research, or  
7 demonstration projects approved by the governor;

8 (13) (A) Positions filled by inmates, patients of state  
9 institutions, and persons with severe physical or  
10 mental disabilities participating in the work  
11 experience training programs;

12 (B) Positions filled with students in accordance with  
13 guidelines for established state employment  
14 programs; and

15 (C) Positions that provide work experience training  
16 or temporary public service employment that are  
17 filled by persons entering the workforce or  
18 persons transitioning into other careers under  
19 programs such as the federal Workforce Investment  
20 Act of 1998, as amended, or the Senior Community  
21 Service Employment Program of the Employment and



1 Training Administration of the United States  
2 Department of Labor, or under other similar state  
3 programs;

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

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

13 (16) Positions of first deputies or first assistants of  
14 each department head appointed under or in the manner  
15 provided in section 6, article V, of the Hawaii State  
16 Constitution; three additional deputies or assistants  
17 either in charge of the highways, harbors, and  
18 airports divisions or other functions within the  
19 department of transportation as may be assigned by the  
20 director of transportation, with the approval of the  
21 governor; one additional deputy in the department of



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



1 an administrative assistant to the superintendent of  
2 education;

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

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

9 (B) All of the positions defined by paragraph (9)  
10 shall be included in the position classification  
11 plan;

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

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

18 (20) Employees in the department of education engaged in  
19 the supervision of students during meal periods in the  
20 distribution, collection, and counting of meal



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



- 1 (27) In the Hawaii state energy office in the department of  
2 business, economic development, and tourism, all  
3 energy program managers, energy program specialists,  
4 energy program assistants, and energy analysts;
- 5 (28) Administrative appeals hearing officers in the  
6 department of human services;
- 7 (29) In the Med-QUEST division of the department of human  
8 services, the division administrator, finance officer,  
9 health care services branch administrator, medical  
10 director, and clinical standards administrator;
- 11 (30) In the director's office of the department of human  
12 services, the enterprise officer, information security  
13 and privacy compliance officer, security and privacy  
14 compliance engineer, security and privacy compliance  
15 analyst, information technology implementation  
16 manager, assistant information technology  
17 implementation manager, resource manager,  
18 community/project development director, policy  
19 director, special assistant to the director, and  
20 limited English proficiency project  
21 manager/coordinator;



- 1 (31) The Alzheimer's disease and related dementia services  
2 coordinator in the executive office on aging;
- 3 (32) In the Hawaii emergency management agency, the  
4 executive officer, public information officer, civil  
5 defense administrative officer, branch chiefs, and  
6 emergency operations center state warning point  
7 personnel; provided that for state warning point  
8 personnel, the director shall determine that  
9 recruitment through normal civil service recruitment  
10 procedures would result in delay or noncompliance;
- 11 (33) The executive director and seven full-time  
12 administrative positions of the school facilities  
13 authority;
- 14 (34) Positions in the Mauna Kea stewardship and oversight  
15 authority;
- 16 (35) In the office of homeland security of the department  
17 of law enforcement, the statewide interoperable  
18 communications coordinator; [~~and~~]
- 19 (36) In the social services division of the department of  
20 human services, the business technology analyst[-];  
21 and





1 ten-digit telephone number or some other unique identifier of  
2 the device from which a 911 call is placed.

3 "Board" means the [~~enhanced~~] 911 board established under  
4 this chapter."

5 2. By amending the definitions of "enhanced 911 fund" or  
6 "fund" and "enhanced 911 service costs" to read:

7 ""[~~Enhanced~~] 911 fund" or "fund" means the special fund  
8 established by section 138-3."

9 "[~~Enhanced~~] 911 service costs" means all capital,  
10 [~~nonrecurring, and~~] recurring, and nonrecurring costs directly  
11 related to the implementation, operation, and administration of  
12 [~~enhanced~~] 911 services."

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

14 ""911 system" means an emergency communications system  
15 that:

- 16 (1) Enables the user of a voice communications service  
17 connection, such as telephone, computer, or commercial  
18 mobile radio service, Interconnected Voice over  
19 Internet Protocol service or a data communications  
20 service connection that transmits data exclusively,  
21 such as text messaging, to reach a public safety



1           answering point by accessing 911, or via a  
2           service/relay bureau or accessing a 911 system through  
3           some other means; and

4           (2) Provides [~~enhanced~~] for public safety answering point  
5           dispatch and response 911 [~~service-~~] services."

6           4. By amending the definition of "proprietary information"  
7 to read:

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

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

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

18           "**§138-2 [Enhanced] 911 board.** (a) There [~~is~~] shall be  
19 created within the department of accounting and general  
20 services, for administrative purposes, [~~an enhanced~~] a 911 board



1 consisting of thirteen voting members; provided that the  
2 membership shall consist of:

3 (1) The chief information officer or the chief information  
4 officer's designee;

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

8 (3) One representative each from the public safety  
9 answering points for Oahu, Hawaii, Kauai, Maui, and  
10 Molokai and one representative, chosen by the mayor of  
11 the city and county of Honolulu, who shall be  
12 appointed by the governor as provided in section 26-  
13 34;

14 (4) The consumer advocate or the consumer advocate's  
15 designee;

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



1 (6) One representative of the public utility providing  
2 telecommunications services and land line [enhanced]  
3 911 services through section 269-16.95."

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

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

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

11 "(h) The members shall serve without compensation.

12 Members shall be entitled to reimbursements from the [enhanced]  
13 911 fund for reasonable traveling expenses incurred in  
14 connection with the performance of board duties.

15 (i) The board, or its chairperson~~[r]~~ with the approval of  
16 the board, may employ an executive director and other staff  
17 exempt from chapters 76 and 89, ~~[and other staff,~~] and may  
18 retain independent, third-party accounting firms, consultants,  
19 or other third ~~[party]~~ parties to:

20 (1) Create reports, make payments into the fund, process  
21 checks, and make distributions from the fund, as



1           directed by the board and as allowed by this chapter;  
2           and  
3       (2) Perform administrative duties necessary to administer  
4           the fund or oversee operations of the board, including  
5           providing technical advisory support; provided that no  
6           employee, third-party accounting firm, consultant, or  
7           other third party hired to perform these  
8           administrative duties may be retained if the employee,  
9           accounting firm, consultant, or other third party,  
10          either directly or indirectly, has a conflict of  
11          interest or is affiliated with the management of or  
12          owns a pecuniary interest in any entity subject to the  
13          provisions of this chapter."

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

16       1. By amending subsection (a) to read:  
17       "(a) Every public safety answering point shall be eligible  
18       to seek disbursements from the fund to pay for the reasonable  
19       costs to lease, purchase, or maintain all necessary equipment,  
20       including computer hardware, software, and database  
21       provisioning, required by the public safety answering point to



1 provide technical functionality for the [enhanced] 911 service.  
2 Reasonable costs may include expenses directly associated with  
3 the planning phases and training of personnel in any new and  
4 emerging technologies involving [enhanced] 911[+] services. All  
5 other expenses necessary to operate the public safety answering  
6 point, including but not limited to those expenses related to  
7 overhead, staffing, and other day-to-day operational expenses,  
8 shall continue to be paid through the general funding of the  
9 respective counties."

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

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

14 (1) Are recoverable under section 138-4(d); and

15 (2) Have not already been reimbursed to the communications  
16 service provider from the fund.

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

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



1           "(e) After the expenses of the board are paid, the public  
2 safety answering points shall be allocated two-thirds of the  
3 remaining balance of the fund. The remaining one-third shall be  
4 available for communications service provider cost recovery.  
5 The board shall determine the reimbursement amounts for the  
6 public safety answering points, based on the limitations set  
7 forth in section 138-5(a). The reimbursement level for each  
8 communications service provider shall be limited:

9           (1) To one-third of the total contribution made by the  
10           individual communications service provider into the  
11           fund; provided that this method of direct  
12           reimbursement shall not be available to the provider  
13           of wire line [~~enhanced~~] 911; and

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

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

17           "(a) During any period in which [~~an enhanced~~] a 911  
18 surcharge is imposed upon customers, the board may request an  
19 audited report prepared by an independent certified public  
20 accountant that demonstrates that the request for cost recovery  
21 from public safety answering points and communications service



1 providers recovers only costs and expenses directly related to  
2 the provision of [enhanced] 911 service as authorized by this  
3 chapter. The cost of the audited reports shall be considered  
4 expenses of the board. The board shall prevent public  
5 disclosure of proprietary information contained in the audited  
6 report, unless required by court order or appropriate  
7 administrative agency decision."

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

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



1 to [~~enhanced~~] 911 or any other communications service intended  
2 to help persons obtain emergency assistance. In addition, no  
3 communications service provider, reseller, or independent,  
4 third-party accounting firms, consultants, or other third party  
5 retained by the State under section 138-2, or their respective  
6 employees, directors, officers, assigns, affiliates, or agents,  
7 shall be liable for civil damages or criminal liability in  
8 connection with the release of customer information to any  
9 governmental entity, including any public safety answering  
10 point, as required under this chapter.

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

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



1            ""Basic exchange service" means those services consisting  
2 of single-line dial tone, touch-tone dialing, access to operator  
3 service, access to [enhanced] 911[~~r~~] services,  
4 telecommunications relay service, telephone directory, and  
5 access to directory-assistance service via 411 dialing."

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

8            "**§269-16.95 Emergency telephone service; capital costs;**  
9 **ratemaking.** (a) A public utility providing local exchange  
10 telecommunications services may recover the capital cost and  
11 associated operating expenses of providing a statewide  
12 [enhanced] 911 emergency telephone service in the public  
13 switched telephone network, through:

- 14            (1) A telephone line surcharge; or  
15            (2) Its rate case.

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



1 (c) The commission shall require every public utility  
2 providing statewide [~~enhanced~~] 911 emergency telephone service  
3 to maintain a separate accounting of the costs of providing [~~an~~  
4 ~~enhanced~~] a 911 emergency service and the revenues received from  
5 related surcharges until the next general rate case. The  
6 commission shall further require that every public utility  
7 imposing a surcharge shall identify such as a separate line item  
8 on all customer billing statements.

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

13 SECTION 11. Sections 128A-13, 138-3, 138-4, 138-6, 138-8,  
14 138-10, 138-12, and 269E-12, Hawaii Revised Statutes, are  
15 amended by substituting the word "911", or similar term,  
16 wherever the word "enhanced 911", or similar term, appears, as  
17 the context requires.

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



1 SECTION 13. This Act shall take effect on July 1, 3000.



**Report Title:**

911 Services; 911 Board; 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. Effective 7/1/3000. (HD1)

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

