
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 such 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 such
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 Accordingly, 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;
10 (2) Amend the rate of the monthly enhanced 911 surcharge;
11 and;
12 (3) Allow the 911 board to employ staff, in addition to
13 the executive director, exempt from chapters 76 and
14 89, Hawaii Revised Statutes.

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

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



- 1 (1) Commissioned and enlisted personnel of the Hawaii
2 National Guard as such, and positions in the Hawaii
3 National Guard that are required by state or federal
4 laws or regulations or orders of the National Guard to
5 be filled from those commissioned or enlisted
6 personnel;
- 7 (2) Positions filled by persons employed by contract where
8 the director of human resources development has
9 certified that the service is special or unique or is
10 essential to the public interest and that, because of
11 circumstances surrounding its fulfillment, personnel
12 to perform the service cannot be obtained through
13 normal civil service recruitment procedures. Any such
14 contract may be for any period not exceeding one year;
- 15 (3) Positions that must be filled without delay to comply
16 with a court order or decree if the director
17 determines that recruitment through normal recruitment
18 civil service procedures would result in delay or
19 noncompliance, such as the Felix-Cayetano consent
20 decree;



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



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



1 (10) First deputy and deputy attorneys general, the
2 administrative services manager of the department of
3 the attorney general, one secretary for the
4 administrative services manager, an administrator and
5 any support staff for the criminal and juvenile
6 justice resources coordination functions, and law
7 clerks;

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

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



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



1 filled by persons entering the workforce or
2 persons transitioning into other careers under
3 programs such as the federal Workforce Investment
4 Act of 1998, as amended, or the Senior Community
5 Service Employment Program of the Employment and
6 Training Administration of the United States
7 Department of Labor, or under other similar state
8 programs;

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

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

18 (16) Positions of first deputies or first assistants of
19 each department head appointed under or in the manner
20 provided in section 6, article V, of the Hawaii State
21 Constitution; three additional deputies or assistants



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



1 administration or other functions within the
2 department of corrections and rehabilitation as may be
3 assigned by the director of corrections and
4 rehabilitation, with the approval of the governor; an
5 administrative assistant to the state librarian; and
6 an administrative assistant to the superintendent of
7 education;

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

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

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

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



- 1 (19) Household employees at the official residence of the
2 president of the University of Hawaii;
- 3 (20) Employees in the department of education engaged in
4 the supervision of students during meal periods in the
5 distribution, collection, and counting of meal
6 tickets, and in the cleaning of classrooms after
7 school hours on a less than half-time basis;
- 8 (21) Employees hired under the tenant hire program of the
9 Hawaii public housing authority; provided that not
10 more than twenty-six per cent of the authority's
11 workforce in any housing project maintained or
12 operated by the authority shall be hired under the
13 tenant hire program;
- 14 (22) Positions of the federally funded expanded food and
15 nutrition program of the University of Hawaii that
16 require the hiring of nutrition program assistants who
17 live in the areas they serve;
- 18 (23) Positions filled by persons with severe disabilities
19 who are certified by the state vocational
20 rehabilitation office that they are able to perform
21 safely the duties of the positions;



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



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

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

10 3. By amending the definition of "automatic number
11 identification" to read:

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

16 4. By amending the definition of "board" to read:

17 ""Board" means the [~~enhanced~~] 911 board established under
18 this chapter."

19 5. By amending the definition of "911 system" to read:

20 ""911 system" means an emergency communications system
21 that:



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

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

12 6. By amending the definition of "proprietary information"
13 to read:

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



1 7. By deleting the definitions of "enhanced 911 fund" and
2 "enhanced 911 service costs".

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

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

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

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

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

17 (1) The chief information officer or the chief information
18 officer's designee;

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



- 1 (3) One representative each from the public safety
2 answering points for Oahu, Hawaii, Kauai, Maui, and
3 Molokai and one representative, chosen by the mayor of
4 the city and county of Honolulu, who shall be
5 appointed by the governor as provided in section 26-
6 34;
- 7 (4) The consumer advocate or the consumer advocate's
8 designee;
- 9 (5) One representative from a communications service
10 company that offers Interconnected Voice over Internet
11 Protocol services, who shall be appointed by the
12 governor as provided in section 26-34; and
- 13 (6) One representative of the public utility providing
14 telecommunications services and land line [enhanced]
15 911 services through section 269-16.95."
- 16 2. By amending subsection (e) to read:
- 17 "(e) The members representing wireless providers, the
18 public utility providing telecommunications services and land
19 line [enhanced] 911 services through section 269-16.95, and
20 Interconnected Voice over Internet Protocol service providers
21 shall be appointed by the governor for terms of two years."



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

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

3 Members shall be entitled to reimbursements from the [enhanced]
4 911 fund for reasonable traveling expenses incurred in
5 connection with the performance of board duties.

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

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

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



1 either directly or indirectly, has a conflict of
2 interest or is affiliated with the management of or
3 owns a pecuniary interest in any entity subject to the
4 provisions of this chapter."

5 SECTION 6. Section 138-4, Hawaii Revised Statutes, is
6 amended by amending subsection (b) to read as follows:

7 "(b) The rate of the surcharge shall be set at 33 cents
8 per month for each account with a single communications service
9 connection and 66 cents per month for each account with multiple
10 communications service [connection.] connections. The surcharge
11 shall [~~have uniform application and shall~~] be imposed on each
12 account with at least one communications service connection
13 operating within the State except:

- 14 (1) Connections billed to federal, state, and county
15 governmental entities;
- 16 (2) Prepaid connections; and
- 17 (3) Connections provided by the public utility providing
18 telecommunications services and land line enhanced 911
19 services through section 269-16.95."

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



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

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

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

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

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



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

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

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

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

16 (1) To one-third of the total contribution made by the
17 individual communications service provider into the
18 fund; provided that this method of direct
19 reimbursement shall not be available to the provider
20 of wire line [enhanced] 911; and

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



1 SECTION 8. Section 138-7, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

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

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

17 "**§138-9 Limitation of liability.** (a) Notwithstanding any
18 law to the contrary, in no event shall any communications
19 service provider, reseller, independent, third-party accounting
20 firms, consultants, or other third party retained by the State
21 under section 138-2, or their respective employees, directors,



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

18 (b) In no event shall any public safety answering point,
19 or its employees, assigns, or agents, or emergency response
20 personnel, except in cases of gross negligence or wanton and
21 wilful misconduct, be liable for any civil damages or criminal



1 liability resulting from death or injury to the person or from
2 damage to property incurred by any person in connection with any
3 act or omission in the development, installation, maintenance,
4 operation, or provision of [enhanced] 911 [~~service.~~] services."

5 SECTION 10. Section 269-1, Hawaii Revised Statutes, is
6 amended by amending the definition of "basic exchange service"
7 to read:

8 ""Basic exchange service" means those services consisting
9 of single-line dial tone, touch-tone dialing, access to operator
10 service, access to [enhanced] 911[~~7~~] services,
11 telecommunications relay service, telephone directory, and
12 access to directory-assistance service via 411 dialing."

13 SECTION 11. Section 269-16.95 is amended to read as
14 follows:

15 "**§269-16.95 Emergency telephone service; capital costs;**
16 **ratemaking.** (a) A public utility providing local exchange
17 telecommunications services may recover the capital cost and
18 associated operating expenses of providing a statewide
19 [enhanced] 911 emergency telephone service in the public
20 switched telephone network, through:

21 (1) A telephone line surcharge; or



1 (2) Its rate case.

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

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

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

20 SECTION 12. Sections 128A-13, 138-3, 138-4, 138-6, 138-8,
21 138-10, 138-12, and 269E-12, Hawaii Revised Statutes, are



1 amended by substituting the word "911" or similar term, wherever
2 the word "enhanced 911" or similar term, appears, as the context
3 requires.

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

6 SECTION 14. This Act shall take effect on July 1, 2112.



Report Title:

911 Services; Monthly Enhanced 911 Surcharge; 911 Board Staff;
Definitions

Description:

Deletes the term "enhanced" in reference to 911 services to allow funding of all 911 technologies. Amends the rate of the monthly enhanced 911 surcharge. Allows the 911 Board to employ staff, in addition to the executive director, exempt from chapters 76 and 89, HRS. Takes effect 7/1/2112. (SD1)

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

