



EXECUTIVE CHAMBERS

HONOLULU

LINDA LINGLE
GOVERNOR

July 12, 2006

GOV. MSG. NO 863

The Honorable Robert Bunda, President
and Members of the Senate
Twenty-Third State Legislature
State Capitol, Room 003
Honolulu, Hawaii 96813

Dear Mr. President and Members of the Senate:

Re: House Bill 3142 HD2 SD2 CD1

On July 11, 2006, House Bill No. 3142, entitled "A Bill for an Act Relating to Trauma Care" became law without my signature, pursuant to Section 16 of Article III of the Constitution of the State of Hawaii.

This bill establishes the Trauma System Special Fund to support the development of a statewide trauma system. The measure sets forth categories for reimbursement and requirements for the use of monies from the Trauma System Special Fund. This measure includes potential sources of funding, but does not appropriate funds or specify a source of funding for deposit into the special fund.

It is troubling that this Special Fund would be exempt from the State Procurement Code (Chapter 103d, HRS) and the Purchase of Health and Human Services law (Chapter 103F, HRS). These exemptions, in effect, mean that procurement and purchase actions will not be subject to the transparency, accountability, and audit requirements that taxpayer-financed expenditures deserve. Further, the Special Fund would not pay its fair share of administrative costs as other funds must do.

Additionally, the Trauma System Special Fund does not meet the requirements of Section 37-52.3, HRS, which mandates the Legislature shall ensure that a special fund: "(1) Serves the purpose for which it was originally established; 2) Reflects a clear nexus between the benefits sought and charges made upon the users or beneficiaries of the program; (3) Provides an appropriate means of financing for the program or activity; and (4) Demonstrates the capacity to be financially self-sustaining." While it is important that the State of Hawai'i maintain trauma care services, there is no clear nexus between tobacco taxes and trauma care use. Further, depending on costs to develop a "comprehensive state trauma system," the ability for the fund to be self-sustaining is questionable.

The Honorable Robert Bunda, President
and Members of the Senate
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For the foregoing reasons, I allowed House Bill No. 3142 to become law as Act 305 effective July 11, 2006 without my signature.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Lingle", with a stylized flourish at the end.

LINDA LINGLE

A BILL FOR AN ACT

RELATING TO TRAUMA CARE.

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

1 SECTION 1. The legislature finds that trauma care in
2 Hawaii is in a state of crisis and recognizes that trauma care
3 is a public health priority.

4 Injury is the leading cause of death for persons between
5 the ages of one to forty-four in the State of Hawaii, causing
6 more deaths than are caused by cancer and heart disease
7 combined. This underscores the seriousness of traumatic injury
8 as a public health problem in the state.

9 When injuries are serious, specialized equipment and prompt
10 access to physicians and other trained health care providers
11 make a significant difference in a trauma patient's health
12 outcome. A weak trauma system decreases the state's readiness
13 to respond not only to the normal flow of critically injured
14 patients, but to unforeseen disasters and emergencies as well.

15 As the American College of Surgeons noted in its October
16 2005 report, "Hawaii Trauma System Consultation," extreme
17 isolation and limited physician re-supply capability renders
18 Hawaii uniquely vulnerable to natural disasters that may occur



1 (b) Members of the ad hoc committees shall include members
2 of the state EMS advisory committee and may invite participation
3 statewide from practicing trauma surgeons and other trauma
4 specialty physicians and nurses, pre-hospital personnel,
5 hospital administrators, third party payors, and other
6 interested parties from all counties.

7 SECTION 7. The department of health shall submit to the
8 legislature an annual report on the expenditures of the trauma
9 system special fund and the progress toward developing a
10 fully-integrated statewide trauma system not later than twenty
11 days prior to the convening of the regular session of 2007 and
12 each year thereafter.

13 SECTION 8. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 9. This Act shall take effect on July 1, 2006.

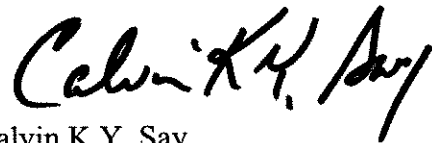


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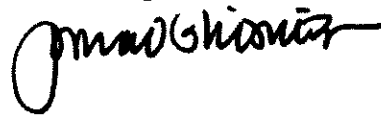
THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 2, 2006
Honolulu, Hawaii

We hereby certify that the foregoing Bill on this day passed Final Reading in the House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006.



Calvin K.Y. Say
Speaker
House of Representatives



Patricia Mau-Shimizu
Chief Clerk
House of Representatives

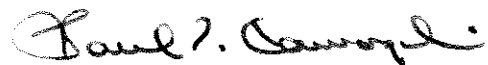
THE SENATE OF THE STATE OF HAWAII

Date: May 2, 2006
Honolulu, Hawaii

We hereby certify that the foregoing Bill on this day passed Final Reading in the Senate of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006.



Robert Bunda
President of the Senate



Paul Kawaguchi
Clerk of the Senate