

L E G I S L A T I V E

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SUBJECT: MISCELLANEOUS, Trauma system surcharge

BILL NUMBER: SB 2535, SD-1

INTRODUCED BY: Senate Committees on Health and Judiciary and Labor

BRIEF SUMMARY: Provides for the imposition of a trauma system surcharge, in addition to any other civil penalties ordered by the court, for convictions of the following:

HRS chapter 291 - traffic violations;
HRS chapter 291E - driving under the influence or intoxicants;
HRS chapter 706 - crime of violence or drug related offenses;
HRS section 291C-12 - accidents involving death or serious bodily injury;
HRS section 291C-12.5 - accidents involving substantial bodily injury;
HRS section 291C-12.6 - accidents involving bodily injury; and
HRS section 291C-161 - penalties of the statewide traffic code.

The surcharge shall not be imposed if the court determines that the defendant is unable to pay the surcharge. The trauma system surcharge shall be deposited into the trauma system special fund.

Amends HRS section 321-22 to provide that the trauma system special fund shall consist of motor vehicle violations, cigarette tax revenues, federal funds granted by congress or executive order, funds appropriated by the legislature, grants, donations, contributions, and interest income from the fund. Delineates the methodology of how disbursements shall be made.

Appropriates an unspecified amount of general funds for fiscal 2009 to be deposited into the trauma system special fund.

Appropriates an unspecified amount out of the trauma system special fund for fiscal 2009 to subsidize the documented costs for the comprehensive state trauma system.

EFFECTIVE DATE: July 1, 2008

STAFF COMMENTS: The legislature by Act 305, SLH 2006, established a trauma system special fund to be used by the department of health to support the continuing development and operation of a comprehensive state trauma system including: (1) costs of under-compensated and uncompensated trauma care incurred by hospitals providing care to trauma patients; and (2) costs incurred by hospitals providing care to trauma patients to maintain on-call physicians for trauma care.

While this measure proposes to extract additional revenues for the trauma system special fund by imposing a trauma system surcharge on selected traffic violations and infractions, it is questionable whether the amount derived from these additional sources will be sufficient for the purposes of the

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trauma system special fund. If insufficient revenues are generated from these sources for the purposes of the trauma system special fund, other sources of revenue may be tapped. Further, one has to ask what is the relationship between vehicular violations and the need for trauma care other than the assumption that these people cause traffic accidents that need trauma care. What about sky divers who get trapped on the cliffs of Waimanalo or a drowning victim at Pounders or someone thrown from a horse at Mokuleia? Shouldn't those victims also help to pay for the trauma care system that stands ready to assist them?

If the legislature deems trauma care to be a high priority, then such a program should be subject to the appropriation process to ensure that adequate funds are appropriated and the program reviewed by the legislature to ensure that the trauma care needs of the state are adequate. What this proposal says loud and clear is that lawmakers are not willing to use existing resources already provided to them by all taxpayers to pay for what they have deemed essential to the health and welfare of the community. This is no doubt emblematic of the legislature's inability to set spending priorities.

Digested 2/21/08