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## A BILL FOR AN ACT

RELATING TO EMERGENCY SERVICES.

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

1           SECTION 1. The legislature finds that when a need arises  
2 in a county for additional public safety services such as  
3 lifeguards and emergency medical technicians, the counties are  
4 typically the first to recognize the need, and then must  
5 subsequently appeal to the state legislature to respond to the  
6 identified need. The legislature further finds that shifting  
7 the responsibility for funding these positions from the State to  
8 the counties will enable more efficient and responsive action to  
9 address public safety needs as they arise. As these services  
10 are essential to the safety of Hawaii's visitors, an increase in  
11 the total county allocation of the transient accommodations tax  
12 is an appropriate way for the counties to fund these positions.

13           The purpose of this Act is to increase the total county  
14 allocation under the transient accommodations tax to fund  
15 lifeguard and emergency medical service personnel positions in  
16 the counties.



1 SECTION 2. Chapter 46, Hawaii Revised Statutes, is amended  
2 by adding a new section to part II to be appropriately  
3 designated and to read as follows:

4 "§46- Lifeguard; emergency medical services personnel.

5 (a) Each county shall employ and maintain lifeguards and  
6 emergency medical services personnel in sufficient numbers to  
7 ensure public safety.

8 (b) A county may use revenues provided pursuant to section  
9 237D-6.5(b) (4) to fund positions established pursuant to this  
10 section."

11 SECTION 3. Section 36-27, Hawaii Revised Statutes, is  
12 amended by amending subsection (a) to read as follows:

13 "(a) Except as provided in this section, and  
14 notwithstanding any other law to the contrary, from time to  
15 time, the director of finance, for the purpose of defraying the  
16 prorated estimate of central service expenses of government in  
17 relation to all special funds, except the:

18 (1) Special out-of-school time instructional program fund  
19 under section 302A-1310;

20 (2) School cafeteria special funds of the department of  
21 education;



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- 1       (3) Special funds of the University of Hawaii;
- 2       (4) State educational facilities improvement special fund;
- 3       (5) Convention center enterprise special fund under
- 4             section 201B-8;
- 5       (6) Special funds established by section 206E-6;
- 6       (7) Aloha Tower fund created by section 206J-17;
- 7       (8) Funds of the employees' retirement system created by
- 8             section 88-109;
- 9       (9) Hawaii hurricane relief fund established under chapter
- 10            431P;
- 11       (10) Hawaii health systems corporation special funds and
- 12            the subaccounts of its regional system boards;
- 13       (11) Tourism special fund established under section 201B-
- 14            11;
- 15       (12) Universal service fund established under section 269-
- 16            42;
- 17       (13) Emergency and budget reserve fund under section 328L-
- 18            3;
- 19       (14) Public schools special fees and charges fund under
- 20            section 302A-1130;
- 21       (15) Sport fish special fund under section 187A-9.5;



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- 1    [+] (16) [+] Neurotrauma special fund under section 321H-4;
- 2    [+] (17) [+] Glass advance disposal fee established by section
- 3                    342G-82;
- 4    [+] (18) [+] Center for nursing special fund under section 304A-
- 5                    2163;
- 6    [+] (19) [+] Passenger facility charge special fund established
- 7                    by section 261-5.5;
- 8    [+] (20) [+] Solicitation of funds for charitable purposes
- 9                    special fund established by section 467B-15;
- 10   [+] (21) [+] Land conservation fund established by section 173A-
- 11                    5;
- 12   [+] (22) [+] Court interpreting services revolving fund under
- 13                    section 607-1.5;
- 14   [+] (23) [+] Trauma system special fund under section 321-22.5;
- 15   [+] (24) [+] Hawaii cancer research special fund;
- 16   [+] (25) [+] Community health centers special fund;
- 17   ~~[+] (26) Emergency medical services special fund;~~
- 18    ~~(27)~~ (26) Rental motor vehicle customer facility charge
- 19                    special fund established under section 261-5.6;
- 20   ~~[+] (28)~~ (27) Shared services technology special fund under
- 21                    section 27-43;



1       ~~[(29)]~~ (28) Automated victim information and notification  
2                   system special fund established under section 353-136;  
3       ~~[(30)]~~ (29) Deposit beverage container deposit special fund  
4                   under section 342G-104;  
5       ~~[(31)]~~ (30) Hospital sustainability program special fund  
6                   under Act 217, Session Laws of Hawaii 2012, as  
7                   amended;  
8       ~~[(32)]~~ (31) Nursing facility sustainability program special  
9                   fund under Act 156, Session Laws of Hawaii 2012;  
10       ~~[(33)]~~ (32) Hawaii 3R's school improvement fund under  
11                   section 302A-1502.4;  
12       ~~[(34)]~~ (33) After-school plus program revolving fund under  
13                   section 302A-1149.5; and  
14       ~~[(35)]~~ (34) Civil monetary penalty special fund under  
15                   section 321-30.2,  
16 shall deduct five per cent of all receipts of all other special  
17 funds, which deduction shall be transferred to the general fund  
18 of the State and become general realizations of the State. All  
19 officers of the State and other persons having power to allocate  
20 or disburse any special funds shall cooperate with the director  
21 in effecting these transfers. To determine the proper revenue



1 base upon which the central service assessment is to be  
2 calculated, the director shall adopt rules pursuant to chapter  
3 91 for the purpose of suspending or limiting the application of  
4 the central service assessment of any fund. No later than  
5 twenty days prior to the convening of each regular session of  
6 the legislature, the director shall report all central service  
7 assessments made during the preceding fiscal year."

8 SECTION 4. Section 36-30, Hawaii Revised Statutes, is  
9 amended by amending subsection (a) to read as follows:

- 10 "(a) Each special fund, except the:
- 11 (1) Special out-of-school time instructional program fund
  - 12 under section 302A-1310;
  - 13 (2) School cafeteria special funds of the department of
  - 14 education;
  - 15 (3) Special funds of the University of Hawaii;
  - 16 (4) State educational facilities improvement special fund;
  - 17 (5) Special funds established by section 206E-6;
  - 18 (6) Aloha Tower fund created by section 206J-17;
  - 19 (7) Funds of the employees' retirement system created by
  - 20 section 88-109;



- 1       (8) Hawaii hurricane relief fund established under chapter
- 2             431P;
- 3       (9) Convention center enterprise special fund established
- 4             under section 201B-8;
- 5       (10) Hawaii health systems corporation special funds and
- 6             the subaccounts of its regional system boards;
- 7       (11) Tourism special fund established under section 201B-
- 8             11;
- 9       (12) Universal service fund established under section 269-
- 10            42;
- 11       (13) Emergency and budget reserve fund under section 328L-
- 12            3;
- 13       (14) Public schools special fees and charges fund under
- 14            section 302A-1130;
- 15       (15) Sport fish special fund under section 187A-9.5;
- 16       [+] (16) [+] Neurotrauma special fund under section 321H-4;
- 17       [+] (17) [+] Center for nursing special fund under section 304A-
- 18            2163;
- 19       [+] (18) [+] Passenger facility charge special fund established
- 20            by section 261-5.5;



1    ~~[+]~~ (19) ~~[+]~~ Court interpreting services revolving fund under  
2                    section 607-1.5;

3    ~~[+]~~ (20) ~~[+]~~ Trauma system special fund under section 321-22.5;

4    ~~[+]~~ (21) ~~[+]~~ Hawaii cancer research special fund;

5    ~~[+]~~ (22) ~~[+]~~ Community health centers special fund;

6    ~~[+(23)]~~ ~~Emergency medical services special fund;~~

7    ~~(24)~~ (23) Rental motor vehicle customer facility charge  
8                    special fund established under section 261-5.6;

9    ~~[+(25)]~~ (24) Shared services technology special fund under  
10                   section 27-43;

11   ~~[+(26)]~~ (25) Nursing facility sustainability program special  
12                   fund established pursuant to Act 156, Session Laws of  
13                   Hawaii 2012;

14   ~~[+(27)]~~ (26) Automated victim information and notification  
15                   system special fund established under section 353-136;

16   ~~[+(28)]~~ (27) Hospital sustainability program special fund  
17                   under Act 217, Session Laws of Hawaii 2012, as  
18                   amended; and

19   ~~[+(29)]~~ (28) Civil monetary penalty special fund under  
20                   section 321-30.2,





1 shall be responsible for its pro rata share of the  
2 administrative expenses incurred by the department responsible  
3 for the operations supported by the special fund concerned."

4 SECTION 5. Section 237D-6.5, Hawaii Revised Statutes, is  
5 amended by amending subsection (b) to read as follows:

6 "(b) Revenues collected under this chapter shall be  
7 distributed in the following priority, with the excess revenues  
8 to be deposited into the general fund:

9 (1) \$1,500,000 shall be allocated to the Turtle Bay  
10 conservation easement special fund beginning July 1,  
11 2015, for the reimbursement to the state general fund  
12 of debt service on reimbursable general obligation  
13 bonds, including ongoing expenses related to the  
14 issuance of the bonds, the proceeds of which were used  
15 to acquire the conservation easement and other real  
16 property interests in Turtle Bay, Oahu, for the  
17 protection, preservation, and enhancement of natural  
18 resources important to the State, until the bonds are  
19 fully amortized;



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- 1           (2) \$26,500,000 shall be allocated to the convention  
2           center enterprise special fund established under  
3           section 201B-8;
- 4           (3) \$82,000,000 shall be allocated to the tourism special  
5           fund established under section 201B-11; provided that:
- 6           (A) Beginning on July 1, 2012, and ending on June 30,  
7           2015, \$2,000,000 shall be expended from the  
8           tourism special fund for development and  
9           implementation of initiatives to take advantage  
10          of expanded visa programs and increased travel  
11          opportunities for international visitors to  
12          Hawaii;
- 13          (B) Of the \$82,000,000 allocated:
- 14           (i) \$1,000,000 shall be allocated for the  
15           operation of a Hawaiian center and the  
16           museum of Hawaiian music and dance at the  
17           Hawaii convention center; and
- 18           (ii) 0.5 per cent of the \$82,000,000 shall be  
19           transferred to a sub-account in the tourism  
20           special fund to provide funding for a safety



1                   and security budget, in accordance with the  
2                   Hawaii tourism strategic plan 2005-2015; and  
3           (C) Of the revenues remaining in the tourism special  
4           fund after revenues have been deposited as  
5           provided in this paragraph and except for any sum  
6           authorized by the legislature for expenditure  
7           from revenues subject to this paragraph,  
8           beginning July 1, 2007, funds shall be deposited  
9           into the tourism emergency special fund,  
10           established in section 201B-10, in a manner  
11           sufficient to maintain a fund balance of  
12           \$5,000,000 in the tourism emergency special fund;  
13       (4) \$103,000,000 for fiscal year 2014-2015, \$103,000,000  
14       for fiscal year 2015-2016, and [~~\$93,000,000~~] \$\_\_\_ for  
15       each fiscal year thereafter shall be allocated as  
16       follows: Kauai county shall receive 14.5 per cent,  
17       Hawaii county shall receive 18.6 per cent, city and  
18       county of Honolulu shall receive 44.1 per cent, and  
19       Maui county shall receive 22.8 per cent; provided that  
20       commencing with fiscal year 2018-2019, a sum that  
21       represents the difference between a county public



1 employer's annual required contribution for the  
2 separate trust fund established under section 87A-42  
3 and the amount of the county public employer's  
4 contributions into that trust fund shall be retained  
5 by the state director of finance and deposited to the  
6 credit of the county public employer's annual required  
7 contribution into that trust fund in each fiscal year,  
8 as provided in section 87A-42, if the respective  
9 county fails to remit the total amount of the county's  
10 required annual contributions, as required under  
11 section 87A-43; and

12 (5) \$3,000,000 shall be allocated to the special land and  
13 development fund established under section 171-19;  
14 provided that the allocation shall be expended in  
15 accordance with the Hawaii tourism authority strategic  
16 plan for:

17 (A) The protection, preservation, maintenance, and  
18 enhancement of natural resources, including  
19 beaches, important to the visitor industry;

20 (B) Planning, construction, and repair of facilities;  
21 and



1           (C) Operation and maintenance costs of public lands,  
2                   including beaches, connected with enhancing the  
3                   visitor experience.

4           All transient accommodations taxes shall be paid into the  
5           state treasury each month within ten days after collection and  
6           shall be kept by the state director of finance in special  
7           accounts for distribution as provided in this subsection.

8           As used in this subsection, "fiscal year" means the twelve-  
9           month period beginning on July 1 of a calendar year and ending  
10          on June 30 of the following calendar year."

11          SECTION 6. Section 245-15, Hawaii Revised Statutes, is  
12          amended to read as follows:

13          "**§245-15 Disposition of revenues.** All moneys collected  
14          pursuant to this chapter shall be paid into the state treasury  
15          as state realizations to be kept and accounted for as provided  
16          by law; provided that, of the moneys collected under the tax  
17          imposed pursuant to:

18           (1) Section 245-3(a)(5), after September 30, 2006, and  
19                   prior to October 1, 2007, 1.0 cent per cigarette shall  
20                   be deposited to the credit of the Hawaii cancer  
21                   research special fund, established pursuant to section



1           304A-2168, for research and operating expenses and for  
2           capital expenditures;

3           (2) Section 245-3(a)(6), after September 30, 2007, and  
4           prior to October 1, 2008:

5           (A) 1.5 cents per cigarette shall be deposited to the  
6           credit of the Hawaii cancer research special  
7           fund, established pursuant to section 304A-2168,  
8           for research and operating expenses and for  
9           capital expenditures;

10          (B) 0.25 cents per cigarette shall be deposited to  
11          the credit of the trauma system special fund  
12          established pursuant to section 321-22.5; and

13          (C) 0.25 cents per cigarette shall be deposited to  
14          the credit of the emergency medical services  
15          special fund established pursuant to section 321-  
16          234;

17          (3) Section 245-3(a)(7), after September 30, 2008, and  
18          prior to July 1, 2009:

19          (A) 2.0 cents per cigarette shall be deposited to the  
20          credit of the Hawaii cancer research special  
21          fund, established pursuant to section 304A-2168,



1 for research and operating expenses and for  
2 capital expenditures;

3 (B) 0.5 cents per cigarette shall be deposited to the  
4 credit of the trauma system special fund  
5 established pursuant to section 321-22.5;

6 (C) 0.25 cents per cigarette shall be deposited to  
7 the credit of the community health centers  
8 special fund established pursuant to section 321-  
9 1.65; and

10 (D) 0.25 cents per cigarette shall be deposited to  
11 the credit of the emergency medical services  
12 special fund established pursuant to section 321-  
13 234;

14 (4) Section 245-3(a)(8), after June 30, 2009, and prior to  
15 July 1, 2013:

16 (A) 2.0 cents per cigarette shall be deposited to the  
17 credit of the Hawaii cancer research special  
18 fund, established pursuant to section 304A-2168,  
19 for research and operating expenses and for  
20 capital expenditures;



- 1 (B) 0.75 cents per cigarette shall be deposited to
- 2 the credit of the trauma system special fund
- 3 established pursuant to section 321-22.5;
- 4 (C) 0.75 cents per cigarette shall be deposited to
- 5 the credit of the community health centers
- 6 special fund established pursuant to section 321-
- 7 1.65; and
- 8 (D) 0.5 cents per cigarette shall be deposited to the
- 9 credit of the emergency medical services special
- 10 fund established pursuant to section 321-234;
- 11 (5) Section 245-3(a)(11), after June 30, 2013, and prior
- 12 to July 1, 2015:
- 13 (A) 2.0 cents per cigarette shall be deposited to the
- 14 credit of the Hawaii cancer research special
- 15 fund, established pursuant to section 304A-2168,
- 16 for research and operating expenses and for
- 17 capital expenditures;
- 18 (B) 1.5 cents per cigarette shall be deposited to the
- 19 credit of the trauma system special fund
- 20 established pursuant to section 321-22.5;





- 1 (C) 1.25 cents per cigarette shall be deposited to  
2 the credit of the community health centers  
3 special fund established pursuant to section 321-  
4 1.65; and
- 5 (D) 1.25 cents per cigarette shall be deposited to  
6 the credit of the emergency medical services  
7 special fund established pursuant to section 321-  
8 234; [and]
- 9 (6) Section 245-3(a)(11), after June 30, 2015, and  
10 [~~thereafter~~] prior to July 1, 2016:
- 11 (A) 2.0 cents per cigarette shall be deposited to the  
12 credit of the Hawaii cancer research special  
13 fund, established pursuant to section 304A-2168,  
14 for research and operating expenses and for  
15 capital expenditures;
- 16 (B) 1.125 cents per cigarette, but not more than  
17 \$7,400,000 in a fiscal year, shall be deposited  
18 to the credit of the trauma system special fund  
19 established pursuant to section 321-22.5;
- 20 (C) 1.25 cents per cigarette, but not more than  
21 \$8,800,000 in a fiscal year, shall be deposited



1 to the credit of the community health centers  
2 special fund established pursuant to section 321-  
3 1.65; and

4 (D) 1.25 cents per cigarette, but not more than  
5 \$8,800,000 in a fiscal year, shall be deposited  
6 to the credit of the emergency medical services  
7 special fund established pursuant to section 321-  
8 234 [-]; and

9 (7) Section 245-3(a)(11), after June 30, 2016, and  
10 thereafter:

11 (A) 2.0 cents per cigarette shall be deposited to the  
12 credit of the Hawaii cancer research special  
13 fund, established pursuant to section 304A-2168,  
14 for research and operating expenses and for  
15 capital expenditures;

16 (B) 1.125 cents per cigarette, but not more than  
17 \$7,400,000 in a fiscal year, shall be deposited  
18 to the credit of the trauma system special fund  
19 established pursuant to section 321-22.5; and

20 (C) 1.25 cents per cigarette, but not more than  
21 \$8,800,000 in a fiscal year, shall be deposited



1           to the credit of the community health centers  
2           special fund established pursuant to section 321-  
3           1.65.

4 The department shall provide an annual accounting of these  
5 dispositions to the legislature."

6           SECTION 7. Section 249-31, Hawaii Revised Statutes, is  
7 amended by amending subsection (b) to read as follows:

8           "(b) From each annual motor vehicle registration fee, the  
9 director shall deposit \$40 into the state highway fund [~~and \$5~~  
10 ~~into the emergency medical services special fund~~]."

11           SECTION 8. Section 321-234, Hawaii Revised Statutes, is  
12 repealed.

13           ~~["§321-234 Emergency medical services special fund. (a)~~  
14 ~~There is established within the state treasury a special fund to~~  
15 ~~be known as the emergency medical services special fund to be~~  
16 ~~administered and expended by the department.~~

17           ~~(b) The moneys in the special fund shall be used by the~~  
18 ~~department for operating a state comprehensive emergency medical~~  
19 ~~services system including enhanced and expanded services, and~~  
20 ~~shall not be used to supplant funding for emergency medical~~  
21 ~~services authorized prior to [July 1, 2004].~~



1       ~~(c) Fees remitted pursuant to section 249-31, cigarette~~  
 2 ~~tax revenues designated under section 245-15, interest and~~  
 3 ~~investment earnings attributable to the moneys in the special~~  
 4 ~~fund, legislative appropriations, and grants, donations, and~~  
 5 ~~contributions from private or public sources for the purposes of~~  
 6 ~~the fund, shall be deposited into the special fund.~~

7       ~~(d) The department shall submit an annual report to the~~  
 8 ~~legislature no later than twenty days prior to the convening of~~  
 9 ~~each regular session that outlines the receipts of, and~~  
 10 ~~expenditures from, the special fund." ]~~

11       SECTION 9. Statutory material to be repealed is bracketed  
 12 and stricken. New statutory material is underscored.

13       SECTION 10. This Act shall take effect on July 1, 2016.

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INTRODUCED BY: Nicole E. Lowen

*10/2*  
Bimal Kohli  
R. D. D. S.  
Harjot  
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# H.B. NO. 1616

**Report Title:**

Counties; Lifeguards; Emergency Medical Services Personnel; TAT;  
Special Fund

**Description:**

Changes the total county allocation under the TAT to fund lifeguard and emergency medical services personnel positions in the counties. Repeals the emergency medical services special fund.

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

