
A BILL FOR AN ACT

RELATING TO POLICE OFFICERS.

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

1 SECTION 1. The legislature finds that in a society
2 aspiring to live by the rule of law, where a legislature creates
3 laws and they are equally applied to all citizens, there must be
4 an enforcement mechanism to ensure citizens respect and abide by
5 these rules. Police and law enforcement officers are recognized
6 as the individuals who perform this most critical public
7 service.

8 The legislature also finds there is a national shortage of
9 qualified candidates to fill policing and law enforcement
10 positions. The impacts of this nationwide shortage are being
11 experienced by the Honolulu Police Department. As of January 2,
12 2020, the department was shorthanded by 318 officers. The
13 problem is attributed to a lack of qualified applicants and the
14 fact that departments across the nation are competing for many
15 of the same recruits.

16 The legislature further finds there is an urgent need to
17 fill policing and law enforcement positions by offering



1 competitive pay and benefits and other monetary and non-monetary
2 benefits to attract new candidates and retain those already
3 serving.

4 The purpose of this Act is to impose a visitor surcharge on
5 passengers arriving and leaving the state. The surcharge shall
6 be placed into a special fund to be used to recruit and retain
7 police officers. With 9,888,845 visitors coming to the state in
8 2018, these funds will significantly improve police recruitment
9 and retention. The surcharge will be added to passenger tickets
10 on all overseas aircraft arriving and departing the state
11 excluding inter-island passenger tickets.

12 SECTION 2. Chapter 52D, Hawaii Revised Statutes, is amended
13 by adding a new section to be appropriately designated to read
14 as follows:

15 "Section 52D- LAW ENFORCEMENT SURCHARGE ON PASSENGER
16 TICKETS.

17 §52D--A Definitions. As used in this part:

18 "Aircraft" means any contrivance now known or hereafter
19 invented, used or designed for navigation of, or flight in, the
20 air.



1 "Passenger" means any person who arrives or departs from a
2 public airport aboard an aircraft except for persons comprising
3 the flight crew of the aircraft.

4 "Inter-island" means from one island port to another.

5 §52D--B Law Enforcement surcharge on passenger tickets;
6 establishment; purpose.

7 (a) There is established a Law Enforcement surcharge on
8 passenger tickets, for all overseas arrivals and departures
9 entering and departing the state excluding inter-island travel.
10 The purpose of the Law Enforcement surcharge is to increase
11 funding for recruitment and retainment of county police
12 officers. Revenue generated by the Law Enforcement surcharge
13 shall be used to:

14 (1) Recruit and retain police officers.

15 (b) Revenue generated by the education surcharge shall be
16 placed in the Blue Lives Matter special fund and shall be
17 in addition to all other funds appropriated to the police
18 commission.

19 §52D--C Applicability. (a) A Law Enforcement surcharge is
20 levied and shall be assessed and collected by the department of
21 taxation on all overseas passenger tickets arriving and



1 departing the state by aircraft excluding inter-island passenger
2 tickets.

3 As provided in this part with respect to the surcharges,
4 the Police Commission shall have all the rights and powers
5 provided under this part.

6 §52D--D Law Enforcement surcharge on passenger tickets;
7 levy; assessment. (a) There is levied and shall be assessed and
8 collected a surcharge on all overseas passenger tickets on
9 flights arriving and departing the state.

10 (b) The surcharge shall be \$5 on each aircraft passenger
11 ticket arriving and departing the state.

12 (c) Fees collected by the department under this section
13 shall be deposited into the Blue Lives Matter special fund
14 established by section §52D-F.

15 §52D--E Law Enforcement surcharge on passenger tickets;
16 disposition of proceeds. (a) The Law Enforcement surcharge on
17 overseas passenger tickets shall be collected by the department
18 of taxation. All funds collected by the department of taxation
19 pursuant to the establishment of the Law Enforcement surcharge
20 shall be deposited into the Blue Lives Matter special fund
21 established in section 52D-F.



1 §52D--F Blues Lives Matter special fund. (a) There is
2 established within the state treasury a special fund to be known
3 as the Blue Lives Matter special fund to be administered by the
4 Police Commission and into which shall be deposited:

5 (1) The proceeds of the Police Officers surcharge on
6 overseas passenger tickets as established under
7 section 52D-D; and

8 (2) All other funds received by the department and legally
9 available for the purposes of the Blues Lives Matter
10 special fund;

11 (b) The Blues Lives Matter special fund shall not be
12 subject to sections 36-27, 36-30, and 37-53.

13 Expenditures from the special fund shall be subject to
14 sections 37-31, and 37-33 through 37-40.

15 (c) Funds in the Blues Lives matter special fund shall be
16 allocated by the legislature through appropriations
17 out of the special fund, in consultation with the
18 police commission and the exclusive representatives of
19 any appropriate bargaining units required, for the
20 purpose of:

21 (1) Recruiting and retaining police officers;



- 1 (d) All amounts in the Blues Lives Matter special fund
- 2 shall be exempt from all taxes and surcharges imposed
- 3 by the state or the counties.
- 4 (e) No later than twenty days prior to the convening of
- 5 each regular session, the commission shall provide a
- 6 report containing an accounting of the receipts and
- 7 expenditures from the Blue Lives Matter special fund."

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

10 **"§36-27 Transfers from special funds for central service**
11 **expenses.** (a) Except as provided in this section, and
12 notwithstanding any other law to the contrary, from time to
13 time, the director of finance, for the purpose of defraying the
14 prorated estimate of central service expenses of government in
15 relation to all special funds, except the:

- 16 (1) Special out-of-school time instructional program fund
- 17 under section 302A-1310;
- 18 (2) School cafeteria special funds of the department of
- 19 education;
- 20 (3) Special funds of the University of Hawaii;
- 21 (4) State educational facilities improvement special fund;



- 1 (5) Convention center enterprise special fund under
- 2 section 201B-8;
- 3 (6) Special funds established by section 206E-6;
- 4 (7) Aloha Tower fund created by section 206J-17;
- 5 (8) Funds of the employees' retirement system created by
- 6 section 88-109;
- 7 (9) Hawaii hurricane relief fund established under chapter
- 8 431P;
- 9 (10) Hawaii health systems corporation special funds and
- 10 the subaccounts of its regional system boards;
- 11 (11) Tourism special fund established under section 201B-
- 12 11;
- 13 (12) Universal service fund established under section 269-
- 14 42;
- 15 (13) Emergency and budget reserve fund under section 328L-
- 16 3;
- 17 (14) Public schools special fees and charges fund under
- 18 section 302A-1130;
- 19 (15) Sport fish special fund under section 187A-9.5;
- 20 [+] (16) [+] Neurotrauma special fund under section 321H-4;



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



1 [+] (29) [+] Automated victim information and notification system
2 special fund established under section 353-136;
3 [+] (30) [+] Deposit beverage container deposit special fund
4 under section 342G-104;
5 [+] (31) [+] Hospital sustainability program special fund under
6 [+]section 346G-4 [+];
7 [+] (32) [+] Nursing facility sustainability program special fund
8 under [+]section 346F-4 [+];
9 [+] (33) [+] Hawaii 3R's school improvement fund under section
10 302A-1502.4;
11 [+] (34) [+] After-school plus program revolving fund under
12 section 302A-1149.5; [and]
13 [+] (35) [+] Civil monetary penalty special fund under section
14 321-30.2 [7]; and
15 (36) Blues Lives Matter special fund under section 52D--F,
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 "**§36-30 Special fund reimbursements for departmental**
11 **administrative expenses.** (a) Each special fund, except the:

- 12 (1) Special out-of-school time instructional program fund
13 under section 302A-1310;
- 14 (2) School cafeteria special funds of the department of
15 education;
- 16 (3) Special funds of the University of Hawaii;
- 17 (4) State educational facilities improvement special fund;
- 18 (5) Special funds established by section 206E-6;
- 19 (6) Aloha Tower fund created by section 206J-17;
- 20 (7) Funds of the employees' retirement system created by
21 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) [+] Rental motor vehicle customer facility charge
8 special fund established under section 261-5.6;
- 9 [+] (25) [+] Shared services technology special fund under
10 section 27-43;
- 11 [+] (26) [+] Nursing facility sustainability program special fund
12 established pursuant to [+]section 346F-4 [+];
- 13 [+] (27) [+] Automated victim information and notification system
14 special fund established under section 353-136;
- 15 [+] (28) [+] Hospital sustainability program special fund under
16 [+]section 346G-4 [+]; [and]
- 17 [+] (29) [+] Civil monetary penalty special fund under section
18 321-30.2 [7]; and
- 19 (30) Blue Lives Matter special fund under section 52D--F,



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. New statutory material is underscored.

5 SECTION 6. This Act shall take effect upon its approval.

6

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H.B. NO. 2728

Report Title:

Law Enforcement Surcharge; Aircraft Passenger Tickets

Description:

Establishes a law enforcement surcharge on overseas aircraft passenger tickets arriving and departing the state excluding inter-island for the purpose of recruiting and retaining police offices.

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

