



EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

July 12, 2006

The Honorable Calvin K. Y. Say, Speaker
and Members of the House of Representatives
Twenty-Third State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear Mr. Speaker and Members of the House:

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.

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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,



LINDA LINGLE