
A BILL FOR AN ACT

RELATING TO BEACHES.

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

1 SECTION 1. Section 171-156, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "[+]§171-156[+] **Beach restoration special fund.** (a)

4 There is established in the state treasury a special fund to be
5 designated as the "beach restoration special fund" to carry out
6 the purposes of this part. The following moneys shall be
7 deposited into the beach restoration special fund:

- 8 (1) Proceeds from the lease or development of public
9 coastal lands designated pursuant to a beach
10 restoration plan, subject to the Hawaiian Homes
11 Commission Act of 1920, as amended, and section 5(f)
12 of the Admission Act of 1959;
- 13 (2) Proceeds from the lease of public lands pursuant to
14 this part for an existing seawall or revetment;
- 15 (3) Fines collected for unauthorized shoreline structures
16 on state submerged land or conservation district land;
- 17 (4) Appropriations made by the legislature for deposit
18 into this fund;



1 (5) Donations and contributions made by private
2 individuals or organizations for deposit into this
3 fund;

4 (6) Fees collected for the processing of applications for
5 coastal and beach erosion control projects; and

6 (7) Grants provided by governmental agencies or any other
7 source.

8 (b) The beach restoration special fund may be used by the
9 department for one or more of the following purposes:

10 (1) Planning, designing, development, or implementation of
11 beach restoration projects pursuant to this part; and

12 (2) Providing grants to the counties, nongovernmental
13 organizations, and the University of Hawaii for the
14 restoration of beach lands and for research or
15 engineering studies necessary to support beach
16 restoration projects, subject to this part.

17 (c) There is established within the beach restoration
18 special fund a sub-account to be known as the resort beach
19 restoration fund to be administered by the department, into
20 which shall be deposited general funds appropriated by the
21 legislature and the revenues prescribed by section 237D-
22 6.5(b)(2)(C); provided that:



1 (1) No funds shall be released for expenditure from the
2 resort beach restoration fund unless matched by non-
3 state funds on at least a one-to-one basis;

4 (2) No funds shall be released for expenditure from the
5 resort beach restoration fund unless at least fifty
6 per cent of the funds released are funds transferred
7 from the tourism special fund pursuant to section
8 237D-6.5(b)(2)(C); and

9 (3) Funds transferred from the tourism special fund
10 pursuant to section 237D-6.5(b)(2)(C) shall not be
11 considered non-state matching funds, either directly
12 or indirectly.

13 All investment earnings from the moneys in the resort beach
14 restoration fund shall be credited to the resort beach
15 restoration fund.

16 (d) Moneys in the resort beach restoration fund shall be
17 used to provide for the development and restoration of visitor
18 area resort beaches, including maintenance of any improvements
19 placed on the visitor area resort beach or in the nearshore
20 waters, as determined by the department, including debt service
21 on any capital expenditures projects and the contracting for
22 services for those purposes.



1 (e) For the purposes of this section, "visitor area resort
2 beaches" means sandy resort beaches that provide public access,
3 including but not limited to:

4 (1) Gray's beach, located in Waikiki on the island of
5 Oahu; and

6 (2) Kaanapali beach located on the island of Maui."

7 SECTION 2. Section 237D-6.5, Hawaii Revised Statutes, is
8 amended by amending subsection (b) to read as follows:

9 "(b) Revenues collected under this chapter shall be
10 distributed as follows, with the excess revenues to be deposited
11 into the general fund:

12 (1) 17.3 per cent of the revenues collected under this
13 chapter shall be deposited into the convention center
14 enterprise special fund established under section
15 201B-8; provided that beginning January 1, 2002, if
16 the amount of the revenue collected under this
17 paragraph exceeds \$33,000,000 in any calendar year,
18 revenues collected in excess of \$33,000,000 shall be
19 deposited into the general fund;

20 (2) 34.2 per cent of the revenues collected under this
21 chapter shall be deposited into the tourism special
22 fund established under section 201B-11 for tourism



1 promotion and visitor industry research; provided that
2 ~~[beginning]~~:

3 (A) Beginning on July 1, 2002, of the first
4 \$1,000,000 in revenues deposited:

5 ~~[(A)]~~ (i) Ninety per cent shall be deposited into the
6 state parks special fund established in
7 section 184-3.4; and

8 ~~[(B)]~~ (ii) Ten per cent shall be deposited into the
9 special land and development fund
10 established in section 171-19 for the Hawaii
11 statewide trail and access program;

12 ~~[provided that of the 34.2 per cent,]~~

13 (B) 0.5 per cent shall be transferred to a sub-
14 account in the tourism special fund to provide
15 funding for a safety and security budget, in
16 accordance with the Hawaii tourism strategic plan
17 2005-2015; and

18 (C) For the period beginning on July 1, 2008, and
19 ending on June 30, 2010, a maximum of \$
20 may be transferred by the Hawaii tourism
21 authority to the resort beach restoration fund,
22 established by section 171-156(c);



1 provided further that of the revenues remaining in the
2 tourism special fund after revenues have been
3 deposited as provided in this paragraph and except for
4 any sum authorized by the legislature for expenditure
5 from revenues subject to this paragraph, beginning
6 July 1, 2007, funds shall be deposited into the
7 tourism emergency trust fund, established in section
8 201B-10, in a manner sufficient to maintain a fund
9 balance of \$5,000,000 in the tourism emergency trust
10 fund; and

11 (3) 44.8 per cent of the revenues collected under this
12 chapter shall be transferred as follows: Kauai county
13 shall receive 14.5 per cent, Hawaii county shall
14 receive 18.6 per cent, city and county of Honolulu
15 shall receive 44.1 per cent, and Maui county shall
16 receive 22.8 per cent.

17 All transient accommodations taxes shall be paid into the
18 state treasury each month within ten days after collection and
19 shall be kept by the state director of finance in special
20 accounts for distribution as provided in this subsection."

21 SECTION 3. There is appropriated out of the general
22 revenues of the State of Hawaii the sum of \$ for fiscal



1 year 2008-2009 to be deposited into the resort beach restoration
2 fund established under section 171-156(c), Hawaii Revised
3 Statutes.

4 SECTION 4. The Hawaii tourism authority may transfer
5 \$ from the tourism special fund for fiscal year 2008-
6 2009 to the resort beach restoration fund established under
7 section 171-156(c), Hawaii Revised Statutes.

8 SECTION 5. There is appropriated out of the resort beach
9 restoration fund the sum of \$ for fiscal year 2008-
10 2009 for the costs of visitor area resort beach restoration
11 projects in the state, including but not limited to:

12 (1) Gray's beach, located in Waikiki on the island of
13 Oahu; and

14 (2) Kaanapali beach located on the island of Maui;
15 as provided for in section 171-156(d) and (e), Hawaii Revised
16 Statutes.

17 The sum appropriated shall be expended by the department of
18 land and natural resources for the purposes of this Act.

19 SECTION 6. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

21 SECTION 7. This Act shall take effect on July 1, 2025.



Report Title:

Resort Beach Restoration

Description:

Establishes the Resort Beach Restoration Fund as a sub-account of the Beach Restoration Special Fund. Allows a capped amount of funds from the Tourism Special Fund to be transferred to the Resort Beach Restoration Fund. Appropriates moneys from the Resort Beach Restoration Fund to pay for visitor area resort beach restoration projects in the state, including Gray's beach and Kaanapali beach. (HB2323 HD2)

