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# A BILL FOR AN ACT

RELATING TO LIFEGUARD SERVICES AT STATE PARK BEACHES.

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

1           SECTION 1. The legislature finds that the tourism industry  
2 in Hawaii continues to grow, as visitor interest in Hawaii have  
3 surpassed previous records. The statewide visitor spending in  
4 2019 was \$17,800,000,000, an increase of about one per cent.  
5 Total visitor arrivals rose more than five per cent to  
6 10,424,995 visitors, the most ever in Hawaii's history. The  
7 increase in tourism requires safeguards to protect Hawaii's  
8 cultural and natural resources, its residents, and visitors to  
9 the islands.

10           Hawaii's natural resources, particularly its world-renowned  
11 beaches, are the frequent backdrop for global and local  
12 marketing to attract this increasing number of visitors. The  
13 department of land and natural resources, specifically through  
14 its state parks and certain state park beaches, are observing  
15 and managing greater park patronage due to this increasing  
16 tourism numbers. The increase in visitor arrivals, with their  
17 inadequate ocean survival skills or knowledge of Hawaii's ocean



1 conditions, have added to additional increases in beach  
2 patronage and ancillary rescues. The department of land and  
3 natural resources relies on several and currently insufficient  
4 funding sources to pay for the cost of contracts with the  
5 counties for water safety officers at state park beaches that  
6 have been identified as high risk for drowning, spinal cord  
7 injury, and other ocean-related injuries. Additionally, the  
8 salary costs are increasing and the need to provide equipment to  
9 support water safety has increased the cost of these contracts  
10 since their inception.

11 There is additional pressure for the Honolulu and Kauai  
12 county water safety officers to work increased hours due to  
13 patronage that is still at risk after the routine working hours  
14 are completed. This adds expenses to the existing cost of these  
15 services. The legislature finds that revenue associated with  
16 the transient accommodations tax presents a clear nexus for  
17 enhancing visitor safety. A warranted source of funding in  
18 maintaining a skilled county water safety presence in select  
19 state beach parks is in critical need due to increasing tourism  
20 and beach patronage.

21 The purpose of this Act is to:



1           (1) Allocate transient accommodations tax revenues to the  
2           department of land and natural resources to cover  
3           lifeguard service expenses incurred at state park  
4           beaches; and

5           (2) Appropriate funds from the state parks special fund  
6           for lifeguard services at state beach parks.

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

9           "(b) Except for the revenues collected pursuant to section  
10 237D-2(e), revenues collected under this chapter shall be  
11 distributed in the following priority, with the excess revenues  
12 to be deposited into the general fund:

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



1 resources important to the State, until the bonds are  
2 fully amortized;

3 (2) \$16,500,000 shall be allocated to the convention  
4 center enterprise special fund established under  
5 section 201B-8;

6 (3) \$79,000,000 shall be allocated to the tourism special  
7 fund established under section 201B-11; provided that:

8 (A) Beginning on July 1, 2012, and ending on June 30,  
9 2015, \$2,000,000 shall be expended from the  
10 tourism special fund for development and  
11 implementation of initiatives to take advantage  
12 of expanded visa programs and increased travel  
13 opportunities for international visitors to  
14 Hawaii;

15 (B) Of the \$79,000,000 allocated:

16 (i) \$1,000,000 shall be allocated for the  
17 operation of a Hawaiian center and the  
18 museum of Hawaiian music and dance; and

19 (ii) 0.5 per cent of the \$79,000,000 shall be  
20 transferred to a sub-account in the tourism  
21 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 shall be allocated as follows: Kauai  
14    county shall receive 14.5 per cent, Hawaii county  
15    shall receive 18.6 per cent, city and county of  
16    Honolulu shall receive 44.1 per cent, and Maui county  
17    shall receive 22.8 per cent; provided that commencing  
18    with fiscal year 2018-2019, a sum that represents the  
19    difference between a county public employer's annual  
20    required contribution for the separate trust fund  
21    established under section 87A-42 and the amount of the



1 county public employer's contributions into that trust  
2 fund shall be retained by the state director of  
3 finance and deposited to the credit of the county  
4 public employer's annual required contribution into  
5 that trust fund in each fiscal year, as provided in  
6 section 87A-42, if the respective county fails to  
7 remit the total amount of the county's required annual  
8 contributions, as required under section 87A-43; [and]  
9 (5) \$3,000,000 shall be allocated to the special land and  
10 development fund established under section 171-19;  
11 provided that the allocation shall be expended in  
12 accordance with the Hawaii tourism authority strategic  
13 plan for:  
14 (A) The protection, preservation, maintenance, and  
15 enhancement of natural resources, including state  
16 parks, beaches, and trails important to the  
17 visitor industry;  
18 (B) Planning, construction, and repair of facilities;  
19 and



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

4 (6) \$5,000,000 shall be allocated to the state parks  
5 special fund established under section 184-3.4;  
6 provided that the allocation shall be expended for  
7 lifeguard services, including but not limited to  
8 salary and equipment, at state beach parks for public  
9 safety at these areas frequented by visitors.

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

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

17 SECTION 3. There is appropriated out of the state parks  
18 special fund the sum of \$5,000,000 or so much thereof as may be  
19 necessary for fiscal year 2020-2021 for lifeguard services,  
20 including but not limited to salary and equipment, at state  
21 beach parks for public safety at areas frequented by visitors.



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

3           SECTION 4. Statutory material to be repealed is bracketed  
4 and stricken. New statutory material is underscored.

5           SECTION 5. This Act shall take effect on July 1, 2020.





**Report Title:**

Lifeguards, State Parks; Transient Accommodations Tax;  
Appropriation

**Description:**

Allocates transient accommodations tax revenues to the Department of Land and Natural Resources to cover lifeguard service expenses incurred at state park beaches. Appropriates funds out of the state parks special fund for lifeguard services at state beach parks. (SD1)

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