
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 has
3 surpassed previous records. Statewide visitor spending in 2019
4 was \$17,750,000,000, an increase of about 1.4 per cent compared
5 to 2018. Total visitor arrivals in 2019 rose more than five per
6 cent, totaling 10,424,995 visitors, the most ever in Hawaii's
7 history. The increase in tourism requires safeguards to protect
8 Hawaii's cultural and natural resources, its residents, and
9 visitors to 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 the increasing
16 tourism numbers. The increase in arrivals of visitors, often
17 having inadequate ocean survival skills or knowledge of Hawaii's



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

10 There is additional pressure for Honolulu and Kauai county
11 water safety officers to work increased hours due to risk to
12 beach users after routine working hours are completed. This
13 adds expenses to the existing cost of these services. The
14 legislature finds that utilizing the revenue associated with the
15 transient accommodations tax to enhance visitor safety aligns
16 with the purposes of the tax. Maintaining a skilled county
17 water safety presence in select state beach parks is critical
18 due to increasing tourism and beach patronage.

19 The purpose of this Act is to:

20 (1) Allocate transient accommodations tax revenues to the
21 department of land and natural resources to cover



1 lifeguard service expenses incurred at state park
2 beaches; and

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

5 SECTION 2. Section 184-3.4, Hawaii Revised Statutes, is
6 amended by amending subsection (a) to read as follows:

7 "(a) There is established within the state treasury a fund
8 to be known as the state parks special fund, into which shall be
9 deposited:

10 (1) All proceeds collected by the state parks programs
11 involving park user fees, any leases or concession
12 agreements, the sale of any article purchased from the
13 department to benefit the state parks programs, or any
14 gifts or contributions; provided that proceeds derived
15 from the operation of Iolani Palace shall be used to
16 supplement its educational and interpretive programs;
17 and

18 (2) Transient accommodations tax revenues pursuant to
19 section 237D-6.5; provided that these moneys shall be
20 expended [~~in response to a master plan developed in~~
21 ~~coordination with the Hawaii tourism authority.~~] for



1 lifeguard services, including salary and equipment
2 costs, at state beach parks."

3 SECTION 3. Section 237D-6.5, Hawaii Revised Statutes, is
4 amended by amending subsection (b) to read as follows:

5 "(b) Except for the revenues collected pursuant to section
6 237D-2(e), 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;



- 1 (2) \$16,500,000 shall be allocated to the convention
2 center enterprise special fund established under
3 section 201B-8;
- 4 (3) \$79,000,000 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 \$79,000,000 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; and
- 17 (ii) 0.5 per cent of the \$79,000,000 shall be
18 transferred to a sub-account in the tourism
19 special fund to provide funding for a safety
20 and security budget, in accordance with the
21 Hawaii tourism strategic plan 2005-2015; and



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

11 (4) \$103,000,000 shall be allocated as follows: Kauai
12 county shall receive 14.5 per cent, Hawaii county
13 shall receive 18.6 per cent, city and county of
14 Honolulu shall receive 44.1 per cent, and Maui county
15 shall receive 22.8 per cent; provided that commencing
16 with fiscal year 2018-2019, a sum that represents the
17 difference between a county public employer's annual
18 required contribution for the separate trust fund
19 established under section 87A-42 and the amount of the
20 county public employer's contributions into that trust
21 fund shall be retained by the state director of



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



1 (6) \$5,000,000 shall be allocated to the state parks
2 special fund established under section 184-3.4;
3 provided that the allocation shall be expended for
4 lifeguard services, including salary and equipment
5 costs, at state beach parks.

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

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

13 SECTION 4. There is appropriated out of the state parks
14 special fund the sum of \$ or so much thereof as may be
15 necessary for fiscal year 2020-2021 for lifeguard services,
16 including but not limited to salary and equipment, at state
17 beach parks for public safety at areas frequented by visitors.

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

20 SECTION 5. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.



1 SECTION 6. 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 from the state parks special fund for lifeguard services at state beach parks. (SD2)

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