



**TESTIMONY OF THE STATE ATTORNEY GENERAL  
TWENTY-FIFTH LEGISLATURE, 2009**

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**ON THE FOLLOWING MEASURE:**

H.B. NO. 767, RELATING TO THE STADIUM AUTHORITY.

**BEFORE THE:**

HOUSE COMMITTEE ON TOURISM, CULTURE AND INTERNATIONAL AFFAIRS

**DATE:** Monday, February 9, 2009 **TIME:** 8:30 AM

**LOCATION:** State Capitol, Room 312

**TESTIFIER(S):** Mark J. Bennett, Attorney General  
or John P. Dellera, Deputy Attorney General

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Chair Manahan and Members of the Committee:

The Department of the Attorney General opposes this bill.

The stated purpose of this bill is to increase the membership of the Stadium Authority from nine to eleven members, with nine voting members. The bill changes the appointment process by requiring that three members be appointed directly by the Governor, three from a list of nominees submitted by the President of the Senate, and three from a list of nominees submitted by the Speaker of the House of Representatives. The legislative leaders would designate nominees for the next six vacancies (alternating between the President of the Senate and the Speaker of the House), and the Governor would select the next three.

This bill is objectionable because it unduly restricts the Governor's power to appoint executive officials and to ensure thereby that the laws are faithfully executed. It would allow legislative leaders to select two-thirds of the voting members of the Stadium Authority, even though all members are currently subject to confirmation by the Senate.

The bill also fails to specify (1) how vacancies would be filled after the first nine; (2) whether it would apply when a member leaves office before serving a full term, and if so, how a successor would be

nominated; and (3) a minimum number of candidates that must be included on lists of potential nominees submitted by the legislative leaders.

We respectfully ask the Committee to hold this bill.



**STATE OF HAWAII  
DEPARTMENT OF ACCOUNTING  
AND GENERAL SERVICES  
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TESTIMONY  
OF  
RUSS K. SAITO, COMPTROLLER  
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES  
TO THE  
HOUSE COMMITTEE  
ON  
TOURISM, CULTURE & INTERNATIONAL AFFAIRS  
ON  
February 9, 2009

H.B. 767

RELATING TO THE STADIUM AUTHORITY

Chair Manahan and members of the Committee, thank you for the opportunity to testify on H.B. 767.

The Department of Accounting and General Services (DAGS) opposes this bill because it is unnecessary. The bill proposes to change the way Stadium Authority members are appointed without changing any of the qualifications or selection criteria. There does not appear to be any benefit to be gained as a result. In addition, the authority members would be appointed from a combination of lists submitted by the Senate President and Speaker of the House, and directly by the Governor. The problem is that the selection from the list submitted by the Senate President will be for the first, third, and fifth vacancies, and the selection from the lists submitted by the Speaker of the House will be the second, fourth and sixth vacancies. This may result in the Governor not directly appointing authority members until the end of the Governor's term, or 000008

perhaps not even that. This appears to be change without any advantages over the current method. DAGS recommends that this bill be held.

Thank you for the opportunity to testify on this matter.

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