

# S.B. NO. 1002

JAN 24 2013

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## A BILL FOR AN ACT

RELATING TO KAPOLEI RECREATIONAL SPORTS COMPLEX.

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

1           SECTION 1. Section 109-1, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:  
3           "(a) There shall be within the department of accounting  
4 and general services for administrative purposes only, a stadium  
5 authority whose responsibility shall be to maintain, operate,  
6 and manage the stadium and facilities attached thereto [~~and to~~  
7 ~~provide for the maintenance, operation, management, and~~  
8 ~~promotion of the Kapolei recreational sports complex~~]. The  
9 authority shall consist of nine members who shall be appointed  
10 by the governor in the manner prescribed by section 26-34. Each  
11 member of the authority shall have been a citizen of the United  
12 States and a resident of the State for at least five years next  
13 preceding the member's appointment. The president of the  
14 University of Hawaii and the superintendent of education shall  
15 be ex officio members of the authority but shall not vote."  
16           SECTION 2. Section 109-2, Hawaii Revised Statutes, is  
17 amended to read as follows:

1           "§109-2 Stadium authority; powers and duties. The powers  
2 and duties of the stadium authority shall be as follows:

- 3           (1) To maintain, operate, and manage the stadium and  
4 related facilities [~~, and to provide for the~~  
5 ~~maintenance, operation, management, and promotion of~~  
6 ~~the Kapolei recreational sports complex]~~;
- 7           (2) To prescribe and collect rents, fees, and charges for  
8 the use or enjoyment of the stadium or any of its  
9 facilities;
- 10          (3) To make and execute contracts and other instruments  
11 necessary or convenient to exercise its powers under  
12 this chapter and subject to any limitations in this  
13 chapter, to exercise all powers necessary, incidental,  
14 or convenient to carry out and effectuate the purposes  
15 and provisions of this chapter [~~, including entering~~  
16 ~~into contracts under chapter 102 or 103D for the~~  
17 ~~management of the Kapolei recreational sports complex,~~  
18 ~~to include but not be limited to the operation,~~  
19 ~~maintenance, and promotion of the complex in a manner~~  
20 ~~that is beneficial to both the State and the~~  
21 ~~contractor. These contracts may contain revenue~~  
22 ~~sharing incentives based on increased usage of the~~  
23 ~~complex]~~;

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1           (4) To adopt, amend, and repeal in accordance with chapter  
2           91 rules it may deem necessary to effectuate this  
3           chapter and in connection with its projects,  
4           operations, and facilities;

5           (5) To appoint a manager and a deputy manager who shall  
6           have such qualifications as the authority deems  
7           necessary and who shall hold their respective offices  
8           at the pleasure of the authority. The manager and  
9           deputy manager shall be exempt from the requirements  
10          of chapters 76 and 89. Effective July 1, 2005, the  
11          manager shall be paid a salary not to exceed eighty-  
12          seven per cent of the salary of the director of human  
13          resources development. Effective July 1, 2005, the  
14          deputy manager shall be paid a salary not to exceed  
15          eighty-five per cent of the manager's salary. The  
16          manager shall have full power to administer the  
17          affairs of the stadium and related facilities, [~~and to~~  
18          ~~provide for a management contract for the Kapolei~~  
19          ~~recreational sports complex,~~] subject to the direction  
20          and approval of the authority. The manager shall,  
21          subject to the approval of the authority, have power  
22          to appoint, suspend, and discharge a secretary who  
23          shall be exempt from the requirements of chapters 76

1 and 89, and such other employees, subordinates, and  
2 assistants as may be necessary for the proper conduct  
3 of the business of the authority. Except for persons  
4 hired on contract or otherwise as provided in section  
5 109-3 and except for the manager, deputy manager, and  
6 secretary, all appointments, suspensions, or  
7 discharges shall be made in conformity with the  
8 applicable provisions of chapter 76; and

- 9 (6) To plan, promote, and market the stadium, and its  
10 related facilities [~~and the Kapolei recreational~~  
11 ~~sports complex~~]."

12 SECTION 3. Section 109-3, Hawaii Revised Statutes, is  
13 amended to read as follows:

14 "**§109-3 Stadium special fund.** There is created a  
15 special fund to be known as the stadium special fund into which  
16 funds collected by the authority shall be deposited [~~provided~~  
17 ~~that all funds received pursuant to this section shall be kept~~  
18 ~~completely separate from the Kapolei recreational sports complex~~  
19 ~~special fund. Moneys may not be transferred between the stadium~~  
20 ~~special fund and the Kapolei recreational sports complex special~~  
21 ~~fund~~]. The stadium special fund shall be applied, used, and  
22 disposed of for the payment of:

- 23 (1) The expenses of the operation, maintenance, promotion,

1           and management of; and  
2           (2) All or a portion of the cost of financing any  
3           capital improvement project for;  
4 the stadium and related facilities; provided that all services  
5 required for the stadium and related facilities shall be  
6 performed by persons hired on contract or otherwise, without  
7 regard for chapter 76; provided further that the authority shall  
8 report to the legislature all receipts and expenditures of the  
9 stadium special fund account twenty days prior to the convening  
10 of each regular session."

11           SECTION 4. Section 109-5, Hawaii Revised Statutes, is  
12 amended to read as follows:

13           "**§109-5 Security personnel, powers.** The person employed  
14 as the chief security officer by the authority shall have all of  
15 the powers of police officers, including the power of arrest;  
16 provided that such powers shall remain in force and in effect  
17 only while the person is in the actual performance of the  
18 person's duties at the stadium [~~or the Kapelei recreational~~  
19 ~~sports complex~~]."

20           SECTION 5. Section 109-7, Hawaii Revised Statutes, is  
21 amended by amending subsections (b) and (c) as follows:

22           "(b) Any person violating any rule of the stadium  
23 authority regulating conduct on the stadium [~~or Kapelei~~

1 ~~recreational sports complex~~] premises shall be guilty of a petty  
2 misdemeanor punishable by a fine not exceeding \$1,000, or  
3 imprisonment not exceeding thirty days, or both.

4 (c) Any person violating any rule of the stadium authority  
5 regulating parking or traffic on the stadium [~~or Kapolei~~  
6 ~~recreational sports complex~~] premises shall have committed a  
7 traffic infraction as set forth in chapter 291D, the  
8 adjudication of which shall be subject to the provisions  
9 contained therein."

10 SECTION 6. Section 109-9, Hawaii Revised Statutes, is  
11 repealed.

12 ["~~§109-9~~] ~~Kapolei recreational sports complex special~~  
13 ~~fund~~. There is created a special fund to be known as the  
14 ~~Kapolei recreational sports complex special fund into which~~  
15 ~~funds appropriated by the legislature, received pursuant to a~~  
16 ~~management contract under section 109-2(3), or collected by the~~  
17 ~~authority from the operations of the Kapolei recreational sports~~  
18 ~~complex shall be deposited subject to contracts entered into~~  
19 ~~pursuant to section 109-2(3); provided that all funds received~~  
20 ~~pursuant to this section shall be kept completely separate from~~  
21 ~~the stadium special fund. Moneys may not be transferred between~~  
22 ~~the Kapolei recreational sports complex special fund and the~~  
23 ~~stadium special fund. The Kapolei [recreational] sports complex~~

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1 ~~special fund shall be applied, used, and disposed of for the~~  
2 ~~payment of:~~

3 ~~(1) The expenses of the operation, maintenance, promotion,~~  
4 ~~and management of; and~~

5 ~~(2) All or a portion of the cost of financing any capital~~  
6 ~~improvement project for;~~

7 ~~the Kapolei recreational sports complex; provided that all~~  
8 ~~services required for the Kapolei recreational sports complex~~  
9 ~~shall be performed by persons hired on contract or otherwise,~~  
10 ~~without regard for chapter 76; provided further that the~~  
11 ~~authority shall report annually to the legislature all receipts~~  
12 ~~and expenditures of the Kapolei recreational [sports] complex~~  
13 ~~special fund account no later than twenty days prior to the~~  
14 ~~convening of each regular session-"]~~

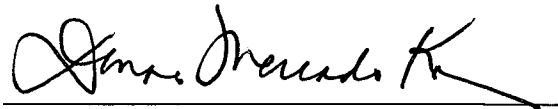
15 SECTION 7. Statutory material to be repealed is bracketed  
16 and stricken.

17 SECTION 8. This Act shall take effect upon its approval.

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INTRODUCED BY:



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BY REQUEST

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**Report Title:**

Kapolei Recreational Sports Complex

**Description:**

Repeals the provisions providing for the maintenance, operation, management, and promotion of the Kapolei recreational sports complex from the Stadium Authority's statutory framework.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*



JUSTIFICATION SHEET

DEPARTMENT: Accounting and General Services

TITLE: A BILL FOR AN ACT RELATING TO KAPOLEI RECREATIONAL SPORTS COMPLEX.

PURPOSE: The purpose of this bill is to repeal the provisions providing for the maintenance, operation, management, and promotion of the Kapolei recreational sports complex from the Stadium Authority's statutory framework.

MEANS: Amend sections 109-1(a), 109-2, 109-3, 109-5, and 109-7(b) and (c) and repeal section 109-9, Hawaii Revised Statutes.

JUSTIFICATION: In 2002, the land originally identified for the Kapolei recreational sports complex (TMK 9-1-16, portion of 141 formerly known as portion of 108/Land Office Deed No. 28594) was transferred to the University of Hawaii - West Oahu as part of the City of Kapolei's Master Plan for residential, commercial, and educational development. As such, statutory provisions requiring the Stadium Authority to maintain, operate, manage, and promote the Kapolei recreational sports complex are obsolete.

Impact on the public: None.

Impact on the department and other agencies: Updates the statutes on the administration and operation of the Stadium Authority.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: AGS 131

OTHER AFFECTED  
AGENCIES:

None.

EFFECTIVE DATE:

Upon approval.