
A BILL FOR AN ACT

RELATING TO NON-GENERAL FUNDS.

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

1 PART I

2 SECTION 1. The purpose of this Act is to repeal,
3 reclassify, or abolish selected funds.

4 PART II

5 SECTION 2. The purpose of this part is to repeal the
6 Kapolei recreational sports complex special fund as recommended
7 by the auditor in auditor's report 14-01.

8 The legislature finds that the original purpose of the fund
9 no longer exists, as the land originally identified for the
10 Kapolei recreational sports complex was transferred to the
11 University of Hawaii-West Oahu.

12 SECTION 3. Section 109-1, Hawaii Revised Statutes, is
13 amended by amending subsection (a) to read as follows:

14 "(a) There shall be within the department of accounting
15 and general services for administrative purposes only, a stadium
16 authority whose responsibility shall be to maintain, operate,
17 and manage the stadium and facilities attached thereto [~~and to~~
18 ~~provide for the maintenance, operation, management, and~~



1 ~~promotion of the Kapolei recreational sports complex]~~. The
2 authority shall consist of nine members who shall be appointed
3 by the governor in the manner prescribed by section 26-34. Each
4 member of the authority shall have been a citizen of the United
5 States and a resident of the State for at least five years next
6 preceding the member's appointment. The president of the
7 University of Hawaii and the superintendent of education shall
8 be ex officio members of the authority but shall not vote."

9 SECTION 4. Section 109-2, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "§109-2 Stadium authority; powers and duties. The powers
12 and duties of the stadium authority shall be as follows:

- 13 (1) To maintain, operate, and manage the stadium and
14 related facilities [~~, and to provide for the~~
15 ~~maintenance, operation, management, and promotion of~~
16 ~~the Kapolei recreational sports complex]~~;
- 17 (2) To prescribe and collect rents, fees, and charges for
18 the use or enjoyment of the stadium or any of its
19 facilities;
- 20 (3) To make and execute contracts and other instruments
21 necessary or convenient to exercise its powers under



1 this chapter and subject to any limitations in this
2 chapter, to exercise all powers necessary, incidental,
3 or convenient to carry out and effectuate the purposes
4 and provisions of this chapter [~~including entering~~
5 ~~into contracts under chapter 102 or 103D for the~~
6 ~~management of the Kapolei recreational sports complex,~~
7 ~~to include but not be limited to the operation,~~
8 ~~maintenance, and promotion of the complex in a manner~~
9 ~~that is beneficial to both the State and the~~
10 ~~contractor. These contracts may contain revenue~~
11 ~~sharing incentives based on increased usage of the~~
12 ~~complex];~~

13 (4) To adopt, amend, and repeal in accordance with chapter
14 91 rules it may deem necessary to effectuate this
15 chapter and in connection with its projects,
16 operations, and facilities;

17 (5) To appoint a manager and a deputy manager who shall
18 have [~~such~~] qualifications as the authority deems
19 necessary and who shall hold their respective offices
20 at the pleasure of the authority. The manager and
21 deputy manager shall be exempt from the requirements



1 of chapters 76 and 89. Effective July 1, 2005, the
2 manager shall be paid a salary not to exceed eighty-
3 seven per cent of the salary of the director of human
4 resources development. Effective July 1, 2005, the
5 deputy manager shall be paid a salary not to exceed
6 eighty-five per cent of the manager's salary. The
7 manager shall have full power to administer the
8 affairs of the stadium and related facilities, [~~and to~~
9 ~~provide for a management contract for the Kapele'i~~
10 ~~recreational sports complex,~~] subject to the direction
11 and approval of the authority. The manager shall,
12 subject to the approval of the authority, have power
13 to appoint, suspend, and discharge a secretary who
14 shall be exempt from the requirements of chapters 76
15 and 89, and [~~such~~] other employees, subordinates, and
16 assistants as may be necessary for the proper conduct
17 of the business of the authority. Except for persons
18 hired on contract or otherwise as provided in section
19 109-3 and except for the manager, deputy manager, and
20 secretary, all appointments, suspensions, or



1 discharges shall be made in conformity with the
2 applicable provisions of chapter 76; and
3 (6) To plan, promote, and market the stadium~~[, its]~~ and
4 related facilities~~[, and the Kapolei recreational~~
5 ~~sports complex]."~~

6 SECTION 5. Section 109-3, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "§109-3 Stadium special fund. There is created a special
9 fund to be known as the stadium special fund into which funds
10 collected by the authority shall be deposited~~[, provided that~~
11 ~~all funds received pursuant to this section shall be kept~~
12 ~~completely separate from the Kapolei recreational sports complex~~
13 ~~special fund. Moneys may not be transferred between the stadium~~
14 ~~special fund and the Kapolei recreational sports complex special~~
15 ~~fund]. The stadium special fund shall be applied, used, and~~
16 disposed of for the payment of:

- 17 (1) The expenses of the operation, maintenance, promotion,
18 and management of; and
19 (2) All or a portion of the cost of financing any capital
20 improvement project for;



1 the stadium and related facilities; provided that all services
2 required for the stadium and related facilities shall be
3 performed by persons hired on contract or otherwise, without
4 regard for chapter 76; provided further that the authority shall
5 report to the legislature all receipts and expenditures of the
6 stadium special fund account twenty days prior to the convening
7 of each regular session."

8 SECTION 6. Section 109-5, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "§109-5 Security personnel, powers. The person employed
11 as the chief security officer by the authority shall have all of
12 the powers of police officers, including the power of arrest;
13 provided that ~~[such]~~ the powers shall remain in force and in
14 effect only while the person is in the actual performance of the
15 person's duties at the stadium ~~[or the Kapelei recreational
16 sports complex]."~~

17 SECTION 7. Section 109-7, Hawaii Revised Statutes, is
18 amended by amending subsections (b) and (c) to read as follows:

19 "(b) Any person violating any rule of the stadium
20 authority regulating conduct on the stadium ~~[or Kapelei
21 recreational sports complex]~~ premises shall be guilty of a petty



1 misdemeanor punishable by a fine not exceeding \$1,000, or
2 imprisonment not exceeding thirty days, or both.

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

9 SECTION 8. Section 109-9, Hawaii Revised Statutes, is
10 repealed.

11 [~~§109-9] Kapolei recreational sports complex special~~
12 ~~fund.~~ There is created a special fund to be known as the
13 ~~Kapolei recreational sports complex special fund into which~~
14 ~~funds appropriated by the legislature, received pursuant to a~~
15 ~~management contract under section 109-2(3), or collected by the~~
16 ~~authority from the operations of the Kapolei recreational sports~~
17 ~~complex shall be deposited subject to contracts entered into~~
18 ~~pursuant to section 109-2(3); provided that all funds received~~
19 ~~pursuant to this section shall be kept completely separate from~~
20 ~~the stadium special fund. Moneys may not be transferred between~~
21 ~~the Kapolei recreational sports complex special fund and the~~



1 ~~stadium special fund. The Kapolei [recreational] sports complex~~
2 ~~special fund shall be applied, used, and disposed of for the~~
3 ~~payment of:~~

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

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

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

16 SECTION 9. On July 1, 2016, all unencumbered balances
17 remaining in the Kapolei recreational sports complex special
18 fund repealed by section 8 of this Act shall lapse to the credit
19 of the general fund.



1 PART III

2 SECTION 10. The purpose of this part is to reclassify the
3 prepaid airport use charge fund from a special fund to a trust
4 fund as recommended by the auditor in auditor's report 14-05.

5 The legislature finds that the fund does not meet the
6 criteria of a special fund and should be classified as a trust
7 fund because moneys deposited in the fund are the property of
8 signatory airlines and may not be used for any purpose other
9 than those set forth in the prepaid airport use charge fund
10 agreement.

11 SECTION 11. The prepaid airport use charge fund, a special
12 fund administratively established in 1977, is reclassified as a
13 trust fund.

14 All balances in the fund shall remain as if no
15 reclassification had occurred.

16 PART IV

17 SECTION 12. The purpose of this part is to abolish the
18 photo enforcement revolving fund.

19 The legislature finds that the fund does not meet the
20 criteria of a revolving fund because it is inactive.



1 SECTION 13. The photo enforcement revolving fund is
2 abolished and any unencumbered remaining balances shall be
3 transferred to the general fund.

4 PART V

5 SECTION 14. Statutory material to be repealed is bracketed
6 and stricken.

7 SECTION 15. This Act shall take effect on July 1, 2016.



Report Title:

Non-general Funds; Repeal; Reclassify; Transfer of Balances

Description:

Repeals the Kapolei recreational sports complex special fund, reclassifies the prepaid airport use charge fund to a trust fund, and abolishes the photo enforcement revolving fund. Transfers the remaining unencumbered balances to the general fund. (SD1)

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