
A BILL FOR AN ACT

RELATING TO THE STADIUM AUTHORITY.

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

1 SECTION 1. Chapter 109, Hawaii Revised Statutes, is
2 amended by adding three new sections to be appropriately
3 designated and to read as follows:
4 "§109-A Dedication for public facilities as condition to
5 development. The authority shall adopt rules requiring
6 dedication for public facilities of land or facilities, or cash
7 payments in lieu thereof, by developers as a condition of
8 developing real property pursuant to the stadium complex area
9 development plan. Where state and county public facilities
10 dedication laws, ordinances, or rules differ, the provision for
11 greater dedication shall prevail.

12 §109-B Authority; private attorneys. (a) The authority
13 may appoint or retain by contract one or more attorneys who are
14 independent of the attorney general to provide legal services
15 for the authority solely in cases of contract negotiations in
16 which the attorney general lacks sufficient expertise; provided
17 that the independent attorneys shall consult and work in



1 conjunction with the designated deputy attorney general assigned
2 to the stadium authority.

3 (b) The authority may fix the compensation of the
4 attorneys appointed or retained pursuant to this section.
5 Attorneys appointed or retained by contract shall be exempt from
6 chapters 76, 78, and 88.

7 §109-C Assistance by state and county agencies. Any state
8 or county agency may render services upon request of the
9 authority."

10 SECTION 2. Section 28-8.3, Hawaii Revised Statutes, is
11 amended as follows:

12 1. By amending subsection (a) to read:

13 "(a) No department of the State other than the attorney
14 general may employ or retain any attorney, by contract or
15 otherwise, for the purpose of representing the State or the
16 department in any litigation, rendering legal counsel to the
17 department, or drafting legal documents for the department;
18 provided that the foregoing provision shall not apply to the
19 employment or retention of attorneys:



- 1 (1) By the public utilities commission, the labor and
2 industrial relations appeals board, and the Hawaii
3 labor relations board;
- 4 (2) By any court or judicial or legislative office of the
5 State; provided that if the attorney general is
6 requested to provide representation to a court or
7 judicial office by the chief justice or the chief
8 justice's designee, or to a legislative office by the
9 speaker of the house of representatives and the
10 president of the senate jointly, and the attorney
11 general declines to provide [such] representation on
12 the grounds of conflict of interest, the attorney
13 general shall retain an attorney for the court,
14 judicial, or legislative office, subject to approval
15 by the court, judicial, or legislative office;
- 16 (3) By the legislative reference bureau;
- 17 (4) By any compilation commission that may be constituted
18 from time to time;
- 19 (5) By the real estate commission for any action involving
20 the real estate recovery fund;



- 1 (6) By the contractors license board for any action
2 involving the contractors recovery fund;
- 3 (7) By the office of Hawaiian affairs;
- 4 (8) By the department of commerce and consumer affairs for
5 the enforcement of violations of chapters 480 and
6 485A;
- 7 (9) As grand jury counsel;
- 8 (10) By the Hawaii health systems corporation, [~~ex~~] its
9 regional system boards, or any of their facilities;
- 10 (11) By the auditor;
- 11 (12) By the office of ombudsman;
- 12 (13) By the insurance division;
- 13 (14) By the University of Hawaii;
- 14 (15) By the Kahoolawe island reserve commission;
- 15 (16) By the division of consumer advocacy;
- 16 (17) By the office of elections;
- 17 (18) By the campaign spending commission;
- 18 (19) By the Hawaii tourism authority[7] as provided in
19 section 201B-2.5;
- 20 (20) By the division of financial institutions for any
21 action involving the mortgage loan recovery fund;



1 (21) By the office of information practices; [~~or~~]
2 (22) By the stadium authority as provided in section 109-B;
3 or
4 [~~(22)~~] (23) By a department, if the attorney general, for
5 reasons deemed by the attorney general to be good and
6 sufficient, declines to employ or retain an attorney
7 for a department; provided that the governor waives
8 the provision of this section."
9 2. By amending subsection (c) to read:
10 "(c) Every attorney employed by any department on a full-
11 time basis, except an attorney employed by the public utilities
12 commission, the labor and industrial relations appeals board,
13 the Hawaii labor relations board, the office of Hawaiian
14 affairs, the Hawaii health systems corporation or its regional
15 system boards, the department of commerce and consumer affairs
16 in prosecution of consumer complaints, insurance division, the
17 division of consumer advocacy, the University of Hawaii, the
18 Hawaii tourism authority as provided in section 201B-2.5, the
19 office of information practices, the stadium authority as
20 provided in section 109-B, or as grand jury counsel, shall be a
21 deputy attorney general."



1 SECTION 3. Section 109-2, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§109-2 Stadium authority; powers and duties. The powers
4 and duties of the stadium authority shall be as follows:

- 5 (1) To maintain, operate, and manage the stadium and
6 related facilities;
- 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;
- 16 (4) To adopt, amend, and repeal in accordance with chapter
17 91 rules it may deem necessary to effectuate this
18 chapter and in connection with its projects,
19 operations, and facilities;
- 20 (5) To appoint a manager and a deputy manager who shall
21 have qualifications as the authority deems necessary



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



1 appointments, suspensions, or discharges shall be made
2 in conformity with the applicable provisions of
3 chapter 76; [~~and~~]

4 (6) To plan, promote, and market the stadium and related
5 facilities[-];

6 (7) To prepare or cause to be prepared a stadium complex
7 area development plan for all designated stadium
8 complex areas;

9 (8) To acquire, reacquire, or contract to acquire or
10 reacquire by grant or purchase real, personal, or
11 mixed property or any interest therein; to own, hold,
12 clear, improve, and rehabilitate, and to sell, assign,
13 exchange, transfer, convey, lease, or otherwise
14 dispose of or encumber the same;

15 (9) To acquire or reacquire by condemnation real,
16 personal, or mixed property or any interest therein
17 for public facilities, including but not limited to
18 streets, sidewalks, parks, schools, and other public
19 improvements;

20 (10) By itself, or in partnership with qualified persons,
21 to acquire, reacquire, construct, reconstruct,



- 1 rehabilitate, improve, alter, or repair or provide for
2 the construction, reconstruction, improvement,
3 alteration, or repair of any project; to own, hold,
4 sell, assign, transfer, convey, exchange, lease, or
5 otherwise dispose of or encumber any project, and in
6 the case of the sale of any project, accept a purchase
7 money mortgage in connection therewith; and to
8 repurchase or otherwise acquire any project that the
9 authority has theretofore sold or otherwise conveyed,
10 transferred, or disposed of;
- 11 (11) To arrange or contract for the planning, re-planning,
12 opening, grading, or closing of streets, roads,
13 roadways, alleys, or other places, or for the
14 furnishing of facilities or for the acquisition of
15 property or property rights or for the furnishing of
16 property or services in connection with a project;
- 17 (12) To grant options to purchase any project or to renew
18 any lease in connection with any of its projects, on
19 terms and conditions as it deems advisable;
- 20 (13) To prepare or cause to be prepared plans,
21 specifications, designs, and estimates of costs for



1 the construction, reconstruction, rehabilitation,
2 improvement, alteration, or repair of any project, and
3 from time to time to modify the plans, specifications,
4 designs, or estimates;

5 (14) To arrange or contract for a design-build integrated
6 approach to project delivery when the authority deems
7 it most advantageous to the State;

8 (15) To procure insurance against any loss in connection
9 with its property and other assets and operations in
10 amounts and from insurers as it deems desirable; and

11 (16) To contract for and accept gifts or grants in any form
12 from any public agency or from any other source."

13 SECTION 4. In codifying the new sections added by section
14 1 of this Act, the revisor of statutes shall substitute
15 appropriate section numbers for the letters used in designating
16 and referring to the new sections in this Act.

17 SECTION 5. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 6. This Act shall take effect on July 1, 2050.



Report Title:

Stadium Authority; Powers and Duties; Stadium Complex Area
Development

Description:

Expands the powers and duties of the stadium authority to
develop the stadium property and establish a stadium complex
area. (HB1128 HD1)

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

