

CHAPTER 109
STADIUMS AND RECREATIONAL FACILITIES

Section

- 109-1 Stadium authority; appointment, terms
- 109-2 Stadium authority; powers and duties
- 109-3 Stadium special fund
- 109-4 Employee benefits
- 109-5 Security personnel, powers
- 109-6 Stadium special account
- 109-7 Enforcement; penalty
- 109-8 Lost and found money or property at the stadium
- 109-9 Repealed

Note

Chapter heading amended by L 1999, c 160, §6.

Cross References

Hawaii sports hall of fame, see §6E-46.

" **§109-1 Stadium authority; appointment, terms.** (a) There shall be within the department of accounting and general services for administrative purposes only, a stadium authority whose responsibility shall be to maintain, operate, and manage the stadium and facilities attached thereto. The authority shall consist of nine members who shall be appointed by the governor in the manner prescribed by section 26-34. Each member of the authority shall have been a citizen of the United States and a resident of the State for at least five years next preceding the member's appointment. The president of the University of Hawaii and the superintendent of education shall be ex officio members of the authority but shall not vote.

(b) The chairperson of the authority shall be elected by the majority of the authority. The term of each member shall be four years, provided that of the members initially appointed three members shall serve for four years, three members shall serve for three years and the remaining three members shall serve for two years. No person shall be appointed consecutively to more than two terms as a member of the authority. Vacancies shall be filled for the remainder of any unexpired term in the same manner as original appointments.

(c) The members of the authority shall serve without compensation and shall be allowed their actual and necessary expenses incurred in the performance of their duties. [L 1970, c 172, §1; am L 1971, c 125, pt of §1; am L 1980, c 302, pt of §2; gen ch 1985, 1993; am L 1999, c 160, §7; am L 2016, c 61, §3]

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

- (1) To maintain, operate, and manage the stadium and related facilities;
- (2) To prescribe and collect rents, fees, and charges for the use or enjoyment of the stadium or any of its facilities;
- (3) To make and execute contracts and other instruments necessary or convenient to exercise its powers under this chapter and subject to any limitations in this chapter, to exercise all powers necessary, incidental,

or convenient to carry out and effectuate the purposes and provisions of this chapter;

- (4) To adopt, amend, and repeal in accordance with chapter 91 rules it may deem necessary to effectuate this chapter and in connection with its projects, operations, and facilities;
- (5) To appoint a manager and a deputy manager who shall have qualifications as the authority deems necessary and who shall hold their respective offices at the pleasure of the authority. The manager and deputy manager shall be exempt from the requirements of chapters 76 and 89. Effective July 1, 2005, the manager shall be paid a salary not to exceed eighty-seven per cent of the salary of the director of human resources development. Effective July 1, 2005, the deputy manager shall be paid a salary not to exceed eighty-five per cent of the manager's salary. The manager shall have full power to administer the affairs of the stadium and related facilities, subject to the direction and approval of the authority. The manager shall, subject to the approval of the authority, have power to appoint, suspend, and discharge a secretary who shall be exempt from the requirements of chapters 76 and 89, and other employees, subordinates, and assistants as may be necessary for the proper conduct of the business of the authority. Except for persons hired on contract or otherwise as provided in section 109-3 and except for the manager, deputy manager, and secretary, all appointments, suspensions, or discharges shall be made in conformity with the applicable provisions of chapter 76; and
- (6) To plan, promote, and market the stadium and related facilities. [L 1970, c 172, §2; am L 1971, c 125, pt of §1; am L 1975, c 172, §1; am L 1976, c 158, §1; am L 1982, c 129, §5; am L 1986, c 128, §5; am L 1989, c 329, §4; am L 1995, c 149, §1; am L 1999, c 160, §8; am L 2000, c 253, §150; am L 2002, c 148, §12; am L 2005, c 226, §5; am L 2016, c 61, §4]

" **§109-3 Stadium special fund.** There is created a special fund to be known as the stadium special fund into which funds collected by the authority shall be deposited. The stadium special fund shall be applied, used, and disposed of for the payment of:

- (1) The expenses of the operation, maintenance, promotion, and management of; and

(2) All or a portion of the cost of financing any capital improvement project for; the stadium and related facilities; provided that all services required for the stadium and related facilities shall be performed by persons hired on contract or otherwise, without regard for chapter 76; provided further that the authority shall report to the legislature all receipts and expenditures of the stadium special fund account twenty days prior to the convening of each regular session. [L 1970, c 172, §3; am L 1971, c 125, pt of §1 and c 173, §4; am L 1975, c 172, §2; am L 1993, c 280, §7; am L 1995, c 149, §2; am L 1999, c 160, §9; am L 2000, c 253, §150; am L 2016, c 61, §5]

" **§109-4 Employee benefits.** All full-time employees of the authority shall be entitled to any benefit program generally applicable to the officers and employees of the State. [L 1975, c 172, §3]

" **§109-5 Security personnel, powers.** The person employed as the chief security officer by the authority shall have all of the powers of police officers, including the power of arrest; provided that the powers shall remain in force and in effect only while the person is in the actual performance of the person's duties at the stadium. [L 1976, c 118, §1; gen ch 1985; am L 1999, c 160, §10; am L 2016, c 61, §6]

" **[§109-6] Stadium special account.** The stadium authority is authorized to set up a special account into which shall be deposited all receipts collected by the authority from the sale of admission tickets for events held at the stadium, including any money deposited with the authority by users to assure the payment of charges for the use of the stadium. Money in the account shall be kept in a depository as defined in section 38-1. Disbursements from the account shall be made in accordance with procedures adopted by the authority and approved by the director of finance. [L 1978, c 73, §1]

" **§109-7 Enforcement; penalty.** (a) Any law enforcement officer who has police powers to arrest offenders and issue citations, including any police officer of the counties, shall have the authority to enforce any rule promulgated pursuant to section 109-2(4).

(b) Any person violating any rule of the stadium authority regulating conduct on the stadium premises shall be guilty of a petty misdemeanor punishable by a fine not exceeding \$1,000, or imprisonment not exceeding thirty days, or both.

(c) Any person violating any rule of the stadium authority regulating parking or traffic on the stadium premises shall have committed a traffic infraction as set forth in chapter 291D, the adjudication of which shall be subject to the provisions contained therein. [L 1982, c 235, §1; am L 1996, c 159, §1; am L 1999, c 160, §11; am L 2016, c 61, §7]

" **§109-8 Lost and found money or property at the stadium.**
All money or property found at the stadium shall be reported or delivered by the finder to the stadium lost and found, and when so delivered shall be held by the stadium for forty-five days or until claimed by some person who establishes title or right of custody thereto to the satisfaction of the stadium manager, whichever is shorter. In the event of establishment of title or right of custody, the money or property shall be delivered to the claimant by the manager or the manager's agent. If after forty-five days no claimant establishes a right to the money or property, the money or property may be claimed by the person who delivered it to the stadium lost and found; provided that if the person who delivered it to the stadium lost and found fails to claim the money or property within thirty days after being notified by the manager, the manager shall deposit the money into the state treasury to the credit of the stadium special fund or shall dispose of the property by public auction. The manager shall give public notice, giving details as to time and place of the auction and giving notice to all persons interested in claiming the property that unless claims are made by persons who can provide satisfactory proof of ownership before a specified date, the property will be sold at public auction to the highest bidder; provided that if the manager considers the highest bid to be insufficient, the manager shall have the right to decline the sale to the highest bidder and may reoffer the property at a subsequent public auction. On the day and at the place specified in the notice, all property for which no satisfactory proof of ownership is made shall be sold by auction by or under the direction of the manager.

If any property which is of a perishable nature or which is unreasonably expensive to keep or safeguard remains unclaimed at the stadium, the manager may sell that property at public auction, at a time and after notice that is reasonable under the circumstances. If the manager determines that any property delivered to the manager pursuant to this section has no apparent commercial value, the manager at any time thereafter may destroy or otherwise dispose of the property.

The manager shall deposit into the stadium special fund all moneys received from the sale, destruction, or disposition of any property. No action or proceeding shall be brought or

maintained against the State or any officer thereof on account of such sale, destruction, or disposition. The purchaser of property at any sale conducted by the manager pursuant to this section shall receive good title to the property purchased and shall take possession of the property free from any and all claims of the owner, prior owners, and any person claiming title.

For purposes of this section, notice by regular mail to the last known address of the person who delivered the money or property to the stadium lost and found shall be deemed sufficient. [L 1983, c 162, §1; am L 1998, c 2, §30]

" **§109-9 REPEALED.** L 2016, c 61, §8.