
A BILL FOR AN ACT

RELATING TO THE STRUCTURE OF GOVERNMENT.

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

1 SECTION 1. The legislature finds that there exists vast,
2 unmet community development needs that the Hawaii community
3 development authority may address through its community
4 development districts.

5 Significant planning and public outreach has occurred on
6 specific projects to revitalize many areas of the State. One
7 such area is the land under the jurisdiction of the stadium
8 authority and the department of accounting and general services.

9 The legislature finds that redevelopment of lands under the
10 jurisdiction of the stadium authority and the department of
11 accounting and general services could benefit from the Hawaii
12 community development authority administering such a project.

13 The legislature further finds that, as significant public
14 outreach and studies have already occurred, a stadium
15 development district may be formed that is exempt from
16 requirements of chapter 206E-5, Hawaii Revised Statutes. The
17 legislature seeks to ensure continued public participation in



1 this project by requiring decisions regarding the project that
2 may have a significant impact on the community or environment to
3 be made by the stadium authority at a public meeting.

4 The purpose of this Act is to establish the stadium
5 development district, which includes all state property under
6 the jurisdiction of the stadium authority, under the
7 jurisdiction of the Hawaii community development authority to
8 expedite the redevelopment of Aloha stadium and the property
9 around it to bring economic development to an area that is in
10 need of renewal, renovation, and improvement.

11 SECTION 2. Chapter 109, Hawaii Revised Statutes, is
12 amended by adding a new section to be appropriately designated
13 and to read as follows:

14 "§109- Lease restrictions; generally. (a) Except as
15 otherwise provided, the following restrictions shall apply to
16 all leases within the stadium development district:

- 17 (1) Options for renewal of terms are prohibited;
18 (2) No lease shall be for a term longer than ninety-nine
19 years;



- 1 (3) No lease shall be made to any person who is in arrears
2 in the payment of taxes, rents, or other obligations
3 owing the State or any county;
- 4 (4) No lease shall be transferable or assignable, except
5 by devise, bequest, or intestate succession; provided
6 that with the approval of the stadium authority, the
7 assignment and transfer of a lease or unit thereof may
8 be made in accordance with current industry standards,
9 as determined by the authority; provided further that
10 prior to the approval of any assignment of lease, the
11 authority shall have the right to review and approve
12 the consideration to be paid by the assignee and may
13 condition its consent to the assignment of the lease
14 on payment by the lessee of a premium based on the
15 amount by which the consideration for the assignment,
16 whether by cash, credit, or otherwise, exceeds the
17 depreciated cost of improvements and trade fixtures
18 being transferred to the assignee; provided further
19 that in the event of foreclosure or sale, the premium,
20 if any, shall be assessed only after the encumbrances



1 of record and any other advances made by the holder of
2 a security interest are paid;
3 (5) The lessee shall not sublet the whole or any part of
4 the demised premises except with the approval of the
5 authority; provided that prior to the approval, the
6 authority shall have the right to review and approve
7 the rent to be charged to the sublessee; provided
8 further that in the case where the lessee is required
9 to pay rent based on a percentage of its gross
10 receipts, the receipts of the sublessee shall be
11 included as part of the lessee's gross receipts;
12 provided further that the authority shall have the
13 right to review and, if necessary, revise the rent of
14 the demised premises based upon the rental rate
15 charged to the sublessee including the percentage
16 rent, if applicable, and provided that the rent may
17 not be revised downward;
18 (6) The lease shall be for a specific use or uses and
19 shall not include waste lands, unless it is
20 impractical to provide otherwise; and



1 (7) Mineral and metallic rights and surface and ground
2 water shall be reserved to the State.

3 (b) The stadium authority, from time to time, upon the
4 issuance or during the term of any lease, may:

5 (1) Modify or eliminate any of the restrictions specified
6 in subsection (a);

7 (2) Extend the term of the lease, to the extent necessary
8 to qualify the lease for mortgage lending or guaranty
9 purposes with any federal mortgage lending agency, to
10 qualify the lessee for any state or private lending
11 institution loan, private loan guaranteed by the
12 State, or loan in which the State and any private
13 lender participates, or to amortize the cost of
14 substantial improvements to the demised premises that
15 are paid for by the lessee without institutional
16 financing, such extension being based on the economic
17 life of the improvements as determined by the
18 authority or an independent appraiser; provided that
19 the approval of any extension shall be subject to the
20 following:



- 1 (A) The demised premises have been used substantially
2 for the purpose for which they were originally
3 leased;
- 4 (B) The aggregate of the initial term and any
5 extension granted shall not be for more than
6 ninety-nine years;
- 7 (C) In the event of a reopening, the rental for any
8 ensuing period shall be the fair market rental at
9 the time of reopening;
- 10 (D) Any federal or private lending institution shall
11 be qualified to do business in the State;
- 12 (E) Proceeds of any mortgage or loan shall be used
13 solely for the operations or improvements on the
14 demised premises;
- 15 (F) Where improvements are financed by the lessee,
16 the lessee shall submit receipts of expenditures
17 within a time period specified by the authority,
18 otherwise the lease extension shall be canceled;
19 and
- 20 (G) The rules of the authority, setting forth any
21 additional terms and conditions, which shall



1 ensure and promote the purposes of the demised
2 lands.

3 (c) The stadium authority at any time during the term of
4 any lease and when justified by sound economic practices or
5 other circumstances, may permit an alternative use or uses for
6 any portion or portions of the land demised. As a condition to
7 permitting alternative uses, the authority may require such
8 other modifications, including rental adjustments or changes in
9 the lease as may be necessary to effect or accommodate the
10 alternative use or uses. An alternative use or uses may be
11 allowed by the authority upon:

- 12 (1) The application of the lessee;
- 13 (2) Consent of each holder of record having a security
14 interest in the leasehold; and
- 15 (3) A finding by the authority that the alternative use or
16 uses are in the public interest.

17 (d) The stadium authority, from time to time, during the
18 term of any lease, may modify or eliminate any of the
19 restrictions specified in subsection (a) or extend, terminate,
20 or modify the term of the lease upon a showing of significant
21 economic hardship directly caused by:



- 1 (1) State disaster, pursuant to chapter 209, including
2 seismic or tidal wave, tsunami, hurricane, volcanic
3 eruption, typhoon, earthquake, flood, or severe
4 drought; or
- 5 (2) A taking of a portion of the area of the lease by
6 government action by eminent domain, withdrawal, or
7 conservation easement; provided that the portion taken
8 shall not be less than ten per cent of the entire
9 leased area unless otherwise approved by the
10 authority; provided further that the authority
11 determines that the lessee will not be adequately
12 compensated pursuant to the lease provisions.
- 13 (e) The approval of any extension granted pursuant to
14 subsection (d) shall be subject to the following:
- 15 (1) The demised premises have been used substantially for
16 the purposes for which they were originally leased;
- 17 (2) The aggregate of the initial term and any extension
18 granted shall not be for more than ninety-nine years;
- 19 (3) The rental shall not be less than the rental for the
20 preceding term;



- 1 (4) The rules of the authority, setting forth any
- 2 additional terms and conditions which shall ensure and
- 3 promote the purposes of the demised lands; and
- 4 (5) The length of the extension shall not exceed a
- 5 reasonable length of time for the purpose of providing
- 6 relief and shall in no case exceed five years."

7 SECTION 3. Chapter 206E, Hawaii Revised Statutes, is
 8 amended by adding a new part to be appropriately designated and
 9 to read as follows:

10 **"PART . STADIUM DEVELOPMENT DISTRICT**

11 **§206E-A Stadium development district; purpose; findings.**

12 The legislature finds that the Aloha Stadium and lands under the
 13 jurisdiction of the stadium authority and department of
 14 accounting and general services are underutilized. The stadium
 15 facility has been in dire need of significant repair and
 16 maintenance for many years. The stadium authority has
 17 considered repairing, upgrading, and replacing the existing
 18 facility to optimize the public's enjoyment and ensure public
 19 safety. Redeveloping, renovating, or improving these public
 20 lands in a manner that will provide suitable recreational,
 21 residential, educational, and commercial areas where the public



1 can live, congregate, recreate, attend schools, and shop as part
2 of a thoughtfully integrated experience, is in the best
3 interests of the State and its people.

4 This part establishes the stadium development district to
5 make optimal use of public land for the economic, residential,
6 educational, and social benefit of the people of Hawaii.

7 The legislature finds that the jurisdiction of the Hawaii
8 community development authority shall include development within
9 the stadium development district; provided that the stadium
10 authority shall own and hold title to all lands within the
11 stadium development district.

12 The legislature finds that extensive planning for the
13 redevelopment of the aloha stadium property has already occurred
14 and the project must move quickly to the implementation phase.

15 The legislature further finds that proper execution of a
16 mixed-use redevelopment of Aloha Stadium may result in
17 sufficient revenue to maintain the stadium and its environs
18 without any additional cost to taxpayers.

19 The legislature finds that it is in the best interests of
20 the State to ensure continued public participation in decisions
21 regarding the project. All decisions and actions within the



1 district that may have significant impact on the community or
2 environment shall be made or taken by the stadium authority at
3 public meetings pursuant to chapters 91 and 92. The legislature
4 further finds that:

- 5 (1) The authority's role in the stadium development
6 district shall be purely ministerial;
- 7 (2) No new board is necessary to administer the stadium
8 development district; and
- 9 (3) The executive director of the Hawaii community
10 development authority may take actions necessary to
11 effectuate this part.

12 The legislature finds that nothing in this section shall
13 affect the day-to-day duties of the stadium authority except to
14 the extent that they hinder the redevelopment described in this
15 part.

16 **§206E-B Definitions.** As used in this part, unless the
17 context otherwise requires:

18 "District" means the stadium development district
19 established by this part.

20 "Executive director" means the executive director of the
21 Hawaii community development authority.



1 **§206E-C District; established; boundaries.** (a) The
2 stadium development district is established and shall be
3 composed of all land under the ownership and jurisdiction of the
4 stadium authority established by this part.

5 (b) The executive director shall facilitate the
6 development of all property belonging to the State within the
7 district; provided that development is consistent with the Aloha
8 Stadium Conceptual Redevelopment Report dated February 23, 2017,
9 and prepared for the department of accounting and general
10 services and any county transit-oriented development plans for
11 lands within and surrounding the district. In addition to any
12 other duties that the executive director may have pursuant to
13 this chapter, the executive director's duties shall include but
14 not be limited to:

15 (1) Coordinating with other state entities during the
16 conveyance of properties and conducting remediation
17 activities for the property belonging to the State
18 within the district;

19 (2) Developing the infrastructure necessary to support the
20 development of all property belonging to the State
21 within the district; and



1 (3) Providing, to the extent feasible, maximum opportunity
2 for the reuse of property belonging to the State
3 within the district by private enterprise or state and
4 county government.

5 (c) Upon written request of the executive director and
6 proclamation of the governor, the boundary of the district may
7 be expanded to contiguous land; provided that the expanded
8 district would be part of redevelopment; and provided further
9 that title to the expanded lands shall be transferred to the
10 stadium authority. The legislature may reject such an expansion
11 of the district by adoption of a concurrent resolution.

12 **§206E-D Development guidance policies.** (a) The following
13 shall be the development guidance policies generally governing
14 the executive director's actions in the district:

- 15 (1) Development shall be consistent with any county
16 transit-oriented development plan;
- 17 (2) Development shall be consistent with the Aloha Stadium
18 Conceptual Redevelopment Report dated February 23,
19 2017, and prepared for the department of accounting
20 and general services;



- 1 (3) With the approval of the governor, the executive
2 director, may modify and make changes to a transit-
3 oriented development plan and the Aloha Stadium
4 Conceptual Redevelopment Report with respect to the
5 district to respond to changing conditions or needs;
6 provided that prior to any amendment, the executive
7 director shall conduct a public hearing to inform the
8 public of the proposed changes and receive public
9 input, and the executive director or hearings officer
10 shall record all comments and provide a response in
11 writing to each comment;
- 12 (4) The executive director shall issue a solicitation and
13 may select a vendor for the stadium development
14 district that includes a stadium, including luxury
15 suites and retail, dining, office, residential, and
16 other commercial operations. The solicitation shall
17 consider parking as well as efficient ingress and
18 egress to the stadium. The executive director shall
19 consider revenue produced by the solicitation to
20 generate sufficient cash flows to maintain the
21 stadium;



- 1 (5) The executive director may engage in planning, design,
2 and construction activities within and outside the
3 district; provided that activities outside the
4 district shall relate to infrastructure development,
5 area-wide drainage improvements, roadway realignments
6 and improvements, business and industrial relocation,
7 and other activities the executive director deems
8 necessary to carry out development of the district and
9 implement this part. The executive director may
10 undertake studies or coordinating activities in
11 conjunction with the county and appropriate state
12 agencies and may address facility systems, industrial
13 relocation, and other activities;
- 14 (6) Endangered species of flora and fauna shall be
15 preserved to the extent feasible;
- 16 (7) Land use and development activities within the
17 district shall be coordinated with and, to the extent
18 possible, complement existing county and state
19 policies, plans, and programs affecting the district;
- 20 (8) Public facilities within the district shall be
21 planned, located, and developed to support the



1 development policies established by this part for the
2 district and rules adopted pursuant to this part;

3 (9) A portion of the revenues from the stadium development
4 district shall be used to reimburse the general fund
5 for interest on and principal of reimbursable general
6 obligation bonds issued pursuant to Act _____, Session
7 Laws of Hawaii 2019. Should the stadium development
8 district generate revenues in excess of the amount
9 needed to reimburse the general fund and maintain the
10 stadium:

11 (A) Fifty per cent of the remaining excess revenues
12 shall be deposited into the stadium special fund;
13 and

14 (B) Fifty per cent of the remaining excess revenues
15 may be transferred out of the stadium development
16 district subaccount of the Hawaii community
17 development revolving fund to be used as the
18 authority deems necessary; and

19 (10) The executive director shall prepare development plans
20 for all designated stadium complex areas.



1 (b) The development guidance policies generally governing
2 the stadium authority's actions in the district are as follows:

- 3 (1) Acquire, hold, and lease real estate;
- 4 (2) Negotiate and issue licenses, permits, and other
5 documents pertaining to the use of real estate or
6 facilities;
- 7 (3) Exercise condemnation powers for public facilities;
- 8 (4) Partner with other entities to construct improvements;
- 9 (5) Prepare and modify development plans;
- 10 (6) Contract with other entities for a design-build
11 approach for a project;
- 12 (7) Contract and accept gifts from public agencies or
13 other sources;
- 14 (8) Develop a marketing plan for the stadium area; and
- 15 (9) Retain and exercise discretionary authority for all
16 decisions and actions that may have significant impact
17 on the community or environment.

18 **§206E-E Development rules.** The executive director may, by
19 written request to and proclamation by the governor, adopt rules
20 to be followed during the development within the district, which
21 shall be known as the development rules, in connection with



1 health, safety, building, planning, zoning, and land use. The
2 legislature may reject the adoption of rules by adoption of a
3 concurrent resolution. The rules shall supersede all other
4 inconsistent ordinances and rules relating to the use, zoning,
5 planning, and development of land and construction thereon
6 within the district. Rules adopted under this section shall
7 follow existing laws, rules, ordinances, and regulations as
8 closely as is consistent with standards meeting minimum
9 requirements of good design, pleasant amenities, health, safety,
10 and coordinated development. The executive director may
11 establish policies and procedures for monitoring and ensuring
12 that development within the district complies with these
13 development rules and may establish fines and penalties or take
14 any other action available under the law to eliminate any
15 noncomplying action.

16 **§206E-F Stadium development district revenues.** (a) All
17 revenues derived from the district, including any fines or
18 penalties collected pursuant to this part, shall be deposited
19 into a stadium development district subaccount of the Hawaii
20 community development revolving fund established pursuant to
21 section 206E-16; provided that this section shall not apply to



1 revenue collected by the stadium authority for deposit into the
2 stadium special fund pursuant to section 109-3.

3 (b) Revenues deposited into the stadium development
4 district subaccount of the Hawaii community development
5 revolving fund pursuant to subsection (a) may be used for the
6 purposes of this part, including maintenance of the stadium;
7 provided that a portion of the revenues shall be used to
8 reimburse the state general fund for interest on and principal
9 of reimbursable general obligation bonds issued by the State for
10 purposes of Act , Session Laws of Hawaii 2019; provided
11 further that excess revenue shall be used in accordance with
12 section 206E-D(a)(9).

13 (c) The authority may adopt rules pursuant to chapter 91
14 for the purposes of this section."

15 SECTION 4. Section 6E-8, Hawaii Revised Statutes, is
16 amended by amending subsection (a) to read as follows:

17 "(a) Before any agency or officer of the State or its
18 political subdivisions commences any project which may affect
19 historic property, aviation artifact, or a burial site, the
20 agency or officer shall advise the department and allow the
21 department an opportunity for review of the effect of the



1 proposed project on historic properties, aviation artifacts, or
2 burial sites, consistent with section 6E-43, especially those
3 listed on the Hawaii register of historic places. The proposed
4 project shall not be commenced, or if it has already begun,
5 continued, until the department has given its written
6 concurrence. If:

7 (1) The proposed project consists of corridors or large
8 land areas;

9 (2) Access to properties is restricted; [~~or~~]

10 (3) Circumstances dictate that construction be done in
11 stages [~~or~~]; or

12 (4) The project is done in the stadium development
13 district as designated in chapter 206E,

14 the department may give its written concurrence based on a
15 phased review of the project; provided that there shall be a
16 programmatic agreement between the department and the project
17 applicant that identifies each phase and the estimated timelines
18 for each phase.

19 The department shall provide written concurrence or non-
20 concurrence within ninety days after the filing of a request
21 with the department. The agency or officer seeking to proceed



1 with the project, or any person, may appeal the department's
2 concurrence or non-concurrence to the Hawaii historic places
3 review board. An agency, officer, or other person who is
4 dissatisfied with the decision of the review board may apply to
5 the governor, who may take action as the governor deems best in
6 overruling or sustaining the department."

7 SECTION 5. Section 109-2, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "§109-2 Stadium authority; powers and duties. The powers
10 and duties of the stadium authority shall be as follows:

11 (1) To acquire, hold title to, and lease real property,
12 issue licenses or permits for use of real property,
13 and maintain, operate, and manage the stadium and
14 related facilities;

15 (2) To prescribe and collect rents, fees, and charges for
16 the use or enjoyment of the stadium or any of its
17 facilities;

18 (3) To make and execute contracts and other instruments
19 necessary or convenient to exercise its powers under
20 this chapter and subject to any limitations in this
21 chapter, to exercise all powers necessary, incidental,



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

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

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



1 authority, shall have power to appoint, suspend, and
2 discharge a secretary who shall be exempt from the
3 requirements of chapters 76 and 89, and other
4 employees, subordinates, and assistants as may be
5 necessary for the proper conduct of the business of
6 the authority. Except for persons hired on contract
7 or otherwise as provided in section 109-3 and except
8 for the manager, deputy manager, and secretary, all
9 appointments, suspensions, or discharges shall be made
10 in conformity with the applicable provisions of
11 chapter 76; [~~and~~]

12 (6) To plan, promote, and market the stadium and related
13 facilities[~~-~~]; and

14 (7) To establish additional restrictions, requirements, or
15 conditions, not inconsistent with those prescribed in
16 this chapter, relating to the use of real property,
17 the terms of any lease, license, or permit, and the
18 eligibility requirements for any applicants for use of
19 real property."

20 SECTION 6. Section 171-2, Hawaii Revised Statutes, is
21 amended to read as follows:



1 "§171-2 Definition of public lands. "Public lands" means
2 all lands or interest therein in the State classed as government
3 or crown lands previous to August 15, 1895, or acquired or
4 reserved by the government upon or subsequent to that date by
5 purchase, exchange, escheat, or the exercise of the right of
6 eminent domain, or in any other manner; including lands accreted
7 after May 20, 2003, and not otherwise awarded, submerged lands,
8 and lands beneath tidal waters that are suitable for
9 reclamation, together with reclaimed lands that have been given
10 the status of public lands under this chapter, except:

- 11 (1) Lands designated in section 203 of the Hawaiian Homes
12 Commission Act, 1920, as amended;
- 13 (2) Lands set aside pursuant to law for the use of the
14 United States;
- 15 (3) Lands being used for roads and streets;
- 16 (4) Lands to which the United States relinquished the
17 absolute fee and ownership under section 91 of the
18 Hawaiian Organic Act prior to the admission of Hawaii
19 as a state of the United States unless subsequently
20 placed under the control of the board of land and
21 natural resources and given the status of public lands



- 1 in accordance with the state constitution, the
2 Hawaiian Homes Commission Act, 1920, as amended, or
3 other laws;
- 4 (5) Lands to which the University of Hawaii holds title;
- 5 (6) Lands to which the Hawaii housing finance and
6 development corporation in its corporate capacity
7 holds title;
- 8 (7) Lands to which the Hawaii community development
9 authority in its corporate capacity holds title;
- 10 (8) Lands to which the department of agriculture holds
11 title by way of foreclosure, voluntary surrender, or
12 otherwise, to recover moneys loaned or to recover
13 debts otherwise owed the department under chapter 167;
- 14 (9) Lands that are set aside by the governor to the Aloha
15 Tower development corporation; lands leased to the
16 Aloha Tower development corporation by any department
17 or agency of the State; or lands to which the Aloha
18 Tower development corporation holds title in its
19 corporate capacity;
- 20 (10) Lands that are set aside by the governor to the
21 agribusiness development corporation; lands leased to



1 the agribusiness development corporation by any
2 department or agency of the State; or lands to which
3 the agribusiness development corporation in its
4 corporate capacity holds title;

5 (11) Lands to which the Hawaii technology development
6 corporation in its corporate capacity holds title;

7 [and]

8 (12) Lands to which the department of education holds
9 title; and

10 (13) Lands to which the stadium authority holds title;

11 provided that, except as otherwise limited under federal law and
12 except for state land used as an airport as defined in section
13 262-1, public lands shall include the air rights over any
14 portion of state land upon which a county mass transit project
15 is developed after July 11, 2005."

16 SECTION 7. Section 206E-4.1, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "[+]§206E-4.1[+] **Assignment of powers and duties**
19 **prohibited.** Notwithstanding anything contained in this chapter
20 to the contrary, except for part of this chapter, the
21 authority shall not assign to any person or agency, including



1 the executive director of the authority, any of its powers and
2 duties related to the approval of any variance, exemption, or
3 modification of any provision of a community development plan or
4 community development rules."

5 SECTION 8. Section 206E-5, Hawaii Revised Statutes, is
6 amended to read as follows:

7 **"§206E-5 Designation of community development districts;**
8 **community development plans.** (a) The legislature, by statute,
9 may designate an area as a community development district if it
10 determines that there is need for replanning, renewal, or
11 redevelopment of that area. The designation shall describe the
12 boundaries of the district.

13 (b) After designation, the authority shall develop a
14 community development plan for the designated district. The
15 plan shall include but not be limited to community development
16 guidance policies, district-wide improvement program and
17 community development rules.

18 (c) The authority may enter into cooperative agreements
19 with qualified persons or public agencies, where the powers,
20 services, and capabilities of such persons or agencies are



1 deemed necessary and appropriate for the development of the
2 community development plan.

3 (d) Whenever possible, planning activities of the
4 authority shall be coordinated with federal, state and county
5 plans. Consideration shall be given to state goals and
6 policies, adopted state plan or land use guidance policies,
7 county general plans, development plans, and ordinances.

8 (e) The authority shall hold a public hearing on a
9 proposed community development plan pursuant to chapter 91 and,
10 after consideration of comments received and appropriate
11 revision, shall submit the community development plan to the
12 governor for the governor's approval.

13 After approval, the governor shall submit to the
14 legislature requests for appropriations, authorization to issue
15 bonds, or both, to implement the community development plan in
16 an orderly, affordable, and feasible manner. The governor shall
17 submit the requests to the legislature as part of the executive
18 budget or supplemental budget, as appropriate. In addition to
19 the information, data, and materials required under chapter 37,
20 the requests shall be accompanied by:



- 1 (1) Plans, maps, narrative descriptions, and other
2 appropriate materials on the:
3 (A) Locations and design of projects or public
4 facilities proposed to be funded; and
5 (B) Phase of the community development plans proposed
6 to be implemented with the requested funds; and
7 (2) Other information deemed by the governor of
8 significance to the legislature regarding the projects
9 or public facilities proposed to be funded, including
10 a discussion of the public benefits intended by, and
11 adverse effects which may result from, implementation
12 of the projects or public facilities.
13 (f) The authority may amend the community development plan
14 as may be necessary. Amendments shall be made in accordance
15 with chapter 91.

16 (g) The stadium development district shall be exempt from
17 this section."

18 SECTION 9. (a) Notwithstanding any other law to the
19 contrary, the department of land and natural resources shall
20 transfer the fee simple interest in all parcels of land under
21 the control or jurisdiction of the stadium authority, including



1 all existing improvements thereon, to the stadium authority as
2 grantee, as is, where is. The parcels to be transferred shall
3 include:

4 (1) TMK 99003055:0000;

5 (2) TMK 99003061:0000;

6 (3) TMK 99003070:0000;

7 (4) TMK 99003071:0000; and

8 (5) Any other parcels under the jurisdiction of the
9 stadium authority.

10 (b) The department of land and natural resources shall
11 prepare, execute, and record, in the land court or bureau of
12 conveyances, as appropriate, a quitclaim deed to convey each
13 above-listed parcel with all existing improvements, subject to
14 the property boundaries determined pursuant to subsection (d),
15 to the stadium authority, as grantee. As these are conveyances
16 in which the State and its agencies are the only parties, the
17 tax imposed by section 247-1, Hawaii Revised Statutes, shall not
18 apply. Effective on the date of transfer pursuant to subsection
19 (d), every reference to the present titleholder or the head of
20 the department or agency in each instrument, if the titleholder



1 is a department or an agency, shall be construed as a reference
2 to the stadium authority.

3 (c) The stadium authority shall accept the properties in
4 their existing condition. All claims and liabilities against
5 the department of land and natural resources, if any, which the
6 stadium authority has, may have had, or may have in the future,
7 regarding any injury, loss, cost, damage, or liability,
8 including reasonable attorney's fees, concerning the physical,
9 environmental, soil, economic, and legal conditions of the
10 conveyed properties, are released, waived, and extinguished.

11 (d) Work to initiate the transfer of parcels identified in
12 this section shall start no later than December 31, 2019.

13 SECTION 10. Any law to the contrary notwithstanding, any
14 remaining amount of the appropriation made by item H-18 of
15 section 30 of Act 49, Session Laws of Hawaii 2017, as amended
16 and renumbered by section 5 of Act 53, Session Laws of Hawaii
17 2018, that is unallotted or unencumbered is hereby lapsed;
18 provided that the lapsed amount shall be transferred and
19 appropriated to the Hawaii community development authority for
20 fiscal year 2019-2020 to establish and develop the stadium
21 development district for public use.



1 SECTION 11. There is appropriated out of the general
2 revenues of the State of Hawaii the sum of \$50,000,000 or so
3 much thereof as may be necessary for fiscal year 2019-2020 for
4 the Hawaii community development authority to establish and
5 develop the stadium development district for public use.

6 SECTION 12. The director of finance is authorized to issue
7 reimbursable general obligation bonds in the sum of \$150,000,000
8 or so much thereof as may be necessary and the same sum or so
9 much thereof as may be necessary is appropriated for fiscal year
10 2019-2020 for the Hawaii community development authority to
11 establish the stadium development district and build a new
12 stadium as provided for in chapter 206E, part , Hawaii
13 Revised Statutes.

14 The proceeds of the reimbursable general obligation bonds
15 shall be deposited into the stadium development district
16 subaccount of the Hawaii community development revolving fund;
17 provided that the Hawaii community development authority shall
18 use a portion of the revenues of the stadium development
19 district to reimburse the general fund for all costs, including
20 interest on and principal of the reimbursable general obligation
21 bonds issued pursuant to this section.



1 SECTION 13. The director of finance is authorized to issue
2 general obligation bonds in the sum of \$150,000,000 or so much
3 thereof as may be necessary and the same sum or so much thereof
4 as may be necessary is appropriated for fiscal year 2019-2020 to
5 the Hawaii community development authority to build a new
6 stadium.

7 SECTION 14. The sums appropriated by sections 11, 12, and
8 13 of this Act shall be expended by the Hawaii community
9 development authority for the purposes of this Act.

10 SECTION 15. The appropriations made for the capital
11 improvement projects authorized by sections 11, 12, and 13 of
12 this Act shall not lapse at the end of the fiscal biennium for
13 which the appropriation is made; provided that all moneys from
14 the appropriation unencumbered as of June 30, 2022, shall lapse
15 as of that date.

16 SECTION 16. In codifying the new sections added by section
17 3 of this Act, the revisor of statutes shall substitute
18 appropriate section numbers for the letters used in designating
19 the new sections in this Act.

20 SECTION 17. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.



1 SECTION 18. This Act shall take effect on July 1, 2050.



Report Title:

Hawaii Community Development Authority; Stadium Development District; Appropriation

Description:

Establishes certain restrictions on leases within the stadium development district. Establishes the stadium development district, which includes all state property under the jurisdiction of the stadium authority. Transfers title of lands under the jurisdiction of the Stadium Authority to the Hawaii Community Development Authority. Authorizes the issuance of general obligation bonds and reimbursable general obligation bonds and appropriates funds. Exempts the stadium development district from section 206E-5, HRS. Exempts lands owned by the Stadium Authority from the definition of public lands. Authorizes the Department of Land and Natural Resources to give written concurrence, based on a phased review, on any project in the stadium development district for historical preservation purposes. Effective 7/1/2050. (Proposed SD2)

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

