

JAN 23 2020

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# A BILL FOR AN ACT

RELATING TO THE STADIUM DEVELOPMENT DISTRICT.

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

1 SECTION 1. 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[+] related to the stadium, and  
7 real property held by the stadium authority;

8 (2) To acquire and hold title to real property;

9 [~~+2~~] (3) To prescribe and collect rents, fees, and charges  
10 for the use or enjoyment of the stadium [~~or any of~~  
11 ~~its~~], facilities[+] related to the stadium, and real  
12 property held by the stadium authority, including  
13 entering into leases; provided that the terms of any  
14 lease shall not conflict with the requirements of  
15 section 206E-14(a);

16 [~~+3~~] (4) To make and execute contracts and other  
17 instruments necessary or convenient to exercise its



1 powers under this chapter and subject to any  
2 limitations in this chapter, to exercise all powers  
3 necessary, incidental, or convenient to carry out and  
4 effectuate the purposes and provisions of this  
5 chapter;

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

10 [~~(5)~~] (6) To appoint a manager and a deputy manager who  
11 shall have qualifications as the authority deems  
12 necessary and who shall hold their respective offices  
13 at the pleasure of the authority. The manager and  
14 deputy manager shall be exempt from the requirements  
15 of chapters 76 and 89. Effective July 1, 2005, the  
16 manager shall be paid a salary not to exceed eighty-  
17 seven per cent of the salary of the director of human  
18 resources development. Effective July 1, 2005, the  
19 deputy manager shall be paid a salary not to exceed  
20 eighty-five per cent of the manager's salary. The  
21 manager shall have full power to administer the



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

15          [~~(6)~~] (7) To plan, promote, and market the stadium and  
16          related facilities."

17          SECTION 2. Section 109-7, Hawaii Revised Statutes, is  
18          amended by amending subsection (a) to read as follows:

19                "(a) Any law enforcement officer who has police powers to  
20          arrest offenders and issue citations, including any police



1 officer of the counties, shall have the authority to enforce any  
2 rule promulgated pursuant to section [~~109-2(4)~~.] 109-2(5)."

3 SECTION 3. Section 171-2, Hawaii Revised Statutes, is  
4 amended to read as follows:

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

- 15 (1) Lands designated in section 203 of the Hawaiian Homes  
16 Commission Act, 1920, as amended;
- 17 (2) Lands set aside pursuant to law for the use of the  
18 United States;
- 19 (3) Lands being used for roads and streets;
- 20 (4) Lands to which the United States relinquished the  
21 absolute fee and ownership under section 91 of the



1 Hawaiian Organic Act prior to the admission of Hawaii  
2 as a state of the United States unless subsequently  
3 placed under the control of the board of land and  
4 natural resources and given the status of public lands  
5 in accordance with the state constitution, the  
6 Hawaiian Homes Commission Act, 1920, as amended, or  
7 other laws;

8 (5) Lands to which the University of Hawaii holds title;

9 (6) Lands to which the Hawaii housing finance and  
10 development corporation in its corporate capacity  
11 holds title;

12 (7) Lands to which the Hawaii community development  
13 authority in its corporate capacity holds title;

14 (8) Lands set aside by the governor to the Hawaii public  
15 housing authority or lands to which the Hawaii public  
16 housing authority in its corporate capacity holds  
17 title;

18 (9) Lands to which the department of agriculture holds  
19 title by way of foreclosure, voluntary surrender, or  
20 otherwise, to recover moneys loaned or to recover  
21 debts otherwise owed the department under chapter 167;



1           (10) Lands that are set aside by the governor to the Aloha  
2           Tower development corporation; lands leased to the  
3           Aloha Tower development corporation by any department  
4           or agency of the State; or lands to which the Aloha  
5           Tower development corporation holds title in its  
6           corporate capacity;

7           (11) Lands that are set aside by the governor to the  
8           agribusiness development corporation; lands leased to  
9           the agribusiness development corporation by any  
10          department or agency of the State; or lands to which  
11          the agribusiness development corporation in its  
12          corporate capacity holds title;

13          (12) Lands to which the Hawaii technology development  
14          corporation in its corporate capacity holds title;  
15          [and]

16          (13) Lands to which the department of education holds  
17          title; and

18          (14) Lands to which the stadium authority holds title;

19 provided that, except as otherwise limited under federal law and  
20 except for state land used as an airport as defined in section  
21 262-1, public lands shall include the air rights over any



1 portion of state land upon which a county mass transit project  
2 is developed after July 11, 2005."

3 SECTION 4. Section 206E-14, Hawaii Revised Statutes, is  
4 amended by amending subsection (a) to read as follows:

5 "(a) The authority may, without recourse to public  
6 auction, sell, or lease for a term not exceeding sixty-five  
7 years, all or any portion of the real or personal property  
8 constituting a redevelopment project to any person, upon such  
9 terms and conditions as may be approved by the authority, if the  
10 authority finds that the sale or lease is in conformity with the  
11 community development plan[-

12 ~~For~~]; provided that the lease of any real or personal  
13 property within the stadium development district[-leases] shall  
14 be entered into by the stadium authority, shall not exceed a  
15 term of ninety-nine years[-], and may contain terms that do not  
16 conform with the community development plan."

17 SECTION 5. Section 206E-223, Hawaii Revised Statutes, is  
18 amended by amending subsection (b) to read as follows:

19 "(b) The authority shall facilitate the development of all  
20 property belonging to the State within the district; provided  
21 that development is carried out in accordance with any county



1 transit-oriented development plans for lands surrounding the  
2 district. In addition to any other duties that the authority  
3 may have pursuant to this chapter, the authority's duties shall  
4 include:

5 (1) Coordinating with the federal government regarding the  
6 ownership and use of, or restrictions on, properties  
7 within the district that were previously owned or are  
8 currently owned by the federal government;

9 (2) Coordinating with other state entities during the  
10 conveyance of properties and conducting remediation  
11 activities for the property belonging to the State  
12 within the district; and

13 (3) Developing the infrastructure necessary to support the  
14 development of all property belonging to the State  
15 within the district[~~;~~ and

16 ~~(4) Providing, to the extent feasible, maximum opportunity~~  
17 ~~for the reuse of property belonging to the State~~  
18 ~~within the district by private enterprise or state and~~  
19 ~~county government]."~~

20 SECTION 6. Section 206E-224, Hawaii Revised Statutes, is  
21 amended to read as follows:





1           " [†]§206E-224[‡] **Development guidance policies.** The  
2 following shall be the development guidance policies generally  
3 governing the authority's actions in the district:

4           (1) Development shall be exempt from all community  
5 development plan requirement; provided that the  
6 development shall be in accordance with any county  
7 transit-oriented development plan, unless modified by  
8 the authority pursuant to paragraph (2);

9           (2) With the approval of the governor, the authority, upon  
10 the concurrence of a majority of its voting members,  
11 may modify and make changes to a transit-oriented  
12 development plan with respect to the district to  
13 respond to changing conditions; provided that before  
14 amending a transit-oriented development plan, the  
15 authority shall conduct a public hearing to inform the  
16 public of the proposed changes and receive public  
17 input;

18           (3) The authority shall seek to promote economic  
19 development and employment opportunities by fostering  
20 diverse land uses and encouraging private sector  
21 investments that use the opportunities presented by

1 the high-capacity transit corridor project consistent  
2 with the needs of the public, including mixed use  
3 housing and housing in transit-oriented developments;

4 (4) The authority may engage in planning, design, and  
5 construction activities within and outside the  
6 district; provided that activities outside the  
7 district shall relate to infrastructure development,  
8 area-wide drainage improvements, roadway realignments  
9 and improvements, business and industrial relocation,  
10 and other activities the authority deems necessary to  
11 carry out development of the district and implement  
12 this part. The authority may undertake studies or  
13 coordinating activities in conjunction with the county  
14 and appropriate state agencies and may address  
15 facility systems, industrial relocation, and other  
16 activities;

17 (5) Hawaiian archaeological, historic, and cultural sites  
18 shall be preserved and protected;

19 (6) Endangered species of flora and fauna shall be  
20 preserved to the extent feasible;



1 (7) Land use and development activities within the  
2 district shall be coordinated with and, to the extent  
3 possible, complement existing county and state  
4 policies, plans, and programs affecting the district;  
5 and

6 (8) Public facilities within the district shall be  
7 planned, located, and developed to support the  
8 development policies established by this chapter for  
9 the district and rules adopted pursuant to this  
10 chapter."

11 SECTION 7. Statutory material to be repealed is bracketed  
12 and stricken. New statutory material is underscored.

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

14

INTRODUCED BY:

*Dan Claitor* 7



# S.B. NO. 2940

**Report Title:**

HCDA; Stadium Development District; Stadium Authority

**Description:**

Authorizes the Stadium Authority to acquire and hold title to real property. Transfers authority to issue leases of the lands within the Stadium Development District from the Hawaii Community Development Authority to the Stadium Authority. Exempts development of the Stadium Development District from community development plan requirements, except requirements of the county transit-oriented development plan.

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

