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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:**

**PART I**

SECTION 1. Chapter 109, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§109- Stadium development special fund; established.

(a) There is established in the state treasury the stadium development special fund into which shall be deposited:

(1) All revenues from the operations of the stadium development;

(2) All proceeds from revenue bonds issued by the stadium authority; and

(3) Appropriations made by the legislature to the fund.

(b) Moneys in the stadium development special fund shall be used for the expenses of development and operations of the stadium property."

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



1           "§109-2 Stadium authority; powers and duties. The powers  
2 and duties of the stadium authority shall be as follows:

3           (1) To maintain, operate, ~~[and]~~ manage, and develop the  
4 stadium ~~[and related],~~ facilities[+] related to the  
5 stadium, and real property held by the stadium  
6 authority;

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

8           ~~[-2]~~ (3) To prescribe and collect rents, fees, and charges  
9 for the use or enjoyment of the stadium ~~[or any of~~  
10 its], facilities[+] related to the stadium, and real  
11 property held by the stadium authority, including  
12 entering into leases; provided that leases shall not  
13 exceed a term of ninety-nine years;

14           ~~[-3]~~ (4) To make and execute contracts and other  
15 instruments necessary or convenient to exercise its  
16 powers under this chapter and subject to any  
17 limitations in this chapter, to exercise all powers  
18 necessary, incidental, or convenient to carry out and  
19 effectuate the purposes and provisions of this  
20 chapter;



1        [~~(4)~~] (5) To adopt, amend, and repeal in accordance with  
2            chapter 91 rules it may deem necessary to effectuate  
3            this chapter and in connection with its projects,  
4            operations, and facilities;

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



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

10 [~~6~~] (7) To plan, promote, and market the stadium and  
11 related facilities."

12 SECTION 3. Section 109-7, Hawaii Revised Statutes, is  
13 amended by amending subsection (a) to read as follows:

14 "(a) Any law enforcement officer who has police powers to  
15 arrest offenders and issue citations, including any police  
16 officer of the counties, shall have the authority to enforce any  
17 rule [~~promulgated~~] adopted pursuant to section [~~109-2(4)~~].  
18 109-2(5)."

19 SECTION 4. Section 171-2, Hawaii Revised Statutes, is  
20 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 set aside by the governor to the Hawaii public  
11 housing authority or lands to which the Hawaii public  
12 housing authority in its corporate capacity holds  
13 title;
- 14 (9) Lands to which the department of agriculture holds  
15 title by way of foreclosure, voluntary surrender, or  
16 otherwise, to recover moneys loaned or to recover  
17 debts otherwise owed the department under chapter 167;
- 18 (10) Lands that are set aside by the governor to the Aloha  
19 Tower development corporation; lands leased to the  
20 Aloha Tower development corporation by any department  
21 or agency of the State; or lands to which the Aloha



1 Tower development corporation holds title in its  
2 corporate capacity;

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

9 (12) Lands to which the Hawaii technology development  
10 corporation in its corporate capacity holds title;  
11 [~~and~~]

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

14 (14) Lands to which the stadium authority holds title;  
15 provided that, except as otherwise limited under federal law and  
16 except for state land used as an airport as defined in section  
17 262-1, public lands shall include the air rights over any  
18 portion of state land upon which a county mass transit project  
19 is developed after July 11, 2005."

20 SECTION 5. Section 171-64.7, Hawaii Revised Statutes, is  
21 amended by amending subsection (a) to read as follows:



1           "(a) This section applies to all lands or interest therein  
2 owned or under the control of state departments and agencies  
3 classed as government or crown lands previous to August 15,  
4 1895, or acquired or reserved by the government upon or  
5 subsequent to that date by purchase, exchange, escheat, or the  
6 exercise of the right of eminent domain, or any other manner,  
7 including accreted lands 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, including:

11           (1) Land set aside pursuant to law for the use of the  
12           United States;

13           (2) Land to which the United States relinquished the  
14           absolute fee and ownership under section 91 of the  
15           Organic Act prior to the admission of Hawaii as a  
16           state of the United States;

17           (3) Land to which the University of Hawaii holds title;

18           (4) Land to which the Hawaii housing finance and  
19           development corporation in its corporate capacity  
20           holds title;





- 1 (5) Land to which the department of agriculture holds
- 2 title by way of foreclosure, voluntary surrender, or
- 3 otherwise, to recover moneys loaned or to recover
- 4 debts otherwise owed the department under chapter 167;
- 5 (6) Land that is set aside by the governor to the Aloha
- 6 Tower development corporation; or land to which the
- 7 Aloha Tower development corporation holds title in its
- 8 corporate capacity;
- 9 (7) Land that is set aside by the governor to the
- 10 agribusiness development corporation; or land to which
- 11 the agribusiness development corporation in its
- 12 corporate capacity holds title;
- 13 (8) Land to which the Hawaii technology development
- 14 corporation in its corporate capacity holds title;
- 15 (9) Land to which the department of education holds title;
- 16 [and]
- 17 (10) Land to which the Hawaii public housing authority in
- 18 its corporate capacity holds title[-]; and
- 19 (11) Lands to which the stadium authority holds title."

20 SECTION 6. Section 206E-14, Hawaii Revised Statutes, is  
 21 amended by amending subsection (a) to read as follows:



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

8           ~~[For the stadium development district, leases shall not~~  
9 ~~exceed a term of ninety nine years.] "~~

10           SECTION 7. Chapter 206E, part IX, Hawaii Revised Statutes,  
11 is repealed.

12                                                           **PART II**

13           SECTION 8. Act 268, Session Laws of Hawaii 2019, is  
14 amended by adding a new section to read as follows:

15           "SECTION 7A. With the approval of the governor, the  
16 stadium authority, as designated expending agency for capital  
17 improvement projects authorized in this Act, may delegate to  
18 other state agencies the implementation of projects when it is  
19 determined advantageous to do so by both the stadium authority  
20 as the original expending agency and the agency to which  
21 expending authority is to be delegated."

1 SECTION 9. Act 268, Session Laws of Hawaii 2019, is  
2 amended by amending sections 4 to 6 to read as follows:

3 "SECTION 4. There is appropriated out of the general  
4 revenues of the State of Hawaii the sum of \$20,000,000 or so  
5 much thereof as may be necessary for fiscal year 2019-2020 for  
6 the [~~establishment and~~] development of the stadium [~~development~~  
7 ~~district~~] authority property for public use.

8 The sum appropriated shall be expended by the [~~Hawaii~~  
9 ~~community development~~] stadium authority for the purposes of  
10 this Act; provided that the appropriation shall not lapse at the  
11 end of the fiscal year for which the appropriation is made;  
12 provided further that all moneys unencumbered as of June 30,  
13 2022, shall lapse as of that date.

14 SECTION 5. The legislature finds and declares that the  
15 issuance of revenue bonds under this Act is in the public  
16 interest and for the public health, safety, and general welfare.  
17 Pursuant to part III, chapter 39, Hawaii Revised Statutes.  
18 Accordingly, the [~~Hawaii community development~~] stadium  
19 authority, with the approval of the governor, may issue in one  
20 or more series revenue bonds in a total amount not to exceed  
21 \$180,000,000 for the [~~Hawaii community development~~] stadium



1 authority to implement ~~[the stadium development district as~~  
2 ~~provided for in part~~, chapter 206E, Hawaii Revised  
3 ~~Statutes.]~~ the development of stadium authority property for  
4 public use.

5 The proceeds of the revenue bonds shall be deposited into  
6 the ~~[Hawaii community development revolving]~~ stadium development  
7 special fund created in section ~~[206E-16,]~~ 109-, Hawaii  
8 Revised Statutes.

9 The revenue bonds authorized under this Act shall be issued  
10 pursuant to part III, chapter 39, Hawaii Revised Statutes. The  
11 authorization to issue revenue bonds under this Act shall lapse  
12 on June 30, 2024.

13 SECTION 6. The director of finance is authorized to issue  
14 general obligation bonds in the sum of \$150,000,000 or so much  
15 thereof as may be necessary and the same sum or so much thereof  
16 as may be necessary is appropriated for fiscal year 2019-2020 to  
17 the ~~[Hawaii community development]~~ stadium authority for the  
18 ~~[stadium development district.]~~ development of stadium authority  
19 property for public use; provided that the appropriation shall  
20 not lapse at the end of the fiscal year for which the



1 appropriation is made; provided further that all moneys  
2 unencumbered as of June 30, 2022, shall lapse as of that date."

3 **PART III**

4 SECTION 10. There is appropriated out of the general  
5 revenues of the State of Hawaii the sum of \$1,000,000 or so much  
6 thereof as may be necessary for fiscal year 2020-2021 to carry  
7 out the purposes of this Act.

8 The sum appropriated shall be expended by the stadium  
9 authority for the purposes of this Act; provided that the  
10 appropriation shall not lapse at the end of the fiscal year for  
11 which the appropriation is made; provided further that all  
12 moneys unencumbered as of June 30, 2022, shall lapse as of that  
13 date.

14 **PART IV**

15 SECTION 11. Statutory material to be repealed is bracketed  
16 and stricken. New statutory material is underscored.

17 SECTION 12. This Act shall take effect on July 1, 2020.



**Report Title:**

HCDA; Stadium Development District; Stadium Authority;  
Appropriation

**Description:**

Establishes the stadium development special fund. 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. Authorizes the Stadium Authority, with approval from the Governor, to delegate to other state agencies the implementation of capital improvement projects, under certain conditions. Repeals part IX of chapter 206E, Hawaii Revised Statutes, relating to the Stadium Development District. Appropriates funds. (SD1)

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

