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# 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 as follows:

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, [~~or~~] 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 as follows:

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; own, hold, sell,  
4 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 repurchase  
8 or otherwise acquire any project that the authority  
9 has theretofore sold or otherwise conveyed,  
10 transferred, or disposed of;

11 (11) To arrange or contract for the planning, replanning,  
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. Effective 7/1/2050. (SD1)

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

