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 three new sections 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.

§109- Development guidance policies; established. (a)

The following shall be the development guidance policies
generally governing the authority's actions in the stadium development district:

(1) Development shall be in accordance with any county transit-oriented development plan unless modified by the authority pursuant to paragraph (2);

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

(3) The authority shall seek to promote economic development and employment opportunities by fostering diverse land uses and encouraging private sector investments that use the opportunities presented by the rail transit corridor project consistent with the needs of the public, including the development of mixed-use housing and affordable housing;
The authority may engage in planning, design, and
coloration activities within and outside the
district; provided that activities outside the
district shall relate to infrastructure development,
area-wide drainage improvements, roadway realignments
and improvements, business and industrial relocation,
and other activities that the authority deems
necessary to carry out development of the district and
implement this part;

Hawaiian archaeological, historic, and cultural sites
shall be preserved and protected;

Endangered species of flora and fauna shall be
preserved to the extent required by law;

Land use and development activities within the
district shall be coordinated with and, to the extent
possible, complement and support existing county and
state policies, plans, and programs affecting the
district;

Public facilities within the district shall be
planned, located, and developed to support the
development guidance policies established by this
chapter for the district and any rules adopted pursuant to chapter 91 to implement this chapter.

§109—Annual comprehensive report. Not less than twenty days prior to the convening of each regular session of the legislature, the authority shall submit to the legislature an annual comprehensive status report on the progress of development within the stadium development district."

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

"§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, and develop the stadium [and related] facilities related to the stadium, and real property held by the stadium authority;

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

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

[(+3+)] (4) 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+)] (5) 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+)] (6) To appoint a manager and [a] deputy [manager] managers 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] managers 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] a 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+] (7) To plan, promote, and market the stadium and
related facilities."
SECTION 3. Section 109-7, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(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 adopted pursuant to section [109-2(4)]] 109-2(5)."

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

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

(1) Lands designated in section 203 of the Hawaiian Homes Commission Act, 1920, as amended;
(2) Lands set aside pursuant to law for the use of the United States;

(3) Lands being used for roads and streets;

(4) Lands to which the United States relinquished the absolute fee and ownership under section 91 of the Hawaiian Organic Act prior to the admission of Hawaii as a state of the United States unless subsequently placed under the control of the board of land and natural resources and given the status of public lands in accordance with the state constitution, the Hawaiian Homes Commission Act, 1920, as amended, or other laws;

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

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

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

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

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

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

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

(12) Lands to which the Hawaii technology development corporation in its corporate capacity holds title;
(13) Lands to which the department of education holds title; and

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

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

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

"(a) This section applies to all lands or interest therein owned or under the control of state departments and agencies classed as government or crown lands previous to August 15, 1895, or acquired or reserved by the government upon or subsequent to that date by purchase, exchange, escheat, or the exercise of the right of eminent domain, or any other manner, including accreted lands not otherwise awarded, submerged lands, and lands beneath tidal waters that are suitable for reclamation, together with reclaimed lands that have been given the status of public lands under this chapter, including:
(1) Land set aside pursuant to law for the use of the United States;

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

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

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

(5) Land to which the department of agriculture holds title by way of foreclosure, voluntary surrender, or otherwise, to recover moneys loaned or to recover debts otherwise owed the department under chapter 167;

(6) Land that is set aside by the governor to the Aloha Tower development corporation; or land to which the Aloha Tower development corporation holds title in its corporate capacity;

(7) Land that is set aside by the governor to the agribusiness development corporation; or land to which
the agribusiness development corporation in its corporate capacity holds title;

(8) Land to which the Hawaii technology development corporation in its corporate capacity holds title;

(9) Land to which the department of education holds title; [and]

(10) Land to which the Hawaii public housing authority in its corporate capacity holds title[ ]; and

(11) Lands to which the stadium authority holds title."

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

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

[For the stadium development district, leases shall not exceed a term of ninety-nine years.]"
SECTION 7. Chapter 206E, part IX, Hawaii Revised Statutes, is repealed.

PART II

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

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

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

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

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

SECTION 5. The legislature finds and declares that the issuance of revenue bonds under this Act is in the public interest and for the public health, safety, and general welfare. Pursuant to part III, chapter 39, Hawaii Revised Statutes. Accordingly, the stadium authority, with the approval of the governor, may issue in one or more series revenue bonds in a total amount not to exceed $180,000,000 for the stadium authority to implement the development of stadium authority property for public use.

The proceeds of the revenue bonds shall be deposited into the stadium development special fund created in section 206E-16, Hawaii Revised Statutes.
The revenue bonds authorized under this Act shall be issued pursuant to part III, chapter 39, Hawaii Revised Statutes. The authorization to issue revenue bonds under this Act shall lapse on June 30, 2024.

SECTION 6. The director of finance is authorized to issue general obligation bonds in the sum of $150,000,000 or so much thereof as may be necessary and the same sum or so much thereof as may be necessary is appropriated for fiscal year 2019-2020 to the [Hawaii community development] stadium authority for the [stadium development district] development of stadium authority property for public use; provided that the appropriation shall not lapse at the end of the fiscal year for which the appropriation is made; provided further that all moneys unencumbered as of June 30, 2022, shall lapse as of that date."

PART III

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

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

PART IV

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

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. Establishes development guidance policies for the Stadium Authority's actions in the Stadium Development District. Requires the Stadium Authority to submit annual comprehensive reports to the Legislature. 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. (SD2)

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