June 6, 2016

The Honorable Ronald D. Kouchi,  
President  
and Members of the Senate  
Twenty-Eighth State Legislature  
State Capitol, Room 409  
Honolulu, Hawai'i 96813

The Honorable Joseph M. Souki,  
Speaker and Members of the House of Representatives  
Twenty-Eighth State Legislature  
State Capitol, Room 431  
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Souki, and Members of the Legislature:

This is to inform you that on June 6, 2016, the following bill was signed into law:

HB2415 SD1 RELATING TO NON-GENERAL FUNDS  
ACT 061 (16)

Sincerely,

DAVID Y. IGE  
Governor, State of Hawai'i
A BILL FOR AN ACT

RELATING TO NON-GENERAL FUNDS.

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

PART I

SECTION 1. The purpose of this Act is to repeal, reclassify, or abolish selected funds.

PART II

SECTION 2. The purpose of this part is to repeal the Kapolei recreational sports complex special fund as recommended by the auditor in auditor's report 14-01.

The legislature finds that the original purpose of the fund no longer exists, as the land originally identified for the Kapolei recreational sports complex was transferred to the University of Hawaii-West Oahu.

SECTION 3. Section 109-1, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

(a) There shall be within the department of accounting and general services for administrative purposes only, a stadium authority whose responsibility shall be to maintain, operate, and manage the stadium and facilities attached thereto [and to provide for the maintenance, operation, management, and

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The authority shall consist of nine members who shall be appointed by the governor in the manner prescribed by section 26-34. Each member of the authority shall have been a citizen of the United States and a resident of the State for at least five years next preceding the member's appointment. The president of the University of Hawaii and the superintendent of education shall be ex officio members of the authority but shall not vote."

SECTION 4. 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 the stadium and related facilities[, and to provide for the maintenance, operation, management, and promotion of the Kapolei recreational sports complex];

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

(3) 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[, including entering
into contracts under chapter 102 or 103D for the
management of the Kapolei recreational sports complex,
to include but not be limited to the operation,
maintenance, and promotion of the complex in a manner
that is beneficial to both the State and the
contractor. These contracts may contain revenue
sharing incentives based on increased usage of the
complex];

(4) 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) To appoint a manager and a deputy manager who shall
have [such] qualifications as the authority deems
necessary and who shall hold their respective offices
at the pleasure of the authority. The manager and
deputy manager 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
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) To plan, promote, and market the stadium[,...] and related facilities[,...] and the Kapolei recreational sports complex]."

SECTION 5. Section 109-3, Hawaii Revised Statutes, is amended to read as follows:

"§109-3 Stadium special fund. There is created a special fund to be known as the stadium special fund into which funds collected by the authority shall be deposited[,...] provided that all funds received pursuant to this section shall be kept completely separate from the Kapolei recreational sports complex special fund. Moneys may not be transferred between the stadium special fund and the Kapolei recreational sports complex special fund]. The stadium special fund shall be applied, used, and disposed of for the payment of:

(1) The expenses of the operation, maintenance, promotion, and management of; and

(2) All or a portion of the cost of financing any capital improvement project for;
the stadium and related facilities; provided that all services
required for the stadium and related facilities shall be
performed by persons hired on contract or otherwise, without
regard for chapter 76; provided further that the authority shall
report to the legislature all receipts and expenditures of the
stadium special fund account twenty days prior to the convening
of each regular session."

SECTION 6. Section 109-5, Hawaii Revised Statutes, is
amended to read as follows:

"§109-5 Security personnel, powers. The person employed
as the chief security officer by the authority shall have all of
the powers of police officers, including the power of arrest;
provided that [such] the powers shall remain in force and in
effect only while the person is in the actual performance of the
person's duties at the stadium [or the Kapolei recreational
sports complex]."

SECTION 7. Section 109-7, Hawaii Revised Statutes, is
amended by amending subsections (b) and (c) to read as follows:

"(b) Any person violating any rule of the stadium
authority regulating conduct on the stadium [or Kapolei
recreational sports complex] premises shall be guilty of a petty
misdemeanor punishable by a fine not exceeding $1,000, or
imprisonment not exceeding thirty days, or both.

(c) Any person violating any rule of the stadium authority
regulating parking or traffic on the stadium [or Kapolei
recreational–sports–complex] premises shall have committed a
traffic infraction as set forth in chapter 291D, the
adjudication of which shall be subject to the provisions
contained therein."

SECTION 8. Section 109-9, Hawaii Revised Statutes, is
repealed.

"[§109-9]–Kapolei recreational–sports–complex–special
fund. There is created a special fund to be known as the
Kapolei recreational–sports–complex–special–fund into which
funds appropriated by the legislature, received pursuant to a
management contract under section 109-2(3), or collected by the
authority from the operations of the Kapolei recreational–sports
complex shall be deposited; subject to contracts entered into
pursuant to section 109-2(3), provided that all funds received
pursuant to this section shall be kept completely separate from
the stadium special fund. Moneys may not be transferred between
the Kapolei recreational–sports–complex–special–fund and the
stadium special fund. The Kapolei [recreational] sports complex special fund shall be applied, used, and disposed of for the payment of:

(1) The expenses of the operation, maintenance, promotion, and management of; and

(2) All or a portion of the cost of financing any capital improvement project for the Kapolei recreational sports complex, provided that all services required for the Kapolei recreational sports complex shall be performed by persons hired on contract or otherwise, without regard for chapter 76, provided further that the authority shall report annually to the legislature all receipts and expenditures of the Kapolei recreational [sports] complex special fund account no later than twenty days prior to the convening of each regular session."

SECTION 9. On July 1, 2016, all unencumbered balances remaining in the Kapolei recreational sports complex special fund repealed by section 8 of this Act shall lapse to the credit of the general fund.
PART III

SECTION 10. The purpose of this part is to reclassify the prepaid airport use charge fund from a special fund to a trust fund as recommended by the auditor in auditor's report 14-05.

The legislature finds that the fund does not meet the criteria of a special fund and should be classified as a trust fund because moneys deposited in the fund are the property of signatory airlines and may not be used for any purpose other than those set forth in the prepaid airport use charge fund agreement.

SECTION 11. The prepaid airport use charge fund, a special fund administratively established in 1977, is reclassified as a trust fund.

All balances in the fund shall remain as if no reclassification had occurred.

PART IV

SECTION 12. The purpose of this part is to abolish the photo enforcement revolving fund.

The legislature finds that the fund does not meet the criteria of a revolving fund because it is inactive.
SECTION 13. The photo enforcement revolving fund is abolished and any unencumbered remaining balances shall be transferred to the general fund.

PART V

SECTION 14. Statutory material to be repealed is bracketed and stricken.

SECTION 15. This Act shall take effect on July 1, 2016.

APPROVED this 6 day of JUN, 2016

GOVERNOR OF THE STATE OF HAWAII