

DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES

Amendment and Compilation of Chapter 3-70
Hawaii Administrative Rules
July 27, 2006

SUMMARY

1. §§3-70-3 is amended.
2. §§3-70-9, 3-70-10, and 3-70-11 are amended.
3. §§3-70-13 is amended.
4. §§3-70-15 is amended.
5. §§3-70-19 is amended.
6. §§3-70-20.01 is amended.
7. §§3-70-23 is amended.
8. §§3-70-25, 3-70-26, 3-70-27, 3-70-28, and 3-70-29 are amended.
9. Chapter 70 is compiled.

Amendment and Compilation--Standard

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HAWAII ADMINISTRATIVE RULES

TITLE 3

DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES

CHAPTER 70

RULES OF THE STADIUM AUTHORITY

Subchapter 1 General Provisions

- \$3-70-1 Purpose
- \$3-70-2 Definitions
- \$3-70-3 Aloha stadium, office, mailing address

Subchapter 2 Rules Governing the Use of the Stadium

- \$3-70-4 General policies
- \$3-70-5 Scheduling and booking policies
- \$3-70-6 Applications for use of the stadium
- \$3-70-7 Processing of applications
- \$3-70-8 Deposit
- \$3-70-9 Tickets, printing, distribution, sale
- \$3-70-10 Staffing and other charges
- \$3-70-11 Rental charges, payment
- \$3-70-12 Cancellation of event
- \$3-70-13 Radio, television, press
- \$3-70-14 Receipts and revenues from parking, food, and beverages, programs, souvenirs
- \$3-70-15 Insurance, indemnification
- \$3-70-16 Public address system announcements
- \$3-70-17 Prohibited equipment

§3-70-18	Repealed
§3-70-18.01	Sale or distribution of articles
§3-70-19	Complimentary admissions; admission to the swap meet
§3-70-20	Parking rates, parking stalls
§3-70-20.01	Traffic, parking, and tailgate rules
§3-70-21	Unlawful and unauthorized entry
§3-70-22	Advertising in stadium premises
§3-70-23	Miscellaneous provisions

Subchapter 3 Rules of Practice and Procedure

§3-70-24	Public records and information
§3-70-25	Appearance before the authority
§3-70-26	Petitions for adoption, amendment, or repeal of rules
§3-70-27	Adoption, amendment, or repeal of rules
§3-70-28	Hearing procedures
§3-70-29	Declaratory ruling by the authority
§3-70-30	Cost of rules and public records

Historical Note: Chapter 70 of Title 3 is based substantially upon Stadium Authority, State of Hawaii, Rules and Regulations. [Eff 12/26/74; am 7/27/75; am 9/1/76; am 1/23/77; am 4/11/77; am 6/19/78; R 6/12/81]

SUBCHAPTER 1

GENERAL PROVISIONS

§3-70-1 Purpose. These rules govern the use and management of the aloha stadium as well as the practices and procedures of the stadium authority under chapter 109, Hawaii Revised Statutes. [Eff 6/12/81; am 9/17/82; comp **SEP 18 2006**] (Auth: HRS §§91-2, 109-2) (Imp: HRS §§91-2, 109-2)

§3-70-2 Definitions. As used in this chapter, unless the context specifically or otherwise indicates, the following definitions apply:

"Applicant" means a person applying for the privilege of using the stadium or any part thereof; a licensee.

"Authority" means the stadium authority established by section 109-1, Hawaii Revised Statutes.

"Chairperson" means the individual elected "chairperson" under section 109-1(b), Hawaii Revised Statutes.

"Event" means the purpose for which the stadium is rented or used, including an athletic event, any function, performances, programs, exhibition, convention, rally, or meeting.

"Licensee" means a person granted the privilege of using the stadium or any part thereof.

"Manager" means the individual appointed as such under section 109-2, Hawaii Revised Statutes.

"Out-of-pocket expenses" means expenditures made or incurred by the authority in connection with an event, including but not limited to the cost for events personnel, special setups, clean up, security, electricity and for other incidental costs incurred by an event.

"Person" or "persons" as used in subchapter 2 means individuals, partnerships, corporations, associations, or public or private organizations of any character.

"Person" or "persons" as used in subchapter 3 is as defined in section 91-1(2), Hawaii Revised Statutes.

"Public records" is as defined in section 92-50, Hawaii Revised Statutes.

"Regular business hours" means from 7:45 a.m. to 4:30 p.m. of each day of the week except Saturdays, Sundays, and holidays.

"Rule" is as defined in section 91-1(4), Hawaii Revised Statutes.

"Stadium" means the aloha stadium and its related facilities.

"Stadium management" means the manager or a duly authorized representative or representatives.

"Stadium proper" means that portion of aloha stadium, entrance into which an admission ticket is normally required.

"State" means the State of Hawaii.

"Ticket receipts" means the total sum of the value of tickets sold for admission into the stadium. [Eff 6/12/81; am 9/17/82; comp **SEP 18 2006**] (Auth: HRS §§91-2, 109-2) (Imp: HRS §§80-1, 91-2, 109-2)

§3-70-3 Aloha stadium, office, mailing address. The state stadium at 99-500 Salt Lake Boulevard, in the county of Honolulu, is named and shall be known as the "Aloha Stadium". The aloha stadium shall be operated and managed by the authority. The office of the authority shall be at the aloha stadium. Information and requests on matters within the jurisdiction of the authority may be obtained by appearing in person at the office of the authority or by writing to the Manager, Stadium Authority, P. O. Box 30666, Honolulu, Hawaii 96820. [Eff 6/12/81; am 9/17/82; am and comp **SEP 18 2006**] (Auth: HRS §§91-2, 109-2) (Imp: HRS §§91-2, 109-2)

SUBCHAPTER 2

RULES GOVERNING THE USE OF THE STADIUM

§3-70-4 General policies. (a) The stadium is operated for the recreational and entertainment needs of the people of Hawaii and provides a place where large gatherings of people may assemble. The character and nature of events at the stadium shall be in the public interest.

(b) The facility shall be open to performances, programs, exhibitions, athletic events, and other activities that are in the interests of the members of the community.

(c) The use of the stadium shall be prohibited to any activity that, in the opinion of the authority,

may cause damage or injury to the stadium facility or any part thereof.

(d) In determining whether to grant an application for the use of the stadium, the authority shall take into consideration, among other things, the following:

- (1) Character and financial condition of the applicant;
- (2) Nature and character of event proposed;
- (3) Admission charge;
- (4) Potential damage or injury to the facility; and
- (5) Demonstrated ability of the applicant to properly manage the proposed event, including meeting all event costs. [Eff 6/12/81; am 9/17/82; comp SEP 18 2006]
(Auth: HRS §109-2) (Imp: HRS §109-2)

§3-70-5 Scheduling and booking policies. (a) Priority consideration shall be given to the scheduling needs of public educational institutions in the State. If there is a conflict in the scheduling of requested dates, the authority shall determine its approval or rejection in accordance with section 3-70-7.

(b) Scheduling of championship, playoff, and all-star attractions shall be given priority whenever possible.

(c) Professional athletic teams shall be given, whenever possible, sufficient advance bookings to insure stability for planning their programs, but not so long as to preclude consideration of future applicants. [Eff 6/12/81; am 9/17/82; comp SEP 18 2006] (Auth: HRS §109-2) (Imp: HRS §109-2)

§3-70-6 Applications for use of the stadium. (a) Applications for the use of the stadium shall be made in writing on a form prescribed by the authority.

(b) The applicant shall set forth such information as may be requested by the authority, including, but not limited to:

- (1) Name, address, telephone number of applicant or sponsoring person;
- (2) The names of the officers, principals, or partners, if applicable;
- (3) Detailed description of proposed event or events;
- (4) Estimated revenue and expenses for proposed event or events;
- (5) Proposed admission charge or charges;
- (6) Areas of stadium requested for use;
- (7) Date or dates requested;
- (8) Hours of use requested;
- (9) Special services, equipment, construction needed, if any;
- (10) Financial statements, income tax returns, and other documentation of financial condition; and
- (11) References. [Eff 6/12/81; am 9/17/82; comp **SEP 18 2006**] (Auth: HRS §109-2) (Imp: HRS §109-2)

§3-70-7 Processing of applications. (a) The applicant shall submit the completed application to the manager at the office of the authority. Upon its receipt, the application shall be referred by the manager to the authority for its approval or rejection. If the application is rejected, the authority shall cause the manager to so inform the applicant in writing stating the essential reasons therefor. If the application is approved, the manager shall determine a reasonable amount of cash deposit which shall be required of the applicant in order to reserve the stadium and to cover the estimated costs that may be incurred by the authority in handling the event. The manager may grant preliminary approval of a date subject to approval by the authority at its next meeting.

(b) After consultation with the applicant, the level of staff, security, cleanup, and other services shall be determined by the manager. The manager may revise these requirements up to the event date, based on advance sales and other information. Any disagreement with respect to any revision of the requirements imposed by the manager may be reviewed by the authority (upon the request of either party). The applicant shall at all times be responsible for strict compliance with the authority's requirements and restrictions for the use of the stadium.

(c) The applicant shall execute the licensing agreement prepared by the authority and pay the required deposit in cash or by certified check or cashier's check.

(d) Notwithstanding any representation or understanding to the contrary, the license agreement shall not be binding upon the authority until it is executed by both the applicant and the manager on behalf of the authority. [Eff 6/12/81; am 9/17/82; comp **SEP 18 2006**] (Auth: HRS §109-2) (Imp: HRS §109-2)

§3-70-8 Deposit. The amount of the deposit shall be based on an estimate of the reimbursable expenses to be incurred by the authority in the applicant's behalf in connection with an event and on the ability of the licensee to make reimbursement thereof. Any deposit made to the authority shall not bear any interest. [Eff 6/12/81; comp **SEP 18 2006**] (Auth: HRS §109-2) (Imp: HRS §109-2)

§3-70-9 Tickets, printing, distribution, sale.

(a) No tickets shall be sold for any stadium event before the license agreement covering the event is signed by the manager or before written approval is given by the authority. Notwithstanding the foregoing, the solicitation and sale of "subscriptions" or "orders" for tickets may be permitted by the authority prior to the execution of the license agreement in

order to accommodate the scheduling and promotional needs of the applicants; provided that the solicitation and sale shall be under such terms and conditions as may be required by the authority.

(b) Except as otherwise provided in the contract between the authority and the ticketing concessionaire, all admission tickets for an event shall be printed at the licensee's expense by either a bonded printer or an automated ticketing system. Unless prior written approval is granted by the manager, no tickets shall be sold or utilized for admission to stadium events other than those which are printed by the bonded printer or the automated ticketing system.

(c) If the licensee prints the tickets, a proof of the ticket shall be submitted to the manager for approval prior to printing for purposes of form and accuracy.

(d) Commercial or promotional advertising shall not be printed on either side of the admission ticket without the prior written approval of the manager.

(e) Tickets printed may be consigned to the licensee at the discretion of the manager and upon such terms and conditions as the manager deems appropriate. Consignments of tickets from other sales locations shall not be permitted.

(f) Contractual arrangements with agencies for the distribution or sale of tickets to any stadium event shall first be approved by the manager.

(g) No ticket for a stadium event shall be sold by the licensee or its agent at a price other than that which is printed thereon without prior written approval of the manager.

(h) The manager shall determine whether or not tickets shall be refunded and the terms and conditions thereof. Refunded tickets shall revert to the status of unsold tickets. [Eff 6/12/81; am 9/17/82; am and comp **SEP 18 2006**] (Auth: HRS §109-2) (Imp: HRS §109-2)

§3-70-10 Staffing and other charges. (a) The manager shall determine and furnish the staff necessary to operate the facility for an event. The cost of staffing including but not limited to the cost of box office personnel, ushers, gate personnel, security personnel, electricity, clean-up, scoreboard operation, the public address announcer, and a licensed registered nurse on duty during the hours of an event shall be at the licensee's expense, in addition, the licensee shall reimburse the authority for all other expenditures made or incurred by the authority in connection with the event, plus an amount equal to ten per cent of the total of the foregoing costs and expenditures.

(b) Labor, equipment, and rental rates shall be at the prevailing rates as stated on the aloha stadium labor, equipment, and rental rates schedule. This schedule may be obtained by request at the office of the authority.

(c) Licensees shall pay for the cost of utilizing the stadium's automated ticketing services which shall include, but shall not be limited to, a printing charge for each ticket printed at the stadium or at any ticket distribution outlet. Any licensee may contract with the stadium's automated ticketing concessionaire or any other service agency for promotional, publicity, and season-ticketing services, which shall not be considered part of the stadium's automated ticketing services. This subsection shall apply only if a contract exists between the authority and an automated ticketing system concessionaire.

[Eff 6/12/81; am 9/17/82; am and comp

(Auth: HRS §109-2) (Imp: HRS §109-2)

SEP 18 2006

§3-70-11 Rental charges, payment. (a) The authority establishes the following schedule of charges for the use of the stadium proper for each event or date:

- (1) Hawaii high school and lower grade level events or activities - No rent shall be charged for school related

- events or activities;
- (2) University of Hawaii intercollegiate football - the stadium authority shall have discretion to determine rent, provided, however, that the amount shall not exceed seven and one-half per cent of ticket receipts or \$10,000 per date, whichever is greater;
 - (3) Other college events, excluding professionally promoted college football games - \$500 per date;
 - (4) Professional and college football games professionally promoted by any person, partnership, corporation, or organization for profit - \$10,000 per date, or ten per cent of ticket receipts per date, whichever is greater;
 - (5) Post-season intercollegiate and collegiate all-star football games sponsored by any person, partnership, corporation, or organization of non-profit status - ten per cent of ticket receipts or \$10,000 per date, whichever is greater, but not to exceed \$32,000 per date. This amount shall not include reimbursement for out-of-pocket costs nor any charge that may be imposed by the provisions as set forth in section 3-70-13.
 - (6) Other profit-making or fund-raising sports events - \$2,000 per date or ten per cent of ticket receipts per date, or if no tickets are sold, \$1 for each person attending the event per date, whichever is greater;
 - (7) Concerts, rallies, conventions - \$2,000 per date or ten per cent of ticket receipts per date, or if no tickets are sold, \$1 for each person attending the event per date, whichever is greater;
 - (8) Receptions, parties - \$500 per date or ten per cent of ticket receipts, or if no tickets are sold, \$1 for each person

attending the event per date, whichever is greater;

- (9) For purposes of filming or recording a commercial, band practices, and other activities involving short-term use of the stadium during the normal working hours of 7:30 a.m. through 3:30 p.m., Monday through Friday, excluding holidays - \$100 per hour, but not more than \$500 per date. Out-of-pocket expenses including field lights and overtime personnel costs shall be reimbursed to the authority whenever applicable;
- (10) Notwithstanding paragraphs (6), (7), and (8), the rental charge for events sponsored by religious or charitable organizations for religious or charitable purposes shall not exceed \$2,000 per date; and
- (11) All other events or activities - \$500 per date.

(b) The authority establishes the following schedule of charges for the use of the stadium parking lots:

- (1) For use of the Kam lot for carnivals, fairs, and similar events - \$1,250 per date;
- (2) For purposes of filming or recording a commercial, band practices, and other activities involving short-term use of the parking lot area during the normal working hours of 7:30 a.m. through 3:30 p.m., Monday through Friday, excluding holidays - \$100 per hour, but not more than \$500 per date. Out-of-pocket expenses including parking lot lights and overtime personnel costs shall be reimbursed to the authority whenever applicable; and
- (3) For all other events or activities - \$500 per date.

(c) The use of any office, or other space or facility on the stadium premises may be rented upon the terms and conditions, and at the rental rates as may be determined by the authority.

(d) The rates stated above are the basic or minimum rental rates for the use of the stadium. In addition, licensees shall pay for staffing and other out-of-pocket expenses and for any percentage charge imposed by section 3-70-10.

(e) Unless arrangements satisfactory to the authority are made for the payment thereof, the amount of all charges due the authority by a licensee for the use of the stadium shall be deducted from the deposit and the gate receipts before any portion thereof is turned over to the licensee.

(f) Whenever there is a change in the rates or charges prescribed by this chapter, the new rates or charges shall apply to any event held or use made on or after the effective date of the new rates or charges.

(g) The authority may waive rental charges in whole or in part for the Pro Bowl Game or in connection with an event or activity that is sponsored by an agency of government and for which no admission charge is made.

(h) All moneys collected by the authority shall be deposited in the stadium special account in accordance with section 109-6, Hawaii Revised Statutes. [Eff 6/12/81; am 9/17/82; am 8/25/88; am 1/17/05; am 3/4/06; am and comp **SEP 18 2006**]
(Auth: HRS §109-2) (Imp: HRS §109-2)

§3-70-12 Cancellation of event. (a) Should the manager approve the cancellation of an event because of inclement weather or because of an act of God, a date mutually agreed upon between licensee and the manager shall be scheduled for the event, and no additional rental charge shall accrue to the licensee for the alternate date. Nevertheless, the licensee shall pay for all out-of-pocket expenses incurred by the authority for both dates.

(b) If a rescheduled event date is mutually agreed upon, the tickets for the originally scheduled event may be honored for the rescheduled event.

(c) If a rescheduled event date is not mutually agreed upon, the authority shall refund the deposit after deducting therefrom any out-of-pocket expenses incurred by the authority on account of the cancelled event.

(d) The licensee, subject to the prior approval of the manager, shall contact the media and make all necessary arrangements to notify the public of the details of the cancellation and applicable refunds. Tickets shall only be refunded at the original location where the tickets were purchased. The authority shall only refund tickets purchased at the stadium box office and designated stadium outlets during the period specified by the manager. Refunded tickets shall revert to the status of unsold tickets. [Eff 6/12/81; am 9/17/82; comp SEP 18 2006] (Auth: HRS §109-2) (Imp: HRS §109-2)

§3-70-13 Radio, television, press. (a) It shall be the general policy of the authority to grant all radio broadcast, newsreel footage in excess of three minutes of an individual event, motion picture, television, closed circuit television, home-paid television, and similar rights, hereinafter collectively referred to as ancillary rights, to the licensee to which these rights pertain; provided that the authority may withhold permission from any licensee to broadcast by radio and television in the State when, in the opinion of the authority, such broadcasting may substantially affect the attendance at the stadium for an event; and provided further that the authority may impose a percentage charge of all consideration received by the licensee for ancillary rights from an event held at or from use made of the stadium.

(b) Subject to any directions by the authority, the manager shall have complete control of the press boxes and shall be in charge of issuing passes therefor. The manager shall, however, consult with the licensee regarding authorized media personnel entitled to cover the event.

(c) Television and radio stations shall not place banners in front of the press boxes or anywhere else without permission of the manager. Such banners may be used only when a telecast or broadcast is actually taking place. [Eff 6/12/81; am and comp SEP 18 2006] (Auth: HRS §109-2) (Imp: HRS §109-2)

§3-70-14 Receipts and revenues from parking, food, and beverages, programs, souvenirs. (a) Licensees shall not receive any revenue from parking or from the authority's share of food and beverage sales.

(b) The licensee, subject to the approval of the manager, may have the right to sell programs during their events and to retain the receipts therefrom. Requests to sell these programs shall be submitted in writing not less than five days prior to the event, or the entire season in which they are to be sold, and the approval shall be renewed annually.

(c) The authority's food and beverage concessionaire shall have the exclusive right to sell souvenirs, novelties, and other similar products, and at the discretion of the stadium manager the authority may impose a percentage charge on all consideration received by the food and beverage concessionaire. [Eff 6/12/81; am 9/17/82; am 9/30/85; comp SEP 18 2006] (Auth: HRS §109-2) (Imp: HRS §109-2)

§3-70-15 Insurance, indemnification. (a) Licensees shall purchase and provide, at their own cost and expense, comprehensive general liability insurance in an amount set by the authority but not less than \$1,000,000 combined single limit for personal injury and property damage for any one occurrence. The policy or policies shall contain a waiver of subrogation endorsement, shall provide that the authority be given at least thirty days written notice prior to any termination, cancellation, or

material change in the insurance coverage, shall name the authority, its officers and employees as additional insured, and shall be deposited with the manager. The policy or policies must be written and executed by an insurance carrier licensed to do business in the State and acceptable to the authority.

(b) The licensee shall be required to indemnify and hold harmless the State, the authority, and their officers and employees, from any and all claims for loss, injury, damage or liability sustained or claimed to have been sustained by reason of the use or occupation of the stadium premises by the licensee or by an act or omission of the licensee, its officers, agents and employees, guests, patrons, invitees and persons admitted to the stadium by consent of the licensee. [Eff 6/12/81; am 9/17/82; am 8/17/02; am and comp **SEP 18 2006**] (Auth: HRS §109-2) (Imp: HRS §109-2)

§3-70-16 Public address system announcements. (a) The authority shall retain control of the public address system at all times.

(b) All announcements by the public address announcer shall be subject to the prior approval of the stadium management. [Eff 6/12/81; comp **SEP 18 2006**] (Auth: HRS §109-2) (Imp: HRS §109-2)

§3-70-17 Prohibited equipment. (a) No athletic equipment that may cause damage or injury to the playing field may be worn or used on the field.

(b) Only that type of shoes with soles or cleats appropriate for use on synthetic turf may be worn on the playing field. Unless otherwise permitted by the manager, athletic shoes shall be of the "all-purpose" type, i.e., shoes that are appropriate for use on either synthetic or natural turf.

(c) The use of any electrical or mechanical equipment not furnished by the stadium is prohibited, except when specifically approved by the manager.

[Eff 6/12/81; am 9/17/82; comp SEP 18 2006] (Auth:
HRS §109-2) (Imp: HRS §109-2)

§3-70-18 REPEALED [R 9/30/85]

§3-70-18.01 Sale or distribution of articles. (a)
The manager shall approve the sale or distribution of
all articles in the stadium.

(b) Each person who desires to sell or
distribute any articles within the stadium premises
shall submit a written request for approval to the
manager not later than ten calendar days prior to the
date of sale or distribution. The written request
shall include the following information:

- (1) The name, address, and telephone number of
the person;
- (2) The names and telephone numbers of the
officers, principals, partners or authorized
representatives;
- (3) The date or dates of sale or distribution;
- (4) The number of persons participating in the
sale or distribution; and
- (5) A sample or detailed description of the
articles to be sold or distributed.

(c) Any written request which does not conform
to subsection (b) may be disapproved by the manager.
[Eff 9/30/85; comp SEP 18 2006] (Auth: HRS
§109-2) (Imp: HRS §109-2)

§3-70-19 Complimentary admissions; admission to
the swap meet. (a) The number of authorized
complimentary admissions to be issued by a licensee to
any event must be stated in the licensing agreement.
Additional complimentary admissions to the event shall
not be issued without the prior written approval of
the manager.

(b) Admission shall be charged to the swap meet
in the amount of \$1 per person age 12 and above,
provided, however, that the authority may in its

discretion waive the admission fee, in whole or in part, for up to fifteen days each year. [Eff 6/12/81; am and comp **SEP 18 2006**] (Auth: HRS §109-2) (Imp: HRS §109-2)

§3-70-20 Parking rates, parking stalls. (a) Except as otherwise provided below, the authority establishes the following rates for the privilege of parking at the stadium for all events:

- (1) \$5 per event per automobile for all events and shows except as provided in this subsection;
- (2) \$15 per event per passenger bus or truck, other than pickups, regardless of the number of persons carried in such bus or truck;
- (3) \$2 per event per automobile for all events and shows when the athletes or performers attend high school or lower grade levels; and
- (4) The swap meet events held at the stadium shall be exempted from this subsection.

(b) The manager may designate the number of parking stalls and their location for the use of the licensee. Except as directed by the authority, the manager may issue free parking passes and designate and reserve specific parking stalls or sections for the exclusive use of individuals or designated groups.

(c) The authority may waive parking charges in whole or in part in connection with an event or activity that is sponsored by an agency of government and for which no admission charge is made.

(d) Except as to stalls or sections designated and reserved by the manager, a licensee, with the approval of the authority, in connection with its use of the stadium for an exhibition, event, convention, rally, or meeting, may rent the parking areas of the stadium. The licensee shall pay the rental charge of the parking areas which shall be computed at the rate mutually agreed to by both the licensee and the manager based upon the required parking area needed. There shall be no charge with respect to exempt

admittees authorized and approved by the manager. When a licensee rents the parking areas as provided in this subsection, the licensee shall not impose any parking charges. [Eff 6/12/81; am 9/17/82; am 8/27/84; am 9/1/87; am 8/12/02; comp **SEP 18 2006**] (Auth: HRS §109-2) (Imp: HRS §109-2)

§3-70-20.01 Traffic, parking, and tailgate rules. (a) No person shall operate any vehicle on the stadium premises:

- (1) At a speed in excess of twenty-five miles per hour;
- (2) In a careless or negligent manner or in such a manner as to endanger or injure persons or property;
- (3) In a direction other than as indicated by signs erected and designated for one-way traffic movement unless otherwise directed by an authorized official; or
- (4) While under the influence of intoxicating liquor or narcotic drugs.

(b) Parking rules on the stadium premises:

- (1) Unless otherwise directed by the stadium parking personnel, no person shall park a vehicle in any of the following places:
 - (A) Wherever the curbs are painted red to indicate no parking;
 - (B) In marked pedestrian crosswalks and walkways;
 - (C) On roadways and locations where a parked vehicle may constitute an obstruction, or a traffic hazard;
 - (D) Places where official signs prohibit parking; and
 - (E) Areas designated by stadium management as restricted areas;
- (2) No person shall park a vehicle on the roadway or in any area of the parking lot in such a manner as to block other vehicles, or to restrict the free movement of vehicular

- traffic unless otherwise directed by an authorized official;
- (3) Parking is on a "first come, first park" basis and reserving parking stalls, or spaces shall be prohibited unless written authorization is obtained from the manager. Each vehicle shall be parked wholly within a designated stall and shall not straddle or occupy space of an adjoining stall; and
 - (4) Vehicles parked in violation of this subsection may be towed off the premises at the expense of the vehicle owner or driver.
- (c) Pre-game and post-game tailgate party rules in the stadium parking lot:
- (1) To alleviate potential fire hazards, a hibachi or other cooking device shall be kept a safe distance from any fuel tank;
 - (2) Lit hibachi or other cooking device shall not be left unattended;
 - (3) Hot coals and other burning residues shall be doused and completely extinguished before they are disposed;
 - (4) No person shall strew litter on the stadium premises; and
 - (5) Tailgate parties shall cease on or before the established curfew as designated by the manager, and thereupon all vehicles shall promptly vacate the stadium premises. Announcements of curfew shall be made on the public address system and the stadium electronic scoreboard. [Eff 9/17/82; am 8/27/84; am and comp **SEP 18 2006**] (Auth: HRS §109-2) (Imp: HRS §109-2)

§3-70-21 Unlawful and unauthorized entry. (a) Entry into the stadium proper by unauthorized means of entry including but not limited to scaling the wall, cutting the wire fence, or entering without an authorized admission ticket or pass shall be considered unlawful.

(b) No person shall be permitted in any restricted area designated by the manager, including but not limited to the playing field, locker rooms, press boxes, scoreboard rooms, electrical substations, telephone switch rooms, box offices, administrative offices, and maintenance areas, without a current authorized credential or pass issued by the manager.

[Eff 6/12/81; am 9/17/82; comp **SEP 18 2006**] (Auth: HRS §109-2) (Imp: HRS §109-2)

§3-70-22 Advertising in stadium premises.

Advertising in the stadium is prohibited, except as provided in the contracts between the State or authority and its advertisers. [Eff 6/12/81; am 9/30/85; comp **SEP 18 2006**] (Auth: HRS §109-2) (Imp: HRS §109-2)

§3-70-23 Miscellaneous provisions. (a) Except as permitted in writing by the manager, the following restrictions shall apply to all persons in the stadium proper:

- (1) No outside food or beverage shall be brought into the stadium proper;
- (2) No cat, dog, or other animal and no bicycle, motorcycle, or other vehicle shall be permitted into the stadium proper unless used in the exhibition conducted by the licensee and upon prior approval of the manager;
- (3) Demonstrations, sit-ins, and activities inconsistent with the purposes of an event shall be prohibited in the stadium;
- (4) Hand-held signs and banners are permissible in the stadium proper when they are safely constructed and displayed in such manner so as not to obstruct the view of spectators. Hand-held signs and banners are permissible in the red zone area directly in front of the stadium main box office, when they are safely constructed and displayed in such

manner so as not to obstruct the ingress and egress of spectators, from the time the stadium parking lot is open to the public until thirty minutes after the scheduled starting time of the event. No signs or banners shall be affixed or secured in the stadium;

- (5) Throwing of any object or missile is prohibited; and
- (6) No can, bottle, cooler, fireworks, narcotic drug, air horn, or other disruptive noisemaker shall be permitted into the stadium proper.

(b) The authority may designate certain seats in the stadium for administrative and promotional purposes, and the tickets for those seats shall not be included in the ticket receipts when the rental charges are computed.

(c) A licensee's use of any space or area within the facility must be specifically granted in the license agreement or by the manager. Misuse of any facilities on the stadium grounds may cause the manager to immediately disallow or suspend the continued use of that area, and any damages incurred therefrom shall be reimbursed by the licensee.

(d) The authority shall not be responsible, directly or indirectly, for publicity for any licensee nor for any stadium event. However, should publicity of a licensee be misleading or be a misrepresentation of facts, the manager may correct the same and refer the matter to the attention of the authority for appropriate action.

(e) The manager may establish a program of guided tours of the stadium and charge admission therefor.

(f) The manager or an authorized representative shall be authorized to immediately remove any person from the stadium proper for violating this chapter or any other laws.

(g) Nothing in this chapter shall operate or be construed as prohibiting the authority from referring a complaint against any person found to be in

violation of this chapter or any other laws to the appropriate agencies. [Eff 6/12/81; am 9/17/82; am 9/30/85; am and comp **SEP 18 2006**] (Auth: HRS §109-2) (Imp: HRS §109-2)

SUBCHAPTER 3

RULES OF PRACTICE AND PROCEDURE

§3-70-24 Public records and information. (a) All public records shall be available for inspection at the office of the authority during regular business hours.

(b) Public records may be withheld from any person as provided by section 92F-13, Hawaii Revised Statutes.

(c) The public may obtain information on matters within the jurisdiction of the authority by inquiring in person, during regular business hours, at the office of the authority or by submitting a written request to the authority. (See section 3-70-3).

(d) Requests for public information, for permission to inspect official records, or for copies of public records shall be handled with due regard for the dispatch of other public duties. [Eff 6/12/81; am 8/12/02; comp **SEP 18 2006**] (Auth: HRS §109-2) (Imp: HRS §109-2)

§3-70-25 Appearance before the authority. Any person who desires to appear before the authority on any subject may submit that person's request in writing to the chairperson. The chairperson shall decide whether the individual may appear. (See section 3-70-3). [Eff 6/12/81; am and comp **SEP 18 2006**] (Auth: HRS §109-2) (Imp: HRS §109-2)

§3-70-26 Petitions for adoption, amendment, or repeal of rules. (a) Any person may petition the authority for the adoption, amendment, or repeal of any rule of the authority. The petition shall be submitted in duplicate and delivered to the office of the manager. (See section 3-70-3).

(b) The petition need not be in any special form but it shall include but not be limited to:

- (1) A statement of the nature of the petitioner's interest;
- (2) A draft of the substance of the proposed rule or amendment desired by petitioner or a specification of the rule that petitioner desires repealed;
- (3) A designation of any existing rules affected by the petition;
- (4) An explicit statement of the reasons in support of the proposed rule, amendment, or repeal;
- (5) Any other information relevant to the petition;
- (6) The name, address, and telephone number of the petitioner; and
- (7) The signature of the petitioner.

(c) Any petition which does not conform to the foregoing requirements may be rejected by the authority.

(d) Upon receipt of the petition, the manager shall cause the date and time of the receipt of the petition to be noted thereon.

(e) Within thirty days after the receipt of the petition, the authority shall either deny the petition in writing, stating its reasons for the denial, or initiate proceedings for the adoption, amendment, or repeal of the rule. No public hearing, oral arguments, or other form of proceedings will be held directly on any such petition. If the authority determines that the petition does not disclose sufficient reasons to justify the commencement of public rulemaking proceedings, or if the petition fails in any material respect to comply with the requirements of this chapter, the authority shall deny the petition and the

petitioner shall be so notified. This section shall not prevent the authority, on its own motion, from acting on any matter disclosed in any petition. [Eff 6/12/81; am 9/17/82; am and comp **SEP 18 2006**]
(Auth: HRS §109-2) (Imp: HRS §109-2)

§3-70-27 Adoption, amendment, or repeal of rules. When, pursuant to a petition therefor, or upon its own motion, the authority proposes to adopt, amend, or repeal a rule, the rule shall be adopted, amended, or repealed in accordance with the procedures set forth in chapter 91 and section 92-41, Hawaii Revised Statutes. [Eff 6/12/81; am and comp **SEP 18 2006**] (Auth: HRS §109-2) (Imp: HRS §109-2)

§3-70-28 Hearing procedures. (a) Each public hearing on the proposed adoption, amendment, or repeal of any rule shall be conducted by the chairperson or an authorized representative who shall be designated as the presiding officer.

(b) Each such hearing shall be held at the time and place set in the notice of hearing, but may at such time and place be continued from day to day or adjourned to a later date or to a different place without notice other than the announcement thereof at the hearing.

(c) At the commencement of the hearing, the presiding officer shall read the notice of hearing and shall then outline briefly the procedure to be followed. Testimony shall then be received with respect to the matters specified in the notice of hearing in such order as the presiding officer shall prescribe.

(d) All interested persons shall be given reasonable opportunity to offer testimony with respect to the matters specified in the notice of hearing. Every person shall, before proceeding to testify, state the name, address, and whom the person represents at the hearing. The presiding officer shall

confine the testimony to the subject matter of the hearing.

(e) All interested persons and agencies of the State or its political subdivisions shall be afforded an opportunity to submit data, views, or arguments which are relevant to the subject matter of the hearing orally or in writing. Written testimony may be submitted to the authority at its office in advance of the hearing. Persons submitting written testimony, whenever possible, shall furnish ten copies of the testimony to the authority.

(f) Unless otherwise specifically ordered by the presiding officer, testimony given at the hearing shall not be reported verbatim. All supporting written statements, maps, charts, tabulations, or similar data offered at the hearing, and which are deemed by the presiding officer to be authentic and relevant, shall be received and made a part of the record. Unless the presiding officer finds that the furnishing of copies is impracticable, two copies of the exhibits shall be submitted.

(g) At the close of the final public hearing, the presiding officer shall announce the decision of the authority or announce the date when it intends to make a decision. [Eff 6/12/81; am 9/17/82; am and comp **SEP 18 2006**] (Auth: HRS §109-2) (Imp: HRS §109-2)

§3-70-29 Declaratory ruling by the authority. (a) Any interested person may petition the authority for a declaratory order as to the applicability of any statutory provision administered by the authority or of any rule or order of the authority.

(b) The petition shall be submitted in duplicate to the office of the manager. The petition need not be in any special form but shall contain at a minimum:

- (1) A statement of the nature of the petitioner's interest, including reasons for the submission of the petition;
- (2) A designation of the specific statutory provision, rule, or order in question;

- (3) A complete statement of the relevant facts and precise nature of the controversy;
- (4) A statement of the interpretation given the statutory provision, rule, or order by the petitioner;
- (5) A memorandum containing the reasons, including any legal authorities, in support of the interpretation of the petitioner; and
- (6) The name, address, telephone number, and signature of the petitioner.

(c) Any petition which does not conform to the foregoing requirements may be rejected by the authority.

(d) Upon receipt of the petition, the manager shall cause it to be dated to establish the date of submission.

(e) The authority may for good cause refuse to issue a declaratory order. Without limiting the generality of the foregoing, the authority may refuse where:

- (1) The question is speculative or purely hypothetical and does not involve an existing situation or one which may reasonably be expected to occur in the near future;
- (2) The petitioner's interest is not of the type which would give the petitioner standing to maintain an action in a court of law;
- (3) The issuance of the declaratory order may adversely affect the interest of the State, the authority, or any of the officers or employees of the State or the authority in any litigation which is pending or may be reasonably expected to arise; or
- (4) The petition requests a ruling on a statutory provision not administered by the authority or the matter is not otherwise within the jurisdiction of the authority.

(f) Where any question of law is involved, the authority may refer the matter to the attorney general of the State for legal opinion.

(g) No hearing need be granted to the petitioner or to any interested person in the usual course of disposition of a petition for a declaratory ruling. However, the authority may, at its discretion, order a hearing on the disposition of the petition if the petitioner submits a written request therefor, stating in detail why a hearing is necessary for a fair consideration of the need for a declaratory ruling on the matter stated in the petition.

(h) The authority shall, with reasonable promptness, either deny the petition, stating the reasons therefor, or issue a declaratory ruling. Upon disposition of the petition, the authority shall promptly notify the petitioner.

(i) Orders disposing of petitions shall be applicable only to the fact situation alleged in the petition or as set forth in the order. They shall not be applicable to different fact situations or where additional facts not considered in the order exist.
[Eff 6/12/81; am and comp **SEP 18 2006**] (Auth: HRS §109-2) (Imp: HRS §109-2)

§3-70-30 Cost of rules and public records. Copies of these rules and other public records printed or reproduced by the authority shall be furnished to any person requesting the same upon payment of the cost prescribed by law or by the authority. [Eff 6/12/81; comp **SEP 18 2006**] (Auth: HRS §109-2) (Imp: HRS §109-2)

Amendment and Compilation--Standard

DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES

Amendments to and compilation of chapter 70, title 3, Hawaii Administrative Rules, on the Summary Page dated July 27, 2006, were adopted on July 27, 2006 following a public hearing held on July 27, 2006, after public notice was given in the Honolulu Star Bulletin, Hawaii Tribune, West Hawaii Today, The Maui News and The Garden Isle on June 18, 2006.

The amendments and compilation shall take effect ten days after filing with the Office of the Lieutenant Governor.

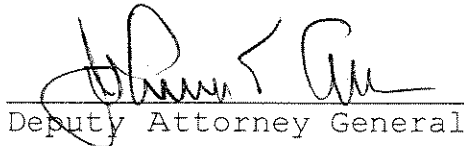
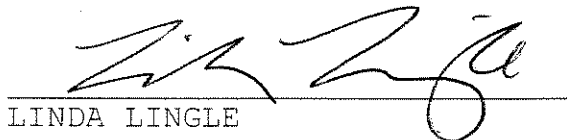


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Chairperson
Stadium Authority



RUSS K. SAITO
State Comptroller

APPROVED AS TO FORM:


Deputy Attorney General

LINDA LINGLE
Governor
State of Hawaii

Dated: **SEP - 7 2006**

Filed

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LEUTENANT GOVERNOR'S
OFFICE