

REQUEST FOR LEGAL SERVICES

Date: August 28, 2019
From: Michael J. Molina, Chair
Governance, Ethics, and Transparency Committee

TRANSMITTAL

Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Edward S. Kushi, Jr., Esq.

Subject: HAWAII STATE ASSOCIATION OF COUNTIES (HSAC) (2020 HSAC LEGISLATIVE PACKAGE) (GET-3(1))

Background Data: Please review the attached proposed resolutions, with attached proposed State bills, and if appropriate, approve the resolutions as to form and legality. Hard copies of the proposed resolutions and proposed State bills are requested with your response.

Work Requested: FOR APPROVAL AS TO FORM AND LEGALITY
 OTHER:

Requestor's signature  Michael J. Molina	Contact Person Shelly Espeleta (Telephone Extension: 7134)
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ROUTINE (WITHIN 15 WORKING DAYS) RUSH (WITHIN 5 WORKING DAYS)
 PRIORITY (WITHIN 10 WORKING DAYS) URGENT (WITHIN 3 WORKING DAYS)

SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): August 28, 2019
REASON: For posting on September 6, 2019 Council agenda.

FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO:	ASSIGNMENT NO.	BY:
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TO REQUESTOR: APPROVED DISAPPROVED OTHER (SEE COMMENTS BELOW)
 RETURNING--PLEASE EXPAND AND PROVIDE DETAILS REGARDING ITEMS AS NOTED

COMMENTS (NOTE - THIS SECTION NOT TO BE USED FOR LEGAL ADVICE):

DEPARTMENT OF THE CORPORATION COUNSEL

Date _____

By _____

get:ltr:003(1)acc01:ske

(Rev. 7/03)

Attachments

Resolution

No. _____

APPROVING FOR INCLUSION IN THE 2020
HAWAII STATE ASSOCIATION OF COUNTIES
LEGISLATIVE PACKAGE A STATE BILL TO
INCREASE FUNDING FOR AGRICULTURE

WHEREAS, there is a need to support agriculture for reasons of economic development, food security, environmental protection, and quality of life; and

WHEREAS, increased State funding for agriculture would benefit all residents of Hawaii; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That the proposed State bill, attached as Exhibit "A," to increase funding for agriculture, is approved for inclusion in the 2020 Hawaii State Association of Counties Legislative Package; and
2. That certified copies of this resolution be transmitted to the Hawaii State Association of Counties Executive Committee.

APPROVED AS TO FORM AND LEGALITY

EDWARD S. KUSHI, JR.
First Deputy Corporation Counsel
County of Maui

get:misc:003(1)areso01

A BILL FOR AN ACT

RELATING TO FUNDING FOR AGRICULTURE.

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

1 SECTION 1. RELATING TO FUNDING FOR AGRICULTURE.
2
3

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**
5

6 SECTION 1. The legislature finds that increased funding is
7 needed to support agriculture. Nearly ninety percent of food is
8 imported into the State, but only four percent of the State's
9 budget is allocated for agriculture. With the closure of pineapple
10 and sugar industries statewide, there is a dire need to utilize
11 fallow lands and diversify the State's economy beyond tourism.
12 Increased funding for agriculture can promote more small-scale
13 family farming, identify additional important agricultural lands,
14 update the State's agricultural database, and increase key
15 inspector positions at airports to prevent and identify invasive
16 species that affect agricultural crops.

17 SECTION 2. There is appropriated out of the general revenues
18 of the State of Hawaii the sum of _____ or so much thereof as
19 may be necessary for fiscal year 2019-2020 and the same sum or so

____.B. NO. _____

1 much thereof as may be necessary for fiscal year 2020-2021 to
2 provide funding to support agriculture.

3 The sums appropriated shall be expended by the department of
4 agriculture for the purposes of this Act.

5 SECTION 3. Notwithstanding any law to the contrary, the funds
6 appropriated by this Act may be transferred, with the approval of
7 the governor, to the General Appropriations Act of 2019, for
8 program execution and expenditure.

9 SECTION 4. This Act shall take effect on July 1, 2020.

10

11

INTRODUCED BY: _____

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Resolution

No. _____

APPROVING FOR INCLUSION IN THE 2020
HAWAII STATE ASSOCIATION OF COUNTIES
LEGISLATIVE PACKAGE A STATE BILL TO
AUTHORIZE SUPPLEMENTAL CATEGORICAL
FUNDING FOR REMOTE SCHOOLS AND
APPROPRIATE FUNDS

WHEREAS, the weighted student formula established to allocate moneys to schools under the Reinventing Education Act of 2004 has placed small, remote schools at a disadvantage; and

WHEREAS, remote schools should be funded to retain the minimal personnel and resources necessary to graduate students; and

WHEREAS, authorizing supplemental funding for remote schools, as defined in the attached bill, and appropriating funds for this purpose would help to address the inequity; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That the proposed State bill, attached as Exhibit "A," to authorize supplemental categorical funding for remote schools and appropriate funds, is approved for inclusion in the 2020 Hawaii State Association of Counties Legislative Package; and
2. That certified copies of this Resolution be transmitted to the Hawaii State Association of Counties Executive Committee.

APPROVED AS TO FORM AND LEGALITY

EDWARD S. KUSHI, JR.
First Deputy Corporation Counsel
County of Maui

A BILL FOR AN ACT

RELATING TO EDUCATION IN REMOTE SCHOOLS.

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

1 SECTION 1. The legislature finds that the Reinventing
2 Education Act of 2004 (Act 51, Session Laws of Hawaii 2004)
3 established a weighted student formula to allocate moneys to
4 schools according to the different costs of educating students
5 with different needs. Despite the intended equitable
6 distribution of funds, the legislature finds that the weighted
7 student formula has placed small, remote schools at a
8 disadvantage. In the case of Hana high and elementary school,
9 the budgetary shortfall has resulted in the loss of several
10 well-qualified teachers and has threatened the school's ability
11 to offer minimum course requirements for students to earn high
12 school diplomas. If Hana high school is unable to offer its
13 students the requisite courses for graduation, those students
14 will have to endure a nearly forty-mile, two-hour drive away, to
15 the next closest public high school, King Kekaulike high school.
16 The legislature finds that despite the current economic
17 situation, remote schools should be funded to retain the minimal

EXHIBIT "A"

1 personnel and resources necessary to graduate students. One way
2 to address this is to allow these schools to receive
3 supplemental funding based on their remote status.

4 The purpose of this Act is to authorize supplemental
5 categorical funding for remote schools.

6 SECTION 2. Chapter 302A, Hawaii Revised Statutes, is
7 amended by adding a new section be appropriately designated and
8 to read as follows:

9 "§302A- Remote schools categorical funding. (a) For
10 the purpose of this section, "remote school" mean any public
11 school, as defined in section 302A-101, except charter schools
12 governed by chapter 302D, that is a kindergarten through grade
13 12 school:

14 (1) Located at least a one-hour drive away from the next
15 nearest public high school; or

16 (2) Located on the island of Lanai, Molokai, or Niihau;
17 provided that if a high school is combined with an elementary,
18 middle, intermediate, or other lower level of schooling, that
19 entire school shall be deemed a high school for the purpose of
20 this section.

___**.B. NO.**___

1 (b) Subject to legislative appropriations, a remote school
2 may receive supplemental categorical funding to support
3 additional instructional and support staff.

4 (c) Any supplemental categorical funding provided to a
5 remote school pursuant to this section shall be in addition to
6 the allocation determined under the weighted student formula
7 that is made to the remote school."

8 SECTION 3. There is appropriated out of the general
9 revenues of the State of Hawaii the sum of \$_____ or so much
10 thereof as may be necessary for fiscal year 2020-2021 and the
11 same sum or so much thereof as may be necessary for fiscal year
12 2021-2022 for remote schools categorical funding pursuant to
13 this Act.

14 The sums appropriated shall be expended by the department
15 of education for the purpose of this Act.

16 SECTION 4. New statutory material is underscored.

17 SECTION 5. This Act shall take effect on July 1, 2020.

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INTRODUCED BY: _____

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