

**COUNCIL OF THE COUNTY OF MAUI**  
**GOVERNANCE, ETHICS, AND**  
**TRANSPARENCY COMMITTEE**

December 12, 2019

**Committee**  
**Report No. \_\_\_\_\_**

Honorable Chair and Members  
of the County Council  
County of Maui  
Wailuku, Maui, Hawaii

Chair and Members:

Your Governance, Ethics, and Transparency Committee, having met on August 20, 2019, and December 3, 2019, makes reference to County Communication 19-26, from Council Chair Kelly T. King, relating to the Maui County Legislative Package.

Your Committee notes each year the Council may compile a package of proposals and priorities to be presented to the State Legislature.

Your Committee received three proposals for inclusion in the 2020 Maui County Legislative Package, including State bills to: 1) increase State funding to support agriculture to promote economic development, food security, environmental protection, and quality of life; 2) authorize remote schools to receive supplemental categorical funding, in addition to the allocation determined under the weighted student formula, based on their remote status, and to appropriate funds; and 3) require the driver of the lead vehicle, on two-lane roadways where passing is unsafe and five or more vehicles are backed up behind the lead vehicle, to use turnouts and permit vehicles following the lead vehicle, to pass safely.

Increased Funding for Agriculture

By correspondence dated August 5, 2019, Councilmember Shane Sinenci transmitted a proposed resolution entitled "APPROVING FOR INCLUSION IN THE 2020 MAUI COUNTY LEGISLATIVE PACKAGE A STATE BILL TO INCREASE FUNDING FOR AGRICULTURE."

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The purpose of the proposed resolution is to approve for inclusion in the 2020 Maui County Legislative Package a proposed State bill, attached to the proposed resolution as Exhibit "A," entitled "A BILL FOR AN ACT RELATING TO AGRICULTURE."

The purpose of the proposed State bill is to increase State funding to support agriculture to promote economic development, food security, environmental protection, and quality of life.

Your Committee notes additional State funding could be used to promote small-scale family farming, establish additional important agriculture lands, update the State's agricultural database, and increase key inspector positions at State airports to identify invasive species.

Your Committee voted 9-0 to recommend adoption of the proposed resolution. Committee Chair Molina, Vice-Chair Rawlins-Fernandez, and members Hokama, Kama, King, Lee, Paltin, Sinenci, and Sugimura voted "aye."

Your Committee is in receipt of a revised proposed resolution, and attached Exhibit "A," incorporating nonsubstantive revisions.

Authorization for Supplemental Categorical Funding for Remote Schools

By correspondence dated August 5, 2019, Councilmember Shane Sinenci transmitted a proposed resolution entitled "APPROVING FOR INCLUSION IN THE 2020 MAUI COUNTY LEGISLATIVE PACKAGE A STATE BILL TO AUTHORIZE SUPPLEMENTAL CATEGORICAL FUNDING FOR REMOTE SCHOOLS AND APPROPRIATE FUNDS."

The purpose of the proposed resolution is to approve for inclusion in the 2020 Maui County Legislative Package a proposed State bill, attached to the proposed resolution as Exhibit "A," entitled "A BILL FOR AN ACT RELATING TO EDUCATION."

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The purpose of the proposed State bill is to authorize remote schools to receive supplemental categorical funding, in addition to the allocation determined under the weighted student formula, based on their remote status, and to appropriate funds for this purpose.

Your Committee notes the weighted student formula for determining school funding has placed small, remote schools, such as Hana High and Elementary School at a disadvantage, resulting in the loss of qualified instructors and the offering of minimum course requirements necessary for graduation.

Your Committee voted 9-0 to recommend adoption of the proposed resolution. Committee Chair Molina, Vice-Chair Rawlins-Fernandez, and members Hokama, Kama, King, Lee, Paltin, Sinenci, and Sugimura voted "aye."

Promotion of Traffic Safety on Two-lane Roadways

By correspondence dated August 5, 2019, Councilmember Shane Sinenci transmitted a proposed resolution entitled "APPROVING FOR INCLUSION IN THE 2020 MAUI COUNTY LEGISLATIVE PACKAGE A STATE BILL TO PROMOTE TRAFFIC SAFETY ON TWO-LANE ROADWAYS."

The purpose of the proposed resolution is to approve for inclusion in the 2020 Maui County Legislative Package a proposed State bill, attached to the proposed resolution as Exhibit "A," entitled "A BILL FOR AN ACT RELATING TO TRAFFIC SAFETY."

The purpose of the proposed State bill is to require the driver of the lead vehicle, on two-lane roadways where passing is unsafe and five or more vehicles are backed up behind the lead vehicle, to use turnouts and permit vehicles following the lead vehicle, to pass safely.

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By correspondence dated November 27, 2019, Councilmember Shane Sinenci transmitted a revised proposed State bill incorporating substantive revisions to identify the portion of Hana Highway under the State's jurisdiction.

Your Committee voted 9-0 to recommend adoption of the revised proposed resolution. Committee Chair Molina, Vice-Chair Rawlins-Fernandez, and members Hokama, Kama, King, Lee, Paltin, Sinenci, and Sugimura voted "aye."

Your Committee is in receipt of a further revised proposed resolution, and attached Exhibit "A," incorporating nonsubstantive revisions.

Your Governance, Ethics, and Transparency Committee **RECOMMENDS** the following:

1. That Resolution \_\_\_\_\_, attached hereto, entitled "APPROVING FOR INCLUSION IN THE 2020 MAUI COUNTY LEGISLATIVE PACKAGE A STATE BILL TO INCREASE FUNDING FOR AGRICULTURE," be ADOPTED;
2. That Resolution \_\_\_\_\_, attached hereto, entitled "APPROVING FOR INCLUSION IN THE 2020 MAUI COUNTY LEGISLATIVE PACKAGE A STATE BILL TO AUTHORIZE SUPPLEMENTAL CATEGORICAL FUNDING FOR REMOTE SCHOOLS AND APPROPRIATE FUNDS," be ADOPTED; and
3. That Resolution \_\_\_\_\_, attached hereto, entitled "APPROVING FOR INCLUSION IN THE 2020 MAUI COUNTY LEGISLATIVE PACKAGE A STATE BILL TO PROMOTE TRAFFIC SAFETY ON TWO-LANE ROADWAYS," be ADOPTED.

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This report is submitted in accordance with Rule 8 of the Rules of the Council.

  
\_\_\_\_\_  
MICHAEL J. MOLINA, Chair

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# Resolution

No. \_\_\_\_\_

APPROVING FOR INCLUSION IN THE 2020 MAUI COUNTY 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 Maui County; 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 Maui County Legislative Package; and
2. That certified copies of this resolution be transmitted to the Governor of the State of Hawaii, the President of the State Senate, the Speaker of the State House of Representatives, the County’s delegation to the State Legislature, the Mayor of the County of Maui, and the Corporation Counsel.

\_\_\_\_.B. NO.\_\_\_\_

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# A BILL FOR AN ACT

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RELATING TO AGRICULTURE.

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

1 SECTION 1. RELATING TO AGRICULTURE.

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3  
4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

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6 SECTION 1. The legislature finds that increased funding is  
7 needed to support agriculture.

8 SECTION 2. 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 2019-2020 and the  
11 same sum or so much thereof as may be necessary for fiscal year  
12 2020-2021 to provide funding to support agriculture.

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

15 SECTION 3. Notwithstanding any law to the contrary, the  
16 funds appropriated by this Act may be transferred, with the  
17 approval of the governor, to the General Appropriations Act of  
18 2019, for program execution and expenditure.

\_\_\_\_.B. NO. \_\_\_\_

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

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INTRODUCED BY: \_\_\_\_\_

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# Resolution

No. \_\_\_\_\_

## APPROVING FOR INCLUSION IN THE 2020 MAUI COUNTY 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 Maui County Legislative Package; and
2. That certified copies of this Resolution be transmitted to the Governor of the State of Hawaii, the President of the State Senate, the Speaker of the State House of Representatives, the County's delegation to the State Legislature, the Mayor of the County of Maui, and the Corporation Counsel.

\_\_\_\_.B. NO.\_\_\_\_

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# A BILL FOR AN ACT

RELATING TO EDUCATION.

**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 Hāna 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 Hāna 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  
18 personnel and resources necessary to graduate students. One way

\_\_\_\_.B. NO. \_\_\_\_\_

1 to address this is to allow these schools to receive  
2 supplemental funding based on their remote status.

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

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

8 "§302A- Remote schools categorical funding. (a) For  
9 the purpose of this section, "remote school" mean any public  
10 school, as defined in section 302A-101, except charter schools  
11 governed by chapter 302D, that is a high school:

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

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

19 (b) Subject to legislative appropriations, a remote school  
20 may receive supplemental categorical funding to support  
21 additional instructional and support staff.

\_\_\_\_.B. NO. \_\_\_\_\_

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

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

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

13       SECTION 4. New statutory material is underscored.

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

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16                                   INTRODUCED BY: \_\_\_\_\_  
17

# Resolution

No. \_\_\_\_\_

APPROVING FOR INCLUSION IN THE 2020  
MAUI COUNTY LEGISLATIVE PACKAGE A  
STATE BILL TO PROMOTE TRAFFIC SAFETY  
ON TWO-LANE ROADWAYS

WHEREAS, unsafe driving conditions may be created on two-lane roadways where the lead vehicle is moving slowly, with a back-up of vehicles behind it, and traffic moving in the opposite direction makes it a hazard to pass; and

WHEREAS, this situation is frequently encountered on the road to Hāna, where visibility around turns is inhibited because of the natural contours of the road; and

WHEREAS, it would promote traffic safety to require the driver of the lead vehicle with five or more vehicles behind it to turn off the roadway at the nearest place designated as a turnout or wherever sufficient area for a safe turnout exists, to allow the vehicles following it to proceed; now, therefore,

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

1. That the proposed State bill, attached as Exhibit "A," to promote traffic safety on two-lane roadways, is approved for inclusion in the 2020 Maui County Legislative Package; and
2. That certified copies of this Resolution be transmitted to the Governor of the State of Hawaii, the President of the State Senate, the Speaker of the State House of Representatives, the County's delegation to the State Legislature, the Mayor of the County of Maui, and the Corporation Counsel.

\_\_\_\_.B. NO.\_\_\_\_

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# A BILL FOR AN ACT

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RELATING TO TRAFFIC SAFETY.

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

1       SECTION 1. The legislature finds that unsafe driving  
2 conditions may be created on two-lane roadways where the lead  
3 vehicle is moving slowly, with a back-up of vehicles behind it,  
4 and traffic moving in the opposite direction makes it unsafe to  
5 pass. This situation is frequently encountered on Hāna Highway,  
6 between Mile Marker 00 and Mile Marker 34, where visibility  
7 around turns is inhibited because of the natural contours of the  
8 road. The purpose of this Act is to require the driver of the  
9 lead vehicle on Hāna Highway, between Mile Marker 00 and Mile  
10 Marker 34, to use turnouts and allow vehicles to pass, thereby  
11 promoting traffic safety on this roadway.

12       SECTION 2. Section 291C-41, Hawaii Revised Statutes, is  
13 amended by adding a new subsection d to read as follows:

14       "§291C-41 Drive on right side of roadway; exceptions. (a)  
15 Upon all roadways of sufficient width a vehicle shall be driven  
16 upon the right half of the roadway, except as follows:

\_\_\_\_.B. NO. \_\_\_\_\_

1           (1) When overtaking and passing another vehicle  
2 proceeding in the same direction under the rules governing such  
3 movement;

4           (2) When an obstruction exists making it necessary to  
5 drive to the left of the center of the highway; provided any  
6 person so doing shall yield the right-of-way to all vehicles  
7 traveling in the proper direction upon the unobstructed portion  
8 of the highway within such distance as to constitute an  
9 immediate hazard;

10          (3) Upon a roadway divided into three marked lanes  
11 for traffic under the rules applicable thereon; or

12          (4) Upon a roadway designated and signposted one-way  
13 traffic.

14          (b) Upon all roadways any vehicle proceeding at less than  
15 the normal speed of traffic at the time and place and under the  
16 conditions then existing shall be driven in the right-hand lane  
17 then available for traffic, or as close as practicable to the  
18 right-hand curb or edge of the roadway, except when overtaking  
19 and passing another vehicle proceeding in the same direction or  
20 when preparing for a left turn at an intersection or into a  
21 private road or driveway.

\_\_\_\_.B. NO. \_\_\_\_\_

(c) Upon any roadway having four or more lanes for moving traffic and providing for two-way movement of traffic, no vehicle shall be driven to the left of the center line of the roadway, except when authorized by official traffic-control devices designating certain lanes to the left side of the center of the roadway for use by traffic not otherwise permitted to use such lanes, or except as permitted under subsection (a)(2). This subsection shall not be construed to prohibit the crossing of the center line in making a left turn into or from an alley, private road, or driveway.

(d) Upon Hāna Highway, between Mile Marker 00 and Mile Marker 34, where passing is unsafe because of traffic in the opposite direction or other conditions, any vehicle proceeding upon the roadway, behind which five or more vehicles are formed in line, must turn off the roadway at the nearest place designated as a turnout by signs erected by the authority having jurisdiction over the roadway, or wherever sufficient area for a safe turnout exists, in order to permit the vehicles following it to proceed."

SECTION 3. New statutory material is underscored.



\_\_\_\_.B. NO. \_\_\_\_\_

1       SECTION 4.   This Act shall take effect upon approval.

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3                   INTRODUCED BY: \_\_\_\_\_

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