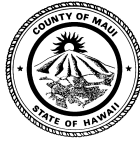


Council Chair
Mike White

Vice-Chair
Don S. Guzman

Presiding Officer Pro Tempore
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Robert Carroll
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Riki Hokama




Director of Council Services
David M. Raatz, Jr., Esq.

COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

February 3, 2015

TO: The Honorable Angus L.K. McKelvey, Chair
House Committee on Consumer Protection & Commerce

FROM: Mike White
Council Chair 

SUBJECT: **HEARING OF FEBRUARY 4, 2015; TESTIMONY IN SUPPORT OF HB 150,
RELATING TO SUNSHINE LAW**

Thank you for the opportunity to testify in **support** of this important measure. The purpose of this bill is to amend the Sunshine Law to allow certain government records to be shared among public board members where no commitment relating to a vote on the matter is made or sought.

The Maui County Council has not had the opportunity to take a formal position on this measure. Therefore, I am providing this testimony in my capacity as an individual member of the Council. I support this measure for the following reasons:

1. Under the Hawaii Supreme Court's 2013 decision in *Kanahele v. Maui County Council*, 130 Haw. 228 (2013), memoranda circulated among members of a "board" subject to the Sunshine Law may not be "permitted interactions" under Section 92-2.5, Hawaii Revised Statutes ("HRS"). Since the ruling, board members have been constrained from transmitting to each other public documents related to board business.
2. This measure would amend HRS Section 92-2.5 to allow board members to distribute certain public documents among themselves, so long as the transmittal does not include a commitment to vote on a matter to be considered by the board or a request for such a commitment.
3. This bill would increase government transparency and efficiency. Documents circulated among board members would be available for public disclosure and posting on the board's website. This would allow both board members and the public to better prepare for meetings. Members of the public have complained that receiving documents on the day of a meeting is unfair and does not afford them the appropriate time to incorporate any new material into their testimony.
4. This measure would put county councilmembers on equal footing with executive-branch officials and special-interest groups, who under current law can freely disseminate information and documents to councilmembers and the public.

For the foregoing reasons, I **support** this measure.