

**From:** Jim  
**To:** Sen. Gilbert Keith-Agaran  
**Subject:** Testimony - related to SB 465 CORRECTED VERSION

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Aloha, Senator Agaran,

I tried to send testimony to you and your JDL Committee regarding SB 465 I have been unsuccessful.  
So, I submit this to you and request that you inform members of my concerns

#### TESTIMONY

In January the Maui County Council adopted its rules and a provision in their rule related to oral testimony states that testimony will be directed to the Chair of a Committee or the Council. Council Member Mike White represents my residential area on the Council, he is the Chair and he has submitted the proposed amendment. Status should not be an element introduced in our Sunshine law and this amendment does that. It shifts attention away from independent fact finding by a representative to the sender of information. So if the Chair sends me a message and I don't get the sender's point, my lack of "good" judgment may have an unexpected consequence meaning the representatives and constituents lose funding etc..

My first concern is the affect this change will surely have on the quality of independent judgment of a board member, and the public trust the sunshine law protects. The proposed amendment appears to be fear driven. The sender of document sends it for a purpose. That purpose may be for the receiver to deliberate upon the power of the sender and I, a participant, don't get to see it.

Secondly, the amendment references another statutory provision, operative, in this one, This puts a public participant outside room. HRS 92F-12(b) lists more than three types of record that only a specific person may receive upon written request. I am excluded from the club. The spirit and purpose of the Sunshine Law is broken.

Please consider these concerns

Mahalo,

Jim Smith  
02\_12\_15