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Neighbor islands feel railroaded by Legislature

By [Lee Cataluna](#)

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Criticism of last week's special session of the state Legislature continues to churn on the neighbor islands. This one isn't slipping quietly into the books.

At issue is not only the vote to increase the hotel room tax at neighbor island hotels to help bail out Oahu's rail project. There is anger over how the deal was reached, with allegations of private negotiations, backroom deals and little public input.

This week the Kauai County Council issued a salty rebuke of the Legislature with a resolution demanding that it, like all other governing boards in Hawaii, be subject to the Sunshine Law. State law requires open meetings of any "agency, board, commission, authority or committee of the State" to have meetings that are open to the public, but the state Legislature is exempt and that rankles some people.

Kauai Council Chairman Mel Rapozo introduced the resolution.

"The recent special session exposed the backdoor politics of the State Legislature. Unfortunately, it's legal under the current Sunshine Law. This does not provide a true Democratic process as the public has absolutely no say in the matters at hand until decisions are already made," Rapozo said in an email. "The Sunshine Law allows the State Legislature to meet and make deals behind closed doors. The Counties are prohibited from doing this, rightfully so."

Rapozo, who has announced his candidacy for Kauai mayor, pointed out that he did not know whether the resolution would be supported by his fellow Council members

because the Sunshine Law prevented him from discussing it with anyone before it hits the floor in an open meeting.

Resolution 2017-45 contained pointed language:

“Whereas the Sunshine Law describes the significance of holding meetings open to the public as ‘...opening up the governmental processes to public scrutiny and participation is the only viable and reasonable method of protecting the public’s interest’ and whereas, despite the touted importance of holding meetings open to the public for all state and county boards, the Hawaii State Legislature is exempted from the applicability of the Sunshine Law, now therefore be it resolved that the council of the county of Kauai requests the Hawaii State Legislature to require itself to be subject to the Sunshine Law in its entirety and therefore equally accountable to protecting the public’s interest.”

So there. Boom.

The resolution was heard Wednesday in the middle of a marathon Council meeting in which 50 people came to testify on the county’s general plan. The vote was unanimous among the seven Council members, and Rapozo reports he also got letters of support from members of both Maui and Hawaii island County Councils.

So what now?

A resolution from the Kauai Council has no binding effect (or moral obligation) on the state Legislature. It has no teeth (though it clearly has claws).

But it does put state lawmakers on notice — in a way that is more formal and forceful than a snarky tweet — that the neighbor island counties are not happy with what happened and how it happened at the special session.

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