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## Hawaii News

# Bills bite dust at the Capitol as officials ax pot tax, more

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Judging from the growing list of dead or dying bills, the 2017 session of the state Legislature is shaping up to be a relatively cautious, low-risk round of lawmaking.

Some controversial measures remain on the table as the Legislature prepares for its final weeks of work for this year, such as the bill to extend the excise tax surcharge on Oahu to bail out the Honolulu rail project.

But lawmakers considered and then abandoned an array of other proposals, ranging from levying new taxes on marijuana and e-cigarettes to imposing strict new regulations on very high-interest "payday loans."

Members of the House and Senate in recent weeks have also scrapped the idea of taxing automobiles based on their value, and decided not to pursue a plan this year to require that real estate investment trusts pay corporate income taxes.

They also shelved proposals that would have given new tools to police to enforce the statewide ban on illegal aerial fireworks and would have imposed a statewide ban on smoking in vehicles when children are passengers.

The Legislature operates in two-year cycles, which means each of those proposals is technically still alive and can be considered next year.

However, the prognosis for the bills promoting those ideas is poor for this year because they all stalled before a key deadline Friday to position measures to advance

during the last 14 business days of the 2017 session. The regular session is scheduled to adjourn May 4.

People who promote bills and lobby lawmakers are often frustrated with the process, but state Rep. Isaac Choy, a veteran lawmaker who was first elected to the state House in 2008, said it's actually a good thing most measures die each year.

"It should take a lot of effort to change the law, and stability is better," said Choy (D, Manoa-Punahou-Moilili). "New ideas should take five to six years before they're thoroughly vetted, right? So, it should die five or six times until it's thoroughly vetted, and then we can pass it."

Probably the best-known bill that failed so far this session was a measure to allow terminally ill patients to obtain prescriptions for lethal doses of medication so they would be able to end their own lives. That measure was tabled late last month after members of the House Health Committee decided the draft bill wasn't ready for passage.

Among other concerns, lawmakers worried the bill did not include adequate protections for seniors or frail people who might be pressured to end their own lives.

The failure to pass that bill caused a stir because it had passionate and prominent supporters. Backers of the bill included House Speaker Joe Souki, Senate President Ron Kouchi and former Hawaii Govs. Neil Abercrombie, Ben Cayetano, John Waihee and George Ariyoshi.

But it is far easier to block legislation than it is to pass it, which helps to explain why dozens of other bills popped up for what were often well-attended hearings this year and then quietly disappeared in the shuffle between the House and the Senate.

Another bill that stirred public debate before it failed was a measure attempting to pressure presidential candidates to make their tax returns public. That bill was inspired by President Donald Trump, who last year became the first Democratic or Republican nominee for president in more than 40 years to refuse to release his tax returns.

### **Unconstitutional**

The problem with the bill was that the U.S Supreme Court has ruled that requirements for federal office are set in the U.S. Constitution, and states may not add their own requirements.

The House and Senate judiciary committees both tentatively approved bills this year requiring that any candidates who hope to win Hawaii's electoral votes must make their tax returns public, but then quietly filed the measures later in the session.

Still another high-profile proposal that died this year was a bill to ban the insecticide chlorpyrifos in Hawaii. After 10 years of scientific review, U.S. Environmental Protection Agency staff recommended that the chemical be banned on all food crops, but EPA Administrator Scott Pruitt this month rejected that recommendation.

Hawaii lawmakers killed a bill earlier this year that would have banned chlorpyrifos, and concluded it was too late in the session to revive the idea after the Pruitt decision. However, they are expected to revisit the issue next year.

Another bill that was quickly discarded would have established in state law that mufflers on the exhaust systems of motorcycles, motor scooters, mopeds and other motor vehicles may not emit a noise levels greater than 60 decibels.

Leaders in the Legislature also spiked proposals requiring that the state Board of Regents freeze tuition at the University of Hawaii for the next 10 years and requiring young men to register for Selective Service before they are allowed to enroll at UH.

House Minority Leader Andria Tupola (R, Kalaeloa-Ko Olina-Mailii) said many bills are introduced by lawmakers at their constituents' request, and a good number of them amount to attempts to force a solution to a problem without consulting the other people involved.

When that happens, "people feel attacked," said Tupola.

For the minority Republicans, watching their bills die in the overwhelmingly Democratic state Legislature is all part of the job.

"You come in as the minority, and you know that your best bet for getting things passed is to try to figure out ways that you can work with other people, because some of our best ideas are reintroduced as legislation from somebody else, and that's OK," Tupola said.

"In the event that it's not about you and it's about the actual policy, helping society to become better, then, yeah, you partner with that legislator, you make sure that it gets through because you're in favor of it no matter who introduces it," she said.

What can seem like a drawn-out, years-long effort to shepherd a bill through the process often results in better outcomes and better laws, said Choy, the Manoa representative.

"I think people who have new ideas, they don't realize that for every idea there's opposition," Choy said. "It's got to be vetted, and even one word can change a bill's tenor to have more people buy in, so it's a good thing."

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