

finance1

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 18, 2014 12:05 AM
To: FINTestimony
Cc: katc31999@gmail.com
Subject: *Submitted testimony for HB1499 on Feb 19, 2014 15:00PM*

HB1499

Submitted on: 2/18/2014

Testimony for FIN on Feb 19, 2014 15:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Katarina Culina	Individual	Oppose	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 17, 2014 1:23 PM
To: FINTestimony
Cc: birthpang@gmail.com
Subject: Submitted testimony for HB1499 on Feb 19, 2014 15:00PM

HB1499

Submitted on: 2/17/2014

Testimony for FIN on Feb 19, 2014 15:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Bobbie Pang	Individual	Oppose	No

Comments: Waste of time, the Legislature can easily overturn constitutional amendments as per Attorney General David Louie and Judge Karl Sakamoto. This bill gives We the People a false hope and puts a further wedge between us and government.

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From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 15, 2014 7:42 PM
To: FINTestimony
Cc: bkulbis@reagan.com
Subject: Submitted testimony for HB1499 on Feb 19, 2014 15:00PM

HB1499

Submitted on: 2/15/2014

Testimony for FIN on Feb 19, 2014 15:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Brett Kulbis	Individual	Oppose	No

Comments: I oppose HB-1499. Regardless of the intent of this bill, it is in direct opposition to the fundamental principles this country was founded on. Taking away or suppressing freedom of speech is the first act of tyranny against the people of Hawaii. As someone who has served this country for 26 years defending the freedoms we have, I'm disgusted with the thought that anyone would support such a measure. "Once a government is committed to the principle of silencing the voice of opposition, it has only one way to go, and that is down the path of increasingly repressive measures, until it becomes a source of terror to all its citizens and creates a country where everyone lives in fear." Harry S. Truman.

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To: Chair Sylvia Luke
Vice Chairs Scott Y. Nishimoto and Aaron Ling Johanson
Esteemed members of the Committee on Finance

From: Keith Kenyon

Hearing Info: 3:00 PM, Tuesday, February 19, 2014
Rm. 308, Hawaii State Capitol

Re: OPPOSITION to HB 1499 HD1

Good Afternoon Chair Luke, Vice-Chairs Nishimoto and Johanson and members of the Committee on Finance. Please accept my written testimony in OPPOSITION to HB 1499 HD1. I am unable to attend the hearing in person.

This bill smells like the constitutional amendment that led the public to believe that marriage was to be for one man and one woman. It's at least confusing and at best deceiving. I keep reading the "purpose" and keep asking why? If you want me to believe that I can trust the Hawaii government with our constitutional rights, then why was HB 1624 killed? I heard one representative say something like HB 1624 was pointless. Isn't 1499 HD1 the same? Why is our elected and paid legislative representatives introducing this type of bill? Which of our people asked for this?

Would Judge Sakamoto say the same as myself about this bill?

The Apostle Paul had something to say to the Galatians that HB 1499 reminded me of... Ref: Galatians 6:7 *"Do not be deceived: God is not mocked, for whatever one sows, that will he also reap."*

Please put your efforts towards things that matter to our Hawaii people. Thank you for this opportunity to testify.



Keith Kenyon
92-1505 Makakilo Drive, Kapolei
OPPOSITION

To: Chair Sylvia Luke
Vice-Chair Scott Nishimoto
Vice-Chair Aaron Johanson
Honorable Members of the House Committee on Finance

Re: Opposition to HB1499

Aloha Chair Luke and honourable members of the House Committee on Finance:

Thank you for the opportunity to testify in OPPOSITION to HB1499. In light the legislature's deception behind the intent and the practical effects of the 1998 constitutional amendment on same-sex marriage, I must oppose HB1499 for the following reasons:

1) The legislature no longer has the public trust to issue new constitutional amendments: The intent and practical effects stated by legislators regarding the 1998 constitutional amendment on same-sex marriage were deceptive. Judge Karl Sakamoto in *McDermott v. Abercrombie* stated that the legislatively-approved constitutional amendment and the actual information listed on the ballot did not match. This deception is unfitting of elected officials, and the preservation of this deception in relation to SB1 (2013 Special Session) is equally unflattering. Due to the loss of my trust, and the betrayal of the public trust, the Legislature no longer has the authority to issue constitutional amendments. If this amendment were an issue that the Legislature felt strongly about, they would instead call for a constitutional convention.

2) Per the Attorney General's testimony to the House Judiciary Committee (JUD), this amendment is meaningless and confusing. The Attorney General, who participated in the grand deception of the 1998 constitutional amendment, noted that (a) HB1499, even if approved, would have no meaningful effect, and (b) the effect would be confusing to voters, who would be led to believe that the constitutional amendment has a meaningful effect.

3) Posting a meaningless and confusing constitutional amendment is a waste of taxpayer dollars.

4) Hearing a constitutional amendment that has little or no support is an exercise in tyranny. The bill received little supporting testimony during the House Judiciary Committee hearing – the only support is for the intent. While it may be laudable, the testimony was unified in its belief that nothing would happen. If the legislature were truly interested in symbolism, they would have given a hearing to HB1624, a sign that they care what the people think. If the legislature were truly interested in symbolism, they would have given a hearing during the 2013 special session to the constitutional amendment that thousands of people emailed and asked for. Any further constitutional amendments would be a statement that any confusion and deception of previous constitutional amendments of the past have been forgiven or forgotten.

I will remember in November.

I do not support the systematic deception and disenfranchisement of voters. I do not support meaningless legislation. I OPPOSE HB1499.

Sincerely yours,
Pua Guiteras

To: Chair Sylvia Luke
Vice-Chair Scott Nishimoto
Vice-Chair Aaron Johanson
Honorable Members of the House Committee on Finance

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Sincerely yours,
David Tetsutani
Kapolei, Hawaii

To: Chair Sylvia Luke
Vice-Chair Scott Nishimoto
Vice-Chair Aaron Johanson
Honorable Members of the House Committee on Finance

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Sincerely yours,
Jan Tetsutani
Kapolei, Hawaii

finance1

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 17, 2014 10:51 PM
To: FINTestimony
Cc: browninhawaii@yahoo.com
Subject: Submitted testimony for HB1499 on Feb 19, 2014 15:00PM

HB1499

Submitted on: 2/17/2014

Testimony for FIN on Feb 19, 2014 15:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Ruth Brown	Individual	Oppose	No

Comments: I strongly oppose HB1499 and any law that has no practical legal effect and is misleading, as the state attorney general has testified about this bill. A hearing on this bill would be an waste of the taxpayers' money and session time. It is insulting that this type of bill has been written and brought forward to this point. Passing meaningless bills for the sake of saying that legislation was written and passed is insulting to the people of Hawaii. Insulting the citizens is becoming standard operating procedure with the legislators in general. It is time to stop bills of this nature from receiving hearings. I would be there to testify in person, but my current job stands in the way. Ruth Brown Registered Voter Waianae, HI

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To: Chair Sylvia Luke
Vice-Chair Scott Nishimoto
Vice-Chair Aaron Johanson
Honorable Members of the House Committee on Finance

Re: Opposition to HB1499

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Sincerely yours,

Henry Guerrero



LATE

46-063 Emepela Pl. #U101 Kaneohe, HI 96744 · (808) 679-7454 · Kris Coffield · Co-founder/Legislative Director

**TESTIMONY FOR HOUSE BILL 1499, HD1, PROPOSING AN AMENDMENT
TO THE HAWAII CONSTITUTION REGARDING THE FREEDOM OF
SPEECH**

**House Committee on Finance
Hon. Sylvia Luke, Chair
Hon. Scott Y. Nishimoto, Vice Chair
Hon. Aaron Ling Johanson, Vice Chair**

**Wednesday, February 19, 2014, 3:00 PM
State Capitol, Conference Room 308**

Honorable Chair Luke and committee members:

I am Kris Coffield, representing the IMU Alliance, a nonpartisan political advocacy organization that currently boasts over 175 local members. On behalf of our members, we offer this testimony in strong support of House Bill 1499, HD1 which proposes an amendment to the Hawaii State Constitution regarding the freedom of speech.

In its now-infamous 2010 ruling in *Citizens United v. Federal Election Commission* (558 U.S. 310), the United States Supreme Court upheld the rights of corporations and labor unions to make unrestricted political expenditures under the First Amendment. To quote President Barack Obama's assessment of the ruling, the decision effectively "gives special interests and their lobbyists even more power in Washington, while undermining the influence of average Americans who make small contributions to support their preferred candidates." Since the ruling, billions of dollars have been spent to influence elections via independent-expenditure only committees, more commonly known as "Super PACs," which may engage in unlimited spending (outside of direct campaign or party contributions), while fundraising without any legal limit on donation amount. Though *Speechnow.org v. Federal Election Commission* officially sanctioned the creation of Super PACs, *Citizens United* held that, for purposes of establishing a "compelling government interest" of corruption sufficient to justify government limitations on political speech, "independent expenditures, including those made by corporations, do not

give rise to corruption or the appearance of corruption," providing the legal basis for the *Speechnow* ruling.

Make no mistake: *Citizens United* has paved the way for plutocratic campaign finance corrosion, subordinating the interests of everyday citizens to the will of America's economic elite. According to the Center for Responsive Politics, the top 100 individual Super PAC donors comprised just 3.7 percent of contributors in the 2011-2012 election cycle, but 80 percent of the total money raised by such entities. By comparison, approximately 0.5 percent of Super PAC money was donated by publicly traded corporations. Hawaii not been impervious to Super PAC infiltration. Pacific Resource Partnership, a collaborative venture between the Hawaii Carpenter's Union and unionized construction companies, spent more than \$3 million on local mayoral and city council races, largely without donor disclosure and primarily on misleading attack ads—two qualities that typify Super PAC spending.

We note that corporate personhood did not begin with *Citizens United*. In 1818, the U.S. Supreme Court decided *Dartmouth College v. Woodward* (17 U.S. 518) concluding: "The opinion of the Court, after mature deliberation, is that this corporate charter is a contract, the obligation of which cannot be impaired without violating the Constitution of the United States." Seven years later, the Supreme Court decided *Society for the Propagation of the Gospel in Foreign Parts v. Town of Pawlet*, in which an English corporation dedicated to missionary work, owning land in the U.S., sought to protect its rights to that land under colonial-era grants against an effort by Vermont to revoke the grants. Justice Joseph Story, writing for the Court, explicitly extended the same protections to corporate-owned property as it would have to property owned by natural persons. Then, in the 1886 case *Santa Clara v. Southern Pacific*, the Chief Justice of the Supreme Court openly opined that the Fourteenth Amendment's equal protection clause guarantees constitutional protections to corporations in addition to natural persons, and that oral arguments should focus on other legal issues. Historically, the 14th Amendment has not insulated corporations from government regulation any more than it relieves individuals from all regulatory obligations. This is not because corporations are not protected under the Fourteenth Amendment, however, but because the Fourteenth Amendment has been held to permit regulations that have been questioned. At the same time, we contend that further "personalizing the impersonal," as *Citizens United* does, consolidates political power in the hands of exclusive, rather than purely collective, groups, disenfranchising those who, in an era of increasing

socioeconomic inequality, are abjected from quasi-aristocratic clubhouses and boardrooms.

Practically speaking, the State of Hawaii is bound to prior SCOTUS decisions and cannot enforce this measure *at this time*, if enacted. Should *Citizens United* and/or related rulings be overturned, however, this proposal could take the full force of Constitutional law, allowing the state to subject corporations to more equitable electoral procedures. In his dissent to the majority ruling in *Citizens United*, U.S. Supreme Court Justice John Paul Stevens lamented that, “At bottom, the Court's opinion is thus a rejection of the common sense of the American people, who have recognized a need to prevent corporations from undermining self government since the founding, and who have fought against the distinctive corrupting potential of corporate electioneering since the days of Theodore Roosevelt...While American democracy is imperfect, few outside the majority of this Court would have thought its flaws included a dearth of corporate money in politics.” We urge lawmakers to heed Stephens' warning and enact measures to promote electoral equality and transparency.

Mahalo for the opportunity to testify in strong support of this bill.

Sincerely,
Kris Coffield
Legislative Director