A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO ARTICLE III, SECTION 15, OF THE HAWAII STATE CONSTITUTION TO ENACT A SUPERMAJORITY VOTING REQUIREMENT FOR PASSAGE OF LEGISLATION PROPOSING TO RAISE OR CREATE TAXES OR FEES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

- 1 SECTION 1. The legislature finds that control of
- 2 government spending is a crucial element in a democratic
- 3 government that governs by the consent of the governed. In a
- 4 democratic republic, it is the people who are the ultimate
- 5 authority in determining the expenditures of their government
- 6 and the extent to which they themselves shall be taxed.
- 7 The responsible stewardship of the people's resources
- 8 requires that the people's elected representatives be
- 9 disinclined to increase the people's tax burdens without a
- 10 fuller consideration and justification. The power to increase
- 11 taxes is one of the most important powers of the legislature,
- 12 and this ability to extract and redistribute the resources of
- 13 the people is a responsibility that should be held to a higher
- 14 standard.
- 15 The legislature also finds that the permanent nature of
- 16 taxation merits heightened scrutiny and a supermajority



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- 1 requirement is needed to give more voice to the taxpayers who
- 2 will be taxed.
- 3 The legislature also recognizes that taxation has far-
- 4 reaching effects throughout society, yet can be manipulated by
- 5 special interest groups. Polls attest to the public's belief
- 6 that special interest lobbying dominates public policy-making
- 7 within the government, and that special interest groups exert
- 8 their influence to persuade legislators to enact policies that
- 9 tax them more lightly than the rest of the electorate. A
- 10 supermajority requirement would place limits on such practices.
- 11 The purpose of this Act is to propose an amendment to
- 12 Article III, section 15, of the Constitution of the state of
- 13 Hawaii to enact a two-thirds supermajority requirement for
- 14 passage of legislation proposing to raise or create either taxes
- 15 or fees.
- 16 SECTION 2. Article III, section 15, of the Constitution of
- 17 the State of Hawaii is amended to read as follows:
- 18 "PASSAGE OF BILLS
- 19 Section 15. No bill shall become law unless it shall pass
- 20 three readings in each house on separate days. No bill shall
- 21 pass third or final reading in either house unless printed
- 22 copies of the bill in the form to be passed shall have been made



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- 1 available to the members of that house for at least forty-eight
- 2 hours.
- 3 Every bill when passed by the house in which it originated,
- 4 or in which amendments thereto shall have originated, shall
- 5 immediately be certified by the presiding officer and clerk and
- 6 sent to the other house for consideration.
- 7 Any bill pending at the final adjournment of a regular
- 8 session in an odd-numbered year shall carry over with the same
- 9 status to the next regular session. Before the carried-over
- 10 bill is enacted, it shall pass at least one reading in the house
- 11 in which the bill originated.
- 12 Passage of legislation proposing to increase the rates for
- 13 any tax collected by the State or to enact a new tax shall
- 14 require a two-thirds vote of all members to which each house is
- 15 entitled. Passage of legislation proposing to increase fees or
- 16 to create new fees that are charged by the State or any agency
- 17 or entity controlled by the State shall require a two-thirds
- 18 vote of all members to which each house is entitled."
- 19 SECTION 3. The question to be printed on the ballot shall
- 20 be as follows:

- 1 "Shall the Constitution be amended to include a two-thirds
- 2 supermajority voting requirement for the legislature to pass
- 3 laws increasing or creating taxes or fees?"
- 4 SECTION 4. New constitutional material is underscored.
- 5 SECTION 5. This amendment shall take effect upon
- 6 compliance with Article XVII, section 3, of the Constitution of

7 the State of Hawaii.

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INTRODUCED BY:

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Damana Manunato

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Report Title:

Taxation; constitutional amendment

Description:

Proposes a constitutional amendment to include a two-thirds supermajority voting requirement for the legislature to pass laws that increase or create taxes and fees.

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