
A BILL FOR AN ACT

PROPOSING AMENDMENTS TO ARTICLES VII AND X OF THE CONSTITUTION
OF THE STATE OF HAWAII TO AUTHORIZE THE LEGISLATURE TO
INCREASE FUNDING FOR PUBLIC EDUCATION.

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

1 SECTION 1. The legislature finds that Hawaii's public
2 schools are underfunded. Compared to school districts of
3 similar size in other states, Hawaii ranks two hundred twenty-
4 seventh in per-pupil funding before adjusting for cost of
5 living. At \$11,823 per student, Hawaii education spending
6 trails major private schools, which average \$15,173 in per-pupil
7 spending. Hawaii also ranks last nationally in capital
8 improvement expenditures for public schools, appropriating about
9 \$300 per pupil, compared to averages in other states of \$1,200
10 to \$1,500.

11 The legislature further finds that chronic underfunding of
12 public schools undermines the State's goal of providing a
13 quality education to all of Hawaii's children. Specifically,
14 insufficient education funding results in delayed repairs to
15 school facilities; overheated classrooms; higher class sizes; a
16 lack of adequate classroom supplies; elimination of arts,



1 career, and technical education courses; budget cuts for special
2 education and English language learner programs; and an
3 increasing number of vacant teacher positions throughout the
4 State.

5 The purpose of this Act is to propose amendments to the
6 Constitution of the State of Hawaii to advance the State's goal
7 of providing a quality education for the children of Hawaii by
8 authorizing the legislature to establish a surcharge on
9 residential investment property and visitor accommodations.

10 SECTION 2. Article VII, section 3, of the Constitution of
11 the State of Hawaii is amended to read as follows:

12 **"TAXATION AND FINANCE**

13 **Section 3.** The taxing power shall be reserved to the
14 State, except so much thereof as may be delegated by the
15 legislature to the political subdivisions, and except that all
16 functions, powers and duties relating to the taxation of real
17 property shall be exercised exclusively by the counties, with
18 the exception of the county of Kalawao[-]; provided that the
19 legislature shall not be prohibited from establishing a
20 surcharge on residential investment property pursuant to
21 Article X, Section 1. The legislature shall have the power to



1 apportion state revenues among the several political
2 subdivisions."

3 SECTION 3. Article X, section 1, of the Constitution of
4 the State of Hawaii is amended to read as follows:

5 "PUBLIC EDUCATION

6 Section 1. The State shall [~~provide~~] make sufficient sums
7 available for the establishment, support and control of a
8 statewide system of quality public schools free from sectarian
9 control, a state university, public libraries and such other
10 educational institutions as may be deemed desirable, including
11 physical facilities therefor. There shall be no discrimination
12 in public educational institutions because of race, religion,
13 sex or ancestry; nor shall public funds be appropriated for the
14 support or benefit of any sectarian or nonsectarian private
15 educational institution, except that proceeds of special purpose
16 revenue bonds authorized or issued under section 12 of Article
17 VII may be appropriated to finance or assist:

18 1. Not-for-profit corporations that provide early
19 childhood education and care facilities serving the general
20 public; and



1 2. Not-for-profit private nonsectarian and sectarian
2 elementary schools, secondary schools, colleges and
3 universities.

4 The legislature may establish, as provided by law, a
5 surcharge on residential investment property and visitor
6 accommodations to fund a quality public education for all of
7 Hawaii's children, including the recruitment and retention of
8 teachers, lower class sizes, special education programming,
9 career and technical education, art, music, Hawaiian studies,
10 and Hawaiian language."

11 SECTION 4. The question to be printed on the ballot shall
12 be as follows:

13 "Shall the legislature fund a quality public education for
14 all of Hawaii's children, including the recruitment and
15 retention of teachers, lower class sizes, special education
16 programming, career and technical education, art, music,
17 Hawaiian studies, and Hawaiian language, by establishing, as
18 provided by law, a surcharge on residential investment
19 property and visitor accommodations?"



1 SECTION 5. Constitutional material to be repealed is
2 bracketed and stricken. New constitutional material is
3 underscored.

4 SECTION 6. This amendment shall take effect upon
5 compliance with article XVII, section 3, of the Constitution of
6 the State of Hawaii.

7

INTRODUCED BY: *Scott Brown*

JAN 24 2017



H.B. NO. 1254

Report Title:

Public Education; Residential Investment Property Surcharge;
Visitor Accommodation Surcharge; Constitutional Amendment

Description:

Proposes amendments to the Constitution of the State of Hawaii to advance the State's goal of providing a quality education for the children of Hawaii by authorizing the legislature to establish, as provided by law, a surcharge on residential investment property and visitor accommodations.

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