

Senate Finance Committee

Deb Martone 271-4980

CACR 12, relating to voting on broad-based taxes.

Providing that a supermajority vote of the general court shall be required to enact any broad-based taxes.

Hearing Date: January 27, 2026

Time Opened: 1:20 p.m.

Time Closed: 1:32 p.m.

Members of the Committee Present: Senators Gray, Innis, Carson, Birdsell, Pearl, Lang, Rosenwald and Watters

Bill Analysis: This constitutional amendment concurrent resolution would amend the constitution to require a supermajority vote of the general court before any broad-based taxes are enacted.

Sponsors:

Sen. Lang

Sen. McGough

Sen. Innis

Sen. Gray

Sen. Gannon

Sen. McConkey

Sen. Sullivan

Sen. Abbas

Sen. Avar

Sen. Birdsell

Sen. Murphy

Sen. Rochefort

Sen. Pearl

Sen. Ricciardi

Who supports the bill: Senators Gray, Lang, Innis, Rochefort, McGough and McConkey; Simon Berrio; Jesse Medeiros; Daniel Richardson; James Gardner; Curtis Howland; Pamela Harders; Claudia Gibson; Andrea Powers;

Who opposes the bill: Please see Senate Finance Committee Legislative Aide, Deb Martone, for a complete listing of individuals in opposition to CACR 12.

Summary of testimony presented in support:

Senator Lang, Prime Sponsor:

- Constitutional Amendment Concurrent Resolution 12 is about voting on broad-based taxes. If we're going to create broad-based taxes that will affect every citizen in the state of New Hampshire, then we should have a supermajority vote requirement to pass such an assessment.
- This bill allows the voters to make the decision whether or not they want to require the Legislature to have a two-thirds vote for the creation of taxes in the state of New Hampshire.
- It's a reasonable measure that helps protect our citizens and ensures such action is truly the will of the entire state, or at least the vast majority.

- Senator Watters agreed we all like to make sure New Hampshire has low taxes. He does have some language concerns, such as using the word "scheme". Scheme means a crafty or secret plan or program of action. We wouldn't want to imply that about our work here in the State House. Senator Lang stated the intent is clear, whether you use the word "scheme" or otherwise. Make sure that this issue is first put to the voters. If a broad-based tax is going to be applied, then at least two-thirds of the Legislature must agree with the idea. Senator Watters then asked about applying a broad-based tax as opposed to applying something like the former Interest and Dividends Tax. Senator Lang reiterated broad-based denotes it would apply to everyone. It's just whether or not you fit the definition of what the tax itself is about. Every New Hampshire citizen was subject to the Interest and Dividends Tax. The question is whether they actually qualified to have to pay the tax or not. Senator Watters added aside from the fact that a new tax is new, it could also be a new increase or a new decrease of a tax. Senator Watters believes the gas tax is broad-based for sure. Senator Lang agreed. In New Hampshire we do lower taxes; other states tend to increase their tax rates. If we're going to create those kinds of new taxes, it really has to be the will of both parties to do so. Senator Watters inquired about the new registration fee on EVs. Eventually, he thinks we will be looking at a tax on energy used by EVs, and that will be broad-based. In such an instance, would we need the two-thirds vote? Again, Senator Lang reiterated if we're going to create a new tax on electricity that's broad-based for everyone subject to same, that would be a brand new tax and would be subject to the two-thirds vote mandate. Senator Watters finished his line of questioning inquiring philosophically, why does Senator Lang distrust the democratic process, which involves working things through. Senator Lang explained CACR 12 is a revenue bill. We're not talking about spending; we're talking about revenue and the creation of new revenue. He doesn't distrust the process. If anything, this would engage more Republicans and Democrats. If you want to do something this momentous it should be a bipartisan effort, not just one party with a 50 percent plus one vote. It would have a major impact on every citizen in the state of New Hampshire. Senator Lang stated he actually trusts the process. When you require a cooperative effort you end up with a better outcome.
- Senator Birdsell stated in putting together a constitutional amendment, it's not that we don't trust the democratic process. It does engage our residents in the process as well. They're the ones that are going to be paying for it, and therefore, they should have a say in it. Senator Lang agreed. We're asking our citizens, in the creation of new taxes and especially a broad-based tax, should it require two-thirds of the Legislature. We're asking them to give us their opinion and have it directly apply. Instead of leaving it to 424 legislators, we're asking all 1.4 million people in New Hampshire. Senator Birdsell indicated she does understand the confusion with the term "new". She inquired if it would be possible to perhaps define "new" as any tax not in existence currently? Senator Lang agreed. Senator Birdsell stated last week in discussions on marijuana, Senator Lang made the point there would be a new sales tax regarding the sale of such a product. Given that he supported that sales tax, should that be

included in a two-thirds supermajority? Senator Lang clarified that tax wouldn't be subject to every single citizen because it was a manufacturer tax. It's every single manufacturer, not a broad-based tax. It's a tax unlike the gas tax which every single person in the state of New Hampshire pays. The marijuana provision was paid by the manufacturers. There is no citizen component. Senator Lang would say it's not a broad-based tax.

- Senator Rosenwald sought confirmation that every single tax we have in New Hampshire was enacted by Republicans. Senator Lang stated he could not answer the question.

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Date Hearing Report completed: January 29, 2026