

MAR 14 2011

SENATE CONCURRENT RESOLUTION

PRESENTING THE SENTIMENT OF THE LEGISLATURE ON A CONVENTION TO
PROPOSE AMENDMENTS TO THE U.S. CONSTITUTION.

1 WHEREAS, recent experience has shown that the safeguards in
2 the United States Constitution, as currently interpreted by the
3 judiciary, are insufficient to require the federal government to
4 comply with such basic rules of fiscal responsibility as
5 balancing its own budget, preventing abuse of its legislative
6 process, and mandating upon state government duties within
7 adequate funding; and

8
9 WHEREAS, those who framed and adopted the Constitution
10 included a provision by which state legislatures may require
11 Congress to call a convention for proposing amendments as a way
12 to respond to disagreements in constitutional interpretation or
13 abuses by the federal officials; and

14
15 WHEREAS, the Legislature of the State of Hawaii accordingly
16 has made application to Congress for the calling of a convention
17 for proposing an amendment to the United States Constitution
18 imposing certain rules of fiscal discipline, providing for
19 legislative transparency, and preventing unfunded mandates on
20 the federal government; now, therefore,

21
22 BE IT RESOLVED by the Senate of the Twenty-sixth
23 Legislature of the State of Hawaii, Regular Session of 2011, the
24 House of Representatives concurring, as follows:

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26 SECTION 1. The Legislature of the State of Hawaii affirms
27 that under the practices and customs of federal conventions
28 implicitly embedded in the Constitution, the convention call of
29 Congress shall be limited to specifying the subject matter
30 prescribed by the applications and; the delegates from each
31 state shall be selected in the manner determined by that state's
32 law and subject to instructions from the legislature thereof or
33 the legislature's designee; the convention shall adopt its own



1 rules, including its own voting rules; until and unless the
2 convention adopts a different rule, each state delegation shall
3 have one vote; and the call and the agenda of the convention is
4 limited to considering and proposing amendments addressing the
5 subject-matter specified in the application.

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7 SECTION 2. The Legislature of the State of Hawaii recommends
8 that Congress call the convention for a time not earlier than three
9 months or later than six months after Congress receives
10 applications on this general subject matter from two thirds of the
11 state legislatures.

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13 SECTION 3. The legislature of the State of Hawaii further
14 recommends that, to provide for the advanced planning of a
15 convention-to-propose-amendments, informal committees be
16 established by those states which have approved the same
17 application as offered by this Legislature. The recommendations by
18 the committees shall be advisory. Any events held prior to the
19 convening of the convention-to-propose-amendments shall not be
20 considered a function of the convention. The recommended informal
21 committees are as follows:

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23 (1) A Rules Committee, composed of representatives appointed
24 by the legislatures from the first thirteen states approving the
25 application, will prepare rules for the convention, which will be
26 presented to the convention once it convenes.

27
28 (2) A Language and Style Committee, composed of
29 representatives from the fourteenth through twenty-sixth states
30 approving the application, will study and prepare suggested
31 amendment language for each of the subjects in the application,
32 which will be submitted to the delegates for consideration.

33
34 (3) A Planning Committee composed of representatives that
35 approve the application after the twenty-sixth state, will plan an
36 opening ceremony for the convention, make recommendations on the
37 location for the convention, and secure funding for the convention.

38
39 (4) Any of these committees may invite representatives from
40 other states that have passed the application.

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42 SECTION 4. The Legislature of the State of Hawaii further
43 recommends that each state send not more than seven delegates to
44 the convention with the understanding the convention might limit



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1 the number of delegates from each state on the floor at any
2 time.

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4 BE IT FURTHER RESOLVED that the lieutenant governor is
5 hereby directed to transmit copies of this Resolution, attached
6 to the previously approved Application for a Convention-to-
7 propose-amendments, to the President and Secretary of the United
8 States Senate, the Speaker and Clerk of the House of
9 Representatives of the United States Congress, and copies to the
10 members of the Senate and House of Representatives who represent
11 this State; also to transmit copies hereof to the presiding
12 officers of each of the legislative chambers in the several
13 States, requesting their cooperation.

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OFFERED BY:

