

MAR 01 2018

S.R. NO. 16

SENATE RESOLUTION

URGING THE CONGRESS OF THE UNITED STATES TO CALL A CONVENTION FOR PROPOSING AMENDMENTS PURSUANT TO ARTICLE V OF THE UNITED STATES CONSTITUTION LIMITED TO PROPOSING AMENDMENTS THAT IMPOSE FISCAL RESTRAINTS ON THE FEDERAL GOVERNMENT, LIMIT THE POWER AND JURISDICTION OF THE FEDERAL GOVERNMENT, AND LIMIT THE TERMS OF OFFICE FOR ITS OFFICIALS AND FOR MEMBERS OF CONGRESS.

1 WHEREAS, Executive Orders by the President of the United
2 States have become a vehicle through which the President may
3 overstep the limits of the President's constitutional authority;
4 and
5

6 WHEREAS, the concentration of power at the federal level
7 has had the effect of making federal officials less responsive
8 to the will of the people and more readily influenced by
9 lobbyists, wealthy corporations, and special interests in
10 Washington, D.C.; and
11

12 WHEREAS, much of federal law is now enacted by federal
13 bureaucrats who were never chosen by the people and have no
14 accountability to the people whatsoever; and
15

16 WHEREAS, policy decisions made at the state level tend to
17 be more responsive to the needs and desires of the people; and
18

19 WHEREAS, the federal government has created a crushing
20 national debt through improper and imprudent spending; and
21

22 WHEREAS, the federal government has invaded the legitimate
23 roles of the states through the manipulative process of federal
24 mandates, many of which are unfunded to a great extent; and
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1 WHEREAS, the states have the ability to restore the
2 responsiveness of government to the people and to restrain
3 abuses of federal power by proposing amendments to the
4 Constitution of the United States through a limited Convention
5 of the States under Article V; now, therefore,

6
7 BE IT RESOLVED by the Senate of the Twenty-ninth
8 Legislature of the State of Hawaii, Regular Session of 2018,
9 that this body urges and applies to Congress under the
10 provisions of Article V of the Constitution of the United States
11 for the calling of a convention of the states, limited to
12 proposing amendments to the Constitution of the United States
13 that impose fiscal restraints on the federal government, limit
14 the power and jurisdiction of the federal government, and limit
15 the terms of office for its officials and for members of
16 Congress; subject, however, to the following reservations,
17 understandings, and declarations:

- 18
19 (1) An application to the Congress of the United States to
20 call an amendment convention of the states pursuant to
21 Article V of the United States Constitution confers no
22 power to Congress other than the power to call such a
23 convention. The power of Congress to exercise this
24 ministerial duty consists solely of the authority to
25 name a reasonable time and place for the initial
26 meeting of a convention;
27
28 (2) Congress shall perform its ministerial duty of calling
29 an amendment convention of the states only upon the
30 receipt of applications for an amendment convention
31 for substantially the same purpose as this application
32 from two-thirds of the legislatures of the several
33 states;
34
35 (3) Congress does not have the power or authority to
36 determine any rules for the governing of an amendment
37 convention of the states pursuant to Article V of the
38 United States Constitution. Congress does not have
39 the power to set the number of delegates sent by any
40 state to such a convention, nor does it have the power
41 to name delegates to such a convention. The power to



1 name delegates remains exclusively within the
2 authority of the legislatures of the several states;
3

4 (4) By definition, an amendment convention of the states
5 means that states shall vote on the basis of one
6 state, one vote;
7

8 (5) A convention of the states convened pursuant to this
9 application shall be limited to consideration of the
10 topics specified herein and no other. This
11 application is made with the express understanding
12 that an amendment that in any way seeks to amend,
13 modify, or repeal any provision of the Bill of Rights
14 shall not be authorized for consideration at any
15 stage. This application shall be void *ab initio* if
16 ever used at any stage to consider any change to any
17 provision of the Bill of Rights;
18

19 (6) Pursuant to Article V of the United States
20 Constitution, Congress may determine whether proposed
21 amendments shall be ratified by the legislatures of
22 the several states or by special state ratification
23 conventions. The Legislature of the State of Hawaii
24 recommends that Congress select ratification by the
25 legislatures of the several states; and
26

27 (7) The Legislature of the State of Hawaii may provide
28 further instructions to its delegates and may recall
29 its delegates at any time for a breach of duty or a
30 violation of the instructions provided; and
31

32 BE IT FURTHER RESOLVED that this application constitutes a
33 continuing application in accordance with Article V of the
34 Constitution of the United States until the legislatures of at
35 least two-thirds of the several states have made applications on
36 the same subject; and
37

38 BE IT FURTHER RESOLVED that certified copies of this
39 Resolution be transmitted to the Majority Leader and Secretary
40 of the United States Senate, the Speaker and Clerk of the United
41 States House of Representatives, and to the presiding officers



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of each of the legislative houses in each of the other forty-nine states.

OFFERED BY:

Mike Gaffney

Breanne H. Smith

Clarence W. Fishburne

Eraine L. Inouye

Will Egan

for

St. Pierre

Whit

