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## HOUSE CONCURRENT 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

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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

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

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

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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 House of Representatives of the  
8   Thirtieth Legislature of the State of Hawaii, Regular Session of  
9   2019, the Senate concurring, that this body urges and applies to  
10   Congress under the provisions of Article V of the Constitution  
11   of the United States for the calling of a convention of the  
12   states, limited to proposing amendments to the Constitution of  
13   the United States that impose fiscal restraints on the federal  
14   government, limit the power and jurisdiction of the federal  
15   government, and limit the terms of office for its officials and  
16   for members of Congress; subject, however, to the following  
17   reservations, understandings, and declarations:  
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- 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

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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 Concurrent Resolution be transmitted to the Majority Leader and  
40 Secretary of the United States Senate, the Speaker and Clerk of  
41 the United States House of Representatives, and to the presiding



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

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OFFERED BY:

James B. King

Jim Moran  
Rep. Cabanillo-Kakawa

Bob  
John M. Pappas  
Tommy M. Latta  
Paul Gosar  
Val Oki  
James McIntosh  
Charles W. Aycock  
Bob McDermt

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