
HOUSE CONCURRENT RESOLUTION

URGING THE CONGRESS OF THE UNITED STATES TO CALL A CONVENTION OF THE STATES, PURSUANT TO ARTICLE V OF THE UNITED STATES CONSTITUTION, FOR THE LIMITED PURPOSE OF PROPOSING AMENDMENTS TO IMPOSE FISCAL RESTRAINTS ON THE FEDERAL GOVERNMENT, RESTRAIN 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

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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, as a result, much of federal law is enacted by
13 federal bureaucrats who were never chosen by the people and have
14 no accountability to the people whatsoever; and

15
16 WHEREAS, in contrast, policy decisions made at the state
17 level tend to be more responsive to the needs and desires of the
18 people; and

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

22
23 WHEREAS, the federal government has invaded the legitimate
24 roles of the states through the manipulative process of federal
25 mandates, many of which are largely unfunded; and



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2 WHEREAS, the states have the ability to restore the
3 responsiveness of government to the people and to restrain
4 abuses of federal power by proposing amendments to the
5 Constitution of the United States through a limited Convention
6 of the States pursuant to Article V; now, therefore,
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8 BE IT RESOLVED by the House of Representatives of the
9 Twenty-ninth Legislature of the State of Hawaii, Regular Session
10 of 2018, the Senate concurring, that the Legislature urges and,
11 pursuant to Article V of the Constitution of the United States,
12 applies to Congress for the calling of a convention of the
13 states, limited to proposing amendments to the Constitution of
14 the United States that impose fiscal restraints on the federal
15 government, restrain the power and jurisdiction of the federal
16 government, and limit the terms of office for its officials and
17 for members of Congress; subject, however, to the following
18 reservations, understandings, and declarations:
19

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



1 power to name delegates to that convention. The power
2 to name delegates remains exclusively within the
3 authority of the legislatures of the several states;
4

5 (4) By definition, an amendment convention of the states
6 means that states shall vote on the basis of one
7 state, one vote;
8

9 (5) A convention of the states convened pursuant to this
10 application shall be limited to consideration of the
11 topics specified herein and no other. This
12 application is made with the express understanding
13 that an amendment that in any way seeks to amend,
14 modify, or repeal any provision of the Bill of Rights
15 shall not be authorized for consideration at any
16 stage. This application shall be void *ab initio* if
17 ever used at any stage to consider any change to any
18 provision of the Bill of Rights;
19

20 (6) Pursuant to Article V of the United States
21 Constitution, Congress may determine whether proposed
22 amendments shall be ratified by the legislatures of
23 the several states or by special state ratification
24 conventions. The Legislature of the State of Hawaii
25 recommends that Congress select ratification by the
26 legislatures of the several states; and
27

28 (7) The Legislature of the State of Hawaii may provide
29 further instructions to its delegates and may recall
30 its delegates at any time for a breach of duty or a
31 violation of the instructions provided; and
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33 BE IT FURTHER RESOLVED that this application constitutes a
34 continuing application in accordance with Article V of the
35 Constitution of the United States until the legislatures of at
36 least two-thirds of the several states have made applications on
37 the same subject; and
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39 BE IT FURTHER RESOLVED that certified copies of this
40 Concurrent Resolution be transmitted to the Majority Leader and
41 Secretary of the United States Senate, the Speaker and Clerk of



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1 the United States House of Representatives, and to the presiding
2 officers of each of the legislative houses in each of the other
3 forty-nine states.
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OFFERED BY:



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