

MAR 12 2021

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## SENATE CONCURRENT RESOLUTION

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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 Thirty-first  
8 Legislature of the State of Hawaii, Regular Session of 2021, the  
9 House of Representatives concurring, that this body urges and  
10 applies to Congress under the provisions of article V of the  
11 Constitution of the United States for the calling of a  
12 convention of the states, limited to proposing amendments to the  
13 Constitution of the United States that impose fiscal restraints  
14 on the federal government, limit the power and jurisdiction of  
15 the federal government, and limit the terms of office for its  
16 officials and for members of Congress; subject, however, to the  
17 following reservations, 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 shall 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



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

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

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

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

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

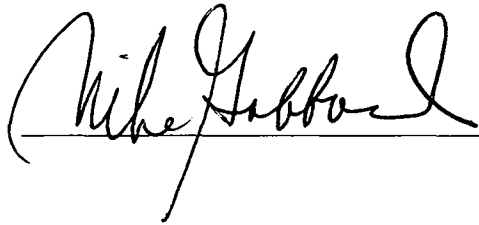
BE IT FURTHER RESOLVED that this application constitutes a  
continuing application in accordance with article V of the  
Constitution of the United States until the legislatures of at  
least two-thirds of the several states have made applications on  
the same subject; and



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1 BE IT FURTHER RESOLVED that certified copies of this  
2 Concurrent Resolution be transmitted to the Majority Leader and  
3 Secretary of the United States Senate, the Speaker and Clerk of  
4 the United States House of Representatives, and to the presiding  
5 officers of each of the legislative houses in each of the other  
6 forty-nine states.

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9 OFFERED BY:

  
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