

MAR 09 2023

SENATE 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

11
12 WHEREAS, much of the 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

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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, Hawaii has historically used federal funds for
23 economic development that are subject to federal fiscal
24 restraints; and

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26 WHEREAS, the federal government has invaded the legitimate
27 roles of the states through the manipulative process of federal
28 mandates, many of which are unfunded to a great extent; and



S.C.R. NO. 50

1
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 under article V of the United States Constitution;
7 now, therefore,

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9 BE IT RESOLVED by the Senate of the Thirty-second
10 Legislature of the State of Hawaii, Regular Session of 2023, the
11 House of Representatives concurring, that this body urges and
12 applies to Congress under the provisions of article V of the
13 United States Constitution for the calling of a convention of
14 the states, limited to proposing amendments to the United States
15 Constitution that impose fiscal restraints on the federal
16 government, limit the power and jurisdiction of the federal
17 government, and limit the terms of office for its officials and
18 for members of Congress; subject, however, to the following
19 reservations, understandings, and declarations:

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



S.C.R. NO. 50

1 to name delegates to such a convention. The power to
2 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
32

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, Speaker and Clerk of the
42 United States House of Representatives, members of Hawaii's

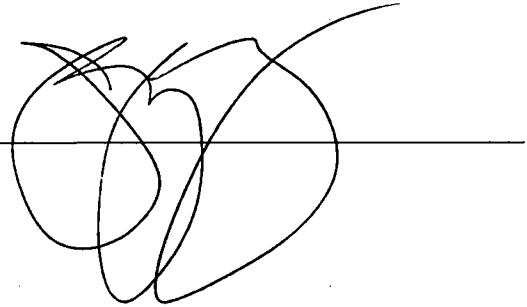


S.C.R. NO. 50

1 congressional delegation, and presiding officers of each of the
2 legislative houses in each of the other forty-nine states.

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OFFERED BY: _____

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