

MAR 09 2023

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

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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, 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

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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, 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

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30 WHEREAS, the states have the ability to restore the
31 responsiveness of government to the people and to restrain



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1 abuses of federal power by proposing amendments to the
2 Constitution of the United States through a limited convention
3 of the states under article V of the United States Constitution;
4 now, therefore,
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6 BE IT RESOLVED by the Senate of the Thirty-second
7 Legislature of the State of Hawaii, Regular Session of 2023,
8 that this body urges and applies to Congress under the
9 provisions of article V of the United States Constitution for
10 the calling of a convention of the states, limited to proposing
11 amendments to the United States Constitution that impose fiscal
12 restraints on the federal government, limit the power and
13 jurisdiction of the federal government, and limit the terms of
14 office for its officials and for members of Congress; subject,
15 however, to the following reservations, understandings, and
16 declarations:
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- 18 (1) An application to the Congress of the United States to
19 call an amendment convention of the states pursuant to
20 article V of the United States Constitution confers no
21 power to Congress other than the power to call such a
22 convention. The power of Congress to exercise this
23 ministerial duty consists solely of the authority to
24 name a reasonable time and place for the initial
25 meeting of a convention;
26
- 27 (2) Congress shall perform its ministerial duty of calling
28 an amendment convention of the states only upon the
29 receipt of applications for an amendment convention
30 for substantially the same purpose as this application
31 from two-thirds of the legislatures of the several
32 states;
33
- 34 (3) Congress shall not have the power or authority to
35 determine any rules for the governing of an amendment
36 convention of the states pursuant to article V of the
37 United States Constitution. Congress does not have
38 the power to set the number of delegates sent by any
39 state to such a convention, nor does it have the power
40 to name delegates to such a convention. The power to
41 name delegates remains exclusively within the
42 authority of the legislatures of the several states;



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(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

BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the Majority Leader and Secretary of the United States Senate, Speaker and Clerk of the United States House of Representatives, members of Hawaii's

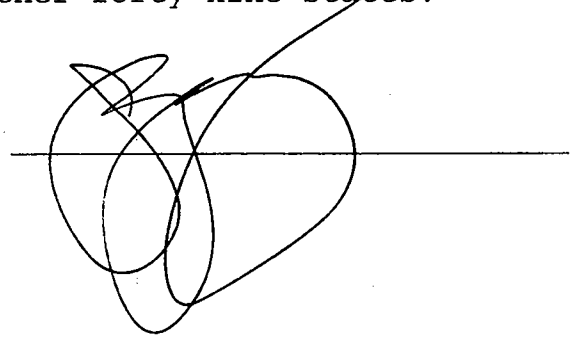


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1 congressional delegation, and presiding officers of each of the
2 legislative houses in each of the other forty-nine states.

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OFFERED BY:

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right, positioned over a horizontal line.