
HOUSE 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 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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26 WHEREAS, the states have the ability to restore the
27 responsiveness of government to the people and to restrain
28 abuses of federal power by proposing amendments to the



1 Constitution of the United States through a limited Convention
2 of the States under Article V; now, therefore,
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4 BE IT RESOLVED by the House of Representatives of the
5 Twenty-ninth Legislature of the State of Hawaii, Regular Session
6 of 2017, that this body urges and applies to Congress under the
7 provisions of Article V of the Constitution of the United States
8 for the calling of a convention of the states, limited to
9 proposing amendments to the Constitution of the United States
10 that impose fiscal restraints on the federal government, limit
11 the power and jurisdiction of the federal government, and limit
12 the terms of office for its officials and for members of
13 Congress; subject, however, to the following reservations,
14 understandings, and declarations:
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- 16 (1) An application to the Congress of the United States to
17 call an amendment convention of the states pursuant to
18 Article V of the United States Constitution confers no
19 power to Congress other than the power to call such a
20 convention. The power of Congress to exercise this
21 ministerial duty consists solely of the authority to
22 name a reasonable time and place for the initial
23 meeting of a convention;
24
- 25 (2) Congress shall perform its ministerial duty of calling
26 an amendment convention of the states only upon the
27 receipt of applications for an amendment convention
28 for substantially the same purpose as this application
29 from two-thirds of the legislatures of the several
30 states;
31
- 32 (3) Congress does not have the power or authority to
33 determine any rules for the governing of an amendment
34 convention of the states pursuant to Article V of the
35 United States Constitution. Congress does not have
36 the power to set the number of delegates sent by any
37 state to such a convention, nor does it have the power
38 to name delegates to such a convention. The power to
39 name delegates remains exclusively within the
40 authority of the legislatures of the several states;
41
- 42 (4) By definition, an amendment convention of the states
43 means that states shall vote on the basis of one
44 state, one vote;



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

12
 13 (6) Pursuant to Article V of the United States
 14 Constitution, Congress may determine whether proposed
 15 amendments shall be ratified by the legislatures of
 16 the several states or by special state ratification
 17 conventions. The Legislature of the State of Hawaii
 18 recommends that Congress select ratification by the
 19 legislatures of the several states; and

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

25
 26 BE IT FURTHER RESOLVED that this application constitutes a
 27 continuing application in accordance with Article V of the
 28 Constitution of the United States until the legislatures of at
 29 least two-thirds of the several states have made applications on
 30 the same subject; and

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 32 BE IT FURTHER RESOLVED that certified copies of this
 33 Resolution be transmitted to the Majority Leader and Secretary
 34 of the United States Senate, the Speaker and Clerk of the United
 35 States House of Representatives, and all members of the
 36 Legislature of the State of Hawaii; and also to the presiding
 37 officers of each of the legislative houses in each of the other
 38 forty-nine states, requesting their cooperation.

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 41 OFFERED BY: James S. King
Calvin H. King



H.R. NO. 106

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