HOUSE 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 RERAINTS ON THE FEDERAL GOVERNMENT, RESTRAN THE POWER AND JURISDICTION OF THE FEDERAL GOVERNMENT, AND LIMIT THE TERMS OF OFFICE FOR ITS OFFICIALS AND FOR MEMBERS OF CONGRESS.

WHEREAS, Executive Orders by the President of the United States have become a vehicle through which the President may overstep the limits of the President's constitutional authority; and

WHEREAS, the concentration of power at the federal level has had the effect of making federal officials less responsive to the will of the people and more readily influenced by lobbyists, wealthy corporations, and special interests in Washington, D.C.; and

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

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

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

WHEREAS, the federal government has invaded the legitimate roles of the states through the manipulative process of federal mandates, many of which are largely unfunded; and
WHEREAS, the states have the ability to restore the
responsiveness of government to the people and to restrain
abuses of federal power by proposing amendments to the
Constitution of the United States through a limited Convention
of the States pursuant to Article V; now, therefore,

BE IT RESOLVED by the House of Representatives of the
Twenty-ninth Legislature of the State of Hawaii, Regular Session
of 2018, that the Legislature urges and, pursuant to Article V
of the Constitution of the United States, applies to Congress
for the calling of a convention of the states, limited to
proposing amendments to the Constitution of the United States
that 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; subject, however, to the following reservations,
understandings, and declarations:

(1) An application to the Congress of the United States to
call an amendment convention of the states pursuant to
Article V of the United States Constitution confers no
power to Congress other than the power to call that
convention. The power of Congress to exercise this
ministerial duty consists solely of the authority to
name a reasonable time and place for the initial
meeting of a convention;

(2) Congress shall perform its ministerial duty of calling
an amendment convention of the states only upon the
receipt of applications for an amendment convention
for substantially the same purpose as this application
from two-thirds of the legislatures of the several
states;

(3) Congress does not have the power or authority to
determine any rules for the governing of an amendment
convention of the states pursuant to Article V of the
United States Constitution. Congress does not have
the power to set the number of delegates sent by any
state to an amendment convention, nor does it have the
power to name delegates to that convention. The power
to 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

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

OFFERED BY:

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