

FEB 11 2022

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

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

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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

29
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; now, therefore,
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5 BE IT RESOLVED by the Senate of the Thirty-first
6 Legislature of the State of Hawaii, Regular Session of 2022,
7 that this body urges and applies to Congress under the
8 provisions of article V of the Constitution of the United States
9 for the calling of a convention of the states, limited to
10 proposing amendments to the Constitution of the United States
11 that impose fiscal restraints on the federal government, limit
12 the power and jurisdiction of the federal government, and limit
13 the terms of office for its officials and for members of
14 Congress; subject, however, to the following reservations,
15 understandings, and declarations:
16

17 (1) An application to the Congress of the United States to
18 call an amendment convention of the states pursuant to
19 article V of the United States Constitution confers no
20 power to Congress other than the power to call such a
21 convention. The power of Congress to exercise this
22 ministerial duty consists solely of the authority to
23 name a reasonable time and place for the initial
24 meeting of a convention;
25

26 (2) Congress shall perform its ministerial duty of calling
27 an amendment convention of the states only upon the
28 receipt of applications for an amendment convention
29 for substantially the same purpose as this application
30 from two-thirds of the legislatures of the several
31 states;
32

33 (3) Congress shall not have the power or authority to
34 determine any rules for the governing of an amendment
35 convention of the states pursuant to article V of the
36 United States Constitution. Congress does not have
37 the power to set the number of delegates sent by any
38 state to such a convention, nor does it have the power
39 to name delegates to such a convention. The power to
40 name delegates remains exclusively within the
41 authority of the legislatures of the several states;
42



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- 1 (4) By definition, an amendment convention of the states
2 means that states shall vote on the basis of one
3 state, one vote;
4
- 5 (5) A convention of the states convened pursuant to this
6 application shall be limited to consideration of the
7 topics specified herein and no other. This
8 application is made with the express understanding
9 that an amendment that in any way seeks to amend,
10 modify, or repeal any provision of the Bill of Rights
11 shall not be authorized for consideration at any
12 stage. This application shall be void *ab initio* if
13 ever used at any stage to consider any change to any
14 provision of the Bill of Rights;
15
- 16 (6) Pursuant to article V of the United States
17 Constitution, Congress may determine whether proposed
18 amendments shall be ratified by the legislatures of
19 the several states or by special state ratification
20 conventions. The Legislature of the State of Hawaii
21 recommends that Congress select ratification by the
22 legislatures of the several states; and
23
- 24 (7) The Legislature of the State of Hawaii may provide
25 further instructions to its delegates and may recall
26 its delegates at any time for a breach of duty or a
27 violation of the instructions provided; and
28

29 BE IT FURTHER RESOLVED that this application constitutes a
30 continuing application in accordance with article V of the
31 Constitution of the United States until the legislatures of at
32 least two-thirds of the several states have made applications on
33 the same subject; and
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35 BE IT FURTHER RESOLVED that the Department of Business,
36 Economic Development, and Tourism is requested to conduct a
37 study of the potential impacts of federal fiscal restraints on
38 Hawaii's economy and report its findings and recommendations to
39 the Legislature no later than twenty days prior to the convening
40 of the Regular Session of 2023; and
41

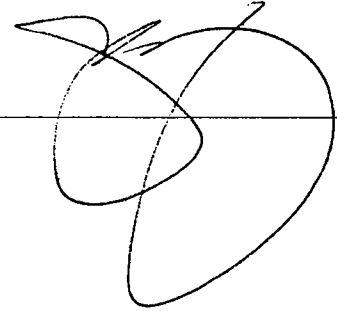


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1 BE IT FURTHER RESOLVED that certified copies of this
2 Resolution be transmitted to the Majority Leader and Secretary
3 of the United States Senate, Speaker and Clerk of the United
4 States House of Representatives, presiding officers of each of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

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OFFERED BY: _____

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