
HOUSE 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

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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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1 WHEREAS, the federal government has invaded the legitimate
2 roles of the states through the manipulative process of federal
3 mandates, many of which are unfunded to a great extent; and
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5 WHEREAS, the states have the ability to restore the
6 responsiveness of government to the people and to restrain
7 abuses of federal power by proposing amendments to the
8 Constitution of the United States through a limited convention
9 of the states under article V; now, therefore,
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11 BE IT RESOLVED by the House of Representatives of the
12 Thirty-second Legislature of the State of Hawaii, Regular
13 Session of 2023, the Senate concurring, that this body urges and
14 applies to Congress under the provisions of article V of the
15 Constitution of the United States for the calling of a
16 convention of the states, limited to proposing amendments to the
17 Constitution of the United States that impose fiscal restraints
18 on the federal government, limit the power and jurisdiction of
19 the federal government, and limit the terms of office for its
20 officials and for members of Congress; subject, however, to the
21 following reservations, understandings, and declarations:
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- 23 (1) An application to the Congress of the United States to
24 call an amendment convention of the states pursuant to
25 article V of the United States Constitution confers no
26 power to Congress other than the power to call such a
27 convention. The power of Congress to exercise this
28 ministerial duty consists solely of the authority to
29 name a reasonable time and place for the initial
30 meeting of a convention;
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- 32 (2) Congress shall perform its ministerial duty of calling
33 an amendment convention of the states only upon the
34 receipt of applications for an amendment convention
35 for substantially the same purpose as this application
36 from two-thirds of the legislatures of the several
37 states;
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- 39 (3) Congress shall not have the power or authority to
40 determine any rules for the governing of an amendment
41 convention of the states pursuant to article V of the
42 United States Constitution. Congress does not have



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1 the power to set the number of delegates sent by any
2 state to such a convention, nor does it have the power
3 to name delegates to such a convention. The power to
4 name delegates remains exclusively within the
5 authority of the legislatures of the several states;
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7 (4) By definition, an amendment convention of the states
8 means that states shall vote on the basis of one
9 state, one vote;
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11 (5) A convention of the states convened pursuant to this
12 application shall be limited to consideration of the
13 topics specified herein and no other. This
14 application is made with the express understanding
15 that an amendment that in any way seeks to amend,
16 modify, or repeal any provision of the Bill of Rights
17 shall not be authorized for consideration at any
18 stage. This application shall be void *ab initio* if
19 ever used at any stage to consider any change to any
20 provision of the Bill of Rights;
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22 (6) Pursuant to article V of the United States
23 Constitution, Congress may determine whether proposed
24 amendments shall be ratified by the legislatures of
25 the several states or by special state ratification
26 conventions. The Legislature of the State of Hawaii
27 recommends that Congress select ratification by the
28 legislatures of the several states; and
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30 (7) The Legislature of the State of Hawaii may provide
31 further instructions to its delegates and may recall
32 its delegates at any time for a breach of duty or a
33 violation of the instructions provided; and
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35 BE IT FURTHER RESOLVED that this application constitutes a
36 continuing application in accordance with article V of the
37 Constitution of the United States until the legislatures of at
38 least two-thirds of the several states have made applications on
39 the same subject; and
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41 BE IT FURTHER RESOLVED that the Department of Business,
42 Economic Development, and Tourism is requested to conduct a



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1 study of the potential impacts of federal fiscal restraints on
2 Hawaii's economy and report its findings and recommendations to
3 the Legislature no later than twenty days prior to the convening
4 of the Regular Session of 2024; and

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

OFFERED BY:



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