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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE RESOLUTION

No. 234 Session of  
2019

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INTRODUCED BY PHILLIPS-HILL, MASTRIANO, MARTIN, DINNIMAN,  
DiSANTO, PITTMAN AND ARGALL, OCTOBER 15, 2019

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REFERRED TO STATE GOVERNMENT, OCTOBER 15, 2019

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A CONCURRENT RESOLUTION

1 Petitioning the Congress of the United States to call a  
2 Convention for proposing amendments pursuant to Article V of  
3 the Constitution of the United States limited to proposing  
4 amendments that impose fiscal restraints on the Federal  
5 Government, limit the power and jurisdiction of the Federal  
6 Government and limit the terms of office for its officials  
7 and for members of Congress.

8 WHEREAS, The Founders of our Constitution empowered State  
9 legislators to be guardians of liberty against future abuses of  
10 power by the Federal Government; and

11 WHEREAS, The Federal Government has created a crushing  
12 national debt through improper and imprudent spending; and

13 WHEREAS, The Federal Government has invaded the legitimate  
14 roles of the states through the manipulative process of Federal  
15 mandates, most of which are unfunded to a great extent; and

16 WHEREAS, The Federal Government has ceased to operate under a  
17 proper interpretation of the Constitution of the United States;  
18 and

19 WHEREAS, It is the solemn duty of the states to protect the  
20 liberty of our people, especially for future generations, by

1 proposing amendments to the Constitution of the United States  
2 through a Convention for proposing amendments under Article V  
3 for the purpose of restraining these and related abuses of  
4 power; therefore be it

5       RESOLVED (the House of Representatives concurring), That the  
6 General Assembly of the Commonwealth of Pennsylvania hereby  
7 apply to the Congress of the United States under the provisions  
8 of Article V of the Constitution of the United States, for the  
9 calling of a Convention limited to proposing amendments to the  
10 Constitution of the United States that impose fiscal restraints  
11 on the Federal Government, limit the power and jurisdiction of  
12 the Federal Government and limit the terms of office for its  
13 officials and for members of Congress; and be it further

14       RESOLVED, That this application constitute a continuing  
15 application in accordance with Article V of the Constitution of  
16 the United States until the legislatures of at least two-thirds  
17 of the several states have made applications on the same  
18 subject; and be it further

19       RESOLVED, That the General Assembly of the Commonwealth adopt  
20 this application expressly subject to the following  
21 reservations, understandings and declarations:

22           (1) An application to Congress for an Article V  
23 Convention confers no power on Congress other than to perform  
24 a ministerial function to call a Convention.

25           (2) This ministerial duty shall be performed by Congress  
26 only when Article V applications for substantially the same  
27 purpose are received from two-thirds of the legislatures of  
28 the several states.

29           (3) The power of Congress to call a Convention solely  
30 consists of the authority to name a reasonable time and place

1 for the initial meeting of the Convention.

2 (4) Congress possesses no power to name delegates to the  
3 Convention, as this power remains exclusively within the  
4 authority of the legislatures of the several states.

5 (5) Congress possesses no power to set the number of  
6 delegates to be sent by any state.

7 (6) Congress possesses no power to determine any rules  
8 for the Convention.

9 (7) According to the universal historical precedent of  
10 interstate conventions in America, states meet under  
11 conditions of equal sovereignty, which means one state, one  
12 vote.

13 (8) A convention convened pursuant to this application  
14 is limited to consideration of topics solely specified in  
15 this resolution.

16 (9) This application is made with the express  
17 understanding that no amendment which in any way seeks to  
18 amend, modify or repeal any provision of the Bill of Rights  
19 of the Constitution of the United States is authorized for  
20 consideration at any stage.

21 (10) This application shall be void ab initio if ever  
22 used at any stage to consider any change to any amendment  
23 within the Bill of Rights.

24 (11) The General Assembly of the Commonwealth may  
25 provide further instructions to its delegates.

26 (12) The General Assembly of the Commonwealth may recall  
27 its delegates at any time for breach of their duties or  
28 violation of their instructions.

29 (13) Under Article V, Congress may determine whether  
30 proposed amendments shall be ratified by the legislatures of

1 the several states or by special state ratification  
2 conventions;  
3 and be it further

4 RESOLVED, That the General Assembly of the Commonwealth  
5 recommend that Congress choose ratification by state  
6 legislatures; and be it further

7 RESOLVED, That the General Assembly of the Commonwealth  
8 appoint five delegates to any Convention called pursuant to this  
9 application in accordance with the following:

10 (1) That the Senate choose two delegates. The House of  
11 Representatives shall choose two delegates. Each chamber  
12 shall nominate two additional persons to serve as alternates.  
13 The President pro tempore of the Senate and the Speaker of  
14 the House of Representatives shall jointly choose the fifth  
15 delegate from the list of nominated alternates.

16 (2) That the President pro tempore of the Senate and the  
17 Speaker of the House of Representatives shall each nominate  
18 five persons to serve as delegates. Each legislator may cast  
19 a vote for not more than two persons on their respective  
20 slate. The two candidates getting the most votes are the  
21 Convention delegates appointed by each respective chamber.  
22 The two candidates getting the next highest number of votes  
23 are appointed as alternate delegates.

24 (3) That neither the Governor, nor any current member of  
25 the Congress of the United States nor any sitting judge of  
26 any court be appointed as a delegate of the Commonwealth.

27 (4) That travel and per diem expenses of each delegate  
28 of the Commonwealth be paid by the Commonwealth on the same  
29 basis as the reimbursement for such costs when members of the  
30 legislature travel on official business of the Commonwealth.

1           (5) That any delegate or alternate of the Commonwealth  
2 who receives and accepts any item of value, excluding  
3 education materials, from any person or entity in any  
4 connection with his or her service be immediately  
5 disqualified and shall be replaced by an alternate  
6 immediately.

7           (6) That each delegate of the Commonwealth take the  
8 following oath on penalty of perjury:

9           "I promise to faithfully conduct my duties as a  
10 delegate from Pennsylvania to the Convention. I will  
11 obey all instructions received with my commission.  
12 Specifically, I will not support, but will  
13 affirmatively oppose, any proposal that goes outside  
14 the subject matter specified therein. I further agree  
15 to immediately notify the President pro tempore of  
16 the Senate and the Speaker of the House of  
17 Representatives if I believe that any Pennsylvania  
18 delegate or alternate delegate has violated his or  
19 her oath or instructions while participating in the  
20 Convention. I realize that I can and will be  
21 immediately removed from my position if I violate  
22 this oath and that I will be required to reimburse  
23 the Commonwealth of Pennsylvania for all expenses  
24 paid to me as a delegate. I realize also that I may  
25 be punished for contempt by the General Assembly for  
26 failing to adhere to this oath."

27           (7) That prior to the Convention, the General Assembly  
28 of the Commonwealth may by concurrent resolution provide  
29 further instructions to the delegates of the Commonwealth  
30 selected pursuant to this resolution regarding the scope of

1 matters they may consider and vote on at the Convention,  
2 including rules of procedure and proposed amendments. The  
3 instructions may be changed by the General Assembly prior to  
4 or during the course of the Convention and may include:

5 (i) an instruction that the Pennsylvania delegates  
6 may not support any voting rule other than the default  
7 rule whereby each state exercises one vote; and

8 (ii) an instruction that on all voting matters at  
9 the Convention, the decision of a simple majority of the  
10 delegates of the Commonwealth shall constitute a single  
11 vote for Pennsylvania.

12 (8) That after delegates of the Commonwealth have been  
13 selected, the General Assembly of the Commonwealth may by  
14 concurrent resolution recall delegates or alternates to the  
15 Convention or appoint new delegates or alternates.

16 (9) That if the General Assembly of the Commonwealth is  
17 not in session, delegates of the Commonwealth be suspended  
18 pending a concurrent resolution by a joint legislative  
19 committee duly authorized by the General Assembly for that  
20 purpose. This joint legislative committee shall be authorized  
21 to conduct its business via telephone or other means of real-  
22 time electronic communication.

23 (10) That a delegate who is recalled, disqualified or  
24 otherwise unable to perform his or her duties shall be  
25 immediately replaced by one of the alternates, as directed by  
26 the concurrent resolution or duly authorized joint  
27 legislative committee.

28 (11) That any vote cast by a delegate of the  
29 Commonwealth or an alternate delegate at an Article V  
30 Convention that is outside the scope of the following be

1 void:

2 (i) the instructions established by a concurrent  
3 resolution adopted under this resolution; and

4 (ii) the limits placed by the General Assembly of  
5 the Commonwealth in a concurrent resolution that calls  
6 for an Article V Convention for the purpose of proposing  
7 amendments to the Constitution of the United States on  
8 the subjects and amendments that may be considered by the  
9 Article V Convention;

10 and be it further

11 RESOLVED, That this resolution constitute a continuing  
12 application in accordance with Article V of the Constitution of  
13 the United States until at least two-thirds of the legislatures  
14 of the several states have made application for a Convention on  
15 the same subject; and be it further

16 RESOLVED, That a copy of this resolution be transmitted to  
17 the President of the United States Senate, the Speaker of the  
18 United States House of Representatives, each member of the  
19 Pennsylvania delegation to Congress and the presiding officers  
20 of each house of the state legislatures requesting their  
21 cooperation in applying for a Convention limited to the subject  
22 matter contemplated by this application.