
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION

No. 106 Session of
2023

INTRODUCED BY BURNS, KEEFER, SCHMITT, R. MACKENZIE, FINK,
KAUFFMAN, STAMBAUGH, HAMM, M. MACKENZIE, GILLEN, ROAE,
LAWRENCE AND CABELL, MAY 18, 2023

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MAY 18, 2023

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 the Constitution of Pennsylvania
9 empowered State legislators to be guardians of liberty against
10 future abuses of 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 under Article V for the purpose of
3 restraining these and related abuses of power; therefore be it

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

13 RESOLVED, That the General Assembly of the Commonwealth of
14 Pennsylvania adopt this application expressly subject to the
15 following reservations, understandings and declarations:

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

19 (2) The ministerial duty under paragraph (1) shall be
20 performed by Congress only when Article V applications for
21 substantially the same purpose are received from two-thirds
22 of the legislatures of the several states.

23 (3) The power of Congress to call a Convention consists
24 solely of the authority to name a reasonable time and place
25 for the initial meeting of the Convention.

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

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

1 (6) Congress possesses no power to determine any rules
2 for the Convention.

3 (7) According to the universal historical precedent of
4 interstate Conventions in America, states meet under
5 conditions of equal sovereignty, which means one state, one
6 vote.

7 (8) A Convention convened pursuant to this application
8 is limited to consideration of topics solely specified in
9 this resolution.

10 (9) This application is made with the express
11 understanding that no amendment which in any way seeks to
12 amend, modify or repeal any provision of the Bill of Rights
13 of the Constitution of the United States is authorized for
14 consideration.

15 (10) The General Assembly of the Commonwealth may
16 provide further instructions to its delegates.

17 (11) The General Assembly of the Commonwealth may recall
18 its delegates at any time for breach of their duties or
19 violation of their instructions.

20 (12) Under Article V, Congress may determine whether
21 proposed amendments shall be ratified by the legislatures of
22 the several states or by special state ratification
23 Conventions;

24 and be it further

25 RESOLVED, That the General Assembly of the Commonwealth of
26 Pennsylvania recommend that Congress choose ratification by
27 state legislatures; and be it further

28 RESOLVED, That the General Assembly of the Commonwealth of
29 Pennsylvania appoint five delegates to any Convention called
30 pursuant to this application in accordance with the following:

1 (1) That the Senate shall choose two delegates. The
2 House of Representatives shall choose two delegates. Each
3 chamber shall nominate two additional persons to serve as
4 alternates. The President pro tempore of the Senate and the
5 Speaker of the House of Representatives shall jointly choose
6 the fifth delegate from the list of nominated alternates.

7 (2) That the President pro tempore of the Senate and the
8 Speaker of the House of Representatives shall each nominate
9 five persons to serve as delegates. Each legislator may cast
10 a vote for not more than two persons on their respective
11 slate. The two candidates getting the most votes are the
12 Convention delegates appointed by each respective chamber.
13 The two candidates getting the next highest number of votes
14 are appointed as alternate delegates.

15 (3) That neither the Governor nor any current member of
16 the Congress of the United States nor any sitting judge of
17 any court be appointed as a delegate of the Commonwealth.

18 (4) That travel and per diem expenses of each delegate
19 of the Commonwealth be paid by the Commonwealth on the same
20 basis as the reimbursement for such costs when members of the
21 General Assembly travel on official business of the
22 Commonwealth.

23 (5) That any delegate or alternate of the Commonwealth
24 who receives and accepts any item of value, excluding
25 educational materials, from any person or entity in any
26 connection with his or her service be immediately
27 disqualified and shall be replaced by an alternate
28 immediately.

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

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

16 (7) That prior to the Convention, the General Assembly
17 of the Commonwealth may by concurrent resolution provide
18 further instructions to the delegates of the Commonwealth
19 selected pursuant to this section regarding the scope of
20 matters that they may consider and vote on at the Convention,
21 including rules of procedure and proposed amendments. Such
22 instructions may be changed by the General Assembly prior to
23 or during the course of the Convention. These instructions
24 may include:

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

28 (ii) an instruction that on all voting matters at
29 the Convention, the decision of a simple majority of the
30 delegates of the Commonwealth shall constitute a single

1 vote for Pennsylvania.

2 (8) That after delegates of the Commonwealth have been
3 selected, the General Assembly of the Commonwealth by
4 concurrent resolution recall delegates or alternates to the
5 Convention or appoint new delegates or alternates.

6 (9) That, if the General Assembly of the Commonwealth is
7 not in session, delegates of the Commonwealth be suspended
8 pending a concurrent resolution by a joint legislative
9 committee duly authorized by the General Assembly for that
10 purpose. This joint legislative committee shall be authorized
11 to conduct its business via telephone or other means of real-
12 time electronic communication.

13 (10) A delegate who is recalled, disqualified or
14 otherwise unable to perform his or her duties shall be
15 immediately replaced by one of the alternates, as directed by
16 the concurrent resolution or duly authorized joint
17 legislative committee.

18 (11) That any vote cast by a delegate of the
19 Commonwealth or an alternate delegate at an Article V
20 Convention that is outside the scope of the following be
21 void:

22 (i) the instructions established by a concurrent
23 resolution adopted under this section; and

24 (ii) the limits placed by the General Assembly of
25 the Commonwealth in a concurrent resolution that calls
26 for an Article V Convention for the purpose of proposing
27 amendments to the Constitution of the United States on
28 the subjects and amendments that may be considered by the
29 Article V Convention or, if Pennsylvania was not one of
30 the states applying for an Article V Convention, the

1 limits contained in the narrowest state resolution
2 applying for the Article V Convention;
3 and be it further

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

9 RESOLVED, That a certified copy of this resolution be
10 transmitted by the Secretary of the Commonwealth of Pennsylvania
11 to the President of the United States Senate, the Speaker of the
12 United States House of Representatives, each member of Congress
13 from Pennsylvania and to the presiding officers of each house of
14 the state legislatures requesting their cooperation in applying
15 for a Convention limited to the subject matter contemplated by
16 this application.