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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE RESOLUTION

No. 206 Session of  
2019

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INTRODUCED BY GABLER, BARRAR, EVERETT, GILLEN, GROVE, HAHN,  
IRVIN, KAUFFMAN, KEEFER, KORTZ, LAWRENCE, MACKENZIE, MASSER,  
MENTZER, METZGAR, NELSON, RADER, REESE, ROAE, RYAN, SCHEMEL,  
SCHMITT, STRUZZI, TOOIL, WENTLING AND ZIMMERMAN,  
JUNE 3, 2019

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REFERRED TO COMMITTEE ON STATE GOVERNMENT, JUNE 3, 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

1 liberty of our people, especially for future generations, by  
2 proposing amendments to the Constitution of the United States  
3 through a Convention for proposing amendments under Article V  
4 for the purpose of restraining these and related abuses of  
5 power; therefore be it

6       RESOLVED (the Senate concurring), That the General Assembly  
7 of the Commonwealth of Pennsylvania hereby applies to Congress  
8 under the provisions of Article V of the Constitution of the  
9 United States, for the calling of a Convention 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; and be it further

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

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

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

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

30           (3) The power of Congress to call a Convention solely

1 consists of the authority to name a reasonable time and place  
2 for the initial meeting of the Convention.

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

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

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

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

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

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

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

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

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

30 (13) Under Article V, Congress may determine whether

1 proposed amendments shall be ratified by the legislatures of  
2 the several states or by special state ratification  
3 conventions;

4 and be it further

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

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

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

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

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

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

1 legislature travel on official business of the Commonwealth.

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

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

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

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

1 selected pursuant to this section regarding the scope of  
2 matters they may consider and vote on at the Convention,  
3 including rules of procedure and proposed amendments. Such  
4 instructions may be changed by the legislature prior to or  
5 during the course of the Convention. These instructions may  
6 include:

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

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

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

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

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

30 (11) That any vote cast by a delegate of the

1 Commonwealth or an alternate delegate at an Article V  
2 Convention that is outside the scope of the following be  
3 void:

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

6 (ii) the limits placed by the General Assembly of  
7 the Commonwealth in a concurrent resolution that calls  
8 for an Article V Convention for the purpose of proposing  
9 amendments to the Constitution of the United States on  
10 the subjects and amendments that may be considered by the  
11 Article V Convention or, if Pennsylvania were not one of  
12 the states applying for an Article V Convention, the  
13 limits contained in the narrowest state resolution  
14 applying for the Article V Convention;

15 and be it further

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

21 RESOLVED, That a certified copy of this resolution be  
22 transmitted by the Secretary of the Commonwealth to the  
23 President of the United States Senate, the Speaker of the United  
24 States House of Representatives, each member of the Pennsylvania  
25 delegation to Congress and to the presiding officers of each  
26 house of the state legislatures requesting their cooperation in  
27 applying for a Convention limited to the subject matter  
28 contemplated by this application.