
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION

No. 100 Session of
2017

INTRODUCED BY DUSH, CUTLER, GILLEN, GROVE, IRVIN, MASSER AND
MILNE, MARCH 20, 2017

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 20, 2017

A CONCURRENT RESOLUTION

1 Establishing a delegation to a convention for proposing a
2 balanced budget amendment pursuant to Article V of the
3 Constitution of the United States, for duties of the General
4 Assembly and for an Article V Convention Committee.

5 WHEREAS, The General Assembly finds and declares as follows:

6 (1) The national debt and mounting deficits are an
7 existential threat to the solvency, security and prosperity
8 of the United States.

9 (2) The states, acting in convention, have equal
10 authority and responsibility with the Congress of the United
11 States under Article V of the Constitution of the United
12 States to propose an amendment to the Constitution of the
13 United States.

14 (3) A significant number of states have passed
15 resolutions applying for a convention to propose a balanced
16 budget amendment under Article V of the Constitution of the
17 United States, rendering it appropriate for the Commonwealth
18 to select and instruct commissioners to a convention called
19 on or before December 31, 2018; therefore be it

1 RESOLVED (the Senate concurring), That the General Assembly
2 establish a delegation to a convention for proposing a balanced
3 budget amendment; and be it further

4 RESOLVED, That if a convention for proposing a balanced
5 budget amendment to the Constitution of the United States is
6 called by the Congress of the United States under Article V of
7 the Constitution of the United States on or before December 31,
8 2018, the General Assembly shall send a delegation to the
9 convention; and be it further

10 RESOLVED, That the delegation be comprised and function as
11 follows:

12 (1) The delegation shall be comprised of seven
13 commissioners and seven paired alternates. None of the
14 commissioners or alternates may be an elected or appointed
15 official of the Federal Government at the time of election or
16 any time during the term as a commissioner or alternate.

17 (2) The delegation shall be selected as follows:

18 (i) On a day and time jointly determined by the
19 President pro tempore of the Senate and the Speaker of
20 the House of Representatives, each house shall meet to
21 elect commissioners and alternates.

22 (ii) By a majority vote of the members attending,
23 each body shall choose three commissioners and an equal
24 number of paired alternates.

25 (iii) The President pro tempore of the Senate and
26 the Speaker of the House of Representatives shall jointly
27 choose one commissioner and one paired alternate.

28 (iv) The delegation shall be subject to all
29 instructions and restrictions provided for in this
30 resolution.

1 (3) After the convention is convened, if a commissioner
2 is not able to participate in the convention either
3 permanently or temporarily, the commissioner's respective
4 alternate shall replace the commissioner for the time the
5 commissioner is unable to serve. If an alternate is not able
6 to participate in the convention, the delegation shall choose
7 a replacement from the remaining alternates.

8 (4) The delegation shall choose a presiding officer and
9 organize in a manner it determines is appropriate.

10 (5) The delegation may represent the General Assembly at
11 formal and informal planning sessions related to the
12 convention, including the Nashville Balanced Budget Amendment
13 Planning Convention that convenes in July of 2017, to conduct
14 community meetings and hearings throughout this Commonwealth
15 prior to the convention and to correspond with other state
16 commissioners and delegations. The delegation and its members
17 shall at all times adhere to the oath and instructions
18 provided in this resolution.

19 (6) The term of office for the delegation shall end
20 December 31, 2018, or upon the adjournment of a balanced
21 budget convention, whichever is sooner.

22 (7) A member of a delegation knowing of a violation of
23 the oath or other misbehavior by a commissioner shall report
24 it to the Article V Convention Committee.

25 (8) Commissioners and alternates shall take the
26 following oath of office prior to accepting their
27 appointment:

28 I do solemnly swear or affirm that, to the best of my
29 abilities, I will, as a commissioner (alternate
30 commissioner) to a convention for proposing a balanced

1 budget amendment, uphold the Constitution and laws of the
2 United States and the Commonwealth of Pennsylvania.

3 I will abide by my instructions from the General
4 Assembly. I will not discuss or vote to allow
5 consideration of or to approve an amendment proposed for
6 ratification to the Constitution of the United States
7 that is unrelated to the subject of a balanced budget
8 amendment.

9 I will vote only for convention rules that provide that
10 each state have one equal vote, that no state or
11 commissioner shall be allowed to propose an amendment
12 that is unrelated to balancing the Federal budget, and
13 that all but procedural issues be resolved by a simple
14 majority vote of the states voting on the issue. I
15 acknowledge that any violation of this oath may result in
16 my being recalled by the General Assembly or its
17 authorized committee.

18 (9) Commissioners shall vote only for convention rules
19 consistent with the following principles:

20 (i) The convention is convened under the authority
21 granted to the state legislatures of the states by
22 Article V of the Constitution of the United States.

23 (ii) The only participants at the convention are the
24 states, represented by their respective delegations duly
25 selected in a manner as their respective legislatures
26 have determined.

27 (iii) The scope of the convention's authority is
28 defined by applications adopted by at least two-thirds of
29 the legislatures of the states, which authority is
30 limited to the subject of a balanced budget amendment.

1 The convention has no authority to propose or discuss an
2 amendment on any other subject.

3 (iv) The convention shall provide for disciplining a
4 commissioner or delegation for exceeding the scope of the
5 convention's authority by raising subjects for discussion
6 or debate that lie outside the convention's authority.

7 (v) The convention shall not infringe on the
8 respective state legislatures' authority to instruct,
9 discipline, recall and replace commissioners.

10 (vi) A quorum for all sessions of the convention and
11 for all committee meetings shall be a majority of the
12 states attending the convention or serving as members of
13 the relevant committee.

14 (vii) All voting at the convention or in a committee
15 shall be by state, with each state having one vote,
16 without apportionment or division, and each state
17 legislature shall determine the internal voting and
18 quorum rules for casting the vote of its delegation.

19 (viii) A majority vote of the quorum shall prevail
20 on all issues before the convention and in all committees
21 for procedural votes that may require a supermajority.

22 (ix) An affirmative vote not greater than a majority
23 of the states shall be necessary to propose an amendment;

24 and be it further

25 RESOLVED, That the General Assembly shall provide the
26 delegation with necessary support staff and pay all reasonable
27 costs of attending the convention and all planning meetings,
28 community meetings and hearings, subject to available funding;

29 and be it further

30 RESOLVED, That an Article V Convention Committee be

1 established as follows:

2 (1) An Article V Convention Committee shall be formed
3 and comprised of three individuals:

4 (i) One individual appointed by the President pro
5 tempore of the Senate.

6 (ii) One individual appointed by the Speaker of the
7 House of Representatives.

8 (iii) One individual appointed jointly by the
9 President pro tempore of the Senate and the Speaker of
10 the House of Representatives.

11 (2) No member of the General Assembly's Article V
12 Convention Committee may be a member of the delegation.

13 (3) The duties of the Article V Convention committee
14 shall include:

15 (i) Monitoring the delegation to determine if it is
16 following legislative instructions and obeying convention
17 rules.

18 (ii) Advising the delegation on the General
19 Assembly's position on issues before the convention.

20 (iii) Disciplining a commissioner who violates the
21 oath of office or instructions of the General Assembly or
22 is otherwise guilty of malfeasance or nonfeasance, which
23 includes recall from the convention or demotion to
24 alternate delegate.

25 (iv) Replacing a recalled commissioner.

26 (v) Notifying the convention that a commissioner has
27 been recalled or converted to or replaced with an
28 alternate.