

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION

No. 665 Session of
2015

INTRODUCED BY DUSH AND A. HARRIS, FEBRUARY 2, 2016

REFERRED TO COMMITTEE ON STATE GOVERNMENT, FEBRUARY 2, 2016

A CONCURRENT RESOLUTION

1 Directing the Congress of the United States to call for an
2 Amendment Convention pursuant to Article V of the United
3 States Constitution that shall be entitled the Article V
4 Amendment Convention and limited to proposing an amendment to
5 the United States Constitution to grant State Legislatures
6 authority to countermand and rescind any mandate issued by
7 any Branch of the Federal Government or their agencies that
8 encroach on states' rights and the personal liberties of
9 their citizens.

10 WHEREAS, The General Assembly has applied under the authority
11 of Article V of the Constitution of the United States to call an
12 Article V Amendment Convention to amend the Constitution of the
13 United States to include a countermand amendment that authorizes
14 the states, upon a vote of three-fifths of the state
15 legislatures, to nullify and repeal a federal statute, executive
16 order, judicial decision, regulatory decision by a Federal
17 Government agency or other government or nongovernment mandate
18 imposed on the states; and

19 WHEREAS, To prepare for the Article V Amendment Convention,
20 the General Assembly finds it necessary to provide for the
21 following:

22 (1) a selection process for delegates to the convention;

1 (2) the duties of delegates and alternates;
2 (3) a state convention delegation chair; and
3 (4) the specific language of the countermand amendment
4 on which the legislature authorizes the convention delegates
5 to vote, so that the countermand amendment may be sent to the
6 states for ratification by the legislatures of three-fourths
7 of the several states; and

8 WHEREAS, The delegates sent by the legislature to the Article
9 V Amendment Convention are representatives of the legislature
10 and are thus required to fulfill the commission assigned to them
11 in this resolution; and

12 WHEREAS, Any action taken by a delegate that is not
13 authorized in this resolution, or as amended and authorized by
14 the legislature, is ultra vires and may not be relied upon by
15 delegates from other states or by the convention; and

16 WHEREAS, The legislature hereby defines the duties and limits
17 the authority of its delegates to the convention as specifically
18 provided by this resolution; therefore be it

19 RESOLVED, (the Senate concurring) That the General Assembly
20 authorize delegates to be summoned and appointed to participate
21 at the Article V Amendment Convention according to the terms and
22 conditions set out in this resolution; and be it further

23 RESOLVED, That the General Assembly determine the number and
24 qualifications of the delegates to be sent to the convention
25 after the Congress of the United States summons delegates to the
26 convention; and be it further

27 RESOLVED, That the General Assembly add to the number of
28 delegates or replace or remove any delegate or alternate if, in
29 its sole discretion, that action is necessary; and be it further

30 RESOLVED, That alternates not have an official role at the

1 convention and may attend the convention only if the delegations
2 of the states at the convention vote to allow their attendance
3 or the legislature appoints an alternate to take the place of a
4 delegate; and be it further

5 RESOLVED, That the General Assembly authorize the State's
6 delegates to the convention to vote to send the proposed
7 countermand amendment, as set forth in this resolution, back to
8 the states for ratification by way of the Congress of the United
9 States; and be it further

10 RESOLVED, That delegates be prohibited from voting in favor
11 of any alternate amendment or modified version of the
12 countermand amendment set forth in this resolution that might be
13 introduced at the convention and be instructed to secure a vote
14 that approves sending the countermand amendment back to the
15 states for ratification; and be it further

16 RESOLVED, That upon the enactment of this resolution and
17 after a total of 34 states have applied for a convention, the
18 President of the Senate appoint three members of the Senate,
19 with one member being from the minority caucus, to a legislative
20 Delegate Credential Committee, and the Speaker of the House of
21 Representatives appoint three members of the House of
22 Representatives, with one member being from the minority caucus,
23 who shall have the responsibility and requisite authority to
24 perform each of its assigned duties described in this
25 resolution; and be it further

26 RESOLVED, That a vacancy on the Delegate Credential Committee
27 be filled in the manner of the original appointment; and be it
28 further

29 RESOLVED, That members of the Senate on the Delegate
30 Credential Committee shall select one cochair from among their

1 number and the members of the House of Representatives on the
2 Delegate Credential Committee select one cochair from among
3 their number, and the cochairs assign staff to provide support
4 for the Delegate Credential Committee; and be it further

5 RESOLVED, That the Delegate Credential Committee meet during
6 and between legislative sessions; and be it further

7 RESOLVED, That a member of the Delegate Credential Committee
8 be replaced or removed by the presiding officer that appointed
9 the member if the presiding officer deems the action necessary;
10 and be it further

11 RESOLVED, That each member of the committee be required to
12 take the following oath, administered by the presiding officer
13 of the Senate or the House of Representatives, and sign a pledge
14 confirming that the following oath has been taken and agreed to:
15 "I pledge to follow the instructions and charges in this
16 resolution and any other directives given to me by the
17 Pennsylvania General Assembly from the date I am appointed to
18 the committee and during the full term of the convention, to the
19 best of my abilities, so help me God"; and be it further

20 RESOLVED, That the members of the Delegate Credential
21 Committee follow the directives in this resolution, including
22 any supplemental instructions from the General Assembly; and be
23 it further

24 RESOLVED, That the committee have the following duties:

25 (1) decide all matters by a vote of a majority of the
26 full membership of the committee;

27 (2) function as the official facilitator for the General
28 Assembly as required in this resolution;

29 (3) appoint delegates, subject to approval by the
30 General Assembly, to the convention and, within 10 business

1 days after appointment, provide a committee report of each
2 appointment to the Secretary of the Senate and the Chief
3 Clerk of the House of Representatives;

4 (4) appoint one delegate to serve as the chair of
5 delegation and another delegate as the assistant chair;

6 (5) issue to each approved delegate and alternate,
7 including the chair and assistant chair, certification that
8 the delegate has met or performed all of the following:

9 (i) met the qualifications established by the
10 General Assembly;

11 (ii) taken the applicable oath set forth in this
12 resolution; and

13 (iii) confirmed the delegate's oath by signing a
14 separate pledge document;

15 (6) issue to each certified delegate and alternate,
16 including the chair and assistant chair, a convention pass to
17 the convention;

18 (7) notify the legislature of the financial or other
19 needs of the delegation;

20 (8) administer the following oaths to the delegates,
21 alternate candidates, chair and assistant chair before
22 issuing certifications:

23 (i) Delegates' and delegate alternates' oath:

24 "I pledge to follow the instructions in this
25 delegate resolution and any other directive
26 consistent with this delegate resolution given to me
27 by the Delegate Credential Committee or the
28 legislature, whether such directive is given to me
29 directly or indirectly, from the time I am certified
30 by the committee to be a delegate or alternate and

1 during the full term of the Article V Amendment
2 Convention, to the best of my abilities, so help me
3 God."

4 (ii) Oath for the chair and assistant chair of the
5 delegation oaths:

6 "I pledge to follow the instructions in this
7 delegate resolution and any other directive
8 consistent with this delegate resolution given to me
9 by the Delegate Credential Committee or the
10 legislature, whether given to me directly or
11 indirectly, from the time I am certified by the
12 committee to be the chair or assistant chair of
13 Pennsylvania's State delegation and during the full
14 term of the Article V Amendment Convention, to the
15 best of my abilities, so help me God";

16 (9) monitor the activities of the delegation;

17 (10) maintain close communications with the chair and
18 assistant chair and provide assistance when requested;

19 (11) monitor the activities, deliberations and all votes
20 by the states at the convention and, when possible, inform
21 the chair, assistant chair and legislature which states at
22 the convention have enacted a similar resolution for their
23 delegates;

24 (12) issue reports, at least quarterly or more
25 frequently if necessary, to the General Assembly regarding
26 the events at the convention, upcoming events and progress
27 and prospects for ratification of the countermand amendment
28 by the delegations;

29 (13) make recommendations to the legislature on actions
30 needed to ensure the favorable vote by the state delegations

1 to send the countermand amendment, as set forth in this
2 resolution, to the states for ratification; and

3 (14) recommend to the legislature removal of a delegate
4 or alternate from all convention activities for a violation
5 of the provisions of this resolution and make recommendations
6 regarding whether the delegate should have the delegate's
7 credentials invalidated, the recommendation of which must be
8 approved by the General Assembly;

9 and be it further

10 RESOLVED, That the chair of the delegation join with other
11 state delegations to open the convention for business,
12 identifying other state legislatures that have approved a
13 delegate resolution for their delegates, and work with those
14 delegations to find agreement on each of the following:

15 (1) arrange to have at least one delegate from each
16 state's delegation be the spokesman at every business meeting
17 and roll call at the convention;

18 (2) distribute to all delegates a pocket-sized copy of
19 the Constitution of the United States;

20 (3) instruct resolution and nonresolution state
21 delegates of the mandate in Article IV, Section 4 of the
22 Constitution of the United States that guarantees to each
23 state a republican form of government, which gives each state
24 equal standing when applying for a convention and when voting
25 at and organizing the convention;

26 (4) work closely with the chairs of all other state
27 delegations to find mutual agreement on the objectives in
28 this resolution;

29 (5) build a consensus of at least 26 state delegations,
30 especially resolution delegations, at the convention to do

1 the following:

2 (i) require that each state delegation at the
3 convention have only one vote regardless of the number of
4 delegates in a state delegation or the population of a
5 state as provided by Article IV, section 4 of the
6 Constitution of the United States;

7 (ii) require a simple majority vote at all roll
8 calls to decide any and all matters brought before the
9 convention, including the question of whether the
10 countermand amendment should be sent to the states for
11 ratification;

12 (iii) nominate and install convention officials who
13 come from states that have passed this resolution for
14 their delegates and who agree with sending the
15 countermand amendment to the states for ratification;

16 (iv) require a quorum of 26 state delegations before
17 business can be conducted and before a vote can be taken
18 to decide any and all matters that may be presented at
19 the convention;

20 (v) build a consensus of at least 26 state
21 delegations to work together for the mutual goal of
22 sending the countermand amendment to the states for
23 ratification;

24 (vi) work to conclude convention business within 21
25 days, and in no case more than 180 days, unless the
26 convention votes to extend the termination date by 180
27 days, after which no further extensions are to be
28 allowed;

29 (vii) if possible, nominate a candidate to be
30 president of the convention who comes from delegation of

1 this Commonwealth;

2 (viii) if necessary, call for a vote for a candidate
3 to be president who shares the goals of the delegation of
4 this Commonwealth and comes from a state that has enacted
5 this resolution, whether or not the chair nominated the
6 candidate to be president;

7 (ix) try to avoid the nomination and election of a
8 president who comes from a state that did not pass this
9 resolution;

10 (x) support establishing the following duties of the
11 president:

12 (A) to secure a vote from state delegations
13 requiring that this resolution be the rules of order
14 at the convention, while Robert's Rules of Order may
15 be adopted if they do not conflict with this
16 resolution;

17 (B) to follow the terms, directives and
18 requirements in this resolution;

19 (C) to call for a vote requiring each state
20 delegation to appoint one delegate to be the
21 delegation's spokesman;

22 (D) to stay focused on the primary purpose,
23 which is to have the countermand amendment be sent to
24 the states for ratification;

25 (E) to recommend and request security measures
26 as may be needed at the convention;

27 (F) to officiate at the nomination and install
28 all officers at the convention;

29 (G) to establish the agenda at the convention as
30 described in this resolution;

1 (H) to provide equal time in floor discussions
2 for all states, whether for or against sending the
3 countermand amendment to the states for ratification;

4 (I) to prohibit the introduction at the
5 convention of any subject matter or issue other than
6 matters relating to the countermand amendment and
7 whether it should be sent to the states for
8 ratification;

9 (J) to expedite deliberations by the state
10 delegations and to prevent unnecessary delays;

11 (K) to authorize appropriate roll calls at the
12 convention;

13 (L) to settle all disputes between state
14 delegations and delegates, whether or not they are
15 from a resolution state;

16 (M) to recommend removal of the convention
17 credentials of any delegate, including convention
18 officials, for causing security problems at the
19 convention;

20 (N) to establish procedures for installing and
21 recognizing alternates who are to become delegates;

22 (O) to call for a vote at the earliest favorable
23 time to approve sending the countermand amendment to
24 the states for ratification;

25 (P) to call for a vote to decide which method of
26 ratification the convention recommends to the
27 Congress of the United States, whether by state
28 legislatures or state conventions;

29 (Q) recommend to the convention that
30 ratification be by state legislatures and that

1 resolution delegations be required to vote for
2 ratification through state legislatures;

3 (R) to report the decisions of the convention to
4 the Congress of the United States, each state
5 legislature and the media;

6 (S) to recommend formal requests, from time to
7 time, to the state legislatures, through
8 representatives in the 50 state delegations, for
9 money that will be needed to carry on the business of
10 the convention;

11 (T) if a candidate for president of the
12 convention who does not come from a state that has
13 adopted this resolution wins the presidency, it is
14 the duty of the chair and the delegates in the
15 delegation of this Commonwealth to take reasonable
16 steps to argue for a favorable vote by the convention
17 to send the countermand amendment to the states for
18 ratification;

19 (U) to follow the procedures in this resolution
20 for electing other officers as the convention
21 considers necessary, the president of the convention
22 to be responsible for defining the duties of each
23 office in accordance with the requirements of this
24 resolution;

25 (V) to oppose and vote against any efforts by
26 state delegations to delay a vote for the countermand
27 amendment or modify, alter or change the text of the
28 countermand amendment;

29 (W) to oppose and vote against any effort by a
30 state delegation to offer any other amendment to the

1 constitution at the convention other than the
2 countermand amendment;
3 (6) make regular reports to the committee regarding all
4 activities at the convention;

5 and be it further

6 RESOLVED, That the delegates be required to follow the
7 directives in this resolution and others that may, from time to
8 time, be issued by the General Assembly, and each delegate is
9 charged with the following duties:

10 (1) comply with directives made under this resolution;

11 (2) follow the reasonable instructions of the chair and
12 assistant chair of the delegation that are consistent with
13 the duties set out in this resolution;

14 (3) be amenable to the advice of the president of the
15 convention when the president is from a resolution state, and
16 if the president is from a nonresolution state, work closely
17 with the chair to find resolutions that are consistent with
18 this resolution;

19 (4) work to advance all the requirements and directives
20 in this resolution;

21 (5) be subject to dismissal from the delegation for
22 violation of this resolution;

23 (6) comply with this resolution's directive to vote at
24 all state delegation roll calls consistent with directions
25 given to the chair in this resolution, which include sending
26 the countermand amendment to the states for ratification;

27 (7) attend all assigned business sessions at the
28 convention;

29 (8) help the chair to successfully complete the
30 instructions in this resolution; and

1 (9) attend all meetings scheduled by the chair and do
2 all of the following:

3 (i) report to the chair the results of the
4 delegate's work with other state delegates;

5 (ii) assess and report to the chair the number of
6 states that plan to vote in favor of the countermand
7 amendment;

8 (iii) assess and report to the chair any problems or
9 opportunities that may have developed or might develop
10 relating to the purposes of this resolution; and

11 (iv) recommend to the chair other strategies that
12 may help join with at least 26 other states to vote
13 favorably for the countermand amendment at the
14 convention;

15 and be it further

16 RESOLVED, That the alternates of the delegation be required
17 to follow the directives in this resolution and others that may
18 be issued by the legislature, and each alternate shall:

19 (1) be prepared to serve as a delegate if directed to do
20 so by the committee or General Assembly; and

21 (2) fulfill the duties required by this resolution when
22 appointed as a delegate;

23 and be it further

24 RESOLVED, That the text of the countermand amendment that is
25 to be sent to the legislature of each state for ratification
26 read as follows:

27 Amendment XXVIII

28 Section 1. This amendment restores state sovereignty in our
29 Constitutional Republic by providing State Legislatures
30 Countermand authority.

1 Section 2. State Legislatures in the several states shall
2 have the authority to Countermand and rescind any
3 Congressional Statute, Judicial decision, Executive Order,
4 Treaty, government agency's regulatory ruling or any other
5 government or nongovernment mandate that, in the opinion of
6 60% of state legislatures, adversely affects their states'
7 interests. When the Countermand threshold has been reached,
8 the law or ruling shall be immediately and automatically
9 nullified and repealed. This Countermand authority shall also
10 apply to existing laws and rulings.

11 Section 3. From the time an initial countermand is issued by
12 a state legislature, the other legislatures shall have 18
13 months to complete the countermand process. If the
14 countermand process is not completed in 18 months, then the
15 law or ruling that is being challenged shall remain
16 enforceable.

17 Section 4. Each state legislature must complete the
18 countermand affidavit and deliver a certified copy to the
19 President of the United States, the Chief Justice of the
20 United States Supreme Court, the Leader of the United States
21 Senate, the Speaker of the House of Representatives and, when
22 applicable, the government agency or body that issued the
23 statute, ruling or regulation in question.

24 Section 5. Any elected or nonelected government official, or
25 any nongovernment individual or organization, who
26 intentionally obstructs or prevents the implementation of any
27 provision in this amendment shall have committed a criminal
28 offense and shall be subject to impeachment, when applicable,
29 and criminal prosecution punishable by imprisonment for up to
30 five years if convicted.

1 Section 6. Individual states shall have authority to
2 prosecute violators of this amendment under state laws in the
3 absence of Federal prosecution after 90 days from the date of
4 the alleged violation. Multiple prosecutions by multiple
5 states for the same alleged crime are prohibited.

6 Section 7. The amendment shall be immediately part of the
7 Constitution of the United States upon ratification by three
8 fourths of the legislatures of the several states.

9 Section 8. The provisions of this amendment are enforceable
10 within the United States, which shall include the several
11 states, the District of Columbia, the Commonwealth of Puerto
12 Rico, the Commonwealth of the Northern Mariana Islands and
13 the territories and possessions of the United States.