
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE RESOLUTION

No. 133 Session of
2017

INTRODUCED BY EICHELBERGER, MARTIN, ARGALL, VOGEL, BARTOLOTTA,
BROWNE, WAGNER AND WHITE, JUNE 4, 2017

REFERRED TO STATE GOVERNMENT, JUNE 4, 2017

A CONCURRENT RESOLUTION

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

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

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

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

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

18 WHEREAS, It is the solemn duty of the states to protect the
19 liberty of our people, especially for future generations, by
20 proposing amendments to the Constitution of the United States

1 through a Constitutional Convention under Article V for the
2 purpose of restraining these and related abuses of power;
3 therefore be it

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

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

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

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

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

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

1 States.

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

10 (7) A Convention of States means that states vote on the
11 basis of one state, one vote.

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

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

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

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

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

28 (13) Under Article V, Congress may determine whether
29 proposed amendments shall be ratified by the legislatures of
30 the several states or by special state ratification

1 conventions;

2 and be it further

3 RESOLVED, That the General Assembly of Pennsylvania recommend
4 that Congress choose ratification by state legislatures;

5 and be it further

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

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

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

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

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

30 (5) That any delegate or alternate of the Commonwealth

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

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

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

26 (7) That prior to the Convention of States, the General
27 Assembly of the Commonwealth may by joint resolution provide
28 further instructions to the delegates of the Commonwealth
29 selected pursuant to this section regarding the scope of
30 matters they may consider and vote on at the Convention of

1 States, including rules of procedure and proposed amendments.
2 Such instructions may be changed by the legislature prior to
3 or during the course of the Convention of States. These
4 instructions 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 of States, the decision of a simple
10 majority of the delegates of the Commonwealth shall
11 constitute a single vote for Pennsylvania.

12 (8) That after delegates of the Commonwealth have been
13 selected, the General Assembly of the Commonwealth by joint
14 resolution recall delegates or alternates to the Convention
15 of States 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 joint resolution by a joint legislative committee
19 duly authorized by the General Assembly for that purpose.
20 This joint legislative committee shall be authorized to
21 conduct its business via telephone or other means of real-
22 time electronic communication.

23 (10) 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 joint resolution or duly authorized joint legislative
27 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 joint
3 resolution adopted under this section; and

4 (ii) the limits placed by the General Assembly of
5 the Commonwealth in a joint resolution that calls for an
6 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 or, if Pennsylvania were not one of
10 the states applying for an Article V Convention, the
11 limits contained in the narrowest state resolution
12 applying for the Article V Convention;

13 and be it further

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

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