

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE RESOLUTION

No. 77 Session of
2023

INTRODUCED BY DUSH, PHILLIPS-HILL AND ROTHMAN, MARCH 15, 2023

REFERRED TO STATE GOVERNMENT, MARCH 15, 2023

A CONCURRENT RESOLUTION

Petitioning the Congress of the United States to call a Convention for proposing amendments pursuant to Article V of the Constitution of the United States limited to proposing amendments that impose fiscal restraints on the Federal Government, limit the power and jurisdiction of the Federal Government and limit the terms of office for its officials and for members of Congress.

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

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

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

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

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

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

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

13 RESOLVED, That this application constitute 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 of
19 Pennsylvania adopt this application expressly subject to the
20 following 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.

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 solely
29 consists of the authority to name a reasonable time and place
30 for the initial meeting of the Convention.

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

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

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

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

12 (8) A convention convened pursuant to this application
13 is limited to consideration of topics solely specified in
14 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 of
24 Pennsylvania may provide further instructions to its
25 delegates.

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

29 (13) Under Article V, Congress may determine whether
30 proposed amendments shall be ratified by the legislatures of

1 the several states or by special state ratification
2 conventions;
3 and be it further

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

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

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

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

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

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

1 (5) That any delegate or alternate of the Commonwealth
2 who receives and accepts any item of value, excluding
3 education materials, from any person or entity in any
4 connection with their service be immediately disqualified and
5 shall be replaced by an alternate 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. I will
10 obey all instructions received with my commission.
11 Specifically, I will not support, but will
12 affirmatively oppose, any proposal that goes outside
13 the subject matter specified therein. I further agree
14 to immediately notify the President pro tempore of
15 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. I realize that I can and will be
20 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, the General Assembly
27 of the Commonwealth of Pennsylvania may by concurrent
28 resolution provide further instructions to the delegates of
29 the Commonwealth selected pursuant to this resolution
30 regarding the scope of matters they may consider and vote on

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

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

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

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

29 (11) That any vote cast by a delegate of the
30 Commonwealth or an alternate delegate at an Article V

1 Convention that is outside the scope of the following be
2 void:

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

5 (ii) the limits placed by the General Assembly of
6 the Commonwealth of Pennsylvania in a concurrent
7 resolution that calls for an Article V Convention for the
8 purpose of proposing amendments to the Constitution of
9 the United States on the subjects and amendments that may
10 be considered by the Article V Convention;

11 and be it further

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

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