

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

1 on or before December 31, 2020; therefore be it

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

5 RESOLVED, That if a convention for proposing a balanced
6 budget amendment to the Constitution of the United States is
7 called by the Congress of the United States under Article V of
8 the Constitution of the United States on or before December 31,
9 2020, the General Assembly shall send a delegation to the
10 convention; and be it further

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

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

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

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

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

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

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

1 resolution.

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

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

11 (5) The delegation may represent the General Assembly at
12 formal and informal planning sessions related to the
13 convention to conduct community meetings and hearings
14 throughout this Commonwealth prior to the convention and to
15 correspond with other state commissioners and delegations.
16 The delegation and its members shall at all times adhere to
17 the oath and instructions provided in this resolution.

18 (6) The term of office for the delegation shall end
19 December 31, 2020, or upon the adjournment of a balanced
20 budget convention, whichever is sooner.

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

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

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

1 United States and the Commonwealth of Pennsylvania.

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

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

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

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

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

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

30 The convention has no authority to propose or discuss an

1 amendment on any other subject.

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

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

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

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

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

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

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

29 RESOLVED, That an Article V Convention Committee be
30 established as follows:

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

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

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

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

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

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

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

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

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

24 (iv) Replacing a recalled commissioner.

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