
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE RESOLUTION

No. 291 Session of
2015

INTRODUCED BY EICHELBERGER, VOGEL, WAGNER, WHITE, ARGALL AND
CORMAN, FEBRUARY 26, 2016

REFERRED TO INTERGOVERNMENTAL OPERATIONS, FEBRUARY 26, 2016

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 the General Assembly of the Commonwealth adopt
14 this application expressly subject to the following
15 reservations, understandings and declarations:

16 (1) An application to Congress for an Article V
17 Convention confers no power on Congress other than to perform
18 a ministerial function to call a Convention.

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

23 (3) The power of Congress to call a Convention solely
24 consists of the authority to name a reasonable time and place
25 for the initial meeting of the Convention.

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

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

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

3 (7) By definition, a Convention means that states vote
4 on the basis of one state, one vote.

5 (8) A Convention convened pursuant to this application
6 is limited to consideration of topics solely specified in
7 this resolution.

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

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

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

18 (12) The General Assembly of the Commonwealth may recall
19 its delegates at any time for breach of their duties or
20 violation of their instructions;

21 and be it further

22 RESOLVED, That the General Assembly of the Commonwealth
23 appoint seven delegates to any Convention called pursuant to
24 this application in accordance with the following:

25 (1) That the Senate choose three delegates. The House of
26 Representatives shall choose three delegates. Each chamber
27 shall nominate four additional persons to serve as
28 alternates. The President pro tempore of the Senate and the
29 Speaker of the House of Representatives shall jointly choose
30 the seventh delegate from the list of nominated alternates.

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

4 (3) That travel and per diem expenses of each delegate
5 of the Commonwealth be paid by the Commonwealth on the same
6 basis as the reimbursement for such costs when members of the
7 legislature travel on official business of the Commonwealth.

8 (4) That any delegate of the Commonwealth who receives
9 and accepts any item of value, excluding education materials,
10 from any person or entity in any connection with his or her
11 service be immediately disqualified and shall be replaced by
12 an alternate immediately.

13 (5) That each delegate of the Commonwealth take the
14 following oath on penalty of perjury:

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

1 be punished for contempt by the General Assembly for
2 failing to adhere to this oath."

3 (6) That prior to the Convention, the General Assembly
4 of the Commonwealth by joint resolution provide further
5 instructions to the delegates of the Commonwealth selected
6 pursuant to this section regarding the scope of matters they
7 may consider and vote on at the Convention, including rules
8 of procedure and proposed amendments. Such instructions may
9 be changed by the legislature prior to or during the course
10 of the Convention. These instructions may include:

11 (i) an instruction that the Pennsylvania delegates
12 may not support any voting rule other than the default
13 rule whereby each state exercises one vote; and

14 (ii) an instruction that on all voting matters at
15 the Convention, the decision of a simple majority of the
16 delegates of the Commonwealth shall constitute a single
17 vote for Pennsylvania.

18 (7) That after delegates of the Commonwealth have been
19 selected, the General Assembly of the Commonwealth by joint
20 resolution recall delegates or alternates to the Convention
21 or appoint new delegates or alternates.

22 (8) That if the General Assembly of the Commonwealth is
23 not in session, delegates of the Commonwealth be suspended
24 pending a joint resolution by a joint legislative committee
25 duly authorized by the General Assembly for that purpose.

26 (9) That any vote cast by a delegate of the Commonwealth
27 or an alternate delegate at an Article V Convention that is
28 outside the scope of the following be void:

29 (i) the instructions established by a joint
30 resolution adopted under this section; and

1 (ii) the limits placed by the General Assembly of
2 the Commonwealth in a joint resolution that calls for an
3 Article V Convention for the purpose of proposing
4 amendments to the Constitution of the United States on
5 the subjects and amendments that may be considered by the
6 Article V Convention or, if Pennsylvania were not one of
7 the states applying for an Article V Convention, the
8 limits contained in the narrowest state resolution
9 applying for the Article V Convention;

10 and be it further

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

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