

## A CONCURRENT RESOLUTION

1 Establishing a delegation to represent the Commonwealth at the  
2 Amendment Convention pursuant to Article V of the  
3 Constitution of the United States entitled the Article V  
4 Amendment Convention and limited to proposing an amendment to  
5 the Constitution of the United States to grant State  
6 Legislatures authority to countermand and rescind any mandate  
7 issued by any Branch of the Federal Government or their  
8 agencies that encroach on states' rights and the personal  
9 liberties of 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

1 following:

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

3 (2) the duties of delegates and alternates;

4 (3) a state convention delegation chair; and

5 ~~(4) the specific language of the countermand amendment~~

6 on which the legislature authorizes the convention delegates

7 to vote, so that the countermand amendment may be sent to the

8 states for ratification by the legislatures of three-fourths

9 of the several states;

10 and

11 WHEREAS, The delegates sent by the legislature to the Article

12 V Amendment Convention are representatives of the legislature

13 and are thus required to fulfill the commission assigned to them

14 in this resolution; and

15 WHEREAS, Any action taken by a delegate that is not

16 authorized in this resolution, or as amended and authorized by

17 the legislature, is ultra vires and may not be relied upon by

18 delegates from other states or by the convention; and

19 WHEREAS, The legislature hereby defines the duties and limits

20 the authority of its delegates to the convention as specifically

21 provided by this resolution; therefore be it

22 RESOLVED (the Senate concurring), That the General Assembly

23 authorize delegates to be summoned and appointed to participate

24 at the Article V Amendment Convention according to the terms and

25 conditions set forth in this resolution; and be it further

26 RESOLVED, That the General Assembly determine the number and

27 qualifications of the delegates to be sent to the convention

28 after the Congress of the United States summons delegates to the

29 convention; and be it further

30 RESOLVED, That the General Assembly add to the number of

1 delegates or replace or remove any delegate or alternate if, in  
2 its sole discretion, that action is necessary; and be it further  
3 RESOLVED, That alternates not have an official role at the  
4 convention and may attend the convention only if the delegations  
5 of the states at the convention vote to allow their attendance  
6 or the legislature appoints an alternate to take the place of a  
7 delegate; and be it further

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

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

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

29 RESOLVED, That a vacancy on the Delegate Credential Committee  
30 be filled in the manner of the original appointment; and be it

1 further

2 RESOLVED, That members of the Senate on the Delegate  
3 Credential Committee shall select one cochair from among their  
4 number and the members of the House of Representatives on the  
5 Delegate Credential Committee select one cochair from among  
6 their number, and that the cochairs assign staff to provide  
7 support for the Delegate Credential Committee; and be it further

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

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

14 RESOLVED, That each member of the committee be required to  
15 take the following oath, administered by the presiding officer  
16 of the Senate or the House of Representatives, and sign a pledge  
17 confirming that the following oath has been taken and agreed to:

18 "I pledge to follow the instructions and charges in this  
19 resolution and any other directives given to me by the  
20 Pennsylvania General Assembly from the date I am  
21 appointed to the committee and during the full term of  
22 the convention, to the best of my abilities, so help me  
23 God";

24 and be it further

25 RESOLVED, That the members of the Delegate Credential  
26 Committee follow the directives in this resolution, including  
27 any supplemental instructions from the General Assembly; and be  
28 it further

29 RESOLVED, That the committee have the following duties:

30 (1) decide all matters by a vote of a majority of the

1 full membership of the committee;

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

4 (3) appoint delegates, subject to approval by the  
5 General Assembly, to the convention and, within 10 business  
6 days after appointment, provide a committee report of each  
7 appointment to the Secretary of the Senate and the Chief  
8 Clerk of the House of Representatives;

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

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

14 (i) met the qualifications established by the  
15 General Assembly;

16 (ii) taken the applicable oath set forth in this  
17 resolution; and

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

20 (6) issue to each certified delegate and alternate,  
21 including the chair and assistant chair, a convention pass to  
22 the convention;

23 (7) notify the legislature of the financial or other  
24 needs of the delegation;

25 (8) administer the following oaths to the delegates,  
26 alternate candidates, chair and assistant chair before  
27 issuing certifications:

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

29 "I pledge to follow the instructions in this  
30 delegate resolution and any other directive

1 consistent with this delegate resolution given to  
2 me by the Delegate Credential Committee or the  
3 legislature, whether such directive is given to  
4 me directly or indirectly, from the time I am  
5 certified by the committee to be a delegate or  
6 alternate and during the full term of the Article  
7 V Amendment Convention, to the best of my  
8 abilities, so help me God."

9 (ii) Oath for the chair and assistant chair of the  
10 delegation oaths:

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

21 (9) monitor the activities of the delegation;

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

24 (11) monitor the activities, deliberations and all votes  
25 by the states at the convention and, when possible, inform  
26 the chair, assistant chair and legislature which states at  
27 the convention have enacted a similar resolution for their  
28 delegates;

29 (12) issue reports, at least quarterly or more  
30 frequently if necessary, to the General Assembly regarding

1 the events at the convention, upcoming events and progress  
2 and prospects for ratification of the countermand amendment  
3 by the delegations;

4 (13) make recommendations to the legislature on actions  
5 needed to ensure the favorable vote by the state delegations  
6 to send the countermand amendment, as set forth in this  
7 resolution, to the states for ratification; and

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

14 and be it further

15 RESOLVED, That the chair of the delegation join with other  
16 state delegations to open the convention for business,  
17 identifying other state legislatures that have approved a  
18 delegate resolution for their delegates, and work with those  
19 delegations to find agreement on each of the following:

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

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

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

1           (4) work closely with the chairs of all other state  
2 delegations to find mutual agreement on the objectives in  
3 this resolution;

4           (5) build a consensus of at least 26 state delegations,  
5 especially resolution delegations, at the convention to do  
6 the following:

7           (i) require that each state delegation at the  
8 convention have only one vote regardless of the number of  
9 delegates in a state delegation or the population of a  
10 state as provided by Article IV, Section 4 of the  
11 Constitution of the United States;

12           (ii) require a simple majority vote at all roll  
13 calls to decide any and all matters brought before the  
14 convention, including the question of whether the  
15 countermand amendment should be sent to the states for  
16 ratification;

17           (iii) nominate and install convention officials who  
18 come from states that have passed this resolution for  
19 their delegates and who agree with sending the  
20 countermand amendment to the states for ratification;

21           (iv) require a quorum of 26 state delegations before  
22 business can be conducted and before a vote can be taken  
23 to decide any and all matters that may be presented at  
24 the convention;

25           (v) build a consensus of at least 26 state  
26 delegations to work together for the mutual goal of  
27 sending the countermand amendment to the states for  
28 ratification;

29           (vi) work to conclude convention business within 21  
30 days, and in no case more than 180 days, unless the



1 convention votes to extend the termination date by 180  
2 days, after which no further extensions are to be  
3 allowed;

4 (vii) if possible, nominate a candidate to be  
5 president of the convention who comes from the delegation  
6 of this Commonwealth;

7 (viii) if necessary, call for a vote for a candidate  
8 to be president who shares the goals of the delegation of  
9 this Commonwealth and comes from a state that has enacted  
10 this resolution, whether or not the chair nominated the  
11 candidate to be president;

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

15 (x) support establishing the following duties of the  
16 president:

17 (A) to secure a vote from state delegations  
18 requiring that this resolution be the rules of order  
19 at the convention, while Robert's Rules of Order may  
20 be adopted if they do not conflict with this  
21 resolution;

22 (B) to follow the terms, directives and  
23 requirements in this resolution;

24 (C) to call for a vote requiring each state  
25 delegation to appoint one delegate to be the  
26 delegation's spokesman;

27 (D) to stay focused on the primary purpose,  
28 which is to have the countermand amendment be sent to  
29 the states for ratification;

30 (E) to recommend and request security measures

1 as may be needed at the convention;

2 (F) to officiate at the nomination and install  
3 all officers at the convention;

4 (G) to establish the agenda at the convention as  
5 described in this resolution;

6 (H) to provide equal time in floor discussions  
7 for all states, whether for or against sending the  
8 countermand amendment to the states for ratification;

9 (I) to prohibit the introduction at the  
10 convention of any subject matter or issue other than  
11 matters relating to the countermand amendment and  
12 whether it should be sent to the states for  
13 ratification;

14 (J) to expedite deliberations by the state  
15 delegations and to prevent unnecessary delays;

16 (K) to authorize appropriate roll calls at the  
17 convention;

18 (L) to settle all disputes between state  
19 delegations and delegates, whether or not they are  
20 from a resolution state;

21 (M) to recommend removal of the convention  
22 credentials of any delegate, including convention  
23 officials, for causing security problems at the  
24 convention;

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

27 (O) to call for a vote at the earliest favorable  
28 time to approve sending the countermand amendment to  
29 the states for ratification;

30 (P) to call for a vote to decide which method of

1           ratification the convention recommends to the  
2           Congress of the United States, whether by state  
3           legislatures or state conventions;

4           (Q) recommend to the convention that  
5           ratification be by state legislatures and that  
6           resolution delegations be required to vote for  
7           ratification through state legislatures;

8           (R) to report the decisions of the convention to  
9           the Congress of the United States, each state  
10          legislature and the media;

11          (S) to recommend formal requests, from time to  
12          time, to the state legislatures, through  
13          representatives in the 50 state delegations, for  
14          money that will be needed to carry on the business of  
15          the convention;

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

24          (U) to follow the procedures in this resolution  
25          for electing other officers as the convention  
26          considers necessary, the president of the convention  
27          to be responsible for defining the duties of each  
28          office in accordance with the requirements of this  
29          resolution;

30          (V) to oppose and vote against any efforts by

1 state delegations to delay a vote for the countermand  
2 amendment or modify, alter or change the text of the  
3 countermand amendment; and

4 (W) to oppose and vote against any effort by a  
5 state delegation to offer any other amendment to the  
6 constitution at the convention other than the  
7 countermand amendment; and

8 (6) make regular reports to the committee regarding all  
9 activities at the convention;

10 and be it further

11 RESOLVED, That the delegates be required to follow the  
12 directives in this resolution and others that may, from time to  
13 time, be issued by the General Assembly, and that each delegate  
14 be charged with the following duties:

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

16 (2) follow the reasonable instructions of the chair and  
17 assistant chair of the delegation that are consistent with  
18 the duties set out in this resolution;

19 (3) be amenable to the advice of the president of the  
20 convention when the president is from a resolution state, and  
21 if the president is from a nonresolution state, work closely  
22 with the chair to find resolutions that are consistent with  
23 this resolution;

24 (4) work to advance all the requirements and directives  
25 in this resolution;

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

28 (6) comply with this resolution's directive to vote at  
29 all state delegation roll calls consistent with directions  
30 given to the chair in this resolution, which include sending

1 the countermand amendment to the states for ratification;

2 (7) attend all assigned business sessions at the  
3 convention;

4 (8) help the chair to successfully complete the  
5 instructions in this resolution; and

6 (9) attend all meetings scheduled by the chair and do  
7 all of the following:

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

10 (ii) assess and report to the chair the number of  
11 states that plan to vote in favor of the countermand  
12 amendment;

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

16 (iv) recommend to the chair other strategies that  
17 may help join with at least 26 other states to vote  
18 favorably for the countermand amendment at the  
19 convention;

20 and be it further

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

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

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

28 and be it further

29 RESOLVED, That the text of the countermand amendment that is  
30 to be sent to the legislature of each state for ratification

1 read as follows:

2 Amendment XXVIII

3 Section 1. This amendment restores state sovereignty in our  
4 constitutional republic by providing state legislatures  
5 countermand authority.

6 Section 2. State legislatures in the several states shall  
7 have the authority to countermand and rescind any  
8 congressional statute, judicial decision, executive order,  
9 treaty, government agency's regulatory ruling or any other  
10 government or nongovernment mandate that, in the opinion of  
11 60% of state legislatures, adversely affects their states'  
12 interests. When the countermand threshold has been reached,  
13 the law or ruling shall be immediately and automatically  
14 nullified and repealed. This countermand authority shall also  
15 apply to existing laws and rulings.

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

22 Section 4. Each state legislature must complete the  
23 countermand affidavit and deliver a certified copy to the  
24 President of the United States, the Chief Justice of the  
25 United States Supreme Court, the President of the United  
26 States Senate, the Speaker of the United States House of  
27 Representatives and, when applicable, the government agency  
28 or body that issued the statute, ruling or regulation in  
29 question.

30 Section 5. Any elected or nonelected government official, or

1 any nongovernment individual or organization, who  
2 intentionally obstructs or prevents the implementation of any  
3 provision in this amendment shall have committed a criminal  
4 offense and shall be subject to impeachment, when applicable,  
5 and criminal prosecution punishable by imprisonment for up to  
6 five years if convicted.

7 Section 6. Individual states shall have authority to  
8 prosecute violators of this amendment under state laws in the  
9 absence of Federal prosecution after 90 days from the date of  
10 the alleged violation. Multiple prosecutions by multiple  
11 states for the same alleged crime are prohibited.

12 Section 7. This amendment shall be immediately part of the  
13 Constitution of the United States upon ratification by three-  
14 fourths of the legislatures of the several states.

15 Section 8. The provisions of this amendment are enforceable  
16 within the United States, which shall include the several  
17 states, the District of Columbia, the Commonwealth of Puerto  
18 Rico, the Commonwealth of the Northern Mariana Islands and  
19 the territories and possessions of the United States.