

By: Representative Blackmon

To: Constitution; Judiciary
A

HOUSE CONCURRENT RESOLUTION NO. 33

1 A CONCURRENT RESOLUTION PROPOSING AMENDMENTS TO THE
2 MISSISSIPPI CONSTITUTION OF 1890, BY AMENDING SECTION 145 TO
3 PROVIDE THAT JUDGES OF THE SUPREME COURT SHALL BE APPOINTED; BY
4 AMENDING SECTIONS 149 AND 149-A, MISSISSIPPI CONSTITUTION OF 1890,
5 IN CONFORMITY; BY REPEALING SECTIONS 145-A AND 145-B, MISSISSIPPI
6 CONSTITUTION OF 1890, WHICH PROVIDE FOR SIX JUDGES IN ADDITION TO
7 THE ORIGINAL THREE JUDGES OF THE SUPREME COURT; AND FOR RELATED
8 PURPOSES.

9 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF
10 MISSISSIPPI, That the following amendments to the Mississippi
11 Constitution of 1890 are proposed to the qualified electors of the
12 state:

13 I.

14 Amend Section 145, Mississippi Constitution of 1890, to read
15 as follows:

16 "Section 145. The Supreme Court shall consist of nine (9)
17 judges, any five (5) of whom, when convened, shall form a quorum.
18 The Legislature shall divide the state into three (3) Supreme
19 Court districts, and there shall be appointed one (1) judge for
20 and from each district by the Governor, with the advice and
21 consent of the Senate, at a time and in the manner provided by
22 law; but the removal of a judge to the State Capitol during his
23 term of office shall not render him ineligible as his own
24 successor for the district from which he has removed. * * * The
25 adoption of this amendment shall not abridge the terms of any of
26 the present incumbents, but they shall continue to hold their
27 respective offices until the expiration of the terms for which
28 they were respectively elected."

29 II.

30 Amend Section 149, Mississippi Constitution of 1890, to read
31 as follows:

32 "Section 149. The term of office of the judges of the
33 Supreme Court shall be eight (8) years. The Legislature shall
34 provide as near as can be conveniently done that the offices of
35 not more than a majority of the judges of said court shall become
36 vacant at any one time * * *."

37 III.

38 Amend Section 149-A, Mississippi Constitution of 1890, to
39 read as follows:

40 "Section 149-A. The Supreme Court shall have power, under
41 such rules and regulations as it may adopt, to sit in three (3)
42 divisions of three (3) judges each, any two (2) of whom when
43 convened shall form a quorum; each division shall have full power
44 to hear and adjudge all cases that may be assigned to it by the
45 court. In event the judges composing any division shall differ as
46 to the judgment to be rendered in any cause, or in event any judge
47 of any division, within a time and in a manner to be fixed by the
48 rules to be adopted by the court, shall certify that in his
49 opinion any decision of any division of the court is in conflict
50 with any prior decision of the court or of any division thereof,
51 the cause shall then be considered and adjudged by the full court
52 or a quorum thereof."

53 IV.

54 Repeal Section 145-A, Mississippi Constitution of 1890, which
55 reads as follows:

56 "Section 145-A. The Supreme Court shall consist of six (6)
57 judges, that is to say, of three (3) judges in addition to the
58 three (3) provided for by Section 145 of this Constitution, any
59 four (4) of whom when convened shall form a quorum. The
60 additional judges herein provided for shall be selected one (1)
61 for and from each of the Supreme Court districts in the manner
62 provided by Section 145 of this Constitution, or any amendments

63 thereto. Their terms of office shall be as provided by Section
64 149 of this Constitution, or any amendment thereto."

65 V.

66 Repeal Section 145-B, Mississippi Constitution of 1890, which
67 reads as follows:

68 "Section 145-B. The Supreme Court shall consist of nine (9)
69 judges, that is to say, of three (3) judges in addition to the six
70 (6) provided for by Section 145-A of this Constitution, any five
71 (5) of whom when convened shall constitute a quorum. The
72 additional judges herein provided for shall be selected one (1)
73 for and from each of the Supreme Court districts in the manner
74 provided by Section 145-A of this Constitution or any amendment
75 thereto. Their terms of office shall be as provided by Section
76 149 of this Constitution or any amendment thereto."

77 BE IT FURTHER RESOLVED, That these proposed amendments shall
78 be submitted by the Secretary of State to the qualified electors
79 at an election to be held on the first Tuesday after the first
80 Monday of November 2006, as provided by Section 273 of the
81 Constitution and by general law, with the amendments in this
82 resolution being voted on as one amendment since the proposed
83 amendments pertain to one subject.

84 BE IT FURTHER RESOLVED, That the explanation of this proposed
85 amendment for the ballot shall read as follows: "This proposed
86 constitutional amendment amends three sections of the Constitution
87 and repeals two other sections to provide that judges of the
88 Supreme Court shall be appointed by the Governor with the advice
89 and consent of the Senate."

90 BE IT FURTHER RESOLVED, That the Attorney General of the
91 State of Mississippi shall submit this resolution, immediately
92 upon adoption by the Legislature, to the Attorney General of the
93 United States or to the United States District Court for the
94 District of Columbia, in accordance with the provisions of the
95 Voting Rights Act of 1965, as amended and extended.