

By: Representatives Snowden, Staples, Chism, Moore, Mims, Ellington, Howell, Gregory, Beckett, Bounds, Barnett, Bondurant, Wells-Smith, Rotenberry, Fillingane, Carlton, Parker To: Constitution

HOUSE CONCURRENT RESOLUTION NO. 40

1 A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO SECTION
2 265, MISSISSIPPI CONSTITUTION OF 1890, TO PROVIDE THAT A
3 GOVERNMENTAL ENTITY SHALL NOT PROHIBIT OR DISCOURAGE ANY PERSON,
4 PUBLIC OR PRIVATE, FROM EXPRESSING A BELIEF IN OR ACKNOWLEDGING
5 THE EXISTENCE OF A SUPREME BEING; AND FOR RELATED PURPOSES.

6 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF
7 MISSISSIPPI, That the following amendment to the Mississippi
8 Constitution of 1890 is proposed to the qualified electors of the
9 state:

10 Amend Section 265, Mississippi Constitution of 1890, to read
11 as follows:

12 "Section 265. (1) No person who denies the existence of a
13 Supreme Being shall hold any office in this state.

14 (2) A governmental entity shall not prohibit or discourage
15 any person, public or private, from expressing a belief in or
16 acknowledging the existence of a Supreme Being except to the
17 extent that such expression or acknowledgment conflicts with or is
18 in violation of the constitutional guarantee of free exercise of
19 religion, the constitutional prohibition against establishment of
20 religion or any other specific constitutional rights, guarantees
21 or prohibitions specifically provided for under this Constitution
22 or the Constitution of the United States.

23 For the purpose of this subsection, the term "governmental
24 entity" means the State of Mississippi and any agency, department,
25 institution, instrumentality or political subdivision thereof, and
26 any agency, department, institution or instrumentality of a
27 political subdivision of the State of Mississippi."

28 BE IT FURTHER RESOLVED, That this proposed amendment shall be
29 submitted by the Secretary of State to the qualified electors at
30 an election to be held on the first Tuesday after the first Monday
31 of November 2006, as provided by Section 273 of the Constitution
32 and by general law.

33 BE IT FURTHER RESOLVED, That the explanation of this proposed
34 amendment for the ballot shall read as follows: "This proposed
35 constitutional amendment provides that a governmental entity shall
36 not prohibit or discourage any person, public or private, from
37 expressing a belief in or acknowledging the existence of a Supreme
38 Being except to the extent that such expression or acknowledgment
39 conflicts with or is in violation of some other rights, guarantees
40 or prohibitions specifically provided for under the Mississippi
41 Constitution or the Constitution of the United States."