

By: Representative Brown

To: Constitution

HOUSE CONCURRENT RESOLUTION NO. 44

1 A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO SECTION
2 121, MISSISSIPPI CONSTITUTION OF 1890, TO RESTRICT THE POWER OF
3 THE GOVERNOR IN CALLING AN EXTRAORDINARY SESSION TO AN EXISTING OR
4 IMPENDING EMERGENCY OR CONDITION THAT, IN HIS OPINION, HAS CAUSED
5 OR POSES AN IMMEDIATE AND SUBSTANTIAL THREAT OF HARM OR INJURY TO
6 THE PUBLIC HEALTH, SAFETY OR WELFARE; TO REQUIRE THE GOVERNOR TO
7 ISSUE HIS PROCLAMATION CALLING FOR AN EXTRAORDINARY SESSION AT
8 LEAST TEN DAYS BEFORE THE DATE SCHEDULED FOR CONVENING THE
9 EXTRAORDINARY SESSION; TO AUTHORIZE THE LEGISLATURE WHEN SO
10 CONVENED, UPON ADOPTION OF A RESOLUTION BY TWO-THIRDS OF THE
11 MEMBERSHIP OF EACH HOUSE, TO CONSIDER OTHER MATTERS OF AN
12 EMERGENCY NATURE NOT INCLUDED WITHIN THE GOVERNOR'S CALL; AND FOR
13 RELATED PURPOSES.

14 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF
15 MISSISSIPPI, That the following amendment to the Mississippi
16 Constitution of 1890 is proposed to the qualified electors of the
17 state:

18 Amend Section 121, Mississippi Constitution of 1890, to read
19 as follows:

20 "Section 121. The Governor shall have power to convene the
21 Legislature in extraordinary session whenever, in his judgment,
22 there is an existing or impending emergency endangering lives or
23 property in this state including, but not limited to, conditions
24 resulting from a man-made, natural or technological disaster,
25 financial crisis or other condition that has caused or poses an
26 immediate and substantial threat of harm or injury to the public
27 health, safety or welfare. Should the Governor deem it necessary
28 to convene the Legislature he shall do so by public proclamation
29 issued not less than ten (10) days before the date set for
30 convening, in which he shall state the subjects and matters to be
31 considered by the Legislature when so convened and an explanation
32 of the specific emergency that justifies the calling of the

33 extraordinary session and why the subjects and matters proposed
34 for consideration cannot await consideration at the next regular
35 session of the Legislature. The Legislature, when so convened as
36 aforesaid, shall have * * * power to consider and act only upon
37 subjects or matters * * * designated in the proclamation of the
38 Governor by which the session is called, * * * impeachments and
39 examination into the accounts of state officers and such other
40 matters that the Legislature, by resolution adopted by not less
41 than two-thirds (2/3) of the membership of each house, find to be
42 necessary or advisable to address an existing or impending
43 emergency endangering lives or property in this state including,
44 but not limited to, conditions resulting from a man-made, natural
45 or technological disaster, financial crisis or other condition
46 that has caused or poses an immediate and substantial threat of
47 harm or injury to the public health, safety or welfare. * * * The
48 Governor may convene the Legislature at the seat of government, or
49 at a different place if that shall become dangerous from an enemy
50 or from disease; and in case of a disagreement between the two (2)
51 houses with respect to time of adjournment, adjourn them to such
52 time as he shall think proper, not beyond the day of the next
53 stated meeting of the Legislature."

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

59 BE IT FURTHER RESOLVED, That the explanation of this proposed
60 amendment for the ballot shall read as follows: "This proposed
61 constitutional amendment restricts the power of the Governor to
62 call an extraordinary session to an existing or impending
63 emergency and requires the Governor to issue his proclamation
64 calling for an extraordinary session at least ten (10) days before
65 the date scheduled for its convening. The amendment also

66 authorizes the Legislature when so convened, upon adoption of a
67 resolution, to consider other matters of an emergency nature not
68 included within the Governor's call."