

By: Representatives Brown, Mayo

To: Constitution

## HOUSE CONCURRENT RESOLUTION NO. 22

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 2007, 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."