

By: Representatives Eubanks, Hopkins,
Criswell, Brown, Touchstone

To: Rules; Constitution

HOUSE CONCURRENT RESOLUTION NO. 43

1 A CONCURRENT RESOLUTION APPLYING TO THE CONGRESS OF THE
2 UNITED STATES TO CALL AN AMENDMENT CONVENTION OF THE STATES
3 PURSUANT TO ARTICLE V OF THE UNITED STATES CONSTITUTION LIMITED TO
4 PROPOSING AMENDMENTS THAT IMPOSE FISCAL RESTRAINTS ON THE FEDERAL
5 GOVERNMENT, LIMIT THE POWER AND JURISDICTION OF THE FEDERAL
6 GOVERNMENT, AND LIMIT THE TERMS OF OFFICE FOR ITS OFFICIALS AND
7 FOR MEMBERS OF CONGRESS.

8 WHEREAS, the Founders of the United States Constitution
9 empowered state legislators to be guardians of liberty against
10 excessive use of power by the federal government; and

11 WHEREAS, the federal government has created a crushing
12 national debt through improper and imprudent spending; and

13 WHEREAS, the federal government has ceased to operate under a
14 proper interpretation of the United States Constitution; and

15 WHEREAS, the federal government has invaded the legitimate
16 roles of the states through the manipulative process of federal
17 mandates, most of which are unfunded to a great extent; and

18 WHEREAS, it is the solemn duty of the states to protect the
19 liberty of our people, particularly for the generations to come,
20 by proposing amendments to the United States Constitution through



21 a Convention of the States under Article V for the purpose of
22 restraining these and related abuses of power; NOW, THEREFORE,

23 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE
24 OF MISSISSIPPI, THE SENATE CONCURRING THEREIN:

25 **SECTION 1.** The Legislature of the State of Mississippi
26 hereby applies to Congress, under the provisions of Article V of
27 the Constitution of the United States, for the calling of a
28 Convention of the States limited to proposing amendments to the
29 Constitution of the United States that impose fiscal restraints on
30 the federal government, limit the power and jurisdiction of the
31 federal government, and limit the terms of office for its
32 officials and for members of Congress.

33 **SECTION 2.** This application constitutes a continuing
34 application in accordance with Article V of the Constitution of
35 the United States until the legislatures of at least two-thirds
36 (2/3) of the several states have made applications on the same
37 subject.

38 **SECTION 3.** The Mississippi Legislature adopts this
39 application expressly subject to the following reservations,
40 understandings and declarations:

41 (a) An application to the Congress of the United States
42 to call an Amendment Convention of the States pursuant to Article
43 V of the United States Constitution confers no power to Congress
44 other than the power to call such a Convention. The power of
45 Congress to exercise this ministerial duty consists solely of the



46 authority to name a reasonable time and place for the initial
47 meeting of a Convention;

48 (b) Congress shall perform its ministerial duty of
49 calling an Amendment Convention of the States only upon the
50 receipt of applications for an Amendment Convention for the
51 substantially same purpose as this application from two-thirds
52 (2/3) of the legislatures of the several states;

53 (c) Congress does not have the power or authority to
54 determine any rules for the governing of a Convention for
55 proposing amendments called pursuant to Article V of the United
56 States Constitution. Congress does not have the power to set the
57 number of delegates to be sent by any state to such a Convention,
58 nor does it have the power to name delegates to such a Convention.
59 The power to name delegates remains exclusively within the
60 authority of the legislatures of the several states;

61 (d) By definition, an Amendment Convention of the
62 States means that states shall vote on the basis of one state, one
63 vote;

64 (e) A Convention for proposing amendments convened
65 pursuant to this application shall be limited to consideration of
66 the topics specified herein and no other. This application is
67 made with the express understanding that an amendment that in any
68 way seeks to amend, modify or repeal any provision of the Bill of
69 Rights shall not be authorized for consideration at any stage.



70 This application shall be void ab initio if ever used at any stage
71 to consider any change to any provision of the Bill of Rights;

72 (f) Pursuant to Article V of the United States
73 Constitution, Congress may determine whether proposed amendments
74 shall be ratified by the legislatures of the several states or by
75 special state ratification conventions. The Mississippi
76 Legislature recommends that Congress select ratification by the
77 legislatures of the several states; and

78 (g) The Mississippi Legislature may provide further
79 instructions to its delegates and may recall its delegates at any
80 time for a breach of a duty or a violation of the instructions
81 provided.

82 **SECTION 4.** The Mississippi delegates are hereby instructed
83 not to support term limits for members of Congress.

84 BE IT FURTHER RESOLVED, That a certified copy of this
85 application be transmitted by the Secretary of State, to the
86 President of the United States Senate, to the Speaker of the
87 United States House of Representatives, to each member of the
88 Mississippi delegation to the United States Congress, and to the
89 presiding officers of each house of the several state
90 Legislatures, requesting their cooperation in applying for the
91 Amendments Convention limited to the subject matter contemplated
92 by this application.

