

By: Representatives Eubanks, Hopkins, Brown, Formby, Currie, Smith, Aguirre, Boyd, Byrd, Carpenter, Chism, Criswell, Guice, Hale, Henley, Horne, Johnson (87th), Kinkade, McNeal, Moore, Pigott, Rushing, Scoggin, Shirley, Staples, Steverson, Touchstone, Tullos, Wilson, Zuber To: Rules

HOUSE CONCURRENT RESOLUTION NO. 78

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 live 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, That:

25 **SECTION 1.** The Congress of the United States is hereby
26 petitioned to propose an amendment to the Constitution of the
27 United States, for submission to the states for ratification, to
28 impose fiscal restraints on the federal government and limit the
29 federal government's power and jurisdiction.

30 **SECTION 2.** Pursuant to Article V of the Constitution of the
31 United States, the Legislature of the State of Mississippi, joins
32 in the applications of the states of Georgia(SR 736, 2014),
33 Florida(SM 476, 2014), Alaska(HJR 22, 2014), Alabama(HJR 112,
34 2015), Tennessee(SJ 67, 2016), Indiana(SJR 14, 2016), Oklahoma(SJR
35 4, 2016) and Louisiana(SCR 52, 2016), for a convention for the
36 specific and exclusive purpose of proposing amendments to the
37 Constitution of the United States limited to the purposes stated
38 therein; provided, however, that the commissioners from
39 Mississippi to said convention are expressly limited to
40 consideration and support of amendments that impose fiscal
41 restraints on the federal government, and amendments that limit
42 the power and jurisdiction of the federal government, and no other
43 amendments on any topic whatsoever.

44 **SECTION 3.** It is the express intention of the State
45 Legislature that this application shall be aggregated with the



46 applications of the above-mentioned states and with subsequent
47 applications of other states limited to the purposes identified in
48 this application and in those applications of the above-mentioned
49 states.

50 **SECTION 4.** This application constitutes a continuing
51 application in accordance with Article V of the Constitution of
52 the United States until the legislatures of at least two-thirds
53 (2/3) of the several states have made applications for a similar
54 convention under Article V, or the Mississippi Legislature acts to
55 withdraw this application.

56 **SECTION 5.** The Mississippi Legislature adopts this
57 application expressly subject to the following reservations,
58 understandings and declarations:

59 (a) An application to the Congress of the United States
60 to call an Amendment Convention of the States pursuant to Article
61 V of the United States Constitution confers no power to Congress
62 other than the power to call such a Convention. The power of
63 Congress to exercise this ministerial duty consists solely of the
64 authority to name a reasonable time and place for the initial
65 meeting of a Convention;

66 (b) Congress shall perform its ministerial duty of
67 calling an Amendment Convention of the States only upon the
68 receipt of applications for an Amendment Convention for the
69 substantially same purpose as this application from two-thirds
70 (2/3) of the legislatures of the several states;



71 (c) Congress does not have the power or authority to
72 determine any rules for the governing of a Convention for
73 proposing amendments called pursuant to Article V of the United
74 States Constitution. Congress does not have the power to set the
75 number of delegates to be sent by any state to such a Convention,
76 nor does it have the power to name delegates to such a Convention.
77 The power to name delegates remains exclusively within the
78 authority of the legislatures of the several states;

79 (d) By definition, an Amendment Convention of the
80 States means that states shall vote on the basis of one state, one
81 vote;

82 (e) A Convention for proposing amendments convened
83 pursuant to this application shall be limited to consideration of
84 the topics specified herein and no other. This application is
85 made with the express understanding that an amendment that in any
86 way seeks to amend, modify or repeal any provision of the Bill of
87 Rights shall not be authorized for consideration at any stage.
88 This application shall be void ab initio if ever used at any stage
89 to consider any change to any provision of the Bill of Rights;

90 (f) Pursuant to Article V of the United States
91 Constitution, Congress may determine whether proposed amendments
92 shall be ratified by the legislatures of the several states or by
93 special state ratification conventions. The Mississippi
94 Legislature recommends that Congress select ratification by the
95 legislatures of the several states; and



96 (g) The Mississippi Legislature may provide further
97 instructions to its delegates and may recall its delegates at any
98 time for a breach of a duty or a violation of the instructions
99 provided.

100 BE IT FURTHER RESOLVED, That a certified copy of this
101 application be transmitted by the Secretary of State, to the
102 President of the United States Senate, to the Speaker of the
103 United States House of Representatives, to each member of the
104 Mississippi delegation to the United States Congress, and to the
105 presiding officers of each house of the several state
106 Legislatures, requesting their cooperation in applying for the
107 Amendment Convention limited to the subject matter contemplated by
108 this application.

