

By: Senator(s) McDaniel

To: Rules

SENATE CONCURRENT RESOLUTION NO. 546

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 SENATE OF THE STATE OF MISSISSIPPI, THE
24 HOUSE OF REPRESENTATIVES 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.** The Clerk of the House of Representatives is
34 hereby directed to transmit copies of this application to the
35 President and Secretary of the United States Senate and to the
36 Speaker and Clerk of the United States House of Representatives,
37 and copies to the members of the said Senate and House of
38 Representatives from this state; also to transmit copies hereof to
39 the presiding officers of each of the legislative houses in the
40 several states, requesting their cooperation.

41 **SECTION 3.** This application constitutes a continuing
42 application in accordance with Article V of the Constitution of
43 the United States until the legislatures of at least two-thirds of
44 the several states have made applications on the same subject.



45 **SECTION 4.** The Legislature of Mississippi adopts this
46 application expressly subject to the following reservations,
47 understandings and declarations:

48 (a) An application to the Congress of the United States
49 to call an Amendment Convention of the States pursuant to Article
50 V of the United States Constitution confers no power to Congress
51 other than the power to call such a Convention. The power of
52 Congress to exercise this ministerial duty consists solely of the
53 authority to name a reasonable time and place for the initial
54 meeting of a Convention;

55 (b) Congress shall perform its ministerial duty of
56 calling an Amendment Convention of the States only upon the
57 receipt of applications for an Amendment Convention for the
58 substantially same purpose as this application from two-thirds of
59 the legislatures of the several states;

60 (c) Congress does not have the power or authority to
61 determine any rules for the governing of a Convention for
62 proposing amendments called pursuant to Article V of the United
63 States Constitution. Congress does not have the power to set the
64 number of delegates to be sent by any state to such a Convention,
65 nor does it have the power to name delegates to such a Convention.
66 The power to name delegates remains exclusively within the
67 authority of the legislatures of the several states;



68 (d) By definition, an Amendment Convention of the
69 States means that states shall vote on the basis of one state, one
70 vote;

71 (e) A Convention for proposing amendments convened
72 pursuant to this application shall be limited to consideration of
73 the topics specified herein and no other. This application is
74 made with the express understanding that an amendment that in any
75 way seeks to amend, modify or repeal any provision of the Bill of
76 Rights shall not be authorized for consideration at any stage.
77 This application shall be void ab initio if ever used at any stage
78 to consider any change to any provision of the Bill of Rights;

79 (f) Pursuant to Article V of the United States
80 Constitution, Congress may determine whether proposed amendments
81 shall be ratified by the legislatures of the several states or by
82 special state ratification conventions. The Legislature of
83 Mississippi recommends that Congress select ratification by the
84 legislatures of the several states; and

85 (g) The Legislature of Mississippi may provide further
86 instructions to its delegates and may recall its delegates at any
87 time for a breach of a duty or a violation of the instructions
88 provided.

89 **SECTION 5.** The Mississippi delegates are hereby instructed
90 not to support term limits for members of Congress.

91 BE IT FURTHER RESOLVED, That a certified copy of this
92 application be transmitted by the Secretary of State, to the



93 President of the United States Senate, to the Speaker of the
94 United States House of Representatives, to each member of the
95 applicant's delegation to the United States Congress, and to the
96 presiding officers of each house of the several state
97 Legislatures, requesting their cooperation in applying for the
98 Amendments Convention limited to the subject matter contemplated
99 by this application.

