

By: Senator(s) Hill, Fillingane

To: Rules

SENATE CONCURRENT RESOLUTION NO. 623

1 A CONCURRENT RESOLUTION OF THE MISSISSIPPI LEGISLATURE
 2 APPLYING FOR AN ARTICLE V CONSTITUTIONAL CONVENTION OF THE STATES
 3 FOR PROPOSING AMENDMENTS TO THE UNITED STATES CONSTITUTION WHICH
 4 IMPOSE FISCAL RESTRAINTS ON THE FEDERAL GOVERNMENT AND LIMIT THE
 5 POWER AND JURISDICTION OF THE FEDERAL GOVERNMENT, AND REQUESTING
 6 CONGRESS TO SIMILARLY PROPOSE SUCH AMENDMENTS.

7 WHEREAS, the founders of the Constitution of the United
 8 States empowered state legislators to be guardians of liberty
 9 against future abuses of power by the federal government; and

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

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

15 WHEREAS, the federal government has ceased to live under a
 16 proper interpretation of the Constitution of the United States;
 17 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 Constitution of the United States



21 through a Convention of the states under Article V of the United
22 States Constitution to place clear restraints on these and related
23 abuses of power:

24 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF
25 MISSISSIPPI, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN, That
26 the Congress of the United States is hereby petitioned to propose
27 an amendment to the Constitution of the United States, for
28 submission to the states for ratification, to impose fiscal
29 restraints on the federal government and limit the federal
30 government's power and jurisdiction.

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



45 BE IT FURTHER RESOLVED, That it is the express intention of
46 the Mississippi Legislature that this application shall be
47 aggregated with the applications of the above-mentioned states and
48 with subsequent applications of other states limited to the
49 purposes identified in this application and in those applications
50 of the above-mentioned states.

51 BE IT FURTHER RESOLVED, That this application constitutes a
52 continuing application in accordance with Article V of the
53 Constitution of the United States until the legislatures of at
54 least two-thirds of the several states have made applications for
55 a similar Convention under Article V, or the State Legislature
56 acts to withdraw this application.

57 BE IT FURTHER RESOLVED, That the Secretary of State shall
58 transmit certified copies of this Concurrent Resolution to the
59 President and Secretary of the United States Senate, the Speaker
60 and Clerk of the United States House of Representatives, the
61 presiding officer in each house of the legislature in each of the
62 states in the union, and to the members of Mississippi's
63 congressional delegation requesting their cooperation.

64 BE IT FURTHER RESOLVED, That the Legislature of Mississippi
65 adopts this application expressly subject to the following
66 reservations, understandings, and declarations:

67 1. An application to the Congress of the United States to
68 call an Amendments Convention of the states pursuant to Article V
69 of the United States Constitution confers no power to Congress



70 other than the power to call such a Convention. The power of
71 Congress to exercise this ministerial duty consists solely of the
72 authority to name a reasonable time and place for the initial
73 meeting of a Convention.

74 2. Congress shall perform its ministerial duty of calling an
75 Amendments Convention of the states only upon the receipt of
76 applications for an Amendments Convention for the substantially
77 same purpose as this application from two-thirds of the
78 legislatures of the several states.

79 3. Congress does not have the power or authority to
80 determine any rules for the governing of a Convention for
81 proposing amendments called pursuant to Article V of the United
82 States Constitution. Congress does not have the power to set the
83 number of delegates to be sent by any state to such a Convention,
84 nor does it have the power to name delegates to such a Convention.
85 The power to name delegates remains exclusively within the
86 authority of the legislatures of the several states.

87 4. By definition, an Amendments Convention of the states
88 means that states shall vote on the basis of one state, one vote.

89 5. A Convention for proposing amendments convened pursuant
90 to this application shall be limited to consideration of the
91 topics specified herein, and no other. This application is made
92 with the express understanding that an amendment that in any way
93 seeks to amend, modify, or repeal any provision of the Bill of
94 Rights shall not be authorized for consideration at any stage.



95 This application shall be void ab initio if ever used at any stage
96 to consider any change to any provision of the Bill of Rights.

97 6. Pursuant to Article V of the United States Constitution,
98 Congress may determine whether proposed amendments shall be
99 ratified by the legislatures of the several states or by special
100 State Ratification Conventions. The Legislature of Mississippi
101 recommends that Congress select ratification by the legislatures
102 of the several states.

103 7. The Legislature of Mississippi may provide further
104 instructions to its delegates and may recall its delegates at any
105 time for a breach of a duty or a violation of the instructions
106 provided.

