

By: Representatives Chism, Hopkins,  
Patterson

To: Rules

## HOUSE CONCURRENT RESOLUTION NO. 31

1 A CONCURRENT RESOLUTION APPLYING TO THE UNITED STATES  
2 CONGRESS TO CALL A CONVENTION OF THE STATES UNDER THE PROVISIONS  
3 OF ARTICLE V OF THE CONSTITUTION OF THE UNITED STATES FOR THE  
4 PURPOSE OF PROPOSING AMENDMENTS LIMITED TO BALANCING THE FEDERAL  
5 BUDGET; AND FOR RELATED PURPOSES.

6 WHEREAS, Article V of the Constitution of the United States  
7 mandates that upon application of the legislatures of two-thirds  
8 (2/3) of the several states, Congress shall call a convention for  
9 proposing amendments; and

10 WHEREAS, the Legislature of the State of Mississippi deems an  
11 amendment to the Constitution of the United States requiring a  
12 balanced federal budget to be necessary:

13 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF  
14 REPRESENTATIVES OF THE STATE OF MISSISSIPPI, THE SENATE CONCURRING  
15 THEREIN, That the Legislature of the State of Mississippi applies  
16 to Congress, under the provisions of Article V of the Constitution  
17 of the United States, for the calling of a convention of the  
18 states, limited to proposing an amendment to the Constitution of  
19 the United States requiring that, in the absence of a national



20 emergency, the total of all federal outlays made by Congress for  
21 any fiscal year may not exceed the total of all estimated federal  
22 revenues for that fiscal year, together with any related and  
23 appropriate fiscal restraints.

24 BE IT FURTHER RESOLVED, That copies of this application shall  
25 be transmitted by the Secretary of State to the President and  
26 Secretary of the United States Senate, to the Speaker and Clerk of  
27 the United States House of Representatives, to members of the  
28 Mississippi congressional delegation and to the presiding officers  
29 of each house of the several state legislatures, requesting their  
30 cooperation in applying for the convention, limited to the subject  
31 matter contemplated by this application.

32 BE IT FURTHER RESOLVED, That this application is to be  
33 considered as covering the amendment language of the presently  
34 outstanding balanced budget applications from other states, and  
35 that this application shall be aggregated with the same for the  
36 purpose of attaining the two-thirds (2/3) of states necessary to  
37 require the calling of a convention for proposing a balanced  
38 budget amendment, but shall not be aggregated with any  
39 applications on any other subject.

40 BE IT FURTHER RESOLVED, That the Mississippi Legislature  
41 adopts this application expressly subject to the following  
42 reservations, understandings and declarations:

43 (a) An application to the Congress of the United States  
44 to call a convention of the states under Article V of the United



45 States Constitution confers no power to Congress other than the  
46 power to call such a convention. The power of Congress to  
47 exercise this ministerial duty consists solely of the authority to  
48 name a reasonable time and place for the initial meeting of a  
49 convention;

50 (b) Congress shall perform its ministerial duty of  
51 calling a convention of the states only upon receipt of  
52 applications for a convention for the substantially same purpose  
53 as this application from two-thirds (2/3) of the legislatures of  
54 the several states;

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

63 (d) By definition, a convention of the states means  
64 that states shall vote on the basis of one state, one vote;

65 (e) A convention for proposing amendments convened  
66 under this application shall be limited to consideration of the  
67 topics specified in this application and no other. This  
68 application is made with the express understanding that an  
69 amendment that in any way seeks to amend, modify or repeal any



70 provision of the Bill of Rights shall not be authorized for  
71 consideration at any stage. This application shall be void if  
72 ever used at any stage to consider any change to any provision of  
73 the Bill of Rights;

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

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

84 BE IT FURTHER RESOLVED, That this application constitutes a  
85 continuing application in accordance with Article V of the  
86 Constitution of the United States until the Legislatures of at  
87 least two-thirds (2/3) of the several states have made  
88 applications on the same subject. This application further  
89 supersedes all previous applications by this Legislature on the  
90 same subject.

