

By: Representative Eubanks

To: Rules

HOUSE CONCURRENT RESOLUTION NO. 9

1 A CONCURRENT RESOLUTION TO PROVIDE FOR THE SELECTION AND
2 AUTHORITY OF COMMISSIONERS TO ATTEND AN ARTICLE V CONVENTION
3 CALLED FOR PROPOSING AMENDMENTS TO THE UNITED STATES CONSTITUTION.

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

8 WHEREAS, whenever Congress has called for an Article V
9 Convention, it is necessary for each state to provide for the
10 selection of commissioners to attend the convention; and

11 WHEREAS, the Legislature of the State of Mississippi deems it
12 necessary to adopt procedures for the selection and authority of
13 commissioners to attend an Article V Convention:

14 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF
15 REPRESENTATIVES OF THE STATE OF MISSISSIPPI, THE SENATE CONCURRING
16 THEREIN, That we do hereby adopt the following procedures for the
17 selection and authority of commissioners to attend an Article V
18 Convention:



19 (1) **Selection of Commissioners.** When a convention is called
20 to propose amendments to the United States Constitution under
21 Article V of the United States Constitution, the selection and
22 participation of commissioners from Mississippi to the convention
23 shall be governed by this resolution.

24 (2) **Number, Eligibility, and Selection of Commissioners.**
25 Mississippi shall have five (5) commissioners and three (3)
26 alternative commissioners to the convention. Commissioners and
27 alternates shall be citizens of the State of Mississippi and shall
28 otherwise meet the same qualifications necessary to hold office in
29 the State Legislature.

30 Commissioners and alternates may include persons holding
31 public office, subject to certain limits as provided in this
32 resolution, except that no person will be eligible who is a member
33 of the United States House of Representatives or Senate, an
34 employee of the United States, an employee or other representative
35 of a contractor with the United States, or an elected official
36 holding a statewide office subject to limitation as provided in
37 this resolution. Commissioners and alternates are also subject to
38 those existing ethics rules that apply to members of the
39 Legislature.

40 The Legislature shall select, by majority vote of each house,
41 five (5) commissioners and three (3) alternates who meet the
42 eligibility requirements as provided in this resolution. Of the
43 five (5) commissioners, no more than two (2) shall be nonsitting



44 members of the Legislature. Of the three (3) alternates, no more
45 than one (1) may be a nonsitting member of the Legislature. Three
46 (3) commissioners shall constitute a quorum for all decisions made
47 by the delegation, and no commissioner may give his or her vote by
48 proxy or otherwise to any other commissioner. The commissioners
49 shall select a chairperson to administer the work of the
50 commissioners.

51 (3) **Authority of Commissioners.** (a) Each commissioner and
52 alternate, by oath or affirmation as a condition of participating
53 in the convention, shall agree to faithfully and impartially
54 discharge all the duties incumbent upon a convention commissioner,
55 including the duty to abide by instructions established by
56 concurrent resolution of the Legislature for participation in the
57 convention and the duty to act only within the scope of the
58 Legislature's application for the convention, if the State of
59 Mississippi applied for the convention in which the commissioners
60 are participating.

61 Each commissioner and alternate shall further agree to
62 immediately notify the Joint Legislative Committee if he or she
63 believes that any commissioner or alternate has violated his or
64 her oath or instructions while participating in the convention.

65 (b) Before the Article V Convention, the Legislature
66 shall consider "Recommended Commissioner Instructions" presented
67 to it by the Joint Legislative Committee as provided in subsection
68 (4), and shall by concurrent resolution provide duly approved



69 instructions to the commissioners and alternates regarding the
70 scope of matters they may consider and vote on at convention,
71 including rules of procedure and proposed amendments. Such
72 instructions may be changed by the Legislature before or during
73 the convention. These instructions shall include, but shall not
74 be limited to:

75 (i) An instruction that the commissioners shall
76 not support any voting rule other than the rule by which each
77 state exercises one (1) vote; and

78 (ii) An instruction that on all voting matters at
79 the convention, the decision of a simple majority of the
80 commissioners shall constitute a single vote for the State of
81 Mississippi.

82 (c) Any vote cast by a commissioner or alternate at an
83 Article V Convention that is outside the scope of any of the
84 following is an unauthorized vote, and is void:

85 (i) The instructions established by any concurrent
86 resolution adopted under this resolution or later amending
87 resolutions.

88 (ii) Any limits identified in the Legislature's
89 application for the convention.

90 (4) **Authorization for and Role of the Joint Legislative**

91 **Committee.** (a) After or near the time an Article V Convention is
92 called, a Joint Legislative Committee shall be duly authorized by
93 the Legislature for the purposes provided in this subsection (4).



94 The Joint Legislative Committee shall be comprised of four (4)
95 members of the Senate appointed by the President of the Senate and
96 four (4) members of the House appointed by the Speaker of the
97 House, and shall have the initial task of presenting "Recommended
98 Commissioner Instructions" to the Legislature for consideration
99 leading to a concurrent resolution as provided in subsection 3(b).
100 Such instructions will define the scope of matters that the
101 commissioners may consider and vote on at the Article V
102 Convention, including rules of procedure and proposed amendments
103 as provided in subsection (3). All recommendations that secure a
104 simple majority vote of the members present will be deemed
105 approved instructions to be submitted to the Legislature for its
106 consideration.

107 (b) After commissioners have been selected, the Joint
108 Legislative Committee may recall any commissioner and revoke such
109 commissioner's authority. However, the Joint Legislative
110 Committee may only recall and revoke the authority if the
111 commissioner casts or attempts to cast an unauthorized vote as
112 provided in this resolution. The Joint Legislative Committee
113 shall also appoint one (1) of the selected alternates to take the
114 place of a commissioner so recalled. If the chairperson is
115 replaced, the commissioners shall elect a new chairperson. The
116 Joint Legislative Committee also shall promptly investigate any
117 notice that a commissioner or alternate has cast an unauthorized
118 vote or otherwise exceeded the scope of the Legislature's



119 application for the convention or the Legislature's instructions
120 to the commissioners.

121 The Joint Legislative Committee shall act to ensure that the
122 commissioners remain faithful to the terms of the convention
123 application and the Legislature's instructions. Before or during
124 the Article V Convention, the Joint Legislative Committee may
125 advise the commissioners on questions that arise regarding the
126 scope of the application for the convention and the legislative
127 instructions to commissioners.

128 (c) By concurrent resolution, the Legislature may
129 change or supersede any action of the Joint Legislative Committee
130 or recall commissioners or alternates to the convention, or
131 appoint new commissioners or alternates. The Joint Legislative
132 Committee shall be authorized to conduct its business via
133 telephone or by electronic communication.

134 (5) **Conflicts with Convention Rules or Procedures.** If the
135 provisions of this resolution conflict with the rules or
136 procedures established by the Article V Convention, the
137 Legislature may by concurrent resolution conform these provisions
138 to such rules or procedures.

