SENATE CONCURRENT RESOLUTION NO. 596

A CONCURRENT RESOLUTION APPLYING TO THE CONGRESS OF THE UNITED STATES TO CALL AN AMENDMENT CONVENTION OF THE STATES PURSUANT TO ARTICLE V OF THE UNITED STATES CONSTITUTION.

WHEREAS, the Founders of the United States Constitution empowered state legislators to be guardians of liberty against excessive use of power by the federal government; and

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

WHEREAS, the federal government has ceased to operate under a proper interpretation of the United States Constitution; and

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

WHEREAS, it is the solemn duty of the states to protect the liberty of our people, particularly for the generations to come, by proposing amendments to the United States Constitution through a Convention of the States under Article V for the purpose of restraining these and related abuses of power; NOW, THEREFORE,
BE IT RESOLVED BY THE SENATE OF THE STATE OF MISSISSIPPI, THE
HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

SECTION 1. That pursuant to Article V of the Constitution of
the United States, the Legislature of the State of Mississippi
joins in the applications of the States of Georgia (SR 736, 2014),
Florida (SM 476, 2014), Alaska (HJR 22, 2014), Alabama (HJR 112,
2015), Tennessee (SJR 67, 2016), Indiana (SJR 14, 2016), Oklahoma
(SJR 4, 2016), Louisiana (SCR 52, 2016), Texas (SJR 2, 2017),
Missouri (SCR 4, 2017), North Dakota (HCR 3006, 2017), Arizona
(HCR 2010, 2017), and Arkansas (SJR 3, 2019) to call a Convention
for the specific and exclusive purpose of proposing amendments to
the Constitution of the United States limited to the purposes
stated in those applications; provided, however, that the
commissioners from Mississippi to the Convention are expressly
limited to consideration and support of amendments that impose
fiscal restraints on the federal government, and amendments that
limit the power and jurisdiction of the federal government, and no
amendments on any other topic whatsoever. The Mississippi
delegates are hereby instructed not to support term limits for
members of Congress.

SECTION 2. It is the express intention of the Mississippi
Legislature that this application is to be aggregated with the
applications of the above-mentioned states and with subsequent
applications of other states limited to the purposes identified in
SECTION 3. The Legislature of Mississippi adopts this application expressly subject to the following reservations, understandings and declarations:

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

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

(c) Congress does not have the power or authority to determine any rules for the governing of a Convention for proposing amendments called pursuant to Article V of the United States Constitution. Congress does not have the power to set the number of delegates to be sent by any state to such a Convention, nor does it have the power to name delegates to such a Convention. The power to name delegates remains exclusively within the authority of the legislatures of the several states;
(d) By definition, an Amendment Convention of the States means that states shall vote on the basis of one state, one vote;

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

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

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

SECTION 4. The Secretary of State is hereby directed to transmit copies of this application to the President and Secretary of the United States Senate and to the Speaker and Clerk of the United States House of Representatives, and
copies to the members of the said Senate and House of Representatives from this state; also to transmit copies hereof to the presiding officers of each of the legislative houses in the several states, requesting their cooperation.

SECTION 5. This application constitutes a continuing application in accordance with Article V of the Constitution of the United States until the legislatures of at least two-thirds of the several states have made applications on the same subject, or until the Mississippi Legislature acts to withdraw this application.