By: Representatives Eubanks, Boyd, Arnold To: Rules

HOUSE CONCURRENT RESOLUTION NO. 12

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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