

By: Representatives Warren, Reynolds

To: Rules

COMMITTEE SUBSTITUTE
FOR
HOUSE CONCURRENT RESOLUTION NO. 43

1 A CONCURRENT RESOLUTION ADOPTING JOINT RULES OF THE SENATE
2 AND THE HOUSE OF REPRESENTATIVES FOR THE 2004-2008 TERM OF THE
3 MISSISSIPPI LEGISLATURE.

4 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE
5 OF MISSISSIPPI, THE SENATE CONCURRING THEREIN, That the 2004-2008
6 Joint Rules of the Senate and House are hereby adopted:

7 2004-2008

8 JOINT RULES OF THE SENATE AND THE HOUSE

9 JOINT CONVENTION

10 1. The Senate and the House may meet in joint convention by
11 concurrent resolution duly adopted by both houses. Such
12 resolution shall state the day and hour of such joint convention
13 and the order of business for which it is called.

14 2. All joint conventions of the two (2) houses shall be in
15 the hall of the House of Representatives, and in elections the
16 members shall vote viva voce, and in all cases a majority of the
17 votes of those present and voting shall be requisite to constitute
18 an election.

19 Only senators and members of the House of Representatives
20 shall be permitted on the floor of the House during joint meetings
21 except for the newspaper, radio, and television reporters and
22 necessary Senate and House personnel and others as may be directed
23 by the President of the Senate and Speaker of the House of
24 Representatives respectively. During joint meetings, preference
25 to gallery seats shall be given to elected state officials and
26 families of the legislators.

27 3. When the two (2) houses have met in joint convention, the
28 Speaker of the House shall call the joint convention to order and
29 shall then turn the gavel over to the President of the Senate who
30 shall preside, and all questions of order shall be decided by the
31 latter, subject to an appeal to the joint convention as one (1)
32 body. In the absence of the President of the Senate, the Speaker
33 shall preside and perform all the duties herein provided for.

34 4. A call of either house may be had in joint convention by
35 majority vote of the House for which the call is desired.

36 5. In a joint convention a member shall not speak longer
37 than five (5) minutes. Any extension of time shall be specific.

38 6. A motion to adjourn, or to postpone the business of a
39 joint convention shall be decided on a majority vote of those
40 present and voting, acting as one (1) body. Upon demand of
41 one-tenth (1/10) of the combined membership, the yeas and nays
42 shall be taken on any matter under consideration by the joint
43 convention, and such yeas and nays shall be entered upon the
44 journals of both houses.

45 7. Upon questions arising during a joint convention,
46 requiring the separate decision of either or both houses, the
47 decision of the House shall be first made, then the decision of
48 the Senate. A question for call of either house shall not come
49 within the scope of this rule.

50 8. On all questions of order or parliamentary procedure not
51 in conflict with these joint rules, the rules of the House of
52 Representatives of the State of Mississippi, insofar as
53 applicable, shall be the authority.

54 BILLS AND RESOLUTIONS

55 9. The style of all laws shall be: "BE IT ENACTED BY THE
56 LEGISLATURE OF THE STATE OF MISSISSIPPI:" which shall be typed
57 immediately preceding Section 1 of a bill. No other enacting
58 word, such as "Be it further enacted," shall be used in any bill.

59 10. While bills, resolutions and messages are on their
60 passage between the two (2) houses, they shall be under the
61 signature of the Secretary or Clerk, respectively, as the case may
62 be.

63 11. When a bill or resolution which shall have passed one
64 (1) house has been postponed to a day so distant that it will not
65 be taken up again at the current session, indefinitely postponed,
66 or rejected, by a vote of the other house, information thereof
67 shall be given by message immediately to the house in which the
68 same shall have passed.

69 12. When a bill or resolution, which has passed one (1)
70 house is rejected in the other, by a vote of that house, it shall
71 not again be introduced during the same session, except on three
72 (3) days' notice and on two-thirds (2/3) vote of members present
73 and voting in the house in which it was rejected.

74 13. Each house shall transmit to the other all papers on
75 which any bill or resolution may be founded.

76 14. Each house shall have the liberty of ordering the
77 printing of bills, messages and reports, without the consent of
78 the other.

79 15. Bills or resolutions transmitted to either the Senate or
80 House by the other before the constitutional time has expired for
81 entering a motion to reconsider may be recalled by message upon
82 proper entering of a motion to reconsider.

83 16. Whenever any message, bill, resolution, report or
84 document shall be ordered to be printed by the Senate or House,
85 for use of both houses, it shall be the duty of the Secretary of
86 the Senate or Clerk of the House, as the case may be, immediately
87 to report the fact of the passage of that order to the other
88 branch of the Legislature together with the number so ordered to
89 be printed. Payment thereof shall be made from the contingent
90 funds of each house in the proportion ordered by each house.

91 17. No new bill shall be introduced into either house during
92 the last three (3) days of the session.

93 18. All general bills providing for the levying of taxes,
94 borrowing of money, issuing bonds, notes, or other evidence of
95 debt, providing for fees or imposing the issuance of licenses, of
96 whatever kind by the state or any subdivisions thereof, or the
97 exemption of property from state taxes or taxes of any
98 subdivisions thereof, or the repeal or amendment of any revenue
99 bill or measure shall be considered as revenue bills, and no
100 revenue bills, or conference committee report thereon, or
101 concurrence in amendments adopted by the other house shall be
102 passed or adopted by either the Senate or the House except by a
103 vote of at least three-fifths (3/5) of the members of the Senate
104 and House, respectively, present and voting.

105 19. Appropriation and revenue bills shall have precedence in
106 each house, over all other business, and no such bill shall be
107 passed during the last five (5) days of a regular session.

108 20. Every bill and concurrent resolution, the purpose or
109 effect of which is to expend any state funds or enable the
110 spending of any state funds or to increase or decrease the revenue
111 of the state, either directly or indirectly, shall have attached
112 to it at the time of its being reported by any committee of either
113 house of the Legislature a brief explanatory statement or note
114 which shall include a reliable estimate of the anticipated change
115 in state expenditures or revenues under its provisions. These
116 statements or notes shall be known as fiscal notes. They shall be
117 attached to the original of each proposed bill or resolution but
118 shall be separate therefrom, shall be clearly designated as a
119 fiscal note, and shall not constitute a part of the law proposed
120 by the bill or resolution.

121 The author of each bill or any committee considering same
122 shall present a copy of the bill or resolution, with his request
123 for a fiscal note, to either the Legislative Budget Office, the

124 Department of Finance and Administration, the State Tax
125 Commission, the State Auditor, the state agency with which the
126 bill or resolution is concerned, the state agency having
127 jurisdiction over the subject of the bill or resolution, the Joint
128 Committee on Performance Evaluation and Expenditure Review, or the
129 Legislative Reference Bureau. The fiscal note shall be prepared
130 by the commission or agency and furnished to the author of the
131 bill or committee considering same within seven (7) days after the
132 request is made. If the author of, or committee considering, the
133 bill disagrees with the findings of the agency or agencies, then
134 the author or committee may also attach and furnish a fiscal note,
135 based upon his or its information, research, study and belief
136 which shall then be incorporated in and become a part of the
137 fiscal note. If the appropriate agency does not furnish a fiscal
138 note, after seven (7) days' request, then the author or committee
139 may furnish the fiscal note, based upon his or its information,
140 research, study and belief. If, after careful investigation, it
141 is determined that no dollar estimate is possible, the note shall
142 contain a statement to that effect, setting forth the reasons why
143 no dollar estimate can be given. No comment or opinion shall be
144 included in the fiscal note with regard to the merit, or lack
145 thereof, of the measure for which the note is prepared.

146 Whenever the author of any measure or the committee
147 considering same is of the opinion that no fiscal note is
148 necessary and the measure is considered by either house of the
149 Legislature without a fiscal note, any member of either house may
150 thereafter request a fiscal note be obtained, and in such case the
151 matter shall be decided by majority vote of those present and
152 voting in the house of which he is a member.

153 This rule shall not apply to general appropriation bills,
154 conference reports and local and private bills.

155 CONFERENCE

156 21. When a bill or resolution is returned by either house to
157 the other with amendments, and the house where the bill or
158 resolution originated declined to concur in the amendments, a
159 conference, by a majority vote of those present and voting, may be
160 requested. Such action shall be transmitted by message in which
161 shall be included the names of the conferees on the part of the
162 requesting house. Upon receipt of such message, the other house
163 may, in like manner, grant such conference notifying the
164 requesting house by message and stating the names of the
165 conferees.

166 22. A conference committee shall consist of three (3)
167 members of the House and three (3) members of the Senate to be
168 appointed by the Speaker of the House and the President of the
169 Senate respectively.

170 23. Conference committees shall meet as soon as practicable
171 and proceed to confer on the differences between the two (2)
172 houses, seeking to resolve such differences. The conference
173 committee shall report in writing. Such report shall be signed by
174 a majority of the conference committee members appointed from the
175 House and a majority of the conference committee members appointed
176 from the Senate. The report shall be submitted to both houses,
177 and six (6) copies of each report shall be prepared.

178 23A. (1) All official meetings of any conference committee
179 on a bill or on a resolution proposing a constitutional amendment
180 shall be open to the public at all times, unless declared an
181 executive session in accordance with the provisions of Section
182 25-41-7, Mississippi Code of 1972.

183 (2) The chairman of each Senate and House committee to which
184 such a measure is first referred shall designate one (1), two (2)
185 or three (3) rooms in which official meetings of the conference
186 committees pertaining to such measures shall be held. For the
187 2004 Regular Session and every four (4) years thereafter, the
188 designation of the rooms shall be announced within three (3)

189 legislative days after adoption of these joint rules. For all
190 other sessions, the designation of the rooms shall be announced
191 not later than the third legislative day of each session. Copies
192 of a list of these rooms shall be available in the respective
193 offices of the committee chairmen. This announcement shall
194 constitute notice of the place of the official meetings of
195 conference committees, and notice that the time of each meeting
196 shall not be announced individually. If a conference committee
197 meets in a location other than a designated room, a written notice
198 giving the location of the meeting shall be placed in a
199 conspicuous place in one (1) of the designated rooms.

200 (3) Proper decorum during any official meeting of a
201 conference committee requires that the committee's deliberation be
202 directly related to the committee's primary purpose of resolving
203 the differences between the two (2) houses that pertain to a
204 specific measure. Therefore, the following shall not be allowed
205 during any official meeting of a conference committee:

206 (a) The use of a cell phone by a conferee or other
207 person in the room in which the conference committee meeting is
208 being conducted;

209 (b) Any oral, written or electronic communication
210 between a conferee and another person in the room who is not a
211 legislator or legislative staff member, except that a conferee may
212 request that any person at the meeting meet with the conferee
213 outside the room; or

214 (c) An address or attempt to communicate with the
215 committee as a whole by a person who is not a legislator or
216 legislative staff member, unless a majority of the committee
217 chooses to invite that person to address the committee.

218 Any person who violates the provisions of this subsection
219 shall be subject to expulsion from the committee meeting. Two (2)
220 conferees may ask the Sergeant-at-Arms of either the Senate or the

221 House of Representatives to enforce the provisions of this
222 subsection.

223 (4) If any statute or rule of either house of the
224 Legislature conflicts with the provisions of this rule, the
225 provisions of this rule shall supersede the conflicting statute or
226 rule to the extent of the conflict.

227 24. Only matters in disagreement between the two (2) houses
228 are subject to consideration by conference committee. However,
229 when one (1) house strikes out of a bill all after the enacting
230 clause and inserts new text as an amendment thereto, the conferees
231 may disregard the text of the original bill and of the amendment
232 and may exercise wide discretion in the incorporation of germane
233 new text.

234 25. When a conference report is considered by the house of
235 origin and it contains an amendment by the other house which adds
236 code sections not included in the bill as passed the house of
237 origin, a point of order that the conference report is not in
238 order shall be sustained and the bill shall be returned to
239 conference.

240 When a conference report is considered and it contains code
241 sections not included in the bill as passed the house of origin or
242 in an amendment by the other house, a point of order that the
243 conference report is not in order shall be sustained in either
244 house and the bill shall be returned to conference.

245 26. In the event of the failure of either house to adopt the
246 conference report, or to concur in amendments, the bill or
247 resolution under such consideration shall be lost.

248 27. All conference reports, and concurrence in amendments
249 adopted by the other house shall require for adoption the same
250 vote as is required for the passage of the bill, resolution or
251 measure under consideration, and shall be on roll call duly
252 entered and recorded in the journal of the house voting thereon.

253 28. No bill making an appropriation from, or authorizing the
254 expenditure of money from, any special fund in the State Treasury
255 shall be passed except by the votes of a majority of all the
256 members elected to each house of the Legislature.

257 29. A motion to reconsider the vote whereby a conference
258 report is adopted or rejected is in order in either house from the
259 time of such adoption or rejection in one (1) house until the end
260 of the session of the next legislative day after notice of
261 disposition by rejection, recommittal to the same conference
262 committee or appointment of a new conference committee by the
263 other house. The provisions of this rule shall supersede any
264 Senate or House rule which may be in conflict herewith.

265 ENROLLED BILLS

266 30. When a bill or resolution shall have passed both houses
267 it shall be enrolled, and the Secretary of the Senate or the Clerk
268 of the House of Representatives, as the case may be, shall certify
269 on the margin of the enrolled bill the fact that it originated in
270 his house. The enrolled bill may be examined by the Joint
271 Committee on Enrolled Bills, and carefully compared by the
272 committee with the engrossed bill and all typographical errors, if
273 any, corrected; and the committee shall forthwith report in
274 writing to each house, and the report shall be entered in the
275 journals of both houses. The reports shall be signed by the
276 chairman or acting chairman of the Enrolled Bills Committee on the
277 part of each house.

278 31. After the Committee on Enrolled Bills has reported a
279 bill or resolution duly enrolled, it shall be signed by the
280 Speaker of the House of Representatives and by the President of
281 the Senate during the legislative session in which the bill or
282 resolution was passed.

283 32. After a bill shall have been signed by the Speaker of
284 the House and the President of the Senate, it shall be presented
285 by the Secretary of the Senate or Clerk of the House, as the case

286 may be, to the Governor for his approval. The Secretary or Clerk
287 shall report the day of presentation to the Governor, which time
288 shall be carefully entered on the journals of each house.

289 33. All Senate and House concurrent resolutions and
290 memorials, which are not to be presented to the Governor, shall be
291 enrolled, signed and delivered to the Secretary of State.

292 JOINT COMMITTEES

293 34. The following joint committees shall be appointed:

294 (a) Committee on Executive Contingent Fund, to consist
295 of five (5) senators and five (5) representatives.

296 (b) Committee on State Library, to consist of five (5)
297 senators and five (5) representatives.

298 (c) Committee on Enrolled Bills, to consist of five (5)
299 senators and five (5) representatives.

300 (d) Committee to Investigate State Offices or
301 Departments, nine (9) on the part of the Senate and nine (9) on
302 the part of the House; the committee shall meet and apportion the
303 labor of such investigation amongst subcommittees and shall report
304 the result of each investigation to the two (2) houses.

305 (e) A chairman and vice chairman for the Senate members
306 on each of the above committees shall be appointed by the
307 President of the Senate and a chairman and vice chairman for the
308 House members on each committee shall be appointed by the Speaker.
309 A chairman and vice chairman for each of the above committees
310 shall be elected by the respective committees in joint session;
311 however, both the chairman and the vice chairman shall not come
312 from the same house.

313 MESSAGES

314 35. When a message shall be sent from one (1) house to the
315 other, such message shall be delivered to the Secretary of the
316 Senate or the Clerk of the House, respectively, as the case may
317 be. A receipt shall be signed for each message so delivered.

318 LIQUOR AND FIREARMS PROHIBITED

319 36. No spirituous or malt liquors, or wines, shall be
320 offered for sale, exhibited, or kept within the Capitol building,
321 or in any room connected therewith, or on the public grounds
322 adjacent thereto. It shall be the duty of the Sergeant-at-Arms
323 under the supervision of the respective presiding officers to
324 enforce the foregoing provisions; and any officer, or employee of
325 either house, who shall in any manner violate or connive at the
326 violation of this rule, shall be dismissed from office and
327 service.

328 37. No member of the Senate or the House or other person,
329 except an official duly authorized by law, shall carry or have on
330 his or her person, concealed in whole or in part, any firearm
331 while in the Capitol or on the Capitol grounds, except upon
332 permission granted by a majority vote of the Senate or the House.
333 Any member of the Senate or the House or other person violating
334 this rule shall be subject to such penalty as may be imposed by
335 the Senate or the House, as the case may be, first taking
336 jurisdiction thereof.

337 LOCAL AND PRIVATE LEGISLATION

338 38. In addition to observing the injunctions and
339 prohibitions set out in the Constitution of the State of
340 Mississippi, the Senate and the House Committees on Local and
341 Private Legislation shall observe and adhere to the following
342 additional rules and requirements in the consideration of local
343 and private Senate and House bills:

344 (a) Require that local and private bills, originating
345 in either the Senate or the House, and granting power to any
346 governing authority to perform any official act shall be
347 accompanied by an order or resolution setting out the reasons
348 therefor, duly certified as being a part of the official minutes
349 of that authority. In the event more than one (1) official
350 authority is involved, such certified order or resolution shall be
351 made for each of them.

352 (b) Require that any bill providing for the transfer of
353 funds shall be accompanied by a certified order or resolution as
354 provided in paragraph (a) of this rule. Such order or resolution
355 shall state whether or not funds proposed to be transferred are
356 pledged for the payment of any outstanding bonds or notes for
357 which there is not already a sufficient surplus accumulated.

358 (c) Require that any such bills providing for the
359 payment of any claims shall be accompanied by a certified order or
360 resolution as provided in paragraph (a) of this rule, setting out
361 the name of claimants, the nature, amount and reasons for
362 justification of the claim and that with proper authority such
363 claim would be paid.

364 (d) Require that there shall accompany any bill
365 proposing the issuance of bonds, a certificate from the governing
366 authorities stating that the issuance of such proposed bonds, when
367 added to the present bonded indebtedness of such county, or
368 subdivision thereof, municipality or district, will not exceed any
369 limitation now imposed by law.

370 JOINT MEETING OF APPROPRIATIONS SUBCOMMITTEES

371 39. When the chairmen of the Senate and House Appropriations
372 Committees consider it desirable and possible, their subcommittees
373 may meet jointly to hear testimony and question the heads of a
374 department or agency on their budgetary needs for the next fiscal
375 year.

376 40. TIMETABLE FOR PROCESSING LEGISLATION

377	90-day	125-day	
378	Session	Session	
379	9th day	45th day	Deadline for making requests for
380			general bills and constitutional
381			amendments to be drafted.***
382	14th day	49th day	Deadline for introduction of bills
383			and constitutional amendments.*
384	29th day	64th day	Deadline for committees to report

385			bills and constitutional amendments
386			originating in own house.*+
387	38th day	73rd day	Deadline for original floor action
388			on bills and constitutional
389			amendments originating in own
390			house.*
391	39th day	74th day	Deadline for reconsideration and
392			passage of bills and constitutional
393			amendments originating in own
394			house.*
395	42nd day	77th day	Deadline to dispose of motions to
396			reconsider bills and constitutional
397			amendments originating in own
398			house.*
399	51st day	86th day	Deadline for original floor action
400			on appropriation and revenue bills
401			originating in own house.
402	52nd day	87th day	Deadline for reconsideration and
403			passage of appropriation and
404			revenue bills originating in own
405			house.
406	53rd day	88th day	Deadline to dispose of motions to
407			reconsider appropriation and
408			revenue bills originating in own
409			house.
410	57th day	92nd day	Deadline for committees to report
411			bills and constitutional amendments
412			originating in other house.*+
413	65th day	100th day	Deadline for original floor action
414			on bills and constitutional
415			amendments originating in other
416			house.*
417	66th day	101st day	Deadline for reconsideration and

418			passage of bills and constitutional
419			amendments originating in other
420			house.*
421	67th day	102nd day	Deadline to dispose of motions to
422			reconsider bills and constitutional
423			amendments originating in other
424			house.*
425	71st day	106th day	Deadline for original floor action
426			on appropriation and revenue bills
427			originating in other house.
428	72nd day	107th day	Deadline for reconsideration and
429			passage of appropriation and
430			revenue bills originating in other
431			house.
432	73rd day	108th day	Deadline to dispose of motions to
433			reconsider appropriation and
434			revenue bills originating in other
435			house.
436	74th day	109th day	Deadline to concur or not concur in
437			amendments from other house to
438			appropriation and revenue bills.
439	76th day	111th day	Deadline for introduction of local
440			and private bills that are revenue
441			bills.
442	77th day	112th day	Deadline to dispose of motions to
443			reconsider concurrence or
444			nonconcurrence in appropriation and
445			revenue bills.
446	80th day	115th day	Deadline to concur or not concur
447			in amendments from other house to
448			general bills and constitutional
449			amendments.
450	82nd day	117th day	Deadline for conference reports on

451 appropriation and revenue bills to
452 be filed.**+

453 83rd day 118th day Deadline for introduction of local
454 and private bills that are not
455 revenue bills.

456 84th day 119th day Deadline for final adoption of
457 conference reports on appropriation
458 and revenue bills and for conference
459 reports on general bills and
460 constitutional amendments to be
461 filed.**+

462 85th day 120th day Deadline to dispose of motions to
463 reconsider conference reports on
464 appropriation and revenue bills.

465 86th day 121st day Deadline for first consideration
466 of conference reports on general
467 bills and constitutional amendments.

468 87th day 122nd day Deadline for filing conference
469 reports on general bills and
470 constitutional amendments that had
471 been recommitted for further
472 conference.+

473 88th day 123rd day Deadline for adoption of
474 conference reports on general bills
475 and constitutional amendments
476 after recommitment.

477 89th day 124th day Deadline to dispose of motions to
478 reconsider conference reports on
479 general bills and constitutional
480 amendments.

481 90th day 125th day Sine die.

482 *Appropriation, revenue, and local and private bills, and
483 bills to restore suffrage are excluded from these deadlines. For

484 purposes of the deadlines herein set forth, the term "revenue
485 bills" shall include only those bills whose primary purpose is to
486 increase or decrease taxes or to authorize the issuance of bonds
487 or the borrowing of money. Bills which are primarily for
488 regulatory purposes which have revenue provisions included shall
489 not be considered as revenue bills for deadline purposes. The
490 deletion from a bill of the features which made it a revenue bill
491 shall render the bill a general bill for deadline purposes.

492 **Conference reports on all bills must be filed with the
493 Secretary/Clerk no later than the time of adjournment on the day
494 prior to being called up and considered. Appropriation bills
495 which actually appropriate money and are recommitted for further
496 conference are excluded from the requirement that the subsequent
497 conference report be filed and lay on table one (1) day before
498 being considered; however, original action must be taken on all
499 appropriation conference reports by 2:00 p.m. on the 84th/119th
500 day and subsequent reports must be filed no later than 6:00 p.m.

501 ***Requests for general bills and constitutional amendments
502 to be drafted must be made no later than 8:00 p.m. on the 9th/45th
503 day. The Rules Committee of the House or Senate, as the case may
504 be, may authorize any member of its respective house to make
505 requests, for one or more general bills or constitutional
506 amendments to be drafted, after the expiration of the deadline for
507 making such drafting requests but before the deadline for
508 introduction of bills and constitutional amendments, upon a
509 determination by the Rules Committee that such drafting requests
510 are in response to conditions of an emergency nature arising
511 subsequent to the deadline for making requests for general bills
512 and constitutional amendments to be drafted.

513 +Committee reports and conference reports that are subject to
514 being filed on these deadlines must be filed with the
515 Secretary/Clerk no later than 8:00 p.m.

516 Whenever the word "day" appears in this rule, it shall mean
517 calendar day.

518 The above schedule shall not be deviated from except by the
519 passage of a concurrent resolution adopted by a vote of two-thirds
520 (2/3) of the membership of the House and Senate present and
521 voting.