By: Representatives Warren, Reynolds

To: Rules

# HOUSE CONCURRENT RESOLUTION NO. 43 (As Adopted by the House)

A CONCURRENT RESOLUTION ADOPTING JOINT RULES OF THE SENATE 1 AND THE HOUSE OF REPRESENTATIVES FOR THE 2004-2008 TERM OF THE 2 3 MISSISSIPPI LEGISLATURE. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE 4 OF MISSISSIPPI, THE SENATE CONCURRING THEREIN, That the 2004-2008 5 Joint Rules of the Senate and House are hereby adopted: 6 2004-2008 7 JOINT RULES OF THE SENATE AND THE HOUSE 8 JOINT CONVENTION 9 The Senate and the House may meet in joint convention by 10 1. concurrent resolution duly adopted by both houses. Such 11 resolution shall state the day and hour of such joint convention 12 13 and the order of business for which it is called. All joint conventions of the two (2) houses shall be in 14 2. 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 votes of those present and voting shall be requisite to constitute 17 18 an election. Only senators and members of the House of Representatives 19 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 by the President of the Senate and Speaker of the House of 23 Representatives respectively. During joint meetings, preference 24 to gallery seats shall be given to elected state officials and 25 26 families of the legislators.

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

34 4. A call of either house may be had in joint convention by35 majority vote of the House for which the call is desired.

36 5. In a joint convention a member shall not speak longer37 than five (5) minutes. Any extension of time shall be specific.

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

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

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## BILLS AND RESOLUTIONS

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

H. C. R. No. 43 \*HRO3/R1063AH\* 04/HR03/R1063AH PAGE 2 (TB\LH) 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.

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

H. C. R. No. 43 \*HRO3/R1063AH\* 04/HR03/R1063AH PAGE 3 (TB\LH) 91 17. No new bill shall be introduced into either house during92 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 subdivisions thereof, or the repeal or amendment of any revenue 98 99 bill or measure shall be considered as revenue bills, and no revenue bills, or conference committee report thereon, or 100 101 concurrence in amendments adopted by the other house shall be passed or adopted by either the Senate or the House except by a 102 103 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 of the state, either directly or indirectly, shall have attached 111 112 to it at the time of its being reported by any committee of either house of the Legislature a brief explanatory statement or note 113 which shall include a reliable estimate of the anticipated change 114 115 in state expenditures or revenues under its provisions. These statements or notes shall be known as fiscal notes. They shall be 116 117 attached to the original of each proposed bill or resolution but shall be separate therefrom, shall be clearly designated as a 118 fiscal note, and shall not constitute a part of the law proposed 119 120 by the bill or resolution.

The author of each bill or any committee considering same shall present a copy of the bill or resolution, with his request for a fiscal note, to either the Legislative Budget Office, the H. C. R. No. 43 \*HRO3/R1063AH\* 04/HR03/R1063AH PAGE 4 (TB\LH)

Department of Finance and Administration, the State Tax 124 125 Commission, the State Auditor, the state agency with which the bill or resolution is concerned, the state agency having 126 127 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 by the commission or agency and furnished to the author of the 130 bill or committee considering same within seven (7) days after the 131 request is made. If the author of, or committee considering, the 132 bill disagrees with the findings of the agency or agencies, then 133 134 the author or committee may also attach and furnish a fiscal note, based upon his or its information, research, study and belief 135 136 which shall then be incorporated in and become a part of the 137 fiscal note. If the appropriate agency does not furnish a fiscal note, after seven (7) days' request, then the author or committee 138 may furnish the fiscal note, based upon his or its information, 139 research, study and belief. If, after careful investigation, it 140 141 is determined that no dollar estimate is possible, the note shall contain a statement to that effect, setting forth the reasons why 142 143 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.

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

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

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### CONFERENCE

\*HR03/R1063AH\*

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H. C. R. No. 04/HR03/R1063AH PAGE 5 (TB\LH) 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 shall be included the names of the conferees on the part of the 161 requesting house. Upon receipt of such message, the other house 162 may, in like manner, grant such conference notifying the 163 164 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 and proceed to confer on the differences between the two (2) 171 172 houses, seeking to resolve such differences. The conference 173 committee shall report in writing. Such report shall be signed by a majority of the conference committee members appointed from the 174 175 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.

The chairman of each Senate and House committee to which 183 (2) such a measure is first referred shall designate one (1), two (2) 184 185 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) \*HR03/R1063AH\* 43 H. C. R. No. 04/HR03/R1063AH PAGE 6 (TB\LH)

legislative days after adoption of these joint rules. For all 189 190 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 conference committees, and notice that the time of each meeting 195 shall not be announced individually. If a conference committee 196 197 meets in a location other than a designated room, a written notice giving the location of the meeting shall be placed in a 198 199 conspicuous place in one (1) of the designated rooms.

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

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

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

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

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

H. C. R. No. 43 \*HRO3/R1063AH\* 04/HR03/R1063AH PAGE 7 (TB\LH) 221 House of Representatives to enforce the provisions of this222 subsection.

(4) If any statute or rule of either house of the
Legislature conflicts with the provisions of this rule, the
provisions of this rule shall supersede the conflicting statute or
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.

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

H. C. R. No. 43 \*HRO3/R1063AH\* 04/HR03/R1063AH PAGE 8 (TB\LH) 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 committee or appointment of a new conference committee by the 262 263 other house. The provisions of this rule shall supersede any 264 Senate or House rule which may be in conflict herewith.

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#### 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 on the margin of the enrolled bill the fact that it originated in 269 270 his house. The enrolled bill may be examined by the Joint Committee on Enrolled Bills, and carefully compared by the 271 272 committee with the engrossed bill and all typographical errors, if any, corrected; and the committee shall forthwith report in 273 274 writing to each house, and the report shall be entered in the 275 journals of both houses. The reports shall be signed by the chairman or acting chairman of the Enrolled Bills Committee on the 276 277 part of each house.

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

32. After a bill shall have been signed by the Speaker of the House and the President of the Senate, it shall be presented by the Secretary of the Senate or Clerk of the House, as the case H. C. R. No. 43 \*HRO3/R1063AH\* 04/HR03/R1063AH PAGE 9 (TB\LH) 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 The following joint committees shall be appointed: 34.

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

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

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

(d) Committee to Investigate State Offices or
Departments, nine (9) on the part of the Senate and nine (9) on
the part of the House; the committee shall meet and apportion the
labor of such investigation amongst subcommittees and shall report
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. A chairman and vice chairman for each of the above committees 309 310 shall be elected by the respective committees in joint session; however, both the chairman and the vice chairman shall not come 311 312 from the same house.

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#### 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.

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LIQUOR AND FIREARMS PROHIBITED

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36. No spirituous or malt liquors, or wines, shall be 319 320 offered for sale, exhibited, or kept within the Capitol building, or in any room connected therewith, or on the public grounds 321 322 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 either house, who shall in any manner violate or connive at the 325 326 violation of this rule, shall be dismissed from office and 327 service.

No member of the Senate or the House or other person, 328 37. 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 the Senate or the House, as the case may be, first taking 335 336 jurisdiction thereof.

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## 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 Require that local and private bills, originating (a) 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.

H. C. R. No. 43 \*HRO3/R1063AH\* 04/HR03/R1063AH PAGE 11 (TB\LH) 352 Require that any bill providing for the transfer of (b) 353 funds shall be accompanied by a certified order or resolution as provided in paragraph (a) of this rule. Such order or resolution 354 355 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 Require that any such bills providing for the (C) 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 the name of claimants, the nature, amount and reasons for 361 362 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 subdivision thereof, municipality or district, will not exceed any 368 369 limitation now imposed by law.

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## JOINT MEETING OF APPROPRIATIONS SUBCOMMITTEES

When the chairmen of the Senate and House Appropriations 371 39. 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.

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40. TIMETABLE FOR PROCESSING LEGISLATION

7 90-day 125-day 378 Session Session 45th day Deadline for making requests for 379 9th day 380 general bills and constitutional 381 amendments to be drafted.\*\*\* Deadline for introduction of bills 382 14th day 49th day 383 and constitutional amendments.\* 384 64th day Deadline for committees to report 29th day \*HR03/R1063AH\* H. C. R. No. 43 04/HR03/R1063AH PAGE 12 (TB\LH)

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
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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
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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 recommittal.
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	*Appropriat:	ion, revenue	, and local and private bills, and
483	bills to restore	suffrage ar	e excluded from these deadlines. For
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purposes of the deadlines herein set forth, the term "revenue 484 485 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 regulatory purposes which have revenue provisions included shall 488 489 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 Secretary/Clerk no later than the time of adjournment on the day 493 494 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 being considered; however, original action must be taken on all 498 499 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 be, may authorize any member of its respective house to make 504 505 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 determination by the Rules Committee that such drafting requests 509 510 are in response to conditions of an emergency nature arising subsequent to the deadline for making requests for general bills 511 and constitutional amendments to be drafted. 512

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.

H. C. R. No. 43 \*HRO3/R1063AH\* 04/HR03/R1063AH PAGE 16 (TB\LH) 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.