MISSISSIPPI LEGISLATURE

CONSTITUTIONAL PROVISIONS
AFFECTING
THE LEGISLATURE AND LEGISLATION

RULES OF PROCEDURE

Section 54. A majority of each house shall constitute a quorum to do business; but a less number may adjourn from day to day and compel the attendance of absent members in such manner and under such penalties as each shall provide.

Section 55. Each house may determine rules of its own proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds (2/3) of the members present, expel a member; but no member, unless expelled for theft, bribery or corruption, shall be expelled the second time for the same offense. Both houses shall, from time to time, publish journals of their proceedings, except such parts as may, in their opinion, require secrecy; and the yeas and nays on any question shall be entered on the Journal, at the request of one-tenth (1/10) of the members present; and the yeas and nays shall be entered on the Journal on the final passage of every bill.

Section 56. The style of the laws of the State shall be: "Be it enacted by the Legislature of the State of Mississippi."

Section 57. Neither house shall, without the consent of the other, adjourn for more than three (3) days, nor to any other place than that in which the two (2) houses shall be sitting.

Section 58. The doors of each house, when in session, or in Committee of the Whole, shall be kept open, except in cases which may require secrecy; and each house may punish, by fine and imprisonment any person not a member, who shall be guilty of disrespect to the house by any disorderly or contemptuous behavior in its presence, or who shall in any way disturb its deliberations during the session; but such imprisonment shall not extend beyond the final adjournment of that session.

Section 59. Bills may originate in either house, and be amended or rejected in the other, and every bill shall be read by its title on three (3) different days in each house, unless two-thirds (2/3) of the house where the same is pending shall dispense with the rules; and every bill shall be read in full immediately before the vote on its final passage upon the demand of any member; and every bill, having passed both houses, shall be signed by the President of the Senate and the Speaker of the House of Representatives during the legislative session.

Section 60. No bill shall be so amended in its passage through either house as to change its original purpose; and no law shall be passed except by bill; but orders, votes, and resolutions of both houses, affecting the prerogatives and duties thereof, or relating to adjournment, to amendments to the Constitution, to the investigation of public officers, and the like, shall not require the signature of the Governor; and such resolutions, orders and votes may empower legislative committees to administer oaths, to send for persons and papers, and generally make legislative investigations effective.

Section 61. No law shall be revived or amended by reference to its title only, but the section or sections, as amended or revived, shall be inserted at length.

Section 62. No amendment to bills by one (1) house shall be concurred in by the other, except by a vote of the majority thereof, taken by yeas and nays and the names of those voting for and against recorded upon the journals; and reports of committees of conference shall in like manner be adopted in each house.

Section 63. No appropriation bill shall be passed by the Legislature which does not fix definitely the maximum sum thereby authorized to be drawn from the Treasury.
CONSTITUTIONAL PROVISIONS

Section 64. No bill passed after the adoption of this Constitution to make appropriations of money out of the State Treasury shall continue in force more than two (2) months after the expiration of the fiscal year ending after the meeting of the Legislature at its next regular session; nor shall such bill be passed except by the votes of a majority of all members elected to each house of the Legislature.

Section 65. All votes on the final passage of any measure shall be subject to reconsideration for at least one (1) whole legislative day, and no motion to reconsider such vote shall be disposed of adversely on the day on which the original vote was taken, except on the last day of the session.

Section 66. No law granting a donation or gratuity in favor of any person or object shall be enacted except by the concurrence of two-thirds (2/3) of the members-elect of each branch of the Legislature, nor by any vote for a sectarian purpose or use.

Section 67. No new bill shall be introduced into either house of the Legislature during the last three (3) days of the session.

Section 68. Appropriation and revenue bills shall, at regular sessions of the Legislature, have precedence in both houses over all other business, and no such bills shall be passed during the last five (5) days of the session.

Section 69. General appropriation bills shall contain only the appropriations to defray the ordinary expenses of the executive, legislative and judicial departments of the government; to pay interest on state bonds and to support the common schools. All other appropriations shall be made by separate bills, each embracing but one (1) subject. Legislation shall not be engrailed on appropriation bills, but the same may prescribe the conditions on which the money may be drawn, and for what purposes paid.

Section 70. No revenue bill, or any bill providing for assessment of property for taxation, shall become a law except by a vote of at least three-fifths (3/5) of the members of each house present and voting.

Section 71. Every bill introduced into the Legislature shall have a title, and the title ought to indicate clearly the subject-matter or matters of the proposed legislation. Each committee to which a bill may be referred shall express, in writing, its judgment of the sufficiency of the title of the bill and this, too, whether recommendation be that the bill do pass or do not pass.

Section 72. Every bill which shall pass both houses shall be presented to the Governor of the state. If he shall approve, he shall sign it; but if he does not approve, he shall return it, with his objections, to the house in which it originated, which shall enter the objections at large upon its Journal, and proceed to reconsider it. If after such reconsideration, two-thirds (2/3) of that house shall agree to pass the bill, it shall be sent, with the objections, to the other house, by which, likewise, it shall be reconsidered; and if approved by two-thirds (2/3) of that house, it shall become a law; but in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the Journal of each house respectively. If any bill shall not be returned by the Governor within five (5) days (Sundays excepted) after it has been presented to him, it shall become law in like manner as if he had signed it, unless the Legislature, by adjournment, prevented its return, in which case such bill shall be a law unless the Governor shall veto it within fifteen (15) days (Sundays excepted) after it is presented to him, and such bill shall be returned to the Legislature, with his objections, within three (3) days after the beginning of the next session of the Legislature.

Section 73. The Governor may veto parts of any appropriation bill and approve parts of the same, and the portions approved shall be law.

Section 74. No bill shall become a law until it shall have been referred to a committee of each house and returned therefrom with a recommendation in writing.

Section 75. No law of a general nature, unless therein otherwise provided, shall be enforced until sixty (60) days after its passage.
Section 76. In all elections by the Legislature, members shall vote viva voce, and the votes shall be entered on the journals.

Section 77. The Governor shall issue writs of election to fill such vacancies as may occur in either house of the Legislature, and the persons thereupon chosen shall hold their seats for the unexpired term.

Section 129. The Lieutenant Governor shall, by virtue of his office, be President of the Senate. In Committee of the Whole he may debate all questions, and where there is an equal division in the Senate, or on a joint vote of both houses, he shall give the casting vote.

Section 139. The Legislature may empower the Governor to remove and appoint officers, in any county or counties or municipal corporations, under such regulations as may be prescribed by law.

Section 253. The Legislature may, by a two-thirds (2/3) vote of both houses, of all members elected, restore the right of suffrage to any person disqualified by reason of crime; but the reasons therefor shall be spread upon the journals, and the vote shall be by yeas and nays.

INJUNCTIONS

Section 78. It shall be the duty of the Legislature to regulate by law the cases in which deductions shall be made from salaries of public officers for neglect of official duty, and the amount of said deductions.

Section 79. The Legislature shall provide by law for the sale of all delinquent tax lands. The courts shall apply the same liberal principles in favor of such titles as in sale by execution. The right of redemption from all sales of real estate, for the nonpayment of taxes or special assessments, of any and every character whatsoever, shall exist, on conditions to be prescribed by law, in favor of owners and persons interested in such real estate, for a period of not less than two (2) years.

Section 80. Provisions shall be made by general laws to prevent the abuse by cities, towns, and other municipal corporations of their powers of assessment, taxation, borrowing money, and contracting debts.

Section 81. The Legislature shall never authorize the permanent obstruction of any of the navigable waters of the state, but may provide for the removal of such obstructions as now exist, whenever the public welfare demands. This section shall not prevent the construction, under proper authority, of drawbridges for railroads, or other roads nor the construction of booms and chutes for logs, nor the construction, operation and maintenance of facilities incident to the exploration, production or transportation of oil, gas or other minerals, nor the construction, operation and maintenance of bridges and causeways in such manner as not to prevent the safe passage of vessels or logs under regulations to be provided by law.

Section 82. The Legislature shall fix the amount of the penalty of all official bonds, and may, as far as practicable, provide that the whole or a part of the security required for the faithful discharge of official duty shall be made by some guaranty company or companies.

Section 83. The Legislature shall enact laws to secure the safety of persons from fires in hotels, theatres, and other public places of resort.

Section 84. The Legislature shall enact laws to limit, restrict, or prevent the acquiring and holding of land in the state by nonresident aliens, and may limit or restrict the acquiring or holding of lands by corporations.

Section 85. The Legislature shall provide by general law for the working of public roads by contract or by county prisoners, or both. Such law may be put in operation only by a vote of the board of supervisors in those counties where it may be desirable.
CONSTITUTIONAL PROVISIONS

Section 86. It shall be the duty of the Legislature to provide by law for the treatment and care of the insane; and the Legislature may provide for the care of the indigent sick in hospitals in the state.

LOCAL LEGISLATION

Section 87. No special or local law shall be enacted for the benefit of individuals or corporations, in cases which are or can be provided for by the general law, or where the relief sought can be given by any court of this state; nor shall the operation of any general law be suspended by the Legislature for the benefit of any individual or private corporation or association, and in all cases where a general law can be made applicable, and would be advantageous, no special law shall be enacted.

Section 88. The Legislature shall pass general laws, under which local and private interests shall be provided for and protected, and under which cities and towns may be chartered and their charters amended, and under which corporations may be created, organized, and their acts of incorporation altered; and all such laws shall be subject to repeal or amendment.

Section 89. There shall be appointed in each house of the Legislature a standing committee on Local and Private Legislation; the House committee to consist of seven (7) representatives and the Senate committee of five (5) senators. No local or private bill shall be passed by either house until it shall have been referred to said committee thereof and shall have been reported back with a recommendation in writing that it do pass, stating affirmatively the reasons therefor, and why the end to be accomplished should not be reached by general law, or by a proceeding in court; or if the recommendation of the committee be that the bill do not pass, then it shall not pass the house to which it is so reported unless it be voted for by a majority of all the members elected thereto. If a bill is passed in conformity to the requirements hereof, other than such as prohibited in the next section, the courts shall not, because of its local, special or private nature refuse to enforce it.

Section 90. The Legislature shall not pass local, private or special laws in any of the following enumerated cases, but such matters shall be provided for only by general laws, viz:

(a) Granting divorces;
(b) Changing the names of persons, places or corporations;
(c) Providing for change of venue in civil and criminal cases;
(d) Regulating the rate of interest on money;
(e) Concerning the settlement or administration of any estate, or the sale or mortgage of any property, of any infant, or of a person of unsound mind, or of any deceased person;
(f) The removal of the disability of infancy;
(g) Granting to any person, corporation or association the right to have any ferry, bridge, road or fish-trap;
(h) Exemption of property from taxation or from levy or sale;
(i) Providing for the adoption or legitimation of children;
(j) Changing the law of descent and distribution;
(k) Exempting any person from jury, road or other civil duty (and no person shall be exempted therefrom by force of any local or private law);
(l) Laying out, opening, altering and working roads and highways;
(m) Vacating any road or highway, town plat, alley or public grounds;
(n) Selecting, drawing, summoning, or empaneling grand or petit juries;
(o) Creating, increasing or decreasing the fees, salary or emoluments of any public officer;
(p) Providing for the management or support of any private or common school, incorporating the same or granting such school any privileges;
(q) Relating to stock laws, water-courses and fences;
(r) Conferring the power to exercise the right of eminent domain, or granting to any person, corporation, or association the right to lay down railroad tracks or street car tracks in any other manner than that prescribed by general law;
(s) Regulating the practice in courts of justice;
(t) Providing for the creation of districts for the election of justices of the peace and constables; and
(u) Granting any lands under control of the state to any person or corporation.
CONSTITUTIONAL PROHIBITIONS

Section 91. The Legislature shall not enact any law for one or more counties, not applicable to all the counties in the state, increasing the uniform charge for the registration of deeds, or regulating costs and charges and fees of officers.

Section 92. The Legislature shall not authorize payment to any person of the salary of a deceased officer beyond the date of his death.

Section 93. The Legislature shall not retire any officer on pay, or part pay, or make any grant to such retiring officer.

Section 94. The Legislature shall never create by law any distinction between the rights of men and women to acquire, own, enjoy and dispose of property of all kinds, or their power to contract in reference thereto. Married women are hereby fully emancipated from all disability on account of coverture. But this shall not prevent the Legislature from regulating contracts between husband and wife; nor shall the Legislature be prevented from regulating the sale of homesteads.

Section 95. Lands belonging to, or under the control of the state, shall never be donated directly or indirectly, to private corporations or individuals, or to railroad companies. Nor shall such land be sold to corporations or associations for a less price than that for which it is subject to sale to individuals. This, however, shall not prevent the Legislature from granting a right-of-way, not exceeding one hundred (100) feet in width, as a mere easement to railroads across state lands, and the Legislature shall never dispose of the land covered by said right-of-way so long as such easement exists.

Section 96. The Legislature shall never grant extra compensation, fees or allowances to any public officer, agent, servant or contractor, after service rendered or contract made, nor authorize payment, or part payment of any claim, under any contract not authorized by law; but appropriations may be made for expenditures in repelling invasion, preventing or suppressing insurrections.

Section 97. The Legislature shall have no power to revive any remedy which may have become barred by lapse of time, or by any statute of limitation of this state.

Section 99. The Legislature shall not elect any other than its own officers and State Librarian.

Section 100. No obligation or liability of any person, association or corporation held or owned by this state, or levee board, or any county, city or town thereof, shall ever be remitted, released or postponed, or in any way diminished by the Legislature, nor shall such liability or obligation be extinguished except by payment thereof into the proper treasury; nor shall such liability or obligation be exchanged or transferred except upon payment of its face value; but this shall not be construed to prevent the Legislature from providing by general law for compromise of doubtful claims.
<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>57</td>
<td>ADJOURNMENT - Limit of three days without consent</td>
</tr>
<tr>
<td>61</td>
<td>AMENDMENTS: No law amended by reference to title only</td>
</tr>
<tr>
<td>60</td>
<td>Not change original purpose</td>
</tr>
<tr>
<td>62</td>
<td>Yea and nay vote on concurrence</td>
</tr>
<tr>
<td>63, 69</td>
<td>APPROPRIATION BILLS: General; what to contain</td>
</tr>
<tr>
<td>64</td>
<td>Majority vote for passage</td>
</tr>
<tr>
<td>69</td>
<td>One subject only</td>
</tr>
<tr>
<td>63</td>
<td>Show maximum amount</td>
</tr>
<tr>
<td>64</td>
<td>Termination of</td>
</tr>
<tr>
<td>74</td>
<td>BILLS, GENERAL: Action on before becoming law</td>
</tr>
<tr>
<td>61</td>
<td>Amending or reviving; requirements for</td>
</tr>
<tr>
<td>59</td>
<td>Amended or rejected by either house</td>
</tr>
<tr>
<td>72</td>
<td>Approved during session</td>
</tr>
<tr>
<td>72</td>
<td>Becoming law without Governor's signature; when</td>
</tr>
<tr>
<td>66</td>
<td>Donations for sectarian purposes prohibited</td>
</tr>
<tr>
<td>59</td>
<td>Final passage; procedure on</td>
</tr>
<tr>
<td>71</td>
<td>Form of</td>
</tr>
<tr>
<td>75</td>
<td>General laws; effective when</td>
</tr>
<tr>
<td>72</td>
<td>Governor; procedure on</td>
</tr>
<tr>
<td>67</td>
<td>Introduction of; when prohibited</td>
</tr>
<tr>
<td>60</td>
<td>Laws enacted by bills only</td>
</tr>
<tr>
<td>89</td>
<td>Local and private; procedure before passage</td>
</tr>
<tr>
<td>59</td>
<td>Originate in either house</td>
</tr>
<tr>
<td>68</td>
<td>Precedence over other business</td>
</tr>
<tr>
<td>59</td>
<td>Reading of</td>
</tr>
<tr>
<td>65</td>
<td>Reconsideration of</td>
</tr>
<tr>
<td>70</td>
<td>Revenue; 3/5 vote required</td>
</tr>
<tr>
<td>61</td>
<td>Revision by reference to title only insufficient</td>
</tr>
<tr>
<td>61</td>
<td>Sections amended inserted at length</td>
</tr>
<tr>
<td>59</td>
<td>Signing of</td>
</tr>
<tr>
<td>56</td>
<td>Style of</td>
</tr>
<tr>
<td>71</td>
<td>Sufficiency of title</td>
</tr>
<tr>
<td>253</td>
<td>Suffrage, restoration of; vote on</td>
</tr>
<tr>
<td>71</td>
<td>Titles; contents of</td>
</tr>
<tr>
<td>73</td>
<td>Vetoed in part</td>
</tr>
<tr>
<td>72</td>
<td>Vetoed; reconsideration of</td>
</tr>
<tr>
<td>55</td>
<td>Yeas and nays on final passage</td>
</tr>
<tr>
<td>62</td>
<td>Yea and nay vote on concurrence in amendments</td>
</tr>
<tr>
<td>96</td>
<td>CLAIMS - Payment prohibited; when</td>
</tr>
<tr>
<td>62</td>
<td>COMMITTEES: Conference vote on adoption of report</td>
</tr>
<tr>
<td>71</td>
<td>Recommendations in writing</td>
</tr>
<tr>
<td>62</td>
<td>CONFERENCE COMMITTEE REPORTS - Yea and nay vote required</td>
</tr>
</tbody>
</table>
CONSTITUTIONAL INJUNCTIONS 78-86

CONSTITUTIONAL PROHIBITIONS 91-100

CORPORATIONS - Restrict acquiring land by 84

COUNTIES - Certain laws not to be enacted for 91

ELECTIONS - Viva voce vote 76

EXTRA COMPENSATION - Prohibited for public officers 96

FIRES - Safety from in public places 83

GOVERNOR - Removal or appointment of officers by 139

INDIGENT SICK - Treatment of 86

INSANE AND INDIGENT SICK - Treatment of 86

JOURNAL:
Election votes entered in 76
Published 55
Signing of bills recorded in 59
Yea's and nay's entered in 55

LANDS - Sale of delinquent 79

LOCAL AND PRIVATE:
Adversely reported 89
Committees appointed 89
Local and private interest; protection of 88
Matters not subject to 90
Municipalities; charters of 88
Only when general laws not applicable 87
Passage; procedure for 89
Restriction on 90

MEMBERS OF LEGISLATURE:
Attendance compelled 54
Behavior, disorderly; punishment 58
Expelled; how 55

MEN AND WOMEN - No distinction in property rights 94

MUNICIPALITIES - Prevent abuse of power 80

MOTIONS - To reconsider; procedure on 65

NAVIGABLE WATERS - Obstruction of; prohibited 81

NONRESIDENT ALIENS AND CORPORATIONS - Restrict acquiring land by 84

OBLIGATIONS - Not to be remitted 100
INDEX TO CONSTITUTIONAL PROVISIONS

OFFICERS (See Public Officers)

OFFICIAL BONDS - Fix amount 82

PUBLIC OFFICERS:
Deceased; salary of 92
Elected by Legislature 99
Extra compensation prohibited 96
Not retired on pay 93
Salaries, deduction of; when 78

PUBLIC ROADS - Working of 85

QUORUM:
Compel attendance for 54
What constitutes 54

RESOLUTIONS - Governor's signature not required 60

REVENUE BILLS - 3/5 vote on 70

ROADS, PUBLIC - Working of 85

SECRECY - Doors closed for 58

STATUTE OF LIMITATIONS - No power to revive remedies barred by 97

STATE LANDS - Donations of, prohibited 95

TAX SALES - Provide for redemption 79

VACANCIES - How filled 77

VOTING:
Deciding vote cast in Joint Session 129
3/5 vote 70
2/3 vote 55, 66, 72, 253

VOTE IN JOINT SESSION - How deciding cast 129

WOMEN AND MEN - No distinction in property rights 94