MISSISSIPPI LEGISLATURE
2020 Regular Session
To: Rules
By: Representative White

House Concurrent Resolution 12

(As Adopted by House and Senate)

A CONCURRENT RESOLUTION ADOPTING JOINT RULES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES FOR THE 2020-2024 TERM OF THE MISSISSIPPI LEGISLATURE.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF MISSISSIPPI, THE SENATE CONCURRING THEREIN, That the 2020-2024 Joint Rules of the Senate and House are hereby adopted:

2020-2024

JOINT RULES OF THE SENATE AND THE HOUSE

JOINT CONVENTION

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

2. All joint conventions of the two (2) houses shall be in the hall of the House of Representatives, unless another location is specified in the concurrent resolution, and in elections the members shall vote viva voce, and in all cases a majority of the votes of those present and voting shall be requisite to constitute an election.

Only senators and members of the House of Representatives shall be permitted on the floor of the House during joint meetings except for the newspaper, radio, and television reporters and necessary Senate and House personnel and others as

may be directed by the President of the Senate and Speaker of the House of Representatives respectively. During joint meetings, preference to gallery seats shall be given to elected state officials and families of the legislators.

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.

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

5. In a joint convention a member shall not speak longer 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.

7. Upon questions arising during a joint convention, requiring the separate decision of either or both houses, the decision of the House shall be first made, then the decision of

the Senate. A question for call of either house shall not come 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.

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.

9A. (1) In a bill or other measure proposing an amendment to a code section or other provision of law, or in a resolution proposing an amendment to a constitutional provision, a change to an existing code section, other provision of law or constitutional provision shall be indicated as follows:

(a) New language that is being added shall be underlined.

(b) Existing language that is being deleted shall be denoted by the insertion of three (3) asterisk symbols; however, the text of the deleted language shall be available on the official website of the Mississippi State Legislature, by means of displaying all of the deleted language within a document pursuant to the selection of that display option by the user.

(2) The provisions of this rule shall not apply to handwritten amendments that are proposed or adopted by members while the bill, measure or resolution is under consideration by either house.

*** * ***

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

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

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

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

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

15. Bills or resolutions transmitted to either the Senate or House by the other before the constitutional time has expired

for entering a motion to reconsider may be recalled by message upon proper entering of a motion to reconsider.

16. Whenever any message, bill, resolution, report or document shall be ordered to be printed by the Senate or House, 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 to report the fact of the passage of that order to the other branch of the Legislature together with the number so ordered to be printed. Payment thereof shall be made from the contingent funds of each house in the proportion ordered by each house.

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

18. All general bills modifying, adding, deleting or repealing language, or a repealer on language, providing for the levying of taxes, borrowing of money, issuing bonds, notes, or other evidence of debt, providing for fees or imposing the issuance of licenses, of whatever kind by the state or any subdivisions thereof, or the exemption of property from state taxes or taxes of any subdivisions thereof, shall be considered as revenue bills, and no revenue bills, or conference committee report thereon, or concurrence in amendments adopted by the other house shall be passed or adopted by either the Senate or the House except by a vote of at least three-fifths (3/5) of the members of the Senate and House, respectively, present and voting.

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

20. Every bill and concurrent resolution, the purpose or effect of which is to expend any state funds or enable the spending of any state funds or to increase or decrease the revenue of the state, either directly or indirectly, shall have attached to it at the time of its being reported by any committee of either house of the Legislature a brief explanatory statement or note which shall include a reliable estimate of the anticipated change in state expenditures or revenues under its provisions. These statements or notes shall be known as fiscal notes. They shall be attached to the original of each proposed bill or resolution but shall be separate therefrom, shall be clearly designated as a fiscal note, and shall not constitute a part of the law proposed 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 or her request for a fiscal note, to either the Legislative Budget Office, the Department of Finance and Administration, the * * * Department of Revenue, the State Auditor, the state agency with which the bill or resolution is concerned, the state agency having jurisdiction over the subject of the bill or resolution, the Joint Committee on Performance Evaluation and Expenditure Review, or the Legislative Reference Bureau. The fiscal note shall be prepared by the commission or agency and furnished to the author of the bill or committee considering same within

seven (7) days after the request is made. If the author of, or committee considering, the bill disagrees with the findings of the agency or agencies, then the author or committee may also attach and furnish a fiscal note, based upon his, her or its information, research, study and belief which shall then be incorporated in and become a part of the fiscal note. If the appropriate agency does not furnish a fiscal note, after seven (7) days' request, then the author or committee may furnish the fiscal note, based upon his, her or its information, research, study and belief. If, after careful investigation, it is determined that no dollar estimate is possible, the note shall contain a statement to that effect, setting forth the reasons why no dollar estimate can be given. No comment or opinion shall be included in the fiscal note with regard to the merit, or lack 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 or she is a member.

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

20A. (1) For the purpose of this rule:

(a) "State support funds" means funds in the State General Fund and all state support special funds, which

are funds in the Budget Contingency Fund, the Education Enhancement Fund, the Health Care Expendable Fund, the Tobacco Control Program Fund, and any other special funds that the Joint Legislative Budget Committee (JLBC) determines to be state support special funds.

(b) "House" means either house of the Legislature, unless it is clear from the context that it is referring to the House of Representatives.

(2) (a) When an amendment is offered to an appropriation bill on the floor of either house that would increase the amount of state support funds authorized for expenditure by the state agency, official or program being funded in that appropriation bill, the amendment must also include a reduction in the amount of state support funds for one (1) or more other state agencies, officials or programs by a total amount that equals the amount of the increase in the amendment.

(b) The other appropriation bill or bills in which the reductions are to be made do not have to be designated by bill number or line numbers in the amendment if they are described sufficiently enough to be identified, but the amounts by which they are to be reduced must be specific for each bill in which the reduction is to be made.

(c) The reductions required to be made by this rule must be made in an appropriation bill or bills that are still in the house or in an appropriation bill or bills from the other house that will be considered in the house later in the

session. After a bill has passed in the house and been released to the other house, none of the reductions required by this rule may be made in that bill.

(3) If such an amendment is adopted, the amendment shall be considered to be an amendment to the other bill or bills in which the reductions are to be made as well as to the bill in which the increase is made. Therefore, no additional vote shall be required on the amendment making the reductions in the bill or bills when that bill or bills are under consideration by the house. The manner by which the reduction is made shall be a separate amendment to the bill that is designated as an amendment by the house, rather than an amendment by the Appropriations Committee or by an individual member.

(4) (a) When a bill in which the reduction is to be made comes before the house for consideration, the reduction shall be made to the total sum of state support funds authorized to be expended in the bill before the bill is voted on by the house.

(b) If a bill in which the reduction is to be made has already been considered by the house, the reduction shall be made to the total sum of state support funds authorized to be expended in the bill before the bill is released to the other house.

(5) No appropriation bill that authorizes the expenditure of any state support funds for the next fiscal year may be released to the other house until all of the

appropriation bills originating in the house or all of the appropriation bills originating in the other house, as the case may be, that authorize the expenditure of any state support funds for the next fiscal year have been passed by the house.

(6) 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.

CONFERENCE

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

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

23. Conference committees shall meet as soon as practicable and proceed to confer on the differences between the two (2) houses, seeking to resolve such differences. The conference committee shall report in writing. Such report shall

be signed by a majority of the conference committee members appointed from the House and a majority of the conference committee members appointed from the Senate. The report shall be submitted to both houses, and six (6) copies of each report shall be prepared.

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

(2) The chairman of each Senate and House committee to which such a measure is first referred shall designate one (1), two (2) or three (3) rooms in which official meetings of the conference committees pertaining to such measures shall be held. For the *** * *** <u>first session of a new term</u>, the designation of the rooms shall be announced within three (3) legislative days after adoption of these joint rules. For all other sessions, the designation of the rooms shall be announced not later than the third legislative day of each session. Copies of a list of these rooms shall be available in the respective offices of the committee chairmen. This announcement shall constitute notice of the place of the official meetings of conference committees, and notice that the time of each meeting shall not be announced individually. If a conference committee meets in a location other than a designated room, a written notice giving the location of the meeting shall be placed in a 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, and any conferee may request a person who is not a member of the conference committee, upon approval of a majority of the members of the committee present, to address the committee in the room.

(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.

24. Only matters in disagreement between the two (2) houses are subject to consideration by conference committee. However, when one (1) house strikes out of a bill all after the enacting clause and inserts new text as an amendment thereto, the conferees may disregard the text of the original bill and of

the amendment and may exercise wide discretion in the incorporation of germane new text.

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

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

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

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

29. A motion to reconsider the vote whereby a conference report is adopted or rejected is in order in either house from

the time of such adoption or rejection in one (1) house until the end of the session of the next legislative day after notice of disposition by rejection, recommittal to the same conference committee or appointment of a new conference committee by the other house. The provisions of this rule shall supersede any Senate or House rule which may be in conflict herewith.

ENROLLED BILLS

30. When a bill or resolution shall have passed both houses it shall be enrolled, and the Secretary of the Senate or the Clerk 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 his or her house. The enrolled bill may be examined by the Joint Committee on Enrolled Bills, and carefully compared by the committee with the engrossed bill and all typographical errors, if any, corrected; and the committee shall forthwith report in writing to each house, and the report shall be entered in the journals of both houses. The reports shall be signed by the chairman or acting chairman of the Enrolled Bills Committee on the 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 may be, to the Governor for his or her approval. The Secretary or Clerk shall report the day of presentation to the Governor, which time shall be carefully entered on the journals of each house.

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

JOINT COMMITTEES

34. The following joint committees shall be appointed:

(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.

(e) A chairman and vice chairman for the Senate members on each of the above committees shall be appointed by the President of the Senate and a chairman and vice chairman for the House members on each committee shall be appointed by the Speaker. A chairman and vice chairman for each of the above committees shall be elected by the respective committees in

joint session; however, both the chairman and the vice chairman shall not come from the same house.

MESSAGES

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

LIQUOR AND FIREARMS PROHIBITED

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

37. No member of the Senate or the House or other person, except an official duly authorized by law, shall carry or have on his or her person, concealed in whole or in part, any firearm while in the Capitol, except upon permission granted by a majority vote of the Senate or the House. Any member of the Senate or the House or other person violating 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 jurisdiction thereof.

LOCAL AND PRIVATE LEGISLATION

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

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

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

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

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

JOINT MEETING OF APPROPRIATIONS SUBCOMMITTEES

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

40. **TIMETABLE FOR PROCESSING LEGISLATION**

90-day Session	2020 Regular Session	
9th day	* * *37th day	Deadline for making requests for general bills and constitutional amendments to be drafted.***
14th day	* * *42nd day	Deadline for introduction of general bills and constitutional amendments.*
29th day	* * *57th day	Deadline for committees to report general bills and constitutional amendments originating in own house.*+
38th day	* * *66th day	Deadline for original floor action on general bills and

constitutional amendments originating in own house.*

39th day * * *67th day Deadline for reconsideration and passage of general bills and constitutional amendments originating in own house.*

42nd day * * *70th day Deadline to dispose of motions to reconsider general bills and constitutional amendments originating in own house.*

51st day * * *79th day Deadline for original floor action on appropriation and revenue bills originating in own house.

52nd day * * *80th day Deadline for reconsideration and passage of appropriation and revenue bills originating in own house.

53rd day * * *81st day Deadline to dispose of motions to reconsider appropriation and revenue bills originating in own house.

57th day * * *85th day Deadline for committees to report general bills and constitutional amendments originating in other house.*+

65th day * * *93rd day Deadline for original floor action on general bills and

constitutional amendments originating in other house.*

66th day * * *94th day Deadline for reconsideration and passage of general bills and constitutional amendments originating in other house.*

67th day * * *95th day Deadline to dispose of motions to reconsider general bills and constitutional amendments originating in other house.*

71st day * * *99th day Deadline for original floor action on appropriation and revenue bills originating in other house.

72nd day * * *100th day Deadline for reconsideration and passage of appropriation and revenue bills originating in other house.

73rd day * * *101st day Deadline to dispose of motions to reconsider appropriation and revenue bills originating in other house.

74th day * * *102nd day Deadline to concur or not concur in amendments from other house to appropriation and revenue bills, and for introduction of local and

private bills that are revenue bills.

77th day * * *105th day Deadline to dispose of motions to reconsider concurrence or nonconcurrence in appropriation and revenue bills.

80th day * * *108th day Deadline to concur or not concur in amendments from other house to general bills and constitutional amendments.

81st day * * *109th day Deadline for introduction of local and private bills that are not revenue bills.

82nd day * * *110th day Deadline for conference reports on appropriation and revenue bills to be filed.**+

84th day * * *112th day Deadline for final adoption of conference reports on appropriation and revenue bills and for conference reports on general bills and constitutional amendments to be filed.**+

85th day * * *113th day Deadline to dispose of motions to reconsider conference reports on appropriation and revenue bills.

86th day *** * ***<u>114th</u> day Deadline for first consideration of conference reports on general bills and constitutional amendments.

87th day *** * ***<u>115th</u> day Deadline for filing conference reports on general bills and constitutional amendments that had been recommitted for further conference.+

88th day *** * ***<u>116th</u> day Deadline for adoption of conference reports on general bills and constitutional amendments after recommittal.

89th day *** * ***<u>117th</u> day Deadline to dispose of motions to reconsider conference reports on general bills and constitutional amendments.

90th day *** * ***<u>118th</u> day Sine die.

*Appropriation, revenue, and local and private bills, and bills to restore suffrage are excluded from these deadlines. For purposes of the deadlines herein set forth, the term "revenue bills" shall include only those bills whose primary purpose is to increase or decrease taxes or to authorize the issuance of bonds or the borrowing of money. Bills which are primarily for regulatory purposes which have revenue provisions included shall not be considered as revenue bills for deadline purposes. The deletion from a bill of the features which made

it a revenue bill shall render the bill a general bill for deadline purposes.

Conference reports on all bills must be filed with the Secretary/Clerk no later than the time of adjournment on the day prior to being called up and considered. Appropriation bills which actually appropriate money and are recommitted for further conference are excluded from the requirement that the subsequent conference report be filed and lay on table one (1) day before being considered; however, original action must be taken on all appropriation conference reports by 2:00 p.m. on the 84th/ * * *** 112th day and subsequent reports must be filed no later than 6:00 p.m.

***Requests for general bills and constitutional amendments to be drafted must be made no later than *** * *** 6:00 p.m. on the 9th/ *** * *** 37th day. The Rules Committee of the House or Senate, as the case may be, may authorize any member of its respective house to make requests, for one or more general bills or constitutional amendments to be drafted, after the expiration of the deadline for making such drafting requests but before the deadline for introduction of bills and constitutional amendments, upon a determination by the Rules Committee that such drafting requests are in response to conditions of an emergency nature arising subsequent to the deadline for making requests for general bills and constitutional amendments to be drafted.

+Committee reports and conference reports that are subject to being filed on these deadlines must be filed with the

Secretary/Clerk no later than 8:00 p.m.

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

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