



NEW YORK STATE SENATE

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BIPARTISAN OPERATING AGREEMENTS

FOR TIED LEGISLATURES IN OTHER STATES

AND THE U.S. SENATE

JUNE 17, 2009



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Introduction

The New York State Senate remains deadlocked with 31 Senators in the Democratic Conference and 31 Senators affiliated with the Republican Conference.

Article III § 9 of the constitution dictates that in order to conduct business in the chamber, there must be a majority of Senators elected – 32 Senators – to have a quorum to conduct legislative business.

The bottom line is that neither conference is able to convene a quorum and do the people's business without the cooperation of the other. Compromise and agreement is the only path left forward at this point.

Over the past 40 years there have been dozens of examples of legislatures, including the United States Senate, that have developed bipartisan operating agreements to allow the passage of essential legislation and assure stable functioning of floor operations during the deadlock.

There are a variety of options regarding presiding officers, co-chairs, breaking ties and the expiration of power-sharing rules.

The attached chart summarizes rules options from the following legislatures, with full texts of operating agreements included thereafter:

Oklahoma Senate 2007-2008
New Jersey Senate 2002-2003
U.S. Senate 2001-2002
Maine Senate 2001-2002
Washington State House of Representatives 1999-2000
Michigan House of Representatives 1993-1994
Indiana House 1993-1994
Montana 1984-1985

The report is prepared as background for consideration of a bipartisan operating agreement for the New York State Senate during the coming days.



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Summary of Legislative Bi-Partisan Agreements

State	Leaders of Chamber	Session/Calendar / Active List	Committees	Resources	Agreement Expiration	Other
New Jersey Senate 2002-2003	Alternating Co-Presidents exercising power in defined periods of time of various length, days, weeks and months depending on time of year.	Jointly prepare calendar, except each can add up to 9 bills without other's consent. Calendar capped at 30 bills unless mutual consent.	Co-Chairs have equal powers and equal membership. Co-Chairs jointly agree on agenda except each can add up to 3 bills without other's consent. Co-Presidents may jointly change committee reference of bills. Public hearings occur at the joint direction of the Co-Presidents.	Not addressed.	Not addressed.	
Indiana House 1988-1989	Democratic and Republican Speakers with equal powers. Alternate days presiding. Includes Special Sessions.	Not addressed.	Co-Chairs with equal powers and membership. In the case of odd-numbered committees, Speakers agree jointly. Co-Chairs agree on meeting dates and agendas. Each Co-Chair of Ways and Means can select up to 10 House and 10 Senate bills to be voted on by committee. Other committee Co-Chairs select up to 5 House and 5 Senate bills to be voted on.	Good faith effort to allocate resources equitably: appropriations, partisan staff, session staffs etc. An equal amount of funding to each caucus, at least the amount allocated to majority partisan staff during prior session.	Rules cannot be amended unless by 2/3 vote of House membership.	Ad hoc committee of 6 (3 from by each Speaker) to conduct inventory of resources and make recommendations about fair and equitable distribution of resources. Equal funding between caucuses to prepare for redistricting.



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Michigan House 1993-1994	Co-Speakers alternate monthly with Co-Leader of same party. Co-Parliamentarian of different party.	Session days determined by Co-Speaker during his or her month.	Co-Chairs of different party of Co-Speaker (alternating monthly). Equal membership from both parties. Co-Chair determines agenda when presiding. Each party refers its own bills to committee.	Jointly agree on conference leadership. Each member has an equal number of personal staff (except for leaders). Each caucus receives equal budget.	Speaker elected by majority or end of session.	In the event of a tie vote in committee Co-Speaker can cast up to 12 “extraordinary votes” per calendar year. Co-Sergeant at Arms and Co-Business Directors to oversee finance and expenses.
Oklahoma Senate 2007-2008	Co-Presidents Pro Tem, Co-Floor Leaders rotating daily. Presiding officers and floor leaders of different parties.	Not addressed.	Co-Chairs with equal powers and equal membership of parties.	Not addressed.	If vacancy changes balance of power or end of two-year term.	
Washington House of Representatives 1999-2000	Co-Speakers jointly perform duties and cannot exercise power without joint agreement.	Not addressed.	Co-Chairs jointly perform duties and cannot exercise power without joint agreement. Divide up duties for meetings and either can end debate on a bill in committee.	Co-Speakers jointly approve expenditures and travel.	Not addressed.	



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Maine Senate 2001-2002	President and President Pro Tem (opposite parties).	Not addressed.	President and President Pro Tem alternate choosing Chairs of Committees.	Equal staff and space for leaders.	Binding for full two-year session regardless if balance of power changes.	
Montana House 1984-1985	Speaker Pro Tem and Party (conference) Leaders.	Not addressed.	Each party Chairs one half of committees (defined in rules) with equal number membership.	Staff is equal and bi-partisan except for personal secretaries of Leaders. Equal office space.		
U.S. Senate 2001-2002	Duties of presiding officer shared in part by minority party.	Not addressed.	Republican Chairs of committees; equal membership from parties.	Not addressed.	If balance of power changes.	In event of tie in committee, either Leader may make a motion to discharge, which is placed on calendar by majority vote.