



# NEW YORK STATE SENATE

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## BIPARTISAN OPERATING AGREEMENTS: INDIANA

**FOR TIED LEGISLATURES IN OTHER STATES  
AND THE U.S. SENATE**

JUNE 17, 2009

# BIPARTISAN OPERATING AGREEMENTS

## INDIANA



# Journal of the House

State of Indiana

106th General Assembly

First Regular Session

Fourth Session Day

Wednesday Afternoon

November 30, 1988

The House convened at 1:00 p.m. with the Honorable Evan Bayh, Secretary of State, in the Chair.

The invocation was offered by Representative Brinkman.

The pledge of Allegiance to the Flag was led by Representative Rogers.

The Secretary ordered the roll of the House to be called. Those present were:

Adams	Howard
Alderman	Hric
Avery	Hume
Ayres	Jones, D.
Bales	Jones, S.
Bauer	Kearns
Bayliff	Keeler
Beck	Kiely
Becker	Kinser
Bischoff	Klinker
Boatwright	Kromkowski
Bodiker	Kruzan
Bosma	Leeuw
Bowser	Leuck
Bray	Lutz
Brinkman	Mangus
Brown	Mannweiler
Budak	Matonovich
Buell	Moberly
Burton	Mock
Carmichael	Moody
Cheatham	Musselman
Cochran	Nelson
Cook	Newkirk
Cottey	Palmer
Crawford	Phillips
Davis	Pond
Day	Pool
Dean	Reppa
Dellinger	Richardson
Dobis	Robertson
Donaldson	Rogers
Dvorak	Roorda
Engle	Sabatini
Espich	Schmid
Fifield	Spencer
Fox	Stephan
Fray	Thomas
Gabet	Tincher
Goble	Underwood
Gregg	Villalpando
Grubb	Warner
Harper	Wathen
Harris	Webber
Hayes, R.	Wilson
Hays, J.	Wolkins
Heeke	Worden
Hill	Young

Total 97. Representative(s) Goodall, Summers and Turpin were excused from roll call. The Secretary announced a quorum present.

### HOUSE MOTION

Mr. Secretary of State: I move that we dispense with the reading of the Journal.

REPPA

Motion prevailed.

Mr. Secretary: We offer the following resolution, move its adoption, and request that it be entered into the Journal of the House:

### HOUSE RESOLUTION 1

WHEREAS, the people of the State of Indiana elected an equal number of Democrats and Republicans as members of the House of Representatives; and

WHEREAS, it serves the best interests of the people of the State of Indiana and the best interests of the House of Representatives of the State of Indiana that the organization and operation of the House be conducted in a fair, equitable and effective manner; and

WHEREAS, efforts to organize the House and to select its Speaker were unsuccessful on November 22, 23 and 24, 1988; and

WHEREAS, an agreement in principle was reached by negotiators representing the Democrat and Republican members of the House; and

WHEREAS, the purpose of this resolution is to establish the rules and operating procedures necessary to implement that agreement: Therefore,

BE IT RESOLVED by the House of Representatives That:

SECTION 1. The undersigned members of the House of Representatives agree and pledge themselves to support the following:

#### PART 1. Speakers of the House:

A. On Wednesday, November 30, 1988, after the House has been called to order by the Secretary of State, the following events shall occur:

1. This resolution shall be moved by Representatives Phillips and Mannweiler. It shall be entered on the record, and a vote shall be taken upon it.
2. Upon the adoption of this resolution, the Secretary of State shall call for the nomination of a Democratic Speaker of the House. Representative Mannweiler shall nominate Representative Phillips as the Democratic Speaker of the House. After receiving the nomination, the Secretary of State shall



3. After the election of Representative Phillips as the Democratic Speaker of the House, he shall assume the chair.

4. Democratic Speaker Phillips shall then call for the nomination of a Republican Speaker of the House. Representative Phillips shall nominate Representative Mannweiler as the Republican Speaker of the House. After receiving the nomination, the Democratic Speaker shall declare the nominations closed and shall call for the vote.

5. After the election of Representative Mannweiler as the Republican Speaker, Democratic Speaker Phillips shall preside for the remainder of the fourth session day.

B. If either Speaker is unable to serve as one of the Speakers for any reason, his respective caucus shall be entitled to select a replacement as one of the Speakers.

C. All references in this resolution to the "Speakers" refer to the Democratic and Republican Speakers of the House.

D. Except as specifically provided in Paragraph H, all actions required to be taken by the Speakers under the Rules of the House, a statute, or this resolution shall be taken only upon the agreement of both Speakers to take that action.

E. The Speakers shall preside over alternate session days of the House. The Democratic Speaker shall preside during the fourth session day (Wednesday, November 30, 1988) of the First Regular Session and during each subsequent even-numbered session day. The Republican Speaker shall preside during the fifth session day of the First Regular Session and during each subsequent odd-numbered session day.

F. The Republican Speaker shall preside over the first session day of the Second Regular Session and on each subsequent odd-numbered session day. The Democratic Speaker shall preside during the second session day of the Second Regular Session and on each subsequent even-numbered session day.

G. In the event of any Special Session of the General Assembly, the Speakers shall jointly agree who shall preside during the first day of the session, and on each subsequent odd-numbered Special Session day.

The Speakers shall jointly hold all the rights, powers, and duties of the Office of the Speaker, except as follows:

1. Each Speaker shall appoint:

- a. thirteen (13) members of the Committee on Ways and Means, including one (1) member to serve as a co-chairman of the Committee;
- b. four (4) members of the Committee on Rules and Legislative Procedures, including himself or his designee to serve as a co-chairman of the Committee;
- c. six (6) members of every other standing committee, including one (1) member to serve as a co-chairman of the Committee.

Each Speaker may remove, at any time, any committee member or co-chairman appointed by him.

2. The Speakers shall consult with one another prior to making appointments to the Elections and Apportionment Committee and the Committee on Ways and Means for the purpose of insuring that their respective appointments satisfy the geographical requirements of the Rules of the House.

3. Each Speaker shall appoint one (1) House conferee to each conference committee. Each Speaker may also appoint an advisor to a conference committee. Any person appointed to a conference committee may be removed from the committee only by the

Speaker who appointed the person. The appointment of the chairman of a conference committee (for bills which originated in the House) shall be made by the Speaker who is of the same caucus as the author of the bill.

4. If a statute requires the "Speaker" to appoint members to a committee, board or other body, then each Speaker shall appoint one-half (1/2) of those members. If the "Speaker" is required to appoint an odd number of members, the Speakers must agree upon the appointment of the odd member, or that appointment may not be made.

5. The Speakers shall meet and assign bills to standing committees. If the Speakers cannot agree on the assignment of a bill, the bill shall be assigned by the Speaker who belongs to the same caucus as the author or sponsor of the bill.

6. A bill may be reassigned by agreement of the Speakers.

7. If the Speakers cannot agree upon the reassignment of a bill, then a Speaker may reassign a bill authored or sponsored by a member of his caucus if forty-eight (48) hours have elapsed since he requested that the other Speaker agree to reassign the bill. However, neither Speaker may reassign more than five (5) bills under this paragraph during a Regular or Special Session of the General Assembly.

#### PART II. Principal Clerks of the House:

A. There shall be a Democratic and a Republican Principal Clerk of the House. All references in this resolution to the Clerks refer to the Democratic and Republican Principal Clerks of the House.

B. The Clerks shall jointly hold all the rights, powers, and duties of the Office of the Principal Clerk of the House as specified in the Rules of the House, a statute, or this resolution. Unless both Clerks agree to take any action concerning the duties of the Principal Clerk of the House, the action may not be taken.

#### PART III. Standing Committees:

A. Each committee shall have two (2) co-chairmen. All references in this resolution to co-chairmen refer to the Democratic co-chairman and the Republican co-chairman of the respective committee. The co-chairmen shall jointly hold all of the rights, powers, and duties of the chairman of a committee. Except as provided in Paragraphs C and D, unless both co-chairmen agree to take an action concerning a committee, the action may not be taken.

B. The co-chairmen must agree on the date, time, and agenda for each committee hearing. If the co-chairmen cannot agree, no committee hearing may be held, except as provided in Paragraphs C and D.

C. Notwithstanding Paragraph B, each co-chairman of the Committee on Ways and Means is entitled to select ten (10) House bills and ten (10) Senate bills assigned to the committee during each Regular or Special Session of the General Assembly which must be scheduled and voted upon by the committee. The exception provided under this paragraph applies even if the other co-chairman objects to the scheduling of a committee hearing for the purpose of hearing one (1) or more of the twenty (20) bills. However, a bill reassigned by a Speaker under PART I (H)(7) may not be selected under this paragraph.

D. Notwithstanding Paragraph B, each co-chairman of a committee other than the Committee on Ways and Means is entitled to select five (5) House bills and five (5) Senate bills assigned to the committee during each Regular or Special Session of the General Assembly which must be scheduled and voted upon by the committee which he co-chairs. The exception provided under this paragraph applies even if the other co-chairman objects to the



scheduling of a committee hearing for the purpose of hearing one (1) or more of the ten (10) bills. However, a bill reassigned by a Speaker under PART I (H)(7) may not be selected under this paragraph.

E. A tie vote in any committee concerning the reporting out of a bill to the House shall result in the bill being reported to the House with no recommendation. However, a tie vote on a proposed amendment to a bill shall result in the defeat of the amendment.

F. A proposed committee report for a bill reported to the House shall be delivered by the Legislative Services Agency to the Democratic or Republican House attorneys office, depending upon the caucus membership of the bill's author or sponsor. The committee co-chairmen shall promptly sign the committee report unless one of them believes that there is an irregularity or error. If a committee co-chairman believes there is an error or irregularity, he shall sign the committee report "under protest", attach his written objections, and submit the committee report to the Committee on Rules and Legislative Procedures for further action. The Committee on Rules and Legislative Procedures shall act on the matter and report back to the House within one (1) session day.

#### PART IV. Second and Third Reading of Bills:

A. The Clerks shall each legislative day prepare a calendar, listing by number and author or sponsor, each bill and resolution eligible for call on second and third reading, together with any special order of business. A copy of this calendar shall be laid on the desk of each Representative at the beginning of each session day.

B. On each call of bills on second and third reading, each member of the House shall be entitled to call down a bill that he authored or sponsored for consideration by the House. A member may call down a bill that he coauthored or cosponsored if he has the written permission of the author or sponsor to do so.

C. On the call of bills on second and third reading no name of any member shall be called a second time until the entire list has been called. No member shall call down more than one bill on each such roll call, unless he has first obtained a yield from another member.

D. A Speaker, with the consent of the House, may utilize an expedited procedure to move bills from second reading to third reading. However, if a member objects to the use of the expedited procedure with respect to a bill, that bill shall not be moved from second to third reading using the expedited procedure. In addition, the author or sponsor of a bill may file a written request with the Speakers specifying that the bill shall not be eligible for the expedited procedure until the request is withdrawn. Any request so filed shall be honored by the Speakers.

E. All conference committee reports, concurrences, and dissents shall be handled in accordance with the procedures specified in Paragraphs A through D.

#### PART V. Other Officers:

A. The Democratic and Republican caucuses are each entitled to select a Floor Leader and a Caucus Chairman. Each Speaker may appoint a Speaker Pro Tempore, Whip, Assistant Floor Leader and such other officers as he deems appropriate.

B. Each Speaker, Speaker Pro Tempore, Floor Leader, Assistant Floor Leader, Caucus Chairman, Whip, and Ways and Means Committee Co-Chairman is entitled to receive the additional compensation provided legislative leaders under the most recent Budget Act. However, compensation for Floor Leaders shall be the statutory amount established for the Minority Floor Leader.

C. The Speaker Pro Tempore appointed by each Speaker shall exercise all the powers and carry out all of the duties of the Speaker of his respective caucus in the absence of that Speaker.

#### PART VI. Parliamentarian:

A. The Speakers shall select a parliamentarian to serve the Speakers. If the Speakers are unable to agree upon the selection of a parliamentarian, each Speaker may select a parliamentarian to serve that Speaker.

#### PART VII. Legislative Staffing and Facilities:

A. All parties to this agreement will make a good faith effort to allocate House resources in a fair and equitable manner. These resources include:

1. Appropriations
2. Equipment
3. Office space
4. Supplies and other materials
5. Postage
6. Appointment of partisan staffs
7. Appointment of session staffs (doorkeepers, phone center operators, typing pool, attorneys)
8. Appointment of employees of the Clerk's Office.

B. To the maximum extent possible, these resources will be divided evenly between the Democratic and Republican caucuses. For the partisan staffs, this shall mean an equal amount of funding to each caucus. The amount allocated to each caucus shall be at least equal to that allocated to the majority partisan staff during the previous biennium. With respect to session employees, and employees of the Clerk's Office, this shall mean equality in the number of respective appointments and parity in the salary scales by which these persons are compensated. With respect to equipment, there shall be an equal division of House-owned equipment. With respect to office space, there shall be a fair and equitable division of rooms and other facilities.

C. Each Speaker shall appoint three (3) persons to an ad hoc committee charged with the responsibility of:

1. Conducting an inventory of the resources available to the House; and
2. Making recommendations to the Speakers concerning a fair and equitable allocation of those resources between the caucuses.

#### PART VIII. Legislative Council:

A. The eight (8) House members of the Legislative Council shall be the Democratic and Republican Speakers, Floor Leaders, and Caucus Chairmen. In addition, each Speaker shall appoint one (1) additional House member to serve on the Legislative Council.

#### PART IX. Reapportionment funding:

A. The parties agree that the House operating budget shall contain equal amounts for the House Democratic Caucus and the House Republican Caucus to be used for the purpose of preparing for the next reapportionment of legislative and congressional districts.

SECTION 2. That, the House of Representatives hereby adopts this document and the Rules of the House of Representatives of the 105th General Assembly as the Standing Rules of the House of Representatives for the 106th General Assembly. If the Rules of the House of Representatives for the 105th General Assembly and the provisions of this document conflict, then the provisions of this document shall control.

SECTION 3. That, this document may not be amended except upon the vote of two-thirds (2/3) of the entire membership of the House.

MICHAEL K. PHILLIPS

PAUL S. MANNWEILER



**2-2.1-1-7.5. Equal number of representatives affiliated with each political party — Election of speaker and clerk of house of representatives — Rules. —** (a) This section applies only if the number of members of the house of representatives affiliated with one (1) political party equals the number of members of the house of representatives affiliated with a different political party.

(b) For purposes of this section, an individual is considered to be affiliated with a political party if the individual was:

(1) The nominee (as defined in IC 3-5-2-33) of that political party for election to the office to which the individual was elected at the previous general election; or

(2) Selected by that political party to fill a candidate vacancy or a vacancy in the office under IC 3-13 for the office the individual currently holds.

(c) The speaker of the house of representatives and the principal clerk of the house of representatives shall be elected by the members of the house of representatives affiliated with the political party whose:

(1) Candidate was elected governor at the previous general election; or

(2) Candidate was elected secretary of state at the previous general election, if the governor was not elected at the previous general election.

(d) The rules that governed the house of representatives before the previous general election shall govern the house of representatives after the general election until those rules are amended as provided in those rules. [P.L.9-1995, § 3.]

**2-2.1-1-8. Procedures for each house at organizational meeting. —**

(a) Upon the election of the officers in each house, the membership of each house shall adopt standing rules and orders for their respective houses, and joint rules for conducting the business in the two (2) houses.

(b) Each house, by rule, shall determine such other business as the respective houses may perform at the organizational meeting.

(c) The rules, as adopted, shall govern the respective houses for that term of the general assembly, unless amended or suspended.

(d) The officers elected at the organizational meeting shall serve for that entire term of the general assembly, unless removed, suspended or unable to serve. [IC 2-2.1-1-8, as added by Acts 1971, P.L. 6, § 2.]

**Opinions of Attorney General.** Under the Indiana constitution and as authorized by statute each house determines its own rules, including members' privileges of speaking, and IC 2-2.1-1-7 authorizes the speaker of the house to "conduct the further business of the house," and in any event under the separation of powers doctrine it is not within the prov-

ince of the judicial or executive branches to interfere with the internal workings of the legislative branch. 1975, No. 5, p. 8.

The Indiana Constitution takes precedence over House Rules at all times to the extent the matter is covered by the Indiana Constitution. 1991, No. 91-7, p. —.

**2-2.1-1-9. Procedures — Standing committee appointments. —**

(a) By not later than ten (10) days after the election of officers as provided

We the leaders of the Senate of the 120<sup>th</sup> Legislature, in recognition of the fact that the balance of power is divided and this division must not interfere with the functioning of the Maine Senate, have agreed to a system of shared decision-making. These arrangements require all parties to proceed in a spirit of comity. The elements of that agreement are embodied in the Senate Rules (a draft is attached) in an order to be passed when the Senate is organized (a copy of which is attached) and the remaining matters are outlined below. Finally it is the clear intent of all parties that this agreement and related papers be binding for the full two years of the 120<sup>th</sup> Legislature regardless of how the makeup of the Senate may change during that period.

**Filling positions of the Presiding Officers.** If a vacancy occurs in the Office of President or President Pro Tempore, the party, which originally nominated that officer, will nominate a successor. No other candidate will be nominated. The Senate will then elect the nominee to serve out the office as provided in the Senate rules.

**Filling positions in the Secretary of the Senate's Office.** Positions in the Secretary's office shall be filled pursuant to the Senate order and the Senate rules by mutual agreement of the Secretary, and the Assistant Secretary and if an impasse is reached the issue shall be resolved by the President and the President Pro Tempore.

**Committee appointments.** Senator Jill Goldthwait of Hancock will serve as Senate Chair of the Joint Standing Committee on Appropriations and Financial Affairs. The President and the President Pro Tempore will each name a member to serve on that committee.

The remaining committees will be appointed as follows: the President Pro Tempore will designate a Joint Standing Committee to which he will name the Chair. The President will then name one of the remaining committees to which he will name the chair. Selections will then alternate until all committees have been selected. A second round will then begin with either the President or President Pro Tempore as chosen at random or by mutual agreement. In this second round, the Presidents will alternatively name the committees to which they will name two members.

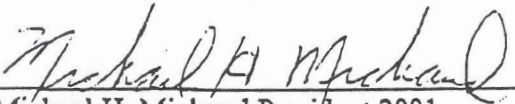
**Senate staff.** Senate staffing shall be as provided in the Senate Rules, and the Senate Order. In addition, it is agreed that the Democratic and Republican floor leaders will maintain an equal number of staff.

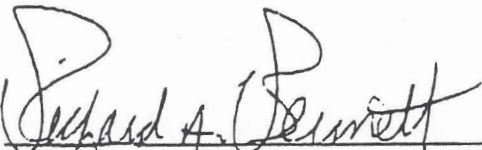
**Space for leaders and staff.** Space for leaders and staff has been agreed upon and no changes shall be made in that agreement except by mutual agreement of the President and president Pro tempore.

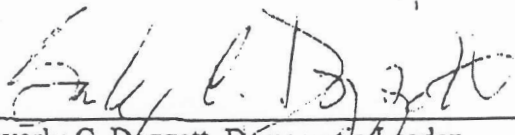
WILLIAM H. HARRIS  
President




By our signature we agree to abide by the letter and the spirit of this agreement and the Senate Rules and Senate Order, which are incorporated by reference, and to do whatever is proper and necessary to carry out the terms thereof.

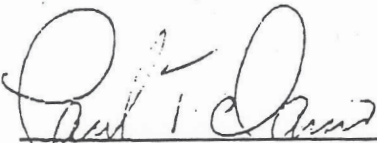
  
Michael H. Michaud President 2001

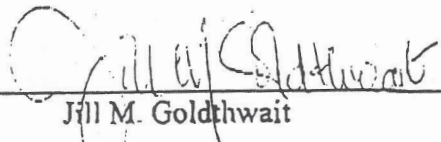
  
Richard A. Bennett, President 2002

  
Beverly C. Daggett, Democratic Leader

  
Mary E. Small, Republican Leader

  
Sharon A. Treat, Assistant Democratic Leader

  
Paul T. Davis, Assistant Republican Leader

  
Jill M. Goldthwait