



NEW YORK STATE SENATE

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BIPARTISAN OPERATING AGREEMENTS: MICHIGAN

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

JUNE 17, 2009



BIPARTISAN OPERATING AGREEMENTS

MICHIGAN

DEMOCRATIC/REPUBLICAN LEADERSHIP AGREEMENT RE ORGANIZATION OF THE MICHIGAN HOUSE OF REPRESENTATIVES

I. DURATION

The provisions of this agreement for the organization of the Michigan House of Representatives shall expire upon the occurrence of either of the following conditions:

- a. The election of a Speaker by at least 56 votes.
- b. The conclusion of the 87th Legislature on December 31, 1994.

II. CONFLICTS

The provisions of this organizational agreement shall prevail over the provisions of the Standing Rules of the House only where there is a conflict.

III. SIGNATORIES

This organizational agreement shall be signed by the following individuals:

- a. Rep. Curtis Hertel and Rep. Paul Hillegonds, Co-Speaker Designees
- b. Rep. Frank Fitzgerald and Rep. Raymond Murphy, Co-Speaker Pro Tempore Designees
- c. Rep. Jan Dolan and Rep. Sharon Gire, Co-Associate Speaker Pro Tempore Designees
- d. Rep. Richard Bandstra and Rep. Patrick Gagliardi, Co-Floor Leader Designees

IV. RATIFICATION

a. The provisions of this organizational agreement shall be incorporated in a House Resolution and ratified by a record roll call vote of the House of Representatives on January 13, 1993. Ratification requires the approval of at least 56 members elected to and serving in the House of Representatives.

b. This organizational agreement, as it has been ratified by the House of Representatives, shall be published in its entirety in the Journal of the House of Representatives.

V. EFFECTIVE DATE

Paragraph VIII and paragraph XVII (b) of this organizational agreement shall be effective upon signing. The remainder of this organizational agreement shall be effective upon the adoption of the House Resolution approving it.

VI. AMENDMENT OF ORGANIZATIONAL AGREEMENT

This organizational agreement shall not be amended except by House Resolution and with the concurrence of two-thirds of the members of the House of Representatives elected to and serving. Approval of amendments shall be by record roll call vote.

VII. STANDING RULES OF THE HOUSE OF REPRESENTATIVES

a. Contents: The Standing Rules of the House of Representatives shall reflect the contents of this organizational agreement.

b. Adoption: It shall require the approval of at least 56 members elected to and serving in the House to approve the Standing Rules of the House implementing this organizational agreement. The vote shall be by record roll call vote.

c. Effect: The Standing Rules of the House adopted pursuant to this organizational agreement shall remain in effect until December 31, 1994.

d. Amendment: Amendments to the Standing Rules of the House adopted pursuant to this organizational agreement shall be approved by record roll call vote with the concurrence of at least 56 members elected to and serving in the House of Representatives.

VIII. SEATING OF MEMBERS ELECT

On January 13, 1993, all 110 members-elect of the House of Representatives shall be seated without challenge. The members-elect shall be determined on the basis of the certified list provided to the Clerk of the House of Representatives by the Secretary of State, as of December 4, 1992.

IX. OPENING DAY OF THE 87TH LEGISLATURE

The following shall be the agenda of the House of Representatives on January 13, 1993:

- a. Call to Order
- b. Invocation
- c. Communications from State Officers
- d. Roll Call
- e. Oath of Office
- f. Approval of House Resolution Containing the Organizational Agreement
- g. Approval of House Resolution Adopting the Standing Rules
- h. Nomination and Election of Speaker
- i. Nomination and Election of Co-Speakers, Co-Speakers Pro Tempore, Co-Associate Speakers Pro Tempore, Co-Clerks. Nominations for all of the co-officers shall be made by one House Resolution and the vote to approve the Resolution shall constitute the election of all co-officers nominated in the Resolution.
- j. Selection of Seats
- k. Motions and Resolutions
- l. Messages
- m. Announcements
- n. Adjournment

X. CO-OFFICERS

a. The following co-officers shall be nominated and elected by the House of Representatives on January 13, 1993: Co-Speakers, Co-Speakers Pro Tempore, Co-Associate Speakers Pro Tempore, Co-Clerks.

b. It shall require at least 56 votes by the members elected to and serving in the House to elect the co-officers of the House of Representatives.

c. In 1993, the Republican co-officers, except the Republican Co-Clerk, shall preside in the following months: January, March, May, July, September, November.

d. In 1993, the Democratic co-officers, except the Democratic Co-Clerk, shall preside in the following months: February, April, June, August, October and December.

e. In 1994, the Democratic co-officers, except the Democratic Co-Clerk, shall preside in the following months: January, March, May, July, September, November.

f. In 1994, the Republican co-officers, except the Republican Co-Clerk, shall preside in the following months: February, April, June, August, October and December.

g. Each Caucus shall designate a Floor Leader who shall serve as a Co-Floor Leader. The Democratic Co-Floor Leader shall manage the schedule of debate when the Democratic co-officers are presiding. The Republican Co-Floor Leader shall manage the schedule of debate when the Republican co-officers are presiding.

h. The Democratic Co-Clerk shall act as parliamentarian when the Republican co-officers are presiding. The Republican Co-Clerk shall act as parliamentarian when the Democratic co-officers are presiding. Official papers and documents shall be signed by the Co-Clerk who is acting as parliamentarian at the time they are presented.

XI. COMPENSATION OF CO-OFFICERS

a. Co-Speakers: The supplemental salary for the office of Speaker shall be paid to the Democratic Co-Speaker only in the months during which he is the presiding Co-Speaker. The supplemental salary for the office of Speaker shall be paid to the Republican Co-Speaker only in the months during which he is the presiding Co-Speaker. During the months in which a Co-Speaker is not the presiding Co-Speaker, he shall be paid the supplemental salary of the Minority Leader.

b. Co-Speakers Pro Tempore: The supplemental salary for the office of Speaker Pro Tempore shall be paid to each of the Co-Speakers Pro Tempore only during the months in which he is the presiding Speaker Pro Tempore.

c. Co-Clerks: The Co-Clerks shall be paid equally at a salary to be determined by the Co-Speakers.

d. Floor Leaders: The supplemental salary of the Majority Floor Leader shall be paid to each of the Co-Floor Leaders only during the months in which the Co-Speaker of his party is the presiding Co-Speaker. During the months in which a Co-Floor Leader is not receiving the supplemental salary of the Majority Floor Leader, he shall receive the supplemental salary of the Minority Floor Leader.

XII. COMMITTEES

A. Standing Committees:

1. The standing committees and the members assigned to standing committees, shall be determined by the Co-Speakers, no later than January 15, 1993.

2. All standing committees of the House of Representatives shall have an even number of members and an equal number of Democratic and Republican members.

3. The Democratic and Republican members of each standing committee shall be designated by the Co-Speaker of their respective party. A Co-Speaker may not change the members of a committee from his party without the agreement of the other co-Speaker except when a vacancy exists. For the purpose of this organizational agreement, "vacancy" shall be defined as a vacancy which occurs due to death, removal from office, resignation from office, or enforcement of House Rule 42(c).

4. Each standing committee of the House of Representatives shall have a co-chair and a co-vice-chair, as designated by each Co-Speaker. The co-chairs and co-vice chairs designated by the Democratic Co-Speaker shall preside in the months when the presiding officers of the House are Republican. The co-chairs and co-vice-chairs designated by the Republican Co-Speaker shall preside in the months when the presiding officers of the House are Democratic.

5. The supplemental salaries of the Chairs of the House Appropriations and the House Judiciary Committees shall be paid to each of the Co-Chairs of the two Committees only during the months in which that Co-Chair is the presiding co-chair of the committee.

6. Subcommittees of standing committees may be appointed; however, there shall be an equal number of Democratic and Republican members on subcommittees. The Co-Chairs of a standing committee shall appoint members of a subcommittee. The co-chair of a subcommittee shall preside in the same months as the co-chair who appointed the subcommittee co-chair.

7. No later than January 15, 1993, the Co-Speakers shall jointly develop and publish uniform rules which shall be followed by all standing committees, subcommittees of standing committees and special committees. Those rules shall be in addition to the rules contained in this organizational agreement.

8. The following rules shall apply to all standing committees and subcommittees:

a. A quorum of a committee shall consist of 50% of the members appointed and serving.

b. Members of standing committees may not check-in for a committee meeting and leave their votes. Members of committees may only cast a vote if they are present at the meeting during the vote.

c. Except as otherwise provided in this organizational agreement, it shall require an affirmative vote of a majority of the members of a committee who are appointed and serving to report a bill to the full House for consideration.

d. Each co-chair shall determine the agenda of the committee during the month that he or she is presiding.

e. If there is agreement between the co-chairs of a committee to schedule a meeting or hearing outside of Lansing, reimbursable expenses shall be paid out of the funds allocated to the House. If there is no agreement between the co-chairs to schedule a meeting or hearing outside of Lansing, no expenses shall be paid out of House funds.

f. Linen copies of bills shall remain in the possession of standing committees and shall not be referred to subcommittees.

B. Conference Committees

1. The Co-Speakers of the House shall appoint 4 conferees to all conference committees. The Democratic Co-Speaker shall appoint 2 conferees and the Republican Co-Speaker shall appoint 2 conferees.

2. A quorum shall consist of at least one-half of the members of each House.

3. The Co-Speaker of the same party as the bill sponsor shall designate the Chair of a conference committee on a House bill.

4. Meetings of a conference committee shall be scheduled by the Chair. However, a majority of the conferees may schedule a meeting by notifying the Chair, the Office of the Clerk of the House and the Secretary of the Senate, in writing.

5. Except as otherwise provided in this organizational agreement, in order to report a conference report out of conference committee, a majority of the members of the House (3) and Senate (2) shall sign the report.

6. In the event 2 House members and at least 2 Senators have voted to approve a conference report, a conference report may be reported from the conference committee to the house of origin upon a record roll call vote of at least 56 of the members elected to and serving in the House.

C. Extraordinary Voting Authority of the Co-Speakers

1. If a bill receives a favorable vote by one-half of the members of a standing committee or a majority of the Senate votes plus two votes by the House conferees in a conference committee, either Co-Speaker may cast an extraordinary vote to report the bill or the conference report. This extraordinary vote of a Co-Speaker may be cast up to a maximum of 12 times per calendar year per Co-Speaker. The Standing Rules of the House may not be suspended to allow a Co-Speaker to cast more than a total of 12 extraordinary votes in any calendar year. An extraordinary vote may be cast by a Co-Speaker at any time, including when he is not presiding.

2. The total of 12 extraordinary votes per calendar year per Co-Speaker shall not be carried forward into the next calendar year if all 12 of the votes are not cast by a Co-Speaker.

3. A Co-Speaker must give at least one days notice of his intent to cast an extraordinary vote to report a bill from committee before it is cast. In the case of a bill in a House committee, the notice shall be given to the Office of the Clerk of the House and to the Co-Chairs of the committee. In the case of a bill in conference committee, notice shall be given to the Office of the Clerk of the House, the Secretary of the Senate and the Chair of the conference committee. Notice of an intent to cast an extraordinary vote shall be spread upon the House Journal.

4. A Co-Speaker may not use his extraordinary vote more than 5 times per calendar year to report conference reports out of conferences committees to the house of origin.

5. In the event an extraordinary vote is cast by a Co-Speaker to report out bills which are tie-barred, each bill reported out shall be counted against the annual maximum of 12 extraordinary votes.

D. Referring Bills and Joint Resolutions to Committee

The Democratic Co-Speaker shall refer all Democratic sponsored bills and joint resolutions to committee. The Republican Co-Speaker shall refer all Republican sponsored bills and joint resolutions to committee. This same process shall be applied to Senate originated bills and joint resolutions.

E. Referring Resolutions to Committee

The Democratic Co-Speaker, or his designee, shall refer all Democratic sponsored house resolutions and house concurrent resolutions to committee. The Republican Co-Speaker, or his designee, shall refer all Republican sponsored house resolutions and house concurrent resolutions to committee. This same process shall be applied to Senate concurrent resolutions.

F. Re-Referring Bills to Committee

A vote to re-refer a bill to committee shall require the approval of at least 56 members elected to and serving in the House. A vote to re-refer a bill shall be by record roll call. The standing rules of the House may not be suspended to allow a re-referral without a record call vote or with less than 56 votes.

XIII. STAFF

A. Leadership Staffs. The Co-Speakers shall jointly agree upon staffing levels for the offices of the Co-Speakers, Co-Speakers Pro Tempore, and the Co-Floor Leaders.

B. Representative Staffs. Each Democratic and Republican House Member shall have an equal number of personal staff. This limitation shall not apply to the staffs of the Co-Speakers, the Co-Speakers Pro Tempore and the Co-Floor Leaders.

C. Central Caucus Staffs. Each Caucus shall be provided an equal dollar amount to establish and operate their respective Caucus staffs.

D. Sergeants and Post Office Staffs. There shall be Co-Sergeants-at-Arms. There shall be an equal number of Democratic and Republican full time employees of the Co-Sergeants-at-Arms and an equal number of Democratic and Republican full time employees of the House Post Office.

E. Part-Time Pages and Janitors. There shall be an equal number of Democratic and Republican part-time pages. There shall be parity between Democratic and Republican part-time janitors. The requirement of parity for janitors shall be based on the number of offices which are not cleaned by the Department of Management and Budget.

F. Business Office.

1. The supervision of the House Business Office shall be under the day to day supervision of Democratic and Republican Co-Business Directors who shall be jointly responsible for the day to day supervision of all employees.

2. The following staffs shall be under the supervision of the Co-Business Directors: the Financial Office, the Personnel Office, the Maintenance staff, the Computer Section, Consignment, the Carpenter Crew, Purchasing, Supply, the House Post Office, and Travel and Expense.

3. Pending a future agreement by the Co-Speakers, the following staffs shall be under the jurisdiction of the House Business Office: the House Legislative Analysis Section and the Print Shop.

G. House Fiscal Agency. The House Fiscal Agency shall be under the day-to-day supervision of Democratic and Republican Co-Directors. The Co-Directors of the House Fiscal Agency shall be given an equal dollar amount for their respective budgets for salary and fringe benefits. The operating expenses of the House Fiscal Agency shall be jointly administered by the Co-Directors.

H. Assistant Clerks and Committee Clerks. Subject to the approval of the Co-Speakers, the Co-Clerks shall hire and supervise assistant clerks and committee clerks. The Co-Clerks shall develop a plan for implementing this portion of the organizational agreement no later than February 1, 1993. The plan must be approved by the Co-Speakers prior to its implementation.

XIV. STATUTORY BOARDS AND COMMISSIONS

A. The Co-Speakers shall make joint appointments to all statutory boards and commissions for which the Speaker has appointing authority. The Co-Speakers shall make joint recommendations for appointments to all statutory boards and commissions for which the Speaker has recommending authority.

B. The number of House members appointed to the Joint Committee on Administrative Rules, the Legislative Council, the Legislative Retirement Board, the House Fiscal Agency Governing Board, the Capitol Committee, the Law Revision Commission and the Michigan Commission on Uniform State Laws shall be evenly divided between Democratic and Republican Members.

C. Joint Committee on Administrative Rules. For this two year term only, the number of House members appointed to the Joint Committee on Administrative Rules shall be 6.

D. House Fiscal Agency Governing Committee. For this two year term only, the Governing Committee of the House Fiscal Agency shall have 4 members. The 4 members shall be the Co-Speakers and the Co-Chairs of the House Appropriations Committee.

E. Legislative Council. For this two year term only, the Co-Speakers shall both be designated as members of the Legislative Council and shall both be designated as Alternate Co-Chair. During calendar year 1994 when the House chairs the Legislative Council, the Alternate Co-Chairmanship shall rotate between the Co-Speakers.

F. In the event statutory changes are required to allow full implementation of the provisions of this organizational agreement relative to boards and commissions, bills amending the appropriate statutes shall be passed as quickly as possible. It is intended that the content of bills implementing this section of the organizational agreement shall be limited to the substance of the agreement. The provisions of an amendatory act implementing the necessary changes shall have a sunset date of December 31, 1994.

XV. HOUSE CALENDAR

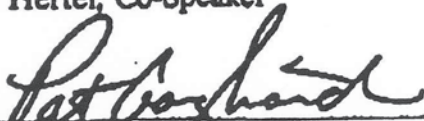
1. The tentative calendar of session for the House of Representatives shall be jointly set on an annual basis by the Co-Speakers and the Co-Floor Leaders. The annual calendar shall be set no later than February 1st of each year.

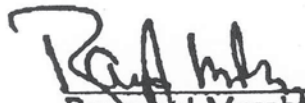
6. "Co-Floor Leader" means the Democratic or Republican House member elected by his Caucus to manage the action on legislation by the House of Representatives during the months in which the Co-Speaker of his party is presiding.

7. "Bill" means a House or Senate bill or a House or Senate joint resolution.

DEMOCRATS

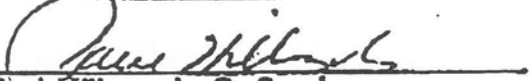

Curtis Hertel, Co-Speaker


Pat Gagliardi, Co-Floor Leader

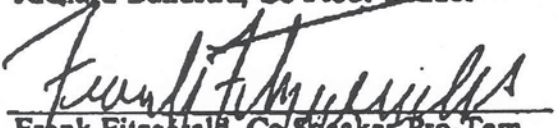

Raymond Murphy, Co-Speaker Pro-Tem


Sharon Gire, Co-Associate Speaker Pro-Tem

REPUBLICANS


Paul Hillemonds, Co-Speaker


Richard Bandstra, Co-Floor Leader


Frank Fitzgerald, Co-Speaker Pro-Tem


Jan Dblan, Co-Associate Speaker Pro-Tem

January 13, 1993
Lansing, Michigan