



NEW YORK STATE SENATE

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BIPARTISAN OPERATING AGREEMENT: MONTANA

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

JUNE 17, 2009



BIPARTISAN OPERATING AGREEMENT

MONTANA

Memorandum of Agreement

Between the elected leadership of the Democratic and
Republican caucuses of the House of Representatives

Regarding the Organization of the Montana House of
Representatives

Whereas, at the general election held November 6, 1984, 50 Democrats and 50 Republicans were elected to serve in the Montana House of Representatives, and

Whereas, it serves the best interests of the people of the State of Montana and the best interests of the House of Representatives of the State of Montana that the organization and operation of the House be conducted in a fair and impartial manner, and

Whereas, there is no precedent since statehood for organizing and operating the House of Representatives when there are an equal number of representatives in each political party, and

Whereas, the elected leadership of each caucus met and conferred on November 17 and 18, 1984 for the purpose of reaching a mutually satisfactory conclusion regarding the organization and operation of the House of Representatives, and

Whereas, such a mutually satisfactory conclusion has been reached.

Therefore, the undersigned elected representatives of the Democratic and Republican House Caucuses agree and pledge themselves to support the following:

1. Officers of the House. a. To reflect the even division of the House, the term "majority" and "minority" normally associated with respective caucus leaders will be changed to reflect the particular caucus that selected the officer.
- b. The nominee for Speaker pro tempore of the party whose nominee has been elected Speaker shall be deemed to be elected Speaker pro tempore.
- c. There is an additional officer of the House to be known as the (party name) House Leader. The nominee for Speaker of the party not then having a member of his party as governor is deemed to be elected to this position.

d. The House Democratic caucus shall elect a Democratic Floor Leader and Democratic Whip, and the House Republican Caucus shall elect a Republican Floor Leader and Republican Whip.

e. If, on January 7, 1985, following the swearing in of the members of the Montana House of Representatives, there is a tie vote between the Democratic caucus nominee for Speaker and the Republican caucus nominee for Speaker, then, consistent with the provisions of section 5-2-216, MCA, the Republican nominee for Speaker shall move that the Democratic nominee be elected by acclamation.

2. Duties of the Speaker. The duties of the Speaker as presiding officer shall be those duties traditionally associated with the position as provided in the Rules of the Montana Legislature. Other duties of the Speaker are modified as provided in this agreement.

3. Organization of Standing Committees of the House.

a. Each standing committee shall be composed of an equal number of members of each political party.

b. There will be an equal number of committees chaired by members of each political party.

c. The vice-chairman of each committee will be of the opposite party from the chairman.

d. Representatives of the Democratic Party will chair the following committees: Appropriations, Business and Labor, Education and Cultural Resources, Fish and Game, Legislative Administration/Bills and Journal, Local Government, and Human Services and Aging.

e. Representatives of the Republican Party will chair the following committees: Agriculture, Livestock and Irrigation, Highways and Transportation, Judiciary, Rules, State Administration, and Taxation.

f. The Speaker shall appoint the Democratic committee chairmen and vice-chairmen and the Republican House Leader shall appoint the Republican committee chairmen and vice-chairmen. The Speaker and the Republican House Leader shall appoint such chairmen and vice-chairmen after good faith consultation .

g. The members of the standing and select committees shall be appointed by the Speaker and the Republican House Leader after good faith consultation. Each leader shall appoint the members of his respective party. The authority to appoint carries with it the authority to remove a member from a committee.

h. The Speaker, the Republican House Leader, and the two floor leaders are ex officio non-voting members of all committees.

i. A tie vote in a standing committee on the question of a recommendation to the whole house on a matter before the committee, for example on a question of whether a bill "do pass", or "do not pass", shall result in the matter passing out to the whole house for consideration without recommendation.

4. Appointment and Recommendations of Conference Committees.

a. Conference committees shall be composed of an equal number of members from each political party. The members of conference committees shall be appointed by the Speaker and the Republican House Leader after good faith consultation. Each leader shall appoint the members of his respective party.

b. A tie vote in a conference committee on the question of a recommendation to the whole house on a matter referred for a conference shall result in the matter passing out to the whole house for consideration without recommendation.

5. Appointment to Statutory Committees. Appointments to committees made by the Speaker in accordance with statutory provisions shall be made by the Speaker after good faith consultation with the Republican House Leader. Other appointments shall be made as provided in statute.

6. Subcommittees of the Committee on Appropriations.

a. There will be six subcommittees of the Committee on Appropriations. Three subcommittees will be chaired by Democratic representatives and three by Republican representatives. The subcommittee chairmen will be appointed in the same manner as provided for the appointment of committee chairmen in paragraph 3.f.

b. The following subcommittees will be chaired by Democratic representatives: General Government and Highways (formerly known as Legislative, Judicial, and Administrative), Institutions, and Natural Resources.

c. The following subcommittees will be chaired by Republican representatives: Education, Human Services, and Long-Range Building.

7. Legislative Staff. Staff and attaches of the House shall be appointed on the basis of competence and, to the extent partisanship is involved, on an equally bipartisan basis. The personal secretaries to the Speaker, Republican House Leader, and the respective floor leaders are exempt from this portion of the agreement.

8. Office Space. Equal office space shall be designated for the use of Democratic and Republican House leadership.

9. Scheduling and Assignment of Bills. The Speaker shall set the schedule for the House and assign bills for committee consideration and for debate on second reading after good faith consultation with the Republican House Leader.

10. Procedural Motions. The Democratic Floor Leader shall make routine procedural motions required to conduct the business of the House.

11. Authority to request fiscal notes. Upon request of the Republican House Leader, the Speaker will submit a request for a fiscal note on any measure.

12. Authority of Rules and Legislative Administration Committee Vice-chairmen. The vice chairmen of the committees on rules and legislative administration have authority to call meetings equal to the chairmen.

13. Amendment to Rules. The Joint Rules and the House Rules shall be amended as required to reflect the respective responsibilities of the Democratic and Republican House leaders as reflected in this memorandum of agreement.

14. Entry on the Journal. This memorandum of agreement shall be entered upon the Journal on the first legislative day after swearing in the members and before election of officers.

For the Democratic Caucus:

John Vincent (date)

Hal Harper (date)

Joe Quilici (date)

For the Republican Caucus:

Robert L. Marks (date)

Jack Ramirez (date)

Kerry Keyser (date)