

WINDOM GALLIHER

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Education budget blows through Senate

Perhaps during your childhood there was a time when you and a buddy contemplated doing something of which your parents wouldn't have approved. And as you got to the moment of truth, both of you hesitated. Then would come the inevitable statement, and the only real question was which one of you would say it before the other.

"You go first." And of course, its logical response: *"No, you go first."*

This week in the Alabama Legislature had a definite *"you go first"* feel to it.

As pressure comes from GOP budget hawks that get antsy when there's been little activity on the budgets and from some Democrats eager to turn up the heat on the GOP leadership, the end game on the General Fund budgets seems no clearer than a week ago.

While the General Fund budget writers – Sen. Arthur Orr (R-Decatur) and Rep. Steve Clouse (R-Ozark) – stayed below the radar this week, the Education budget writers took a different approach. Both Sen. Trip Pittman (R-Montrose) and Rep. Bill Poole (R-Tuscaloosa) have chosen a more aggressive tack. Both Sen. Pittman and Rep. Poole realize that the Education Trust Fund, which is in good shape in relation to the General Fund, might be a tasty target for those looking to shore up the General Fund. They decided that moving an education budget was the better course of action.

Rep. Poole has bristled at suggestions that the ETF has a "surplus," saying tongue in cheek that he wants to punch anyone that says the word "surplus."

"We still have needs beyond what we have," he told one group a couple of weeks ago. "We just have more money than we did last year. That's not a surplus. We don't have a surplus."

Last week, Sen. Pittman pushed through a draft budget through the Senate com-



STATE SEN. TRIP PITTMAN (R-MONTROSE) ENGINEERED \$6 BILLION BUDGET

mittee with the anticipation of passing it on the floor of the Senate on Tuesday. That's exactly the way it played out. In committee, he acknowledged that he would have a floor substitute, and essentially asked the committee to trust him on reporting out the draft version.

On the floor Tuesday, it was a relatively light lift for Sen. Pittman. The \$6 billion budget passed unanimously 33-0 after a debate that lasted less than two hours. Granted, the Senate will surely have another shot at the budget once the House returns it with its changes. Even so, it was a breezy trip for the larger of the two budgets. The Pittman version budget has approximately \$70 million more allocated than this fiscal year's budget. The increases go primarily toward hiring additional middle school teachers, textbook costs, and transportation costs. There is no pay raise for school personnel in the budget.

The swift Senate passage of the educa-

tion budget caught the notice of some House Democrats on Thursday. "I'm not so sure why we're in such a hurry with the Education budget when the General Fund is in so much trouble," Rep. Laura Hall (D-Huntsville) said.

Former General Fund budget chair Rep. John Knight (D-Montgomery) offered similar thoughts at the microphone as well. In reality, the budget issues provided a means to filibuster a bill that would have created an ombudsman at the Department of Human Resources that many Democrats believed would weaken the control wielded by county DHR directors.

Democrats were able to put a chokehold on the proceedings until House leadership decided that it was just better to go home and try again next week. It might not be any easier, though, as a calendar full of elections-related bills were selected for debate Tuesday over the objections of the African-American Democrats on the Rules Committee.

Waggoner, Smitherman show down, then settle down

Rivers twist and turn. Apparently, so does legislation regarding the Birmingham Water Works.

For the better part of two years, veteran Sen. Jabo Waggoner (R-Vestavia Hills) has desired to make big changes to the water system that serves not only Birmingham but also residents of neighboring cities and counties.

For the better part of two years, veteran Sen. Rodger Smitherman (D-Birmingham) hasn't shared the same vision regarding the water system as his Jefferson County colleague.

The two Senate powerhouses have negotiated behind the scenes, and it appeared late Thursday that an agreement would be reached that the bill would pass without a filibuster.

Sen. Waggoner, though, had one final tweak, and that set off Sen. Smitherman. It took Senate President Pro Tem



SEN. JABO WAGGONER (TOP), SEN. RODGER SMITHERMAN (BOTTOM) WAGED BATTLE

Del Marsh (R-Anniston) to re-engage on the bill and broker an end to the stalemate that could have cast a heavy cloud over the rest of the regular session.

Ultimately, the bill passed without Sen. Waggoner's final tweak, but he got almost everything he wanted.

The board will expand from five to nine members. Six members will be Birmingham residents appointed by the City Council.

The Jefferson County Mayors Association will appoint one county (non-Birmingham) resident. The county commissions from Blount and Shelby counties will appoint one resident each.

Board members will be paid \$1,000 per month and will be subject to the state ethics law.

Tighter controls on spending will be required, as well as public notices and hearings of proposed rate increases. The bill passed the Senate 26-7 and goes to the House for consideration. The Senate adjourned quickly after the bill's passage.

Freshmen make their mark quickly in first session

Twenty-one people were elected to the House for their first terms last November, continuing the turnover trend that started four years ago when the Republicans took over control of the Statehouse with a supermajority.

It's an impressive freshman class that has shown little reticence to climb the ladder up to the "high dive" and jump right on in the legislative pool. In fact, Speaker Mike Hubbard (R-Auburn) asked freshman Rep. Jim Hill (R-Odenville) to handle one of the GOP caucus agenda items.

Our firm had the opportunity to spend time Wednesday evening with the freshmen – as well as the "redshirt freshmen" (those elected in special elections during the last quadrennium) – and we left even more impressed.

While many freshmen will acknowledge that they didn't exactly know what they were getting into, you wouldn't know it by

watching them debate on the floor and seeing how quickly they grasp issues.

One that has decided to take on a major project is Rep. Will Ainsworth (R-Guntersville), who has broached the subject of unearmarking. Rep. Ainsworth wrote an op-ed piece that he released this week, offering the idea that the state doesn't have a revenue problem but rather an allocation problem.

"Attempting to raise taxes without first addressing earmarking is like pouring water into a bucket that has a large hole in the bottom of it," Rep. Ainsworth wrote. "No matter how much water you pour, it is never going to fill up the bucket."

Rep. Ainsworth says he will introduce a bill that will remove all earmarks that are in the state code – but not those that are in the state's constitution.

Like many of his Republican colleagues,

Rep. Ainsworth ran on a "no new taxes" platform, and he sees his plan as the way to address General Fund issues without asking the taxpayers to pay any more.

It's no easy lift. Those who benefit from the earmarks – many from the education community – will certainly dig in to protect them. It's not the first time the issue has been raised, but it's doubtful that the issue has had a more energetic champion. Make no mistake: Rep. Ainsworth is a hard charger that won't take "we've always done it this way" as an acceptable answer.

He'll find some friends along the way in a freshman class that is ready to cut its teeth on some big issues.

On this issue and on others, the freshman class will be heard – because of its numbers, but also because of the skills the freshmen bring to the legislative playing field.