

WINDOM GALLIHER

MONTGOMERY UPDATE

MARCH 13, 2015

A few fireworks, but few surprises

One of the fundamentals of geometry is that the shortest distance between two points is a straight line. In this week's debate on charter schools, Senate President Pro Tem Del Marsh (R-Anniston) chose the lessons of calculus over geometry.

In Sen. Marsh's political calculus, he determined that letting Senate Democrats have an opportunity to fully debate and offer amendments to his No. 1 project for the session was a much longer journey, but would pay off in the long run.

As it turned out, Sen. Marsh took a five-hour turn at the podium to explain, defend and advocate for his bill. He even had to deal with questions and amendments from his Republican teammates.

Slow and steady, the saying goes, wins the course. When it was over, Sen. Marsh took a few amendments (a surprise or two in there) and defeated a bunch more. Ultimately, he got what he wanted — the Senate passed the bill 22-12. The Senate's eight Democrats and one Independent were joined by Republican Sens. Arthur Orr (Decatur), Paul Sanford (Huntsville) and Clyde Chambliss (Prattville) in voting against the bill.

The bill was immediately transmitted and started its journey the following day with a public hearing in the House Education Policy Committee.

Sen. Marsh received kudos from both sides of the aisle for his patience in allowing Senators to essentially talk themselves out on issues related to the bill. Democrats went to the podium to ask



MAKE NO MISTAKE, SENATE PRESIDENT PRO TEM DEL MARSH (R-ANNISTON) INTENDS FOR CHARTER SCHOOLS TO COME TO ALABAMA

Sen. Marsh to continue the willingness to let debate continue on bills.

Hopes for the smoothness continuing evaporated over night when the Senate Fiscal Responsibility & Economic Development Committee reported out a bill to restructure the board of the Birmingham Water Works. Senate Rules Chair Jabo Waggoner (R-Vestavia Hills) has been pushing for the legislation to give communities served by the Water Works more control over the Board.

The bill is anathema to Legislative Black Caucus Chair Sen. Rodger Smitherman (D-Birmingham). Once the bill moved in committee, Sen. Smitherman quickly moved to slow down the Senate on Wednesday's session work. With the late start time due to committee meetings in the morning and early afternoon, it didn't take much for the Senate to throw in the towel for the day. Additionally, the Senators had a date to keep — with each oth-

er. The 35 members held a private "Unity Dinner" to try to allow the Senators to have some time together to break bread instead of wage war at the two podiums.

On Thursday, Sen. Waggoner had the bill at the top of the Senate agenda, but that was set aside as the two veteran legislators were asked yet again to try to come to a compromise on the bill.

Under the current structure, the board is comprised of four Birmingham residents appointed by the City Council, and a fifth member that is a resident of Jefferson County, but not of the city also appointed by the Birmingham City Council.

Sen. Waggoner's bill would retain the four Birmingham residents on the board, but would take the Jefferson County appointment and give it to the Jefferson County Mayors Association. The bill also

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Freshman gets his first taste of House filibuster on bill

When you are the sponsor of a three-page bill that is being filibustered, you learn a few things quickly. One of the first things absolutely has to be: there are only so many questions you can be asked.

Freshman Rep. Jim Hill (R-Moody) made his maiden voyage at the microphone on his bill that would clarify that the state's judges and ministers couldn't not be com-



REP. PATRICIA TODD (D-BIRMINGHAM'S TEARFUL PLEA WASN'T ENOUGH TO STOP BILL FROM PASSING

Rep. Patricia Todd (D-Birmingham), the House's lone openly gay member, made an impassioned speech to the body to kill the bill, saying it was directed as an anti-same sex marriage bill that would not pass constitutional muster.

Rep. Hill, a 19-year district and circuit court judge (a fact that would be inquired of dozens of times during the debate), stuck to his guns and his talking points that this applied to any marriage, and that he intended to follow the law on same-sex marriage when the Supreme Court rules later this year on the issue regardless of the outcome.

Over the course of the next four hours, Rep. Hill reaffirmed his status as an attorney (he went to Cumberland), his former judgeship (in St. Clair County), and whether he had ever refused to perform ceremonies before (probably, he said).

elled to perform marriage ceremonies for anyone.

Ultimately, the bill passed 69-25, but it was no easy ride.

Right out of the chute,



FRESHMAN REP. JIM HILL (R-MOODY) SURVIVED A FOUR-HOUR TOUR AT THE MICROPHONE AS SPONSOR OF BILL THAT PROTECTED JUDGES AND MINISTERS FROM BEING COMPELLED TO PERFORM MARRIAGE CEREMONIES

Democrats were the ones debating him on the bill, and the only supporting voice he received was from Rep. Mike Ball (R-Madison), who said that opponents were making "a mountain out of mole hill."

Also, Rep. Mike Jones (R-Andalusia), another attorney, stood at Rep. Hill's shoulder for the entire debate, pointing out code sections when the questions weren't repetitive.

It had to be a new experience for a former judge, who undoubtedly was not used to being questioned firmly in his previous job (which was noted by one Democrat during the lengthy debate).

Rep. Hill also asked for members to repeat their names as he said he was still placing names with faces on just the fifth day of the session.

Finally, the House voted to cut off debate, and 68 Republicans were joined by one Democrat (Rep. Elaine Beech of Chautauque) in supporting the bill.

Fireworks

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would create two new seats to be rotated between Shelby, St. Clair, Blount and Walker counties, which have residents participating in the program. The bill would also reduce the pay of the board from \$285 per meeting to \$500 per month and institute new controls on member's expenses.

Sen. Waggoner's arguments are that the board has been free-spending on trips to conferences, and that the non-Birmingham residents believe they have no voice in Water Works policy.

Sen. Smitherman says that Birmingham has built the infrastructure, owns the infrastructure and that the out of county customer base makes up only 10 percent of the system's customers, yet would get nearly 30 percent voting representation.

A year ago, Sen. Smitherman was able to marshal forces to defeat the bill, and undoubtedly will try to do so again if he and Sen. Waggoner cannot come to a compromise.

The remnants of the battle Wednesday in committee and on the floor carried over to Thursday session. The two veteran legislators agreed to talk further, and allowed the Senate to pass two bills to rescue the state's cities and small towns that had passed "wet" referendums in "dry" counties.

A recent Alabama Supreme Court decision jeopardized the status of about three dozens cities and towns.

Rep. Jimmy Martin (R-Clanton) sponsored two bills to make the necessary corrections and both cleared the Senate Thursday for final passage. Gov. Robert Bentley quickly signed the bills to prevent the municipalities from having to stop selling alcohol in their communities.

Gov. Bentley slowly finding sponsors for bills

One of the burning questions for the opening days of the regular session was how much difficulty would Gov. Robert Bentley have in attracting sponsors for his “revenue” bills.

As the legislation would raise revenue, the bills would have to originate in the House, which was the Governor’s old stomping grounds prior to his election as governor in 2010.

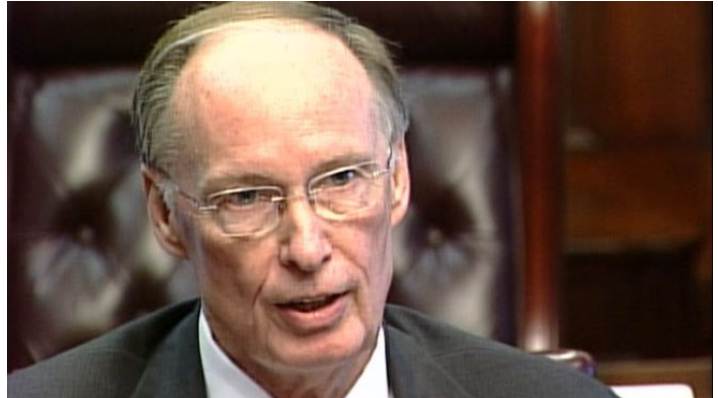
After five days of the session, Gov. Bentley has found sponsors for five of the bills. Two — the combined income tax reporting and the cigarette tax — were introduced by House veterans Reps. Mike Hill (R-Columbiana) and Steve McMillan (R-Bay Minette).

This week, when the Legislature consumed three of 30 meeting days, four more bills went in — including one of the Governor’s package’s more controversial bills.

House General Fund Budget Chair Rep. Steve Clouse (R-Ozark) stepped up to the high dive to introduce a slightly scrubbed version of the Governor’s bid to increase the sales tax on automobiles. Instead of raising the tax to 4 percent as the Governor desired, Rep. Clouse’s bill doubles the rate to 3 percent. He also introduced a similar bill that would raise the tax on rental cars.

Gov. Bentley’s auto sales tax was touted to raise \$200 million annually, but Rep. Clouse’s version would have to be reduced \$50 million because of the lower rate. Whether at 3 or 4 percent, the legislation would have a difficult path to passage.

Rep. Lynn Greer (R-Rogersville) introduced the bill to remove the exemption that financial institutions have from the state’s excise tax. It will attract the least attention because it would be only a \$1 million gain to the General Fund. A twist on the final bill came when Democrat Rep. John Knight of Montgom-



SINCE INTRODUCING HIS REVENUE PACKAGE, GOV. BENTLEY HAS BEEN RELATIVELY QUIET AND HAS WAITED ON THE LEGISLATURE TO MAKE THE NEXT MOVE.

ery introduced a bill to remove certain tax credits for insurance companies that own property and operate locations in Alabama. It purports to raise \$25 million.

As far as the rest of the Governor’s package, bills to remove exemptions from income tax and municipal electric authorities have not been introduced. Nor has any legislation to un-earmark certain funds that would move them from the Education Trust Fund to the General Fund.

Legislative leadership has hinted quietly that it is considering revenue measures. Leadership, though, hasn’t turned over any cards, and is unlikely to do so prior to the Spring break, which begins a week from today. The House and Senate will meet three days next week, and will enter the Spring break having burned more than one-quarter of the session. As April rolls around, there will be some serious searching for the golden egg in the Legislative Easter Egg Hunt.

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Note: The Windom Galliher Montgomery Update will publish weekly during the Legislative Session.