

WINDOM GALLIHER

MONTGOMERY UPDATE

JUNE 5, 2015

***Sine die:* Bare bones and many moans**

**Senate hits the road early,
leaves angry House to deal
with General Fund budget**

It opened with a hail of bills flying fast and furiously through both chambers of the Alabama Legislature, but the 2015 regular session ended Thursday evening with a lot of finger pointing about the lack of a General Fund budget.

All week long rumors bounced around the Statehouse as to when the Legislature would adjourn *sine die*. Some surmised that the Legislature would give up Tuesday and go home but the day came and went. The same rumors floated up on Wednesday, even as another rumor guessed that the Legislature would meet the full 30 days and adjourn today.

As it turned out, the Legislature gave up the ghost Thursday evening after a peculiar day of debate. After two weeks of fits and starts on the cash-strapped General Fund budget, the Senate made a few tweaks and passed the bill on a 20-13 vote.

General Fund Budget chair Sen. Arthur Orr (R-Decatur) did the budget-writing for the upper chamber, and handled the bill on the floor. And he voted against the budget, which may be a first.

That's the kind of budget year it's been.

Sen. Orr, recognizing that this was far from the final word on the issue, was matter of fact regarding the budget.

"We'll be back," he said. "Our job is *not* done."

The House was in a wait-and-see posture most of the day, passing more than two-dozen Senate bills to while away the afternoon. Ultimately, the House completed work on two calendars before the budget arrived from upstairs.

After work on the budget, the Senate



SPEAKER OF THE HOUSE MIKE HUBBARD (R-AUBURN) LEFT THE PODIUM TO TAKE THE FLOOR WHERE HE CHIDED THE SENATE FOR ADJOURNING EARLY

concluded in House changes in one bill, then decided the regular session needed to end sooner rather than later. It adjourned *sine die* and left the rest of the day's work to the House.

Historically, on *sine die* days, when one chamber finishes its work, its members will flood the floor of the other chamber to watch the proceedings wind down.

Not this year as there were plenty of hurt feelings between the chambers regarding how the final days played out.

Each chamber carped at the other during the week over early adjournment motions with failures to leave open the journal to receive bills.

Thursday night, with the tail lights of Senators' automobiles shining as they pulled away from the Statehouse, the House was left holding the bag.

"I take responsibility for cutting us off a

day early, but our responsibility was to pass the budget, which we did," Senate President Pro Tem Del Marsh (R-Anniston) told reporters after the Senate's adjournment. "We did pass that budget, we passed a lot of good legislation. We're willing to come back and continue to work if the governor so calls us."

Sen. Marsh didn't have the most enjoyable day, as his own caucus sniped back and forth over whether to do any other work other than the budget. At one point, he let off a little steam, saying on the floor, that he was "tired of Senators soapboxing at the dadgum microphone about the budget."

Speaker of the House Mike Hubbard (R-Auburn) decided the House would take a dinner break to read the new version of the budget. When it came back, there would be no opportunity for a conference

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A small team can take down a large bill with guts, guile

One of the most interesting bills of the final day of the session was a bill pushed by the University of Alabama at Birmingham and the University of South Alabama. The bill would allow their hospitals to develop new health care authorities to acquire other hospitals – presumably those in rural areas.

It was a teachable moment. The lesson? It doesn't take many people to kill a bill in the waning hours of the session. It just takes a handful of those who are willing to go the wall.

In this case, it was a Senate bill sponsored by Majority Leader Sen. Greg Reed (R-Jasper).

In the House, Rep. Randy Davis (R-Daphne) started to wage a one-man fight against the bill, arguing against a wide-ranging set of exemptions from state law that was in the legislation. These included exemptions from bid laws, open meeting laws, ethics law, and audits by the state. Furthermore, some were concerned that UAB and USA would gain monopolies – fueled by public money – over other hospitals.

As Rep. Davis continued his arguments, his arguments started to penetrate. He got some help from Rep. Mike Jones (R-Andalusia), Rep. Ed Henry (R-Hartselle), Rep. Will Ainsworth (R-Guntersville), Rep. Margie Wilcox (R-Mobile), Rep. Kerry Rich (R-Guntersville) and Rep. Arnold Mooney (R-Hoover).

A series of amendments were offered and defeated. Once one failed on a tie vote, House sponsor Rep. Chris Pringle (R-Mobile) decided that perhaps he needed to take an amendment in order to have a chance to pass the bill. An amendment to place authority directors under the state Ethics law was adopted.

The bill quickly passed thereafter by a large margin, but because it had been amended it had to return to the Senate for a concurrence vote.

There, Sen. Larry Stutts (R-Tuscumbia), another opponent of the bill, made his intentions known to Senate leadership that he would filibuster the bill. Although only a total of 24 legislators had voted against the bill in its two final votes, the bill remained in the basket when Senate Pro Tem Del Marsh (R-Anniston) that the Senate couldn't handle a filibuster at that time of the day. When the Senate adjourned *sine die*, the bill died.

A keen knowledge of the rules and a heaping helping of resolve gave opponents the victory over a bill that had widespread support.



**REP. RANDY DAVIS (R-DAPHNE)
BATTLED WITH FEWER WEAPONS AND
ULTIMATELY WON**

TEN-MINUTE CALENDAR

Rep. Martin 'speeds' to Shroud victory

It stands to reason that a funeral home-cemetery owner would win "The Shroud."

Since 1979, the House of Representatives has taken a break during the proceedings on the final night of the regular session to award "The Shroud," given to the "deadest House bill."

Each year, the previous year's winner introduces the resolution saluting the current year's honoree. Rep. Becky Nordgren (R-Gadsden) passed the trophy to this year's winner.

And that was Rep. Jimmy Martin (R-Clanton), whose bill to allow police forces from smaller towns to patrol the interstates in their city limits was crushed on the floor.

It was Rep. Martin's native Clanton that caught the ire of a certain legislator in 1996 when the bill was passed. Several weeks ago, when his bill came to the floor, he made a game attempt to pass the bill. But when the required procedural vote occurred, it wasn't pretty. He got a handful of votes in support, and there were 50 opposing votes.

The resolution poking fun at Rep. Martin said the group was so politically diverse it could be called "50 Shades of Nay."

AHSAA ready to surrender on 'Tebow' rule

The Alabama High School Athletic Association reached a compromise with legislators determined to pass "Tim Tebow" legislation to enable home schoolers to participate in public school sports.

Steve Savarese, AHSAA executive director, said the organization was committed to amend its bylaws for the 2016-17 school year to make provision for home schools students, who heretofore have been prohibited from participating.

The 'Tebow' bill had passed the House and was in a Senate committee where members said "fix it or we'll fix it for you."

The AHSAA board members decided that fixing it themselves was a better course than letting the Legislature do it.

A special thanks to Norris Green ...

Behind the scenes of the Legislature are dozens of staffers that help members with legal and budget questions.

None has been more respected than Norris Green, who finished his final session as the head of the Legislative Fiscal Office. He's spent nearly 40 years with the LFO.

While he's wrapping up his LFO work, he's not retiring. He's succeeding former Sen. Larry Dixon as the executive director of the Board of Medical Examiners. Norris has been a pro's pro. He doesn't play favorites, and he answers your questions. He's one of the few that knows where all the dimes and nickels of state government are. His shoes will be a massive pair to fill.

Budget

(From Page 1)

committee, so the options were to pass the budget or have none. The House voted overwhelmingly for the \$1.63 billion budget and sent it to Gov. Robert Bentley.

Once the budget was passed, the House transitioned into its “Shroud Award” festivities – more on this elsewhere – and that consumed another 30 minutes. When House members finished the frivolity, the plan was to pass a few House resolutions to replace joint resolutions that died when the Senate adjourned.

Gov. Bentley, though, had acted more swiftly than expected, returning the budget with his veto. The House found itself in a similar box – override the Governor or be the chamber responsible for not having a budget.

“It’s a crisis for the state,” Gov. Bentley said of the bare-bones budget. “When they have their minds right, then I will bring them back.”

On a similar vote, the House chose to override, but with the Senate adjourned, the veto stands, and a General Fund budget will be the primary order of business when the special session is called – presumably in August.

Speaker Hubbard, who had already set a meeting day Thursday, June 11, as the presumptive final day, wasn’t pleased. He had the House adopt a resolution to make June 11 a “work day,” to begin off-season committee work, and to crank up discussions regarding the special session.

“We’re going to come back and show that in the House of Representatives, we plan on working,” Speaker Hubbard said in a rare appearance from the floor, rather than his usual spot on the podium.

Speaker Hubbard rightly noted that the successes of the regular session – establishment of charter and virtual schools, sweeping two-year school reform, economic development, and more streamlining of government – will be forgotten in the public’s eye due to the lack of the General Fund budget.



SEN. BOBBY SINGLETON (D-GREENSBORO) CALLED THE BUDGET ‘UGLY’ AND ‘NAKED’

The old saying goes “victory has a thousand fathers, but defeat is an orphan.” The vetoed budget is certainly one of those orphans.

“It’s an ugly, ugly, naked budget,” said Sen. Bobby Singleton (D-Greensboro).

Former House General Fund budget chair John Knight (D-Montgomery) had similar thoughts.

“There are too many uncertainties,” he said. “You have state workers, you have services that should be rendered that are in jeopardy at the present time, where people are wondering what will happen.”

Rep. Knight is correct. People wonder what will happen. Will there be taxes? Will there be gambling? Will there be unear-marking? Will it be any different when the special session occurs?

What is certain is this: the 2015 regular session for all its successes will be remembered for its clunky ending and a lack of a General Fund budget.

We’re having more fun than ever ... working for you

Forgive us for being a tad proud, but it was quite a successful legislative session for the Windom Galliher team.

For our clients in health care, education, insurance, technology, utilities, and more, there were significant legislative victories. There were defeats, too. The good kind. The kind where we killed bills that our clients’ opposed.

When you add a new member to the team, it is sure to change the dynamic. It’s understandable to wonder how it will all work out. With Blaine Galliher’s arrival for this session, we’ve had more success – and more fun – than ever.

The session ends but our work doesn’t, because our clients have needs other than legislative. And it won’t be long before the Legislature returns in special session.

We have our own thank-yous to offer. First and foremost, we thank Sharon Gaston, who tolerates and manages three distinct personalities in our office and does it always with a smile.

Ultimately, we thank you, our clients, for the opportunity to work with you and for you. Each of you is special to us, and it’s our honor to represent your interests.