

# The Alabama Legislature



## Facts and Issues



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2006**



# THE ALABAMA LEGISLATURE

## Facts and Issues

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*List three changes that you would like to see in legislative practice and procedure.*
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## FOREWORD

In May 2003, the LWVAL Convention authorized a study with the aim of updating the League's information about legislative procedures and practices. The League study process begins with research, after which members engage in discussion and debate on the issues. Ultimately, the goal of any League study is to share the objective information from the League study with the public to promote the informed and active participation of citizens in government. In conducting the study and in preparing this *Facts and Issues*, the study committee adhered to LWV standards for accuracy, objectivity, balance, and a fair representation of all major points of view.

In stage one of the study, the committee read scholarly research and papers by national organizations on the functioning of state legislatures in general and documents published by or about the Alabama Legislature. The most useful of these resources are listed in *Selected References* at the end of the text. The background reading and consultation with scholars and those knowledgeable about the legislature led to the selection of eight topics for detailed examination.

In stage two of the study, the committee investigated these topics through interviews in 2004-2005 and a written survey sent to all legislators in 2005. Interviews included questions on such topics as the following: explanations of current practices, evaluations of what works well and what does not in a particular procedure, and analysis of the impact of changes in legislative practice in recent years. Both the interviews and the surveys included some open-ended questions to solicit individual opinions about strengths and weaknesses of legislative functioning. Those interviewed and those responding to the survey were promised that their views would not be attributed to them.

- The interviews covered a cross-section of legislators, including Democrats and Republicans, urban and non-urban, women and men, blacks and whites, those in and out of leadership positions, freshmen and veterans. Also interviewed were legislative support staffs, lobbyists, and a range of knowledgeable observers, including former legislators.
- The anonymous mail survey was sent to all legislators to give every legislator the opportunity to express an opinion and as a means of validating the information obtained from the interviews. The survey achieved a 55% response rate. The results of the survey appear in *Appendix A* in four sections: *one tabulation for the legislature as a whole, one for each house separately, and a listing by categories of responses to the open-ended question.*

Responses from both the interviews and the survey agreed substantially on the strengths and weaknesses of the existing legislative system. Disagreements appeared in the causes assigned for problems or in remedies proposed. The areas of agreement and disagreement about improvements needed have been carefully reported. The eight sections of this *Facts and Issues* summarize the findings of the LWVAL Study Committee on the topics investigated.

The League of Women Voters offers this publication in the belief that the information has the potential to increase understanding of the legislature among League members and the public. The

League's goal is *to promote the active and informed participation of citizens in government*. Both legislators and citizens testify to their need for better communication with each other. Better understanding of the legislature is one tool for building the trust and participation necessary to raise the levels of expectation and accomplishment in Alabama.

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## I. LEGISLATIVE BASICS

“Legislatures engage in three principal functions: *policymaking, representation, and oversight*. The first, policymaking, includes enacting laws and allocating funds. In their second function, legislators are expected to represent their constituents—the people who live in their district—in two ways. At least in theory, they are expected to speak for their constituents in the state—to do ‘the will of the public’ in designing policy solutions. In another representative function, legislators act as their constituents’ facilitators in state government.” The oversight function, evaluating the performance of the state bureaucracy, is one that legislatures have taken on recently. It is beyond the scope of this study of the legislature, which focuses on policies and practices in the legislative process. (Bowman and Kennedy, 2002, p. 140. See *Selected References*.)

### Alabama Basics

**Meeting Site:** Alabama State House  
11 South Union Street  
Montgomery, AL 36130

The Alabama Legislature meets in the State House, located on Union Street across from the historic Capitol, occupying the fifth, sixth, seventh, and eighth floors. The former Highway Department Building was renovated in 1985 for temporary use by the legislature during the restoration of the Capitol. For the first time each legislator had a private office and telephone. In 1992 the move became permanent. The legislative chambers in the Capitol are now used for committee meetings and ceremonial events.

In the State House the Joint Briefing Room on the eighth floor is called “the star wars room” because it is fully equipped with the latest in computer and closed circuit television equipment. Each committee room is also wired

for sound, so that a legislator, while in his or her office, may listen to and monitor the committee meetings through a closed circuit sound system. (Unless otherwise identified, information in this section is from *The Legislative Process: A Handbook for Legislators*, 2002. See *Alabama Law Institute in Selected References*.)

At present, according to interviews and responses to the Survey of Legislators, lack of space has again become a serious problem, especially for committee meetings and for secretaries.

### Meeting Schedule: Annual Sessions

Annual sessions with yearly salaries for legislators were adopted in 1974 with the passage of Constitutional Amendment 339. The first referendum in 1971 failed.

REGULAR SESSIONS of the legislature are for 30 legislative days (formal meeting

#### Regular Sessions Starting Dates in the Legislature's Four-Year Term

**First year: Organizational Session--2<sup>nd</sup>**  
Tuesday in January;  
Special Location--Alabama Law Institute,  
Tuscaloosa;  
Limited to 10 consecutive days

**Regular Session--1<sup>st</sup>** Tuesday in March

**Second and third years: 1<sup>st</sup>** Tuesday in  
February

**Fourth year: 2<sup>nd</sup>** Tuesday in January

days) that may extend over 105 calendar days. The usual legislative week consists of three days: Senate and House sessions on Tuesdays and Thursdays with Wednesdays reserved for meetings of committees and caucuses.

The 30 legislative days allowed by Alabama are short when compared with other states. Florida allows 60 days, and Maryland allows 90 days, both of which are considered short sessions. Because the 30 days in

Alabama are spread over an unusually long period for a short session, 105 calendar days, the legislature has some flexibility. Breaks of a week or more may occur as events or the need for negotiation dictates. Of legislators surveyed, only 11% favored longer sessions.

SPECIAL SESSIONS may be called by the Governor to deal with the special topics included in the official Call. Special sessions meet for 12 legislative days within a period of 30 calendar days. Bills not included in the Governor’s Call may be introduced, but their passage requires a 2/3 majority.

### Membership of the House and Senate

The current legislature was elected in 2002 for four-year terms. Members are up for reelection in 2006. The composition of both bodies in 2006 is summarized below:

House of Representatives	105
Democrats	62
Republicans	43
Women	13
African-Americans	26
Senate	35
Democrats	25
Republicans	10
Women	3
African-Americans	8

The percentage of women in the Alabama Legislature is now at an all-time high (16 of 140 members or 11.4%), giving the state a rank of 49<sup>th</sup> in the nation. (Numbers for all states are available at [www.cawp.rutgers.edu](http://www.cawp.rutgers.edu)).

### A Bill’s Progress

After being filed or “dropped,” a bill receives three readings in each of the two houses before becoming law.

**First Reading:** A bill is assigned to committee after being read by title only. The committee may hold one or more meetings on the bill or refuse to put it on the agenda of a meeting for consideration. If the committee approves the bill, it is reported out.

**Second Reading:** The committee’s report to the members after it has finished its work on the bill and voted for passage is read to the whole body. The bill is then placed on the House or Senate Calendar for action later. The Rules Committee decides whether the bill will make further progress by placing it on a Special Order Calendar or setting it on the day’s agenda.

**Third Reading:** When a bill comes up on the calendar for a third reading, the question of final passage is before the house. At this time the bill is read at length, and committee amendments are presented. Amendments or motions may be offered, debated, and voted on. Upon termination of debate, the question of final passage is voted on. If the necessary majority of members present and voting vote favorably, the bill is passed.

For most bills, a majority vote of members present is required for passage, assuming that a quorum of members is present: 18 in the Senate, 53 in the House. A Constitutional Amendment requires an affirmative vote by 3/5 of *all elected members* of each house. The “Budget Isolation” Constitutional Amendment (Amend. 448, 1984) affects the majority required in the early part of a session. To pass legislation before budgets are submitted to the Governor, the legislative body must first approve a Budget Isolation Resolution by a 3/5 vote of the quorum. Often such a resolution allows consideration and passage of a non-budget bill with a regular majority. Sometimes, however, early in the session, a minority of members may prevent passage by rejecting the

resolution to exempt a bill from the budget isolation provision.

The process of three readings is repeated in the second house after the bill is *engrossed* and sent over. A bill that passes the second house in the same form as passed in the first house is *enrolled* and sent to the Governor for signature. Constitutional Amendments do not go to the Governor for signature; they are placed on the ballot for a vote of the people.

If a bill is changed in the second house, it is returned to the first, which may (1) concur in the amendments, (2) refuse to concur and kill the bill, or (3) refuse to concur and request a Conference Committee. A Conference Committee is the usual route for budget legislation. Composed of three members from each chamber, this committee seeks to work out the differences between the two bills. If this is accomplished, the reworked legislation is reported to both houses for a vote. If compromise is not reached, the Conference Committee may be discharged and a new committee appointed. This process may be repeated. At the end of a legislative session near or at the 30<sup>th</sup> legislative day, there is often great pressure to report a bill from conference and get it to a vote. Legislators complain that this pressure often results in votes on legislation they have not had time to read or study.

## Leadership

The current leaders of each house were elected in the 2003 organizational session. For most of the 20<sup>th</sup> century, it was understood that the Governor would choose the Speaker of the House and other leaders. The election by members was *pro forma*. Since 1987, House members have voted independently for their leadership. The party with a majority in the House, as a general rule, elects its candidate for Speaker.

Until 1999, the Lt. Governor not only presided over the Senate but also held almost all powers

over the committee system and Senate agendas. When a Lt. Governor of a different party from the majority of senators was elected in 1999, certain powers were transferred by the majority party from the Lt. Governor to the President Pro Tempore. The Lt. Governor, as the President of the Senate, presides, enforces Senate Rules, breaks tie votes, and has some power to appoint boards. (More details about shared powers appear in *The Committee System*.)

Although the 1999 decision was described in interviews as primarily a political decision, not a policy one, the powers of the Lt. Governor have not been restored even though the Lt. Governor is currently of the majority party.

Comments on Senate leadership appeared in two forms in the interviews: Those who favor the current system view the Lt. Governor as part of the Executive Branch and thus not appropriate as the actual leader of a legislative body. Opponents believe that being elected by all citizens of the state provides more standing for the Lt. Governor than a single senator can possess. States currently use both arrangements with many permutations. In 24 states, the Lt. Governor is listed as President of the Senate; 28 states have a chief leader elected by the members individually, who may have the title of President of the Senate or another title. (*Book of the States*, 2004, pp.88-89)

### 2003-2006 Senate and House Leadership

#### Senate

President of the Senate: Lt. Gov. Lucy Baxley  
(D), Montgomery

President Pro Tempore: Lowell Barron  
(D), Fyffe

#### House of Representatives

Speaker of the House: Seth Hammett  
(D), Andalusia

Speaker Pro Tempore: Demetrius C. Newton  
(D), Birmingham

Professor Jesse Brown, an expert on the Alabama Legislature, favors limiting the duties of the Lt. Governor to the Executive branch.

The Senate, he says, should elect one of its members to serve as President of the Senate and its presiding officer, “selected and legitimized by a majority.” His objections to the previous arrangement are: (1) The Senate’s agenda “has often been infected by the statewide political ambitions of the Lt. Governor;” and (2) A Lt. Governor of a party without a Senate majority “creates an environment for inter-party bickering and gridlock.”

In citing arguments against his proposal, he mentions the following: (1) One senator with loyalties to one district might acquire “a disproportionate influence over legislation” as Senate President; and (2) The Lt. Governor “operating with a statewide political agenda would be a more neutral ‘referee’ among the competing factions and parochial interests of individual senators.” Professor Brown doubts the “alleged neutrality,” and notes that “the degree of influence of a Senate President would vary, depending on the operating rules and structure adopted by the Senate.” (Brown, 2002-2003, pp. 592-593)

### **Legislative Council and Legislative Support Agencies**

**The Legislative Council**, created in 1945, is composed of members from both bodies. It is charged with the review of administrative rules and with the development of policy proposals for consideration by the legislature. It also supervises the work of the Legislative Reference Service. Ex-officio members include the major leadership in each house, chairs of the Rules Committees, chairs of the Judiciary and Finance and Taxation Committees in the Senate, and chairs of the Ways and Means and the Local Government Committees in the House. In addition four senators and six representatives are elected. The Council oversees Joint Interim Committees.

**The Legislative Reference Service (LRS)**, also created in 1945, operates under the direction of the Legislative Council. Although it is described as “a research, reporting, and bill-drafting agency,” its resources are devoted almost entirely to bill drafting. Individual legislators, the Governor, state departments and agencies, and even local governments may request bill drafting. Priorities for the “spot” research or studies mentioned in the *Alabama Government Manual* are determined by the Legislative Council. Jerry Bassett, Director, may appoint personnel either within or outside of the Merit System. ([www.lrs.state.al.us](http://www.lrs.state.al.us))

**The Legislative Fiscal Office (LFO)**, created in 1975, provides fiscal information to the House Committee on Ways and Means and to the Senate Committee on Finance and Taxation, including information about the budget, appropriation bills, and other bills authorizing or providing budget authority or tax expenditures; and information with respect to revenues, receipts, estimated future revenues, and changing revenue conditions. The Fiscal Office also provides a Fiscal Note, a written estimate for each bill that will cause any anticipated increase or decrease in revenue collections in the state. Further, in the Senate, the LFO provides a Fiscal Note for any general bill that affects state funding by more than \$1,000. It also provides information requested by other legislative committees or individual legislators. Director Joyce Bigbee hires and directs the work of the policy analysts, who come from various backgrounds that are generally related to the functional areas they analyze, for example, Education, Health and Social Services, Natural Resources and Transportation, Administration, Public Protection and Judiciary, and Revenue and Taxation. LFO analysis focuses predominantly on the budgets and money and is not substantive pro and con analysis of legislation. ([www.lfo.state.al.us](http://www.lfo.state.al.us))

**The Alabama Law Institute (ALI)**, created in 1967 and located at the Law Center of the University of Alabama Law School, is composed of attorneys and judges under the direction of Robert L. McCurley, Jr. It acts in an advisory capacity “to consider needed improvements in the law and to make recommendations to the legislature.” It studies the law with a view toward “discovering defects and inequities and recommending needed reforms.” In addition it carries out, through the facilities of the Legislative Reference Service, a plan for continuous Code revision. (www.ali.state.al.us) (The legal support ALI assigns to the legislature is discussed in *Legislative Support: Staffing and Research*, along with the work of the LRS and LFO.)

**The Examiners of Public Accounts** were removed from the Department of Finance and established as a separate department in 1947. They examine and audit the books, accounts, and records of all state and county offices, officers, bureaus, boards, commissioners, corporations, departments and other agencies, including the state’s two-year and four-year colleges and universities. They may also perform investigations. Ronald L. Jones is Chief Examiner. The Legislative Committee on Public Accounts (a joint Senate-House committee) exercises general supervision over the Examiners.

## **A Brief History of Modern State Legislatures**

To understand the Alabama Legislature it must be set in the context of general legislative practice. That in turn requires some knowledge of the legislative reform movement that began nationwide in the 1960s and 1970s, and some consideration of how Alabama did or did not participate in those reforms. Alan Rosenthal, for many years the foremost authority on legislative reform, provides the following account. (Rosenthal, 1998 and 1996)

Before the reforms, legislatures were “unrepresentative, malapportioned, and dominated by rural areas of the states. The legislative process was, in many instances, a sham; power within the institution was narrowly held and not democratically exercised. Major issues were sidestepped, and initiatives for state policy were left to the governor. The legislature’s role in the most important business of government, that of allocating funds, was minimal. Whatever the positive outcomes, and however well-served the people of a state might have been, relatively little was attributable to the performance of the legislature.” (Rosenthal, 1996, p. 108)

The first stage in the transformation was precipitated by reapportionment decisions by the U.S. Supreme Court in *Baker v. Carr* (1962) and *Reynolds v. Sims* (1964). Legislative districts were redrawn on the basis of population to conform as closely as possible to the “one person, one vote ideal.” “A new generation of members—led by a number of outstanding leaders and supported by allies drawn from the ranks of citizens, businesses, foundations and universities—went to work to reshape legislative institutions through such groups as the Citizen’s Conference on State Legislatures.” (Rosenthal, 1996, pp. 108)

This Conference identified five characteristics critical to legislative improvement. Ideally a legislature should be functional, accountable, informed, independent, and representative. In a measurement of the 50 states published in 1971 as *The Sometime Governments: A Critical Study of the 50 American Legislatures by the Citizens Conference on State Legislatures*, Alabama ranked 50<sup>th</sup> based on the following rankings: Functional 48; Accountable 50; Informed 49; Independent 50; Representative 41. (pp. 168-171) In the decade from 1965 to 1975, characterized by Rosenthal as “the rise of the legislative institution,” the capacity of legislatures to perform their functions was strengthened in

three ways: *time, space, and information.* (Rosenthal, 1996, pp.108-111)

Depending on the extent to which the reforms were embraced, two concepts are used to describe major differences in how legislative bodies operate: professional legislatures and citizen legislatures. (Rosenthal, 1998, Chapter 2)

### **Professional Legislatures vs. Part-Time or Citizen Legislatures**

*Professional legislature* is the term applied to the legislatures that most fully embraced the reforms proposed by the Citizens Conference on State Legislatures. These reforms increased the capacity of the legislature to function as an independent branch of government, capable of balancing the power of the executive branch and having the information necessary to make independent, informed policy decisions. Increased capacity includes: longer sessions (some meet almost year-round); increased staff numbers, including full-time staff; adequate space in which to conduct legislative business; and compensation levels that allow legislators to live without simultaneously performing a separate job. In professional legislatures, the members may list "Legislator" when asked their profession. They consider the legislature a career, not a stepping-stone to other offices or a way to enhance their other jobs. *Professional* can also apply to the way the legislature conducts its business, the conduct of the legislators, or both. The legislature develops as an institution with its own rules and norms for operation and with independence from the executive branch. The most populous states usually fall into this category.

*Citizen legislature* (sometimes called traditional legislature) is a term applied to legislatures that are mostly from small states. They meet only part of each year and have relatively few full-time staff. Legislators in such states hold full-time jobs and legislative work consumes the equivalent of a half-time job or less and offers low pay.

In reality, the distinctions between the two classifications may blur. Twenty-four states, including Alabama, are classified as a mixture of both types. (NCSL web site and Alan Rosenthal, 1998. See *Selected References.*) Although the distinction applied underlies many decisions about a legislature, both the public and legislators are often pulled in both directions when assessing what mix of the two may be appropriate for Alabama. Interviews and the Survey of Legislators revealed some of these tensions. (This topic is also discussed in *Legislative Support: Staffing and Research.*)

Some legislatures that developed into strong institutions in the 1970s and 1980s were destabilized in the 1990s by two powerful forces. The first was Term Limits. The second was Initiative and Referendum, which allows the use of ballot initiatives to legislate directly or indirectly. (Rosenthal, 1996, pp. 133-134) Alabama has neither Term Limits nor Initiative and Referendum as practiced elsewhere.

## **II. THE COMMITTEE SYSTEM**

The committee system is universally understood to be the core of the legislative process. It is the major point in the process at which in-depth member analysis (substantive and political) of proposed legislation is most likely to occur. It is the first step in any examination of legislative policies and procedures.

The account of the committee system in this *Fact and Issues* presents information gathered from a variety of sources: interviews with legislators and knowledgeable observers, an anonymous survey of legislators, presented in Appendix A, House and Senate Rules, academic studies of state legislatures and legislative policy-making. (Rosenthal, 1998, pp. 133-137 and others) The topic of committee support in the form of staffing and research capacity is important enough to require a separate examination. (See *Legislative Support.*)

## **Committee Functions**

The functions of committees identified most often in Alabama and elsewhere include:

### **To manage the volume of bills to be examined**

Alabama does not limit the number of bills introduced. For the 2003 regular session 1322 bills were introduced; 258 were enacted. (*Book of the States*, p.120) Especially on topics beyond their expertise and outside their constituents' concerns, legislators rely on committees for guidance. In addition, legislators frequently mention the use of committees "to weed out bills not in the public interest," "to separate the wheat from the chaff." In the words of one experienced legislator, "Some crazy bills can come along."

Like those in other states, individual Alabama legislators may initiate bills that adapt models from other states to Alabama's problems and governmental structure. Others may respond to events, fulfill citizen or interest group requests, or serve philosophical or publicity purposes.

Although every bill must have a legislator as sponsor and must be drafted or approved by the Legislative Reference Service, sources of legislation vary widely. Bills may be written by organized interests, the Governor's office, state agencies, or the leadership of the body or the party. These groups may work with legislators during the drafting process or write the legislation on their own and submit it to a sympathetic legislator for introduction. (Rosenthal, 1998, pages 125-126)

### **To educate legislators about proposed legislation**

In committee, questions can be raised and answered that require more time than floor debate permits. Some issues are technical, like telephone deregulation; others involve new

public policy initiatives or a major change in policy direction.

Public hearings can be called to receive information from a variety of sources: experts with specific knowledge of the issues, members of government departments and agencies, interest groups including issue advocacy groups like Alabama ARISE and Voices for Alabama Children and public interest groups like LWVAL, and individual members of the public. One Alabama expert interviewed said that committees should be more proactive in seeking out a full spectrum of opinion "to provide information for legislators as well as educating the public, while at the same time assuring the interested groups that their views will be heard and considered."

Legislators also can learn by exchanging views with their colleagues and sometimes by substantive debate.

### **To identify and assess support and opposition to a bill and seek to negotiate compromises for a version of the bill that can pass**

Bill sponsors and advocates often aim only for committee approval in the first year. Bills that require two or more years to pass usually benefit greatly from committee work done in previous sessions. For example, during committee consideration of the 2004 Open Meetings Law in the House, questions arose about the impact on some lower level city and county staffs. In the interim, the Alabama Press Association consulted exhaustively with local governments and other groups. The consultations not only produced the needed amendments but also built support for the bill. In 2005 the bill passed both houses quickly and with overwhelming support.

### **To prepare a bill that is ready for floor action**

Amendments to bills are adopted or rejected to

hone the language and improve provisions. If changes are significant, a committee substitute may be written to send to the floor and to the other body.

Legislators interviewed all agreed that bills seldom reach the floor of either chamber if the leadership is not sure that the bills have a strong chance of passing.

## **Committee Organization**

Each house holds an Organizational Session in January after a new legislature is elected. The chief business of this session is election of leaders, adoption of rules and organization of standing committees, including selection of their membership and chairs. In the not-too-distant past, the Governor had the most important role in the election of the House Speaker and assignment of committee chairs, and the Lt. Governor had the major voice in the organization of the Senate, including assignments to committees and selection of committee chairs. Today, both houses select their own leadership (the Speaker of the House and the President Pro Tempore in the Senate), and that leadership has responsibility for the committee system. The Lt. Governor is presiding officer of the Senate, voting in the case of a tie and performing other duties specified in Senate Rules. Legislators and legislative observers agree that in the Senate new committees have been created for the purpose of offering chairmanships to potential supporters in the leadership election process.

Every legislature is different, but the methods of organization tend to center around the committees and political parties. Although seniority systems may be in place, the stronger the political parties, the more likely the committee system, seniority, and political party are linked. (One-party states, including Alabama during most of the 20<sup>th</sup> century, tended to center organization on leader-based

and other factional divisions such as geographic regions, urban-rural orientation, or race.)

Legislators in interviews occasionally speculated about moving toward the U.S. congressional system. In the Congress, party caucuses select party leaders. The head of each party in the U.S. House is nominated for Speaker, and the majority party candidate wins. In the Senate, where the Vice President is presiding officer, the majority party's caucus selects the Majority Leader. Like the Speaker, the Senate Majority Leader has the major responsibility for running his/her chamber and party.

Membership on congressional committees is, with a few exceptions, allocated to each party based on party ratios in the chamber. Each party names its own membership to committees. Considerations in the assignments are seniority (length of continuous service in the chambers and length of continuous service on the committee), expertise, personal preferences, political party needs, likelihood of reelection, and more. Members who serve on a committee generally are guaranteed to return to that committee in the next session. Members can be expected to build expertise in policy areas and to bring some institutional memory to current topics.

The majority party in each chamber of Congress chairs all committees and subcommittees in that chamber. Committee seniority generally is the most important consideration in determining which majority member becomes chair. A member may chair only one committee, and term limits on chairmanships are now in place in the House. (Edwards, 2006, Chapter 19)

The more professional state legislatures tend to organizational arrangements resembling those in Congress, but do not necessarily limit terms of committee chairs. Professional legislatures also tend toward committees (and subcommittees) with clear jurisdictions outlined in chamber rules. The committees tend to have their own rules, operating budgets, and

large staffs. Most scholars do not classify Alabama as one of the professional states. (NCSL, See *Selected References*.)

## **Committee Assignments in Alabama**

Committee assignments are important to a state if good laws are to be passed. Other factors may be more important to legislators, such as serving the interests in their districts, or advancing their legislative careers or their individual purposes for public service. In the Alabama Legislature, members of both houses may request assignment to certain committees, but those requests may not be granted.

A traditional goal for assignments in all legislatures is to make best use of members' abilities, experience, and expertise in a mix that promotes good committee discussion. For example, a legislator who has owned a retail clothing store might serve on the Small Business Committee, someone working for an oil company might be assigned to Energy, and a teacher might be assigned to Education.

To secure the benefits of expertise while avoiding domination by one interest group, as horse racing interests once dominated in Kentucky, may require additional considerations. One solution often adopted and cited favorably by many is to institute proportional representation of all major groups within the body, whether by party or other differences. Proportional representation for fairness or other purposes is significant; it frequently appeared in replies to open-ended questions in the LWVAL survey, when legislators were defining strengths and weaknesses or recommending improvements in the Alabama legislative process.

### **House**

The Speaker, in accordance with House Rule 63, appoints all committees and subcommittees and designates their chairs and vice chairs. Rule 63 also specifies the makeup of committees: "The Speaker shall proportion .

. . . all committee appointments in a manner which is inclusive and reflects the racial diversity and gender of the members of the body and the political party affiliation of the members of the body." It also states that party and race should be considered when at least 10 members are of a party or race. Current Vice Chairs include a mixture of Democrats and Republicans: four are black Democrats, five are Republicans, and three are women. A balance of rural and urban interests is considered, although not listed in the Rule.

In interviews, House members, regardless of party, race, or gender, characterized the Speaker as fair, regarded Rule 63 as effective, and judged the committee system to be working well. Over 59.7% of House members returning the survey agreed that member expertise is considered in committee assignments. Significant improvements made by the current Speaker were frequently cited. One House member noted that abuse could possibly occur under different leadership.

### **Senate**

Senators are assigned by a Committee on Assignments, which includes the President Pro Tempore as Chair, the Lt. Governor, and three additional members appointed by the President Pro Tempore. This committee appoints the Chairperson, Vice Chairperson, and membership of all Standing Committees. Any change in committee membership must be authorized by a unanimous vote of this committee. (Senate Rule 47c)

Evaluations of committee assignments diverged greatly in the interviews, depending on the legislator's position and allegiances. Those who approve of the current arrangement and those who object were about evenly divided in LWVAL interviews, which aimed for balance between leaders and non-leaders.

The following objections to this assignment process were raised in one form or

another by more than one senator and by members from different caucuses:

- The process is too political at present, too driven by the trading of committee chairmanships for votes for President Pro Tempore in the Organizational Session.
- On major committees, which examine most bills, all members are not represented fairly. Too many are assigned to committees that rarely meet and have no bills to examine.
- More attention to seniority might provide a means of removing some politics from the assignment process and reducing problems that arise when too many committees are chaired by freshman legislators.
- And, in sharp contrast to responses from House members on the survey, just under 28% of senators agreed with the statement, “Expertise of members is considered in committee assignment.” At one point recently only 10% of the Senate Judiciary Committee members were lawyers, although traditionally most lawyers in the Senate served on that committee.

### **Committee Meetings: Time and Space**

Most committees in the Alabama Legislature meet on Wednesdays. House committee sessions are set for 10 or 10:30 am and 1:30 pm. Caucuses and other lunch meetings are usually scheduled for Wednesdays. In addition to Wednesday meetings, Senate committees also schedule meetings on Tuesdays and Thursdays, 30 minutes before the session.

House and Senate respondents to the survey hold differing opinions on whether more committee meeting time is needed. Only 36.9% of representatives favored more meeting time, while over 88% of the senators favored an increase. Over 35% of senators marked “strongly agree” to this question. (See Survey in Appendix A.) These differences may reflect workload differences related to chamber

membership size (Senate = 35; House = 105). Representatives and senators agreed (at 81% and 88%, respectively) that “Time available for legislators to do research and work on proposed legislation needs to be increased.”

Members of both houses cited inadequate space for committee meetings as a major problem. Although some House members noted in interviews that the Speaker has arranged some improvements recently, 60% of survey respondents in the House and 66% in the Senate described committee meeting space as inadequate. In some cases meeting rooms cannot accommodate all the members of the committee, much less observers.

### **Notice of Committee Meetings and Agendas**

For a busy legislator, adequate notice of meetings and an agenda to guide what bills to study in preparation for a meeting are basic requirements. House Rules require 24 hours’ notice of meeting and agenda to members by posted notices. (Rule 73) In practice, meeting times, location, and agendas for Wednesday meetings are published by 5 pm on the preceding Friday on both the legislators’ web site and the public web site, ALISON. After the 27<sup>th</sup> day of the session, House notice is reduced to four hours. The Senate requirement is at least four hours’ notice, “wherever possible.” (Rule 57) A veteran legislator estimated that deadline is met about one-half the time. On ALISON, Senate notices appear irregularly. “Agenda to be announced” is a common listing.

Although some members of both bodies indicated that they would like earlier notice of meetings and earlier receipt of agendas, House members surveyed were generally satisfied with the timeliness of meeting announcements (85.9%) and agendas (79.0%). Among senators responding, only 41.2% found meeting announcements timely and just 22.2% agreed

that agendas were timely. No senator marked “Strongly Agree” for the timeliness of either.

## **Committee Effectiveness**

To judge the functioning of the committee system in each house, three topics must be examined: (1) the number of committees; (2) committee jurisdictions and assignment of bills; and (3) the authority of committee chairs.

### **Number of Committees**

Limiting the number of committees and the number of assignments for each member has been established as good practice since the study by the Citizen Conference for the Reform of State Legislatures was published in 1971. (See *Selected References*.) A member with conflicting meetings scheduled must run from one to another to vote or to hear testimony. As one veteran noted, “This fact encourages carelessness in voting and recording votes.”

The House currently has 16 standing committees, not counting eight for local legislation. Only 19.3% of House respondents to the survey favor reducing the number of House committees. Major House committees have 15 members. All committees meet and consider bills. The number of bills assigned to each committee varies. Most standing committees listed in Rule 65 have three subcommittees. In both houses, subcommittees obey the same rules as standing committees.

The Senate has 21 standing committees, not counting three for local legislation. Also, a Confirmations Committee considers appointments by the Governor that require Senate approval. Most committees are limited to 11 members. The number of assignments listed for each senator ranges from a low of five to a high of ten. The system was last revised in 1982 by combining committees with similar jurisdictions, such as Banking and Insurance.

Almost every senator interviewed, including the leadership, cited too many committees as the chief weakness of the system. In the survey, most senators (66.7%) favored reducing the number of committees, with 38.9% marking Strongly Agree. One experienced senator explained that this problem is the underlying cause of other problems, adding that it must be corrected before other improvements, such as better staffing for committees, can have any effect.

A related and serious problem cited in multiple interviews is the radical imbalance in Senate committee workloads. Some committees never meet within a session and rarely in a four-year term. Others have very few bills assigned. One authoritative observer declared that three Senate committees, the two Budget committees and Judiciary, handle over 75% of bills. As a veteran legislator said, “Every committee should have bills to consider.” Part of the problem is the assignment of bills.

### **Committee Jurisdictions and Assignment of Bills**

The need for clearly defined committee jurisdictions is acknowledged in all commentary on state legislatures. Although some bills may be difficult to assign, studies suggest that bills bypass their proper jurisdictions very rarely. (Rosenthal, 1998, pp. 141 and 259)

In the Alabama House, the Speaker assigns all bills. Over 64% of House members responding to the League survey agreed that committee jurisdictions are clear, and 72% agreed bills are assigned by jurisdiction. In the Senate, the President Pro Tempore assigns “with the concurrence of the Lt. Governor.” (Senate Rules 10 and 23) If the President Pro Tempore and the President of the Senate (or their designees) do not agree, the Rules Committee (appointed by the President Pro Tempore) makes the decision. The nature of the shared assignment authority is difficult to establish. However, there is no uncertainty about whether committee jurisdictions are

observed. Over 72% of senators responding to the survey not only declared that jurisdictions are unclear, but disagreed with the statement that bills are assigned according to their jurisdictions.

The related problems of overlapping or ill-defined jurisdictions and problematical assignments were most often illustrated in interviews in connection with two committees. Economic Expansion and Trade, regularly referred to as “the graveyard committee,” has the following phrase in its definition in the Rules: “and any other item requiring action deemed appropriate by the assigning authority.” (Rule 48 (1)) Fiscal Responsibility and Accountability has overlapping jurisdiction with the two Finance and Taxation Committees. A veteran senator described an extreme example, a session in which the budgets were diverted from the two budget committees to this new committee, which had only three or four members.

Two Senate Rules set up double referrals. Rule 54 permits any bill carrying an appropriation to be referred to one of the two Finance and Taxation committees after action by a committee with subject matter jurisdiction. Rules 50 A and B prescribe double committee hearings for gambling bills and for some environmental legislation.

#### **Authority of Committee Chairs**

In both houses, committee chairs exercise great power to call meetings, set the agendas, set the public hearings, and more. The first issue raised by legislators and observers is the question of voice vote versus roll call vote. The legislative reformers of the 1970s called for recorded committee votes. (CCSL, pp. 158-159) Reasons commonly cited are that a voice vote is always subject to abuse by the chair, and transparency is limited to observers in the room. Furthermore, observers may not be able to determine all votes cast in the voice vote process.

Senate Rule 57 requires a recording of the final vote on a bill in committee, but a formal roll call vote is rarely observed. Replying to the statement, “A recorded vote always occurs in committee,” only 5.6% of Senate respondents agreed. At least one Senator reported that secretaries regularly assign votes to members as the chair instructs for the required reporting forms.

House rules differ. A voice vote is accepted unless one member calls for a roll call before the vote, and another member seconds the request. Several representatives were content with this arrangement.

Whether or not legislators favor a recorded roll call is open to question. One committee chair explained that he often asks for a voice vote when others do not want to have a “yea” or “nay” attributed to them. This way the chair can “take the heat and get a bill onto the floor.”

House interviews did not cite abuses of power by chairs as a weakness of the committee system. In the Senate, the practice most often cited as questionable was “walking a bill out.” Rules in both houses state that a bill may be approved only after a committee meeting. Petitions and informal polling are forbidden. In extreme cases, members have denied that they were polled at all before their vote was recorded. One senator proposed that the committee report be rejected if two members assert that the recorded vote was inaccurate. Fear of offending a powerful chair is the explanation usually offered for permitting abuses to continue, and also for not invoking rules members might use to oppose an arbitrary chair who, for instance, refuses to call meetings. (House Rule 71; Senate Rule 61) House organization and the current Speaker’s administration are given credit in the interviews for the absence of abuses.

In contrasting the procedures of the two houses, one expert stressed the importance of recognizing the intrinsic differences between the lower and upper chambers. Lower Houses

are always larger and must be organized in a more disciplined fashion. In the smaller upper bodies, personalities and personal agendas inevitably loom larger. To some extent, the differences between the Alabama House and Senate mirror those in all legislatures. Even so, a pattern in comments from a variety of sources starts with praise for the changes made by the Speaker to organize the House, and moves on to a speculation or hope for house practices to “rub off” on the Senate. To paraphrase one interview subject: Some leaders run a tight ship and some prefer the machinery of benevolent warfare.

## **The Rules Committees**

The final and crucial step for a bill moving through the committee system is the Rules Committee, the gatekeeper to the floor of each house. The committee’s chief function in Alabama is to set the calendar, both which bills will be considered in floor sessions and the order of consideration. The decisions of the Rules Committee become critical in the last days of a session, when most bills die because time runs out.

In Alabama, bills come to the floor almost exclusively through Special Order Calendars. The Special Order, cast in the form of a Resolution, usually applies for one day, though it may be extended at the end of a session. A method for efficient handling of non-controversial bills, a Consent Calendar, is used in many states and in the Alabama House, but not now in the Senate. The time for considering local legislation is determined by general rules of order and precedence, not by the Rules Committee.

For legislators needing time to prepare for final debate on a bill, timely knowledge of Rules Committee decisions is crucial. All interview subjects who discussed the Rules Committee work for their chamber recommended at least 24 hours’ notice of its decisions during most of the legislative session;

some felt that insufficient. In the last one-third of the session, 12 or even 4 hours’ notice were deemed reasonable to allow for the pace of negotiations and compromises. The Senate Rules Committee is permitted to meet during the floor session.

Rules Committee operations provoked few comments in the House interviews. In Senate interviews, many volunteered negative comments, but most felt the situation had improved after the members complained about such practices as the chair announcing his own decision as the committee’s or changing the order of bills that the committee had agreed to. As one senator explained, a senator who is displeased by a previous vote or who receives support from a colleague may weigh those factors in a later vote; thus a change of order can determine the fate of a bill.

Legislators who favor a strong Rules Committee cited the need to screen out bills that will embarrass the house. A larger number cited the responsibility to keep the session moving and avoid having the floor session bog down in debate over bills too controversial to pass. A leading authority on state legislatures, Alan Rosenthal, offers a useful view not only of committees but also rules committees and the legislative process in general:

Especially in an era where committees in many states do not make tough decisions, but instead report all sorts of legislation favorably, leadership takes on the job of saying no. Rules committees serve leadership purposes when they take no action on bills or refuse to put them on special-order calendars. . . . The calendaring stages are where hard judgments are made. . . . Standing committees have become agencies of reciprocity, with members realizing that if they stand in the way of their colleagues’ bills, their colleagues may stand in the way of theirs. (Rosenthal, 1998, pp.145-147)

## Summary of Strengths and Weaknesses of the Committee System

The committee system, in the various permutations mentioned, can produce excellent results when the system works as it should. The weaknesses most often mentioned, beyond the specific issues already presented, are embodied in the following recommendations:

- Members should inform themselves more fully about proposed bills. More time for individual study and better resources for examining policy are needed.
- The power of interest groups should be reduced, without denying fair attention to their concerns.
- Bills should be exhaustively examined. It is a mistake to say, “We can settle this on the floor.” On the floor the volume of bills is too great and horse-trading is more of a factor. Time is more limited.
- All good bills should be ensured a fair hearing and not be lost because of politics.

For related topics, see the following:

Committee transparency in *Citizen Access*.

Committee support in *Legislative Support: Research and Staffing*.

The developing role of parties and caucuses in the committee system in *Parties and Caucuses*.

### III. LEGISLATIVE SUPPORT: RESEARCH AND STAFFING

#### Research

The clearest message and the strongest area of agreement among all legislators, regardless of disagreements about much else, is their need for more knowledge about the bills before them. Just over 85% of survey respondents

agreed with the statement, “Time for legislators to do research and work on proposed legislation needs to be increased.” Senators were slightly more likely to express this need than were representatives.

Respondents asked not only for time, but for more objective information on which to base policy decisions. Just under 80% disagreed with the statement, “Legislators receive all the objective information and analysis they need to make policy decisions.” The number who strongly disagreed was high at 34.4%. The interviews confirmed these views and explained the particular needs. The following statement by one with first-hand knowledge of Alabama legislatures for more than twelve years provides a summary of the circumstances most describe:

No committee has professional staff with expertise in the subject matter with which a given committee deals. Not only do committees not have staff, but there is not even a core legislative staff which could deal with major issues as they come up. Most legislation is drafted by interest groups who then find a supportive legislator to introduce and sponsor the bill.

When legislators confirm that lobbyists are their chief sources of information, they often add, “Most are honest,” or note that sometimes they can weigh information from opposing sides. It seems clear, however, that this dependence displeases most of the commentators. They would prefer an objective source accountable only to the legislature itself. With considerable frustration, a senator explained that he voted against telephone deregulation, not on the merits of the proposal, but because he had no independent means of evaluating the conflicting claims the two sides made about its impact. A strong argument for increased research support is that legislators who want to make well-informed policy decisions should have the resources to do so.

## Existing Resources

Legislators praised highly their two centralized sources of support, the Legislative Fiscal Office (LFO) and the Legislative Reference Service (LRS). (A discussion of the LFO's major duties may be found under *The Budget*.) About 97% of respondents indicated that LFO research "is available to me; provides factual information needed for decision making; and provides information in a timely manner." A legislator who has worked with the National Conference of State Legislatures declared Alabama's LFO to be "the best in the nation." Trust was the crucial issue cited in most interviews.

The Legislative Reference Service also received healthy approval ratings, with over 98% of survey respondents indicating LRS research is available to them, 89.2% indicating it provides them factual information needed for decision making, and just over 92% saying information is provided in a timely manner.

The LRS's primary duty is the drafting of bills in the proper form and approving bills drafted by others. Early in the interviews, the unanimous view developed that bill-drafting consumes most LRS resources. Official descriptions of LRS list research for legislators. Some legislators do receive "spot research" or occasional research assistance, especially in the summer, for projects that are well-defined. None of those interviewed believed that the LRS can do more than it now does.

In some states, interim committees, sometimes directed by a Legislative Council, conduct research on public policy issues between legislative sessions. Alabama's official descriptions of interim committees include such a mechanism, and the joint rules of the legislature permit any standing committee to act as an interim committee. These rules also specify daily expenses. Those interviewed, however, cited only modest achievements by interim committees; many dismissed their products. It seems logical that

interim committees work best for professional legislatures, where committee members have developed expertise. In Alabama they might be used most effectively to resolve stakeholder differences. For example, the 2005 proposal for a Joint Interim Committee to study ADEM reform might have provided such an opportunity. Legislators interviewed did not seem to regard interim committees as a means of meeting the objective research needs defined in interviews and in the survey.

Asked to list their sources of research information beyond the LFO, LRS and lobbyists, the legislators inclined toward research cited departments and agencies in the Executive branch and such groups as the National Conference of State Legislators and National Council of State Governments. These groups analyze problems in all states and even offer model laws.

Funds for research projects are provided on an ad hoc basis by the leadership of each chamber. In recent sessions, such funds have been used for special joint hearings on constitutional reform and trips to state agencies to interview officials and to observe agency operations.

The laptop computer supplied to each legislator is a major support tool. Almost 94% of survey respondents reported using the laptop to research pending legislation. Many are undoubtedly referring to their use of the Alabama Chamber Automation System (ACAS), the bill history and status system (a more sophisticated version of what is available to the public on ALISON) that allows them to review bills, fiscal notes, legal analysis notes (in the House of Representatives), and amendments during the consideration of any bill on the floor. Legislators may also make personal notes on the bills.

### **Obstacles to increased research support: attitudes and funding**

**Attitudes.** The interviews leave no doubt that the major barrier to any plan for more research

capability is lack of funding. A statement such as “Alabama is too poor to afford anything new” reflects the first reaction of many citizens in the state and even many legislators. The follow-up is usually, “The public has no appetite for raising revenue.” Another line of argument is that the public views any government growth, including growth in legislative staff as “big government” or “waste.”

A second attitude that prevents funding support is embodied in a statement from one interview, “Alabama has a part-time legislature. That forces legislators to rely on outside resources such as lobbyists for information.” The view that a citizen or part-time legislature does not have staff has some basis in the history of legislative reforms started by the Citizen Conference on State Legislatures in the late 1960s and published in 1971. Increased staff for public policy research, usually attached to committees, was one of the first benefits of the reforms in those legislatures that became professional. Alabama never embraced the suggested reforms, although it did establish annual sessions. In fact, Alabama is no longer classified as citizen or part-time; it is among the states in the hybrid category, a mixture of citizen and professional. (See *Legislative Basics* for definitions of these terms and for NCSL’s classification of Alabama.)

No one interviewed suggested Alabama should become a professional legislature. Legislators did not favor longer sessions. Legislators’ responses to the Survey, viewed in combination, do make clear their need for better information to do their jobs properly. Asked to list changes needed in the legislature, they said, “Hire more research assistants.” “Need staff for reading and mark-up of bills and resolutions.” And finally, “A qualified staff is more important than a full-time legislature.”

**Funding:** Until public attitudes change to favor additional revenues for the legislature, one option is a re-examination of expenditures

from current appropriations for the legislature from the General Fund. One immediate funding source was suggested by a Senate committee chair who favors legal analysts for all committees; he proposed to return his committee’s unneeded funds to fund attorneys for other committees. Most funds for research and legislative support are now provided on an ad hoc basis by the leadership in each chamber. The details of legislative budgets are not published for the public. Committee funds and other lump sum distributions without established criteria for their use could be re-evaluated for research funding. After an assessment of research needs and a decision by the two bodies, an appropriation in the legislative budget might be arranged to support a modest Nonpartisan Research Organization for the legislature.

The current arrangement has the merit of allowing committee chairs and others flexibility to use available funds according to their best judgments. The interviewees suggested that research is increasingly being funded from these lump sums, but without established criteria. Arguments in favor of diverting some current funds to provide a centralized and professional research agency or division might include increased accountability. With a professional agency, the research purchased might be more reliable than through individual contracts. The change, if properly presented to the public, might promote trust in and respect for legislative decision making. Such a rearrangement would require the acquiescence of leadership. It should be noted, however, that all but a few leaders of both houses acknowledged the need for better objective information for public policy. One leader suggested a research agency as “a pilot project.”

Although the demand for increased objective support is very strong, the information collected by LWVAL does not address every issue raised. One legislator described the practical problem of anticipating

what bills might arise in time to do adequate research. BellSouth's strategy with the telephone deregulation bill was to introduce it with virtually no warning. Such events may explain one legislator's comment that no bill should pass before it has been in the legislature a year. A further concern for some legislators is the fear that policy research might intrude into the policy decisions that are the prerogatives of legislators. Others, however, expressly stated their need for help in analyzing the pros and cons of a bill. Studies of agencies for policy analysis in other states (e.g., Hird, 2005) offer a sound set of accepted best practices to use in establishing guidelines.

### **Kinds of Support Needed**

Two types of support not supplied by the LFO or the LRS are needed by the legislature: legal analysis and policy analysis. Some legal analysis is provided, but policy analysis is much rarer.

### **Legal Analysis**

Legal support started some 25 years ago when the Alabama Law Institute (ALI) began providing lawyers to assist the Senate Judiciary Committee. Now each House committee has the services of an attorney appointed through the Alabama Law Institute, as do the House Majority and Minority Leaders. Except for Judiciary, no Senate committees have attorneys assigned. Assistance is said to be available as needed and as schedules permit for Senate committees, party caucuses and the black caucuses.

Reports on the adequacy of legal help vary in Senate interviews. No appreciable gap between the two houses appears in survey responses, except that the timeliness of help received stronger affirmation from House members. Several senators believe the Senate should move toward the House system. The imbalance in Senate committee workloads described under *The Committee System* was said to need correction before such a move.

The three committees said to handle 75% of all bills have support, an attorney, in the case of Judiciary, and the LFO, in the case of the two budget committees.

In the ALI arrangement, the experts are highly qualified. ALI's web site (<http://ali.state.al.us>) states: "The purpose of the Institute is to clarify and simplify the laws of Alabama, to revise laws that are out-of-date and to fill in gaps in the law where there exists legal confusion." Their expertise provides some guarantee of objectivity. Furthermore, the service is centralized in the sense that it is funded by an appropriation from the legislative budget specified for that purpose, at a set rate of roughly \$2,500 per attorney. In the Senate at present, a committee chair may use committee funds to hire one or more attorneys outside of the ALI system.

The ALI attorney assigned to a committee prepares summaries of the bills assigned to that committee in the form of a short summary of the whole and a brief account of the provisions of each section. Without the formulaic language and length of the full bills, these analyses can promote clarity and efficient study. In addition to the summaries, the attorney answers questions about the relation of a proposed bill to current Code and also about how the proposed bill would affect case law. The attorney answers other questions that arise at committee meetings and might be asked to correct language or write amendments. No opinions are given and no questions are answered that would put the attorney in the position of making policy decisions. Given the decline in the number of attorneys in the legislature since 1970 (reported by one veteran), increased legal assistance seems needed.

### **Policy Analysis**

As information developed about the need for objective information to aid consideration of bills, interview questions began to explore more specifically the best means for securing

information. Sometimes interviewees were asked about the possibility of a centralized agency for general research on the model of the Legislative Fiscal Office. Sometimes the idea of an agency was volunteered in open-ended questions to the survey. One example is: “The Legislature should have a Research Division comprised of professional civil servants (nonpartisan) and available only to legislators.”

Questions to be considered in defining such an agency include:

- Should it serve both the House and Senate? Several leaders in both houses agreed it should be centralized in that way.
- Who should select the director? For the LFO the Speaker and Lt. Governor as President of the Senate appointed the current LFO director.
- Who should hire staff? At LFO the director does. This provides one degree of distance from legislative influence.
- What should be the criteria for jobs? Both LFO and LRS staff have gained expertise in one or more areas/fields. At first new researchers might need to be generalists. The job description and salary should ensure a certain level of competence.
- Should jobs be civil service positions? The only objections to this idea came from the Senate. Merit selection provides some protection against partisan demands. It also is said to complicate the process of removing people who prove incompetent or whose conduct might be inappropriate to the legislative setting.
- How should research services be apportioned among these three groups: the leadership, the committees, individual legislators? Now the leadership receives much more help than individuals. Any decision on this issue must take into account the number

of bills introduced and the number that need to be removed from serious consideration.

- What other guidelines might be needed to ensure that the service builds a positive, trust relationship with legislators similar to that in place with the LFO, LRS, and ALI?

### **Nonpartisanship, a central issue**

A surprising number of those interviewed from both parties said they preferred a nonpartisan agency. For example, one legislator said, “I can get all the information I need from my party.” Survey respondents also indicated a high degree of support for nonpartisan staff assistance. Asked to agree or disagree with the statement, “Nonpartisan staff members are more valuable to me than partisan staff,” 33% strongly agreed, 49.1% agreed, 15.8% disagreed, and only 1.8% strongly disagreed.

A recent study of Nonpartisan Research Organizations (NPROs) in state legislatures nationwide had similar results. (Unless otherwise noted, the information in this section is from Hird, 2005. See *Selected References*.) When this same survey asked legislators to indicate the importance of various information sources in helping them understand and reach policy decisions, constituents came in first followed by nonpartisan legislative staff or research organizations. The author of the study summarized much of the findings in this way:

Some had questioned whether and how NPROs could survive, much less prosper, in the highly politicized environments where legislatures thrive...As is now apparent, the wide proliferation of NPROs in states—and the perception by their clients that they are truly nonpartisan—suggests that neutral policy analysis is thriving in the states...at least to some extent.... [I]t does suggest that nonpartisan information and analysis are valued in small states and large, in

professional and citizen legislatures, and in states wealthy and poor. (Hird, 2005, pp. 205-206)

In highly politicized legislative environments, these NPROs tended to focus on producing descriptive pro and con information and doing it quickly, rather than producing in-depth long-term focused research. LWVAL interviews suggest that Alabama legislators would like both types of research support, but tend to place emphasis on the former more than the latter.

The attitudes described in Hird's nationwide study and the attitudes collected in the study of the Alabama Legislature by the League of Women Voters depict a different situation from that of large party states, described by Alan Rosenthal in *The Decline of Representative Democracy* (1992). He laments that in states like Illinois, Pennsylvania, Michigan, and New Jersey, the legislatures have hired research staff to support their partisan causes, taking resources and influence away from committee research. In California, the standing committees with expertise had become so politicized that policy experts have been replaced by "political hired guns whose only job is to get their bosses elected." (Rosenthal, 1995, p.123)

A few legislators and informed observers interviewed believe that it is impossible now to build a nonpartisan research agency in Alabama because of two-party competition. They point out that the Legislative Fiscal Office was established in 1975 and built its high level of trust and reputation for nonpartisan support while Alabama was a one-party state. Nevertheless, interviews and the survey establish that a need exists.

## Staffing

The high regard for the legislative agencies, LFO and LRS, seems to extend to House and

Senate administrative staff. The Secretary of the Senate and the Clerk of the House hire the Reading Clerks, Enrolling and Engrossing Clerks and others who work behind the scenes. They also administer members' secretaries, in consultation with the legislators. Although no direct question was asked, more than one legislator volunteered that a stable staff is one of the strengths of the Alabama Legislature. No one wanted to see a change of majority party result in a new staff, as happens in some states. As with the LFO and LRS, members' trust in the staff builds with the length of staff service, and the institutional memories held by the staff are valued highly.

Each committee has a clerk or secretary for committee business. Each senator has a secretary in his/her suite of offices. In practice, two senators sometimes share one secretary. Representatives draw from a secretarial pool, with up to six representatives sharing the services of one secretary. Almost 88% of the House members responding to the survey expressed dissatisfaction with their secretarial support, and the topic was often cited in response to the open ended questions asking for changes needed in the legislature. The need for more help with constituents was specifically mentioned.

### District Staff

In addition to increased legislative secretarial staff, a district staff was desired by some legislators, chiefly those in urban areas. The need for better communications with, and more services for, constituents was the chief need cited. Senators, with larger districts, most often made this case. In weighing budget decisions, the desire for better constituent relations is worthy of respect. One experienced observer raised a question about district staff: How can accountability for state money be achieved for workers hired outside of Montgomery and outside of the present system?

## IV. THE BUDGET PROCESS AND POSSIBLE REFORMS

### Executive Actions and Legislative Budgeting

Governor Riley implemented a system of performance budgeting in FY2004 labeled SMART Budgeting (Specific, Measurable, Accountable, Responsive, and Transparent) as an executive branch management and accountability tool. It is explained at [www.governor.state.al.us](http://www.governor.state.al.us).

Those knowledgeable about the legislative process indicate that the system has had little, if any, impact on legislative budgeting and is unlikely to have any impact in the near future.

Performance budgeting systems such as SMART budgeting are most useful to a legislative body when it has flexibility in the allocation of funds. Constitutional restraints on the budgetary process (earmarking and taxation limits in particular) deny the Alabama Legislature such flexibility. In addition, two-party and ideological divisions within the legislature and between the legislative majority and the governor make adoption and implementation of the system difficult to achieve. Another limitation is the absence of a nonpartisan policy analysis legislative support agency.

#### **Performance Budgeting**

A true performance budget identifies the activities performed by government (outputs or actions taken) and analyzes their impacts (positive and negative results). Based on the performance information for the current and previous years, the budget for the coming year is developed. At minimum it requires clearly established goals and objectives, ways to measure administrative performance, calculation of costs, and open access to information.

Executive branch changes in the budgeting process such as SMART budgeting frequently are changed or abandoned by the executive branch whenever the occupant of the chief executive position changes.

### The Legislative Process and the Budgets

The General Fund and Education Budgets should be thought of as having two parts: a part the legislature can control (discretionary funding) and a part it cannot control (earmarked funding). The part that can be controlled is the major area of debate in each legislative session. The Education Budget receives the bulk of the funds generated by economic growth. Debate over the Education Budget usually focuses on the division of funding between K-12 and higher education. The General Fund supports all other governmental services, including Medicaid, the prisons, the mental health system, transportation, and the budgets for the legislature and the court system. Alabama Arise estimates that General Fund Budget debate centers on discretionary funds that compose about seven percent of this budget.

Legislative involvement with the budget begins prior to the legislative session. An interim committee(s) holds hearings on the budget. These hearings usually begin with testimony from the Director of the Legislative Fiscal Office (LFO) and the Revenue Commissioner (appointed by the governor). They receive extensive coverage by public television and major radio, newspaper, and television outlets.

The LFO Director and the Revenue Commissioner outline the financial situation of the state and report on potential revenue levels. The two offices have a variety of forecasting models available to them with each model built on a set of assumptions that vary across the models. As a result, the analyses each office relies on may result in different revenue projections. Legislators individually may rely on still other forecasts.

The norm for professional forecasters is to take what is known as a conservative approach, that is, to rely on the lower estimates of revenue

in planning. (This approach also tends toward relying on higher estimates of likely spending needs.)

The LFO and the Revenue Commissioner are also in communication with the Finance Office, Governor's Office, and other major actors in the development of the executive budgets that are sent to the legislature. Hearings are held with the major state agencies. At these hearings the agencies present their budgets and answer questions from the committee. The legislature does not have the staff that would be required to make field visits to state agencies.

As the preceding information indicates, the Legislative Fiscal Office is the key agency that assists the legislature in the development of the state budgets. Among legislators, governors, executive branch agencies, and knowledgeable observers, the LFO has a reputation for fairness, trustworthiness, nonpartisanship, and professionalism. This positive reputation stems from the priorities set by the leadership of the LFO and from the fact that the LFO was created before two-party competition (and intense ideological debate) happened in the state.

Organized as a unified structure, the LFO serves and is responsible to both houses of the legislature. Most of its work involves supporting the operations of the budget committees in each house and helping them to analyze the executive budget and develop budget legislation. The LFO is also responsible for the creation of fiscal notes that are attached to each piece of legislation and indicate the basic costs associated with each proposal. The agency tracks word changes and money changes in legislation as it progresses through the legislative process and calculates changing appropriations totals. At the same time, the LFO updates revenue forecasts.

The LFO has neither the staff nor the time to conduct policy analyses of legislative proposals.

In the House of Representatives, the Education Finance and Appropriations Committee handles the Education Budget, and the House Government Finance and Appropriations Committee handles the General Fund. The comparable Senate committees are called Finance and Taxation Education and Finance and Taxation General Fund. The committees handle both the revenue and appropriations.

### **Changes in the budgetary process**

Those who have observed the budgetary process over an extended period of time indicate several changes in the legislative budget process in recent years:

1. There is more committee involvement with the actual writing of the budgets today. In the past committee chairs (especially in the House) basically wrote the budget and then presented it to the committee and the chamber.
2. The executive budget is not automatically the focus of legislative deliberations.
3. Committee chairs and chamber leadership are making a concerted effort to produce a budget document early in the legislative session, not at the last minute and to produce a document that is complete and in the hands of members prior to floor votes.
4. On the House side a conscious effort has been made to avoid late House passage of a budget that would send the legislation to the Senate or a conference committee for action on the last day of the session.
5. A formal rule is now in place that requires both the House and the Senate to hold separate votes on any language change from the conference or any conference-created change in an appropriation over the amount of original passage in either house.

6. Greater transparency now exists in legislative actions including the budget, which has resulted in greater public and lobbyist access to information. (See *Appendix B, Budget Transparency*.)
7. Members now have more time to read and digest LFO reports on wording and monetary changes in legislation as the budget moves through the legislative process.
8. Legislative leaders recognize the need for "rainy day" accounts and restraints on spending in strong economic times in order to make funds available in poor economic times.

Several factors have been identified in interviews as the reasons for these changes. They include:

1. Members have called for greater input in budget formulation in committee and on the floor. Members wanted an end to last-minute budget arrivals and last-minute conference reports with little, if any, time to read the reports, identify changes and their impact, and debate the legislation.
2. Daily legislative operations are more organized than in the past, with the level of organization greater in the House than in the Senate.
3. The House has gained control of the Speaker's election from the Governor, and the Lt. Governor's powers have been weakened. Both have resulted in greater internal control over legislative operations including committee appointment powers.

House organizational and procedural changes (e.g., announced meeting dates and times, end-of-day target times, more web posting of information) initiated by the Speaker, have facilitated budgetary decision making in that chamber. The Speaker's inclusion of the three major House factions on

House committees also has helped the process. (See *The Committee System* and *Citizen Access* for related discussions.)

The major constraints on the budget process continue to be constitutionally mandated: earmarking of funds (approximately 90% of all monies), set rates and limits on the property tax and income tax, the regressive nature of the income tax, and the listing of specific deductions, and tax exemptions.

## V. LOCAL LEGISLATION

Because Alabama's 1901 Constitution prohibits "home rule," the Alabama Legislature spends an estimated 40% of its time on legislative acts or constitutional amendments authorizing acts that local governments perform in other states. Already overwhelmed by state bills that they have inadequate time to study, legislators must decide, with no knowledge of local conditions, whether to permit a county to sell bonds for industrial development, provide small raises to local officials, or increase their taxes for better schools or public transportation.

This situation arises partly because the Alabama Constitution and laws place the state under Dillon's Rule. Judge Dillon, a late 19<sup>th</sup> century Iowa judge, called Local Governments "creatures of the state" that have only those powers expressly granted to them by state constitutions and statutes. This principle reverses the federal/state provision in the U.S. Constitution, which reserves all powers not specifically assigned to the federal government to the states or people. (Williams and Horn, pages 246-247. See the essay in *Selected References* for fuller explanations.)

Local legislation generally applies to particular places, like one county or city, as distinguished from general law that applies to the state as a whole. Because the Alabama Constitution specifically prohibits 31 kinds of local laws (Section 104) many local bills must be passed as constitutional amendments.

<p><b>Local Law</b></p> <p>Affects only one county or city that is specifically named.</p>
<p><b>General Law</b></p> <p>Affects the state as a whole or one or more municipalities named in a class or grouping defined by specific criteria (usually population size).</p>

In the past when the problems were fewer, “legislative courtesy” was practiced. The legislature passed without question whatever local bills and amendments senators and representatives introduced, so long as the proper local advertising was certified. Senate districts at that time did not cross county lines and several House districts were nested within one Senate district so that the local delegation covered one locality. Although conflicts arose between what county or city governments wanted and what legislators were willing to support, the local delegations were relatively cohesive and accessible to local citizens.

Redistricting after the 1990 and 2000 censuses greatly complicated the make-up and cohesiveness of local delegations. Even a medium-sized county can find itself with three senators and six representatives, with only three of the nine living in the county. Senatorial districts may include parts of six or seven counties. Consultation about local bills with county and city governments and with their constituents has become more difficult.

As the burden of local legislation increased, the legislature adopted various devices to manage it. First, it declared every local bill “a general bill of local application” in an effort to modify constitutional prohibitions on local bills. When this declaration was declared unconstitutional, amendments passed in 1978 and 1982 redefined a general law as one that applies either to the whole state or to one or more municipalities in a class. Eight classes were established on the basis of the 1970 census (Ala. Code 11-40-12). These classes

have never been revised. (Legislative Process, pages 50-54)

A potential threat to “tens of thousands” of local laws arose over the habit of legislators who did not vote on local bills in order to leave the decision to the local delegation. One judge ruled that the constitutional requirement, “a majority of each house,” means that a quorum must be present and a majority of the quorum must vote for the bill, instead of just a majority of members there to vote, no matter how few the members in attendance. If this ruling had been upheld, almost every local law would have been subject to court challenge. (Editorial and related news stories *Birmingham News*, March 25, 2005) Amendment 555 declared those earlier local laws valid.

The numerous local constitutional amendments, for which the 1901 Constitution required a statewide vote, were burdensome because of the added expense for elections, the confusion of a long ballot, and the problems inherent in asking all voters in the state to decide a local issue. Amendment 425 created the Local Constitutional Amendment Commission to certify that some local constitutional amendments do not require a statewide vote. This commission, the Callahan Commission, consists of the Governor, the Presiding Officer of the Senate, Attorney General, Secretary of State, and Speaker of the House. Unanimous approval by the commission was required for an amendment to be certified as local. Amendment 555 added the additional requirement that the passage of the bill by the House and Senate not only be approved by a 3/5 majority of the *elected members* of each house, but also receive no dissenting vote. The Commission’s vote no longer needs to be unanimous, but only a majority. Failing these two approvals, a local amendment must be approved by a statewide vote as well as by the locality affected. (*Legislative Process*, page 68, Amendments 425 and 555. See also Susan Hamill, page 445, footnote 21.) As result of these amendments, fewer local amendments now appear on statewide ballots. It is possible, however, that

an unfavorable statewide vote may prevent a locality from fulfilling its intentions. Challenges to local amendments have sometimes been used by members seeking leverage with another member for their own agendas, as legislators explained in interviews.

Although ballots contain fewer local constitutional amendments, problems remain. The degree of successful consultation between local governments and the legislative delegations varies widely. Local problems must wait for legislative sessions and are subject to the uncertainties of the legislative process. As Williams and Horn note, “there is little room for local governments to address pressing local needs....[T]hey may not take the initiative when confronted with new challenges or potential solutions to old problems.... [T]hey lack independence [i.e. immunity] from state interference in any aspect of their affairs.” (William and Horn, 2002-2003, page 247)

### **House Procedures**

A local bill in the House is assigned to one of eight committees. Seven committees each include all the representatives from a single county: Jefferson, Mobile, Madison, Montgomery, Tuscaloosa, Shelby, or Lee. Bills for smaller delegations go to the Committee on Local Legislation, which contains one member from each Congressional District. A simple majority in any of these committees can send a bill to the floor. Several House Rules can expedite local legislation by allowing it to be considered on the day assigned, unlike other bills, and by allowing a local bill to pass out without a meeting, with the unanimous consent of all members whose districts are affected. (Rules 67 and 77)

### **Senate Procedures**

Although the procedures in the Senate are more informal for small delegations, a major difference is that a county’s senators must unanimously support a local bill or it dies. There are only three committees for local legislation, and their jurisdictions are defined

by county population size. Local Legislation #2 (500,000 population and over) covers only Jefferson County and its local governments. Local Legislation #3 (300,000-500,000 population) currently covers only Mobile County. All other local bills go to Local Legislation #1. Even if local senators agree on a bill, Local Legislation Committee #1, chaired at present by the President Pro Tempore, can reject it, although in such a case it may be reconsidered.

Local bills on certain topics must receive more than local delegation approval. Both houses require that any gambling-related bill favorably reported from a Local Legislation committee must then be referred to the Committee on Tourist and Marketing for further action. (Senate Rule 50A/House Rule 39) Senate Rule 50B provides that an environmental bill, with fees and taxes, that affects more than one political subdivision, be assigned first to a Local Legislation committee. If reported favorably, it then must be referred to the appropriate standing committee and be treated as a general bill. (*Legislative Process*, pp. 50-54; Senate and House Rules)

### **Home Rule**

Almost every senator and representative interviewed was asked for recommendations on how to change the way local legislation is handled in their bodies. No one could suggest improvements. Many commented that the public notices required before introducing a local bill are adequate. The substance of proposed local legislation must be published in local newspapers once a week for four consecutive weeks, and be posted for two consecutive weeks at five different places in the county.

Home rule, by which the legislature cedes to local governments the authority to make certain kinds of decisions without a vote in the legislature, was universally acknowledged as the only alternative to the present system. Some legislators strongly

supported home rule. Asked for an overview of the strength and weaknesses of the legislature at this time, many legislators cited lack of home rule as a hindrance to good functioning. Other legislators offered reasons for opposing it, chiefly a distrust of current county governments by the people and by legislators.

Various forms of home rule could be accomplished by Constitutional Reform (rewriting the Legislative Article), by Constitutional Amendment to the existing Legislative Article, or by a general bill in which the legislature grants certain powers to localities that choose to adopt them.

Several recent bills which have been introduced have recommended a cafeteria of home rule powers from which a county may select according its specific needs. Other bills introduced would limit home rule powers to a few areas such as trash, junkyards, and nuisances, a list negotiated by “stakeholders,” such as the Alabama Association of County Commissioners and ALFA. Taxing powers are usually prohibited, and sometimes land use planning. Most of the bills require a vote of the people in the locality to adopt the specified additional powers. Most also allow counties not yet ready for home rule to remain under the current system.

States vary widely in the degree of autonomy for municipalities and counties. They also vary in granting local powers by constitution or by statute and in the specificity of the powers listed. Scholars state, “Almost all Southern states grant localities considerably more autonomy than Alabama.” (Williams and Horn, 2002-2003, page 250. See “What other states are doing,” pages 250-257 and the essay for fuller explanation.)

## **VI. PARTIES AND CAUCUSES**

Asked to list recent changes in the legislature that impact its ability to work for the good of the state, most legislators and informed

observers interviewed named the growth of parties and caucuses. The two party caucuses were established by a Joint Resolution in 1997-1998 (House Public Information office); however, many mark the election of Guy Hunt as Governor in 1993 as the beginning of increased party competitiveness in the legislature. The caucuses play a growing and important role; meetings are increasingly well attended. Although Alabama is still listed in scholarly studies as a legislature dominated by one party, all interviewees expect partisan competition to intensify and the caucuses to strengthen in the legislature. What is not yet clear is the form a more mature partisanship might take or the beneficial and harmful effects for the state.

The following account of current circumstances, collected from LWVAL interviews, is useful to follow future developments. At present party caucuses appear in House and Senate Rules in only two ways: a Majority and a Minority Leader must be designated, and these two leaders or their designees are declared members of every Standing Committee. Beyond that, caucuses write their own rules, although House and Senate Rules take precedence.

The party caucuses are funded through a set appropriation from the legislative budget in the General Fund to majority and minority party leaders in each house. The majority or organizing party receives more funding. The House appropriations for 2005-2006 were \$57,000 for the majority and \$28,000 for the minority. Each party caucus pays rent for its offices in the State House and pays for its staff and other office expenses. Some minority funds have paid for a staff member to research and write op-ed pieces on various issues that members can adapt to their districts and use. Caucuses are free to raise additional funds through fund-raisers, through contributions from the state parties, and from PACs. The Ethics Law and campaign finance laws govern their fundraising activities. The

appropriateness of donations from party PACs to party legislative caucuses was raised as an issue, but not settled, in debate in 2005 on a bill to ban PAC to PAC transfers.

### Party Caucuses in the House

The Speaker, as part of his organization of the House, has encouraged the party caucuses. Both party caucuses meet weekly at noon on Wednesdays during the session, with steering committee meetings on Tuesdays. Lobbyists who may make “educational” presentations at the meetings often pay for these luncheon meetings.

<p style="text-align: center;"><b>House Party Caucuses</b></p> <p style="text-align: center;"><b>Democratic Caucus</b> 62 members Chair: Ken Guin, Carbon Hill</p> <p style="text-align: center;"><b>Republican Caucus</b> 43 members Chair: Mike Hubbard, Auburn</p>
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According to interviews, the degree of control attempted over caucus members varies. In the Republican Caucus, a 2/3 vote is needed to adopt an official party position. Few such votes are taken. Support is sought on procedural questions but not on bills. The Democratic Caucus is less regulated. Scholars note this pattern in all states; the minority party caucuses meet more regularly and are better organized. (Rosenthal, 1998, Chapter 5)

### Party Caucuses in the Senate

At present in the Senate, three party caucuses operate: the Democratic Majority, the Republican Minority, and a second Democratic caucus composed of opponents of the current majority party leadership. While the number of Republicans holds steady between elections, the relative size of the two Democratic

caucuses shifts in response to Senate events. During the 2005 session, the Republicans and opposing Democrats combined could produce a vote as close as 18 to 16 on some issues.

<p style="text-align: center;"><b>Senate Party Caucuses</b></p> <p style="text-align: center;"><b>Republican Caucus</b> Estimated Membership: 10 Chair: Jabo Waggoner, Birmingham</p> <p style="text-align: center;"><b>Majority Democrats</b> Estimated Membership: 17–19 Chair: Zeb Little, Cullman Whip: Roger Smitherman, Birmingham.</p> <p style="text-align: center;"><b>Opposition Democrats</b> Estimated Membership: 6 – 8 Chair: Tommy Ed Roberts, Hartselle</p>
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Senate Republicans meet on Tuesdays. At times, during a session, they meet three times a week. The Majority Democratic Caucus meets as needed. The second Democratic caucus, variously labeled as “Independent” or “Conservative” or “Opposition” Democrats, originated in 1999 when the current President Pro Tempore organized the Senate. Their organization is relatively informal, but they do meet throughout the session. Some of these Democrats meet with Republicans on occasion. Their negotiations with the Senate leadership have focused on committee chairmanships and on members’ committee assignments, especially those for the few most powerful committees.

The two official party caucuses receive funds from the Senate with the majority receiving more than the minority.

### Legislative Black Caucuses

The 34 members of the Legislative Black Caucus also belong to the Democratic Caucuses in their respective bodies. Two years ago the House and Senate Black Caucuses began meeting separately to accommodate the differing schedules in the two houses. The

House caucus meets on Tuesdays. The Senate caucus meets as needed.

<p><b>Legislative Black Caucus</b> 34 members Chair: Rep. Laura Hall, Huntsville</p> <p><b>House Black Caucus</b> 26 members Chair: Oliver Robinson, Birmingham</p> <p><b>Senate Black Caucus</b> 8 members Chair: Myron Penn, Union Springs</p>
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Unlike the two party caucuses, the Black Caucus receives no appropriation from state funds. It must raise its own funds. Its only staff is secretarial. Legal advice is provided by volunteers from outside organizations and from committee staff in the House. Among the membership, allegiances may be divided, especially along rural-urban lines, but on social issues the caucus is usually united.

Interviewees stated that the chief need of the Black Caucus—and the whole legislature—is more analytical information to judge the effects of proposed bills. The caucus, in the opinion of members interviewed, has been effective in helping its members evaluate legislation to benefit not only black constituents but also the state as a whole.

### **Effects of Stronger Party Caucuses**

Beneficial effects of party caucuses listed below are roughly in the order they were most often cited in interviews:

- Information supplied and exchanged in caucus helps members deal with the heavy load of bills to be examined and improves communication among members.
- Stronger caucuses may affect the power of lobbyists. Having other sources of information (substantive and political) may

reduce the level of influence now exercised over every phase of the legislative process by the most powerful groups and their lobbyists.

- Caucus meetings also offer lobbyists an opportunity to present their information to a group. Questions asked in a group setting may result in greater information exchange. Lobbyists for smaller groups may benefit most from such access.
- Agreement among caucus members, where it exists, can expedite the necessary negotiations and compromises on bills and perhaps promote more coherent policy for the party in the majority.

Negative effects given are chiefly two, both clearly a worry to those interviewed:

- Divisiveness resulting from partisan exchanges and tactics.
- Increased potential for gridlock, especially if party ratios grow more even.

### **Constructive Recommendations**

Most interviews conducted did not include direct questions about how to encourage the growing partisanship to take positive directions. One knowledgeable observer suggested a goal of more bipartisan arrangements. The literature on state legislatures suggests several considerations:

- One is the proposal for a Nonpartisan Policy Research Organization on the model of the Legislative Fiscal Office. (See *Legislative Support*.) Objective information might provide legislators a basis for working together. Legislative scholars specifically deplore a trend in some legislatures to replace nonpartisan, issue-oriented staff with staffing for political caucuses. (Rosenthal, 1998, pp. 193-194; Hird, 2005)
- Personal relationships across party lines, important in many states, still exist in

Alabama. Some legislators reported they regularly dine in groups that include members of both parties. One specifically stated that he did not want the legislature to become as polarized as the U.S. Congress is now.

Alan Rosenthal, who has devoted his life to the study of state legislatures, addresses the question of attitude. He suggests legislators and the public accept the following as essentials of modern representative democracy. (Rosenthal, 1998, p. 343)

1. The public is divided; thus public opinion is divided.
2. Public officials, reflecting the public and their opinions, are also divided.
3. Ordinary people are represented by groups and also by legislators, who do their best to be responsive to their constituencies.
4. Debate is good, allowing as it does opposing sides to be heard.
5. Compromise is essential if consensus is to be built and progress is to be made.
6. Competition and conflict are normal and healthy.
7. People cannot get everything they want.
8. Working through to a settlement takes time.
9. Although settlements are reached, closure is rare; the process continues.
10. Through it all, tolerance helps.

## VII. LOBBYING AND INTEREST GROUPS

The primary complaint of citizens about the Alabama Legislature is that it listens to “special interests,” and the lobbyists who represent them, and not to the people. Alabamians are not alone in this conviction, as studies make clear. Scholarly accounts of interest groups, however, offer a somewhat broader definition of interest groups and their activities.

Interest group operations in Alabama fit the main outlines of such groups everywhere, operations that are difficult for citizen groups to change. Information gathered from interviews with legislators, lobbyists, and informed observers can define the particular features of the lobbying landscape in Alabama. Alabama practices can be examined in the context of practices in other states. (Except as noted, page citations and the facts and quotations in this discussion come from Thomas and Hrebenar, 2004, pp.100-128. See *Selected References*.)

### **Interest Group**

**“An interest group is an association of individuals or organizations or a public or private institution that on the basis of one or more shared concerns attempts to influence public policy in its favor. . . . Together with political parties, interest groups are a major means by which people with similar interests and concerns are brought together and . . . their views articulated to government. Interest groups act as major intermediaries between citizens and the government by representing the views of their members to public officials, particularly between elections.” (p.102)**

Interest groups are major sources of technical and political information for policy makers. They may educate their members and the public on issues. They also may engage in candidate recruitment. Increasingly, groups help finance political campaigns, both candidate elections and ballot initiatives, often through political action committees or PACS. (pp. 105-107)

It is worth noting that most interest groups initially were formed for non-political purposes. For example, groups with a common economic or social interest may have formed for such purposes as publishing a journal or securing cut-rate insurance for their members. Over the last 30 years groups have become increasingly active politically in order to promote or protect their interests. (p. 106)

Interest groups operate in the public policy-making process by lobbying.

**Lobbying**  
Any effort undertaken by a group or individual to contact public officials with the purpose of influencing their public policy decisions. (p. 103)

### Categories of Lobbyists

Most groups employ one or more individuals to lobby for them. Not all lobbyists, however, are representatives of the interest groups. Thomas and Hrebener (pp. 113-115) describe five categories of lobbyists they believe to be common to all states. The Alabama interest groups cited serve as illustrations.

**Contract lobbyists**, often called “hired guns,” receive the most attention, even though in most states they constitute only about ¼ of the lobbying community. The interests they represent tend to spend the most money and have the most political clout. Usually technical knowledge is not their greatest asset. They are political insiders who are hired primarily for their knowledge of the system and their close contact with public officials. They usually possess special and sophisticated knowledge of certain parts of government, such as the budgetary process. This knowledge enhances their ability to assist in policy making. Equally important is the trust they must build and maintain. They organize fundraisers and other election help. The activity of contract lobbyists in Alabama that attracts the most attention is

their management of many PACs through which campaign contributions pass.

**In-house lobbyists**, often referred to as “association lobbyists,” may be the executive directors, presidents, and employees of a host of organizations and businesses. They represent their employee or organization. These were the first lobbyists to appear, representing railroads and powerful businesses in the nineteenth century. They probably have always constituted the largest segment of capitol lobbyists. Their major asset is usually their unequaled knowledge of their particular interest. This knowledge is often supplemented by campaign contributions from their association and by their ability to mobilize their membership. Education lobbies, as experts point out, have the advantage of influential members in every local community. (Rosenthal, 1998, pp.208-209)

In Alabama very strong in-house lobbyists may define the interests of their principals broadly. Two examples cited in interviews are Paul Hubbert of the Alabama Educational Association (AEA), whose range of interests is described as increasingly broad, and the president of the Alabama Farmers Association (ALFA), who announced that he would limit its lobbying scope to fewer issues than his predecessor addressed. Included among these “association lobbyists” are the Alabama League of Municipalities, the Alabama Association of County Commissioners, and the Alabama State Employees Association.

**Government lobbyists**, sometimes called “legislative liaisons,” are employees of state, local and federal agencies who, as part of their jobs, represent their agency to the legislative or executive branch. They may be agency heads, senior staff, or officials, elected or appointed. In states that allow hired lobbyists for government departments, they are often recruited from the ranks of former bureaucrats. They, too, represent only one interest. They have one important tool—information about

government operations. Sometimes they can also mobilize constituent groups (e.g., agency clients) for additional clout.

**Citizen, cause or volunteer lobbyists** represent citizen and community organizations or informal groups, often on an unpaid and ad hoc basis. Although they rarely represent more than one interest at a time, coalitions may form. These lobbyists usually rely on moral persuasion, often coupled with the mobilization of their membership. They may provide information not available elsewhere, but they usually lack the status of political insiders, access to big campaign contributions, and sophisticated public relations organizations. This category contains the highest proportion of women lobbyists, perhaps as high as 75%.

Alabama ARISE, A+, Voices for Alabama Children, the ADEM Reform Commission, League of Women Voters, and Alabama River Alliance would fall into the volunteer lobbyist category. These groups may register one or more lobbyists to maintain a stronger presence in Montgomery. Staff members may serve as registered lobbyists in addition to performing their regular duties.

**Private individual, “hobbyist” or self-styled lobbyists** act on their own behalf and are not designated by any organization as an official representative. They usually lobby for pet projects or direct personal benefits, or against some policy or proposal that they find particularly objectionable. These lobbyists usually have the fewest resources.

### **Recent Trends in Lobbying**

Modern lobbyists use a broad range of tactics, especially indirect ones, such as mobilizing public opinion to influence the climate in which legislators make their decisions. Direct contact based on carefully cultivated long-term relationships (insider lobbying) will never be replaced. Hospitality looms large in such relationships in Alabama,

but experts state that the “image of the cigar-chomping good ol' boy lobbyist plying his clients with women, food and liquor is no longer realistic.” (Thomas and Hrebrenar, 2004, pp. 110-113)

### **To what degree do interest groups and lobbyists dominate the legislature?**

In a classification of the overall impact of interest groups in 2002 by Thomas and Hrebner, Alabama is one of only five states in the *Dominant* category, “those states in which groups as a whole are the overwhelming and consistent influence on policy making.” Thus Alabama varies from the national pattern in the degree to which its legislature is judged to be dominated by interest groups.

Most states, 26, were classified Dominant/Complementary; 16 were Complementary; and three were Complementary/Subordinate. In none were interest groups completely subordinate. In states labeled Complementary, “Groups tend to work in conjunction with or are constrained by other aspects of the political system. Most often this is the party system; but it could be a strong executive branch, competition between groups, or the political culture, or a combination of all of these.” (pp. 121-122) Most interview subjects, including legislators from both houses, named the decline of the power of lobbyists as the first benefit to be expected from stronger parties and caucuses in the legislature.

In interviews, an overview question about the legislature’s ability to work for the good of the state produced a significant number of references to the excessive power of interest groups and their lobbyists. Even a lobbyist said, “There is too much influence by lobbyists.” The dependence of legislators on lobbyists for information on public policy decisions is discussed in *Legislative Support: Research and Staffing* and in *Parties and Caucuses*. Comments from the interviews that shed light on the level and forms of interest group dominance are the following from House

members: “Their influence is strongest at the committee level.” “The Senate is more carefully worked because there are fewer members; the effort in the House is directed to the committee chairs.” From senators: “Even though Rules Committee meetings are open, no one can know what has passed between the chair and the lobbyists before the meeting.” “Lobbyists control the Rules Committee and can set the calendar for the day.” In discussing committee assignments, one veteran legislator said, “And of course, special interests will want representation on certain committees by certain [members].”

## REGULATION OF LOBBYISTS

Regulations for lobbyists, for their registration and for gift restrictions, are administered by the Ethics Commission under the Ethics Law. (Alabama Code, Title 36, Section 25) The following information is available on the Commission’s web site: [www.ethics.alalinc.net](http://www.ethics.alalinc.net)

- Guidelines for Lobbyists, including who must register.
- Registration forms for lobbyists and the statement of their Principals
- Lobbyists’ and Principals’ Quarterly Reports
- Lists of Registered Lobbyists with their Principals (under News)

Campaign contributions and expenditures by candidates, including PAC contributions are regulated by the Fair Campaign Practices Act. (Alabama Code, Title 17, section 22A) These are reported to and published by the Elections Division in the Office of the Secretary of State. ([www.sos.state.al.us](http://www.sos.state.al.us), under Campaign Finance)

An objective source for comparing Alabama’s regulations with those of other states is the Center for Public Integrity. ([www.public-i.org](http://www.public-i.org))

## Disclosures by Legislators

Legislators and candidates are required to disclose their financial interests. The requirement also applies to any “public official” or “public employee,” if that person’s base salary is over \$50,000 and if that person spends public funds. In the Statement of Economic Interests, filers must list, albeit in general categories, their sources of income, partnerships, loans, and other financial interests. The Alabama Ethics Act is widely considered one of the strongest in the nation in this regard.

The Guidelines for filings appear under *Forms* on the Ethics Commission site at [www.ethics.alalinc.net/form\\_master.cfm?Action=ecint](http://www.ethics.alalinc.net/form_master.cfm?Action=ecint)

## Lobbyists and the Legislative Process: Rules of the House and Senate

No lobbyist is allowed on the floor of either house while it is in session. Former members of the legislature may not be extended floor privileges for lobbying purposes. Lobbyists cannot circulate cloture petitions. Committees are to be diligent to ascertain whether those who appear before them in other than an obviously individual capacity have conformed to requirements for lobbying, like registration. Former members must wait two years before lobbying their house, but may lobby the other house. (Ethics Commission decision AO12, 2003) Lobbyists are expected to be honest and factual. The right to lobby is based on interpretations of the First Amendment and a similar provision in the Alabama Constitution. Lobbyists seeking interpretation of lobbying rules consult the Rules Committee. (*Legislative Process*, 187-194, Joint Rules 26-31)

## Gift Restriction

All states agree that giving and receiving gifts are prohibited if they influence official action. Alabama restrictions rely on a

combination of Disclosure Laws and a Bright Line Test.

<p style="text-align: center;"><b>Methods of Restricting Gifts</b> (NCSL <a href="#">Legibrief</a>, June/July 2002)</p> <p><b>Zero tolerance:</b> No gifts allowed, which removes any ambiguity. Some states exempt food and beverages to enable a legislator to eat with a group he/she is addressing.</p> <p><b>Bright Line Test:</b> Used by almost one-half the states; specifies monetary limit for gifts, ranging from \$3 a day in Iowa to \$500 a day in Texas.</p> <p><b>Disclosure Laws:</b> Lobbyists can give almost anything of value so long as it is reported. One-third of the states place no restrictions but prohibit gifts “if they influence a legislator’s official action.”</p>
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A lobbyist may spend \$249 per day for each legislator and her/his family without reporting the expenditure. Any larger amount must be reported as a gift on the lobbyist’s and principal’s quarterly report with the name of the recipient, date, and itemized expenditures included. Although gifts, usually in the form of trips for the legislator or family members, are reported, the vast majority of the quarterly reports filed merely show a check in the box saying that they have spent no more than the amount permitted without disclosure. These quarterly reports are not published on the internet with other lobbying information. There are no cumulative yearly reports. At present the Ethics Commission staff is unable to monitor these reports. The quarterly reports are, however, public record and may be examined on request at the Ethics Commission.

A reform proposal offered in interviews by both legislators and lobbyists is to lower the threshold for disclosure from \$249 per day per legislator. Legislators often commented, “No one spent that much on me.” The lower amount most often suggested \$100. This amount might require the reporting of dinner for a legislator and family. While no survey

question was asked about lobbying regulations, the question about the reporting threshold was asked in some interviews. In this sample, most favored the change. One legislator doubted the wisdom of requiring extra reporting effort when behavior is unlikely to be changed. A lobbyist said that lobbyists would vote for it, if their votes could be kept secret. Proponents suggested that the lower reporting threshold could lead to more careful spending by lobbyists and to a reduction in what some legislators expect to receive. According to the National Council of State Legislatures, the trend among other states is to lower the reporting threshold. (NCSL, [Legisbrief](#), 2002).

### Lobbyist Registration

Lobbyists now must register by January 31 of each year and pay a fee of \$100, which is returned to the General Fund. In broad terms, those who are paid to lobby must register. The Alabama Ethics Commission on its web site offers explanations of who must register and how to register. Registration forms for lobbyists and their principals are accessible at [www.ethics.alalinc.net](http://www.ethics.alalinc.net). The Center for Public Integrity approves this publication. The advantages of e-commerce, which would allow electronic filing and paying of fees, are not available at the Ethics Commission, a fact noted by the Center for Public Integrity.

Lobbyists are required to list their clients. The listing of specific areas for their activities is general, for example, health or education. Other states require more detail. If new clients are acquired after January 31, lobbyists have ten days to report the new clients. Depending on an interest group’s assessment of its likely success, that group may hire a new lobbyist who begins work immediately.

Because the Ethics Commission works with a reduced staff due to budget cuts and does not use electronic filing, it may take as long as two weeks for the new registrations to be compiled and published on the Internet. In

interviews some suggested reducing the ten-day limit to two or three days. Some legislators, however, believe the knowledge of a new lobbying contract circulates informally in a timely manner.

### **Comments on Interest Groups and Lobbyists in the Alabama Legislature**

Those interviewed strongly agreed that the most important power of lobbyists is their ability to influence election or re-election. Recruiting and funding candidates to run against legislators who displease them was cited more than once as a lobbying tool used by some lobbyists to sway a vote on a bill. Lobbyists, especially those working for powerful associations, can contribute not only money, but also campaign workers. Contract lobbyists, according to one legislator, reserve 20% of their funds for campaign contributions.

The increasing dominance of contract lobbyists was cited several times as a change that hinders the ability of the legislature to work for the good of the state. One knowledgeable observer noted: "Discussion at the desks and around the chamber often is not on the merits or content of the legislation but identification of the bill as \_\_\_\_'s bill. Once the identification is made with the contract lobbyists, much of the debate and discussion one would hope for stops."

### **PAC-to-PAC Transfers**

A specific reform often mentioned in general evaluations of the legislature and the one most strongly recommended by almost everyone interviewed on the subject of lobbyists was a ban on PAC-to-PAC transfers. Although Alabama may not be entirely alone in allowing these transfers, a conversation with the Center for Public Integrity confirmed that such a system is rare, and enough of a concern for the Center to have informed itself about attempts in Alabama to impose the ban. While

many PACs merely aggregate contributions from their constituent groups, others may be used to obscure the exact source of a contribution. Some lobbyists control multiple PACs, often with names that do not identify their purposes or their sources. Under the current system, it is possible for the candidate to be told the source of the contribution, while the public does not have that information to use in voting decisions.

On lobbyists as sources of information for policy-making, see *Legislative Support*.  
On citizen lobbying and public advocacy, see *Citizen Access*.

## **VIII. CITIZEN ACCESS TO THE LEGISLATURE**

*Citizen*, as used in this publication, refers to individuals who contact their legislators, including public interest groups like the League of Women Voters, as opposed to government lobbyists, contract lobbyists, and in-house or association lobbyists. (See section on *Interest Groups and Lobbyists*.) The League of Women Voters of Alabama legislative study gathered information on this topic through interview questions about *transparency*, chiefly in the context of the committee system. In addition, the information on citizen access in Alabama presented here draws on League experience, supplemented by consultation with members of other public interest groups, and by examination of public web sites, including that of the Legislature.

Most legislators appeared committed to the principle of openness. But they always noted that legislators are careful about taking public stands on difficult issues. Asked whether more transparency is needed and how to secure it, most legislators mentioned the Open Meeting Law passed in the 2005 session as a step forward.

## How the Open Meetings Law Affects the Legislature

- Requires the Legislature to base its rules on the Alabama Constitution. Sections 57 and 58 of Article IV require that the doors of the chambers remain open and that neither house change its meeting place or adjourn without notice to the other.
- Permits the House and Senate bodies to make their own rules. The general rules for local bodies like County Commissions cannot be used for legislative meetings.
- Applies the rules for notice explicitly to sessions of each house, to meetings of standing committees and subcommittees, and to all permanent and joint legislative committees.

## Access to Financial Information

Although budgets are difficult for the public to follow, transparency in the spending of public funds is a fundamental protection against abuse. Recent studies have provided criteria for Transparency Report Cards for state budgets, addressing what should be disclosed and how. (*Appendix B, Budget Transparency and Selected References*, Center on Budget and Policy Priorities) These studies address not only current budgets but types of information needed to enable public discussion of how public money should be spent. Most experts and many legislators favor publication of state budgets on the internet.

Transparency is also an issue for appropriations for legislative operations during regular and special sessions. Currently, citizens can determine only the broad outlines of how much is designated for the Legislative Reference Service, the Legislative Fiscal Office, the Speaker, and President Pro Tempore, but little, if any, specific information on how the money is to be spent. Transparency supporters argue that fuller disclosure of how

current funds are spent could enable the legislature to move toward more public accountability than can be provided by lump sum distributions from discretionary funds. Some believe that funding for the staffing needs described in *Legislative Support: Research and Staff* might be found through a more careful examination of current revenues. Public knowledge from objective sources about appropriations for the chambers, for leadership, and for committee budgets would provide sounder information for evaluation of how well funds are being used.

### Transparency

Availability of information on governmental officials, activities, and decisions in a form that is easy to understand and access.

In the legislative context this would include: access to committee meetings, hearings, and legislators; information about the membership, legislative procedures and rules, bills under consideration, vote outcomes at all stages of the legislative process; and budgets.

## Transparency Issues for Citizens Attending the Legislature

Citizen access is limited by several aspects of current legislative operations. As a result transparency is not achieved. Specific issues include, but are not limited to, the following:

- Committee meeting rooms are often too small for observers, a major problem that can make transparency problematic. An extreme example is the Senate Rules Committee, which meets in the office of the chair because it meets frequently during a session and has no adequate room on the 8<sup>th</sup> floor near the Senate chamber. The door is open, but lobbyists, public, and press are clustered at the door, unable to get in. Approximately 60% of House members and 66% of Senate members responding to the League survey called space for committee

meetings inadequate. Interview subjects usually cited the space problem first when asked to evaluate the transparency of committee meetings. Those who did not list it first always included it in their answers.

- Advance notice of committee meetings and agendas is often too short. The House requires 24 hours' advance notice; the Senate requires 4 hours wherever possible. In practice, House committee meetings with agendas for the coming week are usually published on ALISON by 5 pm Friday. Senate meetings are posted more irregularly and often with agendas to be announced. Chamber differences are reflected in the survey responses. Approximately 85% of House members agree that announcements of meetings are timely, and 79% agree that meeting agendas are provided in a timely manner. Only 41% of Senators agree that announcements are timely, and only 22% believe that meeting agendas are provided in a timely manner.
- Attending public hearings, the chief vehicle for citizen testimony, may be difficult for those who must prepare testimony and travel to Montgomery. At the State House one may find the meeting room changed. In the meeting, the bill of interest may be "carried over" to the next committee meeting at the request of a bill sponsor who is unable to attend. Public hearings on the most visible issues are more likely to be announced well ahead of the meeting. In these cases the number desiring to speak is often greater than the time permits, even though speakers are usually limited to 5 minutes.

The decision to hold a public hearing is the prerogative of the Committee Chair in the Senate. In the House, any member of the committee may request a public hearing before the agenda is posted.

Rules in both houses prohibit a vote on the bill on the same day as a public hearing. These rules allow for a committee vote after deliberation and consideration of all factors, rather than allowing the emotions generated by a public hearing to be the predominate influence.

- For ordinary citizens a broader underlying problem is intrinsic to the legislative process. The speed with which a bill moves through its three readings in the two houses can be unpredictable for a variety of reasons. Even if no legislators are deliberately speeding or delaying a bill, the time required to reach agreements on a bill cannot be predicted precisely. Once agreement is achieved, the bill may move with unexpected speed. Those who are outsiders, or groups without a constant presence in the State House, must work hard to follow particular legislation. Citizens who have already addressed their own legislators will find that The ALABAMA LEGISLATIVE INFORMATION SYSTEM ON LINE (ALISON) can help them lobby the two chambers at various stages of the process by directing their comments to committee chairs, to the Rules Committee, or to the leadership of the two bodies. (See Bill Status below and *Guide to ALISON, Appendix C.*)

### **Participating in the Legislative Process to Influence Decisions**

There are many ways citizens can influence decisions. Most experts cite the following as the most typical ways citizens can have an impact.

#### ***Defining the issues and contributing to legislation***

Before bills are submitted to the legislature, citizens have opportunities to contribute to

what may be included through membership in public interest organizations. For example, Alabama Citizens for Constitutional Reform or Alabama ARISE conduct meetings around the state to consider legislation. Other public interest groups or the press may identify state problems, suggest reforms, and encourage public discussion to set the climate for legislative attention to an issue. Once the legislature is considering the bill, informal citizen-based coalitions can join forces to promote reform.

### ***Following the Bills***

The modifications that a bill undergoes as it moves through the two houses can create difficulties for amateurs who seek to persuade legislators to support or oppose a bill. A longtime legislator said, “My worst moments came when I would meet someone on the street who said, ‘You didn’t vote the way you promised on that bill.’ I would reply, ‘By the time the bill got to a vote, it was a different bill.’ But they rarely understood.” (See Appendix C for how to access the amendments or substitutes for a bill.)

During office hours the Bill Status phone numbers are well attended and an easy source of information about where a bill is in the legislative process.

Senate 1-800-499-3051

House 1-800-499-3052

ALISON provides a history of each bill that traces action on it from the time it is introduced, including amendments and substitutes. (See Appendix C) Web sites and newsletters often trace the progress of bills of interest to specific groups, but access is usually limited to group members. (The LWVAL web site is available to the public at <http://www.lwval.org/LWVALAction/ALIssues>)

### ***Attending or Speaking at Public Hearings***

Using ALISON to check committee agendas, calling the committee secretary or legislators themselves are ways to find out

whether a public hearing will be held. Experienced citizens arrive early enough to sign up to speak near the top of the list. They also take copies of their testimony for the committee record, in case all speakers cannot be accommodated. Speakers are usually taken in order of signing, alternating between proponents and opponents of the legislation.

### ***Getting into the Back Room***

As all legislators made clear, citizens can never know what takes place outside of open meetings (e.g., legislators lobbying each other or lobbyists having a word with the committee chair in his/her office). Informal small meetings to discuss bills outside committee meeting often provide opportunities for useful dialogue about technical matters or for exploration of the impact of the bill on “stakeholders.” Finding compromises to make a bill passable is universally regarded as a legitimate part of the legislative process.

Groups with a particular interest in an issue, those who might be described as “stakeholders in good government,” may occasionally be invited by some chairs to participate in these informal discussions. The League’s experience with the 2004 Home Rule bills suggests that such invitations may follow upon public testimony that reveals a commitment to and knowledge about the particular issue. Such activity also may lead to invitations from executive agencies to help them write or review draft legislation. One or two legislative interviews evoked the statement that committees should be more proactive in seeking diverse opinion for public hearings.

### ***Mobilizing Public Pressure***

Legislators assert in studies and in interviews that constituent views weigh heavily with them. While a large number of phone calls and emails are burdensome to their staffs, evidence suggests that public pressure can be effective. An example from the 2005 session took place when the Senate assigned the House

bill to ban PAC transfers to a “graveyard” committee rather than to the Constitutions and Elections Committee. In the committee meeting, the chair confirmed that public pressure had been significant in getting the bill considered. An experienced senator declared in an interview that without the activity by the public, the bill would never have been examined.

### **Citizen-Legislator Interaction**

The cardinal rule is an obvious one: legislators pay most attention to citizens who are their constituents. Both legislators and constituents say they want better communication with each other. The major barriers to this communication are *lack of time* and also some *lack of understanding* on the part of constituents. (Legisbrief 12, #21, 2004 NCSL)

While a face-to-face conversation outside of the pressure of a legislative session is best, a constituent’s phone call to the legislator’s Montgomery office with a brief message on fast-breaking events is said to be effective. A secretary can keep and report a count of pro and con calls very easily.

- Directories for Senate and House with contact information for individual members, committee lists, and committee offices may be obtained by writing Bill Status at the State House, 11 South Union Street, Montgomery, 36130. Senate, Room 716; House, Room 506B.
- Contact information also appears on the legislative web site, [www.legislature.state.al.us](http://www.legislature.state.al.us). Choose Senate or House from the left panel and click on Members for an alphabetical list. Clicking on a member’s name brings up his or her home page.

The *time* problem may be partially mitigated by electronic communications. According to the surveys, 76% of legislators find their laptop computers useful for communicating with those they represent.

Email addresses are as follows:

- If a member has a personal email, it will be listed on the Member’s Home Page as described above.
- In addition, the House has a general email address from which paper copies are delivered to members. Use this address: [house3@alhouse.org](mailto:house3@alhouse.org)  
Put the legislator’s name in the subject box: `firstname.lastname`

*Lack of understanding*, the second major barrier to good citizen-legislator communication, is a more complex issue than lack of time. In most cases the decisions legislators must make are not clear cases of right or wrong. Their constituents usually do not hold unanimous views. Few votes are easy. In addition to representing their constituents, many recognize a responsibility to consider the common good, the welfare of the state as a whole. Moreover, in the course of their work, they often have information and understand problems in ways ordinary citizens do not. A good number of interviewees commented that their constituents often do not understand the issues they address. Some legislators report they use forums in the district to address complex issues.

Legislators most often complained of the effect of the media on the public’s understanding, specifically the tendency to sensationalize legislative events rather than to educate. The focus is often on the odd bills introduced rather than an explanation of the two sides on a policy issue. Increases in grassroots activism and blogs also affect citizens’ understanding and actions on bills.

## Legislators' Point of View

Studies of why individual legislators vote as they do describe the influences on each decision as “complex, highly interrelated and almost impossible to isolate on any given issue.” One means of analysis is to view each decision as lying somewhere along a continuum that defines two different ways of representing—as delegate or as trustee. At one extreme is the *delegate*, who attempts to reflect constituents’ wishes and opinions, even if they conflict with her/his own best judgment. At the other end of the continuum is the *trustee*, who considers constituent opinion and interests but gives precedence to the general public interest. Alan Rosenthal and the National Conference of State Legislatures (NCSL) believe the latter model promotes deliberation and consensus building. (Rosenthal, 1998, pp. 8-10; Rosenthal et al., 2001) *The Case for Representative Democracy: What Americans Should Know About Their Legislatures* (Rosenthal et al., 2001), which was published by NCSL, lists the following influences:

- Legislators’ core principles and beliefs and their public records
- The merits of the issue
- Constituents
- Organized interest groups and campaign contributions
- Legislative leaders and political parties
- The executive branch
- Legislative committees or trusted colleagues
- Family and personal friends

The more understanding a citizen has of these influences, the more effective interaction with legislators will be.

**APPENDIX A**

League of Women Voters of Alabama Legislative Survey:  
**Results for Respondents from the House and Senate Combined**

	Survey Item	Strongly Agree	Agree	Disagree	Strongly Disagree	Total N
TIME	Time allocated for committees to meet needs to be increased.	14.7	33.3	45.3	6.7	75
	Time allocated for legislative sessions needs to be extended.	4.2	6.9	54.2	34.7	72
	Time available for legislators to do research and work on proposed legislation needs to be increased.	38.9	44.4	15.3	1.4	72
SPACE	Office space assigned to individual legislators is adequate.	10.5	32.9	30.3	26.3	76
	Office space assigned to individual legislators provides adequate privacy.	9.1	37.7	23.4	29.9	77
	Space assigned to secretaries is adequate.	5.3	33.3	37.3	24.0	75
	Space designated for committee meetings is adequate.	3.9	33.8	31.2	31.2	77
STAFFING	<b>Number of secretarial staff provided for individual legislators is adequate.</b>	5.3	14.5	31.6	48.7	76
	Number of secretarial staff provided for committees is adequate.	7.9	64.5	19.7	7.9	76
	Research staff provided for individual legislators is adequate.	5.2	24.7	33.8	36.4	77
	Research staff provided for committees is adequate.	3.9	44.7	32.9	18.4	76
	Research staff provided for the leadership is adequate.	20.3	59.5	10.8	9.5	74
COMPUTER	Laptop computer supplied by the legislature is useful for:					
	managing my legislative duties.	24.0	65.3	9.3	1.3	75
	communicating with constituents	21.3	54.7	22.7	1.3	75
	researching pending legislation.	28.0	65.3	5.3	1.3	75
	The amount of computer training provided legislators is adequate.	8.0	49.3	36.0	6.7	75
RESEARCH SUPPORT	Legislators receive all the objective information and analysis they need to make policy decisions.	3.9	15.8	40.8	39.5	76
	Research supplied by the Law Institute:					
	is available to me.	25.0	69.7	2.6	2.6	76
	provides analysis needed for decision making.	13.5	63.5	18.9	4.1	74

	Survey Item	Strongly Agree	Agree	Disagree	Strongly Disagree	Total N
	provides information in a timely manner.	17.8	61.6	17.8	2.7	73
	Research supplied by the Legislative Fiscal Office:					
	is available to me.	45.5	51.9	1.3	1.3	77
	provides factual information needed for decision making.	46.8	50.6	2.6	0.0	77
	provides information in a timely manner.	46.8	51.9	0.0	1.3	77
	Research supplied by the Legislative Reference Service:					
	is available to me.	36.4	62.3	0.0	1.3	77
	provides factual information needed for decision making.	29.9	59.7	6.5	3.9	77
	provides information in a timely manner.	25.0	67.1	6.6	1.3	76
	Nonpartisan staff are more valuable to me than partisan staff.	36.8	48.5	13.2	1.5	68
COMMITTEES	The number of committees should be decreased.	10.5	21.1	56.6	11.8	76
	The expertise of members is considered in committee assignments.	5.3	47.4	25.0	22.4	76
	The jurisdictions of Committees are clear.	5.3	50.7	32.0	12.0	75
	Bills are assigned to a committee based on jurisdiction.	8.2	53.4	24.7	13.7	73
	The Senate rule that allows the Senate Pro Tem to assign bill coming from the House to committee without regard for jurisdiction creates problems.	59.2	19.7	18.3	2.8	71
	Announcement of committee meetings is timely.	10.7	64.0	18.7	6.7	75
	Meeting agendas are provided in a timely manner.	11.8	52.6	26.3	9.2	76
	A recorded roll call vote always occurs in committee.	2.7	11.0	49.3	37.0	73

Response rates: House N = 58 (55.2% of the membership)  
Senate N = 18 (51.4% of the membership)  
Unknown Affiliation N = 1

Total N = 77 (55.0% of the combined membership)

League of Women Voters of Alabama Legislative Survey:  
Results for **Respondents from the House of Representatives**

	Survey Item	Strongly Agree	Agree	Disagree	Strongly Disagree	Total N
TIME	Time allocated for committees to meet needs to be increased.	8.8	28.1	54.4	8.8	57
	Time allocated for legislative sessions needs to be extended.	1.9	9.3	57.4	31.5	54
	Time available for legislators to do research and work on proposed legislation needs to be increased.	38.9	42.6	16.7	1.9	54
SPACE	Office space assigned to individual legislators is adequate.	6.9	32.8	31.0	29.3	58
	Office space assigned to individual legislators provides adequate privacy.	6.9	39.7	20.7	32.8	58
	Space assigned to secretaries is adequate.	3.6	30.4	35.7	30.4	56
	Space designated for committee meetings is adequate.	3.4	36.2	29.3	31.0	58
STAFFING	<b>Number of secretarial staff provided for individual legislators is adequate.</b>	1.8	8.8	28.1	61.4	57
	Number of secretarial staff provided for committees is adequate.	3.5	71.9	15.8	8.8	57
	Research staff provided for individual legislators is adequate.	3.4	25.9	31.0	39.7	58
	Research staff provided for committees is adequate.	3.5	49.1	33.3	14.0	57
	Research staff provided for the leadership is adequate.	14.5	69.1	5.5	10.9	55
COMPUTER	Laptop computer supplied by the legislature is useful for:					
	managing my legislative duties.	23.2	66.1	8.9	1.8	56
	communicating with constituents	23.2	57.1	17.9	1.8	56
	researching pending legislation.	26.8	67.9	3.6	1.8	56
	The amount of computer training provided legislators is adequate.	5.4	48.2	39.3	7.1	56
RESEARCH SUPPORT	Legislators receive all the objective information and analysis they need to make policy decisions.	3.5	14.0	40.4	42.1	57
	Research supplied by the Law Institute:					
	is available to me.	28.1	68.4	1.8	1.8	57
	provides analysis needed for decision making.	12.7	69.1	12.7	5.5	55
	provides information in a timely manner.	18.5	64.8	13.0	3.7	54

	Survey Item	Strongly Agree	Agree	Disagree	Strongly Disagree	Total N
	Research supplied by the Legislative Fiscal Office:					
	is available to me.	44.8	53.4	0.0	1.7	58
	provides factual information needed for decision making.	46.6	50.0	3.4	0.0	58
	provides information in a timely manner.	46.6	51.7	0.0	1.7	58
	Research supplied by the Legislative Reference Service:					
	is available to me.	36.2	62.1	0.0	1.7	58
	provides factual information needed for decision making.	32.8	58.6	5.2	3.4	58
	provides information in a timely manner.	26.3	68.4	3.5	1.8	57
	Nonpartisan staff are more valuable to me than partisan staff.	34.0	50.0	14.0	2.0	50
COMMITTEES	The number of committees should be decreased.	1.8	17.5	66.7	14.0	57
	The expertise of members is considered in committee assignments.	5.3	54.4	22.8	17.5	57
	The jurisdictions of Committees are clear.	7.1	57.1	30.4	5.4	56
	Bills are assigned to a committee based on jurisdiction.	11.1	61.1	24.1	3.7	54
	The Senate rule that allows the Senate Pro Tem to assign bill coming from the House to committee without regard for jurisdiction creates problems.	63.5	19.2	15.4	1.9	52
	Announcement of committee meetings is timely.	14.0	71.9	10.5	3.5	57
	Meeting agendas are provided in a timely manner.	15.8	63.2	17.5	3.5	57
	A recorded roll call vote always occurs in committee.	3.7	13.0	46.3	37.0	54

House response rate: N = 58 (55.2% of the membership)

League of Women Voters of Alabama Legislative Survey:  
Results for **Respondents from the Senate**

	Survey Item	Strongly Agree	Agree	Disagree	Strongly Disagree	Total N
TIME	Time allocated for committees to meet needs to be increased.	35.3	52.9	11.8	0.0	17
	Time allocated for legislative sessions needs to be extended.	11.8	0.0	41.2	47.1	17
	Time available for legislators to do research and work on proposed legislation needs to be increased.	35.3	52.9	11.8	0.0	17
SPACE	Office space assigned to individual legislators is adequate.	23.5	29.4	29.4	17.6	17
	Office space assigned to individual legislators provides adequate privacy.	16.7	27.8	33.3	22.2	18
	Space assigned to secretaries is adequate.	11.1	44.4	38.9	5.6	18
	Space designated for committee meetings is adequate.	5.6	27.8	33.3	33.3	18
STAFFING	<b>Number of secretarial staff provided for individual legislators is adequate.</b>	16.7	33.3	38.9	11.1	18
	Number of secretarial staff provided for committees is adequate.	22.2	38.9	33.3	5.6	18
	Research staff provided for individual legislators is adequate.	11.1	22.2	38.9	27.8	18
	Research staff provided for committees is adequate.	5.6	33.3	27.8	33.3	18
	Research staff provided for the leadership is adequate.	38.9	33.3	22.2	5.6	18
COMPUTER	Laptop computer supplied by the legislature is useful for:					
	managing my legislative duties.	27.8	61.1	11.1	0.0	18
	communicating with constituents	16.7	44.4	38.9	0.0	18
	researching pending legislation.	33.3	55.6	11.1	0.0	18
	The amount of computer training provided legislators is adequate.	16.7	50.0	27.8	5.6	18
RESEARCH SUPPORT	Legislators receive all the objective information and analysis they need to make policy decisions.	5.6	22.2	38.9	33.3	18
	Research supplied by the Law Institute:					
	is available to me.	16.7	72.2	5.6	5.6	18
	provides analysis needed for decision making.	16.7	44.4	38.9	0.0	18
	provides information in a timely manner.	16.7	50.0	33.3	0.0	18

	Survey Item	Strongly Agree	Agree	Disagree	Strongly Disagree	Total N
	Research supplied by the Legislative Fiscal Office:					
	is available to me.	44.4	50.0	5.6	0.0	18
	provides factual information needed for decision making.	44.4	55.6	0.0	0.0	18
	provides information in a timely manner.	44.4	55.6	0.0	0.0	18
	Research supplied by the Legislative Reference Service:					
	is available to me.	38.9	61.1	0.0	0.0	18
	provides factual information needed for decision making.	22.2	61.1	11.1	5.6	18
	provides information in a timely manner.	22.2	61.1	16.7	0.0	18
	Nonpartisan staff are more valuable to me than partisan staff.	47.1	47.1	5.9	0.0	17
COMMITTEES	The number of committees should be decreased.	38.9	27.8	27.8	5.6	18
	The expertise of members is considered in committee assignments.	5.6	22.2	33.3	38.9	18
	The jurisdictions of Committees are clear.	0.0	27.8	38.9	33.3	18
	Bills are assigned to a committee based on jurisdiction.	0.0	27.8	27.8	44.4	18
	The Senate rule that allows the Senate Pro Tem to assign bill coming from the House to committee without regard for jurisdiction creates problems.	50.0	22.2	22.2	5.6	18
	Announcement of committee meetings is timely.	0.0	41.2	41.2	17.6	17
	Meeting agendas are provided in a timely manner.	0.0	22.2	50.0	27.8	18
	A recorded roll call vote always occurs in committee.	0.0	5.6	55.6	38.9	18

Senate response rate: N = 18 (51.4% of the membership)

**Responses by Legislators to the Question:**

*List three changes that you would like to see in legislative practice and procedure.*

Major Category	Chamber	Comments
Bill Assignment	House	Assign bills to committees based on jurisdiction
Bill Assignment	House	Send bills to comm. Before introduced
Bill Assignment	House	Senate to assign bills to appropriate committees, that will give them a fair chance to be debated
Bill Assignment	Senate	Assignment of bills to proper jurisdiction
Bill Assignment	Senate	Bill assignment to committee
Bill Assignment	Senate	Impartial assignment of bills to committees
Bill Assignment	Senate	Allowing committee chairmen to kill bill without having bill reassigned.
Budgeting	House	The budget should be passed in the first 15 days of session before any other issues are brought before the legislature.
Budgeting	House	Biennial budgets
Budgeting	House	Budgets based on actual revenue from previous FY
Caucuses, Role Of	House	Put less authority in the leadership hands and more authority to the respective party caucuses.
Caucuses, Role Of	House	Expand majority and minority caucus roles
Caucuses, Role Of	House	Caucuses should choose what committees its members serve on.
Chair Assignment	House	Nonpartisan committee chair assignments
Comm. Assignments	House	Allow caucuses to make committee assignments (Dem and GOP)
Comm. Assignments	House	Committee assignments by expertise not by party affiliation
Comm. Assignments	Senate	Committees with a fair representation of all Senators
Comm. Assignments Plus	Senate	Legislative leadership and committee appointments must reflect also years of legislative service (seniority rule) by the member
Comm. Operations	House	More public hearings
Comm. Operations	House	Longer committee meetings for major committees
Comm. Operations	House	If committee numbers remain, rotate weeks for meetings.
Comm. Operations	Senate	Committee restructure. Fewer committees, more working sub-committees.
Comm. Time	Senate	More committee time
Confer Reports & Votes	Senate	No conference committee report can be voted upon until every legislator has the written report at his or her desk.
Conflict Of Interests	House	Stronger conflict of interest laws/standards
Constitutional Amendments	House	Change ways constitutional amendments are voted on. If the issue only effects one county, whole state should not have to vote on it.
Equipment	House	Telephones on each House desk within the chamber
Equipment	House	Telephones at the desk in the House chamber
Info Access	House	Information should be supplied equally to all members
Leadership, General	House	Less control by leadership
Legislature/Agency Interactions	House	More interaction between Dept. staff and legislators (Medicaid, MH, DHR, ALDOT, etc)

Major Category	Chamber	Comments
Lobbies	House	Reduce the contact and influence of lobby groups!
Lobbies	House	By law reduce the influence of lobbying groups (as money, contract while in the statehouse). Obviously, I abhor the lobbying system!
Lobbies	House	Less access for lobbyists.
Lobbies, Campaign Monies	House	Less influence from lobbyists/interest groups probably thru campaign contribution limits
Lobbies, Campaign Monies	House	Prohibit speaker of House from contribution to other House members or directing contributions to House members
Member Training	House	Instructional tutorial on rules.
Procedures	House	Procedure for hearing all bills
Procedures	House	Bills introduced (other than budgets) should stay in committee for study & amendment 1 year before being introduced on floor.
Procedures	House	Do away with procedural voting
Public	House	More citizen input
Redistricting	House	Eliminate wild population swings in districts
Research	House	A more thorough understanding of the intent and effect of bills before being rushed to vote!!
Research	House	More year around support for research from various sources.
Research	Senate	Research on bills is currently not available as a general rule.
Research	Senate	Require a committee staff analysis on all bills before committee consideration and after committee action <u>before</u> the bill is ready for 3rd read.
Salary/Benefits	House	Adequate salary/benefits for legislators
Salary/Benefits	House	A pay increase for legislators. Many men and women can't afford to serve. If the pay and benefits would equal what a public school teacher makes, we would have a better and more dedicated group of 140 public servants. The public does not understand the financial sacrifices we make in order to serve. This can never happen <u>without</u> public support.
Salary/Benefits	Senate	Legislators should be paid full-time and be a part of the retirement system.
Salary/Benefits, Comm.	House	Per diem increased so committee meetings could be held Mon. afternoons as well as Wed.
Senate Leadership	House	A complete change of Senators now holding those positions. Replace them all!
Senate Rules Comm.	House	Change in Senate Rules Committee to allow bills to get to floor. One man has too much power!
Senate Structure	House	The whole structure of the Senate needs to be revamped.
Space	House	Conference space
Space, Comm.	House	Committee rooms need to be larger for public access.
Space, District Offices	Senate	Legislators should maintain district offices for constituents that aren't able to access the statehouse
Space, Office	House	Larger offices
Space, Office	House	Larger offices
Space, Office	House	Private office

<b>Major Category</b>	<b>Chamber</b>	<b>Comments</b>
Space, Office & Comm.	House	Better office and committee space
Space, Office & Comm.	House	Better committee meeting facilities
Space, Office & Comm.	Senate	Greater support capacity for members and for committees
Staff	House	Staff for legislators
Staff	House	More staff
Staff	House	More staff for legislators
Staff	Senate	Legislators should be provided more staff for constituent services.
Staff, Assignment Of	House	Assignment of staff by seniority
Staff, Clerical	House	More clerical support for House members
Staff, Clerical	House	Senate has private secretaries; only 6 for House of Representatives
Staff, Clerical	House	Provide more clerical help
Staff, Clerical	House	Secretary for representatives
Staff, Clerical	House	Secretarial help
Staff, Clerical	House	More sec. staff to help with constituents
Staff, Clerical	Senate	1 secretary per each Senator
Staff, Res. & Member	House	Research and staff support for members
Staff, Res. & Member	House	Increase research and secretarial help for House members
Staff, Research	House	Hire more research assistants to do research
Staff, Research	House	Need staff for research and mark-up of bills and resolution.
Staff, Research	House	More research staff
Staff, Research	House	Analysis is provided and available for discussion on the floor when amendments are offered.
Staff, Research	House	Analysis is available on the floor for interpreting and explaining the impact that amendments have on the specific bill.
Staff, Research	Senate	The Legislature should have a Research Division comprised of professional civil servants (non-partisan) and available only to legislators.
Staff, Research	Senate	More non-partisan staff
Time	Senate	A legislative session should start late in the morning or after lunch so that committee meetings can meet in the morning of a legislative day.
Time, Floor	House	More time in House for debate (true debate).
Time, Notices	Senate	Publish special order calendars at least 24 hours before the meeting day begins.
Time, Notices	Senate	Announce committee meeting times <u>and agendas</u> at least 24 hours before the meeting begins.
Time, Notices	Senate	A calendar (agenda) 24 hrs. in advance
Time, Quorum Calls	House	Time on quorum call
Time, Research	House	Subject matter of proposed legislation, in certain matters, needs more time to be research

## APPENDIX B

### BUDGET TRANSPARENCY

Transparency is the T in the definition of SMART budgeting (Specific, Measurable, Accountable, Responsive and Transparent). A budget is transparent if it is easily accessible and understandable by the general public. The Center on Budget and Policy Priorities in Washington, as part of a study of the New Jersey budget, states that transparency will have a major impact on the following three areas:

Fiscal Stability: Poor budgets are often a function of insufficient information. Short term projections are not enough. Projections should estimate the cost of maintaining current levels of service for at least 5 years to show areas of greatest future need. This practice makes it unnecessary to just increase all programs by the same percentage whether needed or not.

Informed Debate: The public should participate in the debate on the use of public funds. This requires well presented and understandable budget information. Because the Governor's budget is advisory, it is important that it be possible to compare it to alternative proposals from the House and Senate.

Accountability: Citizens must be able to evaluate decisions accurately. It would be good to include performance data that illustrate the expected results of proposed expenditures. One suggestion for accountability is to include "tax expenditures," These are revenues lost from tax abatements, subsidies to businesses through exempting certain items of revenue. Many of these last for years.

A budget is truly transparent only if citizens and interest groups have the opportunity to analyze proposals at each step of the budget deliberations and be able to comment on them. The legislative process should allow adequate time for legislative and public review.

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See *Selected References*. Center on Budget and Policy Priorities, "The Transparency of New Jersey's Budget Process" and "Budget Process and Development and Purpose of the Budget Transparency Scorecard."

## APPENDIX C

### A CITIZEN'S GUIDE TO ALISON

The Alabama Legislative Information Service **On-Line** at  
<http://alisdb.legislature.state.al.us/acas/ACASLogin.asp>

#### About ALISON and the Purpose of this Guide

The Alabama Legislative Information Service On-Line, or ALISON, is a web site that gives anyone with Internet access the ability to research legislative instruments proposed in the current Alabama legislative session, Alabama statutory code, and the Alabama Constitution. ALISON includes information about bills including full text and summaries, sponsors, history, fiscal notes, amendments & substitutions, and current status. ALISON also posts committee calendars and agendas and session calendars for each chamber of the legislature. This appendix provides a step-by-step guide for using ALISON to identify bills of interest under consideration in the Alabama legislature and following their progress through the legislative process. (Statutory code and the constitution are not explored here.)

**NOTE:** To use ALISON, Microsoft Internet Explorer is the required web browser and Adobe Acrobat Reader is required to read document texts. These may be downloaded for free at [www.microsoft.com/windows/ie/default.mspx](http://www.microsoft.com/windows/ie/default.mspx) and [www.adobe.com/products/acrobat/readstep2.html](http://www.adobe.com/products/acrobat/readstep2.html)

#### To Trace Activity in the Current Session

To begin, point your browser to this web address:  
<http://alisdb.legislature.state.al.us/acas/ACASLogin.asp>

On the page that appears, every arrow in the left panel produces a drop-down menu.

##### *To find bills and check their progress*

Click on **Bills** beside the Session tab. Then click Status, By Sponsor, or Search.

**Status.** To find a bill by its number, enter the number (e.g. HB88 or SB20) in the box and click Get Status. The page will give bill number, sponsor, general subject (e.g. Elections), S or H, the committee to which it was assigned, and the last action taken with the date of it.

Refer to *Legislative Basics* for explanation of the three readings and such terms as engrossed and enrolled. For abbreviations of committee names, see the list of committees under House or Senate sites at [www.legislature.state.al.us](http://www.legislature.state.al.us).

**Note: For bill status by telephone:** Senate 1-800-499-3051  
House 1-800-499-3052

**By Sponsor** can be used to find bill number, if sponsor, but not number, is known.

**Search** produces two options.

- **Content** is the more useful if bill number is known. Putting the bill number in the box and clicking Get Bills will produce only one bill.
- **Keyword** depends on the subject classifications listed at the end of the bill, for example, Campaign Contributions or Elections. The list to be examined can be long. If bill number and sponsor are not known, this search may be useful. It also offers a means to survey bills all a particular topic.

*To trace the bill's legislative history*

**After locating a bill by Status or By Sponsor as described above, click on the bill number so that the panel across the top lights up**

**History** will give dates of each action in relation to the bill.

- First reading: Date bill was introduced and committee to which it was assigned.
- Second reading: Date(s) the committee considered the bill. Any amendments or substitute bills. The committee decision (usually favorable or unfavorable; sometimes with a vote count from the committee).
- The third reading, consideration in a floor session of one house, is discussed below.

**Sponsors.** Primary and co-sponsors

**Fiscal Note.** Fiscal effects of the bill from the Legislative Fiscal Office

**Amendments and Substitutes.** Clicking on this option opens a list of amendments and substitute bills (if any exist). Click on an amendment or substitute number to open a copy.

*To read or download the text of the bill*

a) After locating a bill by Status or By Sponsor as described above, click on the bill number to light up the top panel and click **View**. Adobe Reader will provide a copy of the bill. To save the document to your computer, click **File** in your computer's menu bar. In that drop down menu, click **Save As** to save to the desired location on your computer.

or

b) When a bill has been found with Search by either Keyword or Content, click on the bill number (e.g. HB93.htm) or the long underlined web address of the bill listed after the abstract in the following form:

<http://alisdb.legislature.state.al.us/acas/searchableinstruments/sessiondaters/bills/billnumber.htm>

**Following Bills in Committee**

*For a list of bills in each committee awaiting committee action*

On the dropdown menu under **Bills**, click **In Committee** and then the committee name.

***To find out if a bill is on a committee agenda for a meeting***, click **Committee Meetings** in the left menu panel (located below Bills, Resolutions, and Confirmations). Click **House** or **Senate** and then **Get Bills**. House committee meetings and agendas are usually listed by Friday for the week to follow. Senate meetings are usually listed and times are usually provided. Agendas often read To Be Announced.

**A public hearing, if scheduled, will be listed beside the bill.** The rules of both houses prohibit a vote on a bill in the same meeting as a public hearing.

***To learn the results of the committee action***, using the bill number and status is the most convenient means. To get specifics, click on the bill number and consult **History** and/or other buttons in the top panel.

This information can be reached in two other places, but the lists of bills will be longer.

- a) On the dropdown menu under **Bills**, click **Today's Readings**, then **Second Reading**.  
or
- b) On the dropdown menu under **Reports**, click **Instrument by Committee Action**.

### **Following Floor Action on a Bill**

#### ***To learn when a bill will come up for floor action***

A bill passed by a committee is placed on the calendar of the house. It will not take the next step until the Rules Committee places it on a Special Order Calendar.

A bill may appear on a Special Order Calendar at any time, whenever the leadership of the house chooses. Repeated checking may be necessary (unless information can be secured from one's legislator, the sponsor of the bill, or the committee chair.)

Call Bill Status at Senate 1-800-499-3051 or House 1-800-499-3052. Or use ALISON.

**Special Order Calendar** is the fifth item in the left menu panel. Each house posts its Special Order Calendar for the day in the form of a resolution from the rules committee.

#### ***To trace changes in the bill during floor debate and learn final outcome in each house***

As the bill is debated in the general session, amendments or substitutes may be proposed. These are presented under **Floor Amendments and Substitutes**, the next to the last item in the left menu panel and also along the top panel after a click on a bill number.

The easiest means of checking on bill status during or after floor debate is to return to **Status** with the bill number, then click on the bill number to light up the top toolbar and click on **History**. **Roll Call Votes in floor session** are assigned numbers. Clicking on the numbers brings up a list of how each member voted: Y, Yea; N, Nay; P, Present, or, if Absent, A.

**End of the Day Reports**, the eighth item of the left menu panel, will bring up long lists by bill numbers. Current Status Report, 1<sup>st</sup> Readings, 2<sup>nd</sup> Readings, and Day's Activity. **Day's Activity** lists all of the action on the previous legislative day.

## Further Information and Troubleshooting

Be sure to refer to the Frequently Asked Question section of the ALISON web site if you have any problems accessing any areas of ALISON. It is the second option on the **Welcome to ALISON** page located at <http://alisdb.legislature.state.al.us/acas/alisonstart.asp>

To use ALISON, Microsoft Internet Explorer is the required web browser and Adobe Acrobat Reader is required to read document texts. These may be downloaded for free at [www.microsoft.com/windows/ie/default.msp](http://www.microsoft.com/windows/ie/default.msp) and [www.adobe.com/products/acrobat/readstep2.html](http://www.adobe.com/products/acrobat/readstep2.html) , respectively.

Some computers may also require that a Microsoft ActiveX component be downloaded. To download any of this software, click ALISON Software Downloads on the **Welcome to ALISON** page.

Difficulties in turning on the top tool bar (History, Sponsors, Amendments/Substitutes/ and View) may require turning off privacy software that blocks pop-ups.

For lengthy and detailed explanations, click **Help** on the right of the top menu panel of ALISON.

For further information about the Alabama Legislature, go to the legislature's official web site at: **[www.legislature.state.al.us](http://www.legislature.state.al.us)**

At that site, there are web pages for each member of the House of Representatives and Senate, a list of standing committees for each house with their chairs and members, Rules of the two houses, Joint Rules, a detailed explanation of the legislative process in Alabama and more.

## **The League of Women Voters**

### **Mission**

The League of Women Voters, a nonpartisan political organization, encourages the informed and active participation of citizens in government, works to increase the understanding of major public policy issues, and influences public policy through education and advocacy.

### **Vision, Beliefs and Intentions**

The goal of the League of Women Voters is to empower citizens to shape better communities worldwide.

**The League of Women Voters of the United States** is a nonpartisan political membership organization, which:

- Acts after study and member agreement to achieve solution in the public interest on key community issues at all government levels.
- Builds citizen participation in the democratic process
- Engages communities in promoting positive solutions to public policy issues through education and advocacy.

### **We believe in:**

- Respect for individuals
- The value of diversity
- The empowerment of the grassroots, both within the League and in communities
- The power of collective decision-making for the common good.

### **We will:**

- Act with trust, integrity, and professionalism
- Operate in an open and effective manner to meet the needs of those we serve, both members and the public.
- Take the initiative in seeking diversity in membership.
- Acknowledge our heritage as we seek our path to the future.