

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;">House Party Caucuses</p> <p style="text-align: center;">Democratic Caucus 62 members Chair: Ken Guin, Carbon Hill</p> <p style="text-align: center;">Republican Caucus 43 members Chair: Mike Hubbard, Auburn</p>

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;">Senate Party Caucuses</p> <p style="text-align: center;">Republican Caucus Estimated Membership: 10 Chair: Jabo Waggoner, Birmingham</p> <p style="text-align: center;">Majority Democrats Estimated Membership: 17–19 Chair: Zeb Little, Cullman Whip: Roger Smitherman, Birmingham.</p> <p style="text-align: center;">Opposition Democrats Estimated Membership: 6 – 8 Chair: Tommy Ed Roberts, Hartselle</p>

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>Legislative Black Caucus 34 members Chair: Rep. Laura Hall, Huntsville</p> <p>House Black Caucus 26 members Chair: Oliver Robinson, Birmingham</p> <p>Senate Black Caucus 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)