

LEGISLATIVE BASICS

Meeting Site: The Alabama State House
11 South Union Street, Montgomery 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 interviews conducted and on the League Survey, legislators called lack of space a serious problem, especially for committee meetings and for secretaries.

One spacious 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 and monitor the committee meetings through a closed circuit sound system. Another technology aid is the laptop computer provided to each member; its uses are explained in other Briefing Papers. (Unless otherwise identified, information in this BP is from *The Legislative Process: A Handbook for Legislators*. (See *Selected References*).

Meeting Schedule: Annual Sessions

Annual sessions with yearly salaries for legislators were adopted in 1974 with the passage of Amendment 339 of the Constitution. The first referendum in 1971 failed. Both campaigns were strongly supported by LWVAL.

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

In terms of length of regular sessions, Alabama’s 30 legislative days is among the shorter ones. Florida’s with 60 days and Maryland’s 90 are described as short sessions. Because the 30 days are spread over an unusually long period for a short session, 105 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 at a time of his choosing to deal with special topics he includes 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.

Regular Sessions Starting Dates During The Legislature’s Four-Year Term.

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

Regular Session -- 1st Tuesday in March

Second and third years: 1st first Tuesday in February

Fourth year: 2nd second Tuesday in January

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 is summarized below.

House of Representatives	105		
Democrats	63	Women	12
Republicans	42	African-Americans	27
Senate	35		
Democrats	25	Women:	3
Republicans	10	African-Americans	7

The percentage of women in the Alabama legislature is now at an all time high (15 out of 140 members or 10.7%) giving the state a rank of 49th in the nation. (Numbers for all states are available at www.cawp.rutgers.edu).

A Bill's Progress

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

First Reading: 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.

The process of three readings is repeated in the second house. Bills that pass the second house in the same form as passed in the first house are 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.

Bills that pass the two houses in differing forms are sent to Conference Committee. This 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 30th legislative day, there is often great pressure to report a bill from conference and get it to a vote. Legislators complain that this often results in votes on legislation they have not had time to read or study.

LEADERSHIP

Members of each body elected the current leaders of each house in the 2003 organizational session. In the past the Speaker of the House was actually selected by the Governor, with only a pro forma election. LWVAL’s previous Legislative Position strongly supported election of the Speaker by the House as a means of establishing the independence of the Legislative Branch. No reason has arisen during this study to question that position. It is assumed that whichever party has a majority in that body will usually elect its candidate for Speaker.

2005 Senate and House Leadership	
Senate	
President of the Senate:	Lt. Gov. Lucy Baxley (D), Montgomery
President Pro Tem:	Lowell Barron (D), Fayette
House of Representatives	
Speaker of the House:	Seth Hammett (D), Andalusia
Speaker Pro Tem:	Demetrius C. Newton (D), Birmingham

Until 1999, the Lt. Governor was not only the presiding officer in the Senate but the leader who held almost all powers. When a Lt. Governor of a different party from the majority of senators was elected, most powers were

transferred from the Lt. Governor to the President Pro Tem. The Lt. Governor, described 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 *BP: The Committee System*).

The 1999 decision was described in interviews as primarily a political not a policy one. The comments on Senate leadership in interviews seemed primarily political also. They were usually offered as part of a general appraisal of the current state of the Senate. 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 believed that being elected by all the 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 President elected by the members individually. (*Book of the States*, 2004, pp.88-89)

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 President of the Senate and its presiding officer, “selected and legitimized by a majority.” His objections to the current 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. 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 to consider. 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, Judiciary, Finance and Taxation (Senate), Ways and Means and Local Government (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 by determined the Legislative Council. Mr. Jerry Bassett, Director may appoint personnel either within or without the Merit System. (www.irs.state.al.us)

The Legislative Fiscal Office (LFO), created in 1975 provides fiscal information to the House Committee on Ways and Means and 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 have any anticipated increase or decrease in revenue collections in the state. Further in the Senate it 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. The Director, Ms 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. Their analysis focuses predominately on the budgets and money, not a substantive pro and con analysis of legislation. (www.ifo.state.al.us)

The Alabama Law Institute (ALI), created in 1967 and located at the Law Center of the University of Alabama Law School, contains attorneys and judges. 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 *BP: Legislative Support: Staffing and Research*, along with the work of the LRS and LFO.

The Examiners of Public Accounts was removed from the Department of Finance and established as a separate department in 1947. It examines and audits 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. It may also perform investigations. Mr. Ronald L. Jones is Chief Examiner. The Legislative Committee on Public Accounts (a joint Senate-House committee) exercises general supervision over the Examiners.

Professional Legislatures vs. Part-Time or Citizen Legislatures

Studies of American state legislatures tend to use two concepts to describe major differences in how legislative bodies operate: professional legislatures and citizen legislatures. (Rosenthal, 1998, chapter 2)

Professional legislature is the term applied to those legislatures that most fully embrace 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. The most populous states usually fall into this category.

Institutionalized legislature is another term applied to legislatures, often-professionalized ones that have developed their own rules and norms for operation and have established their independence from the executive branch.

Professional can also apply to the way the legislature conducts its business, the conduct of the legislators, or both. In professional legislatures, the members began to list “Legislator” when asked their profession, to consider the legislature as a career, not a stepping-stone to other offices or a way to enhance their other jobs.

Citizen legislature (sometimes called traditional legislature) is a term applied to legislatures, mostly from small states that 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 may blur. Many states (n=24), including Alabama are classified as a mixture of both types. (NCSL web site and Alan Rosenthal, 1998. See *Selected*

References.) Although the distinction 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. The League surveys of the legislature reveal some of these tensions. (This topic is also discussed in *BP: 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--term limits and initiative and referendum, the use of ballot initiatives to legislate directly or indirectly (Rosenthal, 1996, pp. 133-134). Alabama has neither of these in place although the referendum is part of the constitutional amending process in that amendments must be ratified by a vote of the public in order to go into effect.