

The Legislative Process

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Alabama Legislature
House of Representatives

- 105 Members
- 4-Year Elected Terms
- Current Breakdown: 33 Democrats; 72 Republicans
- Presided Over by the Speaker of the House

Senate

- 35 members
- 4-year Elected Terms
- Current Breakdown: 8 Democrats; 26 Republicans; 1 Independent
- Presided Over by the Lt. Governor who is the President of the Senate

Legislative Salary
Members--\$44,765 as of 1/1/17

- Legislators are on track to receive a 4.5% raise as their compensation has been tied to the median income.
 - The state median income, according to the State Personnel Department, is \$44,765.
 - The total cost of the raises is estimated at \$270,000.
- Salary funding change came in 2014 after backlash from a 61% pay increase came to a head.
 - The change eliminated the 61% pay raise but increased the allowable amount for travel and expenses and tied the salaries to the median income

HOUSE Leadership

		
Speaker Mac McCutcheon	Speaker Pro Tem Victor Gaston	Rules Committee Chair Alan Boothe
		
Education Appropriations Chair Bill Poole	Education Policy Terri Collins	General Fund Appropriations Chair Steve Clouse

SENATE Leadership

		
Lt. Governor Kay Ivey	President Pro Tem Del Marsh	Rules Committee Chair Jabo Waggoner
		
Education Appropriations Chair Arthur Orr	Education Policy Dick Brewbaker	General Fund Appropriations Chair Trip Pittman

Regular Session

- The Legislature convenes in regular annual sessions on the **first Tuesday in February**, except
 - In the first year of the four-year term, when the session begins on the **first Tuesday in March**, and
 - In the last year of a four-year term, when the session will begin on the **second Tuesday in January**.
- The length of the regular session is limited to **30 meeting days** within a period of **105 calendar days**.
 - There are usually two meeting or “legislative” days per week, with other days devoted to committee meetings.
- Legislatures are identified by the year in which they occur.
 - This Legislative session is the 2017 Regular Session.

Special Session

- Special sessions of the Legislature may be called by the Governor, with the Proclamation listing the subjects which the Governor wishes considered.
 - Limited to 12 legislative days within a 30 calendar day span.
 - Any subject can be considered but must pass on a 2/3 vote unless it is included in the governor's call.
- Special sessions do not require a BIR
- Subjects listed in the call pass with a simple majority unless they are constitutional amendments.



Governor Robert Bentley (R-Tuscaloosa County)
Second term as Governor

Powers and Duties:

- Head of state and chief executive officer for the State of Alabama
- Commander in Chief of the Alabama National Guard
- Yearly "State of the State" address to the Legislature
- Must submit proposed budget to the Legislature by the 3rd legislative day

Where Do Bills Come From?

- Request of a government agency
- Request of an interest group (e.g., SSA, AEA, AASB, etc.)
- Request of a constituent
- National model legislation (e.g., NCSL, ALEC, NGA, etc.)
- Governor
- Legislator's Interest
- Interim Study

First Reading

- Bills are introduced by legislators
 - All have a primary sponsor and some of co-sponsors
- Bills “read” into the House or Senate Journal
 - All bills have titles and numbers
- Procedural Process
 - No votes required
- At this point, bills are usually assigned to committee.
 - You might have to work with the sponsor or the committee chair to get your bill on a committee agenda
 - You will probably need to work with the committee chair to get the committee to meet.

Committee Assignment

- Backbone of the legislative process
- Bill assignments are determined by legislative leadership.
 - House: Speaker of the House
 - Senate: Committee on Assignments (President Pro Tempore, the Lieutenant governor, the Senate Majority Leader and two additional members appointed by the Senate Majority Leader)
- Bills referred to the Appropriations Committee are those that will have implementation costs and impact the state budget.
- Policy bills are referred to a variety of different committees.
- Legislative Committee Structure:
 - House—32 standing committees
 - Senate—21 standing committees

Committee Hearings

- Committee hearings often offer opportunities for supporters and opponents of legislation to have their voices heard about an issue.
- Bills are considered by committees only if put on the agenda by the chair of the committee
- Bills can be changed through amendments. A substantial change to a bill is rewritten as a “committee substitute.”
- Bills are reported from the committee with recommendations
 - If a bill receives a “favorable report,” by a majority vote of the committee, the bill is placed on the regular order calendar for consideration by the full body of the chamber.
 - If a bill is not heard or it fails to receive a simple majority vote, it is said to “die in committee.”

Second Reading

- Occurs after a favorable review in committee
- Bill is then placed directly on the calendar for the consideration of the legislative body.
- The regular calendar is a list of bills that have been favorably reported from committee and are ready for consideration by the membership of the entire chamber.
 - Bills are listed by number, sponsor, and title, in the order in which they are reported from committee
 - Must be considered in that order unless action is taken to consider a bill out of order
- Important bills are brought to the top of the calendar by special orders or by suspending the rules. To become effective, the Resolution setting Special Orders must be adopted by a majority of the chamber. Special orders are recommended by the Rules Committee.
- **Rules committee is one of the most influential of the legislative committees**

Fiscal Note

- Any bill, which affects state funding of more than \$1000, involving expenditures or collection of revenue, must have a fiscal note.
- Fiscal notes are prepared by the Legislative Fiscal Office and signed by the chairman of the committee reporting the bill.
- They must contain projected increases or decreases to state revenue in the event the bill becomes law.

Third Reading

- From committee, bills are placed on the calendar and then brought up for a third reading for the full body of the chamber.
- At this stage, bills are subject to further discussion, debate, and amendments. Substantial changes to a bill are rewritten as a "Floor Substitute." The House does not like floor substitutes but they are common in the Senate.
- All bills advance if they receive the requisite vote.
 - Constitutional amendments require 3/5 of the membership
 - 63 votes in the House
 - 21 votes in the Senate
 - Other bills require a simple majority of those present.
 - A BIR is required before ANY vote if the budgets have not passed.
- Following successful passage of a bill in its chamber or origin, it becomes "engrossed," and is sent to the opposite chamber.

Opposite Chamber

- Bills advance through the same process of First Reading, Committee Assignment, Second Reading, and Third Reading in theory.
 - There are some variations in the procedures used by each chamber as specified in the House and Senate Rules.
- If a bill passes the opposite chamber unchanged, it becomes “enrolled” and is sent to the Governor for action.
- If bills are amended in any way, they are returned to the original chamber for additional consideration.

Conference Committee

- If the two chambers are still in disagreement over a bill that has passed through both chambers, it can be sent to a conference committee for negotiation and compromise.
- Working with their colleagues, and *with influence from outside*, key leaders assigned to the conference committee work out their differences over the bill.
- A Conference Committee can do just about anything *except*.
 - include an appropriation or language that was not in either the House or the Senate version of the bill.
- Increase an appropriation by more than the highest amount in the House or Senate version unless accepted by $\frac{3}{5}$ of each body.

Conference Committee Reports

- Action taken by a Conference Committee results in a Conference Committee Report (CCR). The report must gain a majority vote of the members assigned to the committee from each chamber.
- The chambers are limited in what they can do with a conference report. They can:
 - Concur
 - Non-concur
 - Non-concur and form another conference committee

Action by the Governor

- The Governor can do the following:
 - Sign the bill into law
 - Add an executive amendment
 - The legislature can override with a majority vote.
 - Veto the entire bill.
 - The legislature can override with a majority vote.
 - Must return to house of origin with message explaining objections and suggesting amendments
 - Line-item veto
 - Only an option on *appropriation bills*.
- If the Governor fails to return a bill to the house in which it originated within six days after it was presented (Sundays excepted), it becomes a law without his signature.
- If this happens during a recess, Governor must return the bills within two days of the Legislature reassembling or it becomes law without the Governor's signature.
- Bills that reach the Governor less than five days before the end of the session may be approved by him within ten days after adjournment. Bills not signed are considered as a "pocket veto."

Constitutional Amendments

- Sometimes, the passage of a bill will not address the problem. It may be necessary to amend the Constitution.
- Bill is introduced in the same manner as other bills and follows the same policy path except:
 - Must pass each house with a $\frac{2}{3}$ vote of elected members
 - Does not require the signature of the Governor
 - Submitted to the voters at an election held not less than three months after adjournment
 - Governor announces the election by proclamation and the proposed amendment and notice of the election must be published in every country for four successive weeks before the election.
- Approved by voters with a majority vote

Part 2: Roadblocks

Passing a bill can be difficult



Bill Sponsor

- Leadership controls most of what passes. If your sponsor is “on the outs” with leadership, you have a roadblock.
- Sometimes the sponsor isn’t the champion you anticipated and allows changes to be made that force you to fight against the sponsor to amend, and potentially, withdraw your support of the bill.

The Committee

- Leadership assigns bills to committee.
- Sometimes, bills are assigned to a committee for the purpose of killing the bill.
- If your bill is assigned to a bad committee, you have a roadblock.



The Chair of the Committee

- The chair controls the agenda, when and if a bill will come up in committee, public hearings, amendment and substitute considerations, appoints sub-committees.
- If you have a bad chair, you have a big roadblock.





WARNING
CHALLENGES AHEAD

Subcommittee

- If your bill is assigned to a sub committee, it is usually on life support.
- You need to work out any potential issues with a bill before it gets assigned to a sub committee.



WARNING
CHALLENGES AHEAD

Public Hearing

- Not required but are regularly requested (in writing prior to the bill appearing on the calendar) by proponents and opponents.
- If you fail to call for a public hearing between the posting of the bill's filing and the scheduling of the bill for committee action, you have a roadblock.



WARNING
CHALLENGES AHEAD

Timing

- If your bill is controversial, lacks the support of leadership, and doesn't get a vote in committee until late in the session, you will have a hard time getting your bill on a special order.



Substitutes and Amendments

- Your bill can be hijacked and become something you never intended it to become.
- Your bill can come out of committee looking like a beauty queen or Frankenstein
- If you get a Frankenstein, you have to work to kill the bill or amend it back to what you intended.
- This is a treacherous roadblock.

Special Order Calendar

- "the day's agenda"
- Bills that come out of committee go on a regular calendar. The Rules committee in each chamber makes a special order from this list. However, leadership always has the top 3-5 picks and members of the committee have picks. If one of those picks is controversial, you can expect every bill ahead of it to suffer through "extended debate." This is a roadblock.
- The House Rules committee posts its meeting time/place and sets it calendar for the next legislative day. The Senate Rules Committee does the same thing after the chamber convenes and you risk the same roadblock or the surprise of your bill at the top of the calendar when you know that you are going to lose.



Budget Isolation Resolution (BIR)

- Procedural hurdle (requires 3/5 of those present and voting to bring up the bill)
- BIR's are not required when both state budgets have been transmitted to the Governor
- If your bill is on the floor and you don't have the votes to pass the BIR, you have another roadblock.



Floor Sub or Bad Amendment

- Often unpredictable
 - Roadblock



Conference Report

- Can be very different from the bill that passed, i.e., the Alabama Accountability Act
 - People fear the conference committee
- Dangerous roadblock



“Catch all”

- Members can shut down a chamber *for days*, bottlenecking all other bills
- Each Senator can filibuster for two 1-hour blocks. House members are limited to two 10-minute periods
- Controversy over the bill, your work with members of the body, time of day, mood of the members, leadership’s desire to adjourn, in-fighting among the members on unrelated issues are all roadblocks



Governor

- Sign, veto, amend
- Legislature can override veto or executive amendments with a simple majority
- Pocket veto can be another roadblock, particularly if your bill is transmitted late in the session



Forecasting the 2017 Legislative Session

Budget and Policy

Rolling Reserve Appropriation Cap FY 2018

Calculations on Base Year Times High 14 or 15 Year Average Percentage Growth

\$ 6,148,941,296.00	FY 2016 Recurring Taxes Actual	
+ \$ 558,704.00	FY 2016 Recurring Reversions & Miscellaneous	
= \$ 6,149,500,000.00	FY 2016 Recurring Revenues Total	
+ \$ 33,552,000.00	Add FY 2016 From Sales Tax Holding Account (0501)	
= \$ 6,183,452,000.00	Total FY 2016 Continuing Revenues for Education Purposes	
x 4.14%	Percentage Growth High 14 or 15 Year Rolling Average	
= \$ 255,994,912.80	Percentage Growth Increment added to FY 2016 Base	
- \$ 1,439,446,012.80	FY 2018 Appropriation Cap before any required adjustment	
 Adjustments		
- \$ -	Changes in Revenue Code (Unknown for 2017 Regular Session)	
+ \$ -	Changes in Revenue Code (Unknown for 2017 Regular Session)	
= \$ (2,783,000.00)	Add FY 2018 PACT Payment	(§16-33C-16)
= \$ 6,502,229,912.80	Net FY 2018 Appropriation Cap	

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LFO--Condition of the ETF FY15 and FY16			
	FY 2015	FY 2016	Difference
Beginning balance	7,074,326	2,567,160	
Regular Receipts	6,129,399,073	6,106,888,061	
Gross Sales Tax Transfer - Prepaid Affordable College Tuition (PACT)	-23,558,000	-33,952,000	
Gross Sales Tax Transfer - ETF Rainy Day Account Repayment	-57,500,000		
TOTAL RECEIPTS	6,048,341,073	6,072,936,061	24,594,977
TOTAL AVAILABLE (beginning balance plus total receipts)	6,055,415,399	6,075,503,221	20,087,811
TOTAL ETF EXPENDITURES	5,915,299,204	5,959,521,088	44,221,825
ENDING BALANCE BEFORE REVERSIONS AND ADJUSTMENTS	140,116,195	115,982,133	
Revisions and Adjustments	2,567,160	5,041,468	
DISTRIBUTION OF ENDING BALANCE			
Budget Stabilization Fund	118,305,984 (2% of the FY14 Appropriation) 21,810,211	59,595,211 (1% of the FY15 Appropriation) 56,386,922	
Advancement and Technology Fund			

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LFO--FY15 vs. FY16 ETF Receipts			
	FY15	FY16	
Total Net Receipts - \$6.048 Billion	Total Net Receipts - \$6.073 Billion		
Total Growth % - 4.24%	Total Growth % - 41%		
Gross Income Tax:	Gross Income Tax:		
<ul style="list-style-type: none"> ▪ Total - \$4.494 Billion ▪ Individual - \$3.927 Billion ▪ Corporate - \$567.4 Million 	<ul style="list-style-type: none"> ▪ Total - \$4.489 Billion ▪ Individual - \$4.072 Billion ▪ Corporate - \$417 Million 		
Gross Sales Tax - \$2.14 Billion	Gross Sales Tax - \$2.23 Billion		
Use Tax - \$222.1 Million	Use Tax - \$156.8 Million		
Utility Tax - \$401.7 Million	Utility Tax - \$376.6 Million		

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LFO FY16 Estimated vs FY16 Actual			
	LFO Estimated FY 2016	Actual FY 2016	Difference
Beginning balance	2,567,160	2,567,160	
Regular Receipts	6,183,452,000	6,106,888,061	
Gross Sales Tax Transfer - Prepaid Affordable College Tuition (PACT)	-33,952,000	-33,952,000	
Gross Sales Tax Transfer - ETF Rainy Day Account Repayment			
TOTAL RECEIPTS	6,149,500,000	6,072,936,061	-76,563,939
TOTAL AVAILABLE (beginning balance plus total receipts)	6,152,067,160	6,075,503,221	-76,563,939
TOTAL ETF EXPENDITURES	5,959,521,029	5,959,521,088	
ENDING BALANCE BEFORE REVERSIONS AND ADJUSTMENTS	192,546,131	115,982,133	-76,563,939
DISTRIBUTION OF ENDING BALANCE			
Budget Stabilization Fund	59,595,211	59,595,211	
Advancement and Technology Fund	132,950,920	56,386,922	-76,563,939

Challenges and Concerns for ETF

- Medicaid Funding Shortfall
Estimated at \$85 million for FY 2017 (Needed for Federal Match)
- Corrections
- No pay raise since Oct. 1, 2008
- Transfer Use Tax or other taxes to General Fund?
- Un-earmarking of ETF revenues?
- Move State General Fund agencies to ETF?
- 76/24 or 80/20 Split
- Economic Slowdown in FY17
- Recession in FY18
- New or expanded programs in ETF
- Redistricting



Redistricting must be complete before 2018 elections

- A federal court (11th U.S. Circuit Court of Appeals) ruled that 12 of Alabama's legislative districts were unconstitutional, citing an improper use of race in their composition.
- "*It is this court's expectation that the state legislature will adopt a remedy in a timely and effective manner, correcting the constitutional deficiencies in its plans in sufficient time for conducting the 2018 primary and general elections, without the need for court intervention.*" the judges wrote in a separate order.



"The ripple effect will require redrawing most, if not all, of the state districts, in both the Senate and House," said James Blacksher, an attorney for the plaintiffs.

Joint Legislative Committee on Budget Reform

- Has been meeting monthly since October
 - Will deliver a preliminary report in February
 - Members have expressed interest in extending the committee's work beyond that time
- Looking at 5 areas of budgeting:
 - Biennial budgets
 - State agency spending
 - Earmarks
 - Tax Credits
 - Tax relief

Protecting the ETF

- Could see a strong push to:
 - Take the remaining Use Tax
 - Total Use tax in 2015: **\$419,811,321**
 - Moved \$222,500,000(53%) of the Use Tax to GF in 2015 Special Session
 - GF had been receiving 25%
 - Left **\$197,311,3321(47%)** of the Use Tax in ETF in 2015 Special Session
 - ETF had been receiving 75%

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Education Advancement and Technology Fund

- When the FY16 year ended, $\$56.3^+$ M was deposited in the Education Advancement and Technology Fund ($\$56^+$ M)
- SSA believes that these funds should be given back to all school systems on ADM for items included in the legislation:
 - "...for repairs or deferred maintenance of facilities for public education, for classroom instructional support, for transportation, and for the acquisition and/or purchase of educational technology and equipment. Shall not be issued for debt service."
 - "...divided between the public schools and institutions of higher education in accordance with the percentage split between these two sectors of education as determined by the LFO and the end of the preceding fiscal year."

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Pay Raise

- Talked about but not likely.
- The FY17 year will level out from the changes made in 2015 to the Rolling Reserve Fund and there will probably not be any unappropriated funds at the end of FY17.



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Appointed State Board/Superintendent



- During the 2016 Session, Legislation was introduced to move toward an appointed superintendent.
 - Summer of 2016, discussions in the political world about also moving to an appointed state board.
 - Both would be appointed by the Governor

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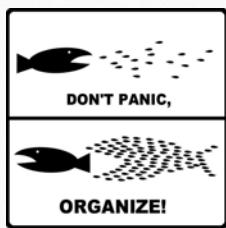
Longitudinal Data System (LDS)

- This is very important to someone.
 - Better approach this year
 - Task force is looking at the cost, use and/or need for this
 - Aaron Milner represents Superintendents
 - Projected cost: \$1.6M a year



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RSA Retirement



Read this every month!



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Getting Organized

LIKE this "Save Our RSA Retirement" on FACEBOOK

INVITE others and ADD your FB friends

Education Savings Accounts

- Sounds good but they never turn out the way they are proposed

Performance Pay

- Maybe, maybe not

School Calendar

- Expect a bill from Rep. Tommy Hanes, Jackson County
- Start after Labor Day out by Memorial Day



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A-F Report Card

- Result of legislation in 2012
- Ultimate authority for creating this was vested in the State Superintendent
- State Superintendent "reconvened" the Assessment Task force who worked for about 3 years on the Report Card
- Committee reached agreement after many long hours of work and presented to the State Supt.
- What the committee recommended and what the SDE reported were not quite the same
- December 2016 partial roll-out

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Key Differences in the Task Force Recommendations and the Current Report Card

Task Force	SDE
<ul style="list-style-type: none"> More emphasis on CCRS (6 options); Graduation rate in High School; Program reviews, and Local indicators 200 to 600 point scale 	<ul style="list-style-type: none"> Emphasis on Test <ul style="list-style-type: none"> Aspire 10 100 point scale**

**The scales to determine an A, B, C, D, or F have not been determined at this time. A statistical committee is currently receiving input and reviewing the data.

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ESSA

- Governor's Executive Order 16 established the ESSA Implementation Committee to create a plan to implement ESSA in Alabama
- 2016-17 is a transition year
- Waiting on final regulations from USDOE
 - The current proposed regulations could be ignored with new regulations proposed

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Legislative Resources

SSA Legislative strategy is built on technology:

- Survey Tool
- Email communications
 - Monday Starters from Executive Director
 - Friday Roundup from Governmental Affairs Director
 - Legislative Update from Governmental Affairs Director
- ListServ for Alerts
- Group Texts
- Legislative Tracking Software
- SSA provides Talking Points and Action Items through email to superintendents

Legislative Tracking Software

Alabama 2017 Session
ALISON Login

DIRECT LINK
Alabama's Action
HB

TRACKING LEVEL
Watch Passed

DATE LOOKUP
Start: 1/1/2016
End: 1/17/2016

GROUPS
Regular Session VETO

BILL TYPE
House Bill
House Joint Bill,
House Resolution
Senate Bill
Senate Joint Bill,
Senate Resolution
All Bills

STATE SITES
LegisNet (ALISON)
Session Audio
ALISON Login
Committee Meetings
Special Order Calendar
Caucusman Instruments
Bill Codes
Tracking Calendar

Additional Legislative Resources

Alabama Legislature
<http://www.legislature.state.al.us/aliswww/default.aspx>

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Regular Session 2017
Welcome to the Alabama Legislature
Session Information

This page allows you to see bills.

