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The Legislative Session of 2007 – Day 30 – Sine Die

The 2007 regular legislative session of Alabama ended as it started, in mayhem.

Going into the final day of the session hopes were high that the Senate had finally put their differences aside, at least long enough to finish some of the important legislative business remaining. But as with a lot of things these days surrounding the Alabama legislature those hopes were dashed immediately when the Senate convened its session. The issue centered on the Governor's line item veto of one million dollars in the general fund budget which was earmarked for Tuscaloosa county road projects. It is important to note that this was not just a random line item but it was intended as a reward for Senator Poole from Tuscaloosa who switched his vote at the last hour of the organizational session and gave the Democrats the slim 18-17 majority to organize the Senate. This one vote majority, and the rules which were adopted with this one vote majority, was the centerpiece of the dispute which dragged on throughout the 2007 regular legislative session. The Governor, the minority coalition in the Senate, and the Republican minority in the House made a stand on the final day of the session to ensure that the line item veto of the one million dollars withstood a legislative override. In the House, the Republican members started a filibuster on the veto override motion and kept the House tied up most all afternoon. The majority offered three cloture motions, a parliamentary maneuver used to cut off debate, and all three failed to receive the required 3/5ths vote required for passage. The message was then carried over temporarily but the leadership was unable to move the necessary votes and the measure remained intact.

Meanwhile, the Senate minority coalition was executing a filibuster of their own because the bill to ban on PAC to PAC transfers was not on the special order calendar and they needed to control the debate on the floor in the event the House was able to override the Governor's veto. This line item veto was very personal to a number of those in the minority because the loss in the organizational session remained fresh in their minds and hearts. And, the opportunity for a little payback for the Senator who caused them to lose the majority was just enough salve for the wounds of the session.

In evaluating the Senate's action or lack thereof, the House recessed and went home around 7p to sine die at midnight leaving the journal open for signings only. This maneuver effectively killed any legislation still pending in the Senate which had committee amendments or floor amendments because those could not be concurred in without the House in session.

The Senate remained in a delaying posture for a few more hours until an agreement was reached to allow the non controversial bills on the calendar to receive a vote. But as with all agreements in the Senate this session the peace did not last. Senator Poole, in retaliation for getting his million dollars stripped out of the general fund budget, killed all bills which had House Republican sponsors. This led to another slowdown by the minority coalition and the Senate ended the session sine die at midnight.

Addendum: By now, I am sure all of you have seen or heard about the altercation or punch thrown on the floor of the Senate during the last day of the session. Below I have outlined the incident in factual terms and give you all the background as to the cause. This narrative in no way is an attempt to place blame or defend any one position; it just gives you the facts.

Early Thursday afternoon, the Senate was in the midst of a minority led filibuster and Senator Pat Lindsey was presiding in the chair in the absence of Lt. Governor Folsom. Senator Marsh from the minority had the floor and was discussing the ramifications of not passing the bill to ban PAC to PAC transfers; he then yielded to Senator Holly, also of the minority, for a comment or question and Senator Holly spent a few minutes adding his insight to the debate. Senator Barron asked to be recognized and Senator Holly yielded to Senator Barron at that time. Now, typical rules of

procedure will tell you that to continue a filibuster you must always control the debate and thus the floor and you only yield to those who are going to continue to help you control the debate. In the Alabama Senate, this rule of procedure is sometime bent a little when the presiding officer allows someone to yield for a question or comment without losing his/her time or place and not for a motion. This bending of the rules allows a member not supporting the filibuster to make some comments or ask a question of the Senator who has control of the floor but it does not allow that member to take control of the floor by making a motion. This point is the crux of what instigated the turmoil on the Senate floor and ultimately led to a punch being thrown.

When Senator Holly yielded to Senator Barron he did not make the statement that he was yielding only for a question or comment and not for a motion though in his mind it was clear that his intent was not to yield for a motion. When Senator Barron was recognized, he made a motion to table the pending amendment, which is not debatable, and the motion carried. The presiding officer, Senator Lindsey, agreed that the motion was in order and the minority erupted in protest. Leading the protest was Senator Bishop and he was outraged that the presiding officer had ruled with Senator Barron and had effectively ended the current filibuster by running over the minority. Then the majority leader was recognized and moved to carry the pending bill over and then go into recess. This motion was also successful and the bill was carried over and the Senate went into a brief recess. All during this time, Senator Bishop focused his outrage on the rules chairman, Senator Barron, who had gone to his desk to sit down once the Senate voted to recess. Senator Bishop continued his diatribe towards Senator Barron and at one point told him that he had better watch his back for the next three years because he would be waiting for an opportune moment to exact some revenge. All the while, Senator Bishop was moving closer and closer to Senator Barron who was still sitting at his desk on the floor of the Senate and as Senator Barron rose up out of his chair to confront the Senator, Senator Bishop punched him on the side of the head below the ear. Senator Barron stumbled back and fell onto his desk more surprised than hurt.

Senator Bishop contends that Senator Barron responded to one of his comments by calling him a son of a bitch and that is what prompted the punch but Senator Barron denies saying anything like that and I was not within earshot to confirm or deny. Senator Denton along with other members of the majority filed an ethics conduct charge against Senator Bishop and that charged will be heard by the Senate Ethics committee which is chaired by Senator Beason a Republican. A resolution was also introduced to expel Senator Bishop for the remainder of the legislative session but it was never voted on because Senator Bishop left on his own accord.

As you may have guessed, this display was a continuation of the personal bad blood between some members of the minority and majority that plagued the Senate the entire session. Only time will tell if the wounds can heal to a point that the differing members are able to put these personal issues aside and carry on the work of the Senate for the remaining three years of the quadrennium.

Legislative bodies almost always find a way to work around political differences but as we have seen in Alabama, personal differences are a bit harder to manage.

Bills of interest which received final passage this session are listed below:

HB60 Hill/SB39 Denton – Status: hb60 received final passage; goes to the Governor Banking Department and Superintendent of Banks further regulated, Sec. 5-11A-1.1 added; Secs. 5-1A-3, 5-2A-12, 5-2A-14, 5-2A-20, 5-2A-41, 5-3A-3, 5-3A-6, 5-5A-18.1, 5-5A-20, 5-5A-22, 5-5A-28, 5-5A-47, 5-11A-4, 5-13B-2, 5-13B-11, 5-13B-22, 5-13B-23, 10-2B-15.43 am'd. (Omnibus banking bill) Full text link:  
<http://alisd.b.legislature.state.al.us/acas/searchableinstruments/2007RS/Printfiles//HB60-int.pdf>

HB51 Ford/SB63 Lindsey – Status: hb51 received final passage; goes to the Governor Small Loan Act, Sec. late payment charge increased, Sec. 5-18-15 am'd (fee increased to the greater of \$18 or 5% of outstanding) Full Text link:  
<http://alisd.b.legislature.state.al.us/acas/searchableinstruments/2007RS/Printfiles//HB51-int.pdf>