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FULL TEXT

**Ala. House OKs flexible calendars for schools**

*Dothan Eagle*  
February 27, 2014

The Alabama House of Representatives on Thursday awarded its approval to a measure by State Rep. Donnie Chesteen (R – Geneva) that provides local school systems with needed flexibility when drafting school calendars for the academic year, according to a press release from Chesteen's office.

“It is obvious that local school officials do not want Montgomery telling them when to begin and end their academic year, but it is important for us to ensure that needed and valuable instruction

time mandates are met,” Chesteen said in the release. “This bill keeps school calendar decisions on the local level, where they belong, but it also guarantees that students get the adequate classroom instruction time needed to learn, advance, and compete for future jobs.”

House Bill 454 provides local school systems with the option to utilize the traditional 180-day, six-hour instructional year when drafting calendars or adopt a 1,080-hour school year that allows more flexibility in setting start and stop times, days met, and other variables.

The flexibility option was available in a previously-passed measure that mandated the date that school years could begin and end, but that law was allowed to expire due to its unpopularity with local school officials. Chesteen’s bill salvages the one popular portion of that previous measure – the flexibility option.

Across the nation, 33 states allow the option of using instructional hours to determine the length of a school year, and only 12 of those states require 1,080 or above.

“By using the hourly requirement, local systems could choose for students to attend fewer days of school but with longer instruction time each day, or, if they wish, they could attend for more days with less classroom time each day,” Chesteen said. “When it comes to education, the one-size-fits-all approach does not work from county to county or even from system to system within the same county. As a small government conservative, I believe that choices in education are best made by local officials who have a ground-level view of the needs and interests of their students.”

The bill now goes to the State Senate for consideration.

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### **Alabama Senate approves education budget that includes 1 percent teachers' bonus, cut for ASU**

*Al.com*

February 27, 2014

Mike Cason

MONTGOMERY, Alabama ---The Alabama Senate today approved an education budget plan that includes a 1 percent bonus for school employees and a 25 percent cut for Alabama State University.

The \$5.9 billion budget would provide \$10 million to hire about 250 more middle school teachers statewide.

Adding middle school teachers is a priority for the state Department of Education, which requested funding for 450 more.

The budget now goes to the House. It's for the fiscal year that starts Oct. 1.

The Republican-led Senate rejected several amendments offered by Democrats. Republicans shut off the debate and forced a vote on the budget at about 4:30 p.m.

The Senate approved the budget by a vote of 21-10.

Gov. Robert Bentley proposed a 2 percent raise for employees in K-12 schools and two-year colleges. The Senate budget committee changed that to a 1 percent, one-time bonus.

The 1 percent bonus would cost \$34.7 million, according to the Legislative Fiscal Office. A 2 percent raise would cost about \$75 million annually.

Sen. Trip Pittman, R-Montrose, sponsor of the budget bill and chairman of the Senate budget committee, said teachers deserved a 2 percent raise but said he did not think one would be sustainable because of uncertainty about revenues, repayments owed to the rainy day account and other factors.

The average salary of Alabama teachers is \$48,355, according to the LFO.

Democrats said the budget would result in a pay cut for school employees because it does not include a raise and will result in them having to pay more for health insurance.

"It cuts the pay of teachers, both active and retired, it does not fund textbooks and it still requires parents to pay out of their pocket for tissues and toilet paper. That's a bad budget," Sen. Roger Bedford, D-Russellville said.

Bedford offered an amendment to move \$20 million allocated for rainy day repayment to school operating expenses, but it was rejected. He offered another to shift \$3 million from a liability insurance program Democrats say is not needed to a "toilet paper and paper towel" line item in the budget, but it was killed.

Bedford said parents are paying for school supplies like toilet tissue and should not have to.

Three of the Senate's 23 Republicans voted against the budget.

Sen. Scott Beason, R-Gardendale, said he opposed the 35 percent increase for pre-kindergarten, which would get \$38.5 million.

"I am not for supporting taxpayer-funded daycare known as pre-k, when we have other pressing needs in the education budget," Beason said.

Increased funding for pre-kindergarten was a priority for the governor, and the Senate retained his recommendation. Alabama has a highly regarded voluntary pre-k program, but it's not widely available.

A Republican senator from Montgomery County abstained from voting on the budget because of the Alabama State cut.

Sen. Dick Brewbaker, R-Pike Road, said he wanted to talk with officials at Alabama State about its appropriation. Pittman said he took \$10 million from ASU's line item and made it conditional on the governor's approval to give new ASU President Gwendolyn Boyd leverage in making changes at ASU.

Brewbaker said he did not think that would work unless the governor was part of the plan to do that, and Bentley said he was not.

"For this to have any importance or do any good, the governor has to be on board with it," Brewbaker said.

ASU's Boyd issued a statement today saying she did not agree to a \$10 million cut. Rep. John Knight of Montgomery vowed to fight to restore the funding when the budget comes to the House.

This evening, Pittman said he would support restoring the \$10 million to ASU's line item. He said he planned to work with the House budget chairman, Rep. Bill Poole of Tuscaloosa, to do that.

Six Senate Democrats voted against the budget, as did independent Sen. Harri Anne Smith of Slocomb.

Three Democrats, Sens. Billy Beasley of Clayton, Tammy Irons of Florence and Marc Keahey of Grove Hill, voted for the budget.

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### **Ten Commandments bill breezes past committee, goes on to Senate**

*Times Daily*

February 27, 2014

Mary Sell

MONTGOMERY — A bill to allow the Ten Commandments to be displayed in government-run public buildings could soon be in the Alabama Senate for final passage.

The legislation states the Ten Commandments could be displayed in public schools and state government buildings if mixed with educational and historical documents.

The measure would have to be approved by Alabama voters later this year. A Senate committee voted 5-0 Thursday in favor of the bill.

Sen. Bryan Taylor, R-Prattville, abstained.

"I wanted some more time to look at the constitutionality of it, make sure we're doing it right if we're going to do it," Taylor said after the committee meeting Thursday.

He has previously carried legislation to allow the displaying of the Ten Commandments.

The U.S. Supreme Court in 2005 struck down Ten Commandment displays in two Kentucky courthouses. However, the court approved a display that was combined with nearly 40 other monuments and markers on the Texas Capitol lawn.

“The U.S. Supreme Court has approved (the display) if it’s not promoting a particular religion,” Sen. Arthur Orr, R-Decatur, said Thursday after voting in favor of the legislation in committee.

House Bill 45 stipulates that if displaying the Ten Commandments leads to a lawsuit, no taxpayer money would be used to defend it in court.

Sen. Trip Pittman, R-Daphne, said Alabamians need the guidance the commandments provide.

“We need to go beyond the religious, the primary purpose of the commandments, (and look at) all the cultural things they address,” he said. “The great rules and guidelines they provide for habits and decisions ...”

He said people’s poor decisions cost the state money in terms of spending on things like corrections and youth services.

“The reality is that until people start making the choices to take care of themselves first of all and contribute to their own well-being and their community and take care of their children and their responsibilities, we’re not going to solve these problems,” Pittman said.

The bill could come up in the Senate as early as next week. The Alabama House approved the legislation last week.

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### **Alabama Senate OKs Education Trust Fund budget**

*Montgomery Advertiser*

February 28, 2014

Brian Lyman

The Alabama Senate Thursday voted 21 to 10 to approve a \$5.9 billion Education Trust Fund budget that includes funding to hire 250 new middle school teachers, give teachers a 1 percent bonus and cut \$10.8 million from Alabama State University’s budget.

The budget now goes to the House of Representatives. In the local delegation, Sen. Quinton Ross, D-Montgomery, voted no and Sen. Dick Brewbaker, R-Montgomery, abstained. Both expressed varying degrees of concern with the funding situation for ASU, which Senate Finance and Taxation Education committee chair Trip Pittman, R-Daphne said was aimed at assisting new president Gwendolyn Boyd make changes at the school.

Lawmakers left the debate in general agreement that there ought to be more money for the state's students, teachers and support personnel, and divergent views on the state's capacity to provide it. Pittman insisted during the floor debate that revenues projections for the Education Trust Fund were not as strong as forecast a few months ago.

"Education in this state K-12, needs more revenue to do the things they need to do," Pittman said after the vote. "But in this state, we have to try to balance our revenue and appropriations. We have to."

Others criticized the budget for eliminating a proposed 2 percent pay raise for teachers proposed by Gov. Robert Bentley and not providing funding to help them purchase supplies for their classrooms. Sen. Roger Bedford, D-Russellville, argued the budget would end up increasing costs for teachers because of Republican lawmakers eliminating a proposal by Gov. Robert Bentley to increase the state share of teacher and support employees' insurance.

"It cuts the pay to teachers, both active and retired," he said. "It does not fund textbooks and it still requires parents to pay out of their pocket for tissues and toilet paper. That's a bad budget."

Among Republicans, Sens. Scott Beason of Gardendale, Bill Holtzclaw of Madison and Paul Sanford of Huntsville joined six Democrats and Sen. Harri Anne Smith, I-Slocomb voting against the budget. Democrats Billy Beasley of Clayton, Tammy Irons of Florence and Marc Keahey of Grove Hill voted for it.

Pittman included a \$10.8 million cut to Alabama State University, by far the largest cut to colleges and universities in the budget. The budget would give ASU a \$10 million first conditional appropriation, the release of which would be in Bentley's hands. The Senate turned back a proposal from Ross to move about \$3 million in liability funds to ASU.

Brewbaker said afterward that the vote on the budget, whose final contours will be set in a conference committee between the House and Senate, was "theater." However, he said that the ASU funding shift would only have an impact "if the governor was on board." Bentley said Wednesday he was not involved in the discussions and did not support the move.

The proposal provides a \$1.5 million increase for transportation; a \$2.8 million increase for textbooks and a \$6 million increase toward operating expenses for schools. The cost of hiring additional middle school teachers is about \$10 million; the cost of the bonus for teachers is about \$34 million.

The budget also would include \$62 million to repay the Rainy Day Account, a credit line from the Alabama Trust Fund designed to offset budget cuts when revenue projections fall. The account, emptied in 2009, must be repaid by July, 2015.

The ETF gets most of its funding from income and sales taxes, which are highly sensitive to positive and negative shifts in the economy, and Pittman said he wanted to avoid midyear cuts to the budgets, known as proration.

“The projections for what may happen this year are uncertain,” Pittman said on the floor. “My job is to only budget what we’ll have to spend.”

Pittman said he was “confident” the budget would not fall into proration. Sen. Gerald Dial, R-Lineville, praised the additional funding for middle school teachers.

“Most of schools we’ve got in state that are failing are middle schools,” he said. “And that’s a critical time in a child’s life.”

Bentley proposed raising the state’s monthly contribution from \$714 per employee to \$795, in the hopes of addressing an estimated \$120 million deficit in the Public Education Employees’ Health Insurance Program (PEEHIP); the budget approved by the Senate eliminated that raise, which could mean increased out-of-pocket costs for participants.

Pittman said he hoped the Public Education Employees’ Health Insurance Board could use existing reserves to address the shortfall.

“We encourage them to use those to the extent possible to mitigate those increases,” he said.

Bedford introduced an amendment that would have moved \$3 million in liability funding to purchases for toilet paper and tissues in classrooms. The amendment was defeated, along with a subsequent amendment from Bedford to move about \$20 million from repayment of the state’s Rainy Day Account to daily operations for public schools.

Senate President Pro Tem Del Marsh, R-Anniston, said he was doubtful the teacher pay issue or other matters would be reopened in the House or by House Ways and Means Education chair Bill Poole, R-Tuscaloosa.

“The budget chairs work together, and I don’t see Sen. Pittman sending a budget to Rep. Poole with a major change,” he said. “And I consider backing off the bonus a major change.”

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### **Updated Taxpayer Bill of Rights passes Alabama Senate**

*Yellowhammer News*

February 27, 2013

Cliff Sims

The Alabama Taxpayer Bill of Rights passed out of the Alabama Senate Thursday after a prolonged debate and over the objections of Senate Democrats.

The bill seeks to remove the Alabama Dept. of Revenue from the tax assessment appeals process because they essentially have a vested interest in siding with the state in such appeals.

TBOR would abolish the Alabama Dept. of Revenue’s Administrative Law Division and create a new state commission called the Alabama Tax Appeal Commission, which would serve as an

independent Tax Tribunal. Unsurprisingly, because the bill makes changes to a government bureaucracy that has been in place since 1983, the Revenue Dept. has balked at relinquishing their power to decide appeals. They have even argued that the bill creates a new bureaucracy. In reality, The bill simply moves the Administrative Law Division out of the Dept. of Revenue, including its budget, to a new independent entity, the Alabama Tax Appeals Commission. There is no additional cost. It simply creates independence for the first time.

Alabama is currently among the minority of states that lack an independent tax appeals tribunal. As a result, the state recently received a “D” on the new State Tax Due Process Scorecard issued by the Council On State Taxation.

TBOR brought together conservative grassroots groups and the Business Council of Alabama (BCA), both of which pushed hard for the bill’s passage.

“Alabama taxpayers finally can claim victory with today’s passage of TBOR,” said BCA President and CEO Billy Canary. “For years, the Business Council of Alabama has been working on behalf of Alabama taxpayers to pass this commonsense legislation that levels the playing field in the tax appeals process by separating the tax adjudicator from the tax collector. Since the beginning, the singular goal of this legislation has been fairness, and the BCA commends the Alabama Legislature for updating the current TBOR.”

TBOR has been a BCA priority for several years, as a majority of states have adopted some form of the independent tax appeals model. Others in the Alabama business community have joined forces with the BCA in support of the legislation under the banner of the Business Associations’ Tax Coalition (BATC), which includes 27-member business and trade associations. Attempts to pass this legislation stretch back to the late 1990s.

The bill now heads to the House, which passed a similar version of the bill earlier in the session.

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## **Feb. 27 in the Legislature**

*Montgomery Advertiser*

February 28, 2014

Kala Kachmar and Brian Lyman

A look at the action in the Legislature on Thursday, the 19th legislative day.

House of Representatives

- Passed HB 376, sponsored by Rep. Mike Jones, R-Andalusia, which would restore juvenile court exclusive original jurisdiction over all actions for the terminations of parental rights.
- Passed HB 454, sponsored by Rep. Donnie Chesteen, R-Geneva, which would allow school boards to set each school calendar by number of instructional hours instead of days.



- Passed SB 173, sponsored by Sen. Tripp Pittman, R-Daphne, which would require municipalities to disclose certain information about the purchase of real property.
- Passed SB 284, sponsored by Sen. Jimmy Holley, R-Elba, which would require biodegradable plastic containers to be clearly labeled to prevent contamination of recyclable plastic containers
- The House will return at 1 p.m. Tuesday.

#### Senate

- Passed SB 184, sponsored by Sen. Trip Pittman, R-Daphne, the 2015 Education Trust Fund budget.
- Passed SB 12, sponsored by Sen. Phil Williams, R-Rainbow City, which would create regulations for wind farms.
- Passed SB 191, sponsored by Sen. Cam Ward, R-Alabaster, revising the state's Open Meetings Act.
- Passed SB 303, sponsored by Sen. Linda Coleman, D-Birmingham, allowing individuals who have completed sentences for drug-related felonies or are serving satisfactory probation to qualify for Temporary Assistance to Needy Families (TANF) benefits.
- The Senate will return at 2 p.m. Tuesday.

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### **Alabama Senate passes bill to regulate wind farms**

*Al.com*

February 27, 2014

Mike Cason

MONTGOMERY, Alabama --- The Alabama Senate passed a bill today to regulate wind farms.

Senate Bill 12 by Sen. Phil Williams, R-Rainbow City, would require wind mill companies to be regulated by the Public Service Commission.

The location, design, installation and operation of wind farms would be regulated. Wind farms would need approval from local governments.

Williams said there are wind farm projects proposed in at least eight Alabama counties -- Madison, Jackson, DeKalb, St. Clair, Etowah, Cherokee, Cleburne and Baldwin.

The senator said one project called for windmills in his district more than 500 feet tall.

He said there is no regulation of such projects under current Alabama law.

The bill passed by a vote of 24-6 and moves to the House.

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## **Alabama Senate passes revisions to state's open meetings law**

*The Associated Press*

February 28, 2014

MONTGOMERY, Alabama — A bill passed by the Alabama Senate on Thursday would restore the public's ability to sue because of closed meetings, the sponsor said.

The Senate voted 26-1 for the bill sponsored by Republican Sen. Cam Ward of Alabaster and backed by the Alabama Press Association and Gov. Robert Bentley. The bill now goes to the House for consideration.

Ward said three recent decisions by the Alabama Supreme Court gutted Alabama's open meetings law and this legislation restores many of its provisions.

One court ruling made suing because of a secret meeting difficult, but Ward's bill says civil actions can be brought by any Alabama resident. The bill provides for penalties ranging from \$1 to \$1,000 for violating open meeting requirements.

In response to another court ruling, the bill makes clear that the open meetings requirements apply to committees and subcommittees created by government boards.

Ward's bill also prohibits two or more serial meetings in which less than a quorum of a board gets together privately to deliberate an issue the board will vote on within seven days.

It does not prohibit members of a board from exchanging background and educational information before a vote, but they can't deliberate. It also does not change the way the Legislature conducts its business, and it does not apply to trustees of the University of Alabama and Auburn University when they have gatherings to fill top academic and coaching positions.

The bill is a compromise worked out with associations representing county commissions, city councils, and school and college officials.

Ward said he's optimistic the bill will become law because the public needs transparency in government.

"It is absolutely necessary for confidence in government," he said.

Felecia Mason, executive director of the Alabama Press Association, thanked the Senate leadership for making the bill a priority.

"It restores key provisions of our open meetings law that are important to Alabama citizens," she said.

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## **Sen. Trip Pittman backs off plan to cut \$10 million for Alabama State's budget appropriation**

*Al.com*

February 27, 2014

Mike Cason

MONTGOMERY, Alabama --- Funding that was cut from Alabama State University's budget in a proposed budget apparently will be restored.

Sen. Trip Pittman, chairman of the Senate education budget committee, said this evening he would work with the chairman of the House budget committee, Rep. Bill Poole of Tuscaloosa, to add the \$10 million back to ASU's appropriation.

Pittman changed his mind after ASU President Gwendolyn Boyd issued a statement that she was strongly opposed to the budget cut. Pittman had said Wednesday that he talked to Boyd about the cut and she was "OK" with it, but Boyd said that was not the case.

"My intentions were pure," Pittman said. "I thought she understood what I said. And if she didn't, then I apologize for that, but I was trying to help her do a very difficult job. Obviously, it's got a lot of people upset and I wish her the best and we'll just move forward."

The budget passed by the Senate today would cut ASU's state funding from \$41.5 million to \$31.5 million. The other \$10 million would have been a conditional appropriation at the discretion of Gov. Robert Bentley.

Pittman said he thought Boyd could use that as leverage to get some changes made at ASU. The governor hired a company last year to do a forensic audit at ASU. The auditing firm released a preliminary report in October alleging financial mismanagement of a Medicaid contract and other issues.

ASU disputed the findings and sued the auditing firm.

Bentley has said he thinks Boyd is doing a good job and did not support the idea of using money as leverage to make changes at ASU.

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## **Alabama's 'second mortgage' on road program could save state \$30 million**

*Montgomery Advertiser*

February 28, 2014

Mary Orndorff Troyan

WASHINGTON — Alabama will pledge its gas tax revenue in order to get lower interest rates on the money it is borrowing to pay for \$1 billion in transportation projects, under legislation headed to Gov. Robert Bentley's desk.

There are estimates that the move could save the state \$30 million.

Bentley said the extra collateral is needed because the original revenue used to repay the bonds — the federal gas tax — is no longer considered reliable enough on its own. Wall Street has expressed concerns about the risk of the federal payments being interrupted, citing among other issues the earlier government shutdown and debt ceiling threats.

In a recent interview, the governor compared his proposal to getting a second mortgage.

“The state will back up the payment of the bonds behind the federal government, and that will keep our interest rates low,” Bentley said.

Bentley is using proceeds from the bonds — called Grant Anticipation Revenue Vehicles, or GARVEE bonds — to pay 80 percent of the cost of hundreds of road and bridge projects around the state. Local governments are pitching in the remaining 20 percent.

The Alabama Transportation Rehabilitation and Improvement Program (ATRIP) is a windfall for local officials who want to improve public safety by fixing bridges or building roads to attract new businesses.

But Wall Street has expressed concerns about whether Congress can keep the federal highway trust funds solvent and running smoothly for the GARVEE bonds.

Moody's Investors Service last week downgraded 17 GARVEE bonds from other states, citing the risk of interrupted payments of federal transportation aid to the states.

The risk is caused by “the government's recurring episodes of threatened debt ceiling expirations, government shutdowns, and the threat of depletion of the highway trust fund balance later this year due to the fund's persistent structural imbalance,” according to a Feb. 18 statement from Moody's.

The downgrade affected only “standalone” GARVEE bonds that aren't backed by additional revenues, according to Moody's.

The downgrades could cost those states more money than they had anticipated, said Jim Tymon, director of program finance and management with the American Association of State Highway and Transportation Officials.

“There is so much uncertainty with the federal program, and that is going to end up causing more problems at the state level,” Tymon said at the recent National Governors Association's winter meeting in Washington.

In late 2012, Moody's downgraded Alabama's existing GARVEE bonds, from Aa3 to Aa2, also because of the uncertainty in Washington.

The federal highway trust fund, fueled by the federal gas tax, is projected to run short sometime this summer. If Congress doesn't shore it up, daily payments to the states — Alabama gets about \$480 million a year — could be delayed.

The bill to backstop the GARVEE bonds with state gas tax revenue passed the Alabama Senate last week and the House on Wednesday night. Both votes were unanimous.

Sen. Gerald Dial, R-Lineville, said he thought the state could save at least \$30 million with the change.

"They're willing to give us a lower interest rate if we pledge to back up our revenue in case the Feds run out from under us," Dial said.

Alabama is getting ready to do another \$600 million bond issue for ATRIP, according to Bentley's spokeswoman, Jennifer Ardis.

Bentley said he doesn't believe the state would ever have to tap its gas tax money in order to make the annual debt service payments, which are about \$80 million.

"It's always a threat, but it's not a likelihood," Bentley said.

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### **BREAKING: Details emerge on Common Core 'moratorium' and 'local option'**

*Yellowhammer News*

February 28, 2014

Cliff Sims

Sen. Scott Beason, R-Gardendale, called in to the Leland Live program Thursday evening to discuss language that had been inserted into the state's Education Budget halting the expansion of Common Core in Alabama.

"Some school boards have been going gangbusters trying to put Common Core in," Beason said. "The language that we inserted into the budget says they have to stop where they are with math and english. They can't adopt social studies or science."

The exact language used in the budget reads as follows:

The funds appropriated above shall not be used to implement standards, programs, or student assessments created by the Common Core State Standards Initiative after April 1, 2013.

Beason also discussed in vague terms a "Common Core Moratorium" and "Local Option" bill that may soon serve as a palatable compromise between pro and anti-Common Core groups.

“We’re really working to get a compromise hammered out,” he said. “I’m for full out repeal, but not everyone agrees. So we’ve been discussing a moratorium. It’s basically saying, let’s not be so gung-ho, take a step back and look at it.”

Beason also said part of the bill would give local school boards greater control over what they do when it comes to Common Core.

“[The bill] would give control to local school boards. They could get out of Common Core and rely on old standards,” Beason said. “They couldn’t make their standards lower, but they could get out of Common Core. Let’s see which one really works out the best. If 2-3 years from now Common Core really is this education panacea some people say it is, then we’ll be great with it. But I don’t think it will be.”

Since Beason’s call, Yellowhammer has been able to acquire more details on the potential Common Core Moratorium and Local Option.

Here’s what you need to know:

#### Curriculum Standards Moratorium

The Legislature would establish a moratorium on the creation, adoption, or modification of any standards or curriculum based on Common Core into subject matters beyond math and english.

The moratorium would extend until January 1, 2017.

#### Existing Curriculum Standards

Local school systems would have the option of continuing the current math and english curriculums based on Common Core or pursue a different curriculum of their choosing in those subjects.

All state funding would continue without penalty, irrespective of the choice made by the local school system.

#### Independent Evaluation

The Legislature would create a mechanism or advisory board, which would be responsible for independently evaluating the testing and results of testing of all public schools, and compare the results of schools based on the curriculum in place and being used.

The results of the evaluation would be reported to the Legislature at the start of the 2016 and 2017 legislative sessions.

Leland Live host Leland Whaley asked Sen. Beason during his call into the show Thursday evening why he thought a compromise finally seemed possible after anti-Common Core bills failed to gain traction to this point.

“People are more and more aggravated about Common Core as word gets out,” Beason said. “The Legislature is responding. This is really a grassroots movement bubbling up from the public. The Legislature is finally starting to move on it.”

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### **Remington gets \$14.5M incentive for Huntsville factory**

*Birmingham Business Journal*

February 28, 2014

Brent Godwin

Gun maker Remington can begin its move to a factory building in Huntsville after the City Council agreed to \$14.5 million in incentives for the project.

The company recently announced that it will invest \$110 million to begin manufacturing guns in Huntsville, which will create about 2,000 jobs over the next decade.

The company expects to have 280 full time employees making more than \$40,000 a year by the end of 2015, according to a news report. The company will increase its employee count every year for the next six or seven years after that.

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### **Main Street Alabama aims to boost jobs, economies through downtowns across the state**

*Al.com*

February 27, 2014

Michael Tomberlin

BIRMINGHAM, Alabama – The president of Main Street Alabama said the organization may be seen as a “downtown revitalization” entity, but it’s really an economic development outfit.

Speaking to the Regional Planning Commission of Greater Birmingham at its annual meeting at the McWane Science Center Wednesday, Helmer said Main Street Alabama uses tools like design, marketing, historic preservation and education but the real goal is to add jobs and grow the economies of downtowns and communities.

For instance, historic preservation alone is not enough, she said.

“Having an empty building is bad,” Helmer said. “Having a pretty empty building is still bad.”

Main Street Alabama uses its four-point approach to help communities with organization, promotion, design and economic restructuring. A tiered process can give communities initial

training, progress to creating a downtown network and then onto becoming a designated Main Street.

Why all of the emphasis on downtowns?

Whether they are in large cities or small towns, downtown areas often account for 30 percent of jobs and up to 40 percent of the tax base of a community, Helmer said.

Nurturing businesses to start or grow downtown, therefore, can become long-term successes.

Working with entrepreneurs is one area Main Street Alabama helps communities, she said.

“Entrepreneurs are passionate about what they do,” Helmer said. “In my experience, entrepreneurs almost never have business experience and they never have money.”

Main Street can help those entrepreneurs in areas where they may be lacking so they can put the passion to work for themselves and their community, she said.

Downtowns can't usually count on major economic development projects like a Mercedes-Benz auto plant or an Airbus jet factory, but they can get the small businesses that can be just as vital, Helmer said.

“We all like the homeruns,” she said. “But what really makes a community grow are the singles, the doubles and the triples.”

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### **AEA asks appeals court to reconsider ban on payroll deductions for union dues**

*Al.com*

February 27, 2014

Brian Lawson

HUNTSVILLE, Alabama -- Attorneys for the Alabama Education Association are asking a federal appeals court to reconsider its Feb. 5 ruling that allowed a state law to go into effect and block the union's primary funding source, state payroll deductions.

The filing to the 11th Circuit Court of Appeals argues the three-judge panel erred when it removed a lower court injunction protecting the payroll deductions. The AEA attorneys want the full 11th Circuit Court panel to take up its claims that the law's definition of "political activity" is unconstitutionally vague and leaves the AEA in an untenable position.

The politically charged AEA dues ban measure was passed in December 2010, shortly before Gov. Bob Riley left office. The law said no government employee may arrange for the automatic deduction of dues "to a membership organization which uses any portion of the dues for political activity."



AEA filed a lawsuit against the ban in Huntsville in 2011, arguing the state ban violated free speech and equal protection guarantees in the U.S. Constitution. The lawsuit argued the Alabama's law discriminated against the AEA based on its political beliefs. The Alabama State Employees Association and the International Association of Fire Fighters, through affiliates in Decatur and Cullman, later joined teachers in contesting the law.

U.S. District Judge Lynwood Smith in March 2011 issued an injunction blocking the law from going into effect. Smith found the law's references to organizations engaged in "political activity" were vague and overly broad.

Alabama appealed that ruling and the 11th Circuit Court of Appeals panel said in its Feb. 5 opinion that Smith erred in issuing the injunction.

"The Act does not prohibit 'private forms of payment, i.e., forms of payment not facilitated by the government,'" the court found. "This compels the conclusions that the Act only declines to promote speech, rather than abridging it, and that the Act does not implicate any constitutionally protected conduct, much less a substantial amount."

In ruling the law was not overly vague the 11th Circuit cited activities of the AEA and its political arm, A-Vote.

"Some of AEA and A-VOTE's conduct indisputably falls within the Act's definition of political activity ...," the court said.

The 11th Circuit panel found the AEA was unlikely to win on the merits of its claims and ordered the injunction lifted.

But in the Wednesday filing, the plaintiffs argue it was the panel that erred.

They argued they can bring "challenge to a law where, as here, the law exacts a promise of future conduct as a condition for receiving a benefit from the government and subjects an organization that violates that promise to serious potential penalties."

The AEA's attorneys also contend there are several activities the group is engaged in that were not addressed by the panel, leaving it unclear whether the AEA could face future penalties under the law for those activities.

The AEA attorneys argue the court "ignored the fact that AEA identified various types of issue advocacy--which are by definition not electioneering activities," including communications over members concerns about legislation, editorials in AEA's newsletter critical of a legislator or piece of legislation, "and representing members in disciplinary proceedings pursuant to state legislation forbidding the discipline or discharge of school employees for political reasons," the filing argues.

The plaintiffs requested the full 11th Circuit consider whether the law is vague as it relates to those practices.