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FULL TEXT

**The week in the Legislature: Budgets expected to move forward**

*Montgomery Advertiser*

March 17, 2014

Brian Lyman

A look ahead at the week in the Legislature. All events subject to change.

## House of Representatives

The House of Representatives is expected to return at 1 p.m. Tuesday. House Speaker Mike Hubbard, R-Auburn, said the House will take up the Education Trust Fund budget on Tuesday. He said there aren't any plans to bring back the bill that would give teachers a pay raise. Wednesday will be the last day they'll focus on House bills, and will start doing Senate bills Thursday. The legislative break will be the week of March 24 to 28.

### In committee:

- The House Judiciary Committee will meet at noon Tuesday and is expected to discuss a bill that would increase the penalties for possessing a gambling device.
- The House Technology and Research Committee will meet at noon Tuesday and is expected to discuss a bill that would provide a defense for marijuana possession when it's medically necessary.

## Senate

The Senate is expected to return at 2 p.m. Tuesday. Senate President Pro Tem Del Marsh, R-Anniston, said the chamber may return to a bill that would allow drivers to carry loaded guns in their cars without a concealed carry permit. The Senate also is expected to take up the 2015 General Fund budget by the end of the week.

### In committee:

- The Senate Finance and Taxation General Fund Committee meets Wednesday, and is expected to take up the General

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## **Key bills hang in the balance as Alabama lawmakers enter home stretch**

*Al.com*

March 17, 2014

Mike Cason

MONTGOMERY, Alabama --- The 2014 legislative session is winding down, but bills that would affect a lot of Alabamians still have a chance to become law.

The House of Representatives and Senate return on Tuesday.

A quick update on some of the things lawmakers could do in the final six days of the session:

-- Take away the permit requirement to carry a loaded pistol in your vehicle. The Republican leadership plans to count votes before deciding whether to bring Senate Bill 354 up again Tuesday. There was not enough support last week to stop a filibuster.

-- Add new regulations for abortion. HB 489 would increase from 24 to 48 hours the wait before an abortion after a woman receives required information about adoptions, fetal development, risks and fathers' obligations. Of the four abortion bills pending, it's the closest to becoming law. The Senate Health Committee is expected to vote on the other three Wednesday.

-- Set up a payday loan database to help enforce a state law that people don't borrow more than \$500 at one time. Payday lenders sued to stop the creation of a database last year.

-- Authorize UAB's Department of Neurology to prescribe a marijuana derivative to treat seizure disorders as part of a research study. The Senate passed SB 174 last week after an intense grassroots lobbying effort by families whose children might benefit from treatment.

-- Prohibit local school boards from using seniority as the main factor in deciding which teachers to lay off when there are funding cuts or declines in enrollment. Bills are pending in the House (HB478) and Senate (SB 353).

Legislators also must pass the two state budgets.

The House is expected to consider the education budget, SB 184, on Tuesday. It would spend \$5.9 billion from the Education Trust Fund in fiscal year 2015.

The state operating budget for non-education agencies will be considered in the Senate budget committee Wednesday. HB 235 would spend \$1.8 billion from the General Fund.

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### **Alabama Constitution revisionists aren't giving up**

*The Associated Press*

March 17, 2014

Phillip Rawls

MONTGOMERY, Ala. (AP) — Advocates of rewriting Alabama's 113-year-old constitution aren't giving up even though the process stalled after an advisory opinion from Chief Justice Roy Moore disputed the legality of the process.

"If I come back in the next quadrennium, I'm going to continue to push for us to finish up the job we started," House Speaker Mike Hubbard, R-Auburn, said.

Alabama's 1901 constitution is the longest of any state, with more than 800 amendments. One portion can be amended by the Legislature approving a proposed constitutional amendment and submitting it to voters statewide for ratification. The whole document can be rewritten if the Legislature and Alabama voters approve of holding a constitutional convention with delegates from across the states.

After Republicans won control of the Legislature in the 2010 election, the new Republican leadership began pushing to rewrite the constitution one article at a time. The Legislature created

a commission to make recommendations. Then the Legislature turned those recommendations into proposed constitutional amendments, which were approved by lawmakers and submitted to voters statewide for approval.

So far, the process has led to the articles on banking and corporations being revised and approved by voters.

In the 2014 legislative session, lawmakers were working on five articles. After some critics challenged the legality of the process, the chairman of the Senate Constitution and Elections Committee, Republican Bryan Taylor of Prattville, asked the Supreme Court for an advisory opinion. The answers caused the committee to put its work on hold Wednesday.

Chief Justice Moore and Justice Tom Parker wrote advisory opinions this month saying the Legislature's article-by-article revision is not constitutional.

Moore said addressing a few articles each year does not change the reality that the Legislature has undertaken a near total rewrite of the document through an in-house constitutional convention. "By wresting the convention process from the people, the Legislature has unconstitutionally made itself the paramount mechanism of constitutional revisions," he said.

The other seven justices on the Supreme Court declined to issue opinions.

Senate President Pro Tem Del Marsh, R-Anniston, said Moore's advisory opinion brought work to a halt. "For me, that's not a reason to stop moving forward," he said.

He said he hopes to re-energize the effort, possibly in the current session, even though the Legislature has only six days left to meet.

Republican Dick Brewbaker of Pike Road, a member of the Senate Constitution and Elections Committee, said it was time to pause and seek clarification, including seeing whether the other seven justices might offer their views. "The court needs to un muddy the waters," he said.

Hubbard said, "I don't believe we should stop just because you have two justices of the Supreme Court making an advisory opinion. That's their opinion. Obviously there are nine justices. That means seven may not necessarily agree with that."

Nancy Ekberg of Birmingham, communications chairman for Alabama Citizens for Constitutional Reform, said the Constitutional Revision Commission created by the Legislature expired in 2013, but its recommendations live on and can be considered at any time.

"No one should give up hope," she said.

Birmingham attorney Lenora Pate, chairman of the group, said it has always supported having a constitutional convention and what has happened in the Legislature may create more discussion about that. But she said it's too early to say.

"This is an election year, and we don't know who will be in the Legislature for the next quadrennium. We don't know what the focus will be," she said.

There is one thing she is sure about.

"The effort for constitutional reform is not over," she said.

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### **Judging Alabama teachers by results of new common core-aligned test would be 'educational malpractice,' Bice says (chart)**

*Al.com*

March 14, 2013

Evan Belanger

MONTGOMERY, Alabama -- Since the Alabama State Board of Education adopted the controversial common core education standards for English and math in 2010, Sen. Dick Brewbaker, R-Pike Road, has been one of the leading proponents for repealing the nationalized education standards.

Meanwhile, State Superintendent of Education Tommy Bice has staunchly and successfully defended the standards against multiple legislative appeal attempts, ensuring their continued use in Alabama.

Now it seems the two protagonists agree on at least one point: Teachers should not be judged on the results of the new common core-aligned assessments, ACT Aspire, to be given for the first time this April.

[Related: State board adopts standardized tests aligned with common core]

Addressing the school board this week, Bice said he will present a resolution at the board's next meeting that, if approved, would bar the state from using the new test results to rank schools or judge teacher effectiveness for one year.

The results should only be used for informing instruction and updating parents on their children's academic progress the first year, he said, enabling a state-let technical advisory committee to dissect the results and determine how valid and reliable they are.

[Related: State education board discards graduation exam as it departs from No Child Left Behind]

"To me, to do anything other than that this first year would be educational malpractice. Assessment is an instructional function, period. And if we use it for anything other than that, we're misusing it."

His comment comes days after Brewbaker warned during a Senate Education Committee hearing this week that the pro-common core groups plan to use the new standards and associated tests to judge the effectiveness of teachers.

He cautioned that would have a negative effect on the important relationship between teachers and lower performing students.

[Related: Alabama eighth graders ranked dead last in national math scores as common core fight fades (chart)]

"If you've got a student that maybe is trying real hard but isn't the smartest kid in the room, and that teacher knows this could cost her her job or him his job, what does that do to the relationship? It wrecks it," Brewbaker said.

Bice admitted this week there are groups that are pushing the Alabama State Department of Education to immediately judge teachers on the basis of the new test:

"There are entities, the U.S. Department of Education being on of them, and other reform groups that are really pushing that we immediately use these test results to judge teachers, to rank schools," he said.

He also admitted that the USDE would not be happy about his proposed one-year delay, saying "We will get a lot of heat from Washington, D.C."

[Related: State education board passes new data governance policy over objections to two board members and several concerned citizens]

"Well, bring it on. We've got to protect folks, these superintendents, these teachers," he added.

Despite Bice's strong words, it does not mean Alabama will never use the new test results to judge teachers.

He told the board state education officials are still working with education practitioners in the field to determine the best way identify schools' strength and weaknesses.

[Related: Beason's common core opt-out bill likely dead on arrival in Alabama Senate, top Republicans say]

Bice said standardized test results should not be the only way for judging teacher effectiveness because Alabama does not use standardized tests for all required subjects.

But he also said the eventual assessment for the state should include test scores among the multiple factors by which teachers and schools should be judged.

Bice's call to hold off on using the new assessment to judge schools and teachers comes as education officials predict a sharp decline in test scores under the new ACT Aspire test.

The state's new more rigorous educational standards known as the Alabama College and Career Ready Standards, which include the common core, were not tested under the old standardized tests, the Alabama Graduation Exam or the Alabama Reading and Math Test.

[Related: Top legislative opponent to common core admits State Superintendent Tommy Bice has 'clearly improved Alabama's public schools']

Bice told the board that 97 percent of high school senior tested proficient in math on the most recent graduation exam, but of the 78 percent of those who chose to take the ACT for college admittance, only 31 percent met the benchmark in math.

Additionally, education officials also released the following data last year comparing the percentage of students who tested competent under the Alabama Graduation Exam with their competency under the new standards as assessed by the ACT:

Subject	Graduation Exam	ACT/CCRS
English	91 percent	64 percent
College Algebra	95 percent	30 percent
College Biology	98 percent	28 percent
Social Science	88 percent	39 percent

Adopted by 45 states, the District of Columbia and four U.S. territories, they are intended to bring more rigor to American classrooms in response a 2004 study that showed 28 percent of high school graduates aren't prepared for college math or English.

But the standards have been under fire from Republicans and conservative groups since 2009 when the Obama administration announced that adopting the common core would be one of several requirements for states seeking federal Race to the Top Grants.

Critics have charged the standards are a federal overstep into state-run education and that the standards are an untested experiment similar to the failed Bush-era education reforms known as No Child Left Behind.

Unlike curriculum, which is decided at the local level in Alabama, education standards tell local school systems what knowledge students should master in each grade. How to teach those standards is still decided at the local level, state school officials say.

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**Other states grapple with Common Core**

*Times Daily*

March 15, 2014

Ronnie Thomas and Mary Sell

MONTGOMERY — Alabama is not the only state debating Common Core.

Michelle Exstrom, a director in the education program at the National Conference of State Legislatures, said most of the 45 states that voluntarily adopted Common Core standards in 2010 and 2011 have started implementing them.

"Legislatures of those states having concerns and vetting them are trying to figure out if those standards are rigorous enough or if they're appropriate for what they want their kids to know," she said. "That's at the heart of what is going on."

In Indiana on Wednesday, the Senate gave final approval to a bill that formally takes the state out of the Common Core set of education guidelines.

Tennessee, like most other states that adopted the standards in 2010, began a three-year phase-in the following year. Tennessee's Common Core standards were fully implemented this year.

And Wednesday, a proposal to call back the implementation failed in the Tennessee Senate Education Committee.

If senators in Mississippi have their way, the state will continue spending money to implement the standards for public schools. On Wednesday, the Senate rejected an attempt to bar the state from spending money on the academic standards by a 39-11 vote.

Chauncey Spears, director of curriculum and instruction at the Mississippi State Department of Education, said while some are "apprehensive and are working to stop Common Core, for now, as far as we know, it is still a go."

In Oklahoma, the Senate won't hear a repeal of Common Core. Education officials in Connecticut oppose delaying the implementation of the standards.

In Alabama, lawmakers won't have to vote on Common Core this year, but several have gone on record supporting it.

"This issue should be left in the hands of those with expertise in education — the state board of education," Sen. Tammy Irons, D-Florence, said last week. "The Legislature should stay out of the topic of what we teach our children. This is one of those hot button issues designed to appeal to the sponsor's voter base in an election year."

Sen. Roger Bedford, D-Russellville, agreed.

"Alabama has made good progress, the test scores are up, the Common Core standards are working and I don't think we need to run away from them like some of these people are advocating," Bedford said.



Rep. Terri Collins, R-Decatur, said she didn't like a recent suggestion to let local systems opt out of the math and English standards because she said there needs to be a consistent way to measure systems' progress.

Meanwhile, when she hears concerns about Common Core and then checks with local systems, she said she finds the concerns to be unfounded.

"There is a lot of inaccuracy in some of the information that goes out," she said.

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### **Standards just part of battle for Common Core critics**

*Anniston Star*

March 15, 2014

Tim Lockette

MONTGOMERY — For more than three years, a fight over academic K-12 academic standards — normally the stuff of scholarly articles and faculty-lounge debates — has brought standing-room-only crowds to hearings in Alabama's capital.

Supporters of Alabama's College and Career Ready Standards, a statewide list of things students should know and do at various grade levels, say those standards have already improved teaching in the state's classrooms. But those standards are based on the Common Core, a nearly-nationwide set of standards adopted, in some form, by 45 states.

For critics of the Core, its near-universal adoption is a sign of the heavy hand of the federal government — and an insidious plan to introduce left-wing materials into the classroom.

Common Core supporters say there's nothing in the standards to support that view. But the current leaders of the anti-Common-Core movement acknowledge that the standards debate is only part of the furor, and that they're concerned about deeper trends that started long before the standards were adopted in 2010.

"It's part of a continuum," said Sen. Scott Beason, R-Gardendale, who sponsored a bill to allow school districts to opt out of Common Core-based standards. "That's what I'm trying to say. It's not just 'you use that standard.' It all comes as part of a package deal."

The Star asked Beason and other critics of the College and Career Ready Standards — tea party and Republican activists and a leader of the conservative Eagle Forum — to point out specific passages in the standards that they found objectionable.

Those who responded said it wasn't that simple. While some claimed the standards overall weren't as rigorous as Alabama's old standards, most of their objections revolved around federal control of schools, collection and use of student data and the changing canon of literary work being taught in schools.

"The argument over standards is not necessarily the argument over standards," said Talladega County Republican Party Chairman Danny Hubbard, a Common Core opponent. "The standards have opened the door for testing companies and textbook companies to come in and do what they would like."

'What is the message?'

On a shelf in his Montgomery office, Beason keeps a copy of Prentice-Hall's "American Experience 1900 to Present," a high school literature textbook. On the front is a logo that shows the book is consistent with Alabama's Common Core-based standards. The book bristles with sticky tabs, placed there by Beason and other Common Core critics to flag content that might be objectionable.

There's a flag on an essay by 19th century naturalist John Muir, which decries "those who are wealthy and steal timber wholesale." There's another on the poet Randall Jarrell, who documented the savagery of the air war over Europe in World War II. And another on a piece by Vietnam veteran Tim O'Brien, in which the narrator speaks of his regret for killing a North Vietnamese soldier, and his reluctance to talk about the killing with his young daughter.

"What is the message that's being put across?" Beason said. "Is it that we were the bad guys in Vietnam, or was it that we were the good guys in Vietnam? I think we're the good guys. But I don't get that out of this argument, I mean, of this story."

Beason has the same problem with an excerpt from John Hersey's "Hiroshima," a story of the atomic bomb "told from the Japanese view," he said. There's a lack of balance, he said, that undermines American values.

"It doesn't sound like we're being very good folks, does it?" Beason said.

Beason put his own flag on "The Crucible," Arthur Miller's play about the Salem witch trials. The senator thinks it's unfair that the textbook attached a sidebar asking students about parallels between the witch trials and Sen. Joseph McCarthy and the Red Scare of the early 1950s, in which numerous writers and others — including Arthur Miller — were accused of having communist sympathies.

McCarthy was right about most of the people he accused, Beason claims.

"So we're comparing the McCarthy investigations of the 1950s, in which he turned out to be right, with the Salem witch hunts," Beason said.

The best-known flag is on a full-page biography of Nobel Prizewinner Toni Morrison, whose first book, "The Bluest Eye," has somehow worked its way to the heart of Alabama's Common Core debate.

Wetumpka Tea Party leader Becky Gerritson read from the book at a Senate committee hearing on Common Core last week.

"A bulge of desire ran down his genitals and softened the lips of his anus," Gerritson read. After she read a sentence containing the "f-word," committee members asked her to stop.

"This is what they want our students to read," Gerritson replied.

'McCarthy didn't go far enough'

There was one problem with Gerritson's analogy. The passage from "The Bluest Eye" wasn't in the Prentice Hall textbook.

If the novel has been used at all in Alabama schools, there's no evidence any parent has objected recently. Every one of Alabama's 132 school systems allows parents to file a form to ask for a book to be pulled from school libraries. Last summer, The Star filed requests for five years' worth of those forms from every school system in the state. Only two-thirds of the districts responded, but the search found no challenges to "The Bluest Eye."

The book was, however, on a list of Common Core "exemplar texts." Common Core opponents call that a "reading list," implying that it's a canon of must-reads. State school officials say the "exemplar texts" were there just to give teachers a feel for the level of complexity required at different grade levels. Even so, the state school board erased the "exemplar text" list from Alabama's state standards due to objections about Morrison's book.

In the standards themselves, there's still mention of several long-established literary works and authors, including Shakespeare, Ovid, the Bible, the Gettysburg Address and the Bill of Rights.

For Beason, that's not enough. Morrison is still profiled in a Common Core-compliant text, and "The Bluest Eye" gets a mention in that book as well.

Still, the Prentice Hall textbook is hardly the first to mention Morrison, a Nobel winner. Other writers flagged in Beason's book were widely anthologized long before Common Core. Jarrell's "Death of the Ball Turret Gunner," for instance, appears in "Adventures in American Literature," a textbook used in Alabama in the 1980s.

Pressed to explain how Common Core changed the canon in Alabama schools — and what passages in the standards caused those changes — Common Core opponents say there are larger trends at work.

"These things have been coming in through the back door for a long time," said Hubbard, the Talladega GOP chairman. "Common Core just opens the door wider."

Asked to list his own objections to things specifically in the standards, Hubbard directed The Star to a document on the Talladega GOP's website. Among other objections, the document lists several books on the now-defunct "exemplar list" that are "highly controversial and in most cases

contain vulgar language, explicit description of sex acts, incest, rape and host of other sexual perversions."

"To Kill A Mockingbird," by Monroeville native Harper Lee, is on the list. So is John Steinbeck's "Grapes of Wrath," Ray Bradbury's "Fahrenheit 451" and William Faulkner's "As I Lay Dying."

In a conversation Friday, Hubbard walked the list back, saying his real concerns are about only two listed books: Morrison's "The Bluest Eye" and "Dreaming in Cuban" by Cristina Garcia.

"I don't think anybody's opposed to 'To Kill a Mockingbird,'" he said. "It's a classic. I believe it's written by a fellow from Montgomery."

Hubbard put some of the flags in Beason's textbook. He said he didn't flag "The Crucible," but he thinks Beason was right to do so. Joe McCarthy, he said, was right.

"Now that all the records are out, it's clear that McCarthy didn't go far enough," he said.

'Obama initiative'

Like Beason and Hubbard, Alabama Eagle Forum president Eunie Smith didn't point to specific items in the standards that are objectionable.

"You can ... recognize that if there were obviously objectionable passages in the standards themselves, they would not have been so blindly and widely adopted nationwide," she wrote in an email.

She also forwarded several documents, some of which criticize the way Common Core was implemented. Critics of the program have long complained that the federal government has forced a one-size-fits-all set of standards on the states.

"Common Core was an Obama initiative," Hubbard said.

In fact, the standards were created by the National Governor's Association and the Council of Chief State School Officers — both state-based agencies. Critics of the standards, though, say the Obama administration strong-armed the states into adopting them through its Race to the Top program, in which states competed for large federal grants by adopting policies favored by Washington.

Alabama has never received any statewide grant money through the program. In fact, the state came in dead last in the first round of Race to the Top, which ended in mid-2010. At the time, state officials said the lack of a charter school system, combined with the state's failure to get buy-in on school reform from the Alabama Education Association, killed the application.

The state Board of Education approved its Common Core-based standards by a 7-2 vote later the same year.

Race to the Top isn't the only source of federal money tied to Common Core, critics of the standards say. Beason says states adopted the standards to help get other grants in the lean post-recession years, and can't drop them now because they're afraid of losing federal support, including the Title I program that shores up high-poverty districts.

"That's a myth," said Thomas Rains, a policy analyst for the A-Plus Education Partnership, a nonprofit education agency that supports Common Core.

"Look at the states that haven't adopted Common Core," he said. "They haven't lost Title I."

Moving on

Among the crowd of culture warriors, there are parents who say they've encountered true classroom problems as a result of Common Core. At last week's Common Core hearing, a Jefferson County parent told lawmakers that the state's new way of teaching math has increased the time she spends on her children's homework by two to three hours per night.

"It's devastated my life," said Staci Tawbush, a single mom. "It's ripped me to pieces."

Beason said more complaints about Common Core's math techniques are beginning to emerge now that the standards are in place.

"What's the one thing we always say is the problem in schools? Parent involvement," Beason said. "And here we are, teaching math in a way where parents can't help their children with homework because parent's don't know how to do it the way they're teaching it."

Rains, of the A-Plus Initiative, said it's not quite accurate to say that the Common Core has a new way of teaching math. He said teachers are indeed teaching a wider range of techniques for solving problems. He said the idea of a "Common Core math" that arrives at different answers than traditional math is another myth.

"Before, students may have learned one way of addition or subtraction," he said. "Now they're learning how numbers work and are being shown there are multiple ways to arrive at the same answer."

If parents and students are struggling with the new approach, Raines said, it is indeed a problem — and one that would be dealt with by teachers and parents at the school level.

Questions about math teaching techniques, and about Common Core's focus on encouraging students to read more nonfiction texts, have always lurked within the Common Core debate. Among the documents Eagle Forum president Eunie Smith forwarded to The Star are critiques from education professor Sandra Stotsky, who has long argued that Common Core's focus on nonfiction would crowd fiction classics out of the curriculum.

Rains said that, too, is a myth.

"The idea is to make sure students are reading in English language arts and other courses, too," he said. "The idea is to get them to read more as a whole."

The nonfiction-versus-fiction debate has brewed within the Common Core debate all along, but critics of the Core have rarely led with it. At last week's hearings, speakers criticized the collection of student data under the standards — another thing school officials say isn't happening — and took the standards to task as "anti-Christian" and "anti-American." In past State House hearings, speakers have claimed that Common Core involved tracking what students' families eat, or that Common Core-aligned textbooks taught students to "think like a terrorist."

"We've heard the complaints," Rains said. "And when we refute, they just move on to another."

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### **Controversial comments the norm for Rep. Alvin Holmes during 40 years in the Alabama Legislature**

*The Associated Press*

March 16, 2014

Kim Chandler

MONTGOMERY, Alabama — Alabama Rep. Alvin Holmes approached the House floor microphones during a contentious debate on an abortion bill and landed in the national spotlight by saying 99 percent of white lawmakers would want their daughters to have an abortion if pregnant by a black man.

"You ain't gonna have no little black baby — if you got two other white children, and then she's gonna have a little black baby running around there in the living room or in the den with the rest of them," said the Montgomery Democrat on March 4.

Holmes, who was one of the first blacks elected to Alabama's Legislature, has become known for statements — sometimes outlandish, sometimes brutally direct and sometimes funny — during a political career that has spanned 40 years in a conservative Southern state with a long history of civil rights struggles.

Holmes earlier this session called Supreme Court Justice Clarence Thomas one of history's biggest "Uncle Toms." He said there are some legislators, in his opinion, who are "first cousins to the KKK." And his comments on the legislative floor have garnered thousands of hits on social media.

"He likes sensationalism and that is usually what he shoots for. It's not the first time he has done it and it won't be the last. But it sure gets him the attention," Rep. Patricia Todd, D-Birmingham, said.

Holmes, 72, came under fire from people who said he had gone too far.

"Representative Holmes continues to spout racist and derogatory language on the floor of the Alabama House of Representatives. Voters in his district should be embarrassed by him and should expect more from their representative," Alabama Republican Party Chairman Bill Armistead said.

Holmes on Wednesday said he stands by his words. He clarified that that his point was that older Alabamians, in his opinion, still oppose interracial marriage and don't want mixed race grandchildren.

"The younger whites, most of them don't care," he in an interview.

Holmes was elected to the House of Representatives in 1974 just four years after African Americans, who hadn't served since Reconstruction, returned to the Legislature.

He filed the 1992 lawsuit that took the Confederate battle flag off the Alabama Capitol's dome where it had flown as symbol of southern defiance. Holmes has openly criticized governors, both Democrat and Republican. He sponsored a constitutional amendment to remove an interracial marriage ban from the Alabama Constitution and unsuccessfully fought for years to get sexual orientation included in the state hate crime statute.

Holmes said one of the things that he is most proud of is convincing the house clerk to begin hiring African Americans into professional positions.

"When I was first at the Capitol, the only blacks were janitors and maids," Holmes said.

The short, mustached Holmes, with his distinctively loud, impassioned, southern drawl with high-pitched punches, is now the longest-serving House member after being re-elected year after year.

Rep. John Rogers, who would probably come a close second with Holmes in an outspokenness race, said Holmes is well-liked and well-known.

"Alvin is well known all over the state and the nation, really. In Montgomery, he's like an icon," Rogers, D-Birmingham, said.

Rogers said Holmes' abortion comments were wrong, but other times he said Holmes, "says the things that other folks want to say, but are scared to say."

"Alvin is like the agitator in the washing machine," Rogers said.

While his comments on abortion garnered national attention, they made barely a ripple that night on the House floor.

Speaker of the House Mike Hubbard said Holmes is "very smart and knows exactly what he is doing."

"Rep. Holmes has a very keen sense of what to say and do that will shock people and therefore generate media coverage and publicity. In the House, we're kind of used to it and most members don't take him seriously, but it does create media stories. I believe he thrives on that," Hubbard said.

His legislative floor comments, once confined to the state of Alabama, are now quickly shared in the age of Twitter and YouTube.

"What's wrong with the beer we got? I mean the beer we got drinks pretty good don't it. I ain't ever heard nobody complain about the beer we have," Holmes said during debate in 2008 on a bill to prohibit the sale of beers with high alcohol content.

He once pulled out a wad of cash and said he would give \$700 to anyone who shows him Bible verses specifying that marriage is between only a man and a woman. The challenge prompted hundreds of calls to the Alabama Statehouse.

Early in this four-year term, attempting to block a vote on a piece of legislation, Holmes contended it couldn't legally come up for consideration. He listed by number, the state rule he said prohibited it.

House business came to a halt as Hubbard, the newly elected speaker, consulted with staff and searched for the citation Holmes gave.

There was no such rule. Holmes was making it up.

"He didn't know that I didn't know," Holmes said with a laugh.

Holmes said the state has changed "tremendously" since he was first elected in 1974. However, he points to election results and the hate mail he receives as proof that it hasn't completely changed. A letter he received after the abortion debate was filled with racial slurs, he said. Alabamians in 2000 voted to remove the ban on interracial marriage from the state constitution, but 40 percent of voters thought the ban should remain.

Through his career, Holmes said he just tries to call it like he sees it. He said he was surprised by the recent national attention.

"I had no idea they'd go all over the world like they did. I've made comments on the floor that were much more controversial than that," Holmes said.

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**Gun sales tax holiday could cost Alabama \$550K**

*Montgomery Advertiser*

March 17, 2014

Kala Kachmar



A proposed sales tax holiday for guns, ammunition and supplies would cost the state's Education Trust Fund and General Fund about \$550,000 annually.

The legislation, sponsored by Rep. Becky Nordgren, R-Gadsden, would waive sales and use taxes on firearms the weekend before Independence Day every year. The state already has sales tax holidays for school and emergency preparedness supplies.

"Holding a firearms sales tax holiday at the anniversary of our nation's birth is the perfect way to celebrate the rights and independence that we hold close to our hearts as Americans," she said.

The House Public Safety and Homeland Security Committee passed the bill last week with an amendment that would officially name the weekend the Remington Appreciation Sales Tax Holiday.

Remington, which manufactures guns and ammunition, recently has announced plans to open a plant in Huntsville that will employ 2,000 people.

Norris Green, executive director of the Legislative Fiscal Office, said the school supplies tax holiday was estimated to cost the state \$3.4 million annually, and the emergency preparedness tax holiday about \$2 million.

Green said there hasn't been any analysis that would determine the actual amount lost since the bills went into effect, which was in 2006 for the school supplies bill and in 2012 for the emergency preparedness bill.

Nordgren said she expects the bill will draw people to the state for the holiday weekend, which will boost sales tax and tourism.

"Once it catches on, I can see our Fourth of July weekends benefiting from the promotion," Nordgren said. "Maybe we'll see some gun shows ... that would get people here to stay the weekend."

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### **Abortion bills won't come to vote as soon as planned**

*Times Daily*

March 15, 2014

Mary Sell

Rep. Terri Collins is suggesting a change to the state's definition of a "failing" school under the Alabama Accountability Act. If it makes it through the Legislature, Collins said she thinks her amendment would bump Decatur's Brookhaven Middle School off the list.

There are several ways a school can land on the low-performing list, including being in the lowest 6 percent of schools in the state on standardized reading and math tests in three of the past six years.

The six-year review is why Brookhaven is on the list, and Collins said she always thought that measurement was too broad.

"I, even when we passed the (Accountability Act), felt like a six year look back wasn't fair and I said that to everyone who would listen, but the overall Accountability Act I supported," Collins, R-Decatur, said.

The controversial Accountability Act was passed by lawmakers last year. It lets parents receive a \$3,500 tax credit if their children go to a public school deemed one of the worst in the state and they decide instead to send them to private school. They can also go to a non-failing public school. The act also includes a scholarship program that individuals and businesses can donate to. They receive a tax credit for their donation.

Collins said she wasn't going to suggest any changes to the act this year, but then she saw House Bill 558.

It lifts the individual tax credit cap on contributions made to scholarship granting organizations. So, she added an amendment to change the definition of a failing school.

"We're under the assumption, the (Brookhaven) principal and I, that it would take Brookhaven off the list and reward their success, which is exactly what accountability does," Collins said Thursday.

House Bill 558 was approved in a House committee last week and is now awaiting a vote in the House.

Starting in 2017, schools will be judged not on the look back, but on a new school grading system that was created by Collins in the 2012 legislative session.

State Superintendent of Education Tommy Bice said Friday he was just made aware of the suggested change.

"We will be required to rewrite our business rules upon which student achievement data is analyzed, to determine the effect," he said.

Decatur-Brookhaven is the only area school on the failing schools list.

Committee vote on abortion bills delayed

Committee votes on three bills regulating abortion in the state won't happen this week as originally expected.

Last week, Senate Health Committee Chairman Greg Reed, R-Jasper, said there would be a public hearing and vote on the trio this week. But on Friday, they weren't on the committee's agenda, which was posted online.

A note said the public hearing won't be happening.

Reed said he had to delay the committee vote because he hasn't yet received the bills.

"That legislation is something I can't consider in my committee because officially I don't have them in my committee — they have not been assigned to my committee," he said.

And even if he receives them Tuesday when lawmakers return to Montgomery, that isn't enough notice for a public hearing Wednesday, he said.

After this week, the bills will have three remaining legislative days to pass the Senate.

House Bill 490 bans abortion if a fetal heartbeat can be heard, which is as early as eight weeks into pregnancy. Current state law bans abortion after 20 weeks.

House Bill 493 requires physicians to provide to women whose fetuses are unlikely to survive to birth or long afterward information about hospice services if the child is carried to term. Abortion providers who don't provide the information can be charged criminally.

House Bill 494 puts more requirements on minors seeking abortions, including making consenting parents prove they are the minor's mother or father.

A fourth bill from Rep. Ed Henry, R-Hartselle, was approved by committee last week and awaits a vote in the full Senate. The bill increases from 24 to 48 the number of hours a woman must wait between receiving information from a physician about abortion and the actual abortion.

All four bills have passed the House.

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### **Bill would combine Mobile County revenue, license commissioner offices**

*Al.com*

March 14, 2014

Brendan Kirby

MOBILE, Alabama – The Mobile County legislative delegation next week will take up a proposal to merge the revenue and license commissioner offices, a move that proponents said would improve efficiency and save money.

The current license commissioner, Kim Hastie, said she had planned to make the idea the centerpiece of her campaign for revenue commissioner this year. A victory, she concluded, would give her a mandate to go to the Legislature to make the change.

“That was going to be my platform and, quite frankly, I’ve been talking about it for 18 months,” she said.

But Hastie ended up running unopposed in both the Republican primary and the general election. So she asked state Rep David Sessions, R-Grand Bay, to sponsor a bill this year to place a proposed constitutional amendment before the voters.

“I feel like it’s a positive piece of legislation,” he said. “We’re wanting to streamline and make things more efficient.”

Hastie estimated that by eliminating the salary of an elected official, reducing overtime and eliminating redundant positions, the county could save \$690,000 right away and eventually \$1 million a year. She said she would not lay off workers but leave some positions unfilled as they became vacant.

Any savings would revert to the county’s general fund.

State Rep. James Buskey, a Mobile Democrat who leads the county’s legislative delegation, said lawmakers will spend time next week gathering input from county commissioners and others.

“We are trying to talk with all the affected parties,” he said. “Based on my understanding of what is going on in the rest of the state, we ought to combine the two offices.”

But Buskey said several people have offered suggestions. One has to do with the salary of the revenue commissioner. The bill authored by Sessions calls for the revenue commissioner to earn 75 percent of the current combined salaries of the two positions. That would come out to \$131,250.

Buskey said the increase has raised some concerns, though. Hastie said she would be willing to assume the additional duties for a \$5,000 raise from what the current revenue commissioner earns. The \$95,000 salary would be equal to what the Montgomery County revenue commissioner earns.

Hastie said Mobile County is one of nine counties that has a stand-alone license commissioner. She said the combined office would make it easier for Mobile County residents to continue to get license tags in 10 minutes or less – a campaign promise she ran on when she won election as revenue commissioner in 2008. She said the office has hit that mark 90 percent of the time by pulling in cross-trained employees from other parts of the office during peak times at the beginning and end of each month.

But 17 sales tax clerks are transferring to the Mobile County Commission, which Hastie said would make it hard to continue meeting the goal. She said as revenue commissioner overseeing the combined office, she would have more employees to draw from during the busy renewal periods.

Eliminating elective positions in Mobile County has come up before, most recently during the 2012 campaign for treasurer. Republican Adam Bourne campaigned for the office on a promise of eliminating it and transferring the functions to the County Commissioner. But he lost in the primary and the idea went nowhere.

Hastie said this year presents an ideal opportunity to ditch the revenue commissioner position. Under state law, she will not take office as revenue commissioner until October 2016. That means the governor will not appoint her replacement until then. If the Legislature acts fast, she said, it can make the change before there is a new person in the position who might fight the move.

Sessions said he hopes to get a vote Tuesday, but Buskey said it might take longer to forge consensus. And then the state Senate would have to adopt the bill. With time running out in the legislative session, that could be difficult, Buskey said.

“There are enough days in the session. The problem is you have some people who want to have input,” he said.

Hastie said that if the bill fails this year, she will try again next year.

“I would definitely like them to at least vote,” she said.

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### **Alabama looks to revamp economic development incentives as state faces increasing competition for new jobs, investment**

*Al.com*

March 17, 2014

Dawn Kent Azok

MONTGOMERY, Alabama – There's an effort underway to retool Alabama's economic development incentives structure, and it comes as the state faces more competition than ever for new jobs and investment.

For years, the South has led the U.S. in enticing companies with tax breaks, cash and perks. But other states are upping their game. For example, in New York, one much-publicized incentive is a tax-free zone that exempts startups and expanding businesses from property, sales and other taxes for 10 years.

"It used to be that Southern states had the reputation of being the most aggressive on incentives, but that's changing," said Dennis Cuneo, a former Toyota executive who serves as a site selection consultant for companies scouting new U.S. locations.

The practice of paying companies to put down roots is also the subject of debate and division: Is all that gift-giving necessary to land jobs and foster prosperity? Or is it corporate welfare that merely drains public budgets?

In 2012 and 2013, Alabama offered more than \$131 million in discretionary incentives to new and expanding companies, according to data provided by the state Department of Commerce.

Discretionary incentives – granted by the governor – are typically funded through the Capital Improvement Trust Fund and must be spent on capital projects. Additional incentives may come in the form of tax abatements and capital credits provided through state law, and cash and assistance from local governments.

The projects that were the focus of the incentives in the past two years promised a capital investment topping \$3.5 billion, more than 11,000 direct jobs, and a 10-year payroll of \$4.8 billion, the department's data show. Also, the projects were expected to create 27,700 indirect jobs, and produce \$876 million in total state revenues from education property taxes, construction payroll taxes and various other levies.

In all, the projects were set to deliver returns on investment that ranged from an estimated 144 percent to more than 20,000 percent. Many are still in the construction and ramp-up phases.

Commerce Department Secretary Greg Canfield said a full-scale evaluation of the state's incentives structure has been going on for about a year. The process includes looking at other states' programs and comparing them to Alabama's.

A key concern, Canfield said, is that discretionary incentives add debt by relying on the issuance of bonds. He described it as a "cycle of total dependency on debt to create jobs."

He said the effort is not about allocating more funding, but "we need a more sustainable approach."

One goal, he said, is to fund incentives with revenue created by job growth. Another is to become more flexible with incentives, to accommodate projects that may be relatively light in capital investment but heavy in jobs.

Canfield declined to outline details of the new ideas since the evaluation is still in progress.

But he offered a stout defense of incentives' merits. "This is an investment in Alabama's economy. We have to model every project we incentivize, and we're very confident in our ability to see a positive return to the state and to the taxpayers," he said.

An opposing view comes from the Washington, D.C.-based nonprofit Good Jobs First. It says that three-quarters of all economic development dollars awarded and disclosed by state and local governments in the U.S. have gone to fewer than 1,000 large corporations.

The watchdog's Subsidy Tracker counts more than 25,000 awards with a total value of \$110 billion that are linked to 965 Fortune 500 companies. Names include Dow Chemical, Berkshire Hathaway, Walmart, General Electric and Boeing.

James Cobb, a University of Georgia professor who has written extensively about the South's economy and is a critic of hefty incentives, said the practice has boomed far beyond its original intentions. "The idea was that eventually, when the economies got up and running with industry, that they would take on a life of their own and you wouldn't have to continue to dish out incentives," he said.

Cobb also suggested that companies under global pressure to stay competitive and cut costs might not be shy about pulling up stakes, leaving their incentivized investments behind. "People overestimate the permanence of all of this," he said. "The buildings look so stout and impressive, and the money spent suggests they're really building something for the long haul. But that's not necessarily the case."

An example, he said, is the auto industry, to which Alabama has granted billions of dollars in incentives. In fact, the state's \$253 million package for Mercedes-Benz in 1993, which kicked off the sector, shocked the world.

The industry has certainly been good to the state, accounting for vast thousands of jobs. But automakers are spending more and more on new production capacity in Mexico, and that's seen as a threat to the long-term future of the industry in the South and across the U.S.

"When you think you've bought industry, sometimes you've only rented it," Cobb said.

Cuneo spoke last month at the winter meeting of the Economic Development Association of Alabama.

He said that Alabama had failed to make the cut for three recent projects – an R&D company, a metals company and auto parts supplier. In each instance, the state's incentives weren't competitive.

Although he offered good words for Alabama's worker training efforts, he said that the state needs to devote even more resources there. But it's also important that incentives are flexible and recruiters have the ability to offer them based on the specific traits of a company.

"When you have one-size-fits-all incentives, sometimes those can be counterproductive," Cuneo said.

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### **Ala jobless rate unchanged at 6.1 percent**

*The Associated Press*

March 17, 2014

MONTGOMERY, Ala. (AP) — Alabama's latest unemployment rate is unchanged at 6.1 percent.

The Department of Labor says the preliminary jobless rate for January was the same as the December 2013 rate. The unemployment rate of 6.1 percent represents 130,444 people without jobs.

The rate is down considerably from a year earlier. The jobless rate for January 2013 was 6.7 percent.

The number of people working in the state in January increased from 1.98 million in December to 1.99 million in January.

Labor Commissioner Tom Surtees says the state saw growth in the labor force and an increase in the number of people working, which are good signs.

Surtees says seasonal layoffs after the Christmas shopping season were normal.

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### **Alabama State audit mired in secrecy**

*Montgomery Advertiser*

March 16, 2014

Josh Moon

As the cost of a forensic audit of Alabama State University nears \$1 million, the investigation into the potential fraud it has uncovered is shrouded in secrecy and confusion.

A spokeswoman for Gov. Robert Bentley said this week that the state has approved the auditing firm Forensic Strategic Solutions to be paid \$988,798.48 for its work so far. An amended contract that extends the firm's work through the end of April was approved last week, but that extension did not include additional pay from Bentley's office.

Who, if anyone, will pay for the work by FSS, what other entities might be investigating ASU and the whereabouts of key documents in the case are less clear.

Jennifer Ardis, Bentley's director of communications, said Thursday that the most recent professional services contract that included additional payments to FSS was for \$338,798.48 through Feb. 12. That money was paid by Bentley's office. Last week's amended contract, a copy of which was provided to the *Montgomery Advertiser*, terms the extension a "no cost time extension."

However, FSS president Ralph Summerford, whose firm is being paid a rate of \$195 per hour, per person working on the ASU case, said his firm will be paid for the additional work. In fact, Summerford said the governor's office asked his company to stop working until the new contract extension was approved by the state's contract committee so it could be assured of payment.

"We expect to be fully compensated for any work we do," Summerford said. "It's at a much lower rate than we would ordinarily charge, but we expect to be paid for the work we do. We



haven't done any work the last couple of weeks because they asked us to knock off until the contract was approved."

Asked about Ardis' comments, Summerford said, "I'm not sure where that came from. Contracting with the state can be a little ... well, I have (an accounting degree) and I have trouble understanding it sometimes."

When provided Summerford's quotes and asked in two separate emails for clarification, Bentley's office, in two emailed responses, chose not to address the matter of FSS receiving payment for its work. Instead, Ardis only confirmed Bentley's office had asked FSS to stop working.

Ardis said she wasn't aware of other state entities paying FSS. Bentley's legal counsel, David Byrne, who has worked most closely with Summerford and his firm during the audit, wasn't available for comment.

The confusion doesn't end there.

#### Mysterious documents

In November, Bentley revealed at an ASU board of trustees meeting that former ASU President Joseph Silver had turned over a box containing documents that might prove financial malpractice at the university. That box was delivered in the days following Silver being placed on leave, after he alleged uncovering problems with several contracts at ASU. Silver later reached a separation agreement with ASU.

The Montgomery Advertiser filed an Alabama Open Records Act request with Bentley's office in early December to get copies of the documents Silver provided.

A month later, Bentley's office responded by saying it no longer was in possession of the documents. Ardis said the box had been sent to FSS and that the governor's office would help the Advertiser obtain copies of the documents from the firm. The Advertiser contacted FSS to request copies of the documents but was never provided an answer.

In late February, Summerford responded to the request by telling the Advertiser the documents weren't subject to an Open Records Act request because FSS didn't receive them from the governor's office. Instead, he said Silver provided the documents directly to another employee of FSS.

The governor's office also backed that version of events. Byrne told the Montgomery Advertiser's attorney, Dennis Bailey, that Silver met Bentley and a representative from FSS at a Montgomery restaurant and transferred the box of documents directly from Silver's trunk to the accountant.

That chain of events would effectively remove the responsibility of Bentley's office to keep copies of the public records for viewing by the media and public.

Byrne offered to send a letter to FSS stating that the governor's office "consents to the release of the records." But according to FSS attorney, Jeff Windham, it's not that easy on his end.

"State and federal laws prohibit us from producing those records and giving them to anyone," Windham said.

Which state and federal laws?

"I can't tell you that — state and federal law prohibits me from telling you that," Windham said. "I know how it sounds, but that's the law. State and federal laws prevent me from telling you which state and federal laws."

Windham also said his office no longer has the original box of files from Silver but was prohibited from disclosing its location because "state and federal law prohibit me from telling you that, too."

ASU attorney U.W. Clemon said the university also has requested copies of the documents that Silver provided so it might provide answers to any questions. "We haven't seen them," Clemon said.

Bentley previously said he was forwarding all findings and information from the FSS audit to state and federal authorities to conduct potential investigations. Ardis confirmed information has been sent but did not state to which entities.

Several sources familiar with the investigation have told the Advertiser that state and federal grand juries have questioned current and former ASU employees about financial dealings at the school and specifically about the allegations Silver made.

#### FSS v. ASU

The preliminary audit report produced by FSS contained scathing accusations against two ASU trustees, board Chairman Elton Dean and Vice Chairman Marvin Wiggins, and uncovered potentially major fraud within a Medicaid study conducted by the university.

Dean was accused of procuring a no-work job for a female friend, who the report stated he was rumored to have a relationship with. Wiggins' wife operated a summer camp at the university, and it was alleged in the report that Wiggins played an influential role in her remaining under contract.

Auditors also found that ASU overpaid nearly \$1 million, most of it going to a one-person company, to manage the Medicaid project. An investigation by the Advertiser found that that company, LORAC, was formed eight days prior to getting the contract at ASU and hundreds of thousands of dollars in payments went to a rented mailbox slot at a mail center in Georgia.

ASU officials have vehemently denied these allegations, and in October the university filed a lawsuit against FSS, alleging the firm filed false and misleading information in order to damage ASU.

Dean said he played no role in procuring a job for anyone. Wiggins pointed out that his wife was operating the camp before it was located at ASU and that he has no influence over payments made by the university. ASU officials claim FSS misinterpreted its contract with Medicaid and that the school actually was under the allowable payments.

The lawsuit was filed in Los Angeles Superior Court because FSS has done business in California, and ASU stated it didn't feel as if it could receive a fair trial in Alabama. Currently, the trial is still in the discovery phase, seeking to determine if Los Angeles is the proper venue for the case.

University officials also believe the audit and investigations are part of a larger plot to slow the rapid growth at ASU during the past five years because it could challenge other universities in the state. ASU's credit rating has been downgraded twice, leaving the school in poor position to borrow money, and the state Senate attempted to trim \$10 million out the university's annual budget. In both cases, the allegations of wrongdoing at ASU were cited.

"We got too big too fast, and some folks out there just didn't like that," ASU executive vice president John Knight said in an earlier interview. "They want us to stay in our little corner."

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### **Five questions to ask Alabama's state candidates for elected office (Opinion by Cameron Smith)**

*Al.com*

March 16, 2014

Although Alabama's primary elections are held in June, the political season is well underway. Positions on religious liberty, gun rights, and abortion remain a virtual litmus test for Alabama's more-conservative voters, but most state politicians are well versed at navigating them every four years.

Even the clearest answers on those issues leave unanswered questions about critical issues facing the State of Alabama. Here are five additional questions that Alabama's voters should ask candidates for state office this year:

1. What are your ideas for creating a climate that supports job creation and economic growth?

"Jobs, jobs, jobs," has become a slogan for virtually every politician in America. While most understand the issue's importance, few have any concrete ideas. Ask for specifics! What taxes should be lowered to encourage business activity? What training programs do we need? Have existing "jobs" programs been effective?

2. How would you improve educational outcomes for students in Alabama's public education system?

While politicians will continue to argue about funding for education, Alabamians need to hear candidates' ideas that change structure and process to improve student outcomes. The enactment of the Alabama Accountability Act introduced alternative paths for public education, but not without controversy. Ask politicians about their stance on the Accountability Act, charter schools, and even Alabama's system for teacher pay and tenure. If the candidate never actually mentions students in their response, they may be part of the problem with public education in Alabama.

3. How will you respond to overcrowding and allegations of abuse in Alabama's prisons?

Almost all Alabama politicians want the reputation of being tough on crime, but many have not been particularly smart about it. The overcrowding situation is so grave that Alabama could face the same fate as California and have a federal judge release inmates. Even worse, the United States Department of Justice has threatened suit against Alabama for the conditions at Tutwiler Prison for Women. Rather than creating more criminal laws in Alabama, Alabama's politicians need to show actual solutions for the criminal justice problems they already have.

4. How will you address Alabama's state employee pension plans in a way that keeps promises to current state employees and retirees while creating a more stable pension system in the future?

Alabama's state pension system was built on a model that has largely been abandoned by the private sector as economically unsustainable. Even the federal government, not known as a beacon of financial responsibility, moved away from the traditional defined benefit pension model in the 1980s. Promises to retirees must be kept, but states across the country are waking up to the significant cost of providing top-flight pensions to public employees that are not enjoyed by the vast majority of the taxpayers on the hook to guarantee them. Alabama's political leaders need to have a position on the issue, even if it is simply to cut other priorities to maintain the current system.

5. Do you support or oppose the Affordable Care Act's Medicaid expansion? Why?

Not a single member of Alabama's federal delegation voted for the Affordable Care Act, including the two Democrats in the delegation at the time. After the Supreme Court gave Alabama the option to expand Medicaid, Alabama's conservative politicians led by Governor Bentley have rejected the expansion to cover able-bodied adults up to 138 percent of the federal poverty line. While the issue falls largely along partisan lines, Alabama's voters should know where the candidates are on this controversial issue and why they take that position.

Alabama's voters need to step up their accountability for their elected officials, and posing tough questions and insisting on real solutions is an important first step.

(Cameron Smith writes a regular column for Alabama Media Group. He is vice president and general counsel for the Alabama Policy Institute, an independent, non-profit research and education organization dedicated to the preservation of free markets, limited government and strong families. He may be reached at [camerons@alabamapolicy.org](mailto:camerons@alabamapolicy.org) or on Twitter @DCameronSmith.)

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## **Mo Brooks seeks to cut federal incentives for Common Core**

*Al.com*

March 14, 2014

Challen Stephens

HUNTSVILLE, Alabama -- Congressman Mo Brooks, R-Huntsville, joined the opponents of Common Core today, attacking federal incentives for states that adopt the national standards.

"Alabama parents and local education officials are best suited to control K-12 education," said Brooks in a release today, "not Washington bureaucrats..."

This morning Brooks announced that he would co-sponsor the popular resolution, HR 476. More than 40 conservative members of the House -- including Rep. Tim Huelskamp, R-Kan., Rep. Ted Yoho, R-Fla., and Rep. Steve King, R-Iowa -- had already added their names to the list of sponsors.

"national standards lead to national assessments and national assessments lead to a national curriculum."

The resolution acknowledges that Common Core was initiated by national organizations, including National Governors Association, but argues it has since "transformed into an incentives-based mandate from the Federal Government."

The resolution asserts that federal law bars the U.S. Department of Education from setting content standards, but points out President Obama and Secretary Arne Duncan linked Common Core to competitive federal grants.

States that adopted the Common Core received 40 extra points out of a possible 500 in the Race to the Top competition for federal dollars.

In a nutshell, the resolution argues: "national standards lead to national assessments and national assessments lead to a national curriculum."

The resolution concludes that the Department of Education should no longer award extra points to the 45 states, including Alabama, that have adopted Common Core.

"The Federal Government should not incentivize the adoption of common education standards or the creation of a national assessment to align with such standards," reads the resolution.

Meanwhile, Republicans in Montgomery are divided on the issue, as state lawmakers consider a bill to allow local school boards in Alabama to opt out.

When asked about the Congressman's position today, a spokesperson said Brooks had not asserted a position on the merits of Common Core itself, beyond his belief that such standards should remain the purview of the states.

Brooks contended in his release: "Common Core is an issue for states to resolve without federal government interference."

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**In Washington, problem solvers fly under the radar (Opinion from U.S. Rep. Bradley Byrne)**

*Al.com*

March 16, 2014

In Alabama, we read a lot about how Washington works, or doesn't work. Heated rhetoric flies between both sides, political lines in the sand are drawn, the pundits advise both parties to hunker down until after the next election, and it seems as if nothing really gets done. The biggest losers in this scenario are the American people, who send their Representatives to our nation's capital with a mandate to lead, yet have little to show for it.

In my short experience since being sworn in as the Representative for Alabama's 1st Congressional District just a couple months ago, the apparent partisanship in Congress is belied by a real, fundamental desire to accomplish good things on behalf of the American people. Most of the Members I have met and talked to are dedicated people who are passionate about our country and where we are headed.

Upon my swearing-in, I spoke before the entire House of Representatives and told them, 'I want to work together with you as a work horse, not a show horse.' The response from my colleagues has been overwhelming. Many Republicans and Democrats are hungry to work together to address the pressing issues facing our country. We share more in common than many publicly admit — a desire to create a healthy economy where families have access to good-paying jobs, to pay down our debt, and to implement health care policy that will actually achieve greater access to high quality care. I believe we should focus on our shared goals and work to bridge the gap to achieving them.

While workmanship and results may not grab headlines as effectively as accusations and name-calling so often do in Washington, the undercurrents of reform and progress continue to have a strong pull. Already, I have been able to have an impact on policies that affect our district by forging coalitions and working together.

For example, last month reports began surfacing that the Pentagon was planning to end the Littoral Combat Ship (LCS) program early, leaving our hometown shipbuilder, Austal USA, high and dry. I wrote a letter and began reaching out to Republicans and Democrats who feel strongly on this issue, ending with 21 cosigners from 5 states and both parties. This strong showing from members across the country punctuates how important this program is to our Navy, and in a hearing before the House Armed Services Committee earlier this month, the

Secretary of Defense said directly to me that a modified LCS will be able to continue beyond the original order if certain benchmarks are met.

Other issues have drawn bipartisan support that will have a benefit to our community. The House passed a flood insurance relief bill earlier this month with strong support from both sides that would cap rate hikes for families and bring the program into balance without constituting an overwhelming burden on homeowners. Additionally, many of my colleagues have crossed party lines on the Red Snapper issue to advocate for common sense and sound science in expanding the season to aid our commercial and recreational fishermen. And, our entire bipartisan Alabama delegation has been eager to work together on local issues affecting our shared constituents. These are issues that may not grab headlines, but they are affecting lives and livelihoods in our district.

I'm learning in Washington that the best way to achieve results is to put my head down, work hard, and be respectful of others. If we can avoid pettiness and focus on working on areas where we share common ground, I am hopeful we can achieve more than we thought possible. I'll continue working as I said I would in my inauguration speech, 'as a problem solver, not a problem maker.' It's an honor to represent Southwest Alabama in Congress, and I'll work hard every day to make you proud.

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### **Roby: Taking on the EPA**

*Yellowhammer News*

March 17, 2014

When Alabamians have trouble with the federal government, my job is to step in and try to help. That's exactly what happened when a new Environmental Protection Agency (EPA) regulation imposed costly inspection and compliance requirements on Alabama farmers.

For years, EPA regulations for fuel storage on farms authorized under the Clean Water Act of 1972 applied only to very large fuel tanks, or those with a history of spills. Now, the EPA is applying the regulations to smaller tanks and farming operations with no history of accidents.

As you probably know, agriculture is the top industry in Alabama, employing more than 580,000 of our citizens. Like in many industries, aggressive agriculture regulations from Washington increase costs, stifle opportunities, and make life difficult for farmers.

Thomas Adams from Henry County was one such farmer who was impacted. The new EPA rules would force him to spend thousands of dollars for special equipment and services to certify that his fuel tanks were compliant. Learn more about Thomas's story by watching his WTVY News interview in the clip above.

Americans are tired of the endless stream of heavy-handed regulations coming out of Washington. I worked with my colleague Representative Rick Crawford of Arkansas on the FUELS Act, which seeks to rein in EPA farm regulations to truly reflect risk. Specifically, the

FUELS Act would exempt fuel tanks under 10,000 gallons from the regulation and allow larger tanks without a history of accidents to self-certify.

I am pleased to report that the House passed the FUELS Act on March 11 in an unanimous voice vote. I was proud to work on behalf of Thomas Adams and all Alabama farmers to find a solution to this problem and help provide some much-needed relief. Now, we are urging the Senate to pass this bi-partisan legislation without delay.

This is just one example of the harmful impact overreaching federal regulations can have on small businesses, farms, and individuals. If you know of an overly burdensome regulation that is hurting you or your business, please write to me or visit [Roby.House.gov](http://Roby.House.gov) and let me know.

### Combating Executive Overreach

One of the top questions I am asked is what Congress is doing to address the pattern of executive overreaches and disregard for the law by President Obama and his administration. Good, God-fearing Americans who work hard, pay their taxes, and obey the law are understandably frustrated by a president who acts as if he is above the law.

I believe in our Constitution, and I believe it's worth fighting for. That's why I was proud to support two bills passed this week by the House designed to rein in the Obama Administration and open the door to legal action to challenge particularly egregious abuses of power. While the separation of powers may not always be convenient for President Obama's political goals, it is necessary to ensure government still derives its authority from the people, not the other way around.