



Speaker's Press Clips
Monday, March 3, 2014

- *Opelika-Auburn News*: [Hubbard: GOP policies bring Remington to Alabama](#)
- *Al.com*: [Alabama gets high marks for economic development activity in 2013](#)
- *Al.com*: [Week ahead: Alabama House to consider fetal heartbeat bill, other new restrictions on abortion](#)
- *Montgomery Advertiser*: [House scheduled to debate abortion bills](#)
- *Al.com*: [Education budget would block expansion of Common Core in Alabama schools](#)
- *Times Daily*: [Things to know about Alabama's budgets](#)
- *Montgomery Advertiser*: [Legislation that would change criteria used to lay off teachers hotly debated](#)
- *Al.com*: [Huntsville school board urges local lawmakers to support Common Core](#)
- *Montgomery Advertiser*: [Bill would lift Alabama Accountability Act tax credit cap; Now individual donors to scholarship granting organizations limited to \\$7,500](#)
- *Tuscaloosa News*: [Tuscaloosa City Schools seek more flexibility on courses; Schools trying to gear education to individual students](#)
- *Anniston Star*: [Competing Claims: Liability insurance program for teachers becomes political football](#)
- *Al.com*: [Gov. Robert Bentley joins other state leaders in calling for reversal of proposed National Guard cuts](#)
- *Opelika-Auburn News*: [Proponents of Alabama Open Meetings Act score victory](#)
- *Opelika-Auburn News*: [Our View: House can now strengthen Open Meetings Law](#)
- *Al.com*: [Compromise on the way? Senior state senator offers substitute Birmingham Water Works bill that keeps reforms, preserves city majority](#)
- *AP*: [Former Tutwiler Prison inmates describe abuse](#)
- *Al.com*: [Hundreds rally in support of marijuana-derived CBD oil medication for seizures](#)
- *Al.com*: [Expanding Medicaid would cost Alabama more than it receives, Troy University study finds](#)
- *Al.com*: [Length of service valued over good job performance among state employees \(Opinion from Cameron Smith\)](#)
- *Al.com*: [Former state Sen. Tommy Ed Roberts dies at Hartselle home; funeral services Monday](#)

- *Al.com*: [Rural Alabama town selected for national AT&T technology trial on ending landline phone service](#)
- *Al.com*: [Defense budget cuts could threaten growth at Austal](#)

FULL TEXT

Hubbard: GOP policies bring Remington to Alabama

Opelika-Auburn News

March 2, 2014

The recent global announcement that the Remington Outdoor Company would locate a new firearms manufacturing facility in Huntsville was a major win for the state of Alabama, both economically and politically.

In terms of economic development, it continues Alabama's impressive, decade-long streak of convincing highly sought-after companies to locate here. It also reinforces, once again, our reputation as a great place in which to do business.

For the Huntsville area, in particular, it means 2,000 new jobs over the next decade. It also will be an investment of roughly \$110 million once operations begin in a year-and-a-half after upgrades to an already existing 900,000-square-foot facility are made.

The jobs it will provide are the high-paying, long-lasting jobs that Republican officeholders in Alabama have specifically targeted to attract to our state. The average pay for production positions at the Remington plant is estimated to be between \$40,000 and \$50,000, and that is before benefits are even factored.

Much of the credit for convincing company officers that Alabama would make a welcoming home rightfully belongs to Gov. Robert Bentley and to Secretary Greg Canfield's team of economic developers at the Department of Commerce. Local officials in north Alabama played a part in capturing what was codenamed project "Traveler," as well.

But the Republican men and women who serve in the Alabama Legislature also deserve a tip of our collective hats because the Remington announcement is proof positive that the changes made since the GOP took control of the House and Senate provide us with an effective tool in our job hunting tool belt.

In just the past four years, for example, Republican lawmakers have passed sweeping protections and expansions of Second Amendment gun rights; we have approved commonsense and affordable tax incentives for companies doing business here; and we have taken steps necessary to ensure that Alabama remains a non-union, right-to-work state.

In addition, I believe our conservative political atmosphere and the common Alabama values and morals that most of our citizens share also played a large part in defeating the two dozen other states that were competing for the plant.

Union officials in Ilion, N.Y., where Remington has made firearms since 1816, conceded as much when they blamed a chokingly restrictive gun control measure passed by liberal Democrat Gov. Andrew Cuomo as a major reason the company located the new jobs elsewhere.

UMW Local 717 President Fran Madore told a Syracuse, N.Y., newspaper that, “The SAFE (Secure Ammunition and Firearms Enforcement) Act has been a terrible thing from the beginning. You’d think New York would be doing everything to keep (Remington employees). Instead, it passes a law to cripple us.”

In other words, he pointed out that Remington chose to forego locating in a liberal, pro-Obama, anti-gun state and chose, instead, a conservative, anti-Obama, pro-gun state like Alabama.

Remarks made by Remington CEO George Kollitides at the Huntsville announcement seemed to offer evidence that reinforced that perception.

“Alabama’s motto says it all. We Dare Defend Our Rights,” Kollitides said as he cited the state’s pro-gun attitude, support for the military, and willingness to fight for individual freedoms among the reasons for his decision. Our hard-working employee base and award-winning industrial training were other factors that he highlighted.

If our state were still run by Democrats loyal to Barack Obama and the liberal policies he espouses, I am convinced that Remington would have passed Alabama by and continued looking for more suitable surroundings.

Alabama has come a long way in just four years. Our state government has been streamlined and \$1 billion are being saved as a result. The rights and freedoms that are threatened daily by an ever-encroaching federal government have been given additional layers of protection.

Our public education system has been placed firmly on the road to reform, and new jobs, new businesses, and new opportunities are growing across the state daily.

Now is not the time to return to the dark days of Alabama’s Democrat past, and with world-class companies like Remington at stake, we literally cannot afford to turn back, either.

Mike Hubbard (R-Auburn) serves as Alabama’s Speaker of the House and represents District 79, which encompasses much of Lee County. Visit mikehubbard.com or follow Speaker Hubbard via @SpeakerHubbard and Facebook at [facebook.com/MikeHubbard79](https://www.facebook.com/MikeHubbard79).

+++

Alabama gets high marks for economic development activity in 2013

Al.com

March 3, 2014

Dawn Kent Azok

MONTGOMERY, Alabama -- Site Selection magazine has ranked Alabama in the top 10 states for the most economic development projects per capita in 2013.

The state ranked No. 7 on the list that was topped by Nebraska. Meanwhile, the magazine also ranked three Alabama cities in the national top 10 in their respective categories for economic development activity last year. They are Cullman, Decatur and the Auburn-Opelika area.

The rankings are part of Site Selection's Governors Cup competition. Texas topped the list for total number of projects. See how other states ranked.

Alabama Secretary of Commerce Greg Canfield said the rankings show that economic developers across the state are making progress in implementing the strategic growth plan, Accelerate Alabama.

“This high ranking confirms that Alabama is a very attractive location for corporate decision-makers because of our pro-business policies, our dedicated workforce and our top-ranked job-training program,” Canfield said in a prepared statement.

Atlanta-based Site Selection magazine has awarded the Governors Cup each year since 1978 to the state with the most new and expanded corporate facilities as tracked by a proprietary database. This year, it launched a per capita category to even the playing field for states with smaller populations.

To qualify, a project must involve an investment of at least \$1 million, create at least 50 jobs or add at least 20,000 square feet of floor area.

Cullman ranked No. 3 among cities with a population between 10,000 and 50,000. On the list of metros with populations of less than 200,000, Decatur was No. 6 and Auburn-Opelika was No. 9.

+++

Week ahead: Alabama House to consider fetal heartbeat bill, other new restrictions on abortion

Al.com

March 3, 2014

Mike Cason

MONTGOMERY, Alabama --- The Alabama House of Representatives is scheduled to debate four bills that would add new restrictions on abortion Tuesday.

The bills are:

-- HB 490, would prohibit abortions in cases where a fetal heartbeat is detected, which can occur as early as six or seven weeks.

-- HB 489, would increase from 24 to 48 hours the required time between when a women receives state-mandated information about adoption services and other issues before undergoing an abortion.

-- HB 493, would require doctors to provide women with information about post-birth hospice services before aborting a fetus with a lethal anomaly, a defect reasonably certain to cause death within three months after birth.

-- HB 494, would tighten the law on minors receiving parental consent for an abortion.

Also on Tuesday, the House Judiciary Committee is scheduled to consider SB 108, which would allow expungement of criminal records in certain cases where a person was charged but not convicted.

On Wednesday, Senate committees are expected to consider:

-- SB 354, would make it legal to carry a loaded pistol in a vehicle without a concealed carry permit.

-- HB 141, would carve out an exception in state law on veterinary medicine to allow nonprofit spay neuter clinics to continue to operate.

-- SB 353, would prohibit school districts from using seniority as the main factor when they decide which teachers to lay off when there are funding cuts. A public hearing is scheduled.

House committees are scheduled to consider these bills on Wednesday:

-- SB 184, which is the state education budget for fiscal year 2015, would provide a 1 percent bonus for school employees and allocate \$10 million for 250 new middle school teachers.

-- HB 503, would allow children who attend home school and church school to participate in public school athletic programs.

-- SB 168, would prohibit smoking in workplaces and public places, with exceptions.

-- HB 145, would cap annual percentage rates on payday loans at 36 percent. The rates can currently exceed 400 percent.

Tuesday will be the 20th day of the legislative session, which can have up to 30 days.

+++

House scheduled to debate abortion bills

Montgomery Advertiser

March 3, 2014

Brian Lyman and Kala Kachmar

A look ahead at the Alabama Legislature's agenda this week. All events subject to change.

House of Representatives

The House is scheduled to return at 1 p.m. Tuesday. House Speaker Mike Hubbard, R-Auburn, said the plan is to take up four abortion bills on the House floor Tuesday.

In committee:

- The House Judiciary Committee meets at noon Tuesday and is expected to discuss a bill that would expand laws related to child prostitution and child sexual exploitation. Another bill in the committee would change the definition of driving under the influence to include any substance that affects someone's ability to operate a motor vehicle.
- The House Ways and Means General Fund Committee will meet at 1:30 p.m. Wednesday and is expected to discuss a bill that would require the prison commissioner to report to certain legislative committees and the Sentencing Commission the condition of inmates who have spent more than 60 days in an infirmary or under medical supervision, as well as steps to evaluate medical furloughs for those inmates.
- The House Health Committee will meet at 9 a.m. Wednesday and will discuss an anti-smoking bill.
- The House Ways and Means Education Committee will meet at 9 a.m. Wednesday and will discuss the education budget.
- The House Education Policy Committee will meet at 1:30 p.m. Wednesday and will discuss a bill that would prohibit school boards from using seniority as a significant factor in determining how to reduce staff after a reduction in funding.

Senate

The Senate is scheduled to return at 2 p.m. Wednesday. Senate President Pro Tem Del Marsh, R-Anniston, said "the budget" was the first thing on his mind. "After that, I don't see anything that I deem important at this point," he said Thursday.

In committee:

- The Senate Education Policy Committee meets at 8:30 a.m. Wednesday, and is scheduled to take up a bill that would allow students at church schools to participate in career technical and extracurricular programs offered at public schools.
- The Senate Finance and Taxation Education Committee meets at 10:30 a.m. Wednesday, and is scheduled to take up a bill that would prohibit school boards from using seniority as a significant factor in determining how to reduce staff after a reduction in funding.

- The Senate Health Committee meets at 12 p.m. Wednesday, and is scheduled to take up a bill providing for nonprofit spay/neuter clinics.
- The Senate Judiciary Committee meets at 1 p.m. Wednesday, and is scheduled to take up a bill allowing individuals to carry firearms on their property and in their vehicles without concealed carry permits in certain conditions.

+++

Education budget would block expansion of Common Core in Alabama schools

Al.com

March 2, 2014

Mike Cason

MONTGOMERY, Alabama --- The education budget approved by the Alabama Senate on Thursday would prohibit K-12 public schools from expanding their use of Common Core curriculum standards.

The Common Core standards, part of Alabama's College- and Career-Ready standards, apply only to math and English. Most states use the standards.

The education budget bill says schools will not use Common Core in any other subjects when those standards are written.

"There's been a lot of concern about that issue and I think it is time to take a deep breath," said Sen. Trip Pittman, chairman of the education budget committee. "Let's see where we are. At this point there's no other standards, there only are the math and English standards that have become part of the college and career ready."

"Let's get our hands around what we're doing. Let's make sure it's working and we're committed to them."

State School Superintendent Tommy Bice told the Decatur Daily he opposed the restriction on Common Core.

"I do not support a budget attempting to set education policy in our state, as that role belongs to the state Board of Education upon recommendation from those who are experts in their respective disciplines," Bice said.

Bice staunchly defends Alabama's use of the Common Core, as have many other education and business leaders.

Common Core opponents make several arguments, including that the state loses some autonomy over setting standards and that states use the Common Core as a way to attract federal and private grants.

The Obama administration made the Common Core a factor in which states would receive federal Race to the Top grants. Alabama applied twice for the grants but did not receive them.

The budget bill is far from finished. It still must pass the House, which is certain to make changes that will have to be reconciled by a conference committee. Then it would go to the governor for his approval.

Sen. Scott Beason, R-Gardendale, has introduced a bill to repeal Alabama's use of Common Core until 2017.

Senate President Pro Tempore Del Marsh, R-Anniston, opposes bringing Common Core repeal legislation to the Senate floor this session.

+++

Things to know about Alabama's budgets

Times Daily

March 1, 2014

Mary Sell

MONTGOMERY — The state's education and general fund budgets were each approved last week in opposite chambers of the Legislature.

The \$5.9 billion education budget goes to the House this week; the \$1.8 general fund budget goes to the Senate.

Here are a few things to know about the budgets as they stand now and what might change before final approval.

Raises

Gov. Robert Bentley's proposal for a 4 percent conditional raise for state employees remains in the House-approved general fund budget. But the key word is conditional — meaning only if the revenue is available. Many doubt that it will be, and public employees shouldn't plan on a raise in 2015.

In the education budget, the Senate changed Bentley's 2 percent raise for teachers to a one-time, 1 percent bonus. Education budget committee chairman Sen. Trip Pittman, R-Daphne, said that change would save the state about \$36 million.

He said he wasn't happy about not being able to allocate the 2 percent raise.

"But I have a job that I was chosen to do, and that's to try to balance appropriations on estimates for revenue in very uncertain times," Pittman said.

Bentley said Thursday he'd like the raise restored.

Common Core

The Senate-approved budget doesn't contain a 2 percent raise, but it does have restrictions on expanding Common Core. The following line was inserted about the national education standards: "The funds appropriated above shall not be used to implement standards, programs or students assessments created by the Common Core State Standards Initiative after April 1, 2013."

The language doesn't change the math and language arts standards adopted by the state school board several years ago and already in place, Pittman said. But it does prevent new standards from being implemented.

"That language basically says we're not going to expand it," Pittman said. "Let's get our hands around what we're doing and make sure it's working and we're committed to it."

State School Board Vice President Dr. Charles Elliott, R-Decatur, said Friday he didn't know about the language.

"I'm shocked," he said. "That is not the role of the Legislature. It is not the responsibility of the state Legislature to dictate standards, and to do it under the guise of funding is inappropriate."

State Superintendent Tommy Bice agreed.

"I do not support a budget attempting to set education policy in our state as that role belongs to the State Board of Education upon recommendation from those who are experts in their respective disciplines," Bice said.

K-12

The education budget approved in the Senate last week gives about \$4.08 billion to K-12 education. Bice had requested about \$4.2 billion, which he said was needed to adequately fund education in the state.

"We have reviewed the ETF budget for K-12 and are disappointed that the majority of our requests were either underfunded or not funded at all based on our identified needs," Bice said in a statement Friday.

Lawmakers gave K-12 about half of what it requested to add more middle school teachers.

"We look forward to working with the members of the House of Representatives with a goal of restoring some of this lost funding in areas that are crucial to students' success and at a time when our schools are being held to heightened expectations for improvement," Bice said

Higher ed

The budget also allocates about \$1.47 billion to higher education. The University of North Alabama would receive about \$25.8 million for operations and an earmark of \$500,000 for its science and technology program.

The Shoals legislation delegation said they're trying to secure more funding for the university.

"(We're) trying to get some additional dollars for UNA," Rep. Lynn Greer, R-Rogersville, said. "They are one of the four-year colleges that have never gotten their fair share. We've been on the tail end of things, and I don't know how it happened, but it needs to be corrected."

The budget also includes about \$275 million for the two-year college system that includes Calhoun Community College and Northwest-Shoals Community College.

General fund changes coming in Senate

Expect some changes in the general fund budget as it goes through the Senate, budget committee chairman Arthur Orr, R-Decatur, said last week.

Especially in the allocation to the state department of corrections.

The House version of the budget essentially gave the department the same amount of funding it had this year, about \$396 million. Corrections Commissioner Kim Thomas had asked for a \$42 million increase.

Orr said he's committed to helping corrections.

"I think corrections is a really high priority because of the Tutwiler findings," he said last week. "Addressing that situation is a very high priority, and we've got a plan that we'll execute in the next week or two."

The U.S. Department of Justice sent the state a letter earlier this year saying that conditions at the Julia Tutwiler Prison for Women in Elmore County were unconstitutional. Meanwhile, many of the state's other prisons are at near 200 percent capacity.

Other agencies

"There are other agencies with other particular needs that we're going to be attempting to find funding for," Orr said. "I think you'll see a different budget. Not radically different, but there will be some distinct differences from the House budget."

More funding doesn't mean more taxes or fees, he said.

"We've been diligent in looking under the couch cushions for spare change and perhaps we'll find some in the coming weeks," Orr said.

New revenue needed?

Democrats, though, think that digging for spare change isn't the answer. Rep. Greg Burdine, D-Florence, voted against the general fund budget in the House in part because he thinks the funding for corrections and the state judicial system is inadequate.

"This budget is never going to be fixed until we increase revenue," he said. "Until we do that, we're never going to have a budget that looks good."

But Republican Lynn Greer, R-Rogersville, said that's not likely.

"We need to take the money we've got and spend it a little more wisely," Greer said. "Right now, there's no moving the Legislature to raise any taxes. It's just not on the radar."

+++

Legislation that would change criteria used to lay off teachers hotly debated

Montgomery Advertiser

March 2, 2014

Kala Kachmar

Shortly after being named Alabama's Teacher of Year for the 2009-10 academic year, a Montgomery Public Schools teacher was given a "pink slip."

The teacher, who has since left the district, was Yung Bui-Kincer, a biology and environmental science teacher at Booker T. Washington Magnet High School. Former MPS board member Charlotte Meadows said because she had only been teaching for two years, the school had no choice but to let her know she might be laid off.

Meadows spoke at a public hearing last Wednesday to support legislation that would no longer allow school boards in Alabama to use seniority as the primary factor in determining which teachers to cut when there are budget reductions or drops in student enrollment.

"Everyone hired before her would have had a lawsuit against us," Meadows said.

The controversial bill, which is being sponsored by Rep. Ed Henry, R-Hartselle, drew a crowd that filled the room where the House Education Policy Committee met for the public hearing last week.

School boards currently set policy

Under current law, each school board is required to come up with its own reduction-in-force policy, which outlines how staff members are laid off when there are reductions in funding. The bill would prohibit seniority from being a significant factor in the policy.

If adopted, the new law would require an employee's demonstrated experience to be a primary factor. Demonstrated experience would be based on an annual performance evaluation report under a state or locally adopted evaluation system.

An employees' degree could be considered a factor if it's an advanced degree in the subject the teacher is certified to teach, and salary can't have any bearing on the policy.

“Several systems around the state use nothing but seniority to determine which teachers go and which teachers stay,” Henry said. “They don't weigh whether or not that teacher is an effective teacher or how that (layoff) is going to affect the education of those children in that system.”

Henry said the purpose of the legislation is to make sure districts keep the most effective teachers, not the most senior. He said in situations where there's a tie, seniority can be a tiebreaker.

Henry said he found 90 of the 137 public school districts' reduction-in-force policies. Of those 90, 30 of them used a method known as “last in, first out” and 17 used seniority as mechanisms for deciding.

Official data on local reduction-in-force policies was not available from the Alabama Department of Education.

Michael Sibley, a spokesman for the state education department, said they don't have a position on the bill. But he said State Superintendent Tommy Bice has a committee in place to determine whether a teacher evaluation system will be considered as part of a school grading system that's being developed.

The school grading system, which would give each school an A, B, C, D, E or F based on state authorized assessments, the achievement gap, college and career readiness and learning gains, is a mandate that came from a bill that passed the state Legislature in 2012.

Henry said once the evaluation system is developed — if it is developed — school boards could use their own method of teacher assessment or use the state's guidelines.

But critics of the bill say it takes power away from local school boards, and it's based on an evaluation system that doesn't exist yet.

Disagreement on affect on teachers

Fred Fohrell, an attorney for the Alabama Education Association, said the Legislature should hold off on the bill until the state superintendent develops an evaluation system, so that teachers can then better understand how the legislation will affect them.

He also said teachers who teach at low-achieving schools and teachers who teach subjects or grades that don't require standardized tests are concerned because their “growth indicators” might be different from other teachers in their district.

“Some of our best teachers take on some of our most difficult classes,” he said. “And sometimes it's difficult to recognize how we compare growth scores.”

Tammie McLaughlin, who has taught in public schools in Alabama for 15 years, said under the new system, she likely wouldn't be able to keep her job because her performance is measured against her students' progress. She teaches in a low-income school.

"The fact is we're going to lose some of the best teachers where they're needed most," she said.

But Beth Anne Dunagan, a second-year teacher at Robert E. Lee High School in Montgomery, disagreed. She said if education is the product we're giving, students are the consumers — and the best teachers should get to keep their jobs.

"High quality, effective instruction: that's what we should be placing over seniority," Dunagan said. "Evaluation can be based on more than just state tests and standards. I could present where my students stand to prove effectiveness."

Susie Ellison, a representative from the Council for Leaders in Alabama Schools, said the organization was neutral, but said multiple factors besides test scores should be taken into consideration when determining a teacher evaluation system, which is key to the bill.

She said factors like care, love and encouragement have been proven to reduce the likelihood of absences, reduce suspensions and improve students' grade point averages in certain subjects.

Fohrell said it's important to have a system where teachers are encouraged to take on difficult students.

"There's so much pressure on test scores," Fohrell said. "The best possible teachers might plant the seed, but another teacher might reap the fruit."

Delano Muhammad, a government and economics teacher at Lee, said it's easy for teachers to get "comfortable" in their positions after 10, 15 or 20 years, and they need some inventiveness to improve and develop their lessons.

Richard Franklin, president of the Birmingham American Federation of Teachers for Birmingham City Schools, said the bill concerns a lot of his colleagues because teachers in larger or less affluent schools would be compared to all teachers in the district. He also said the bill doesn't address evaluations or reduction-in-force policies for administrators, who should also be held accountable.

"The bill was kind of shocking when they came up with it," Franklin said. "The reason we're against it is Dr. Bice has not even finished the evaluation system. It doesn't touch administrators. Just teachers."

He also said if local school boards have the authority to take seniority out of their policies on their own, he's not sure why the bill is needed.

"The one thing we do know is until the (teacher evaluation) system is developed, no one will know for sure what will happen," Fohrell said.

The House Education Policy will discuss and possibly vote on the bill at 2 p.m. Wednesday.

+++

Bill would lift Alabama Accountability Act tax credit cap; Now individual donors to scholarship granting organizations limited to \$7,500

Montgomery Advertiser

March 1, 2014

Brian Lyman

The Alabama Accountability Act, whose passage and provisions engulfed lawmakers last year, is back for the stretch run of the 2014 legislative session.

Rep. Chad Fincher, R-Semmes, filed a bill Thursday that, among other provisions, would lift the current \$7,500 cap on tax credits that individual donors can claim for donations to scholarship granting organizations (SGOs) set up under the AAA. The SGOs are aimed at extending scholarships to students in schools designated as failing under the Accountability Act, to help them with the financial costs of attending private schools.

Fincher, whose 2013 school flexibility bill became the AAA after a controversial expansion in a conference committee, did not return a message seeking comment Friday afternoon. However, both GOP legislative leaders and the Alabama Education Association, which has been highly critical of the act, said last week removing the cap would make it possible for the super-wealthy to make contributions to SGOs.

“Right now, individuals are limited. Corporations are not,” said Senate President Pro Tem Del Marsh, R-Anniston, on Thursday. “There’s some high wealth individuals who want to participate in the plan and that’s what it’s about.”

The AAA allows families of students in about 70 schools designated as failing to claim a tax credit worth about \$3,500 to use toward payment of private school tuition. SGOs are aimed at helping students make up the remainder of the cost; first to students in failing schools and after Sept. 15 of each year, to students making 150 percent of the state’s median household income, about \$62,000 a year based on 2012 numbers.

The bill would also move the release date for the SGO money from Sept. 15 to May 15.

The bill does not eliminate the \$25 million cap on aggregate tax credits from the Education Trust Fund, a fact both Marsh and House Speaker Mike Hubbard, R-Auburn, were quick to point out.

Hubbard said Friday the bill would “broaden” the base of donors to SGOs, and make the groups less reliant on the contributions of an individual donor or corporation, and their tax liability that year.

“You already have \$25 million cap,” he said. “It’s not going to change anything as far as the cap. It’s going to ensure a more consistent flow of scholarships to kids.”

Democrats and education groups have strongly criticized the act, saying it puts public money in private hands and makes it more difficult for failing public schools to obtain the resources needed to fix themselves. The AEA, which has repeatedly sued the state in court over the law, estimates that to claim a \$7,500 credit, an individual would have to make \$350,000 a year — an income just putting that person outside the 1 percent. Lifting that cap, the group said, would allow even wealthier individuals to take advantage.

“It’s just disheartening that the day after the budget passed, a budget that cut (proposed) PEEHIP funding and did not include a pay raise for teachers and a (cost-of-living adjustment) for retirees, that lawmakers’ chief concern is to create a tax credit for wealthier Alabamians for private schools,” said Amy Marlowe, a spokeswoman for AEA.

The Legislative Fiscal Office had not done an analysis of the bill as of Friday evening. Carla Snellgrove, a spokeswoman for the Alabama Department of Revenue, said Friday analysts with the department were still working on the legislation.

Currently, businesses and corporations can claim 100 percent of their contributions on their tax; individuals can claim 50 percent, subject to the \$7,500 cap. The bill would also allow S-corporations, a special type of corporation created through an IRS tax election to keep from being double taxed, to claim credits under the tax.

Passage of the Alabama Accountability Act last year led to shouting matches on the floor of the Senate — and later in the session, divisions in the GOP caucus — but both Hubbard and Marsh said they did not expect the controversy to return.

“The issue that everyone has is the cost to the Education Trust Fund,” Marsh said. “It has no additional cost. It’s still capped at \$25 million.”

+++

Huntsville school board urges local lawmakers to support Common Core

Al.com

February 28, 2014

Challen Stephens

HUNTSVILLE, Alabama -- The Huntsville school board this afternoon joined Madison City Schools in passing a strongly worded resolution in support of Common Core.

Specifically, the resolution opposes Senate Bill 380, which stands to repeal the national standards within Alabama. Alabama is currently among 45 states that have adopted the Common Core standards.

Sen. Scott Beason, R-Gardendale, has filed a bill to repeal the standards.

The resolution also opposes any future effort to allow local systems to "opt out" or to place a moratorium on the state's adopting additional standards.

The Alabama standards are known as the Alabama College and Career Ready Standards, but contain 100 percent of the Common Core.

The resolution, recommended to the board by Superintendent Casey Wardynski, contends: "Both Senate Bill 380 and the suggested moratorium legislation would undermine the ability of local school systems to prepare public school students for the rigorous curricula and career expectations facing them upon graduation from Alabama public schools."

The resolution urges all state senators, particularly those from Madison County, to oppose such repeal efforts in the Legislature.

+++

Tuscaloosa City Schools seek more flexibility on courses; Schools trying to gear education to individual students

Tuscaloosa News

March 2, 2014

Jamon Smith

Officials with the Alabama Department of Education and Tuscaloosa City Schools have come to the conclusion that one-size-fits-all public education doesn't work for every student.

In an attempt to make education more individualized, the city school system in the past two years has implemented initiatives such as customized four-year academic plans for every student and a range of career academies that students at Central High and the Tuscaloosa Career & Technology Academy can choose to enroll in.

Now the system wants to take individualized education a step further.

In mid-March, system officials will submit an "innovation zone/flexibility application" to the state department of education asking for a waiver on four Alabama Administrative Codes — rules that state school systems must follow — so students won't have to take certain required classes if they're already involved in other classes or activities that have the same subject matter.

"One of the state code requirements is that students have to take Algebra 1, geometry and Algebra 2 or trigonometry with one math elective," said Elisabeth Davis, assistant superintendent of curriculum and instruction. "We have some classes at TCTA that have the geometry standards already in them.

"We're asking that the state waive geometry for students who are taking TCTA classes with geometry in them."

The specific classes that the system is initially asking the department of education to give students credit for are:

- Project Lead the Way in place of physics, geometry and physical education.
- Drafting in place of geometry.
- Electrical technology in place of geometry, algebra I and physical science.
- Mechatronics/robotics in place of physics.
- Health science in place of health and life science.
- Emergency/fire/medical services in place of health, life science and physical education life.
- Automotive technology in place of chemistry and physics.
- Information technology and computer science principals can replace foreign language.

Davis said the system is also seeking to allow students to gain credit for other classes such as P.E. and music if they're involved in pre-approved extracurricular activities such as intensive athletic training or music lessons.

Students will not automatically get credit for a class if they're in an activity or class with similar material. Davis said they'll have to prove that they've mastered the subject by passing an end-of-course assessment test.

If students pass the assessment, they won't have to take the class, which could allow them to graduate early and take additional classes such as early college, advanced placement or dual enrollment.

Davis said the curriculum and instruction department will develop an outline that spells out what standards a class or extracurricular activity must meet for it to count as credit. "There's not a definite number of classes we're asking to be waived," she said. "What we submit in March will be a start. What can count for a credit will grow as we begin to look at more activities."

System officials will ask the school board to support the flexibility plan at its March 4 board meeting. The system will then have until March 31 to submit the plan to the state for approval.

Davis said since the state department implemented Plan 2020 — its new statewide academic standards that focus on students becoming college- and career-ready before graduation — it has encouraged school systems to find innovative ways to keep students engaged in the learning and is allowing systems some flexibility in how school is conducted.

Davis said the system's flexibility plan falls in line with the state's goals.

“It's all individualized and based on the kids,” Davis said. “That's the key to this. It'll let kids take individualized paths to their learning. It doesn't pigeonhole them in one way. ... We'll know whether we're approved by the end of the school year.”

To review the application, go to:

http://www.tuscaloosacityschoools.com/files/_xZJ7k_/6a14ef455bf2d0db3745a49013852ec4/TCS_Flexibility_Application.pdf.

A public hearing will be held at the school board meeting Tuesday at 6 p.m. at the Tuscaloosa Career & Technology Academy, 2800 Martin Luther King Jr. Blvd.

+++

Competing Claims: Liability insurance program for teachers becomes political football

Anniston Star

March 2, 2014

Tim Lockette

MONTGOMERY — So far, only one legal case has been settled through the \$5 million teacher liability insurance program Alabama set up last year, state officials say.

But it's far too early to say just how much money the program — one of the most hotly-debated items in Alabama's education budget — really needs.

"Liability claims are very slow to mature," said Ben Spillers, risk manager for the Alabama Department of Finance. "It will be five to seven years before this mellows out."

Spillers' office is in charge of a new state program, set up last July, to provide teachers with insurance to cover them if they get sued for their actions on the job.

Republican lawmakers introduced the program in last year's budget bill as a benefit for teachers, who haven't historically had liability coverage paid for by the state.

"We're providing teachers with a benefit that would cost them \$500 a year," Sen. Bryan Taylor, R-Prattville, said in budget hearings last week.

The move, however, had a backstory. For years, the Alabama Education Association — the state's largest professional organization for teachers — has been one of the state's main providers of liability insurance for teachers, who get the coverage as part of dues-paying membership in the organization.

Democrats, long allied with the AEA, cried foul. They accused Republicans of carving \$5 million out of the state's school system to duplicate a service AEA was already providing — thus giving teachers an incentive to leave the organization.

The liability insurance program is a tiny sliver of the state's \$5.8 billion education budget, but it has become one of the hardest-fought pieces of turf in that budget.

Debate rolls on

"Parents shouldn't have to provide toilet paper or paper towels to schools," said Sen. Roger Bedford, D-Russellville. "Schools should provide the basics."

Bedford tried to persuade fellow senators last week to dismantle the liability program and spend the money on bathroom tissue.

The current draft of the state's education budget, now before the Legislature, would give the teacher liability program \$3 million in 2015, \$2 million less than its 2014 cost. Bedford wants to take the entire \$3 million and create an emergency toilet paper fund for school systems, which would have to be depleted before school systems could ask parents to provide similar supplies.

"It's real dollars that affect every school in the state," Bedford said. Senators rejected Bedford's plan.

Democrats have also questioned the need for the program now that teachers may be on their way to getting immunity from some civil suits. The House of Representatives on Thursday passed a bill that would grant teachers statutory immunity similar to that enjoyed by other state officials, which would protect them from lawsuits from actions done in their official capacity, unless those teachers act maliciously or exceed the bounds of their authority. The bill is on its way to Gov. Robert Bentley's desk.

Republicans say both the insurance program and the immunity bill are simply providing teachers with protections most other states already offer. Alabama is one of only five states without some form of statutory teacher immunity.

"When a teacher or a state employee properly carries out the work and duties that we ask of them, they deserve to do so without fear of lawsuits or adverse action taken against them," the bill's sponsor, Rep. Mike Jones, R-Andalusia, said in a press release.

'Less than a million'

So far, the biggest beneficiaries of the program may actually be school districts, who could see a little money shaved off their insurance bills.

Alabama teachers have long had at least one source of liability insurance other than AEA. Alabama Risk Management for Schools, a nonprofit set up by the Alabama Association of School Boards in the 1970s, insures school boards against lawsuits.

Until recently, that insurance system covered teachers and other support employees — at the local school system's expense. ARMS administrator Dwight Hester said the system handled

about 75 to 80 lawsuits in any given year. He said the cost of covering teachers varied from year to year, depending on the results of those suits.

"It was less than a million dollars per year," Hester said.

Since the state set up its own program, ARMS has dropped employee coverage from its own insurance. Hester said the move would save the average school district about 6 percent on its liability insurance, which still covers school board members and liability related to school property.

Calhoun County Schools superintendent Joe Dyar said he's not sure how much the new system saved county schools.

"I can tell you that we have not had many lawsuits, if any," he said.

Hester said he's not surprised that the state insurance system has only picked up one case so far. ARMS is still responsible for lawsuits that began before the state system was set up, and most suits spend years in court before any money is paid out.

"At this point, nobody probably has a statistically significant number of cases to discuss," he said.

Sharing claims

What effect the new insurance program has had on AEA's membership, if any, isn't clear. Attempts to reach AEA spokeswoman Amy Marlowe for comment on Thursday and Friday were unsuccessful.

Eric Mackey, director of School Superintendents of Alabama, said he didn't expect the new liability insurance to lure many teachers away from AEA. While ARMS defended teachers in suits from outside the school system, he said, it didn't represent them in legal disputes with the school system itself. Teachers turned to the AEA to represent them in those cases, Mackey said.

"Most of the disputes are actually between employees and boards," he said.

Hester said the new liability system would likely wind up in court or in negotiations with AEA soon, as lawyers try to work out who actually pays when teachers lose a lawsuit. That usually happens when someone has liability insurance from two sources, he said.

"The real story will be how they share those claims," he said.

Plaintiffs' lawyers will also be watching, Hester said. When more than one liability company is involved, he said, there's a potential to collect more money in a suit.

"The bigger the target," he said, "the larger the potential litigation is."

+++

Gov. Robert Bentley joins other state leaders in calling for reversal of proposed National Guard cuts

Al.com

March 3, 2014

Leada Gore

Alabama Gov. Robert Bentley has joined with leaders of the other states to call on the White House to protect the National Guard, saying planned cuts included in the Army's 2015 budget would hurt a force that's critical to national security at home and abroad.

The Feb. 28 letter calls on President Barack Obama to keep the Guard's end strength at 355,000 and not 335,000 as it would be under the Pentagon's budget released by Secretary of Defense Chuck Hagel last week. The active duty Army would drop from a post 9/11 high of 570,000 to between 440,000 and 450,000.

The cuts to the Guard could get even deeper, Hagel warned, if sequestration's across-the-board cuts continue, forcing the Guard to drop to 315,000.

Even the smaller cuts would threaten Guard operations, the governors said.

"As commanders-in-chief, we appreciate the need to reorganize, restructure and modernize the military to meet new threats and economic realities," the letter states. "All sectors of the military must be involved in meeting the targets set by the Budget Control Act of 2011 and the realities of having fewer forces engaged abroad. In doing so, however, the Army Guard's operational capabilities and 350,000 end-strength level must be preserved."

In detailing his budget, Hagel said while it is true reserve units are less expensive when mobilized, Pentagon analysis shows a reserve unit is about the same cost as an active duty unit when mobilized and deployed. As the active force is reduced, he said, reserve components also must draw down.

"What best serves our national security is when Guard and Reserve units complement the active force," Hagel said.

Such a change however, the governors wrote, would reduce the Guard's numbers to "a pre-9/11 role," a move that "squanders the investment and value of the Guard and discredits its accomplishments at home and as an active combat force."

The governors asked Obama to form an independent panel to review the Army's force structure before making cuts to the National Guard, calling on the president to work with the governors to "fashion solutions that provide a scalable, cost-effective force."

Helicopter transfers questioned

The governors also questioned a controversial provision in the 2015 Pentagon budget that would transfer the National Guard's Apache attack helicopters to active-duty units, and move the Army's Black Hawk helicopters to the National Guard. The Army would also shed its entire fleet of OH-58 Kiowa scout helicopters and move to the Guard Apaches to fulfill that mission.

Hagel said the move is part of a "broader realignment" of Army aviation that will decrease the active Army's overall fleet by about 25 percent. The Guard's fleet of helicopters would decline by 8 percent.

The Pentagon's budget also calls for retiring Kiowas and Bell TH-67 Jet Ranger training helicopters used at Fort Rucker. Those helicopters would be replaced by 100 new UH-Lakota Light Utility helicopters.

Army Times reports the proposal would cover 55 helicopters in 2015 with the remainder purchased in 2016. The helicopters, made by Airbus Group Inc., would cost at least \$5.5 million each.

Eliminating the Kiowa and replacing with the Apache would save about \$1 billion a year in operating costs and give the Guard a more flexible helicopter to use for its work, Pentagon officials said.

Fort Rucker could benefit from change

While Guards officials across the country are concerned about the proposed cuts, the Army's aviation facility at Fort Rucker would see its training fleet upgraded.

Rep. Martha Roby, R-Montgomery, whose Congressional district includes Fort Rucker, said she's been involved with discussions about how the changes would impact the installation.

"As it stands, the plan would have a positive impact on Fort Rucker and the critical training mission at the Army Aviation Center of Excellence," Roby said.

+++

Proponents of Alabama Open Meetings Act score victory

Opelika-Auburn News

March 1, 2014

Proponents of legislation to restore Open Meetings Act provisions that had been weakened by recent court rulings celebrated a key victory last week.

On Thursday, the Alabama Senate approved revisions to the state's Open Meetings Act, including provisions that allow citizens to sue governmental bodies that hold illegal closed meetings.

Senate Bill 191, sponsored by Senator Cam Ward (R-Alabaster), passed the state senate, 26-1. Local senators Billy Beasley (D-Clayton), Gerald Dial (R-Lineville) and Tom Whatley (R-Auburn) all voted yes.

“We are dedicated to ensuring the public’s right to know, and have direct access to, the way our elected officials conduct the people’s business,” Ward said in a statement. “This is a step in the right direction to restoring the intent of the Open Meetings Act, and guaranteeing the constitutionality of those provisions.”

The legislation, which now goes to the House, is supported by Gov. Robert Bentley and the Alabama Press Association.

APA Executive Director Felicia Mason praised Ward and Sen. Del Marsh of Anniston, President Pro-Tempore of the Senate, for their support.

"This is an important issue for all Alabama citizens," she said. "It offers the public and governmental bodies a clear process for openness."

She also credited the Association of County Commissions of Alabama, The Alabama League of Municipalities, the Alabama Association of School Boards, and others who were all instrumental in passing the original bill back in 2005.

However, the law had been weakened since then, due to recent Alabama Supreme Court rulings. Those rulings gave legislative bodies the ability to avoid public meetings by forming subcommittees that deliberate proposed matters in committee, but then wait until the entire body meets again to vote on them. They also held a citizen did not have the right to sue a commission or legislative body if they would not receive the civil fines.

Alabama newspapers, including the Opelika-Auburn News, expressed their disapproval of the court rulings in news stories and editorials.

“We have to make sure that government is open and honest, and a large part of that is being available and accountable to the news media,” Ward said. “The fourth estate does a public service by shining a light on the inner workings of governments. We don’t need any elected or appointed body in the state trying to circumvent their access.”

Dennis Bailey, general counsel for the APA, also thanked Ward and Marsh.

“Their work has taken government transparency a step forward by correcting loopholes in the Open Meetings Act created by rulings of the Alabama Supreme Court we believe misinterpreted the intent of the unanimously passed 2005 Open Meetings Act. Hopefully it will meet a favorable reception in the House.”

Mason said the House passed the original bill unanimously in 2005, and she hopes for the same result this time.

On Friday, House Speaker Mike Hubbard (R-Auburn) stated in an email, “I support any effort that expands transparency in government and makes the legislative process as open as possible. I’m proud of our successful efforts in the past three years to shake up the status quo and institute meaningful ethics reform and I look forward to the debate on the Open Meetings Act in the House.”

Dr. John Carvalho, associate professor in the School of Communications and Journalism at Auburn University, said the key to any open meetings law is that there must be “real penalties” for violators.

“If a governmental body, by not holding an open meeting, just knows that they get a complaint or a citation, there’s really not a lot of oomph behind it,” he said. “Really, the open meetings law is meant to give not the press, but citizens, access that they need. So when they are allowed to sue because they’re being cut off from their information, then I think it’s a healthy reminder to the state government as to what this really is all about. Again, it’s not that the press be allowed to come to these meetings, it’s that the public be allowed, whether through the media or through their own attendance.”

+++

Expanding Medicaid would cost Alabama more than it receives, Troy University study finds

Al.com

March 3, 2014

Brendan Kirby

Expanding Medicaid in Alabama would cost state government more than it would receive in new tax revenue from increased economic activity, according a new report challenging a pair of earlier findings.

Produced by Troy University’s Manuel H. Johnson Center for Political Economy, the study released Monday by professors Scott Beaulier and Phillip Mixon, concludes that a University of Alabama at Birmingham report in 2012 and a 2013 University of Alabama study rely on faulty assumptions in concluding that the accepting additional federal funds for Medicaid would generate millions of dollars in additional tax revenue and create tens of thousands of jobs.

Authors of the Troy study argue that under the best-case scenario, new tax revenue would exceed added costs only during the three years that the federal government picks up 100 percent of the expansion.

“Financially, I do not think it’s a good deal for the state,” Mixon said in an interview.

Medicaid has been a hotly debated issue in Alabama since Gov. Robert Bentley decided the state would reject additional federal funds to expand coverage to residents earning up to 138 percent of the federal poverty line. Congress included the expansion in the Affordable Care Act, which

also created taxpayer-financed subsidies for higher-income people who had trouble affording insurance on their own.

But the U.S. Supreme Court ruled in 2012 that states could not be compelled to participate in the Medicaid expansion, and Alabama is one of 25 states has not taken the federal money. That has left between 181,000 and 300,000 Alabamians too rich to qualify for Medicaid but too poor to be eligible for subsidies.

The governor has come under intense pressure from hospital administrators, Democratic lawmakers and others to change his mind. David Bronner, the longtime chief of the state employees' pension fund, has argued that Bentley's decision will hurt the state and stunt economic growth.

He has repeatedly pointed to the UAB study in arguing that \$11.7 billion in new federal Medicaid spending from 2014 to 2020, plus an additional \$8.1 million in spinoff economic activity, would generate more than \$1.7 billion in new tax revenue – more than paying for the added cost to state government. The University of Alabama study projected that the spending increases would spark job gains ranging from 24,613 to 51,918 – with a middle estimate of 30,722 jobs.

Flawed methodology cited

Beaulier, executive director of the Johnson Center, said both the Alabama and the UAB studies should be viewed in the context of the political agenda of the Alabama Hospital Association, which commissioned the work.

The Johnson Center, too, has come under criticism for its political influences. It launched with a \$1.2 million grant from the Koch Foundation, along with matching funds from the BB&T Charitable Foundation and former Federal Reserve Board Vice Chairman Manuel “Manley” Johnson. Industrialists Charles and David Koch have played an aggressive role in funding conservative political candidates and causes and have become the target of critics on the left as a result.

But Beaulier said his research is independent and offers a free-market perspective often lacking in academia.

“We feel like the work we are presenting here is actually a minority position,” he said.

The Troy study contends that earlier analyses make faulty assumptions that result in unrealistically optimistic projections of economic gains. Among the flaws, Beaulier and Mixon argue, are:

Failure to take into account a current doctor shortage. Bentley has made a similar argument, contending that it takes years to produce a doctor and that the supply will not magically grow just because the federal government provides health insurance to more people.

Use of unrealistically low estimates of overhead costs in the administration of the Medicaid program.

Use of flawed data in calculating tax revenue.

The Troy authors point to data from the Alabama Rural Health Association indicating that 60 of 67 counties in the state have a shortage of primary-care providers. They also argue the previous studies have failed to take into account the increased demand for providers that higher Medicaid spending would trigger, exacerbating the shortage.

If the additional health care employees came from Alabama's current labor pool, they wrote, it would reduce the state's unemployment rate below what economists generally consider full employment. The professors also argue that Alabama would be competing against other Medicaid-expanding states for health care providers living outside of Alabama and that states with larger numbers of Medicaid recipients would have an advantage in attracting those workers.

"UAB (hospital) is full right now. Other hospitals don't have a lot of beds," Beaulier said. "We don't think the world is as flexible as UAB does."

Administrative costs underestimated?

The Troy report also argues that the UAB study underestimates administrative costs at 2.25 percent of spending, which its authors said is based on historical data. But Beaulier and Mixon point out that the Alabama Medicaid Agency already has the smallest share of overhead cost in the country at 3.3 percent. It is doubtful that the state can significantly improve on that, they said.

To calculate tax revenue, the UAB study combines the new Medicaid spending with spinoff economic activity generated by that spending and multiplies the total by 8.6 percent, the average state and local tax burden in Alabama as calculated by the Federation of Tax Administrators.

Beaulier and Mixon expressed skepticism that the spinoff economic activity would be as great as the UAB study suggests. Even setting that aside, though, they said the tax revenue projection is flawed for two reasons.

First, Mixon said, including local tax revenue inflates the taxes flowing to Medicaid because only state taxes support Alabama's share of the program costs. In addition, the Troy study figures tax revenue only from the spinoff economic activity; Mixon said the Medicaid spending should not be used because, "fortunately in Alabama, that's one thing that is not taxed – medical care."

Moreover, the Troy study notes that the Alabama and UAB studies use data from the Congressional Budget Office to determine the growth in the cost of medical care, which Beaulier and Mixon argue is both overly optimistic and fails to factor regional differences.

Adjusting the UAB projections to remove untaxed medical spending, the Troy authors project that new revenue would exceed the additional state costs only in the three years that the feds pay the expansion costs.

Beaulier and Mixon estimate that by 2020, the differential assuming UAB's middle estimate of the number of new Medicaid enrollees would be \$224.9 million – compared with UAB's projection that the state would be \$16.6 million in the black. Using a more conservative model developed by the professors, the Troy study suggests that costs could exceed new tax revenues even in the early years.

Beaulier said expanding Medicaid would create benefits for the state, including a substantial increase in the number of Alabamians with health insurance. He said supporters should focus on those outcomes rather than trying to oversell the economic benefits.

“They’re overdoing it and playing up the job-creation benefit,” he said. “They’re making it too good to be true,” he said.

JUDGE FOR YOURSELF

Read the full Troy University study [here](#), and compare it with the 2012 UAB study, and the 2013 University of Alabama study.

+++

Our View: House can now strengthen Open Meetings Law

Opelika-Auburn News

March 1, 2014

For years, it has been practically impossible to hold public officials accountable for violations of Alabama's Open Meetings Act.

A law that provided no penalty for conducting governmental deliberations behind closed doors left the public's interests guarded by a toothless tiger.

This week, the Alabama Senate voted to give this act a couple of teeth. We applaud this as a first step toward greater accountability and encourage the House to also give their thumbs up.

The Senate Bill closes loopholes that had previously been used as workarounds to the state's current Open Meetings Act. For example, the Montgomery County Board of Education's superintendent set up meetings with two or three members of the school board to outline her plans for the school year. This was done without informing the public. In just two or three meetings, the board members could ask questions and receive feedback without important scrutiny from the public. Then, when the regularly scheduled school board meeting was held, there would be no need for public discussion since all of the real deliberation had gone on behind closed doors.

The bill is known as SB191. It should be called 101 because this is first-level, elementary civics.

The right to open accessibility to the deliberations of the government is essential to our freedom.

SB191 is a bill that protects that accessibility. We are encouraged by the actions of the Alabama Legislature to continue to look at ways to strengthen and guarantee the public's access to the deliberative process.

Too often, our public officials on the local and state level feel they are hampered by allowing public access to meetings.

These are not their meetings. They are yours.

+++

Compromise on the way? Senior state senator offers substitute Birmingham Water Works bill that keeps reforms, preserves city majority

Al.com

March 3, 2014

Joseph D. Bryant

BIRMINGHAM, Alabama--State Sen. Jabo Waggoner, R-Vestavia Hills, is offering a compromise that he hopes will quell controversy over legislation to revamp the Birmingham Water Works Board and implement new operating rules.

Waggoner's latest legislation would create a seven-member board: four members appointed by the Birmingham City Council, one selected by the Jefferson County Commission, a member chosen by the Jefferson County Mayors Association and one rotating member from Blount, St. Clair, Shelby and Walker Counties.

Waggoner said he'll file his latest bill in an attempt to end fighting over board representation and Birmingham's majority, and focus more on board reforms.

"It's very reasonable," Waggoner told AL.com. "For the life of me I can't understand why they're going to this extent to avoid putting two additional members on the Water Works Board."

Under Waggoner's original bill, a new nine member water board would be comprised of five from outside the city and just four from Birmingham. That bill passed the Senate Fiscal Responsibility and Accountability Committee last month.

But Waggoner at the time said he was open to some negotiation and held off sending the bill to the full senate.

Currently all five board members are appointed by the Birmingham City Council. Waggoner said his new bill takes the issue of Birmingham's representation off the table, but keeps a focus on reforms.

"I've had a substitute bill prepared for three weeks," Waggoner said. "Not one lobbyist has come to my office. All of that fell on deaf ears, so I had to compromise with myself."

Board changes remaining in the new Waggoner bill include reducing the years of board terms from six years to four years, a two-term limit for service, capping monthly stipends for board members to \$500 a month.

Additionally, the bill would require public hearings before water rate increases are enacted and require board members to submit to stronger reporting rules with the Alabama Ethics Commission.

Bills pending in the House of Representatives include similar new rules, along with board expansion. Waggoner has not yet sought a companion bill in the House for his newest proposal.

Waggoner and Rep. Paul DeMarco, R-Homewood, were the earliest advocates for term limits, mandatory public hearings before rate increases and expansion of the board to include members from the five counties serviced by the utility.

Waggoner said he recently made contact with some Birmingham senators to begin a conversation about his compromise.

Under the new bill, six of the seven Water Works Board members would serve four year terms, while a rotating member from outlying counties would change annually.

Waggoner, a 47-year legislative veteran and the Senate Majority Leader, said he's never seen as many lobbyists deployed to trounce a single bill.

So far, he said neither agents from the city of Birmingham nor the Water Works have sought to compromise, but rather are acting on orders to kill any Water Works reform legislation.

"It's just unbelievable the extent they're going to to stop this," Waggoner said. "They just have a multitude of lobbyists. They're not talking."

At least they're not talking to him, Waggoner said.

"It's very curious to me, why. I don't understand why they don't want another set of ears and another set of eyes to the board," he said.

City leaders have argued against Water Works bills, calling them unfair because they attempt to dilute Birmingham's authority on the utility.

Most Water Works Board members also oppose legislation, calling it unnecessary. They have said the authority is already transparent, inclusive and has taken voluntary steps to reduce board pay.

Mayor William Bell during his State of the City address in January called for a compromise with legislators and offered to mediate. On the other hand, he also recommended the city hire its own team of lobbyists at a cost of \$130,000.

Both the Water Works Board and the city have hired their own teams of lobbyists and political consultants, in part to monitor and help fight the legislation. The total tab is about \$350,000 between the two public entities.

The Water Works is set to spend at least \$210,000 on state lobbyists and political consultants in a year. That includes the utility's hiring of two firms leading up to the current legislative session at \$120,000.

"This bill has been a good payday for the lobbyists," Waggoner said.

+++

Former Tutwiler Prison inmates describe abuse

The Associated Press

March 2, 2014

Kim Chandler

MONTGOMERY — Like most preschoolers, the 3-year-old girl who lives in Montgomery is a whirl of energy. She sings and dances through the house and loves the cartoons “Sofia the First” and “Doc McStuffins.” She parrots back letters as her caretaker spells her name.

About once a month a relative takes her to visit at Alabama’s Julia Tutwiler Prison for Women where her mother, Monica Washington, is serving a 20-year sentence for robbery. Her father was an officer at the prison and pleaded guilty in 2011 to custodial sexual misconduct after a DNA test showed he had gotten Washington pregnant, said Charlotte Morrison, a senior attorney with the nonprofit Equal Justice Initiative.

Built in 1942 in the sleepy town of Wetumpka, Alabama’s lone prison for women has a “history of unabated staff-on-prisoner sexual abuse and harassment,” the U.S. Department of Justice wrote in a scathing report in January. DOJ accused Alabama of violating inmates’ constitutional rights to be protected from harm, alleging that corrections officers had assaulted inmates, coerced inmates into sex, inappropriately watched inmates in the showers and bathrooms and once even helped in a New Year’s Eve strip show.

“The problems at Tutwiler are so much more severe than what I have seen at other prisons,” said Brenda V. Smith, a law professor at American University and member of the National Prison Rape Elimination Commission.

“The way to think about Tutwiler is that it is an amalgam and very intense concentration of the problems that exist in women’s correctional institutions,” Smith said.

Marsha Colby spent four years at Tutwiler before a capital murder conviction was overturned. In that time she said she saw officers watching inmates bathe, officers being verbally abusive and once walked in on an inmate and an officer having sex in a bathroom at 3 a.m.

Colby, who was released in 2012 after pleading guilty to reduced charges said some officers lingered in the showers instead of walking through quickly to count inmates.

“This particular sergeant so-called claimed he had an eye problem. He would step on the concrete pad that your partition is bolted to. He would actually stand up on that and peer over and look at us and slowly count one ... two ... three,” said Colby, now 49, in an interview with The Associated Press.

State officials vehemently disagree with the federal assessment.

Corrections Commissioner Kim Thomas and Gov. Robert Bentley maintain the DOJ report paints an inaccurate picture of Tutwiler in 2014.

“I thought they took past offenses over many years and put them into their report as if all of those offenses were occurring today. They did not take into account all the remedies that had been put in place or were beginning to be put in place when they actually came in to visit,” Bentley said.

The Montgomery-based Equal Justice Initiative first raised the concerns about Tutwiler. Thomas said the National Institute of Corrections — part of the Department of Justice — was invited to conduct a review and given full access to the prison.

In response to those findings, Thomas issued a 50-point directive a year ago. Those orders included putting doors in the showers, limiting strip searches, introducing gender training for officers and stepping up efforts to recruit female officers. He has also ended the practice of putting inmates into segregation after they made complaints against officers.

“They are not going to be swept under the rug,” Thomas said of inmate complaints.

Tutwiler’s problems have come to wide public attention in recent years amid federal scrutiny.

An inmate survey released last year by the Bureau of Justice Statistics said Tutwiler had one of the highest rates in the nation of inmates who say they have been sexually assaulted or abused by a staff member.

The report — “Sexual Victimization in Prisons and Jails Reported by Inmates, 2011-12” — identified Tutwiler as one of 12 prisons — eight male and four female prisons — with the highest rates in the country of reported staff misconduct in 2011.

Colby said some inmates seek out attention from the officers. It is a felony for employees to engage in any sexual conduct with a person who is in the custody of the Department of Corrections, the Department of Youth Services or local jails.

“There’s no such thing as consensual sex in prison. When one person has that kind of power and authority over another, it’s not consensual,” Sen. Cam Ward, chairman of Alabama’s Joint Legislative Prison Committee, said.

State officials don't dispute one point raised by the Justice Department.

The Department of Justice said Tutwiler is at "dangerously low staffing levels, including a dearth of female officers, thus placing women prisoners at serious risk of harm from other prisoners and staff."

Staffing, Thomas agreed, is a problem as it is elsewhere in the cash-strapped prison department. The inmate-to-staff ratio in Alabama is about 11-to-1, about more than twice the national average of 5-to-1, he noted.

"Do I think that we are going to have to, at some point, spend more money on prisons or put fewer people in jail and use more diversions? We are going to have to do that," Bentley said.

Bryan Stevenson, executive director of Equal Justice Initiative, the Montgomery-based nonprofit group which first raised the alarm about Tutwiler, said he disagrees with state officials who insist enough is being done.

"One of the challenges is that the state has just been casual about this," Stevenson said.

Former Tutwiler inmate Stephanie Hibbett, 33, said officers would sometimes make comments about women's bodies while they were using the bathrooms and showers. Hibbett said a guard groped her and tried to kiss her while she was cleaning a trailer used for church services. The guard was later dismissed, but Hibbett said she felt like she was regarded with suspicion when she initially made the complaint. She said she was asked to take a polygraph test and told she would be put in inmate segregation.

"It's a constant walk of fear," Hibbett recalled of her time at Tutwiler.

Ward said the DOJ report should be a wake-up call to state leaders.

"Are every one of these allegations true? I don't know. But if a tenth of these allegations are true, then we've got a huge problem on our hands," Ward said.

+++

Hundreds rally in support of marijuana-derived CBD oil medication for seizures

Al.com

March 1, 2013

Martin J. Reed

PELHAM, Alabama -- Heather Jackson of Colorado has seen the indisputable benefits of the marijuana-derived medication called cannabidiol in her own son with his seizure activity.

"In three days, Zaki will be 17 months' seizure free," said Jackson, executive director of the Colorado Springs nonprofit Realm of Caring that promotes cannabidiol medication using a specialized form of marijuana called Charlotte's Web.

Speaking at today's rally in Pelham in support of Alabama legislation to legalize the substance known as CBD oil, Jackson compared the radical change in her son's behavior as meeting him for the first time. And "that took almost a decade to do that," she said.

Throughout Alabama, parents want the same opportunities to find relief for their children suffering from epilepsy and seizures they say have gone untouched by a barrage of prescription drugs carrying detrimental side effects.

More than 200 people gathered in a room at the Pelham Civic Complex in support of the legislation known as Carly's Law, named after the daughter of Dustin and Amy Chandler of the Birmingham area. Carly has been diagnosed with a rare genetic disorder that causes her frequent, severe seizures.

Speakers that included state lawmakers and others called on the Legislature to pass the law to allow the CBD oil's use in Alabama.

"We're running out of days in the Legislature," state Rep. Patricia Todd of Birmingham said. "These kids don't have another year" to wait for the next session.

"This will alter the lives of hundreds and hundreds of children overnight," Todd said about the bill's approval.

She asked the audience to put pressure on lawmakers to pass the bill, which has received committee approval in the Senate. "We are waiting on the Senate to pass it," she said.

"Let me tell you, if you don't pass this bill, you ain't seen nothing," she said about potential political consequences, generating loud applause.

State Rep. Allen Farley of McCalla called the legislation one of the most important this session. "If we don't pass another bill in Montgomery this session, this bill's got to pass," he said.

"This bill steps over politics. The bill allows people that are elected to public office to bend down and look at a child's face," he said.

Farley told the audience that he spent 37 years in law enforcement, while fellow state lawmaker Mike Ball of Madison, who sponsored the House bill, also came from a law enforcement career. Dustin Chandler is a Pelham police officer.

"This isn't about a marijuana plant. This is about the children," Farley said.

Pelham Chief of Police Tommy Thomas voiced his support for the legislation. "Yeah, you've got a police chief up here supporting Carly's Law and it's a derivative of marijuana," he said, stirring applause from the audience.

"CBD oil has no psychoactive chemicals in it, so it's not going to get you high," Thomas said. "Why would we deprive anyone from getting a better quality of life?"

He urged lawmakers in Montgomery to pass the law. "I don't see how anybody cannot pass this," he said.

Pelham Mayor Gary Waters said the discussion about the proposed law creates misunderstanding and comparisons to "Cheech and Chong" marijuana use. "What you're a part of today is the hardest thing you can do in Alabama, and that's to educate the ignorant," he said.

"We'll all work together to try to educate these key leaders on our side of the issue," Waters said.

The audience watched a segment of a CNN documentary by Dr. Sanjay Gupta about Charlotte Figi, a young girl in Colorado who had suffered 300 seizures a week but dropped to a couple or so a month after using CBD oil.

Jackson said the Charlotte's Web marijuana strain is high in CBD but extremely low in THC, or tetrahydrocannabinol, the substance that creates the plant's intoxicating effect. In Colorado, there are 179 pediatric patients using CBD oil from Charlotte's Web with more than 100 families relocating from 43 states, she said.

Families have relocated to Colorado where they "basically remain hostage there while they're receiving their life-saving treatment," Jackson said.

In the case of one Alabama family using Charlotte's Web, Allie Swann, the daughter of Haleyville's Butch and Mandy Swann, has gone 18 days without a severe seizure, Jackson said. "That's one of your Alabama families we would like to send home," she said.

Her own son was the second in Colorado to use Charlotte's Web back in July 2012. She remembered how quickly his lips and nail beds would turn blue from his medical condition.

Now, "he knows colors, plays video games, rides bikes. We have very engaging conversations," she said. Alabama is in a "very unique and timely position" to save young lives by legalizing CBD oil, she added.

Over the course of the rally, two dozen people will die from seizure-related conditions, Jackson said. "Don't make this a political decision," she said.

CBD oil is non-psychoactive and has "absolutely zero recreational value," Jackson said, calling the matter a "human rights issue."

+++

Length of service valued over good job performance among state employees (Opinion from Cameron Smith)

Al.com

March 3, 2014

At the end of 2013, Governor Bentley outlined the results of his efforts to reduce cost and increase efficiency in state government. Bentley stated that Alabamians elected him and the Republican-controlled Legislature to “make state government more efficient and live within our means without raising taxes or cutting essential services.” Part of that effort included savings from “right-sizing” the state’s workforce. Unfortunately, the outdated personnel policy of “last-in, first-out,” or “LIFO” means that Alabama’s reduced workforce may not necessarily be the best it could be.

Tight budgets in Alabama have meant tough choices for Alabama’s elected leaders at every level of government. While the decisions are challenging, the options are relatively straightforward. Either Alabama’s political leaders increase taxes to continue paying for the spending habits of prior officials, or they decrease the size of government through attrition and reductions in the state’s workforce.

Unfortunately for those who prefer to simply impose new taxes on Alabamians, tax increases rank somewhere behind gun control laws, Obamacare, and root canals in terms of their popularity.

At the same time, even the most reform-minded politicians would rather avoid directly discussing public personnel issues, especially when it comes to reductions in force. The reason is obvious. If a politician’s efforts to streamline government result in someone losing their job, there is a good chance the politician loses their vote as well. Nevertheless, reining in state, local, and education workforces to operate within revenue limits means the likely elimination of at least some government jobs.

Alabamians may have radically different opinions about the right size of state government and how to fund it, but everyone has a stake in promoting public personnel policies that prioritize performance criteria over largely unrelated employment factors.

For example, take the policy at Geneva County Schools. In the event of a reduction in force, seniority in the system is considered first, then the education degrees held by the teacher, then total years experience in education, and finally, which employee has the lower Social Security number. At no point does the policy even mention consideration of an employee’s effectiveness as a teacher.

Geneva County Schools is sadly not the only government entity in Alabama with personnel practices driven by outmoded LIFO policies. The Personnel Board of Jefferson County only includes “efficiency ratings” as a tiebreaker after seniority, and the Mobile County Personnel Board also relies heavily on seniority to determine layoffs. Other examples are not difficult to find.

Personnel policies that heavily or exclusively embrace the LIFO model treat teachers and state and local employees like interchangeable cogs in a government machine. In practice, we know this is not the case. Government employees run the gamut on performance just like their counterparts in the private sector. Some of Alabama's best employees may be the newest hires. They might also be the longest serving in their field. The point is that we should focus on the quality of their work rather than the blind assumption that those with career longevity are necessarily the best public employees.

Alabama's elected leaders have been forced to make public employment decisions that have consequences for real people. They should not be taken lightly or casually. An important part of that is giving teachers and state and local employees the confidence that their job performance matters when reductions in force are necessary.

While "seniority" might be a better factor than Social Security numbers, Alabama's legislators would be wise to end the practice of seniority-driven layoffs and ensure that all levels of state government consider employee performance, even in the face of difficult fiscal decisions.

(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 or on Twitter @DCameronSmith.)

+++

Former state Sen. Tommy Ed Roberts dies at Hartselle home; funeral services Monday

Al.com

March 2, 2014

Lee Roop

HARTSELLE, Alabama - Former state Sen. Tommy Ed Roberts, who represented Morgan, Limestone and Madison counties in the Alabama Legislature, died at his home in Hartselle Saturday. He was 73. Funeral services for the veteran lawmaker, who served in both the Alabama House and Senate, will be Monday at the First United Methodist Church in Hartselle.

Roberts was elected to the House of Representatives in 1974 and served two terms before taking a 12-year break. He won his Senate seat in 1994 and was re-elected in 1998 and 2002. During his last two terms, Roberts was part of a small group of Democrats who usually sided with the Senate's then-Republican minority. Roberts retired in 2006 and was succeeded by state Sen. Arthur Orr, a Republican from Decatur.

Roberts, who was born in Morgan County in 1940, died at his home, according to Peck Funeral Home of Hartselle. He is survived by his wife, Pat Hogan Roberts; his son and daughter-in-law, Andy and Cindy Roberts of Hartselle; his daughter and son-in-law, Stacey Roberts Wade and Dr.

Freddie Wade of Franklin, Tenn.; his stepmother, Mable Roberts of Abilene, Texas; and his sister and brother-in-law, Edna Carol Weeks and Jerry Weeks of Hartselle.

Visitation will be from 1-3 p.m. Monday at the church followed by the funeral at 3 and burial at Hartselle City Cemetery.

+++

Rural Alabama town selected for national AT&T technology trial on ending landline phone service

Al.com

February 28, 2014

Dawn Kent Azok

The Walker County town of Carbon Hill has been selected by AT&T for a national technology trial that will help the telecommunications giant determine the best way to move all of its customers to internet-based phone services and away from traditional copper-wire landlines.

AT&T today announced the trial, which also will be conducted in West Delray Beach, Fla. Both selections are proposals by the company that require approval from the Federal Communications Commission; the agency is expected to take up the issue in May.

The FCC, which had previously called on companies to submit proposals for such trials, will oversee the program.

It will serve as a model for AT&T in other communities, said AT&T Alabama President Fred McCallum.

"What we learn in Carbon Hill will allow us to safely and reliably help connect all Americans using the latest network and technologies," McCallum wrote on a blog about the program.

The majority of AT&T's customers already have transitioned to internet-based phone services, whether that be through cell phones or its U-verse digital technology.

The company has set a goal to move all of its customers to internet-based services by 2020.

Initially, customers in Carbon Hill won't see any changes, AT&T said. At first, those with landlines will be asked to switch to internet-based services. Later, in a move that will require regulatory approval, the company would stop offering landline phones to new customers.

During the trial, the company will look at the best way to deal with public safety issues, educate seniors and other matters that may arise from the transition.

Carbon Hill was selected as a representative of rural America, said AT&T spokeswoman Kim Allen. West Delray Beach, on the other hand, is suburban and more densely populated.

AT&T will hold several community meetings for Carbon Hill residents and businesses to learn more about the trial.

The meetings will be held at the following times and locations:

Thursday, March 6, 4 to 8 p.m. at the Carbon Hill Community Center

Saturday, March 8, 10 a.m. to 1 p.m. at the American Legion, Post 101

Tuesday, March 11, 4 to 8 p.m. at the Carbon Hill Community Center

Thursday, March 13, 4 to 8 p.m. at the Carbon Hill Community Center

More information on the trial can be found [here](#).

+++

Defense budget cuts could threaten growth at Austal

Al.com

February 28, 2014

Michael Finch II

MOBILE, Alabama -- For the past seven years, Austal USA has grown up on the banks of the Mobile River, hiring more and more employees to help construct ships for the Navy. That number will soon crest just over 4,000 workers, as the shipyard approaches full rate production.

As a company that until recently held little cache among defense contractors, Austal has already achieved plenty. But life-threatening cuts to the littoral combat ship program pose a threat to the its long term gains. A cash-strapped Pentagon that's faced with hard decisions about future military threats and finances wants an inexpensive, but well-manned vessel. Both of which have been challenges for the program.

As expected, Defense Secretary Chuck Hagel proposed a budget this week that would limit the order to 32 ships. The decision, albeit tentative, is a sign that the company should also be looking at what they will do next.

Some low-lying fruit would be to provide technical support for each of the joint high speed vessels and littoral combat ships they are under contract to build, a venture Austal USA President Craig Perciavalle says they are actively pursuing.

"There's a lot of service and support work now that we're focusing on as business opportunities for us," Perciavalle said. "That's the next big business sector that we are just starting to focus on now that our ships are getting out there."

Austal and Lockheed Martin were both chosen to be the prime contractors for the dual shipbuilding program. Austal, which also has a \$1.6 billion contract to build 10 joint high speed

vessels, constructs the Independence-variant, an aluminum trimaran. Lockheed Martin builds the Freedom-variant, a steel monohull in Marinette, Wis.

Perciavalle is cautious not to speculate too much on the Navy's future acquisition of the LCS. And with good reason. The politics that surround the federal budget takes many turns before the final product is final. Alabama's entire delegation has already stepped up to defend any plans to bring the program down to size.

Congressman Bradley Byrne, R-Fairhope, said in a prepared statement Tuesday that the ships were "a critical component of our future fighting force as we continue adapting to changing combat necessities."

However, a memo obtained by Bloomberg News, which Hagel sent to Navy Secretary Ray Mabus, another supporter of the LCS, suggested the controversial vessel needs should be modified to be "generally consistent with the capabilities of a frigate." Critics have often latched on the ship's questionable firepower capabilities in the face of a threat from a more capable military.

J. Michael Gilmore, the defense department's director of operational tests and evaluations said most of the testing for the Austal-built sea frame focused on the performance of the mine countermeasures mission module. Gilmore added "the core combat capabilities of the Independence-variant sea frame remain largely untested."

Envisioned as a low-cost option so the military can be in more places around the world to thwart minor threats, Hagel's memo recommended the ships also be prepared to handle more capable militaries in Southeast Asia.

Defense industry experts agree that if the LCS is to comprise of a significant portion of the Navy's fleet, it would need more resilient defense capabilities. If not, then the Navy doesn't need 52 of them.

Jim Hasik, senior fellow at the Brent Scowcroft Center on International Security in Washington, D.C., said among the cost-cutting there may be a place for an up and coming shipyard like Austal.

The Navy, Hasik said, has come around to the idea that they need a "high-low mix" for its future fleet. Ships of varied capabilities and of varied costs are needed to fit the current fiscal environment.

"They've built some great ships for the Navy that were not very expensive," Hasik said. "I think that the tighter money gets, it's probably the better chance Austal has."

The fiscal belt-tightening has expressed in numerous reports from the federal government. In October 2013, the Congressional Budget Office released a report analyzing the Navy's shipbuilding plans future shipbuilding plan.

“The Navy plans to see how well the existing shipyards perform in executing their contracts before it decides whether or how to acquire the rest of the ships,” the report read.

Noting the cost overruns for the first four ships built, the report asserted that “the key to the future cost of the littoral combat ships will be how well each shipbuilder can execute its current 10-ship contract.”

This has put a laser focus on meeting production demands at Austal, which delivered three ships last year.

The shipbuilders are currently piecing together 9 vessels -- 5 littoral combat ships and 4 joint high speed vessels -- all at various stages of construction, Perciavalle said. They are projected to deliver another three ships this year. When the LCS hits full rate production, Perciavalle said they will be delivering a consistent four ships every year.

There will be a few final additions before its growth spurt ends. They’re looking to hire as many as 200 more people in the next six months, and construct a much-needed vessel completion yard on the southern end of the campus.

“We build very capable platforms that are very affordable, and we are optimistic of the competitive advantage that puts us in,” Perciavalle said. “It’s one thing to be building something that your customer doesn’t really want. I’m pleased that our customer loves the LCS program; they’re committed to the LCS program.”