



Office of Senate President Pro Tempore Del Marsh
Press Clips
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[Alabama House committee approves \\$5.9 billion education budget with no pay bonus, more money for health insurance \(al.com\)](#)

MONTGOMERY, Alabama --- More money would go to health insurance for education employees and employees would not get a 1 percent pay bonus under the latest version of the 2015 budget, approved today by a committee in the House of Representatives.

The \$5.9 billion budget, which spends slightly more on K-12 schools and universities than this year's budget, now goes to the House.

Rep. Bill Poole, R-Tuscaloosa, the committee chairman, said the \$48 million increase for the Public Employees' Health Insurance Program could help keep employees and retirees from having to pay a significant increase in costs.

PEEHIP faces a \$220 million shortfall next year.

The new version of the budget also restores \$10 million that was cut from Alabama State University's appropriation in the version of the budget passed by the Senate.

The Republican-dominated committee passed the budget by a vote of 10-4 after rejecting a number of amendments from Democrats.

Rep. Craig Ford, the House minority leader, proposed a 4 percent pay increase for education employees and retirees, but that was rejected.

Gov. Robert Bentley proposed a 2 percent raise for education employees and \$72 million in increased funding for PEEHIP. The governor has said he would veto the budget if it leaves those out.

Poole declined to speculate on whether the Legislature would override the governor's veto. The new version of the budget includes funding to hire about 400 additional middle school teachers, a priority for the Department of Education. The Senate budget had funding for about 200 new teachers.

Alabama has fewer teachers statewide, and more students, than it did before the recession.

The budget would spend:

-- \$3.8 billion on the K-12 Foundation Program, an increase of \$81 million, 2 percent more than this year.

-- \$334 million on the two-year college system, an increase of \$10 million, 3 percent more than this year.

-- \$1.04 billion on four-year universities, an increase of \$13 million, 1 percent more than this year.

The budget would increase funding for the state's voluntary pre-kindergarten program by \$10 million, to \$38 million. If approved, that would double the program's funding from 2013, when it was \$19 million.

Alabama's pre-k program has been recognized for its quality but has not been widely available because of the level of funding.

[GOP-sponsored welfare bills continue march through Alabama Legislature \(al.com\)](#)

MONTGOMERY, Alabama --- Several Republican-sponsored bills that could affect welfare applicants and recipients moved closer to become law today in the Alabama Legislature today.

The House of Representatives' State Government committee approved the Senate bills today. They go to the House.

The committee approved a bill sponsored by a Democratic senator that would allow felony drug offenders who have served their time and met other obligations to receive food stamps if they are otherwise eligible.

The committee approved:

-- SB 63, would require drug tests for applicants for Temporary Assistance for Needy Families (TANF) who have a drug conviction in the last five years.

-- SB 87, would restrict the state from waiving requirements that some able-bodied food stamps recipients work at least 20 hours a week.

-- SB 114, would expand the law against fraudulently obtaining public benefits to cover more benefit programs.

-- SB 115, would require applicants for TANF to apply for three jobs before receiving TANF.

-- SB 116, would say that TANF money cannot be spent on alcohol, tobacco, lottery tickets, psychic hotlines or in strip clubs or tattoo parlors.

The committee approved the bills today on voice votes with no dissent.

Carol Gundlach of Alabama Arise, which advocates for low-income families, said that in general, the bills are carefully written to have little negative effect on most poor people who rely on benefit programs to get through tough times.

"This is going to allow them (legislators) to tell their constituents they are doing something about welfare fraud," Gundlach said. "But I don't think it's going to hurt your ordinary, law-abiding recipients."

The committee approved SB 303 by Sen. Linda Coleman, D-Birmingham. Coleman said it would allow those with a felony drug conviction to apply for food stamps after serving their time. They would have to complete court-ordered drug treatment programs and be meeting any requirements under probation.

Coleman said a current prohibition against drug felons receiving food stamps isn't fair because she said there is no such prohibition against those who commit violent offenses or some more serious crimes.

Coleman said the bill could reduce prison recidivism by helping people at a vulnerable time.

"This is another way of giving the person a hands-up when they are trying to re-balance their lives," Coleman said.

According to Alabama Arise, Alabama is one of 10 states with a lifetime ban for drug felons from food stamps, called the Supplemental Nutritional Assistance Program. If Coleman's bill becomes law, it would expire after three years unless it is renewed by the Legislature.

[New 48-hour wait for abortions moves closer to becoming law in Alabama \(al.com\)](#)

MONTGOMERY, Alabama --- A bill to require women to wait 48 hours to undergo an abortion after receiving some state-mandated information moved a step closer to becoming the law in Alabama today.

The Senate Health Committee approved the bill after a public hearing.

The bill has already passed the House of Representatives.

Three other abortion bills that passed the House of Representatives have not received a first reading in the Senate and were not in position to be considered by the committee today.

However, Sen. Greg Reed, R-Jasper, allowed speakers at today's public hearing to speak on all four bills. Reed said he expected the committee to vote on the other three bills next week.

HB489, by Rep. Ed Henry of Hartselle, would change from 24 hours to 48 hours the time a woman must wait for an abortion after receiving printed materials about adoption agencies, fetal development, methods and risks of abortion, alternatives to abortion and fathers' obligations.

A law already on the books, the Woman's Right to Know Act, requires doctors to provide that information before an abortion.

Alabama Legislature's effort to revise state Constitution fizzles (AP)

MONTGOMERY, Alabama — The Legislature's effort to rewrite the lengthy Alabama Constitution article by article has stalled

A Senate committee delayed action Wednesday on four proposed constitutional amendments that would rewrite four articles of the constitution. Committee members said the issue is over for now, with only seven meeting days remaining in the 2014 legislative session.

The chairman of the Senate Constitution and Elections Committee, Republican Sen. Bryan Taylor of Prattville, said the process of rewriting the constitution lost momentum after state Supreme Court Chief Justice Roy Moore and Justice Tom Parker issued advisory opinions earlier this month saying the article-by-article approach was unconstitutional.

Nancy Ekberg of Birmingham, communications chairman for Alabama Citizens for Constitutional Reform, agreed that the advisory opinions took the energy out of constitutional revision, but she said the group can try again next year with the new Legislature chosen in the November general election.

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

The Alabama Constitution was written in 1901 and is the longest of any state, with more than 800 amendments. It can be changed in two ways. The Legislature can approve a change to one part and submit it to the voters for approval in a statewide referendum, or the whole document can be rewritten in a constitutional convention if the Legislature and Alabama voters approve that process.

When Republicans won control of the Legislature in 2010, the new GOP leadership made revision of the Constitution a priority. They wanted to delete portions that were outdated or negated by court rulings. They created a commission that includes public officials and others to recommend revisions to a few articles each year, with the goal of addressing 11 of the 18 articles in the constitution.

So far, the Legislature has rewritten the articles on banking and corporations, and voters have approved those changes.

In the 2014 session, the Republican leadership was trying to address a few more articles before the advisory opinion caused some legislators to have doubts.

Moore said putting out a few new provisions each year for voters to approve does not change the reality that the Legislature has undertaken a near total revision of the constitution through an in-house constitutional convention.

"By wresting the convention process from the people, the Legislature has unconstitutionally made itself the paramount mechanism of constitutional revisions," the chief justice wrote.

None of the other seven justices on the Supreme Court joined in Moore's or Parker's advisory opinions. Instead, they chose to remain silent.

Republican Sen. Paul Bussman of Cullman was among the committee members voting to delay consideration Wednesday. He said too many questions remained. "We've heard a lot about constitution reform and whether it's constitutional," he said.

The proposed constitutional amendments delayed by the committee would have affected the constitution's articles on impeachment of public officials, the legislative branch, the executive branch and homestead exemptions for property taxes. Some had minor technical revisions, but others, like the proposal for the legislative branch, would have made major changes from current practices.

Common core opt-out bill approved: Senate President Pro Tem Del Marsh doesn't expect it to pass full Senate (Montgomery Advertiser)

The Senate Education Policy committee has approved legislation that would allow local school districts to opt-out of curricula based on Common Core standards, but the leader of the Senate said he doesn't expect it to pass the full Senate.

The legislation, sponsored by Sen. Scott Beason, R-Gardendale, would allow the districts to use pre-Common Core standards in determining curricula for students, provided that their curricula meets the minimum requirements of those standards.

Common Core, a set of math and English standards developed by the National Governors' Association, has divided the state's Republican coalition.

Tea party groups and other organizations on the right wing of the Alabama GOP have accused the standards of undermining local control of curricula and expounding what they consider anti-American propaganda. Business groups, joined by the Alabama State Department of Education and education groups, say the standards will provide the best training for students and that repeal would significantly harm schools and throw teaching into chaos.

Beason, who has three children in public school, said he had "grave concerns" with the Core as written.

"I'm one of the few senators whose children will be children of the Core," he said. "I hope beyond all hope it will be what people think it's going to be."

The vote broke down along partisan lines, with five Republicans — Senate President Pro Tem Del Marsh of Anniston, Sen. Gerald Allen of Tuscaloosa, Sen. Dick Brewbaker of Montgomery, Sen. Shadrack McGill of Scottsboro and Sen. Trip Pittman of Daphne — voting for the bill. Two Democrats, Senate Minority Leader Vivian Davis Figures of Mobile and Sen. Quinton Ross of Montgomery — voted against it.

However, Marsh told Beason and the committee before the vote that he did not expect the legislation to come out to the Senate floor.

"I think Sen. Beason is trying to find common ground," Marsh said after the committee adjourned. "But I'm going to make it very clear: The votes are not there to get it to the floor."

Brewbaker, the chairman of the committee, said after the vote that he believed the issue was best decided at the local level. He also expressed some concerns about teacher evaluations, which he said would be tied to student performance under the curricula. Brewbaker, a former teacher, said he feared it would impact the relationship between students and teachers, particularly if teachers could lose their jobs based on poor student performance.

"How can you reasonably expect these teachers to invest in these kids when these kids could cost them their jobs?" he said. "We're not building Hyundais here. We're building humans."

Alabama Schools Superintendent Tommy Bice said teacher evaluations were not part of the standards as adopted by the State Board of Education.

ALSDE received a waiver last year from the federal No Child Left Behind law, allowing the department to implement its own Plan 2020. Plan 2020 includes language that requires the department to "develop and implement a professional growth evaluation system for teachers and leaders that includes multiple measures of student growth and achievement." There is no set date for implementation.

Figures, praising Bice, criticized lawmakers for attempting to get into the issue.

"I want to say, why have a State Board of Education if you're not going to allow that State Board of Education to make decisions for our children?" she said.

The legislation also includes language that would impose a moratorium until 2017 on the state adopting future national standards, including those being developed for science outside the Common Core. The language differs from similar language in the Education Trust Fund budget as approved by the Senate, which would extend a moratorium strictly to Common Core subjects.

Common Core compromise is dead, so what went wrong? (Yellowhammer News)

Only days ago it appeared that Sen. Scott Beason, R-Gardendale, and Sen. Del Marsh, R-Anniston, had reached an agreement to end the Alabama Senate's showdown over Common Core State Standards.

Although the bill, SB443, was not the full repeal that many grassroots activists had pushed for, it would keep Common Core from expanding into new subjects and give local school boards the power to opt out all together. 12 senators co-sponsored the bill, including Beason and Marsh. The Business Council of Alabama and the state's education establishment continued to fight it, but momentum seemed to be on the bill's side.

However, all of that came to an abrupt halt today.

After helping SB443 pass out of the Senate Education Committee, Sen. Marsh and Sen. Dick Brewbaker said they had come to the realization that the bill did not have enough votes to pass out of the full senate.

"I don't see any more votes for this modified bill than the first bill," Marsh said. "I mean it's the same situation, and I think Senator Beason sees that as well."

"[T]he only way to move it is with a cloture vote, so unless we get 22 people to vote for cloture there's just not a whole lot of point in bringing it forward," added Brewbaker, who has long been one of the staunchest advocates for repeal.

So what went wrong?

When a Common Core compromise bill was first discussed, the idea was floated to actually bring two bills on the issue. One would create the moratorium on expanding Common Core to new subjects, essentially giving the state a couple of years to study the success or failure of the standards. The second bill would give local school boards the option to opt out of the standards all together. Initial feedback from Senate Republicans was that there was broad support for the moratorium concept, but the opt-out made some senators uneasy.

But rather than moving forward with two separate bills, Sen. Beason decided to combine the two bills into one and try to rally the support to pass it. In the end, wide-ranging support for the opt-out provision did not materialize.

Multiple senators declined to comment on the record about what kept the opt-out provision from gaining enough support to pass, but one did agree to speak candidly on condition of anonymity.

"There are plenty of members of various conservative groups who have gained a lot of respect during this fight," the senator said by phone. "They've done their homework. They've been respectful. They've stated their case. So when they come up here with issues in the future, they'll get a fair shake. On the other hand, there are a very small number of people who have embarrassed

themselves and the rest of us up here. They played out every stereotype al.com and the Common Core proponents wanted them to. Conservatives are going to be mad at legislators over this, and I'm frustrated about it to. But the truth is that we're having trouble winning this issue because of a small number of people on our side — conservatives, tea partiers — who can't come to the State House without showing their butt. People don't want to hear that, but it's the truth."

Ann Eubank of the Rainy Day Patriots Tea Party group, who the aforementioned senator complimented for being "one of the hardest working, most well-spoken conservatives working on this issue," said that they are disappointed with the bill not passing, but will continue pushing forward.

"We did everything we could do to show that we're not going away," Eubank told Yellowhammer. "We knew it was a long shot, but we will not give up. So now we switch focus to electing school board members. We're going to take every option available to us to defeat Common Core.

Committee approves Alabama Accountability Act changes (Montgomery Advertiser)

The House Education Policy committee Wednesday approved several changes to the Alabama Accountability Act, the controversial 2013 bill allowing students in failing schools to claim tax credits for use toward private school tuition.

The legislation, sponsored by Rep. Chad Fincher, R-Semmes, lifts the individual tax credit cap on contributions made to scholarship granting organizations and moves the date for dispersal of leftover funds to nonfailing school students from September 15 to May 15.

An amendment offered by Rep. Terri Collins, R-Decatur and approved by the committee also changes the definition of failing schools. Currently under the law, a failing school is defined as one that is persistently low-performing under U.S. Department of Education guidelines, is designated as a failing school by the State Superintendent or has been listed in the lowest 6 percent of standardized assessment for three of the previous six years. Collins' amendment changes the last criteria to two out of the previous four years.

It was unclear what impact the failing school change would have on the state's failing schools list. The Alabama State Department of Education on Wednesday said it needed time to study the change. Collins said after the meeting that she believed the new definition would better reflect schools that are

improving. The new definition would last until 2017, when a school grading system under development by the Department of Education would be implemented.

The lifting of the cap and the new date for the release of funds consumed most of the energy at the hearing on Fincher's bill. Currently, individuals who make donations to scholarship granting organizations (SGOs), aimed at helping qualifying students pay the cost of tuition, can deduct up to 50 percent of their contribution, to a maximum of \$7,500. Fincher's bill eliminates that cap.

The bill would keep the \$25 million aggregate cap on donations made out of the Education Trust Fund.

"I want to hit that \$25 million cap every single year," Fincher said. "If we hit the \$25 million cap, we can provide the most opportunity to families."

A number of speakers working for or benefitting from the Alabama Opportunities Scholarship Fund, an SGO founded by former Gov. Bob Riley and Tampa investor John Kirtley that has raised \$17.8 million, also spoke in favor of the bill. Daphne Wilson, whose household has received a scholarship from the fund, urged expansion of the program.

"Our children, my children deserve this opportunity, that's all," she said. "Do not allow public education to limp into the 21st century."

Supporters of the bill have acknowledged that the provision would most benefit the superwealthy. Susan Kennedy of the Alabama Education Association, which has sued the state multiple times over the law, said at the meeting that to have a state tax bill of more than \$7,500, a household would have to make over \$350,000, close to the top one percent of income earners in the country. Kennedy said the law would simply make it easier for SGOs to get money from wealthier individuals.

"They can call really, really rich people and ask really, really rich people to give more so they don't have to make more phone calls," she said.

Gary Crum of Ellwood Christian Academy in Selma, one of the first schools to opt into the tax credit system, spoke in support of the bill. He said removing the individual cap would not affect the school, which has about 150 students on SGO scholarships, but that moving the release date would make it easier to accommodate new students.

"A lot of planning goes into the programming over the summer," he said. "If you've got to wait until Sept. 15, when a school has already started, if you get another 100 kids, you have to get another 100 desks, another 100 sets of books, hire another 20 teachers — it's a nightmare."

Stone Brewing sides with Alabama's craft brewers, makes legislators' job more difficult (al.com)

The chief operating officer of Stone Brewing Co. has issued a statement in support of Alabama's local craft brewers, saying that any change to the state's alcohol laws should benefit smaller operations as well as large ones.

Stone, a major force in the American craft beer industry, is on Alabama's radar because it is planning to build a new brewing facility east of the Mississippi River. Its combined production, packaging, and distribution center could generate up to \$100 million in revenues by year four, the company projects.

But Alabama's current alcohol laws make it essentially ineligible for the new project. The San Diego brewer wants to pair its new facility up with a restaurant, but the state's alcoholic beverage industry is governed by a so-called three-tier system, which prevents brewers from operating their own retail shops.

To address the issue, Sen. Dick Brewbaker, R-Montgomery, and Rep. April Weaver, R-Alabaster, each filed a bill in their respective chambers last week that would have exempted Stone from the three-tier system. The bills would exempt brewers producing at least 25,000 barrels of beer a year from existing retail laws.

But that approach leaves out all the small craft breweries based in Alabama, and would essentially give an out-of-state transplant an advantage over locally-grown businesses.

Stone has not yet said whether it received an invitation to build from Alabama officials. But in a statement dated March 10 and printed on Stone letterhead, COO Pat Tiernan stood with Alabama's locally-based brewers.

"Stone Brewing Co. supports legislation that benefits all craft brewers," the statement said. The statement was distributed directly to members of the Economic Development and Tourism Committee in the Alabama House, and obtained by AL.com.

The committee had been scheduled to discuss the brewing bill at a Tuesday morning meeting, but that meeting was postponed. Rep. Alan Harper, the committee chair, explained that changing opinions on the Alcoholic Beverage Control Board had necessitated a delay.

"The ABC Board continues to re-evaluate their previous opinion on HB 581 relative to its potential impact on the three-tier system," Harper said in an email to AL.com.

As it stands, HB 581 remains on the economic development committee's agenda.

Alabama House Health Committee kills bill to restrict smoking in workplaces (AP)

MONTGOMERY, Alabama — Legislation to ban smoking in many Alabama businesses has died.

The bill by Democratic Sen. Vivian Davis Figures of Mobile failed in the House Health Committee 4-7 Wednesday.

The government relations director of the American Cancer Society's Cancer Action Network, Ginny Campbell, says she's glad the bill was killed because it was rewritten by the Senate last month to add too many exceptions.

The exceptions included bars, private clubs, retail tobacco outlets and electronic cigarettes. Campbell says all employees, including those in bars, deserve to breathe clean air. She says the organization will start over with another bill next year.

Figures has worked for 16 years to reduce the public's exposure to secondhand smoke. She started by getting smoking stopped in the Statehouse in Montgomery.

Summary of action in Alabama Legislature (AP)

MONTGOMERY, Ala. (AP) — A summary of action in the Alabama Legislature on Wednesday, a committee day of the regular session:

— House Internal Affairs Committee approved an amended legislative reorganizational bill. Goes to House.

—House Ways and Means Education Committee approved a new version of the education budget that does not include a bonus for education employees. Goes to House.

- House State Government Committee approved a series of bills putting new restrictions and requirements on welfare recipients. Goes to House.
- House Commerce and Small Business Committee held a public hearing on a bill seeking an increase in the Alabama minimum wage.
- House Health Committee killed a bill restricting smoking in some businesses.
- Senate Health Committee approved a bill to extend the mandatory waiting period before an abortion from 24 to 48 hours. Goes to Senate.
- Senate Health Committee held a public hearing, but did not vote, on three other abortion restriction bills, including a bill to ban abortion once a fetal heartbeat is detected.
- Senate Health Committee approved a bill to allow trained volunteers who are school employees to administer insulin to students with diabetes. Goes to Senate.
- Senate Constitution and Elections Committee delayed action on proposed constitutional amendments that would rewrite four articles on the Alabama Constitution.
- Senate Education Committee approved a bill to let local school systems opt out of Common Core school standards. Goes to Senate.

AGENDA:

- House meets at 9 a.m. Thursday. Senate meets at 10 a.m.

[As acquisition rumors swirl, Remington marches ahead with planned \\$110M Huntsville firearms factory \(al.com\)](#)

Mayor Tommy Battle says Remington Outdoor Co. is moving full speed ahead with plans to produce firearms in Huntsville starting in 2015, despite a digital technology firm's possible attempt to acquire Remington.

Palm Beach, Fla.-based Global Digital Solutions announced Wednesday that it plans to submit a bid to purchase America's oldest gun manufacturer for \$1.08 billion in cash. Global Digital Solutions says buying Remington would help it take advantage of a growing market for so-called "smart guns" that can only be operated by an electronically-matched shooter.

Remington, which last month announced a \$110 million plan to turn the vacant former Chrysler electronics plant near Huntsville International Airport into its third U.S. firearms factory , is not acting like a company that may be changing hands, said Battle.

"I got a call yesterday that they want to change the power over," Battle told AL.com Wednesday. Director of Urban Development Shane Davis "has been meeting with them three, four, five days a week.

"They're hiring engineers here and are very engaged with the governor's office and the commerce director's office," he said.

According to the Grand View Outdoors website, Remington Outdoor CEO George Kollitides, in a memo to employees, called Global Digital Solutions' announcement a "publicity stunt from an agenda-driven group with no credible financing options." Grand View Outdoors says it obtained a copy of the memo. [Click here to read that story.](#)

Gov. Robert Bentley's office and the Huntsville-Madison County Chamber of Commerce said they have been assured by top Remington executives that the company is not in negotiations with Global Digital Solutions.

[WalletHub ranks 4 Alabama cities among best places to start a new business \(al.com\)](#)

Four of Alabama's largest municipalities are among WalletHub's best cities to start a business in the U.S.

WalletHub, a personal finance social network in Washington, D.C., released a report Tuesday naming the top cities for entrepreneurs in 2014. Mobile (No. 22), Montgomery (No. 23), Huntsville (No. 25) and Birmingham (No. 31) were the only Alabama cities featured in the ranking.

WalletHub looked at startup opportunities in the 150 most populous U.S. cities using 14 metrics, including access to financing, cost of office space, corporate taxes, labor pool availability, cost of living, average annual salary, length of an average workday and education.

The website also considered an area's entrepreneurial activity, five-year survival rate, number of businesses per capita, real estate affordability, industry variety and small business friendliness.

WalletHub's list of the top 10 best overall cities for entrepreneurs is:

1. Jacksonville, Fla.

2. Fayetteville, N.C.
3. Augusta, Ga.
4. Jackson, Miss.
5. Memphis, Tenn.
6. New Orleans
7. Tulsa, Okla.
8. Columbus, Ga.
9. Cape Coral, Fla.
10. Las Vegas

[Honda's Alabama plant to halt production of the Ridgeline pickup this summer \(al.com\)](#)

LINCOLN, Alabama -- Honda's Talladega County plant will cease production of the Ridgeline pickup this summer, as part of a previously-announced plan to temporarily shelve the model.

The 4,000-worker factory in Lincoln is the sole production source of the pickup, which was introduced in 2005 and has won numerous awards for design and quality.

It is a cross between utility vehicle and passenger car. Analysts say that hybrid concept is confusing to buyers and could be the reason why the Ridgeline has not gained a wider following.

An all-new Ridgeline is expected to be available within two years, and the Alabama plant is expected to produce it.

The plant will continue to produce the Odyssey minivan, Pilot SUV and Acura MDX SUV.

The Japanese automaker today also informed employees that the plant will return to a traditional schedule of five, eight-hour days per week, starting June 5.

In January 2013, the company switched to a schedule of four, 10-hour days per week, saying the move would help meet growing demand by leaving Fridays open for overtime, in addition to the weekends.

The move back is based largely on maintenance needs and not a shift in demand. The traditional schedule allowed more time to service equipment in between shifts.

Also, the plant's capacity has increased due to new investment.

In the past three years, Honda has announced more than 450 new jobs and more than \$508 million in new investments in its Alabama operations.

[Alabama judge tosses divorce case filed by same-sex couple \(al.com\)](#)

A Madison County Circuit judge has dismissed a divorce request filed by a Madison County same-sex couple, citing Alabama law that does not recognize same-sex marriage, or same-sex marriages performed in other states.

Karen Hall, the circuit's presiding judge, entered the one-sentence order late this morning, saying the divorce petition - which was filed last week -- does not contain any claims where relief can be granted, "pursuant to the laws of this state."

Michelle Richmond and Kirsten Allysse Richmond were seeking an uncontested divorce. They are both from Alabama and both of their families live here, said Patrick Hill, the attorney who filed the divorce petition. The couple has no children and included a notice to the court outlining the division of their property.

They went to Iowa for a weekend to get married in late 2012 and then returned to Alabama. According to the recorder's office in Dubuque, Iowa, the couple married in Dubuque on Nov. 2, 2012.

Same-sex marriage was legalized in Iowa in 2009. But Alabama is not one of the 17 states that recognize the marriages as valid.

Hill, who represents Michelle Richmond, said the law needs to be changed and he will appeal.

"I have a lot of faith in the court system, I have a lot of faith in Judge Karen Hall and I believe she ruled the only way she is able to given the current state of the law in Alabama," Hill said. "It's my intention to pursue this as far as I can to see to it that the law that prevents my client from getting a divorce is reversed, and the divorce case is given back to Judge Hall."

The court filing includes the formal note that the women have been residents of Madison and Morgan counties for at least six months. Alabama requires at least six months of residency to grant a divorce.

Hill said this week that state's bar on recognizing same-sex marriages puts the women in a difficult position in attempting to divorce. Under the present circumstances they would have to leave Alabama and live somewhere else to establish residency to be granted a divorce. Iowa requires a year of residency before a divorce can be granted.

Alabama passed the "Alabama Marriage Protection Act" in 1998 which pointedly rejects same-sex marriage. The law says "marriage is inherently a unique relationship between a man and a woman." It goes on to say the state "shall not recognize as valid any marriage of parties of the same sex that occurred or was alleged to have occurred as a result of the law of any jurisdiction regardless of whether a marriage license was issued."

In 2006 voters passed an amendment to the Alabama Constitution declaring marriage can only be between a man and a woman.

The U.S. Supreme Court last year granted federal tax and other benefits to same-sex couples but stopped short of declaring same-sex marriage bans unconstitutional.

Hill said he will file a motion asking Judge Hall to reconsider her order. If that is unsuccessful, Hill said he will file an appeal with the Alabama Court of Civil Appeals.

"I anticipate I may have to file lawsuit in U.S. District Court under the 14th Amendment's equal protection clause," Hill said. "Under most circumstances if there was a problem with what I filed I would have opportunity to correct it. However this ruling is based simply on the gender of these two women."