



Office of Senate President Pro Tempore Del Marsh
Press Clips
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13,000 Alabama jobs at risk over an issue you've probably never heard of (Yellowhammer News)

13,000 Alabama jobs are at risk, but the problem has gotten relatively little attention, possibly because it is somewhat complex and not in an area that typically gets a lot of headlines — international trade law.

So what is going on?

In short, the Obama Administration's refusal to vigorously and fairly enforce trade laws is straining the U.S. steel industry, which directly and indirectly employs 13,000 individuals in the Yellowhammer State.

In an effort to squeeze out U.S. manufacturers, nine countries (especially South Korea) are currently flooding the United States with steel pipe that they appear to be selling at a price below the cost of production. That practice is commonly referred to as "dumping," which many economists say constitutes unfair competition.

This is not the first time this has happened.

During the Bush Administration, "Chinese companies aggressively dumped (steel pipe) product(s) into the U.S. market," Alabama Senate President Pro Tem Del Marsh explained in a recent op-ed. "Pipe mills across the country, including those in Alabama, closed or significantly reduced their operations. The American (steel pipe) market was essentially shut down and thousands of steelworkers were left without jobs."

International trade law gives countries the option of taking action against dumping to protect their domestic manufacturers. The U.S. Commerce Department is tasked with intervening in such situations to make sure the playing field is level for American companies.

The American steel industry fought against the illegally dumped Chinese imports and won.

In July of 2013, U.S. steel producers filed another trade case, this time against the nine countries currently engaged in dumping — India, Philippines, Saudi Arabia, Taiwan, Thailand, Turkey, Ukraine, Vietnam, and South Korea.

But when the Dept. of Commerce announced their preliminary findings earlier this year, they chose not to impose anti-dumping duties on South Korea to protect domestic industries from unfair competition.

Shares of U.S. Steel, which has a large operation in Alabama, plummeted in the wake of the Commerce Department's preliminary ruling, but the final determination on the case is expected this week, possibly as soon as Tuesday.

Federal elected officials from both sides of the aisle have recently called on the Obama Administration's Department of Commerce to support the domestic manufacturers.

In a letter to U.S. Dept. of Commerce Secretary Penny Pritzker, five Alabama congressmen — including the delegation's lone Democrat — and both Alabama senators urged the Commerce Department to "take action against any unfair dumping to the fullest extent of the law."

"Strict and full enforcement of our trade laws is essential for the future of the U.S. steel industry, its workers, and steel communities throughout the country," they wrote.

In addition to U.S. Steel, Nucor, the largest steel producer in the United States, has five Alabama facilities and over 2,000 employees, and ACIPCO of Birmingham is the world's largest, single-site manufacturer of ductile iron pipe.

With 16,000 Alabama coal jobs already in the Obama Administration's crosshairs, Alabamians should pay especially close attention to what the Department of Commerce does — or doesn't do — to protect our steel jobs.

Gov. Robert Bentley says flat revenues make special session for teacher raise less likely this year (AL.com)

Alabama Gov. Robert Bentley said today that flat tax collections make it less likely he will call a special session this year to ask for a pay raise for education employees.

Tax collections are running slightly behind projections and income taxes, the largest source for the Education Trust Fund, are below last year's levels three-fourths of the way through the fiscal year.

Bentley asked the Legislature to include a 2 percent raise for education employees in the budget for fiscal year 2015, which starts Oct. 1.

Legislative leaders would not go along and said the state could not afford to pay for a raise and to help cover a shortfall in the Public Employees' Health Insurance Plan. They said the insurance was the higher priority and put enough in the budget for PEEHIP to prevent out-of-pocket increases for employees.

The pay raise issue became a standoff between the governor and the Republican leadership in the Legislature as the session wound down in early April. The state Senate abruptly ended the session several hours early on the last night to keep from having to vote on an expected Bentley executive amendment for the teacher raise.

Bentley, who had threatened to veto the budget over the issue, waited until a week after the session ended to sign the budget.

At that time, he said he might consider a special session later in the year if the revenues were strong.

Today, he said that was less likely.

Through June, net revenues to the ETF were up just 0.7 percent this fiscal year. They had been projected to increase by about 2 percent, Legislative Fiscal Office Director Norris Green said.

Bentley noted there was an uptick in income tax collections in June, exceeding the previous June.

"We will see the last quarter how things turn out," Bentley said. "Things have actually increased this last month. They're better. Now whether or not they will improve enough to be able to do what we talked about, I don't know. But we'll just have to wait and see. But they are down. They are what they are."

Sen. Trip Pittman, R-Montrose, chairman of the Senate Finance and Taxation Education Committee, said last week that the flat revenues show that legislators made the right call on the budget in April.

The sluggish tax revenues could also curtail the state's hopes of paying up to \$100 million this year back to the Alabama Trust Fund for money borrowed during the recession to shore up the education budget. Entering this budget year, the state still owed \$163 million of the \$437 million transferred from the ATF's rainy day account in fiscal year 2009. That must be repaid by June 2015.

State Sen 30 candidates exchange barbs in debate (Montgomery Advertiser)

A Monday night debate among state Senate District 30 candidates got heated as barbs were exchanged over campaign practices and records.

Clyde Chambliss Jr. will face Harris Garner next Tuesday in the Republican Runoff for the seat. The Republican Club of Central Alabama held the debate at Bass Pro Shops, with about 150 people attending.

Each candidate answered the same 16 questions in rotation. The first few questions were softballs given this crowd; did they support term limits, which each man said they did, and how would they define marriage, which each man said was between one man and one woman.

One of the red meat questions dealt with tax increases, framed by asking each candidate if they would make a pledge not to support future tax increases.

Garner, of Millbrook, said he had no problem making that pledge.

"I will never raise taxes on the people of Alabama, or the people of this district," he said. "I will never raise fees or support other increases. I feel we are taxed enough. We have to make hard decisions based on revenue matters in this state. Raising taxes is the easy way out, so we don't have to make those hard decisions."

Chambliss, of Prattville, said the public should decide.

"I will never say never on this issue," he said. "Right now in Chilton County, they have no hospital. People have to drive to Birmingham to go to the hospital. The people of Chilton County have the right

to vote on a tax to build a hospital. One person in the Legislature shouldn't block the people's right to vote."

The race has turned nasty of late, with allegations of mudslinging. One recent direct mail piece from Garner photo shopped the face of Chambliss.

"Mr Garner's campaign has told lies about my record and my character," Chambliss said. "If a person will distort my face, they will probably distort the truth."

Garner took exception to being called a "liar."

"We are going to point out what positions my opponent has take on issues, all this information was from public sources," he said. "We are going to put this information out in the public and let the voters decide."

[New \\$60 million VA facility will open up space in existing Birmingham medical center \(AL.com\)](#)

Builders of the \$60 million VA Primary Care Annex and parking deck held an official groundbreaking ceremony this morning with officials proclaiming it will help the Birmingham medical center provide better healthcare to veterans.

The ceremony was hosted by BL Harbert International, the Birmingham contractor building the project, along with the U.S. Department of Veterans Affairs.

The massive project will have the address of 2415 Seventh Ave. South, but the development is taking up the entire city block between Seventh Avenue South and University Boulevard and between 24th and 25th Streets.

The new, 2,300-space parking deck will provide much closer access to the Birmingham VA Medical Center at 700 19th Street South. Currently, patients park at the city parking deck at the corner of Fourth Avenue North and 22nd Street and are bussed several blocks to the hospital.

The project is slated for completion in fall of 2015.

Thomas Smith, director of the Birmingham VA Medical Center, said the 58,000-square-foot Primary Care Annex will house several outpatient procedures, women's health, mental health and a number of lab and technical functions. He said the relocation of those operations from the existing medical center is expected to open up the entire first floor to allow for an expansion of the emergency room, a new dialysis center and other improvements elsewhere in the hospital.

VA and elected officials acknowledged the current scandals that created long waits and inadequate care at several VA hospitals across the country and even similar allegations here in Alabama. However, they said the Birmingham hospital is known for providing quality, timely care and the new facilities will help it keep pace with the increasing demand as more veterans turn to the VA for treatment.

"Everything we do is about improving the care and services we provide to you," Smith told the many veterans attending the groundbreaking.

Smith said the site search for the parking deck and annex started a decade ago as officials realized the number of Alabama veterans deployed to Iraq and Afghanistan would increase the demand for services.

Congresswoman Terri Sewell, D-AL, said honoring veterans should be something all of us feel called to do.

"We can never repay our veterans for their noble and brave service to our country," she said. "The least we can do is provide them with the best quality medical care."

Sewell recognized the family of 98-year-old James Carrington, a World War II veteran who served with the Montford Point Marines, the first group of African-Americans to serve in the U.S. Marine Corp. She said after the groundbreaking, she planned to visit Carrington at the VA Medical Center and present him with the Congressional Gold Medal.

"It's most important not that we speak for them, but that we do for them," she said of veterans.

Charles Sepich, director of the VA Southeast Network, said he views Birmingham as one of the medical centers that is focused on doing right by the patients.

"I want to thank Birmingham for being such a strong mecca in providing quality medical care to our veterans," he said.

Birmingham City Councilwoman Sheila Tyson, herself a veteran, said she could get treatment from any other hospital she chooses but she prefers the Birmingham VA Medical Center because the people there "genuinely care about veterans."

Birmingham Mayor William Bell agreed, saying his father, a veteran, receives medical care there and is pleased with the level of care given.

Birmingham's Graham & Co. is developing the project along with the Las Vegas-based Molasky Group of Companies. Austin, Texas-based Page Southerland Page is the architect.

"BL Harbert is pleased to construct this facility for the Department of Veterans Affairs. Our veterans have so bravely served our country in many capacities around the world to ensure our freedom," Gary Savage, BL Harbert's president of U.S. operations said in a statement. "Helping to meet their healthcare needs through construction of a state-of-the-art healthcare facility is an honor we embrace."

Steve Graham, chairman of Graham & Co., said it was important for the firm to be a part of the significant project.

"We are honored a privileged to be a part of the team that is committed to doing what we can to help out our veterans," he said.

Federal aid for Alabamians hit by severe weather in April and May reaches \$34.5 million (AL.com)

The federal government has approved about \$34.5 million in aid to Alabamians impacted by the flooding, high winds, tornadoes and other storms that hit the state from April 28 through May 5, according to a news release today from the Federal Emergency Management Agency (FEMA).

The single biggest slice of the federal aid, about \$15.8, has been approved for housing assistance grants to help with home repairs and recovery rental expenses.

The next biggest slice, or about \$13.4 million, consists of low-interest loans to eligible homeowners, renters or business owners from the U.S. Small Business Administration.

In addition, \$3.7 million covers such essential disaster-related needs as medical expenses and lost personal possessions.

About \$1.5 million has been allocated for public assistance programs, including about \$576,000 allocated for debris removal.

The release – based on data compiled by the agency on July 3 – also states that 15,368 damaged homes and property have been inspected, which represents about 99 percent of the requests that have been made.

Dale Peterson scheduled to appear in Jefferson County court on appeal of theft conviction (AL.com)

MONTGOMERY, Alabama – Dale Peterson, candidate for state auditor in next week's Republican runoff, is scheduled to make a pre-trial appearance in Jefferson County Circuit Court in Bessemer on Tuesday in his appeal of a theft conviction from Hoover Municipal Court.

Mike Blalock, Peterson's lawyer, said Peterson will plead not guilty and he expects the judge to set a trial date.

The case is one of two misdemeanor theft convictions from Hoover that Peterson has appealed to the circuit court.

The other is in the Birmingham division of Jefferson County Circuit Court and is scheduled for trial Aug. 25.

Peterson, a retired businessman who lives in Shelby County, faces Mobile lawyer Jim Zeigler in the July 15 runoff.

Peterson, 68, was arrested in October 2012 and charged with stealing beer from a Hoover Wal-Mart. Peterson has said the case was a misunderstanding and that he had pushed his cart past the checkout lines to go to the restroom and had no intention to steal.

Dale Peterson AP horizontal.JPG

Dale Peterson is shown in a Feb. 12, 2011 file photo at the Conservative Political Action Conference (CPAC) in Washington. (AP Photo/Cliff Owen, File)

He was charged with third-degree theft of property. That's the case on appeal in Bessemer.

In March 2013, Peterson was hit with the same charge again after an employee at Sam's Wholesale Club in Hoover said he saw Peterson eat from a jar of cashews while shopping, return the jar to the shelf and then check out of the store, paying for other items but not the cashews.

Peterson left the store and was stopped by the store employee. He told the employee "that he had messed up and should have just paid for the cashews," according to the employee's deposition. That's the case on appeal in the Birmingham division of the circuit court.

Asked today about the arrests, Peterson said he could not comment in detail about what happened.

"Eventually it will all work out," he said. "I know one thing, on the entire matter, I'm cleared with the big guy upstairs. Now I have to get cleared in the courtroom."

Blalock said Peterson chose not to fight the charges in Hoover Municipal Court when he appeared there in November 2013. Instead, he stipulated to the facts as presented by the city for the purposes of appealing the cases to the circuit court, where he has demanded a trial by jury in each case.

The cases will be heard as new cases, and Peterson will be presumed innocent, Blalock said.

Court records show that the two municipal court convictions each carried fines of \$1,000 plus court costs, plus restitution of \$48.50 for the beer and \$13.48 for the cashews. Both also carried sentences of 180 days in jail.

Zeigler led a four-candidate field in the June 3 primary with 47 percent of the vote. Peterson ran second with 24 percent.

The winner will face Democrat Miranda Joseph in the general election in November.

[Majority of employers say Affordable Care Act having negative effect, expect worse in 2015 \(AL.com\)](#)

BIRMINGHAM, Alabama – A majority of employers believe the Affordable Care Act has had a negative effect on their businesses, and most think the biggest negative impact is yet to come, a new survey

found. The fifth in a series of surveys conducted by the International Foundation of Employee Benefit Plans found that nearly 90 percent of employers expect their health care costs to rise this year. Many reported plans to pass those increases along in the form of higher premiums and higher deductibles

The survey found that most large companies have not laid off employees because of the ACA, but many smaller companies have had ACA-related layoffs, even though they're exempt from the law.

"We are seeing firsthand how the Affordable Care Act has had major implications on employers and their employees," Michael Wilson, CEO of the International Foundation, said in a prepared statement. "Employers are taking a variety of actions to mitigate costs and in most cases are sharing the cost impact with their work force."

Among the survey's findings:

Nearly one-third of employers have increased employees' out-of-pocket limits.

More than 20 percent have increased co-payments.

More than 40 percent of employers expect to see the greatest cost increases due to ACA in 2015.

Nearly one in six businesses with 50 or fewer employees has reduced their work force.

More than 10 percent of small businesses have reduced hours, frozen pay or limited hiring.

The foundation also reported that most companies that offer health benefits but are not required to do so intend to continue offering their employees insurance.

The survey was conducted on April 17, among 691 human resources and benefits professionals, and industry experts.

[Joe Hubbard challenges Attorney General Luther Strange to a debate; Strange responds by blasting Hubbard \(AL.com\)](#)

State Rep. Joe Hubbard, D-Montgomery, is getting tired of waiting for a yes. He's gone on the offensive in pushing for a debate in the race for Alabama attorney general.

On Monday, Hubbard fired off a tweet asking for a debate with incumbent Attorney General Luther Strange.

A debate may not happen, says Hubbard.

And that's no surprise. Strange doesn't sound like he will talk to Hubbard anytime soon.

"My real opponent is the Indian casino boss who's written him a \$1 million check," Strange said. "If I debated anyone, it would be the people paying for him to run. As my opponent himself said, if you take the big money, you are beholden to the donor. I'd like to hear from his million-dollar donor what they want in return for that donation."

Strange has made that charge before.

Hubbard said Strange is too obsessed with gambling, and focuses on prosecuting "little old ladies" in bingo halls rather than focusing on victims of violent crime and drug criminals.

The contentious race has already featured Strange's allies referring to Hubbard as "Crazy Liberal Joe," while Hubbard has suggested Strange has taken illegal campaign donations.

As for a possible debate before the Nov. 4 election, Hubbard said he has gotten a go-ahead from the University of Alabama and Alabama Public Television to arrange it.

But Strange's campaign has been telling possible hosts, including the UA College Republicans, that he isn't interested in a debate, according to Hubbard.

[Alabama State University president responds to third credit downgrade in 18 months \(AL.com\)](#)

Alabama State University President Gwendolyn Boyd said in a statement today that the public university's third credit downgrade in 18 months is "a very serious issue."

"We are committed to turning the tide through the new ASU reorganization plan, fiscal austerity and the implementation of sound financial best practices to restore our university's credit rating," she said.

Moody's Investor Service downgraded ASU's credit rating Thursday citing a "continued weak financial condition," noting that the university was forced to draw on financial reserves this year to cover debt service.

Moody's has already downgraded Alabama State University once this year. It also cited a "history of weak governance" and the recent placement of ASU on warning by the Southern Association of Colleges and Schools, which accredits ASU and other colleges in the South.

The downgrade comes on the heels of news that ASU's lawsuit against a Birmingham forensic auditor was tossed from a California court due to improper venue.

That auditor, Forensic Strategic Solutions, compiled a damaging report on the school that alleged multiple conflicts of interest among board members and waste of more than \$1 million on a fumbled Medicaid contract, among other problems it said warranted further investigation.

Gov. Robert Bentley's office hired the auditor to investigate claims of financial wrongdoing made by ASU's former President Joseph Silver.

[Merrill 'upside down' over allegations in Alabama secretary of state race, McKinney argues \(AL.com\)](#)

Alabama secretary of state candidate John Merrill is "upside down" on allegations he has been leveling during his campaign, GOP primary opponent Reese McKinney said Monday.

Merrill, a state representative from Tuscaloosa, said earlier Monday that he is the only candidate who has turned down pay raises. He said he also has cut budgets, while McKinney's budget rose by about \$1 million a year during his tenure as probate judge in Montgomery County.

"He's so upside down, he's wrong," said McKinney, who pointed out the Legislature sets the salary of probate judge and the County Commission sets the budget. "Believe me, I worked every day," he said.

McKinney said he saved the county money in the long run by purchasing new equipment.

McKinney also defended himself against another accusation Merrill has made on the campaign trail. Merrill has said McKinney, while he was probate judge, filed a lawsuit as a private citizen that cost the city and county governments millions of dollars.

McKinney acknowledged that he did file the lawsuit, which accused state and local officials of reneging on a deal to pay all property owners \$4,500 per acre for land used for the Hyundai auto plant in

Montgomery County. When officials later paid a higher price to a pair of other landowners, McKinney was among the property owners who sued.

"We were involved in a land deal," he said. "There were folks who did some wrong, and we took action."

Merrill finished first and McKinney second in the first round of voting in June. The winner of next week's runoff goes on to the general election.

Secretary of state hopeful Merrill hits GOP opponent over pay raises, Hyundai-related lawsuit (AL.com)

Flanked by most of the Republican state representatives from the Mobile Bay area, secretary of state candidate John Merrill on Monday went on the offensive against his opponent in next week's GOP primary runoff.

Repeating points he has made in television and radio ads, Merrill depicted himself as the only true "conservative reformer" in the race. He said he has declined pay raises, while opponent Reese McKinney accepted nine in 14 years as Montgomery County probate judge. He also hit McKinney over a lawsuit he filed against state and local governments during his tenure in office.

"It is an honor to stand here with the people who know me so well," said Merrill, a state representative from Tuscaloosa County who lined up early endorsements from most of the Republican House members from Mobile and Baldwin counties.

McKinney called Merrill "upside down." Read his comments here.

Majority Whip Randy Davis, R-Daphne, praised Merrill, the only freshman lawmaker who holds a leadership position in the House Republican caucus. Merrill also is a member of the Constitution, Campaigns and Elections Committee, which Davis chairs.

"Let me say how important it is to elect John Merrill on July the 15th," he said. "He is very detailed and very conservative with his deliberations about the legislation that comes through that committee."

Merrill edged McKinney by 4,233 votes during the first round of voting last month. But he failed to clear the 50 percent threshold in the three-man field, making next week's runoff necessary.

On the campaign trail and again Monday, he criticized McKinney for accepting pay raises that brought his salary from \$70,350 a year to \$106,446 a year during his tenure as Montgomery County probate judge.

"I just don't think that's standing for the typical Alabamian," Merrill said.

In contrast, he said, he has turned down the pay raise that Legislature gave itself in 2007 and volunteered for a 15 percent pay cut.

Merrill said he also has been part of the legislative majority that has worked to maintain state services while cutting budgets. The Montgomery County probate budget increased while McKinney was in office, Merrill said.

Merrill also pointed to a lawsuit McKinney filed against the state, county and city over the Hyundai auto plant a decade ago. Local officials had agreed to pay McKinney and other landowners in the area \$4,500 per acre – almost twice the appraised value – to make room for the factory.

When Hyundai officials later said they needed more land, though, government authorities agreed to a \$12,000-per-acre price demanded by a pair of landowners who previously had refused to sell.

That prompted some landowners, including McKinney, to sue. They alleged the state, county and city had violated the earlier agreement.

A judge ultimately threw out the suit, but Merrill said it cost taxpayers \$7 million.

Merrill has worked hard to build institutional support while searching for the votes of rank-and-file voters across Alabama. He said he has been to all 67 counties and put 162,508 miles and four sets of tires on his vehicle during the campaign. He also has lined up endorsements from 17 organizations and 80 state lawmakers.

"This is my 27th trip to Mobile County," he said.

[Blue Cross conspiracy lawsuit could have 'enormous impact on competition' in health care, legal article asserts \(AL.com\)](#)

- A federal judge's ruling June 18 that an antitrust lawsuit filed in federal court here can continue has inspired several legal write-ups highlighting the significance of the case.

"The results of this challenge to the structure of the Blues could have an enormous impact on competition in the health care industry," states a legal analysis by Robert Craig for Taft Stettinius & Hollister.

The article online at lexology.com is titled "Insurers singing the Blues after district court denies motion to dismiss in lawsuit accusing Blue Cross/Blue Shield of conspiring to limit competition."

The lawsuit originally filed in 2012 by an Alabama chiropractor and consolidated with similar suits, is being brought by Blue Cross subscribers and health care providers against about three dozen Blues, including Blue Cross and Blue Shield of Alabama which has the largest market share in a single state of any insurer in the country.

"The consolidated class actions, filed on behalf of a proposed class of subscribers, and a separate class of providers, allege that the defendants have conspired to horizontally allocate geographic markets through the use of 'service areas,' where only one designated Blue Plan is authorized to sell health insurance within a particular state, according to the article.

The Blue Cross businesses are separate but fund the association which owns and manages the Blue Cross and Blue Shield trademarks.

U.S. District Judge David Proctor in Birmingham on June 29 denied motions to have the case thrown out.

"Judge Proctor deferred reaching a decision on many of the Blues' arguments, rather than rejecting them and denied the Blues' motion on that basis," according to another analysis in the National Law Review at natlawreview.com. "However, by doing so, Judge Proctor has authorized a massive case to proceed into discovery. The impact of that decision will likely not be known for many months, as discovery progresses. Stay tuned."

The Blue Cross and Blue Shield Association has denied the lawsuit's allegations and, earlier, a spokesman said Proctor's ruling on the motion to dismiss is not surprising given that the litigation is in its early stages.

Does Alabama fuel tax discriminate against railroads? U.S. Supreme Court to again hear appeal (AL.com)

For the second time in nearly four years the U.S. Supreme Court has agreed to weigh in on CSX Transportation Inc.'s lawsuit that says the State of Alabama discriminated against it and other railroads by forcing them to pay sales taxes on fuel while their competitors - trucking and barge companies - are exempt.

At stake for the state is at least \$5 million a year in sales tax revenues and potential refund claims of more than \$10 million, according to the state.

Last week the U.S. Supreme Court granted the State of Alabama's request to hear its appeal of an 11th Circuit Court of Appeals decision in the case. That 11th Circuit ruling last year stated "the sales tax is indeed discriminatory and that the state has not offered a "sufficient justification" for exempting CSX's competitors."

This is the second time the Supreme Court has weighed in on the case.

Here is a synopsis of the case's lengthy history through the federal courts:

CSX files a lawsuit in 2008 against the Alabama Department of Revenue, claiming the railroad is discriminated against in paying a 4 percent state sales tax for diesel fuel while its main competitors - trucking and barges--do not.

A federal judge dismissed the complaint and the 11th Circuit affirmed the dismissal based on a previous court ruling that a railroad could not challenge its competitors' exemptions from a sales tax as discriminatory.

CSX appealed and in 2011 the Supreme Court overruled the 11th Circuit's decision and held that CSX could challenge the tax as discriminatory.

The case was sent back to the district court, which conducted a trial in 2012. U.S. District Court Judge Abdul Kallon issued an order holding that Alabama's sales tax did not discriminate against CSX. The judge reasoned that because the state's motor carriers paid a roughly equivalent amount in taxes pursuant to the State's fuel excise tax. The judge ruled CSX had not offered evidence regarding discrimination as it relates to water carriers.

In 2013 the 11th Circuit reversed Kallon's decision, saying the tax did discriminate against the railroads.

In October 2013 the State of Alabama this time asked the U.S. Supreme Court to review the 11th Circuit's ruling that favored of the railroads.

The state notes in its appeal that truckers already pay a separate motor fuel tax. The state also argues that appeals courts around the country and at least two Supreme Court Justices – Thomas and Ginsburg – have been split on the issue. The state argued in its appeal that the two justices would have held that exemptions do not discriminate against a railroad "so long as they do not single out or target rail carriers as compared to the general class of commercial and industrial taxpayers as a whole."

In agreeing to hear the case again the Supreme Court stated that in addition to the questions presented by the state, both sides are to brief and argue another question: Whether, in resolving a claim of unlawful tax discrimination a court should consider other aspects of the State's tax scheme rather than focusing solely on the challenged tax provision.

Cotton amendment would fund research, promote cotton (Dothan Eagle)

current voluntary program funded by cotton growers could become automatic if Alabama voters give growers the right to decide for themselves.

Alabama's July 15 runoff ballot includes a "cotton checkoff" amendment. Cotton producer associations such as the Alabama Cotton Commission as well as the Dothan Area Chamber of Commerce are urging voters to vote yes on the amendment.

Currently, cotton growers participate in a voluntary checkoff program in which a self-imposed fee is paid when selling cotton at a gin. The fee is used to fund cotton research and promotion programs. Cotton growers, however, may seek a refund of the amount they pay in. Last year, only seven percent of the program's money was returned to growers.

An 11-member board comprised of cotton growers determines distribution of funds.

The July 15 vote would give growers the right to remove the voluntary portion of the program, making the fee automatic.

"I believe it is good for cotton and good for growers and I think it's fair," said William Birdsong, agronomist for the Wiregrass Research and Extension Center in Headland.

The Wiregrass center benefits from the programs funded by the cotton checkoff, but Birdsong said his support for making the program automatic is about fairness.

"The purpose of the change is to make it fair and equitable so that everyone is contributing," Birdsong said.

The amendment is on the runoff ballot because of an automatic minimum 90-day wait period between passage of a bill and any corresponding referendum. All polling places in Alabama will be open for the

July 15 runoff, since there are statewide runoffs. Although the statewide runoffs are related to the Republican primary, any voter may vote on the cotton checkoff amendment.

The Dothan Area Chamber of Commerce has publicly supported the amendment, calling it an economic development tool.

"Any time we can support existing industry and help bring in new industry, we are going to do that," said Dean Mitchell, director of external affairs for the Chamber.

Mitchell said the increased funding will aid research and education, which could equate to increases in yields for local farmers. The additional research programs could also be attractive for cotton-related industry interested in the Wiregrass.

Mitchell said 1.2 million bales, or about 10 percent of all cotton production, is grown within 100 miles of Dothan.

If the July 15 amendment is approved, cotton growers would be granted the right to vote on the program at a later date.