

AFRW SUMMARY OF 2011 LEGISLATIVE SESSION

By Linda Coats, AFRW Legislative Chair

Before the 2011 Alabama Legislative Session started, AFRW for the first time developed a list of legislative priorities and sent a copy to all Constitutional Officers and Legislators. We're very pleased that ALL bills that AFRW listed as priority passed except two Education bills (the ability to set up pilot charter schools and allowing home/church school students participate in K-12 extracurricular activities in public schools). AFRW will roll these two bills over as priority for the 2012 session since choice and competition are key factors to improving the quality of education.

This article identifies (1) which bills the 2011 Legislature passed of high priority to AFRW, (2) the problems these bills solve, and (3) the names of *Republicans who voted against these key bills*.

AFRW commends our Republican Legislators for their unprecedented productivity and for setting a historic record of accomplishment!

EDUCATION REFORM

- **“Students First” Act**

- **Problem:**

- Education employees, who were incompetent or dangerous, who hurt students and dishonored the teaching profession, could not be easily terminated.
- Education employers who were dismissed and appealed continued to receive their salary for the duration of the appeal.
- Taxpayers needlessly paid millions of dollars for legal fees and salaries.

- **Solution:** The new law

- Streamlines the process for how schools terminate employees by giving local school boards more authority to fire bad teachers and other staff.
- Takes arbitrators out of the dismissal process and provides for retired judges to hear appeals.
- Sets a maximum of 75 days for an employee to receive a salary during the appeal process, and saves millions of dollars in the process.

- **Teacher Tenure**

- **Problem:** Education employees can retire after 25 years and receive a pension while continuing to work in the same profession and start building a second pension. This is costly taxpayers dearly.

- **Solution:** The law:

- Requires state employees and teachers to increase their retirement contribution rate for their guaranteed retirement from 5% to 7.5% over the next 18 months. (Judicial system employees would increase theirs from 6% to 9% by Oct. 1, 2012; state police contribution rates would remain at 10%, but local police, firefighter and municipal rates will increase.)
- Saves taxpayers \$116.5 million this year and next year in the teachers’ retirement system, and an additional \$30.4 million in the state and judicial systems.

Republicans Who did NOT VOTE for this bill:

House Republicans-----90% of GOP voted for Teacher Tenure reform. Those who did NOT vote for this bill include:

NAME	DISTRICT
Daniel Boman	16 th (Fayette, Lamar and Tuscaloosa – Switched to D after session)
Todd Greeson	24 th (DeKalb)
Steve Hurst	35 th (Calhoun and Talladega)
Michael Millican	17 th (Marion and Winston)

Becky Nordgren	29 th (DeKalb and Etowah) – pass, not voting or not present
Jeremy Oden	11 th (Blount, Cullman and Morgan)
Elwyn Thomas	34 th (Blount and Jefferson)
Lesley Vance	80 th (Lee and Russell) – pass, not voting or not present
April Weaver	49 th (Bibb and Shelby – pass, not voting or not present

Senate Republicans-----96% GOP voted for Teacher Tenure. Those who did NOT VOTE for this bill include:

NAME	DISTRICT
Jimmy Holley	31 st (Coffee, Covington, Dale and Houston)
Greg Reed	5 th (Walker, Winston, Jefferson, Tuscaloosa)
Cam Ward	14 th (Bibb, Shelby, Jefferson, and Chilton)
Tom Whatley	27 th (Lee, Russell and Tallapoosa)

- **The Responsible Budget and Spending Act**

- **Problem:**

- Schools have gone into proration often and have had to cut spending because budgets were based on a forecast of the upcoming year’s revenues.

- **Solution:** The new law

- Bases budgets on a 15-year rolling average rather than arbitrary projections.
- This will rein in spending and allow budgets to adapt to the economy.

ELECTION REFORM

- **Voter Photo ID**

- **Problem**

- There was no way to prove a person voting was the same person who showed up to vote as that person
- E.g., we know dead people vote every year
- Potential of stealing elections

- **Solution:**

- Photo ID is proof that the person voting is the same person whose identity is being used.

Republicans who did NOT vote for this bill:

Lesley Vance (80th District, Lee and Russell) passed or did not vote

This bill will start in 2014. A photo ID can include an Alabama driver’s license, a non-driver ID card issued by a state or county agency, a military ID or a U.S. passport, among other options.

Illegal Immigration

- **Employers and Illegal Aliens will be Penalized for Breaking Immigration Laws**

- **Problem**

- Employers are profiting from tax evasion and underbidding honest employers by hiring illegal workers (and going unpunished)
- Alabama has a 9% unemployment rate. Part of this is due to employers laying off legal workers to hire illegal workers.
- Taxpayers pay over \$300 million every year on illegal households
- Illegal immigration impacts every program in the state that has a budget shortage– from food stamps, Medicaid, education, WIC, etc.

- **Solution:** This new law

- Requires every employer to use E-Verify (Sections 9 & 15)
- Requires law enforcement to verify immigration status of a person lawfully stopped for a violation of state or local law when the officer has reasonable suspicion the person is unlawfully present in the U.S.
- Prohibits sanctuary practices by state and local officials (Sections 5 & 6)
- Prohibits concealing, harboring, and transporting illegal aliens (Section 13)
- Requires a person to present proof of citizenship before voting and to get public benefits

Bottom line: If E-Verify is enforced, this will prevent illegal aliens from getting jobs in Alabama and there will be an exodus of illegal aliens, the unemployed can find jobs, and taxpayers will save hundreds of millions of dollars a year!

Republicans who DID NOT VOTE for this immigration bill:

- **House:** **Alan Baker** (66th District, Baldwin & Escambia) voted NO
& **Arthur Payne** (44th District, Jefferson) either passed or did not vote
- **Senate:** **Paul Sanford** (7th District, Madison) voted NO
& **Ben Brooks** (35th District, Southern Mobile County) either passed or did not vote

Federal Health Care Opt-Out to ObamaCare

➤ **Problem:**

- ObamaCare mandates that every individual buy health care insurance and that all states administer this federal health care program and set up exchanges for people who can't afford to buy insurance.
- This is an unfunded mandate and will cost taxpayers millions every year.
- The federal government is giving waivers to special interest groups that ironically supported Congress passing ObamaCare such as unions but not to every business that requests a waiver.

➤ **Solution:** The law:

- Will allow citizens to vote in 2012 on a constitutional amendment that would allow Alabama residents and businesses to opt out of federal health care reform.

Republicans who did NOT vote for this bill

House members: Only One didn't vote, 99% voted
Arthur Payne (44th District, Jefferson) – Pass, Not Voting or Not Present

Senate Members -- 100% YES

Ban Abortions After 20 Weeks of Pregnancy

➤ **Problem:**

- The problems of abortion are obvious for pro-life Republicans.
- In addition, abortion is inhumane and causes pain to a baby after 20 weeks.

➤ **Solution:** This bill:

- Bans anyone from performing an abortion on someone after 20 weeks, unless an abortion is needed to avoid the woman's death or serious risk of substantial bodily harm.

Republicans who did NOT vote for this bill:

○ **House**

Wayne Johnson (22nd District, Madison and Jackson) passed or did not vote
& **Arthur Payne** (44th District, Jefferson) passed or did not vote

SECRET BALLOT FOR UNION VOTES

➤ **Problem:**

- Unions are losing members and are trying to get politicians to legislate ways to retain their control by making it unlawful to vote by secret ballot.
- This would lead to more harassment and intimidation, not to mention the loss of the freedom to a secret ballot.

➤ **Solution:** This law

- Gives voters the right to vote on a constitutional amendment that ensures an individual's right to vote by secret ballot on whether workers should be represented by unions.

PENSION REFORM

- **Elimination of the DROP, Deferred Retirement Option Plan**

➤ **Problem:**

- Runaway costs in state and local retirement programs are adding to the state's soaring debt and unfunded obligations.
- The state's cost of providing pension coverage for its active and retired employees would have jumped \$745 million or 77% by 2019 if no changes had been made.
- Tax dollars are paying 95% of the pension costs of employees of many organizations that were not even state employees. (These include AHSAA, Association of School Boards, Medical Association, AEA, State Employees Association, etc.)
- Even in years of economic prosperity, this shouldn't be the case, but when our pension system is on the verge of collapsing the state's budgets, it's ridiculous.

➤ **Solution:** This new law

- Helps get runaway costs under control by eliminating this practice.
- Will save the state something like \$70 million.

- **Republicans who did NOT vote for DROP**

House Members 96% yes

NAME

Daniel Boman

Todd Greeson

Elwyn Thomas

Lesley Vance

DISTRICT

16th (Fayette, Lamar, and Tuscaloosa)

Pass Not Voting or Not Present – Switched to D after session

24th (DeKalb) – Pass, Not Voting, or Not Present

34th (Blount and Jefferson) – Pass, Not Voting or Not Present

80th (Lee and Russell) – Pass, Not Voting or Not Present

Senate members 95% Yes 5 members not voting

NAME	DISTRICT
Gerald Allen	21 st (Tuscaloosa) – Pass, Not Voting or Not Present
Bill Holtzclaw	2 nd (Limestone and Madison) – Pass, Not Voting or Not Present
Paul Sanford	7 th (Madison) – Pass, Not Voting or Not Present
Bryan Taylor	30 th (Autauga, Butler, Crenshaw, Elmore, Lowndes and Pike) Pass, Not Voting or Not Present
Cam Ward	14 th (Bibb, Shelby, Jefferson, and Chilton) Pass, Not Voting or Not Present

DISCLOSURE OF EMPLOYMENT/CONTRACTS WITH GOVERNMENT TO IMPROVE TRANSPARENCY

- **Problem:**
 - There is no requirement for elected officials or candidates and their spouses to disclose contracts or employment they have with government agencies, creating the possibility for conflicts of interest.
- **Solution:** This law
 - Requires all elected official, candidates and their spouses to publicly declare any state or federal contracts or employment with state or federal agencies.

TORT REFORM

- **Problem:**
 - Alabama has the reputation for being “tort hell” because of the lavish settlements trial lawyers get from lawsuits.
- **Solution:** A package of five bills, collectively known as the tort reform package will
 - Limit product liability, lower post judgment liability, and update the standard for admissibility for expert witness testimony
 - Restore predictability and fairness to Alabama’s civil justice system

Specifics:

- (1) The Alabama Small Business Protection Act prohibits a product liability actions for relief against sellers that are not manufacturers.
- (2) Post-Judgment Interest lowers post judgment interest to 7.5%, the current Southeast average. Currently post-judgment interest is set at 12% on the amount the court or jury awarded the plaintiff.
- (3) Wrongful Death Venue Reform prohibits “forum shopping” of wrongful death actions by requiring that a suit can be brought only in the county where the deceased could have filed suit.
- (4) Admissibility of Expert Testimony brings Alabama up to date with the federal rules of evidence.

- (5) Reduction of the Statute of Repose on Architects, Builders and Engineers lessens the statute of repose such that an architect, engineer or builder may not be sued if alleged damages occur over seven years after their work is completed.

JOB CREATION AND ECONOMIC GROWTH

- Several bills aimed at improving Alabama's economy include:
 - The Made in Alabama job incentives Act which helps the state recruit international companies to Alabama by offering incentives to offset a costly federal tariff.
 - The Full Employment Act of 2011 which allows the state to offer a \$1,000 tax credit to companies who hire workers off the unemployment rolls.
 - Health Care Tax Incentives for Small Businesses Act which allows small business employers and employees to deduct 200% of the amounts they pay in health insurance premiums from their state income tax.