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FULL TEXT

Scholarships could be biggest impact of Alabama Accountability Act: Almost \$25 million given

Al.com

January 12, 2013

Brendan Kirby

An afterthought in a controversial school choice law is likely to have a far greater impact than the legislation's original design, according to a review of state tax data.

When the Alabama Legislature originally passed the Alabama Accountability Act last year, the law offered parents the ability to claim a tax break of up to \$3,500 to help their children escape "failing" schools. It also allowed residents and business to claim a dollar-for-dollar tax credit for contributing to scholarship organizations to help low-income students from those schools.

The Legislature amended the law a few weeks later to loosen restrictions on scholarships granted during a window between Sept. 15 and Dec. 31 of each year. By the end of 2013, scholarship granting organizations had received nearly \$25 million – the maximum amount that the statute will refund to taxpayers.

Scholarship program – here's how it works

The scholarship component of Alabama's school choice law allows businesses to reduce their tax burden by half and residents to write off up to \$7,500 on income tax – provided it does not exceed half the tax burden.

Residents can spread the credit over an additional three years, however.

The credit is a dollar-for-dollar reduction, meaning that people and corporations essentially can contribute to scholarships for free. A person, for example, could make a \$2,000 contribution and then get the entire amount back when he or she files incomes taxes.

Scholarships awarded before Sept. 15 in any year must be given to a student from a public school deemed "failing" by the state. After that, they can give more broadly but recipients' income cannot exceed 150 percent of the state's household median income; using the most recent government data, the cutoff is about \$60,734.

In addition, a portion of the scholarship money must to high-poverty families. That figure depends on the percentage of public school students qualifying for free or reduced-prices lunches.

No more than 25 percent of the awards can go to students who were continuously enrolled in private school the previous year, although that rule does not apply to students after the first year they receive a scholarship.

The Legislature placed a \$25 million cap on tax credits under the program, a figure that was reached by the end of 2013. State officials said the scholarship organizations have verified that they received all but about \$500,000 of the promised donations.

The money will come out of the Alabama Education Trust Fund when people and businesses file their tax returns.

Here is a look at the nine nonprofits that qualified to receive scholarship contributions:

Alabama Opportunity Scholarship Fund in Birmingham Amount raised: \$17,826,344.30

Beacons of Hope in Birmingham Amount raised: About \$350,000

AAA Scholarship Foundation in Prattville Amount raised: Less than \$100,000

Global Community Development Ministries, of Lafayette Amount raised: \$40,000 to \$50,0000

Circle of Love Outreach in Selma Amount raised: About \$30,000

Chambers County Educational Foundation Amount raised: Appears inactive.

Inspire & Achieve Corp. in Huntsville Amount raised: None

Scholarships for Kids Inc. of Birmingham Amount raised: Could not be reached

BlackBelt Human Resource Development Center in Selma Amount raised: Could not be reached

Kimberly Hobbs, a mother from Theodore outside of Mobile, is among hundreds of parents who have applied for scholarships under the program. She said her family has sacrificed to send her three children to Most Pure Heart of Mary Catholic School. A scholarship would make it easier, said Hobbs, who added that she believes private school will help open doors for her kids.

“I want my kids to have a private school education,” she said. “I think they have more to offer.”

The law has drawn fierce criticism from opponents who fear that it robs already-cash strapped public schools of funding.

But Gary Crum, of Circle of Love Outreach in Selma, said the law offers a vital safety valve for poor folks.

“One thing that it does is low-income families finally get to sit down and make a decision about their children’s education that they never could do before,” said Crum, whose organization has raised about \$30,000 in scholarships for students at Ellwood Christian Academy. “Choice in education is something that has been needed in Alabama for a long time.”

Impact not yet clear

The number of scholarships that have been given is unknown, and several organizations said they still are reviewing applications. But the sheer amount of money donated suggests that the impact will be far greater than the direct tax credit given to parents who send their own children to private schools.

That portion of the law remains limited to students coming from the 78 schools declared failing. Only 52 students from those schools transferred to a private school before the start of the current school year, according to the state Department of Education.

By contrast, about 5,000 students could receive private school scholarships if the organizations awarded grants averaging \$5,000 each. The number of benefiting students will be greater if the grants are for less money.

Nine nonprofit organizations have qualified to participate in the program, and they range from a national organization promoting school choice across the country to a group involving former Gov. Bob Riley that has raised by far the most money to small, existing organizations that have brought in little or no money so far.

One of the qualifying organizations is Beacons of Hope, a nonprofit set up by the Catholic Diocese of Birmingham to support parochial schools in northern Alabama. Sister Brenda Monahan, director of the organization, said about 250 students out of an average of 400 applicants have received annual grants since 2010.

Since passage of the Accountability Act, Beacons of Hope has expanded its reach to help Catholic school students statewide. She said the organization is reviewing some 100 applications for scholarships but has not given out any of the \$350,000 it has received under the program. She said she expects to award scholarships to at least half of the applicants in amounts up to half the cost of tuition.

The law requires scholarship organizations to give at least 75 percent of their awards to students who were not continuously enrolled in a private school the year before.

“That’s going to knock some of those applications out” from current Catholic students who otherwise would qualify, Monahan said.

The law allows organizations to keep 5 percent of the money raised for administrative costs but mandates that they give away the rest of the money by the year after it was collected. That could put organizations in a bind if they raise a large amount of money, said Curtis Stewart, deputy commissioner of the Alabama Department of Revenue.

“I would think it would be a thing they would have to be careful about,” he said.

Leaders of several organizations said they did not anticipate having trouble complying with the restrictions.

“I don’t think so, because the level of need is great,” Monahan said. “It is the first initiative in our state that gives parents the right to choose the educational environment for their kids. For some students in our state, their education is determined by their ZIP code.”

Riley’s group raises most

By far, the most successful of the nine groups qualified to accept tax-shielded donations is the Alabama Opportunity Scholarship Fund, which has Riley as its board chairman. Officials from the organization said they had received more than \$17.8 million and had received applications from 1,221 students for the current school year. The organization said it has another 120 parents on hold for next school year.

“We are very pleased with what we were able to raise,” said Lesley Searcy, executive director of the group.

She said the organization limits its scholarships to children who would qualify for free or reduced-prices lunches in the public school system.

“The whole premise of the program is that low-income parents have the choice of the best educational option for their children. ... Parents need all the options they can get,” she said. “We’re going to serve as many students as we can with the funds that are available.”

AAA Scholarships, started by former officials of a similar organization based in Florida, said it has raised less than \$100,000 in Alabama. The organization participates in school-choice programs in a number of states.

“We’re set up for this type of program. We look at the states. What the law requires determines what we do,” said Kim Dyson, CEO of the organization. “What we like to do is empower the parent.”

Grady Harmon, Global Community Redevelopment Ministries, said his organization performed missionary work in South America for years and recently decided to devote its efforts to raising money for scholarships.

“In my old age here ... I’ve kind of slowed down on that,” the 74-year-old Harmon said. “We thought we could use our nonprofit as” a scholarship-granting organization.

Thus far, all of the money has gone to students at Chambers Academy, a school in Lafayette where Harmon’s son serves on the board of directors. But he said he would accept applications from students wanting to attend any qualifying school. He estimated the total raised at \$40,000 to \$50,000.

“We’re very small. We’re probably the smallest ones,” he said.

John Mehaffey, headmaster of Chambers Academy, said the Global Community Redevelopment Ministries had helped the families of three students cover additional costs beyond the tax break their parents received through the direct tax credit available to parents of children at failing schools.

Mehaffey said he expects interest in the program to grow.

“It was passed so late that schools didn’t understand it, much less getting the information out to parents,” he said.

Miranda Bouldin, director of Inspire & Achieve Corp. in northern Alabama, said her group qualified in December to receive donations but has not yet taken in any money. She said she is not certain about how much the group might raise this year.

“That all depends upon the taxpayer,” she said. “I think the biggest issue is not a lot of people knew about it.”

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Alabama legislators look at state budgets

The Associated Press

January 13, 2014

MONTGOMERY, Ala. (AP) — Alabama legislators are set to get a look at state government's current financial picture and what's forecast for the next fiscal year.

The information will come in a day and a half of budget hearings that begin Monday morning in Montgomery. The Legislature's chief financial expert, Norris Green, and state Finance Director Bill Newton will give their outlooks. The lawmakers will also have presentations Monday from the two biggest agencies in the General Fund budget: Medicaid and Corrections. Legislative leaders say the General Fund budget for the new fiscal year looks tight and some state agencies will likely face cuts.

The budget hearings will continue Tuesday morning with education leaders making their financial presentations.

The hearings are in advance of the Legislature beginning its 2014 session at noon Tuesday.

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Rep. says Alabama House GOP’s 2014 agenda ‘focuses on taxpayer relief’

Yellowhammer News

January 10, 2014

Cliff Sims

Alabama’s 2014 legislative session begins next week. Most insiders are predicting a fairly noncontroversial session. Legislators are anxious to avoid contentious issues in an election year and would like to get back to their districts as soon as possible.

House Republicans last year plowed through their aptly named “We Dare Defend Our Rights” agenda, which included several hot button issues like the Alabama Accountability Act (school choice), the Women’s Health and Safety Act (pro-life), The Religious Liberty Act (anti-ObamaCare), and the Alabama Firearms Protection Amendment (pro-2nd Amendment).

The tone is decidedly less confrontational this year.

House Speaker Mike Hubbard and his GOP caucus in early December rolled out their “Commonsense Conservative” agenda for the 2014 session. House Majority Leader Micky Hammon declared 2014 the “year of taxpayer relief” in Alabama. Six of the nine bills on the agenda deal with reducing the tax burden for Alabamians in one way or another.

Yellowhammer caught up with Rep. Randy Davis, R-Daphne, who headed up the GOP’s platform committee that crafted the agenda, to hear how the final product came together.

“We had three different days of roundtable discussions with legislators from around the state,” Davis said. “We’ve made a significant effort to transform state government since we took over the majority in 2010. We passed unprecedented school choice legislation. We’ve kept the state out of proration and made the government live within its means through the Rolling Reserve Act. There are a lot of bills I could point to. But when we started looking ahead to 2014, we wanted to keep the focus on addressing the needs of the state in commonsense, conservative ways. Naming it the ‘Commonsense Conservative Agenda’ was a perfect fit.”

While a lot of the focus in recent months has been on recruiting major industries to the state — efforts that Davis said have been extremely fruitful — Republicans in the House decided they wanted to specifically dial in on small, hometown businesses during the 2014 session.

RELATED: House Republicans: 2014 will be year of ‘taxpayer relief’ in Alabama

“We started brainstorming on what we could do to help mom and pop shops, family owned businesses, small businesses that are in our communities,” Davis recalled. “Every legislator has these folks in their community. We felt it was important to roll back government red tape and simplify reporting to revenue systems, give them tax breaks, and ultimately free up these small business to grow and have a greater impact on our local communities than they already do.” With that in mind, House Republicans added the Small Business Tax Relief Act and Business Tax Streamlining Act to their agenda.

The Small Business Tax Relief Act is being sponsored by Rep. Barry Moore of Enterprise.

“Currently, businesses are required to pay in advance if their average monthly estimated sales tax payment is more than \$1,000,” Moore explained when Republicans rolled out the agenda. “The Small Business Tax Relief Act will raise the threshold for making these payments from \$1,000 to \$2,500 per month. This could provide approximately 6,000 Alabama small business owners with an immediate, one-time tax cut of up to \$2,500 and will inject approximately \$4.6 million into the Alabama economy. With ObamaCare raising everyone’s healthcare costs and the federal government trying to regulate us to death, our small businesses need all the relief we can give them.”

The Business Tax Streamlining Act is being sponsored by Greg Wren of Montgomery. It seeks to simplify the process for filing business personal property taxes by creating a new online tax

filing system that Republicans say will be a “one-stop-shop” for filing these taxes. It will also “allow businesses claiming \$10,000 or less in business personal property tax to file a short form that does not require them to itemize their property.”

Alabama House Republicans announcing their 2014 legislative agenda
Alabama House Republicans announcing their 2014 legislative agenda

“A tremendous group of freshmen were elected in 2010 — Barry Moore, Ken Johnson, Jim Patterson, Mike Jones, Paul Lee, Becky Nordgren, Wayne Johnson, so many others — I can’t say enough good things about them,” Davis said. “The ones I just mentioned are carrying bills that are included in the agenda. Of the nine bills, seven of them are being carried by freshman. That says a lot about the respect they’ve earned in their short time here.”

In addition to the freshmen who are carrying bills, first-term representatives Ed Henry, Paul Lee and April Weaver joined Davis and House Rules Chairman Mac McCutcheon on the platform committee tasked with executing the process of putting together the agenda.

Davis said they discussed ideas with the House committee chairmen, then the whole caucus spent a half-day going through it all. The nine bill package went on to be unanimously approved by the House caucus.

One issue missing from the agenda that will likely make an otherwise placid session a bit more contentious is Common Core. Grassroots conservative groups have made the national education standards their top issue over the last year. Tea party groups have consistently called on the legislature to overrule the state school board and repeal them.

Davis said there are Republicans inside their caucus on both sides of the issue, which would make it difficult to find a consensus on including it in the agenda.

“It’s been back and forth,” Davis said. “We’ve worked closely with the state superintendent on a lot of education issues, but the bottom line is, there’s already an elected board in place that makes those policy decisions, that provides leadership there. It’s a tough issue and I know people on both sides are really passionate about it.”

“We’re proud of our agenda and we really looked to craft bills that could have an impact on communities all across the state,” Davis concluded. “We’ve got some legislation that’s going to really help the taxpayers. This is a year to focus on taxpayer relief and on small businesses to make their life easier.”

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2014 legislative session set to begin

Montgomery Advertiser

January 11, 2014

Brian Lyman

With the first round of elections roughly five and half months away, lawmakers seem to have little appetite for tackling controversial issues in the 2014 Regular Session, which begins Tuesday.

Many legislators interviewed last week said they expect — or at least hope — that the coming session will go quickly and smoothly, with less confrontation than the frequently stormy 2013 session.

Legislative leaders are expected to hold several three-day work weeks in the session and could wrap up work as early as April.

“Traditionally, it’s hard to get legislators to focus on something that’s brand new in an election year,” said Sen. Dick Brewbaker, R-Montgomery. “The bills that do pass that are controversial are bills that will have been floating around the last few years.”

But there are some issues lawmakers can’t avoid. The continually troubled General Fund may face a deficit in the 2015 fiscal year, which begins on Oct. 1. The Education Trust Fund, which pays for most education funding in the state, is in better shape but has unique issues that could make a pay raise for educators — something lawmakers on both sides support — more complicated than they might like.

Legislators also expect workforce development to be a priority, and Republicans plan to push a series of bills related to taxes and businesses.

“This year is really a year of taxpayer relief,” House Speaker Mike Hubbard, R-Auburn, said in an interview Thursday. “We’ve always been pro-business and pro-private sector. We’re trying to continue that with small businesses by cutting red tape and providing tax relief.”

Democrats, still in a self-described “super-minority,” say they plan to push for a statewide lottery, pay raises for state employees and repeal of the Alabama Accountability Act, passed amid furious scenes in the Senate.

“This quadrennium has been unlike anything that us veterans have ever seen,” said Senate Minority Leader Vivian Davis Figures, D-Mobile. “I am hoping it will be one that will be less controversial, where every member will be treated with respect.”

Avoiding unnecessary controversy seems to be a goal of every lawmaker.

“I don’t think you’ll see a lot of controversial stuff,” said Sen. Cam Ward, R-Alabaster. “You won’t see immigration or gun-type legislation. You’ll see fiscal issues.”

General Fund

The state’s \$1.7 billion General Fund, which pays for most noneducation funding in the state, managed to get through the 2013 session with level funding, following years of cuts to state agencies. But doing that in the coming session may prove difficult.

The past year's budget benefited from \$50 million in one-time tobacco settlement money, but that funding will be gone this year. Throw in the growing costs of Medicaid and Corrections, sluggish revenue growth in the budget's three dozen revenue sources and ongoing resistance to new revenue from lawmakers, and you get a shortfall.

"It's just going to be difficult," said Sen. Arthur Orr, R-Decatur, the chairman of the Senate Finance and Taxation General Fund committee. "The oil and gas revenues are down. The problem is the lack of any growth taxes in the General Fund, and declining taxes, like cigarette taxes.

"The receipts go down year after year after year."

Medicaid by far takes up the largest portion of the General Fund. Growth in health care costs, along with increased eligibility due to years of economic struggle, have continued to drive up the program's costs. Bentley and state lawmakers have approved changes to Medicaid that they hope will save money in the long term, and may explore additional changes in the coming year to pharmaceutical benefits.

"Some of those can lead to significant savings," Orr said. "The governor and Legislature (could) choose one of those options to provide significant savings, some up to \$35 million. That would be the maximum. That would impact that \$50 to \$100 million Medicaid is asking for."

Hubbard said lawmakers would continue to explore efficiencies for state government agencies, but added that "it's going to be tight."

The speaker and other lawmakers remain doubtful about the possibility of a cost-of-living pay raise for state employees. Last year, Bentley signed an executive order lifting the freeze on merit raises effective Jan. 1. That could cover up to four-fifths of state employees, but that may be it for the foreseeable future.

House Minority Leader Craig Ford, D-Gadsden, said in an interview last week that Democrats support a pay raise for state employees that could be partially funded through an increase in the cigarette tax. Ford said their proposal would take the form of a constitutional amendment.

Senate President Del Marsh, R-Anniston, said Thursday he sees no mood for new revenue, but Ford said the Democrats' proposal would put the issue to voters.

"My question to the Republican Party is, 'How can you argue around the people's right to vote on it?'" he said. "Let people decide whether they want (the tax)."

Although Republican lawmakers are ruling out the possibility of new revenue, Hubbard and Senate President Pro Tem Del Marsh said they remained hopeful that Congress would pass legislation that would authorize states to collect Internet sales tax. In 2012, lawmakers agreed to put 75 percent of any future sales taxes collected in that manner in the General Fund; Congress has yet to pass legislation allowing that.

Brewbaker said lawmakers “were not doing state employees right,” and urged Congress to act.

“You look at the budget, you look at the numbers, and there’s no money there,” he said. “At the same time, it doesn’t mean year after year we can continue to ignore them. We’re going to have to find some revenue in the next few years to make state employees whole.”

Marsh said that the trend for the foreseeable future would continue toward downsizing.

“I think it stops when the citizens holler loud enough that cuts have gone too far and they want services restored,” Marsh said. “And that hasn’t happened ... Until I hear from the general public that services are jeopardized, I think that the direction will continue to be downsizing government.”

Figures said the only solution was a full evaluation of the state’s tax system.

“We’ve just to stop looking at nickel and diming the taxes,” she said. “We have to take a serious look at tax reform.”

Education Trust Fund

Almost every elected official — from the governor on down — supports a pay raise for teachers and education employees in the 2015 ETF, and with an estimated \$135 to \$145 million available, it seems likely. But the size of the pay raise hasn’t been set in stone and may be complicated by other factors.

Democrats want a 6 percent pay raise for teachers and education employees, and would pay for it in part by repealing the Rolling Reserve Act, which dedicates a certain amount of revenue growth each year toward debt repayment, proration prevention or capital improvement funds.

Rep. Joe Hubbard, D-Montgomery, said last week that both teachers and state employees had seen their take-home pay suffer from inflation and increased insurance costs.

“The costs keep going up, and it comes out of their paycheck,” he said. “We need to make up that deficit, or otherwise we lose the best and brightest to other states or private business.”

Hubbard and Marsh dismissed that proposal and said there wasn’t enough money to pay for a 6 percent pay raise. Hubbard declined to name a specific percentage; Marsh said the raise would be “at best, 3 percent” if all the extra money was used.

And dedicating all the surplus money to a raise could be difficult. PEEHIP, which oversees the insurance plan for teachers, is seeking extra money from the budget; without it, insurance premiums for teachers may go up.

Marsh estimated it would cost “at least \$75 million” to maintain premiums at their current levels.

In addition, the state still has roughly \$163 million left to pay back to the Rainy Day Account, emptied in 2009 to offset the costs of recession-related proration that year. Much of that could be

covered by revenue dedicated by the Rolling Reserve Act to repayment, but Rep. Bill Poole, R-Tuscaloosa, the chairman of the House Ways and Means Education committee, said an additional appropriation will be required to meet the constitutionally-obligated repayment date of 2015.

“That is the big issue, because it’s an unknown, moving target,” he said. “We’ll struggle to estimate that accurately. If it’s close to zero, there will be more dollars to appropriate.”

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IT ALL BOILS DOWN TO THIS; Funding for budgets, Medicaid expansion, incentives top priority for new Legislature

Decatur Daily

January 11, 2014

Mary Sell

That again will be the key topic in the legislative session that starts Tuesday.

Legislators will have to determine how to dole out a limited amount of money in fiscal 2015 for state agencies, many of which will be asking for more than they received this fiscal year.

They must determine how to generate more money for the state, not by raising taxes but by giving incentives to new and expanding companies that in return create jobs.

And they may try to save a little for at least some Alabama taxpayers.

Lawmakers: Budgets top concern

Alabama operates with two budgets: One for education and one for all other state agencies. As of December, three months into this fiscal year, revenue for both funds was up slightly from the previous year. But looking at 2015, there hasn't been much optimism among lawmakers who expect demands to outweigh revenue.

Sen. Arthur Orr, R-Decatur, chairman of the Senate general fund budget committee, said 2015 could be a tougher budget year.

"It's a little early to tell, but I would say (it looks worse) because of the loss of \$48 million we had in one-time funding," Orr said, referring to money the state received from a national tobacco settlement. That money won't be available in 2015.

Gov. Robert Bentley, however, on Friday told reporters he thinks people will be surprised when they see his office's budget recommendations, which will be released this week.

"I think we have two good budgets," he said.

When asked if some agencies will be cut, Bentley said: "Some agencies are level-funded, and we have slightly increased some. There's not a lot of money, but we have enough to survive."

Budget hearings will begin Monday for some of the larger state agencies, including the two most expensive: Medicaid and Corrections.

Spokespeople for both agencies said they can't yet comment about what will be requested in the next budget year, but Robin Rawls, of Medicaid, said it likely will be more than the \$615 million the agency currently receives.

Rep. Mac McCutcheon, R-Capshaw, said he expects the state court system to ask for more money as well.

"The courts have been struggling for the last couple of years, and we've been as creative as we can," he said.

Bentley and several other Republicans have pledged not to raise taxes, and Orr said he hasn't heard anything that would contradict that statement. Raising taxes during an election year is rare in Alabama.

In the education budget, raises are being requested, and Bentley has said he'd like to see them given at least to K-12 teachers. But lawmakers said there are debts and bills to be paid first, including about \$164 million the education fund owes to another state account. The state also faces increases in health insurance.

Sen. Roger Bedford, D-Russellville, argues there should be enough money for raises. He'd like teachers to get a 6 percent raise this year to make up for the years they've gone without pay increases.

"We can't go that high," Bentley said.

Medicaid expansion still an issue

Democrats are also continuing their push for the expansion of Medicaid under the Affordable Care Act. Enrolling an additional 30,000 Alabamians would be largely supported by federal dollars, and create thousands of jobs in medical fields, proponents have said.

The federal government would pick up 100 percent of expansion costs in 2014 through 2016; 95 percent in 2017; 94 percent in 2018; 93 percent in 2019 and 90 percent in 2020 and beyond. Republicans estimate the cost to the state to be between \$488 million and \$566 million through 2020.

A University of Alabama at Birmingham study states expansion of Medicaid would lead to about \$20 billion in direct and in-direct spending in the state and nearly \$935 million in new tax revenue.

"If we go to the next level of Medicaid, there has to be some means to fund it and it will probably be taxes," said Rep. Lynn Greer, R-Rogersville. "(The funding's) not there, and I don't see it being there, unless there were new taxes. It's just that simple. The people of Alabama, if we

go to the next level of Medicaid, are going to have to decide what level of tax they're willing to pay to fund it."

Incentives to compete

Orr said a priority will be legislation to provide additional economic incentives to attract new industry to Alabama and stay competitive with other states.

Bentley said he wants legislation that would let him offer more incentives to existing businesses to persuade them to remain in Alabama.

After International Paper announced last year that it was closing its Courtland operation, Bentley said that even if it had approached him for financial help, there is little he could have offered the company.

Democrats have said they're supportive of incentives as long as they don't take funding from the education budget.

'Commonsense' agenda

Republicans in the House have a list of priority bills they're calling their "Commonsense Conservative" agenda.

One, sponsored by Rep. Ken Johnson of Moulton, is the Revolving Door Act. It would prohibit former lawmakers from becoming lobbyists in the House or the Senate for at least two years after they leave the Legislature.

At least three Republican lawmakers have left within the last year, before the end of their terms. In the Senate, President Pro Tem Del Marsh is carrying the same bill.

Some of the other priority bills would:

- Raise the threshold small businesses must pay in advance on sales tax from \$1,000 to \$2,500;
- Streamline how Alabama businesses pay their taxes online;
- Change the process for hearing tax appeals;
- Allow medical care providers to opt out of procedures that violate their conscience, including abortion, human cloning and embryonic stem cell research.

Dual enrollment on table

Lawmakers are considering expansion of dual enrollment, which allows high school students to take community college courses.

The state community college system is requesting \$20 million in budget year 2015 that would help pay tuition of students who plan to join the workforce after earning certificates in technical occupations such as welding, machine tool and industrial maintenance.

Rep. Terri Collins, R-Decatur, a member of the House Education Policy committee, said Republicans are considering a scholarship program, similar to the one created in last year's Accountability Act, that would provide a tax credit for businesses that pay for students' dual enrollment tuition.

"We don't have that bill ready yet, but we likely will this session," Collins said.

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Alabama Legislature focused on election

The Associated Press

January 11, 2014

Phillip Rawls

MONTGOMERY | The Alabama Legislature kicks off an election-year session Tuesday that will feature debate over Medicaid, possible salary increases for teachers and efforts to simplify state taxes.

The Legislature can meet until late April, but the Republican leadership says it hopes to wrap up the session early to allow members more time to campaign for the primary election June 3.

What passes and fails in the session could impact the outcome of legislative races, including whether Republicans retain more than three-fifths of the seats in both houses. Because of that, the Republican leadership hopes to avoid issues where the Legislature is evenly split.

"We want to stay on issues that are fairly noncontroversial," Senate President Pro Tem Del Marsh, R-Anniston, said.

Here's a look at some of the issues legislators are discussing:

Raises

Republican Gov. Robert Bentley says he plans to propose a small cost-of-living increase for education employees for the 2014-2015 school year that would be on top of the 2 percent they received this school year. He says he will recommend a raise for state employees conditioned upon the state receiving more-than-expected revenue in the upcoming fiscal year. "We don't have the money to give a definite increase," Bentley said.

Senate budget committee Chairman Trip Pittman, R-Daphne, said the state has to pay back money borrowed from a trust fund during the recession, provide more for teacher health insurance and address other costs. He said he is unsure where the governor would get money for a pay hike for teachers.

Crime

Republican Attorney General Luther Strange is proposing a bill to speed up the appeal process in death penalty cases by having the two types of appeals available to defendants run concurrently rather than consecutively. "Death penalty appeals in Alabama seem endless, with excessive delays that serve only to prolong the pain and postpone justice for the victims of these heinous crimes," he said.

Tax laws

The House Republican Caucus is pushing a package of bills aimed at simplifying tax laws while maintaining the GOP's three-year record of not raising taxes. The package includes bills to raise the threshold where small businesses have to make monthly estimated state income tax payments and to make filing state business taxes easier by creating an online tax filing system for all taxes. "It is intended to continue our record of changing the status quo," House Speaker Mike Hubbard, R-Auburn, said. House Minority Leader Craig Ford, D-Gadsden, said the package won't do anything to create jobs.

Lottery

Ford, the House minority leader, and other Democrats are calling for legislation allowing Alabama voters to decide if they want a state lottery. Ford said it would generate \$250 million annually for education purposes and keep money at home that is now going to lotteries in Florida, Georgia and Tennessee. The majority leader in the House said Ford's bill isn't going to pass. "Just four years ago, the Democratic nominee for governor made the creation of a statewide lottery his one and only issue, and he was soundly defeated in that race," Republican Rep. Mickey Hammon of Decatur said.

Revolving door

Senate President Pro Tem Del Marsh, R-Anniston, said he is upset that three legislators resigned during the middle of their terms to work for political advocacy groups. He said his top priority, after passing sound budgets, is to enact a law prohibiting legislators from lobbying either house of the Legislature for two years after they leave office. "It's a bad reflection on the body when people are leaving early, and it costs the taxpayers for a special election," Marsh said. The house speaker said the bill has broad support in the House.

Medicaid

Democratic Sen. Billy Beasley of Clayton and many other Democrats want the Legislature to override the governor's decision not to expand the state Medicaid program under the federal health care law. They say the federally funded expansion could create more than 25,000 jobs. Republican leaders said there is no support for an expansion until they see the impact of a state law enacted last year to restructure Medicaid from a fee-for-service program to an outcome-based system.

Marijuana

Some legislators will try, as they have for several years, to legalize marijuana for medical use. Republican leaders say it has no chance. Republican Rep. Mike Ball of Madison is pushing a bill to allow an oil derived from marijuana,

cannabidoil, to be used to treat seizures in children. Gov. Bentley, a physician, said any medications used in Alabama should go through the normal approval process at the U.S. Food and Drug Administration.

Common Core

Some Republicans are planning another bill to remove the nationally recognized Common Core standards for math and English from Alabama's school standards. The governor and Senate president pro tem say the issue should be left to Alabama's elected school board.

Alabama Accountability Act

Some Democrats are pushing for repeal of the 2013 act that provides state tax credits for families that move their children from failing public schools to non-failing public schools or private schools. Marsh, the chief architect of the law, said the law won't be repealed or modified. Democratic Sen. Roger Bedford of Russellville said Democrats plan to make the act the main issue in this year's legislative elections as they try to whittle down the GOP's control of all three branches of state government.

Grand jury

The state attorney general's office has empaneled a special grand jury in Lee County that recently subpoenaed public officials and government records. Marsh said he's among those who received a subpoena, but state law prohibits him from commenting. He said the grand jury shouldn't impact the session. "Everybody is pretty much focused on the session," he said. The attorney general declined comment, saying he's recused himself from the grand jury investigation.

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Elections shaping session's agendas

Decatur Daily

January 12, 2014

Mary Sell

MONTGOMERY — After a 2013 legislative session that saw screaming matches on the Senate floor and accusations of backroom deals, the Republican majority's leaders have said they'd like to see a 2014 session with less controversy.

Lawmakers also have said they want a quicker session; getting out of Montgomery sooner in the spring will give them more time to campaign before their June primary elections.

“Typically, an election year is different from a non-election year session, in terms of behavior,” said William Stewart, retired chairman of the political science department at the University of Alabama.

Glen Browder, a former Democratic U.S. congressman, Alabama secretary of state and state legislator, said an election year session is business as usual, “just more so.”

“Each side will push their agendas with an eye toward the elections,” he said.

Rep. Mac McCutcheon, R-Capshaw, represents parts of Madison and Limestone counties. He is chairman of the House Rules Committee, which sets the agenda of bills to be voted on. Budgets will be the dominant topic of the session, which starts this week, he said. But lawmakers will have their own legislation, too.

“This being an election year, there will be some bills that promote political agendas,” he said. Lawmakers have to put in 30 legislative meeting days in a regular session and usually schedule those for Tuesdays and Thursdays. McCutcheon said to expect more three-day weeks in order to wrap up the session more quickly.

Gov. Robert Bentley said recently that lawmakers always plan for a quick session.

“Of course, they say that every year. I was there eight years, and we said that every year, and we never did get in and get out quickly,” Bentley said.

Browder said there will be more “do-good, feel-good bills” aimed at constituencies.

“Politics will override substance most of the session,” said the Jacksonville State University political science professor. “There will be things that come to a floor fight, but they’re geared toward the elections.”

Stewart put 2014 in blunt terms.

“I don’t think it’s going to be the most exciting session you’ve ever covered, just like I don’t think the elections are going to be the most exciting I’ve ever tried to analyze. We just don’t have that much competition.”

Democrats don’t have the votes to get their way in the Republican supermajority, but they still have a role to play this session, Stewart said.

“They have a responsibility to point out weaknesses in the majority,” he said. “An out-of-power-party does have a responsibility to point out defects in what the majority proposes and get the people to talk about it.”

Browder said their job is two-fold:

“Publicly, it is to provide an alternative, a popular alternative to what the Republicans are doing,” he said. “They can talk about what they consider bad legislation and they can talk about looking out for the have-nots in our state.

“More privately, they are probably talking about elections and being more realistic. They have to hold on and they have to take the fight to Republicans in areas where they think it will pay off.”

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What to expect as Alabama’s legislature goes into its election year Session

Yellowhammer News

January 12, 2014

Cliff Sims

Agenda Bills Coming First Out of the Gate

Republicans are going to come right out of the gate this week with bills from their “Commonsense Conservative” agenda specifically related to tax relief. Rep. Barry Moore’s Tax Relief Act and Rep. Jim Patterson’s Tax Elimination Act will likely move very early in the session, as will Rep. Paul DeMarco’s Taxpayer Bill of Rights.

If history is any guide, House Republicans will plow through their entire agenda in the first couple of weeks of the session. Last year they quickly passed all ten of the bills on their agenda, but only six of them went on to pass the Senate and only five were ultimately signed into law by the Governor.

RELATED: House Republicans: 2014 will be year of ‘taxpayer relief’ in Alabama

Common Core Fight Rages On

Senate President Pro Tem Del Marsh, R-Anniston, has publicly stated that he hopes to avoid contentious issues because legislators are anxious to get back to their districts to campaign.

But while it’s unlikely that any piece of legislation will spark the kind of fights we saw last year with the Alabama Accountability Act, Sen. Scott Beason’s continued push to repeal Alabama’s version of Common Core Standards promises to keep the halls of the State House buzzing with conservative activists. Marsh says he won’t bring the bill up for a vote because Republicans are so divided over it. Common Core is by far the most emotionally charged current political issue in the state. That alone is plenty of reason to keep an eye on it during the 2014 session.

Too Early to Tell on Teacher Pay Raise

Another education-related issue that will be in play this year is a potential pay raise for school teachers. In 2013, the legislature passed a budget that gave teachers a 2 percent raise, the first they’d seen in six years. Governor Bentley says he will include another pay raise in his budget this year. House Minority Leader Craig Ford, D-Gadsden, is calling for a 6 percent raise. Bentley

says that won't be possible because of budget constraints. When it comes to budgeting, both Bentley and Ford have the luxury of floating spending proposals without the pressure of executing them. Legislative Republicans will ultimately craft the state's budgets, and the budget chairmen seem uncertain right now on whether the state will have enough money to hand out any raises. Tight budgets are squeezed further this year due to skyrocketing healthcare costs brought on by ObamaCare. Democrats love this issue politically because it gives them an opportunity to paint Republicans trying to balance the budget as anti-education.

Related: ObamaCare could keep teachers from getting a raise

Modernizing Economic Incentives

The most significant legislation related to jobs this session could end up being a proposal to overhaul the way Alabama offers economic incentives to major industries considering locating in the state. Although landing Airbus was a major coup, economic developers have privately expressed frustration with the way the state currently has to structure its incentive packages. Numerous sources have told Yellowhammer that legislation is quietly being worked on to put Alabama on a level playing field with other states.

Asphalt vs. Concrete

A little known issue that's been bubbling below the surface since last year is a so-called lifecycle budgeting bill being pushed by out-of-state — and some out-of-country — concrete companies. Opponents of the bill say it's a government mandate that picks winners and losers in the pavement industry and flies in the face of free market principles. Proponents say it's a way to save the state money over the long haul. One thing that's indisputable though is that there are no concrete companies in Alabama, while numerous asphalt companies located in the state would take a hit. Both sides are bringing the big guns into the fight. Former Gov. Bob Riley and his lobbying outfit are representing the cement industry. They are pitted against the asphalt industry's lobbying firm of Swatek, Azbell, Howe & Ross, which includes longtime Riley adviser Dax Swatek. This is set up to be one of the more interesting behind-the-scenes battles of the session.

Calls for Medicaid Expansion Fall on Deaf Ears

Democrats have indicated that they will continue their push for the state to expand Medicaid under ObamaCare. Sen. Vivian Figures, D-Mobile, said it will be her caucus's top priority. The PR campaign will continue over the next 6 months, but insiders say expansion advocates are simply holding out hope that Gov. Bentley will reconsidering his opposition to the expansion after he wins re-election. The Governor has ratcheted up his rhetoric against the expansion in recent months, especially after leftwing public officials and members of the media started attacking him. It's hard to imagine him changing directions at this point.

Revolving Door Comes to a Stop

In response to numerous legislators leaving office mid-term to take jobs as lobbyists, Sen. Del Marsh is sponsoring a bill to close the “revolving door” between elected office and the governmental affairs world. ”The Revolving Door Act” bans former legislators from lobbying either house of the legislature for two years after leaving office. House Republicans have also included the bill in their legislative agenda. It’s being sponsored on the House side by Rep. Ken Johnson, R-Moulton,

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Finally, the top issue this session — as it should be every session — is the state’s budgets.

The state is constitutionally required this year to pay back the rest of the money owed to the state’s Rainy Day Fund out of the education budget. It’s too early to tell what that amount will be because we don’t yet know how much money the state will bring in this year, but it could be as much as \$128 million. That, combined with the spike in state employees’ healthcare costs brought on by ObamaCare, means the education budget will be as tight as ever.

The General Fund budget is unfortunately in even worse shape. The rising costs of Medicaid are swallowing a greater chunk of the General Fund each year. After level-funding most agencies last year, it’s very likely that some will receive a cut in this year’s budget.

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Week ahead in Alabama politics: Governor to tell us the State of the State; legislators get back to work

Al.com

January 13, 2014

Mike Cason

MONTGOMERY, Alabama --- Expect a steady stream of Alabama political news this week, as the Legislature returns for its annual session.

Here are a few story lines to watch:

-- State finances. The Legislative Fiscal Office and the governor’s budget office will outline the state’s financial outlook on Monday. The annual briefings include revenue projections and other key numbers as lawmakers prepare to tackle the state budgets.

After that, budget hearings begin for state agencies, with three of the biggies up first: Medicaid, the Department of Corrections and the state court system. The education budget hearings are Tuesday.

-- The session starts. The Legislature cranks up at noon Tuesday. The two state budgets are expected to be among the top issues, especially how to balance the slow-growing General Fund with the rising cost of Medicaid.

-- State of the State. Gov. Robert Bentley will give his State of the State address Tuesday evening. Expect him to request a pay raise for teachers and legislation to help the state recruit job-creating businesses. Alabama Public Television's coverage begins at 6 p.m.

-- Failing schools. The Alabama Department of Education is expected to release a new list of failing schools as defined under the Alabama Accountability Act this week. There were 78 schools on last year's list.

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Alabama Legislature 2014: Marsh, Hubbard see election year session differently

Al.com

January 12, 2013

Mike Cason

MONTGOMERY, Alabama --- The recent track record of the Alabama Legislature is marked with some bombshell legislation, but lawmakers begin their annual session Tuesday with some expectation of a quieter year.

Legislators face primary elections in less than six months.

"The budgets will be the primary issue of the session," Senate President Pro Tem Del Marsh, R-Anniston, said. "Going into an election year as you know, if I had my druthers, I want as little controversial legislation as possible."

For example, Marsh does not want the Senate to debate legislation to repeal the state's adoption of Common Core curriculum standards used by most other states, which is a key issue for some conservatives and Tea Party groups.

Republicans have not been cautious about wading into hot-button issues since they ended more than 130 years of Democratic control of the Legislature in the 2010 elections.

They have approved the nation's toughest anti-immigration law, now gutted by federal courts, and tax credits for private school tuition.

They have tightened regulations on abortion clinics and loosened regulations on carrying guns. They consolidated some state agencies to cut overhead and have approved ethics reforms and campaign finance reforms.

House Speaker Mike Hubbard, R-Auburn, taking a somewhat different view than Marsh, said he doesn't think the elections should slow that momentum.

"It's really not a factor," Hubbard said. "The way I look at it, it doesn't matter whether it's an election year or not, we're going to finish up this quadrennium (four-year term) accomplishing what we set out to accomplish."

Last month, House Republicans released their "Commonsense Conservative" agenda, a package of nine bills, with emphasis on simplifying and streamlining taxes for small businesses, among other issues. Hubbard said the House would tackle those bills first.

While Hubbard says the House is not shying away from controversy because of the elections, the agenda does not include some of the highly-charged issues in last year's "We Dare Defend our Rights" agenda, which included bills on guns, abortion and education reform, a school flexibility bill that was expanded into the Alabama Accountability Act.

As for the budgets, the Legislature faces a familiar problem, how to pay for state services that are growing in cost faster than tax revenues.

The budget committee chairmen have said this year could be worse than most for the state's General Fund. Most agencies were level-funded in the \$1.75 billion budget last year. Rep. Steve Clouse, R-Ozark, the House General Fund budget chairman, said agencies could face cuts this year, partly because of the rising cost of Medicaid, which consumes one-third of the General Fund.

Gov. Robert Bentley, who will present his budget proposals next week, was more upbeat.

"We have come up, I think, with a very good budget," Bentley said. "Some agencies are level funded. We have slightly increased some. There's not a lot of money, but we have enough to survive."

Bentley said he did not think the General Fund could afford pay raises for state employees, except possibly on a conditional basis, which would mean if revenues exceeded expectations. State employees' last cost of living raise was in 2008.

The House of Representatives and Senate convene at noon Tuesday. The governor will give his State of the State Address at 6 p.m. Tuesday at the State Capitol.

During the speech, Bentley is expected to announce his pay raise request for educators. That's expected to be a key issue in the Education Trust Fund budget, which has a rosier outlook than the General Fund.

House Democrats and the Alabama Education Association have called for a 6 percent increase, but Bentley said he will propose a lower figure.

"We cannot go that high," the governor said. "We do want a raise for teachers, though."

Teachers received a 2 percent cost of living raise this year, their first since 2007.

Rep. Craig Ford, D-Gadsden, minority leader in the House, said House Democrats will push for a 6 percent raise for teachers, state employees and retirees.

“A 6 percent pay increase would be a good first step toward repairing the damage that has been caused over the past three years and improving the quality of education in all of our public schools,” Ford said.

Sen. Vivian Davis Figures, D-Mobile, minority leader of the Senate, said the top priority of Senate Democrats would be to advocate for the expansion of Medicaid. States have the option of doing so under the Affordable Care Act, but Bentley opposes expansion. Figures said the Democrats’ plan is to present more information that supports expansion, such as studies that have shown an economic benefit.

“I’m very hopeful that he will have a change of heart,” Figures said.

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Shedd expounds on bill for merit pay

Decatur Daily

January 11, 2014

Mary Sell

MONTGOMERY — Rep. Randall Shedd, R-Cullman, said last week he plans to introduce legislation for performance-based pay for state government department directors and heads. "While I think we need to expect as much from state government as we expect from our football teams and coaches, my goal is not to penalize but provide incentive to those responsible and to encourage them to lead the nation in their respective areas of state government," Shedd told *The Decatur Daily* last week. Shedd won his seat last year in a special election; his district includes a portion of Morgan County.

"I would like to establish a Performance-Based Pay Commission to begin the process and to establish parameters that compare our state agencies and departments to the other 49 states and then pay those responsible based on where their agency or department ranks," he said. "My goal would be pay them first in the nation when their agency ranks first. If they rank 47th in the nation, we pay them 47th or make a change just as we would if our football teams finished the season 47th."

Shedd said he thinks that if his proposed legislation passes, it will take several years to implement.

"I understand this idea is complicated," he said. "And therefore to accomplish this, I believe we should establish a study commission or special legislative committee to work out the details and phase in this new way of paying people based on how they rate in comparison to the other states."

The legislative session starts Tuesday.

Common Core bills

In the state Senate, Scott Beason, R-Gardendale, said he's working on two bills aimed at abolishing Common Core in the state.

The bills haven't been filed, but Beason said one is a duplicate of last year's failed legislation to prohibit the national education standards in Alabama. The second bill will be more specific about what is or isn't allowed under the standards, Beason said.

He plans to discuss his proposals with the Republican Caucus.

"I'm just trying to let the legislators say which they feel most comfortable with," Beason said. But whether a Common Core debate actually takes place this session is itself still up for debate. Senate President Pro Tem Del Marsh, R-Anniston, said he doesn't want to deal with it this year. His spokesman said Friday that Marsh's position hasn't changed.

The state Board of Education approved the standards several years ago, and their implementation began in 2012.

Last year, conservatives and tea party members were vocal in Alabama and around the country in calling for the repeal of the guidelines, which they contend amounts to federal takeover of education.

State educators disagree and said Common Core helps ensure students in Alabama are learning the same things students in other states learn, which makes moving between states easier for families.

Midwife law

Gov. Robert Bentley said he's not opposed to some north Alabama lawmakers' efforts to legalize the practice of midwifery in Alabama, as long as there are a few rules in place.

Bentley, a retired physician, said he delivered "many babies" during his internship and residency, and knows "things can go bad very quickly."

While there's nothing stopping women from having babies at home, state law allows for the prosecution of midwives.

For several years, women and lawmakers from north Alabama have tried to change this.

Rep. Mike Ball, R-Madison, and Sen. Paul Bussman, R-Cullman, have a bill this year that legalizes the practice. Ball has said if midwifery is made legal, registered midwives can coordinate better care.

"I think it's an informed choice that a mother makes about how to have her baby, and the fact is, a lot of people are doing it anyway," he said this month. "This would improve care."

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Lawmaker's bill would toughen penalties for funeral fraud

Anniston Star

January 12, 2014

Tim Lockette

MONTGOMERY — A Jacksonville lawmaker wants tougher penalties for funeral home directors who play fast and loose with clients' money, though some funeral home directors say the proposal may go too far.

Rep. K.L. Brown, R-Jacksonville, filed a bill last week that would expand state oversight of pre-need funeral arrangements — funerals paid for in advance, sometimes decades before the purchaser dies.

"I think it's a good consumer protection bill," said Brown, who is himself the owner of two funeral homes in Calhoun County.

Brown said it's rare for funeral home directors to sell pre-need funerals and never provide a product. But it does happen, he said.

Brown's bill would require funeral home directors, when they sell a pre-need funeral, to put the money into a trust within 30 days. It would expand the state's power to audit funeral homes to make sure they comply. And it would make mismanagement of that money a felony. It's currently a misdemeanor.

"If I had to tell you what was the most important part of this bill, it would be that the Department of Insurance has the power to audit any cemetery that isn't city-owned or church-owned," he said.

A loophole in current law, he said, allows the state to audit only funeral homes and cemeteries that have been authorized to sell pre-need funerals. The worst practitioners, he said, are usually the funeral homes that sell pre-need funerals without state permission.

Brown proposed a similar bill last year, but it died in committee on the last day of the session. Tim Claiborne, president of Mobile Memorial Gardens, said he went to Montgomery to campaign against the bill's passage.

"I'm not one that, unless there's a reason, believes there should be more regulation," he said.

Claiborne runs a nonprofit, 200-acre cemetery in Mobile. Last year he argued that as a nonprofit, his organization should be exempt from the law. Claiborne said he also opposes a provision in the bill that makes failure to put money in a trust a more serious crime if the amount totals more than \$2,500.

He said \$2,500 is a relatively small transaction for a large cemetery, and every transaction carries a risk.

"If I don't deposit my money properly and they rule it's intentional, it's a felony," he noted.

Brown said he's not sure he'll be able to win Claiborne over this year.

"I think he just doesn't want to be regulated at all," Brown said.

Still, Brown said he thinks the bill has a reasonable chance of passing in the coming legislative session. He said he's gained the support of a committee chair whose vote blocked the bill last year.

Leaders in the Legislature have said they'd like to conclude the session quickly this year, and Brown said it's likely he'll know the bill's fate soon.

"I would think in the first two or three weeks, we'd see it come out of committee," he said.

The legislative session begins Tuesday.

Read more: [Anniston Star - Lawmaker's bill would toughen penalties for funeral fraud](#)

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Seven issues to watch in the 2014 legislative session

Al.com

January 12, 2014

Kim Chandler

Gov. Robert Bentley answers questions about his proposed budgets.

1. An ugly General Fund -- The General Fund budget will be the chief problem of the session as lawmakers face another ugly fiscal year. Look for legislators to make Medicaid and prisons a priority and for level funding or cuts for many other agencies. Legislators will also wrangle over if there is room for a cost-of-living adjustment, or COLA, for state employees. State employees had their pay frozen until the governor lifted a five-year freeze on merit raises this January.

2. Teacher Pay Raise -- The Alabama Education Association is seeking a 6 percent raise for education employees from kindergarten through two-year colleges. Republicans say a raise of that size is impossible considering the state's debt to a Rainy Day fund and other financial obligations, such as increased health insurance costs for educators. Republican Gov. Robert Bentley will unveil his proposal for a raise in his Tuesday State of the State address.

3. 2014 elections -- "This is the final regular session before the 2014 elections. For better or worse, that usually interjects an extra dose of political posturing into debates. Watch for legislators to push pet issues. Legislative leaders have said they hope to wrap up the session in early April so lawmakers can hit the campaign trail. The primary is June 3.

4. Common Core Some lawmakers will make another push to yank the controversial education standards out of Alabama classrooms. The standards, intended to make sure students are learning the same thing at the same time, have been adopted by 45 states, and are endorsed by the Obama administration. Critics say the standards amount to a federal takeover of education. Senate President Pro Tem Del Marsh has taken political heat for saying he won't move a Common Core repeal bill in the Senate.

5. Revolving door -- Legislators are backing a bill that would ban legislators from becoming a lobbyist for two years after they leave the Alabama Legislature. This is damage control after three Republican House members announced their resignations mid-term to take other jobs. At least one, former budget chairman Jim Barton, has become a lobbyist. A loophole in current law allows legislators to leave office and immediately take a job lobbying the opposite chamber from which they served.

6. Death penalty appeals - Attorney General Luther Strange is pushing legislation aimed at shortening the appeals process in death penalty cases. It would require death row inmates to make their Rule 32 appeals, such as claiming their trial lawyer was incompetent, at the same time as their direct appeals. Strange said it is not justice for inmates to wait 20 years or more on death row. Opponents argue it's unfair because an inmate might not know their Rule 32 issues until someone takes an independent review of the trial work much later. The bill is expected to hit the fast track with early committee consideration.

7. Grand Jury - Speculation about a special grand jury convened in Lee County has cast a shadow as lawmakers prepare to return to Montgomery. State prosecutors specializing in public corruption empaneled the grand jury last year and have subpoenaed a number of public officials and documents. Grand jury secrecy laws prohibit witnesses from discussing what they were asked, and no one knows if the panel will end with a whimper or a bang.

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AEA bares teeth
Decatur Daily
January 12, 2014
Mary Sell

MONTGOMERY Sitting in a conference room in the Alabama Education Association's office a few blocks from the state Capitol, Henry Mabry thinks briefly about the question: Is his organization as powerful as it once was?

"No," he said.

"I wouldn't be forthright with you if I said we were as strong as ever. That's just not the case," said Mabry, who became the executive secretary of the AEA about two years ago. The past three years in Montgomery under Republican leadership in the Legislature have been hard on the organization, he said. He likens it to a dog that has been kicked around.

“But when you kick, don’t forget that dog still has some teeth,” Mabry said. “We’ve certainly had our setbacks since the 2010 elections. But I believe that we are becoming stronger because of that.”

Some of those teeth will be bared this year as the AEA prepares to spend millions on the election campaigns of lawmakers and potential lawmakers — it is already one of the larger political action committees in play — and running defense in the legislative session that begins Tuesday.

Contributions

So far, the AEA has spent about \$1.2 million on contributions to candidates in this year’s elections.

It had about \$4.5 million in its PAC at the end of December, according to campaign finance records. (Mabry said it spent about \$8 million in 2010.)

So far, large checks have gone to Shoals Democrats and incumbents, including Sens. Tammy Irons and Roger Bedford, and Reps. Greg Burdine and Johnny Mack Morrow.

Mabry said its focus is to elect pro-education Democrats and Republicans.

“Pro education means supporting our public schools financially and symbolically,” he said, and “providing the tools to teach the children, as well as the policies that don’t hinder children’s ability to learn. That covers hundreds of different issues, whether it is providing an aide for a special needs student on a school bus to making sure there are budget allocations for libraries so the librarian doesn’t have to operate that library out of her pocket.”

The AEA’s focus will be lawmakers in 2014, but its contributions so far haven’t been strictly limited to them. This past summer, it gave \$25,000 to Limestone County’s incumbent Sheriff Mike Blakely, a Democrat.

Mabry paused when explaining that contribution, saying he didn’t want to “show his hand.” “We’re not too interested in the sheriffs,” he said. “It’s to help with other races. If he does well, that will help other people.”

Priorities

Mabry said Republicans are trying to “gut” public education in the state and he expects them to continue this year.

“They won’t fund textbooks like they should, they won’t fund technology like they should, they won’t fund classroom supplies like they should, and they won’t compensate our classroom personnel like they should,” he said. “They will continue going down the road of cutting education more than any other state in the country.”

Speaker of the House Mike Hubbard, R-Auburn, said last week that Republicans have made strides in the last three years to change a “broken status quo” and improve education in the state.

“We would be fooling ourselves if we continued to do the same things that have been done for 40 years and expect education in this state to improve,” Hubbard said. “Republicans believe that every child, no matter where they live, deserves access to a quality education. Our goal has always been to make policy decisions that are in the best interest of educating kids. “Mabry’s job is to do what’s best for AEA’s dues payers.”

Mabry cited a September report from the liberal Center on Budget and Policy Priorities that said Alabama has cut spending on education about 20 percent since 2008. Oklahoma had the largest percentage decrease at nearly 23 percent.

In a recent AEA survey, less than 48 percent of teachers said their students have textbooks to take home. About 25 percent said they receive no classroom supplies from their central offices. “Our teachers shouldn’t feel like they have to prop up the schools financially by bringing paper and pens and toilet paper and tissue and Band-Aides and construction paper,” Mabry said. “Hyundai or Honda or Mercedes don’t expect their workers to bring nuts and bolts to the factories every morning. We shouldn’t expect our teachers to spend up to \$1,000 a year out of their pockets on basic classroom supplies. That’s outrageous.”

The AEA wants a raise for educators in fiscal 2015, and Mabry is quick to say he doesn’t consider the 2 percent pay increase they received this year a raise. It didn’t cover a 2012 increase in retirement benefits teachers have to pay, from 5 percent to 7.5 percent.

“(Republicans) gave them back their own money, but then they didn’t even give them all of it back,” he said.

Gov. Robert Bentley has said he’d like another raise for teachers; budget makers in the Legislature have questioned whether they’ll have the revenue to make that happen. Not everything Republicans want to do is bad, Mabry said. He supports Bentley’s efforts to expand voluntary pre-K programs, with one caveat.

“It comes down to implementation and fairness,” Mabry said. “What needs to happen in the pre-K program is that it needs to be provided for all children. Not select children ... We would say that the children in Lowndes County or Coosa County deserve the same program as those in Vestavia or Homewood or Hoover. It should not be selective and it should not be limited geographically.”

In July, only about 6 percent of Alabama 4-year-olds were enrolled in the state’s First Class pre-K program. Bentley then announced 100 grants to expand the program and is seeking more funding in 2015.

GOP clash

Rep. Burdine, a Democrat from Florence, said he initially thought some of the GOP’s actions the last three years were aimed at the AEA, but now thinks it’s an overhaul of the state’s education system.

“To me, they’re really attacking public education,” Burdine said. “The majority seems to think they have a better way to run education than we have for 100 years.”

Rep. Terri Collins, R-Decatur, said her party isn’t anti-AEA.

“I’m often disappointed that Dr. Mabry doesn’t reach out to us but is always on the attack,” she said. She is on the House education policy and budget committees.

“We don’t feel like (anything we’ve done has) been an attack at all, and I’ve had teachers that have supported everything we’ve done,” said Collins, whose daughter and son-in-law are educators.

She said she “doesn’t connect” AEA with the teachers she knows.

About the 2010 bill that prohibited payroll deductions for state employees to political action groups, like the AEA, Collins pointed to the AEA’s monthly publication, Alabama School Journal.

“(The payroll deduction) goes to that publication is definitely an attack on me and those I work with,” she said. “If you want to be a part of that, that’s great, but it shouldn’t be through a payroll deduction.”

She also defended the 2011 Students First Act, an overhaul of state tenure law that made the process of suspending or firing a teacher quicker.

“It made it a lot more fair and a lot less costly (to school systems),” she said.

About the more recent Accountability Act, she said it puts a little more pressure on persistently failing schools to do better.

“I think that’s going to end up being some of the best legislation we’ve had, over time,” Collins said.

Meanwhile, Collins said that the 2 percent raise teachers received this year was more than what many other states doled out.

Bedford, the Democrat from Russellville, pushed for a 5 percent increase.

“I think we ought to look at 6 percent (this year). It has been so long since they have had a substantial raise,” Bedford said last week.

He believes making teachers pay more for their benefits and retirement, while not giving them raises, has hurt morale and the state’s ability to recruit young teachers.

‘Union boss’

Hubbard often refers to Mabry as a “union boss.”

“I’ve never considered myself a union boss,” Mabry said. Since the state doesn’t have collective bargaining, technically, he’s not. “We’re a professional organization for teachers and support professional. ... Yes, we represent our people before the Legislature and different branches of government, but so do a lot of other organizations.

“Is it bad that I represent teachers and bus drivers and cafeteria workers? Hell, no, it’s not bad.” But he is representing fewer of them. The AEA has seen a slight decline in enrollment, something Mabry attributes mostly to attrition.

“You gain strength out of adversity, and that’s what we’re doing now,” Mabry said. “Sometimes organizations are complacent, and I think there was complacency in the good years.” Mabry in 2012 replaced Paul Hubbert, who led the AEA for 42 years and was also a leader in the state Democratic Party.

“Paul Hubbert was a great political leader, but the AEA’s problem is not that they lost Paul Hubbert,” said Glen Browder, a former Democratic U.S. congressman, Alabama secretary of state and state legislator. “It is that there was a political change in Alabama.” Browder, professor emeritus of political science at Jacksonville State University, agreed that the AEA has taken some licks the past three years.

“They’ve had to start playing in both parties,” he said. “It’s a different ballgame from the last half century.”

And playing in the Republican Party has been difficult for Mabry and the AEA.

“I think they are still one of the most powerful (lobbying groups in Montgomery), but they have certainly been taken down a notch or two or three,” said William Stewart, retired chairman of the political science department at the University of Alabama.

“Mabry has not come up yet to the position that Paul Hubbert had, and I’m not sure he will be able to given the Republican majority.”

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Defense lawyers oppose change to capital appeals

The Associated Press

January 11, 2014

Jay Reeves

BIRMINGHAM, Ala. (AP) — Capital defense lawyers in Alabama are opposing Attorney General Luther Strange’s plan to streamline appeals in death penalty cases, a change they say could result in the execution of innocent people.

Strange, county prosecutors and victim advocates contend appeals last too long under the current system, and they are supporting reform legislation in the session beginning Tuesday.

But two lawyers who often handle capital cases said time-consuming work is needed to ensure that death row inmates were convicted and sentenced properly before they are put to death. Bryan Stevenson, director of the Montgomery-based Equal Justice Initiative, said proposed changes would result in less reliable death sentencing. Attorney Richard Jaffe, of Birmingham, said multiple steps are needed to make sure lawyers do their jobs right and evidence is correct. Strange is a Republican, and the bill has a good chance of passing the GOP-controlled Legislature.

The average death penalty case in Alabama takes 16 years to work its way through the courts from conviction to execution, Strange said. A similar law in Texas cut the time to eight years. The difference is partly in the timing of appeals.

Under Alabama's current system, defendants convicted of capital crimes go through three stages when appealing their convictions and sentences: A direct appeal, where they challenge rulings by the trial judge; then a Rule 32 appeal, where they can challenge the work of their trial attorneys and evidence; and then a federal court appeal.

The plan proposed by Strange would allow the first two steps, both conducted before state courts, to occur at the same time.

"This approach will significantly cut down the appeals process from what is currently a 16-year odyssey and increasing," said St. Clair County District Attorney Richard Minor, president of the state DA's association.

But combining those first two steps into the same time period could make it much for difficult for appellate lawyers to effectively scour trial records for possible errors or even turn up new evidence that might exonerate someone who was wrongly convicted, defense lawyers said. The effect could be to weaken the second step of the process, those Rule 32 challenges, they said. "There are lots of Alabama death row prisoners who have had their convictions or death sentences overturned in Rule 32 proceedings after courts found that they had been illegally convicted or sentenced," said Stevenson. "There is no question that the procedures suggested by the AG will make obtaining relief in Rule 32 more difficult and unlikely."

Stevenson said six Alabama inmates recently had their cases reversed during the Rule 32 process.

"It's the only forum for the discovery of new evidence or unconstitutional process that results in a wrongful conviction or an unjust sentence," he said. "The AG's proposal, which will truncate and reduce time for review, will unquestionably result in less reliable death sentencing in Alabama. Jaffe said one of his death row clients, James Willie "Bo" Cochran, was exonerated at a new trial following a Rule 32 appeal.

"Were it not for the appeals process, (Cochran), my first death row exoneration at a new trial, would be dead," said Jaffe.

In all, Jaffe said, 140 prisoners have been freed from death rows in the United States after being proven innocent.

"Shortening the process would have killed those innocent and wrongfully convicted people," he said.

Montgomery County District Attorney Ellen Brooks said the capital city has death penalty cases that are still on appeal 33 years and 25 years after the killings occurred. She said the judge who handled the 25-year-old case is dead, and that cases sometimes remain in court so long that those involved in the case have died or are in poor health.

"That is not justice for anybody," she said.

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Alabama plans to phase out Medicaid coverage for elective births before 39 weeks as health measure

Al.com

January 11, 2014

Mike Cason

MONTGOMERY, Alabama --- Alabama will consider regulations to phase out Medicaid coverage for births induced before 39 weeks of pregnancy for non-medical reasons, Gov. Robert Bentley said Friday.

The change would be an effort to discourage decisions to schedule births before 39 weeks for convenience, the governor said.

Bentley, who is a physician, said it's part of an overall effort to improve infant health in the state.

"The longer they stay in the mother's body, rather than in the incubator, they're going to be better off," Bentley said.

The governor made the comments at a conference in Montgomery on improving birth outcomes.

Alabama, which has a higher infant mortality rate than the national average, is one of five states taking part in a National Governors Association program to improve birth outcomes.

The effort to discourage elective deliveries before 39 weeks has been done in other states, and its value is backed up by research, according to guidelines on the Alabama Medicaid Agency's website. The guidelines are part of the Alabama Perinatal Excellence Collaborative.

According to those guidelines, an elective delivery before 39 weeks can increase the risk of admission to neonatal intensive care units, feeding problems, sepsis and other complications. Studies have raised concerns about long-term developmental problems, according to the

guidelines, which note that the brain at 37 weeks weighs only 80 percent of what it weighs at 40 weeks.

Read the APEC guidelines.pdf

Reducing elective deliveries before 39 weeks was just one of issues related to birth outcomes Bentley mentioned at Friday's conference.

Alabama's infant mortality rose in 2012, when 519 infants died before age 1, as compared to 481 in 2011. The infant mortality rate rose from 8.1 to 8.9 deaths before age 1 per 1,000 live births. The rate is one of the nation's worst. The provisional nationwide rate in 2011 was 6.0.

Bentley noted that the increase in 2012 came despite trends often tied to improved birth outcomes, such as a decline in the percentage of all birth that were to teenagers, a decline in the percentage of births before 37 weeks and an increase in the percentage of mothers who had adequate prenatal care.

He also noted that the infant mortality rate for blacks in 2012, 14.4, was more than twice the rate for whites, which was 6.6.

The governor, a retired dermatologist who said he delivered many babies when he was an intern, called for a sustained effort to improve infant health and reduce premature deaths.

"It's not something we're going to solve overnight, obviously," Bentley said at the conference. "There are a lot of underlying causes."

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Alabama launches campaign to reduce infant deaths

Montgomery Advertiser

January 13, 2014

Kym Klass

The state on Friday introduced a campaign that will aim to decrease infant mortality.

The "State of Champions — Alabama's Campaign for Healthy Babies" is meant to help reduce the risk of unplanned pregnancies, reduce the cost of ongoing healthcare needs of children and adults with special needs and disabilities, and improve the health of newborns and mothers by facilitating healthy spacing between pregnancies.

The campaign was introduced at a conference at the Alabama Activity Center.

"We believe there are places we can make a real difference," Don Williamson, state health officer with the Alabama Department of Public Health said at the conference. "There are things we can do about it."

Alabama is one of five states the National Governors Association selected to participate in a Learning Network on Improving Birth Outcomes in the U.S. The learning network's goal is to assist states in developing, aligning and implementing their key policies related to the improvement of birth outcomes, as measured by the incidence of preterm births and infant mortality.

Of the 519 infant deaths in 2012, 16.8 percent were sleep-related. Research shows that unsafe sleep environments, socio-economic background, life stressors, smoking and pre-term birth contribute to infant mortality. Breastfeeding decreased infant mortality.

"This creates an opportunity in making sure the kids have their own space," Williamson said. "It might not save all 16 percent because we don't understand all the causes, but it will save some of the children."

The leading factor that contributes to infant death in Alabama is low birthweight (LBW). LBW is defined as weighing less than 2,500 grams (less than 5 pounds, 8 ounces).

The percent of all live LBW births decreased to 10.0 in 2011. However, LBW infants accounted for 68.4 percent of the 2011 infant deaths and were 20 times more likely to die than infants of normal weight. The babies are at risk for developing major long-term physical and cognitive problems with consequences impacting families and state resources.

The state plan will consist of launching a public awareness campaign to promote safe sleep, smoking cessation, breastfeeding and eliminating non-medically indicated elective deliveries before 39 weeks gestation.

"Because of convenience, primarily, some people like to induce maybe before the 39th week, and statistics show that if you induce before the 39th week, the number of babies that have to be placed in the (NICU) goes up significantly," Gov. Robert Bentley said at the conference.

Asked how he plans to reduce the incidence of that, Bentley answered: "Well, you don't pay for it. You just say, we're not going to fund that" in Medicaid. Bentley did point out there are instances, or emergencies, that arise in which a baby does have to be delivered early.

Pushing deliveries to 39 and 40 weeks will save lives, Williamson said. He said he spoke to a colleague in Texas and "Medicaid stopped paying for early term elected deliveries. They also got Blue Cross to do the same thing. They closed NICUs in Texas because the demand is no longer there.

"They survived."

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Alabama's property tax system survives challenge

The Associated Press

January 10, 2014

Phillip Rawls

A federal appeals court has rejected a lawsuit challenging Alabama's property tax structure and has kept intact one of the nation's lowest tax rates.

The 11th U.S. Circuit Court of Appeals in Atlanta ruled Friday against black and white families from Sumter and Lawrence counties who contended that Alabama's property tax system is rooted in racial discrimination and thwarts the ability of rural, predominantly black school systems to raise revenue that helps support schools.

The three-judge panel of the 11th Circuit reached the same result as U.S. District Judge Lynwood Smith of Huntsville, who ruled in 2011 that the plaintiffs failed to show that the challenged provisions were unconstitutional.

"Today's ruling in Lynch vs. Alabama again confirms the state's consistent position that Alabama's property tax structure does not violate the United States Constitution, and equally as important, that the citizens of Alabama have a right to structure their own tax system," state Attorney General Luther Strange said.

The appeals court noted "Alabama's deep and troubled history of racial discrimination" and expressed concern about Alabama's public education system. "Courts, however, are not always able to provide relief, no matter how noble the cause," the judges said.

Plaintiff attorney Jim Blacksher of Birmingham said it was the fourth time a federal court had reached that conclusion about Alabama, but ruled that it couldn't do anything for legal and technical reasons.

"The message is pretty clear the courts aren't going to do anything about it. The question is who will do something about it? That puts the ball right back in our court here in Alabama," Blacksher said.

The attorney said he is not hopeful that ball will get picked up. "I don't think the Legislature will do anything about it until there is a demand from their constituents," he said.

Recent studies by the Tax Foundation found that Alabama has the lowest property taxes per capita at \$539 annually and has the third lowest taxes on homes.

The property tax challenge filed by the families focused on Alabama's cap on tax rates and the state's system of classifying property, particularly the tax breaks given to farm and timber property that is the bulk of the tax base in rural counties. The plaintiffs noted that the classifications were enacted in the 1970s at the urging of Gov. George Wallace when whites in rural, predominantly black school systems were moving to private schools.

In its ruling, the appeals court noted that Lawrence and Sumter counties have not reached the caps allowed by state law and voters in those counties have rejected proposals to raise property

taxes closer to the cap. It also agreed with the lower court that the classification system enacted in the 1970s was the result of financial reasons rather than race.

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Bill to require some welfare drug testing in Alabama

The Associated Press

January 12, 2014

Phillip Rawls

MONTGOMERY, Ala. (AP) — An Alabama senator says he will push legislation requiring drug testing of some welfare applicants even though a court struck down a similar law in Florida.

"The purpose is to try to keep people off drugs and help them be productive citizens again," Republican Sen. Trip Pittman of Daphne said.

Under Pittman's proposal, any person applying for Temporary Assistance for Needy Families, the cash assistance program commonly called welfare, must take a test for illegal drugs if they have been convicted of using or distributing drugs within the last five years.

If the person tests positive, he will receive a warning that any subsequent positive test will result in a loss of benefits. A second positive test will result in the loss of benefits for one year. A third positive screening will make the person permanently ineligible.

If a person loses benefits, the other family members keep their benefits. For children in a single parent home, another person would have to oversee the benefits.

Pittman introduced his bill in the 2013 session. He got it through the Senate, despite opposition from the Democratic minority, but it died in the House without coming to a vote. He's got it filed for the legislative session beginning Tuesday.

Pittman said he wrote the legislation much narrower than Florida's law, which required mandatory testing for all welfare applicants. On Dec. 31, a federal judge ruled the law was unconstitutional and couldn't be enforced. Florida's governor plans an appeal.

Pittman said the Florida ruling won't stop his efforts to pass the bill. He said taxpayers deserve to know that people receiving public assistance are being held accountable for using the money properly.

If his bill becomes law, its effect could be small in terms of numbers of people and dollars.

Barry Spear, spokesman for the state Department of Human Resources, said Alabama already bans welfare and food stamps for people with felony drug convictions. A 1986 federal law imposes a lifetime ban for collecting benefits, although it allows states to opt out. Most have either opted out or allowed benefits with qualifications, such as successfully completing a drug

treatment program. Alabama is among a dozen states that have left the ban in place for welfare benefits.

Pittman's bill goes farther than the federal law because it covers misdemeanor convictions. He estimates it would result in less than 1,000 tests per year.

If a person tests positive and loses benefits, the financial impact won't be huge. Spear said an adult with three children gets \$245 per month in benefits. If the adult loses coverage, the children would still get \$215.

The Arise Citizens' Policy Project, which represents Alabama's poor at the Statehouse, has concerns. The organization notes that people convicted of other crimes, including rape and child abuse, are not affected. It also notes that using the welfare benefits to buy drugs is difficult because they are received on an electronic card similar to a credit card.

Arise policy analyst Carol Gundlach said the state will be paying for the initial drug tests, which puts another burden on the cash-strapped Department of Human Resources.

The tests can cost \$15 to \$40 each. It would be a better use of the state's money to pay for more drug treatment programs, she said.

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State Sen. Cam Ward encourages Mobile and Baldwin lawmakers to be 'united' in dealing with energy-related issues

Al.com

January 10, 2014

John Sharp

MOBILE, Alabama – Mobile and Baldwin County's state political delegation must be "united" to make the region successful in attracting energy productivity to boost economic development, state Sen. Cam Ward, R-Alabaster, said Friday.

Ward, the keynote speaker before state, county and city officials at the Renaissance Riverview Hotel, said local officials need to be together in expressing a similar message and showing a sense of collaboration in attracting energy development to the area.

"You know what is best for Mobile than anyone else," Ward said during the Mobile Area Chamber of Commerce's legislative luncheon. "Your political leadership from the city level, state level, county level and federal level means all the difference in the world in how you are perceived. Your energy economy has to be on the forefront of your overall economy."

Ward only briefly touched upon some of the local issues that have received publicity in the past year – an oil pipeline through the Big Creek Lake watershed, and the development of a coal terminal near Brookley Aeroplex – and said he wasn't going to give a talk on what local leaders "should do" about them.

But Ward emphasized during his speech that it's important for officials to avoid "knee-jerk" reactions to controversies involving the oil, coal, and natural gas industries.

He also urged leaders to utilize the resources provided at the Alabama State Port Authority in providing a prime location in the Southeast to export natural resources.

Legislative Priorities

The following are some of the Mobile Area Chamber of Commerce's priorities for the 2014 state legislative agenda

- * Advocate for final site selection and funding of the I-10 bridge and Bayway widening project.
- * Maintain educational funding levels
- * Establish a state-guaranteed, zero-interest small business loan that is available immediately after a federally-declared disaster to bridge the time until insurance claims are paid and other disaster relief can be acquired.
- * Sales tax exemption for the purchase of industrial machinery.
- * Support increased funding for pre-K throughout Alabama.

"If we ship energy to South America, you have to go to Mobile," Ward said. "You have the facilities. Don't let the facilities go to waste."

Ward, who chairs the Energy and Natural Resources Committee in the Alabama Senate, also promoted the Keystone XL pipeline and the Canadian markets for exporting natural resources. The potential storage and shipment of Canadian tar sands oil has caused controversy in Mobile in recent months.

"Why would we reject our neighbor's to the north?" said Ward, who also serves on the executive committee of the Energy Council and is vice-chairman of the Energy Committee of the National Conference of State Legislators. "We, as a country, are crazy if we don't trade with Canada."

He said by linking with Canada, the U.S. and Alabama has the potential to save on fuel costs while avoiding imported oils from Middle Eastern markets. He said by utilizing Canada's oil sands, it will help make the U.S. more energy independent by 2020.

Ward also criticized federal incentives to promote wind and solar energy, saying he felt that "unfortunately, it will never be a big part" of Alabama's economy.

Ward praised the Mobile state delegation, calling it one of the more united in the Alabama. But he urged local lawmakers to remain together on energy-related issues.

Local lawmakers agreed.

"Once (these energy issues) come to us, hopefully we can sit down and discuss those issues and still come out in a united front," state Rep. Napoleon Bracy, D-Prichard, said. "This is not the first time (the area) has had coal issues and natural gas issues and things like that. It's about how things were treated in the past, and the right way to go forward."

State Sen. Vivian Figures, D-Mobile, said most of the concerns about local energy projects in Mobile – from the Plains Southcap pipeline through the Big Creek Lake watershed to the development of oil storage tanks near downtown – are related to the 2010 Deepwater Horizon disaster in the Gulf of Mexico.

"I think a lot of the uproar and hesitation now to go forward with energy projects is about what we went through with the BP situation," Figures said. "When we don't have the energy coming through here with the pipelines and oil (projects), we don't get to have the amenities that we do."

Figures said she felt the delegation was "moving in a direction of unity" with regards to energy-related issues for the region.

"When you get the facts and figures, that is where the conversation starts," Figures said. "Everyone wants to know the truth of what we're dealing with."

Ward, who's politically backed by Alabama Power, was asked to speak before the Chamber of Commerce's legislative luncheon in October, according to Ginny Russell, vice-president of community and governmental affairs with the chamber.

The Mobile chamber, within the past month, had been a vocal opponent to a 180-day moratorium proposed on oil storage tank development near downtown Mobile. The Mobile City Council voted recently to forgo the moratorium and, instead, decided to have more dialogue about the future of the oil industry for the next six months.

"It was certainly a timely topic," Russell said. "It's just timely that this issue has gotten so public here. There is a lot of community dialogue about it. It's important in that dialogue to understand the impact to the economy and jobs as well as the environmental impact. It's important we get the whole picture here."

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What else is on the agenda? Birmingham's legislative priority list goes beyond looming Water Works fight

Al.com

January 10, 2013

Joseph D. Bryant

BIRMINGHAM, Alabama -- The city of Birmingham's wish list for the State Legislature includes more than a death-wish for proposals to change the Birmingham Water Works Board.

While the focus of Birmingham's joint legislative agenda is the opposition to proposed changes to the Birmingham Water Works Board, document contains six points: economic development, education, quality of life, transit, utilities and municipal court.

State lawmakers go into session Tuesday.

Here are some of the highlights.

Historic Tax Credits: The city supports legislation that makes permanent credits for the rehabilitation, preservation and redevelopment of residential and commercial historic structures. Previous legislation put the provisions in place and a new proposal would extend those incentives.

Environmental Permits: The agenda includes a statement from Councilman William Parker supporting legislation to require increased public notification and public comment when seeking air emission permits in parts of Birmingham declared a federal Superfund site.

Payday Loans: The city supports a bill from Rep. Patricia Todd to toughen rules on the payday lending industry. The proposal from Councilwoman Lashunda Scales comes after the city tightened its own zoning rules to control the growth of payday lending and title loan businesses.

Education: The city requests changes to the Alabama Accountability Act. This provision was proposed by Councilman Steven Hoyt who wants some exemptions for Birmingham when it comes to the transfer of funds from public to private.

Mass Transit: The document includes a statement supporting an alternative dedicated stream of funding for public transit to enhance the Birmingham Jefferson County Transit Authority. Currently, mass transit receives no state support.

Sex Offenders: The city supports legislation to define a 'residential sex offender cluster' and prohibit more than one unrelated sex offender from living in an unregulated cluster.

The city's agenda was presented to members of the Jefferson County legislative delegation Thursday in a joint gathering of Mayor William Bell, City Council, Board of Education, Water Works Board and the Birmingham Jefferson County Transit Authority.

"This is a great start to a new term for both the mayor and council and school board, and we need to keep up the momentum," Council President Johnathan Austin told AL.com today. "We need to keep our collective feet on the gas and move this city forward."

While the legislative document highlights the city's most pressing issues to date, both Bell and Austin said other items could be added as other issues arise during the legislative session.

"We're going to vet all of these bills," Bell said. "We're going to have the legal department go through them to make sure they are in the correct form."

Austin stressed that the list is a "living document."

"This all merges everything into one," Bell has said. "I'm not objecting to any of this. This will speak to all of the pre-filed bills and issues that the city has taken a position on."

The most contentious item on the agenda is a statement against bills from State Sen. Jabo Waggoner, R-Vestavia Hills and Rep. Paul Demarco, R-Homewood to mandate major changes to the Water Work Board and its operation.

The proposals would limit board member pay to \$500 a month, mandate a two-term limit for board service, require public hearings before rate increases and expand board membership.

Board member pay for years has been a longstanding controversy with its open-ended billing criteria. In 2010 total board member pay topped \$133,470.

Another provision of the proposals would require board members to file annual statement of economic interest disclosure forms with the State Ethics Commission. While the requirement is already in place for some elected and public employees, the law does not currently apply to Water Works Board members.

Birmingham leaders are largely incensed by parts of the bills that involve expanding the five-member board to include representatives areas serviced outside Jefferson County. Currently, the entire board is appointed by the Birmingham City Council.

The bills were met with fierce opposition from Birmingham Democratic legislators and the Water Works Board members themselves, who have largely focused on the provision to expand the board to include area outside the city.

"I'm proud of this document," Councilman Kim Rafferty said during Thursday's joint presentation. "I think finally Birmingham is waking up so that we can make a difference, rather than going along to get along."

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Strange opening re-election campaign for Ala AG

The Associated Press

January 13, 2014

HOOVER, Ala. (AP) — Alabama Attorney General Luther Strange is kicking off his re-election campaign.

Strange will begin his re-election bid by filing his qualifying materials Monday morning at state Republican Party headquarters in Hoover.

It's not a surprise: Strange announced a year ago that he would seek a second term in 2014. The attorney and former lobbyist defeated incumbent Troy King in the GOP primary in 2010, and then he went on to win the general election.

Strange has no announced opposition this year among either Republicans or Democrats.

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Seeds of the future: Alabama looks for next generation of farmers

Montgomery Advertiser

January 11, 2014

Brad Harper

Farming and forestry are big business in Alabama. Combined, they account for nearly 12 percent of all of the state's economic activity.

But after generations of change, the state's bell cow industries may need some nurturing.

Over the past half century, the number of Alabama farms has dwindled from about 250,000 to around 60,000. Large farming operations have thrived but many medium-sized, family farms died away, said Alabama Cooperative Extension System Director Gary Lemme.

"We've lost the middle," he said.

Still, Lemme's optimistic about what's ahead, pointing to the state's strong agricultural assets and the more than 100,000 young people in 4H programs here.

"People want to be able to have that opportunity to live in their communities, to enjoy the lifestyle but at the same time to be able to have a full career," he said. "Agriculture has a strong future here in Alabama."

One of the biggest barriers to that future has been the rocky, often complicated path to owning and running a productive farm. ACES and others want to make sure the next generation has the tools and knowledge to take over, particularly in a state where the average age of a farmer is 50.

"It's like when you lose institutional knowledge," ACES Communications Specialist Jim Langcuster said. "Kids come in fresh to this. There's so much data involved, it makes it more daunting."

The number of farms has grown slightly over the past few years. Lemme said that's because awareness of agriculture and local food systems has spread beyond rural areas and more people are maintaining a small farm — sometimes just a few acres — while working a job in a city.

While that means a much wider diversity in the types of farms and crops, it also means they need a wide range of knowledge.

"There is no average anymore," Lemme said.

In November, Pike Road launched a series of free seminars meant to teach people about the basics of farming and agribusiness. More than 50 people attended, including Wes Gaston who's considering taking over a farm that's been in his family for generations.

His wife, Mary Catherine Gaston, said the crowd ran the gamut from someone who had five acres of land and wants to grow strawberries, to a man who was retiring and wanted to know how to manage his timber land. The town will continue the seminars this year, working with ACES and the National Young Farmers Educational Association.

“We have lots of folks out here who inherited land,” she said. “It may not be a lot of land, but they’re interested in a wide range of pursuits. If you’re new to this, there’s a lot to figure out. The seminars can show people where to start and who to go to.”

Meanwhile, ACES is holding a series of statewide workshops to help families plan to hand over their farms from one generation to the next. It’s a process that’s often thorny, and not always for technical reasons. Experts said the biggest challenge is often open communication between family members.

“Individual family members come into this multigenerational dialogue with different expectations and goals, but as family members they must develop a common vision of how these goals are going to be met,” said Paul Brown, ACES associate director.

Lemme said he hopes community efforts like the one underway in Pike Road can help encourage smaller farmers to grow and fill in the void left by the death of mid-sized farms over the past few decades.

Mary Catherine Gaston, who also works for the town, shares that hope.

“At one time the Pike Road area was the green belt that fed Montgomery,” she said. “That’s our heritage.

“Of course this area is growing with residential and commercial development, but just because we grow and develop doesn’t mean we can’t remain true to that heritage.”

For more information about the Pike Road seminar series call 334-272-9883. To learn more about the ACES farm succession workshops call 334-844-4450.