



Speaker's Press Clips
Thursday, January 2, 2014

Al.com: [Alabama lawmakers' quotes of 2013: Republicans and Democrats had opposite takes](#)

AP: [2013 saw good numbers for Bentley](#)

Times Daily: [New year brings familiar politics](#)

Decatur Daily: [New law provides alternate to court](#)

Al.com: [Boeing tells union it's all or nothing: Vote will decide if 777X work stays in Washington state](#)

AP: [AP's Martin remembered as mentor, friend, talent](#)

Times Daily: [Study: Pre-K closes gaps](#)

Al.com: [Rainy Day Patriots coming to Sen. Del Marsh's hometown to call for repeal of Common Core](#)

Al.com: [Children First Trust Fund ensures a healthier, happier future for Alabama \(Opinion from Rep. John Merrill\)](#)

WHNT: [Alabama RepFinder App Designed to Give Voters Greater Access to Legislators](#)

Al.com: [Florida scholarship program has only enriched its students \(Opinion from Step Up for Students\)](#)

AP: [New year means new challenges for health care law](#)

Al.com: [Alabama Coal Association: 1,000 mine workers in state would be laid off if federal coal permits vacated](#)

Al.com: [Alabama lawmaker takes title as Senate's top talker](#)

CNN: [SCOTUS halts birth control mandate for churches](#)

Politico: [W.H. stands by birth-control rule](#)

Reuters: [Florida Law Mandating Drug Tests For Welfare Struck Down By Federal Judge](#)

The Hill: [Dems can't count on economy to save them in midterm elections](#)

FULL TEXT

Alabama lawmakers' quotes of 2013: Republicans and Democrats had opposite takes

Al.com

December 31, 2013

Mike Cason

MONTGOMERY, Alabama --- Here's the last in a series from AL.com about memorable quotes from the 2013 legislative session.

Lawmakers will match rhetorical talents again when the 2014 regular session begins on Jan. 14.

For now, a quick look back, starting with the opposing takeaways of Republican and Democratic leaders on the last day of the session, May 21.

Senate Minority Leader Vivian Davis Figures, D-Mobile: "I do think the session as a whole was the worst one I ever participated in."

Senate President Pro Tem Del Marsh, R-Anniston: "I don't mean this ugly, but if I were a Democrat, I might think the same thing. When you're not in the power it's a different game."

-- "You've got to understand we're all a little bit skittish after what happened Thursday." House Minority Leader Craig Ford, D-Gadsden, on slowdown tactics the Democrats used after Republicans rammed through the Alabama Accountability Act over their objections the week before.

-- "At the end of the day if we don't pass as many bills, that's OK. We're the party of smaller government." House Speaker Mike Hubbard, R-Auburn, on the effects of the slowdown.

-- "I don't think Macon County can survive another six months." Rep. Pebblin Warren, D-Tuskegee, on her bill to allow VictoryLand to offer the same electronic games as the Poarch Band of Creek Indians. The state closed VictoryLand and seized its machines in February.

-- "The bottom line is VictoryLand has no money. The money comes out of the pockets of losers." Joe Godfrey, executive director of the Alabama Citizens Action Program, opposing the bill.

-- "Remember the little girl with her sand bucket. ... If this bill passes, she won't be building sand castles there anymore unless her family can afford to stay at the Ritz-Carlton." Former Conservation Commissioner Charley Grimsley, on a bill to let the state partner with a private developer to build a hotel and convention center at Gulf State Park.

-- "If you are for tourism in Florida, please vote against this bill." Alabama Tourism Director Lee Sentell, in support of the bill, which proponents said would help Alabama get its share of beachfront convention business.

-- "He started off his day last Tuesday as a bus driver, and he ended it as a hero." Rep. Steve Clouse, R-Ozark, talking about Charles Poland, who was killed while protecting the children on his bus from a gunman who took a student hostage in Dale County.

-- "A lot of people think we're trying to get to the point where everybody is going to be smoking and toking on their front porch. That's not what we're talking about." Rep. Patricia Todd, D-Birmingham, on her bill medicinal marijuana bill.

abortion bill photo one april 9.jpg

Alabama Gov. Robert Bentley signs into law a bill setting new regulations for abortion clinics on April 9, 2011 at the State Capitol in Montgomery, Alabama. From left are House Speaker Mike Hubbard, Lt. Gov. Kay Ivey and Rep. Mary Sue McClurkin. (Julie Bennett/jbennett@al.com)

-- "To me, this truly is a women's rights bill. It protects the right of a woman having an abortion to have it in a safe and healthy environment." Rep. Mary Sue McClurkin, R-Indian Springs, on her bill to add new regulations for abortion clinics.

-- "The reality is ever since we legalized abortion in 1973 there have been all these attempts to restrict access for women by over-regulation." Rep. Patricia Todd, opposing McClurkin's bill.

-- "I would be delighted if no woman ever chose to have an abortion." Rep. McClurkin.

-- "You don't have zapping power today, so I'd like to talk on it for a while." Sen. Bobby Singleton, D-Greensboro, who dubbed Republican petitions to stop debate "the zapper." Because of several absences, the GOP did not have the 21 votes it needed to zap that day.

"It looks like we are going back to segregation." Sen. Rodger Smitherman, D-Birmingham, after the Senate confirmed Beth Chapman as a University of Montevallo trustee, replacing him on the board. Smitherman is black, while Chapman is white. Both are Montevallo graduates.

-- "We spend half our time trying to undo the Constitution of the United States." Rep. James Buskey, D-Mobile, on lawmakers' perennial opposition to the policies of the federal government.

-- "Should the decisions be made in Washington or should they be made in the statehouses?" Rep. Mike Ball, R-Madison, on his bill to let states administer health care programs, such as Medicaid, with block grants and bypass federal regulations.

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2013 saw good numbers for Bentley

The Associated Press

December 31, 2013

Phillip Rawls

For Alabama Gov. Robert Bentley, 2013 was the year his administration's numbers headed in the right direction and set up a strong re-election campaign for 2014.

The Republican governor was elected in 2010 on a jobs platform, and he says there hasn't been a day since when he hasn't worked on that goal.

"Job creation is always number one," he told The Associated Press in an interview.

Alabama's unemployment rate has dropped from 9.1 percent when Bentley took office in January 2011 to 6.2 percent in November. The number of employed has declined from 199,536

to 132,381. Part of the decline is due to more people working and part is due to Alabama's civilian labor force shrinking.

Bentley calls himself "the salesman for the state," and so far his administration has announced new and expanding companies will provide more than 40,000 jobs. Many of those jobs are in factories that are still being built and won't be filled until 2014 or later. For Bentley, who was elected on a promise of not taking a paycheck until unemployment drops to 5.2 percent, more jobs in a second term could bring a payday.

For 2014, Alabama is among the states competing for Boeing's new aircraft plant. Bentley said he doesn't know what Alabama's chances are for landing the plant in Huntsville, but he believes Alabama's undisclosed offer is competitive.

During 2013, Bentley and Republican legislative leaders reached their goal of saving the state \$1 billion. About three-fourths came from reducing the state workforce more than 11 percent, making changes in public employees' health insurance and retirement plans, and not awarding merit raises.

"State government was broke when Republicans entered office in 2011, but together with legislative leaders we took a serious look at how we could find savings in state government," Bentley said.

In 2013, Bentley opened the first projects built with his \$1 billion road and bridge construction program. The Alabama Transportation Rehabilitation and Improvement Program is the largest road construction program in state history, and construction on hundreds of its projects will be visible to voters during the 2014 elections.

Bentley says that no matter what happens in the elections, his road program will always be compared with Gov. James E. "Big Jim" Folsom's farm-to-market road program more than 50 years ago and will be the major thing that history books note about his administration.

During the 2013 legislative session, Bentley got bipartisan support for legislation restructuring the state Medicaid program by dividing it into regional operations and going from a fee-for-service system to an outcome-based system. The new structure won't be in effect until after the 2014 elections, but Bentley, a physician, said "the outcomes for patients will be better because they will be managed."

Also during the 2013 legislative session, Bentley got funds to expand the state's voluntary pre-kindergarten program and says he will seek another expansion in the 2014 session beginning Jan. 14. He also got funding for a 2 percent cost-of-living raise for education employees, their first of his administration, and he says he will seek another raise in the upcoming session. During 2013, he announced that a freeze on merit raises for state employees would be lifted for the first time during his administration. That removal takes effect Wednesday.

During 2013, Bentley had hoped to get the Legislature to place new controls on payday lenders, but that didn't happen. Instead, Bentley's state Banking Department used its regulatory authority

to start setting up a database to make sure the lenders didn't give consumers multiple loans that exceed the state's \$500 limit.

"That payday loan reform was significant and we were able to do it with regulation," he said in an interview.

Bentley wasn't able to get around another legislative setback. He supported the Legislature's passage of the Alabama Accountability Act, but he wanted lawmakers to delay for two years the act's tax credits for families that move their children from failing public schools to private schools or non-failing public schools. Bentley's fellow Republicans in the Legislature rejected his idea overwhelmingly, and the tax credits began with the fall term of 2013.

Looking ahead, Bentley said he hopes to set aside money in 2014 to help high school students interested in technical fields pursue dual enrollment in their local community college. "We particularly want it for students who could not afford college otherwise," he said.

For the physician governor, another goal is making Alabamians healthier by addressing problems like obesity and high blood pressure. Bentley, who lost 20 pounds as he geared up for the 2014 election, said that goal will likely have to wait until the confusion with the national health care law dies down. "That's a goal, that if I have the opportunity to serve again, that I truly do want to concentrate on," he said.

For the 2014 election, Bentley has no well-known opponent. He's raised \$2.6 million for re-election, while his Republican primary opponent, former Morgan County Commissioner Stacy George, has less than \$2,000. Former minor league baseball player Kevin Bass of Fayette is the only Democrat who has announced, but he hasn't reported any fundraising yet.

"I am surprised," Bentley said.

He didn't figure Alabama would have nine candidates for governor like it did in 2010 when there was no incumbent running, but he did expect to have more opposition by now.

Bentley attributes the small field to him traveling the state frequently and always taking time to talk to people about what they need and what they want the state to do. "The majority of the people of the state and I have made a good connection," he said.

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New year brings familiar politics

Times Daily

January 2, 2014

Mary Sell

MONTGOMERY — It's a new year, but some of the political debates of 2013 are going to carry over. Throw in statewide elections and 2014 is shaping up to be a busy year in Alabama politics. Here's some of what to expect:

Election 2014

Ready yourself for robo calls: It's an election year in Alabama.

Most current lawmakers and elected state officials are making their pitches for another four years in office. In the Shoals, all current lawmakers are raising money for the 2014 election cycle.

Democrats are significantly outnumbered in both the state House and Senate. Republicans want to hold on to their supermajority in 2014. Similarly, there are no statewide Democrats in office anymore, and Gov. Robert Bentley doesn't have a solid challenger.

In the Shoals, Reps. Johnny Mack Morrow and Marcel Black, two long-time Democratic lawmakers, have challengers. The biggest race to watch in north Alabama, so far, is Sen. Tammy Irons' fight for her recently redrawn district.

Her district is currently all of Lauderdale County and most of Colbert County. This year, under new lines drawn in 2012 by Republicans, it includes part of Lauderdale and some of the more Republican-leaning Limestone and Madison counties. Republican Athens Councilman Chris Seibert is challenging Irons.

Medicaid debate

Health care providers and advocates for the low-income will continue to push for Alabama to expand Medicaid under the Affordable Care Act. It would provide health care to about 300,000 additional people and bring in billions in federal dollars.

But Bentley has said the cost is too great. Even with the federal government picking up most of the tab, expansion would cost about \$488.5 million for the state from 2014 through 2020.

"All eyes will be on Gov. Bentley as the pressure mounts on him to say yes to creating 30,000 jobs in Alabama and jump starting the economy with Medicaid expansion, which will result in a \$20 billion economic impact to our state and increased revenue for our budgets," Irons said. "I don't understand why Dr. Bentley is opposed to the working-class citizens being able to have access to medical care."

Legislative session

Leaders in the state House have said they want calmer legislative session this year. It's an election year, so lawmakers are apt to be on their best behavior. Less drama likely would mean they can wrap up the session sooner in order to get home and campaign.

"I'm hoping we won't have any major, controversial issues that are brought up," Bentley said in December.

In the House, the Republican majority has rolled out their "Commonsense Conservative" agenda.

"In the last year of the quadrennium, we're not slowing down, we're continuing full steam ahead to move Alabama forward," Speaker of the House Mike Hubbard said. "2014 will be the 'Year

of Taxpayer Relief” with a continued focus on pro-business, pro-private sector policies that help businesses by cutting the red tape and providing immediate tax relief.”

Operating budgets

State law states there is only one thing lawmakers must do each year: approve the state’s education and general fund budgets.

Bentley will roll out his fiscal 2015 budget proposals in mid-January. Then, legislators take it and make changes in what is usually a months-long process.

Sen. Arthur Orr, R-Decatur, is chairman of the Senate General Fund Committee and also is on the Education Budget Committee.

He said the general fund budget, which supports non-education departments and agencies, will be a “real challenge” for 2015 because of flat-lined state revenue and higher expenses. Higher expenses include state Medicaid, the price tag of which is more than \$600 million a year and rising.

More revenue is expected in the education budget, as are demands, including paying back the \$164 million the fund owes to another state account and paying for an increase in health insurance.

Bentley has said he’d like to see a raise for teachers in the 2015 budget.

Incentives

Orr said another forthcoming piece of legislation will have to do with expanding economic incentives for Alabama companies.

“In light of Boeing and other large projects looking at the state, that will be a very important piece of legislation to make our incentive package more competitive,” Orr said.

Bentley has said he wants in 2014 legislation that would let him offer more incentives to existing businesses to get them to stay in Alabama.

Democrats are supportive of incentives as long as they don’t pull from the education budget.

Common Core

Senate President Pro Tem Del Marsh, in the last legislative session, blocked a bill to repeal Common Core in the state, saying lawmakers needed more time to study the issue. He since has said they won’t take it up in 2014, either. But at least one Republican lawmaker has said he will bring a repeal bill in 2014.

Though Bentley opposes Common Core, he said in November the standards were a decision of the state school board, not the Legislature.

The Board of Education, including then-Gov. Bob Riley, approved the adoption of Common Core State Standards, along with selected Alabama standards, in November 2010. They are now called the Alabama College and Career Ready Initiative.

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New law provides alternate to court

Decatur Daily

December 31, 2013

Mary Sell

MONTGOMERY — An Alabama law that goes into effect today will allow for collaboration, which is a form of alternative dispute resolution in which matters are settled out of court.

The bill that became law applies to matters such as divorces, annulments, property distribution, child custody and child support. The bill was sponsored in the 2013 legislative session by Rep. Marcel Black, D-Tuscumbia, and Sen. Cam Ward, R-Alabaster. Both are attorneys.

“It is designed to try to put it in a less controversial, adversarial position,” Black said. “And if it doesn’t work, you can still take it to court.”

Othni Latham, director of the Alabama Law Institute, which helped draft the bill, said it is ideal for people working in good faith to reach the best-possible resolution for themselves or their children. The process involves attorneys, but can include financial planners and counselors.

“The process only works if both parties agree on the front end that they will share more information quicker than they would in litigation,” Latham said.

The new, voluntary option will save the state’s court system money, Latham said, but how much will depend on how many people use the alternative. It could also save individuals money in lawyers’ courtroom fees.

Alabama was the eighth state to pass a collaborative law bill.

Three other laws go into effect today:

Senate Bill 18

Senate Bill 18 allows a specialized Breast Cancer Foundation of Alabama license plate for motorcycles. A portion of the tag fee will go to breast cancer research. Most specialized plates require an additional \$50 annual fee.

House Bill 215

House Bill 215 also pertains to license plates and makes the following changes:

Allows for other specialized plates for motorcycles if there are at least 1,000 commitments for purchase before the plates are created.

The 1,000 commitments applies to cars and trucks, too. If a group seeking a specialty plate fails to reach that commitment, it must wait one year before applying again for a specialty tag.

Removes the 8,000-pound limit for trucks to be able to display specialty plates.

Changes the distribution of proceeds from the sale of National Guard license plates from the National Guard Historical Society to the National Guard Foundation.

Allows a retired volunteer firefighter from a department in another state to receive a firefighter license plate for a \$23 fee.

Allows for a law enforcement memorial license plate honoring officers killed in the line of duty. Revenue from the sale of that tag will go to the State Law Enforcement Memorial and the general fund that supports state operations.

House Bill 119

House Bill 119 has to do with insurance companies in the state and their reinsurers. Companies can buy reinsurance to help cover some of their risk.

The new law sets up new standards the companies must meet, said Reyn Norman, general counsel for the Alabama Department of Insurance. The law won't impact the average Alabamian, he said.

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Boeing tells union it's all or nothing: Vote will decide if 777X work stays in Washington state

Al.com

January 2, 2013

Leada Gore

A 'yes' vote by machinist union members in Washington state means Boeing will locate the entire assembly of the 777X there, essentially locking out Alabama and other states from competing for parts of the next-generation jetliner.

Union members are set to vote Friday on the third contract offer from Boeing for the construction of the 777X. Earlier rejections led Boeing to begin a search for a new home for the \$10 billion 777X production facility and reports surfaced the company was considering locating work at multiple sites.

That possibility has been raised by union officials opposed to the contract offer. However, in a Dec. 27 letter sent to machinist union members, Boeing Commercial Airplanes Vice President of

Human Resources Alan May said a vote to accept the contract extension will keep all the work in the Puget Sound region for at least the next decade.

"With ratification, the company agreed to fabricate and assemble the 777X wing and build the 777X - including fuselage build, final assembly and major components such as fabrication, interiors and wires," in Washington state," May wrote. The 777X wing fabrication "will be performed by the mechanics who currently build aluminum wings here."

Alabama is among several states believed to be still in the running for the 777X facility. Boeing's search will come to an abrupt halt if rank-and-file union members side with their national leaders and approve the contract. If they follow the recommendations of local union leaders and reject the offer, Boeing said it will move ahead with a search for a home for the 777X.

The company previously said it was looking for a "location or locations" for the facility.

"This decision (on a new home for the 777X) will also encompass the location for the fabrication and assembly of the new composite wing for the airplane. We will determine if this work is done at one location, or at different sites," Boeing spokesman Doug Alder said.

I'd call it corporate suicide if Boeing moves this elsewhere.
Boeing owns 300 acres at Huntsville International Airport.

Washington state union officials urge contract rejection

While its members will have the final say on the Boeing contract, leaders with the International Association of Machinists District 751 said the proposal should be rejected.

"It's a bridge too far; it's asking too much from us," Wilson Ferguson, president of the Local A unit of District 751, told the New York Times. "The problem is that it seems that our international union is complicit and working with the company to push this thing through."

IAM's national office set a Jan. 3 date for what Boeing described as its "best and final proposal" after local union leaders rejected a second contract they said was too similar to the company's first offer.

Ferguson and others maintain only Washington state has the existing facilities and expertise to manufacture the 777X. Making concessions on pension and pay aren't necessary, he said.

"I'd call it corporate suicide if Boeing moves this elsewhere," Ferguson said.

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AP's Martin remembered as mentor, friend, talent
The Associated Press
January 1, 2014

ATLANTA — Known as a master of his craft, longtime Associated Press photographer Dave Martin collapsed on the field of the Georgia Dome after taking one of his signature photos: the coach getting doused by his players.

The 59-year-old Martin suffered an apparent heart attack and died early Wednesday morning after working the sidelines at Texas A&M's 52-48 win over Duke in the Chick-Fil-A Bowl. Friends and colleagues remembered Martin as a larger-than-life character who was always happy to share advice with fellow photographers who he often outshot.

Martin covered nearly every major news event in the South over the past 30 years — including Hurricane Katrina and the Gulf oil spill — and he traveled to sporting events around the world and to conflicts in Afghanistan, Haiti and Iraq. His award-winning visual storytelling was splashed across countless newspaper front pages and the covers of Sports Illustrated and other magazines.

At sporting events, he was well-known for always managing to get himself in the perfect position to take the shot of winning athletes dousing their coach with water or Gatorade. Done right, such images capture the flourish of airborne water caught in the stadium lights, but they require great timing and positioning.

Tuesday night's game was no exception — Martin perfectly caught Aggies coach Kevin Sumlin's startled but jubilant expression as he's splashed.

"Every photojournalist in the country knows the trademark Dave Martin picture was the coach being dunked," said AP South regional photo editor Mike Stewart, who first met Martin in 1989.

AP Vice President and Director of Photography Santiago Lyon said: "Dave Martin was an excellent photojournalist, a consummate and dedicated professional and a wonderful person. Wherever his work took him, he made many friends and will be deeply missed by all who had the pleasure of knowing him."

Some of Martin's most memorable images helped people around the world understand the toll of disasters in the South, such as a man wading through chest-deep floodwaters after Katrina with a garbage bag of belongings. Or the striking colors of oil droplets suspended in a cresting wave after the 2010 Gulf oil spill.

He won national journalism awards for images including one of golfer Phil Mickelson celebrating his 2004 win at the Masters and another of people bracing themselves against 90 mph winds next to an upended house in Key West, Fla., during Hurricane Georges in 1998.

"Anyone can shoot game action at sporting events or general news. Dave found MOMENTS," former Mobile Press-Register photographer John David Mercer wrote in an email.

Martin took many young photographers under his wing, and Mercer said he learned a lot from Martin as a mentor — and competitor. As a young newspaper photographer, Mercer quickly

found out that if he didn't shoot an event well enough his editors would use Martin's photos instead.

On a Facebook tribute page set up Wednesday, dozens of photojournalists from around the country shared their memories of Martin. Many recalled his mischievous spirit and wicked sense of humor as well as his generosity.

"Through the years he taught hundreds of photographers about lighting and positioning and getting the most out of their gear," said longtime friend and colleague Jay Reeves, AP's correspondent in Birmingham. "In that way, he influenced so many news photos without even being on an assignment."

But Martin's help went beyond setting an example or offering advice.

"Dave would give you the shirt off his back, let you borrow a lens or move some photos if your laptop crashed," Mercer said.

Alabama Gov. Robert Bentley described Martin as "one of the best photojournalists" he'd ever worked with.

"He traveled with me in the aftermath of the April 2011 tornado outbreak, and told the story of the storm's devastation in some of the best photos I have seen," Bentley said in a statement Wednesday.

Martin began his career as a photographer at the Lakeland Ledger in Lakeland, Fla., in 1982, before joining the AP as a staff photographer in Montgomery in 1983. In 2004, he became the AP's regional photo editor for the South. Subsequently, he worked as a freelance photographer for several years before rejoining the AP in 2010 in Montgomery.

Despite the national awards, the man known as "Mullet" — after the fish, not the hairstyle — remained humble and focused on making sure everyone around him was having a good time. Many colleagues recall how his unflappable demeanor and jokes could cut through the tension during assignments.

"He'll forever be known for the legendary parties he hosted known as 'Mulletfests,' which came with custom-made T-shirts (I still have all mine!), plenty of good food and drink, and a midnight tossing of that smelly, slimy fish in the middle of the street," said AP sports writer Paul Newberry.

He was devoted to his wife, Jamie Martin, and their two children, Emily and Skip. Several colleagues remembered Martin's pride after November's Alabama-Auburn college football game — not because his own photo made the cover of Sports Illustrated, but because his son's photo was featured in a two-page spread inside.

Reeves, the AP correspondent, fondly recalled how Martin's perfectionist streak wasn't limited to framing images at sporting events and disasters.

On their last assignment together, Reeves watched as Martin took time to get the perfect photo of sunlight streaming through a glass of beer. “He came away with a beautiful photo because he wasn’t willing to settle for the ordinary.”

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Study: Pre-K closes gaps

Times Daily

January 1, 2014

Lisa Singleton-Rickman

Students who participate in the state’s pre-kindergarten program outperform their peers academically once they reach elementary school, according to researchers with the Public Affairs Research Council of Alabama and Alabama’s Office of School Readiness.

The Research Council used an analysis of the Alabama Reading and Math Test as primary data for its findings.

The advantages from pre-kindergarten, or pre-K, as it’s called, persist at least through sixth grade, according to the report. The research compares test scores of students who participated in the pre-K program for 4-year-olds and those who didn’t. It shows positive academic effects are particularly strong for pre-K participants who come from lower-income households.

While there is a persistent academic gap in achievement between students from low-income and more affluent families, the low-income students who attended pre-K had a 25 percent smaller gap on average.

“The numbers just reinforce our contention that every child in Alabama needs the opportunity to participate in pre-K,” said Jacque Jefferys, director of the pre-K program at Northwest-Shoals Community College Child Development Center. “It’s the social and emotional aspects of education where great gains are made at this young age. We’re teaching them to sit quietly and take instruction, interact with friends and prepare for the academic side of school as well. It prepares children to do well academically throughout the elementary grades.”

After evaluating the Alabama program, the National Institute for Early Education Research found Alabama meets all 10 of its benchmarks for quality, including having high learning standards in place and requiring pre-K teachers to have a bachelor’s degree and training in early childhood education.

This fall, the program expanded through the Alabama Legislature’s increase in pre-K funding from \$19 million last year to \$28 million this year.

The Lauderdale County School System was among the beneficiaries of the expansion. Lauderdale Schools Elementary Curriculum Director Gina Baggett called the pre-K program “one of the best things we’ve ever done.”

The district, which is the largest in northwest Alabama, now has five pre-K classes, three of them new this year. Lauderdale County High School, Waterloo High School and Wilson High School all have 4-year-olds on campus this year. It's a program Baggett said will be successful, just as the Central School program, with its two classes have been successful for the past 12 years. Central was a pilot site in the state.

"Every three years we reapply for the grant," Baggett said. "We're seeing great improvement through the elementary grades in test scores. By third grade we can really tell the difference in the students that had this early start. Kindergarten teachers can even tell."

Baggett said her system's goal is to have at least one pre-K class at every school. In fact, she said, she'll be applying for more classes when the spring application process opens in early 2014.

"This program is near and dear to my heart because I know that the earlier we get these children, the better off they are," she said. "Those barriers to learning have to be broken down, and working with their peers and simple socialization, and sitting and taking instruction are barriers for a lot of children. The pre-K program removes those barriers and gets them ready for the academic learning process."

Even though the program has expanded, Alabama's public pre-K still will only serve about 5,500 children through its 310 sites this year. That equates to about 9 percent of the state's 4-year-olds. Nationally, 28 percent of the 4-year-olds are enrolled in state-financed pre-K. In Georgia, a portion of the proceeds from the state lottery are devoted to the pre-K program and about 60 percent of 4-year-olds are enrolled.

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Rainy Day Patriots coming to Sen. Del Marsh's hometown to call for repeal of Common Core

Al.com

December 31, 2013

Mike Cason

MONTGOMERY, Alabama --- The Rainy Day Patriots, an Alabama Tea Party group, will host a forum next month in Anniston to call for a repeal of Common Core curriculum standards used in Alabama public schools.

Ann Eubank, legislative chair of the Rainy Day Patriots, said the group chose Anniston partly because it is the hometown of Senate President Pro Tem Del Marsh.

Marsh has said he does not want the Senate to take up Common Core repeal legislation during next year's regular session because the issue was too complicated and contentious for a regular session.

Sen. Scott Beason, R-Gardendale, said he will propose legislation to repeal Common Core and said he hopes it can come to the Senate floor. Beason will speak at the Rainy Day Patriots' forum.

The forum is scheduled for Jan. 10, four days before lawmakers begin the 2014 session.

Eubank said it would be one in a series held about Common Core. Forums have also been held in Birmingham, Huntsville and Orange Beach.

Alabama adopted the standards a few years ago for English and math, and they are used by most other states.

In a statement today, Marsh said he thought recent moves by the state Board of Education removed the need for the Legislature to take any action on Common Core.

In October, the BOE approved a new policy on the collection and use of student data. Opponents of Common Core have expressed concerns that it allowed the federal government access to individual student data, which the state Department of Education said is not the case. In November, the board rescinded a 2009 memorandum of agreement with the Common Core developers, the National Governor's Association and the Council of Chief State School Officers.

"I have always made it clear that it's important to find the right balance between ensuring high education standards in Alabama and not relinquishing control of what's being taught in our schools to the federal government," Marsh said in an e-mailed statement today.

"The elected body responsible for setting education policy, the State Board of Education, has recently taken action to alleviate concerns over Alabama's College and Career Ready Standards, thus eliminating the need for legislative action."

Eubank said she knows there is a perception that those who, like her, are vehemently opposed to Common Core, are misguided. But she said extensive research has convinced her that Alabama and other states have signed on mainly to make sure they are in line for funding from the federal government and some private groups.

"It started with money and the end game is money," Eubank said. "We've gone all over the state to educate people on what this stuff is. It's not a standard for the education of our children."

Michael Sibley, spokesman for the state Department of Education, said that was not accurate.

"It's not all about money," Sibley said. "There's not a financial incentive at all. It is about aligning standards with internationally benchmarked standards that other states and other countries are using so that our students can have a competitive advantage or at least be on par with other states."

The Obama administration made Common Core a factor in awarding Race to the Top grants a few years ago. Alabama applied for the grants twice, but was unsuccessful.

Sibley said the state's failure to win the grants was a blessing in disguise.

"In hindsight, we're glad we didn't because part of the opposition's claim is that states that receive Race to the Top money are under some type of contractual agreement or mandate to do what the federal government says," Sibley said.

Sibley said he believes those on both sides of the Common Core debate have good intentions, but that there was much misinformation circulated about the issue.

Beason said he understood a need for curriculum standards but said Common Core went beyond benchmarks of basic learning and emphasized certain points of view.

"Overall, education is about world view," Beason said. "It always will be about world view. What you teach children is what they end up believing for most of their lives. It has a tremendous impact on them.

"My personal belief is we can do a better job in the state of Alabama making sure that they are taught the things we want them to be taught than we can signing onto a one-size-fits-all managed, run and orchestrated by people from other states."

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Children First Trust Fund ensures a healthier, happier future for Alabama (Opinion from Rep. John Merrill)

Al.com

January 2, 2014

While traveling across the great state of Alabama during the past year, I have seen many successful results of the investments made by the Children First Trust Fund. Unfortunately, many folks in our state still don't know what the Children First Trust Fund is and why it is so important to our people.

The CFTF has and continues to provide services to hundreds of thousands of children through twelve state agencies since its creation thirteen years ago. These are not taxpayer dollars; the annual resources in the CFTF come from Alabama's National Tobacco Lawsuit Settlement. Let me stress again that these are not tax payer dollars. The amount the fund receives each year fluctuates based upon tobacco sales in Alabama but is usually around \$40 to \$50 million.

Alabama Children First is a non-profit organization that drafted and advocated for the creation of the CFTF in 1998 and has served as a watchdog over it every year. Children First Board President John Hall states, "It has been estimated that for every \$1 dollar spent on prevention programs for children, the state saves \$6 dollars in long term costs, not to mention the human cost if we fail to do what is right by our children."

In part, due to this funding, Alabama has experienced historically lower infant mortality rates; increased funding for foster children; 100% enrollment in the children's health insurance program (ALL Kids); the lowest rate of tobacco sales to minors in the state's history; and more juveniles have been able to participate in community diversion programs instead of being sent to detention which has resulted in a downward trend in crimes committed by teens.

It is no secret that the CFTF helps thousands of children every year. However, there are still those who wish to redistribute these funds to other areas that would not benefit our children. This would be detrimental to the many programs that are funded by the CFTF and Alabama would be taking a step backwards in its efforts to raise the overall well-being of our state's children.

Cuts to the CFTF would harm:

The nationally recognized ALL Kids children's health insurance program, which provides health and dental care for children.

Child advocacy centers that provide safety and counseling for child victims of severe sexual and physical abuse.

Care and therapy for foster children; mental health care services for children in crisis and many other crucial services provided to over 150,000 of Alabama's children.

As always, a top priority in our state should be the children – our most precious natural resource. Children are not partisan and they cannot vote. All they need is someone to stand-up for them when it matters most.

Alabama Children First continues to be the voice at the State House for our smallest citizens and we, as legislators, must listen to their counsel as we make budgetary decisions that could have far reaching consequences for our state's children and families.

This year my most significant New Year's resolution is very simple: to help the children of our great state become healthy happy productive future citizens by protecting the Children First Trust Fund. What's yours?

(John H. Merrill (R - Tuscaloosa) represents the 62nd District of Alabama (Southern and Eastern Tuscaloosa County) in the House of Representatives. He also sits on the Alabama Children First Board of Directors. He can be reached at JMerrill@1stfed.com or on his cell at (205) 887-2787.)

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Alabama RepFinder App Designed to Give Voters Greater Access to Legislators

WHNT

December 31, 2013

Clarissa McClain

HUNTSVILLE, Ala. (WHNT) – Do you know who your current Alabama House and Senate members are? If not, there's now an app to help you identify your legislative representatives.

Senator Bill Holtzclaw (R-Madison) was part of the committee that helped redistrict the state of Alabama. That meant huge changes for Alabama voters.

“One day at lunch with some friends who work here locally, I jokingly said there ought to be an app for that,” says Holtzclaw. “It could tell people who their legislative representatives are going to be in the coming election in 2014. The idea was born on the back of a napkin and it went from there.”

From brainstorming on a napkin to developing a first of its kind app. Venturi, Inc., a Huntsville-based aerospace and technology company, designed Alabama RepFinder.

Venturi Inc. Department Manager Derek Johns believes the app can be valuable to voters for easy, quick access to information.

“There are more than one million smart phone users in the state of Alabama,” says Johns. “All of these people can download Alabama RepFinder for free and learn information about their legislators, how to reach those people via email or telephone and learn more about the legislator’s position on different issues.”

The Alabama RepFinder app also offers access to the Secretary of State’s election center.

“The app gives users access to voter resources,” explains Johns. “It links to alabamavotes.org and the app users can get information about voter registration, provisional ballots, absentee ballots, polling locations and other types of data.”

The app can help you locate your legislative representative either using your address or your current location. Mobile users can download the app by searching for “Alabama RepFinder” in Google Play or the Apple App Store. It’s available for the iPhone or Android devices.

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Florida scholarship program has only enriched its students (Opinion from Step Up for Students)

Al.com

January 1, 2013

As Alabama introduces a scholarship program that empowers low-income parents to choose a school that best fits their children's needs, the apprehension of traditionalists in public education is understandable. But allow me to rebut a false accusation launched at your neighbor to the south: no one who administers Florida's scholarship for underprivileged children is profiting from it.

I should know. I am the president of the only remaining nonprofit organization still administrating tax credit scholarships in Florida. We originally had eight nonprofits doing this work, but Florida's scholarship funding organizations get no reimbursement until they operate for three years with clean audits, and then they can only keep up to 3 cents on each tax-credited

scholarship dollar they collect. Little wonder that only one has been able to raise sufficient funds to survive.

Our nonprofit, called Step Up For Students, has raised dollars privately to help keep its doors open for 12 years. So I laughed when I read that at least one newsletter columnist and some public educators in Alabama think our nonprofit has enriched John Kirtley, the Tampa businessman who has personally funded much of our efforts. The columnist was particularly blunt: "This man Kirtley down in Florida has made \$6.3 million last year managing that fund." The scholarship, he wrote, "has resulted in a very lucrative business for him." How absurd.

Pick up any of the publicly available state-mandated annual audits of Step Up or any of its annual IRS nonprofit tax returns, and it is clear that Kirtley, our board chairman, has never received a penny in compensation. In fact, these statements show he has repeatedly opened his wallet to keep the scholarship operation alive.

John takes the money he earns in the business world and devotes it to his passion – helping low-income children. His donations to the cause of empowering low-income families have run into the millions over the last 20 years.

Similar to Florida, Alabama's new law provides for a 5 percent administrative allowance – which, incidentally, is half the amount in every other scholarship state. This is not "a profit off the top," as one critic alleged, but an amount that allows the nonprofit to do work that would otherwise fall to state government. The scope and scale of this work in Florida is instructive.

This school year, Step Up is serving 59,674 students in 1,414 schools across the state at a total cost of about \$286 million. By law, Step Up must verify the household income of every family every year, and this year we received 94,104 student applications. Our three-language contact center handled 119,455 calls, and our document center processed tens of thousands of pieces of mail. We will distribute roughly 250,000 scholarship checks, each of which must be co-endorsed by the parent and the school, which we verify. This year we will coordinate the collection of roughly 23,000 standardized test results, and will collect and analyze independent financial reports submitted by approximately 360 participating schools.

To do this work, we employ a permanent and seasonal staff of 123 people. In August, Charity Navigator, the nation's largest independent charity watchdog, gave Step Up our seventh four-star rating, its highest. In fact, Step Up received a perfect score for accountability and transparency, and we received the seventh highest overall ranking in the country.

Florida now has 12 years' worth of data on the scholarship. We know it attracts the state's poorest and lowest performing students. After joining the program, these students achieve the same gains in reading and math as students of all income levels nationally. Independent university researchers say our program also improves the academic performance of the public schools since many of their lowest performing students are coming into our program. As a lifelong educator, Democrat, and former teacher union president, I'm pleased that our program has such strong bipartisan support – for example, a majority of our legislative Black Caucus recently voted to

expand our program, and the Urban League recently sponsored a series of statewide meetings to educate parents about our program.

I understand emotions run high when people debate public education policy, but bearing false witness against Mr. Kirtley and our nonprofit organization in Florida is inappropriate.

(Doug Tuthill is president of Step Up For Students and former president of the Pinellas Classroom Teachers Association in Florida.)

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New year means new challenges for health care law

The Associated Press

January 1, 2014

WASHINGTON — This could be the year that things finally turn around for President Barack Obama's health care law. Yet it could start with another round of glitches that vex consumers and leave Republicans crowing, "We told you so."

The law's major benefits take effect with the new year, along with an unpopular insurance mandate and the risk of more nerve-racking coverage disruptions.

Big improvements are in store for some, including Howard Kraft of Lincolnton, N.C. A painful spinal problem left him unable to work as a hotel bellman. But he's got coverage because federal law now forbids insurers from turning away people with health problems.

"I am not one of these people getting a policy because I'm being made to," Kraft said. "I need one to stay alive."

What's good for millions like Kraft is secured through what others see as an imposition: requiring virtually every American to get covered, through an employer, a government program or direct purchase of a plan.

But the biggest health care headlines early this year could come from continued uncertainty over the insurance program's messy rollout.

The consumer-facing side of the HealthCare.gov website appears to be largely fixed — with 2.1 million enrolled through federal and state websites. But on the back end, insurers say they are still receiving thousands of erroneous sign-ups from the government.

That means early in the year insured patients could go for a medication refill — or turn up in the emergency room — only to be told there is no record of their coverage.

One of the main worries is over certain error-tainted enrollment records that insurers call "orphans" and "ghosts."

"Orphans" are sign-ups that the government has a record of, but they do not appear in insurer systems. Insurers say those customers never left the government's "orphanage" to "go and live" with the carrier they selected.

"Ghosts" are new customers that the insurer does have a record of, but whose information mysteriously does not appear in the government's computers.

The Obama administration says the rate of such errors has been reduced dramatically, and insurers agree. The catch is that the volume of sign-ups has surged in the meantime, which means even with a lower error rate the number of problem cases keeps growing. And there is no automated way to clear up mistakes quickly.

"There are going to be problems for any number of people who thought they had signed up, and it won't work right off the bat," said Mark McClellan, who oversaw the rollout of Medicare's prescription drug benefit — a program that also had its share of issues. "It would be particularly disruptive for people in the midst of treatment."

Anticipating disruptions, major drug store chains like CVS and Walgreens have announced they will help customers who face coverage glitches, even providing temporary supplies of medications without insisting on up-front payment. Many smaller independent pharmacies are also ready to help.

White House health care adviser Phil Schiliro told reporters the administration was working with insurers and health care service providers to minimize disruptions "as we deal with what are always going to be unexpected problems where there is a transition."

Obama had envisioned that the arrival of the Affordable Care Act's major benefits in 2014 would be like a national seminar, showcasing his philosophy that government can and should smooth the rough edges off an unforgiving economy for struggling working people.

The goal was that in a midterm election year, Democrats would be able to point to millions of newly insured Americans, thanks to subsidized private plans and an expanded version of Medicaid. Media reports would feature compelling cases of people handed a lifeline.

That's indeed happening, but it seems to be only part of the story. The Republican portrayal of "Obamacare" as government inept and out of control appears to be unfolding right alongside.

Legal challenges still lie ahead for the health care law. Supreme Court Justice Sonia Sotomayor, acting Tuesday night on a request from an order of Catholic nuns in Colorado, blocked implementation of portions of the law that would have forced some religion-affiliated organizations to provide health insurance for employees that includes birth control. Several other Catholic groups won similar stays in the lower courts.

Although the stated goal of the law was to cover the uninsured, at least 4.7 million insured people had individual policies canceled because they didn't measure up to new requirements. That forced an apology from the president, who had famously promised that if you like your

health plan, you can keep it. The administration says it believes most of those people have secured new coverage.

Americans with job-based health plans are also worried. A recent Associated Press-GfK poll found that most people who've seen their employers scale back coverage blame that on Obama's law, even though businesses were shifting health costs to workers before the law passed.

The nation's divisive debate over health care could go on for years. Having failed to repeal the entire law, Republicans may start targeting pieces of it, such as a Medicare cost control board, or various taxes.

For now, administration officials say they are just focused on getting through the March 31 end of open enrollment. People who enroll by that date will not face the law's tax penalty for remaining uninsured.

The administration and its supporters are also planning a big push to get younger, healthy uninsured people to sign up, key to the law's long-term success.

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Alabama Coal Association: 1,000 mine workers in state would be laid off if federal coal permits vacated

Al.com

December 31, 2013

Kent Faulk

BIRMINGHAM, Alabama - More than three dozen coal mines across north Alabama would be forced to close and lay off about 1,000 workers if a federal judge grants a request by two groups for a preliminary injunction halting the issuance of a certain type of surface mining permit, coal companies claim in federal court documents.

Two environmental groups, however, argue that since last year the permits granted by the U.S. Army Corps of Engineering to Alabama coal companies have allowed about 27 miles of streams to be filled in by mining waste in the Black Warrior River watershed, a major source of drinking water for Birmingham and west central Alabama communities.

U.S. District Court Judge William M. Acker Jr. on Friday granted a motion by the Alabama Coal Association and four mining companies - MS&R Equipment Co., Inc., Reed Minerals, Inc., Twin Pines, LLC, and Walter Minerals, Inc. - to intervene in the lawsuit filed by the two environmental groups.

In that same order, Acker also set a hearing for Jan. 30 on the request for a preliminary injunction by Black Warrior Riverkeeper and Defenders of Wildlife.

The riverkeeper and wildlife groups filed a federal lawsuit in Birmingham on Nov. 25 challenging the Corps' use in Alabama of Nationwide Permit 21 (NWP 21), which allows surface

coal mines to fill in small streams or wetlands without first having to have detailed studies or analysis of its cumulative impact.

The Corps made changes in February 2012 to the permits, including for the first time putting limits on the length or size of the streams that can be filled. But the two environmental groups say 41 coal mining operations have been granted extensions under the "grandfather" provision of NWP 21.

Under the "grandfather" provision the companies can operate under the old - 2007 - rules that allow unlimited fill of streams and wetlands. The Alabama companies can continue to operate under the previous version of the permit until 2017.

On Dec. 3 the two groups asked Acker to issue the preliminary injunction halting the NWP 21 permits issued to the 41 mining operations until there is a resolution of the lawsuit.

The Corps, however, has defended the issuance of the permits and argues against the request for an injunction.

The corps argued in its Dec. 18 response that it's too late to request an injunction, about 20 months after the revised permit process was approved. The environmental groups also have not demonstrated a likelihood that they will succeed on the merits of their claims, the Corps argues.

"Meanwhile, the requested injunction would significantly interrupt ongoing mining projects, potentially depriving the economy of a vital source of income for thousands of families and of a critical energy source for the region and the nation," the Corps stated. "Further, the public interest is served by allowing the Corps to efficiently administer its nationwide permit program."

The Alabama Coal Association, which represents the companies that hold 38 of the 41 (NWP 21) permits, and the four companies argue in their motion to intervene the permits have allowed them to mine millions of tons of coal this year. If forced to halt operations, the companies also would have to lay off employees.

"If the 2012 NWP 21 were vacated, mines associated with 38 of the permit authorizations ... would be forced to close, resulting in approximately 1,000 mine workers being laid off," according to the association and companies' response.

Mines could still apply and get permits through another process that requires more analysis, but that could take a few years, according to court documents.

The association and companies say the two environmental groups should be required to post an "appropriate" bond for seeking an injunction to halt their operations. A bond would go towards paying for economic losses if operations are halted and a judge later finds in favor of the mining companies.

The association and coal companies also contend the riverkeeper and wildlife groups don't have standing to bring their claims. "The streams are located on private property and are not subject to

public navigation. Plaintiffs' have no access to these streams to enjoy the particular activities described in the complaint, and therefore have no injury," according to the association response.

The two environmental groups say the Corps hasn't done its job to protect Alabama's streams from mining.

"It's the responsibility of the U.S. Army Corps of Engineers to ensure that surface mining in Alabama strictly follows the permitting process required by law," Catherine Wannamaker, an attorney with the Southern Environmental Law Center, stated in a press release issued when the lawsuit was filed. "It is possible to balance protections for clean water and natural resources with economic opportunities, but this process has failed to do so."

The Southern Environmental Law Center and the firm Public Justice filed the lawsuit on behalf of the riverkeeper and wildlife groups.

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Alabama lawmaker takes title as Senate's top talker

Al.com

January 1, 2013

Leada Gore

Alabama Senator Jeff Sessions has earned the title of the legislative body's top talker, according to estimates taken from C-SPAN Video archives.

The Los Angeles Times studied the archives to determine which Senator spoke the most from the floor this legislative year. It showed Sessions spoke for more than 33 hours in 2013, three hours more than Senate Majority Leader Harry Reid, D-Nev.

Sen. Ted Cruz, R-Texas, known for his 21-hour all night speech against Obamacare in September, actually spoke for a total of 20 hours with some of that time yielded to colleagues. Sen. Rand Paul, R-Ky., held the floor for 13 hours in March in a filibuster against CIA director nominee John Brennan.

Other long-talkers were Sen. Richard Durbin, D-Ill., the number two Democrat in the Senate, who spoke for 20 hours and Sen. John Cornyn, R-Texas, the Republican whip, who spoke for 19 hours.

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SCOTUS halts birth control mandate for churches

CNN

January 1, 2014

(POOL/CNN) – The U.S. Supreme Court has temporarily blocked a key requirement of the Affordable Care Act.

Supreme Court Justice Sonia Sotomayor exempted two Catholic nonprofits from having to provide contraceptive coverage to employees.

The ruling came Tuesday night, just hours before the law into effect.

It sets up another high-stakes legal challenge for President Barack Obama's signature legislation.

The federal government will now file a legal response to the ruling.

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Florida Law Mandating Drug Tests For Welfare Struck Down By Federal Judge

Reuters

December 31, 2013

Dec 31 (Reuters) - A U.S. judge on Tuesday struck down a Florida law requiring drug screening for welfare recipients, saying that it violated the constitutional protection against unreasonable searches.

Florida Governor Rick Scott, a Republican who campaigned on a promise to expand drug testing, said he would appeal the ruling.

The law took effect in July 2011 and required parents to undergo and pay for urine tests for illegal drugs when they applied for Temporary Assistance for Needy Families, a federal-state program that helps poor people with children pay for food, shelter and necessities.

The testing fee of \$25 to \$45 was to be repaid by the state if the test came back negative, but applicants who tested positive would have been barred from receiving benefits for a year.

Enforcement of the law was temporarily halted in October 2011 after the American Civil Liberties Union sued, arguing that mandatory testing of people who were not suspected of using drugs violated the constitutional prohibition against unreasonable searches and seizures.

U.S. District Judge Mary Scriven permanently halted enforcement of the law in Tuesday's ruling. She agreed with an earlier court finding that "there is nothing inherent in the condition of being impoverished that supports the conclusion that there is a concrete danger that impoverished individuals are prone to drug use...."

The lawsuit was filed in U.S. District Court in Orlando on behalf of Luis Lebron, a U.S. Navy veteran, college student and single father with sole custody of his then-5-year-old son.

Lebron was denied benefits when he refused to take the test.

"The new law assumes that everyone who needs a little help has a drug problem," Lebron said when the suit was filed in 2011. "It's wrong and unfair. It judges a whole group of people on their temporary economic situation."

Scott and other supporters of the law argued that welfare recipients needed to be drug-free to prepare them for jobs. They said businesses had been requiring such tests for years and that government should do the same to ensure that taxpayer money wasn't used to buy illegal drugs.

"Any illegal drug use in a family is harmful and even abusive to a child," Scott said on Tuesday. "We should have a zero tolerance policy for illegal drug use in families - especially those families who struggle to make ends meet and need welfare assistance to provide for their children."

During the time the law was in effect, about 2.6 percent of recipients tested positive for illegal drugs, mostly for marijuana, according to the court documents.

The failure rate was well below that of the general population. The U.S. Department of Health and Human Services found in a 2009 survey that about 8.7 percent of the population aged 12 or older had used illicit drugs in the previous month.

Generally, the courts have allowed suspicionless drug testing only when public safety is at risk, such as for armed officers or railroad workers who operate heavy equipment.

The case is 6:11-CV-01473-MSS-DAB. (Reporting by Jane Sutton; editing by Gunna Dickson)

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W.H. stands by birth-control rule

Politico

January 1, 2014

The Obama administration Wednesday said the Affordable Care Act contraceptive coverage regulations are fair – and they don't really hurt the Denver-based religious organization that got a temporary New Year's Eve reprieve from Supreme Court Justice Sonia Sotomayor.

"We defer to the Department of Justice on litigation matters, but remain confident that our final rules strike the balance of providing women with free contraceptive coverage while preventing non-profit religious employers with religious objections to contraceptive coverage from having to contract, arrange, pay, or refer for such coverage," a White House official said.

This case involves religiously-affiliated groups. The court has already agreed to hear in 2014 challenges to the law involving two private for profit businesses with owners who oppose contraception on religious grounds.

(Also on POLITICO: Justice delays birth-control mandate)

The case of The Little Sisters of the Poor Home for the Aged is complicated and hinges on the question of whether a system set up by the health law and the Department of Health and Human Services to allow religiously-affiliated employers to obtain an exemption from providing contraceptive coverage in the employee health plan still impinges on their religious liberty. Sotomayor's order temporarily halts the requirement only for the Denver group, but the eventual outcome of the case could have wide national repercussions.

Under the president's health law, most employers who offer health insurance to their workers must include coverage for contraception. A religious organization such a church is exempt, but certain other religious-affiliated organizations can also get an exemption by certifying that offering the coverage violates their beliefs. In those cases, there is generally an indirect way that the health plan, acting as a third party administrator, must offer the contraceptives to the employees.

The Little Sisters of the Poor Home for the Aged contends that even the act of self-certifying is unacceptable because it would in effect authorize the health plan to provide contraceptive coverage, even if the home isn't doing so directly.

"The threat to applicants' religious freedom derives from the sheer enormity of the government's pressure on them to forego their religious exercise of not providing coverage for the drugs and devices at issue and not authorizing or helping others to do so," the lawyers wrote in appealing to Sotomayor.

But there's another twist, which the administration argues is crucial. The health plan administrator for the Little Sisters of the Poor is classified as a church organization under an insurance law that pre-dates Obamacare. That law, known as ERISA, limits the federal government's authority over the health plan, the administration argues. The health plan would not have to provide contraceptives – and under ERISA the feds couldn't intervene or penalize it.

"There is no statutory authority to regulate the third-party administrator of a self-insured church plan and no legal compulsion for that administrator to provide contraceptive coverage where an eligible organization with a self-insured church plan invokes the accommodation," the government lawyers argued in an earlier Circuit Court brief.

Yet if the Denver group doesn't invoke that "accommodation" by self-certifying—an act it contends is a restriction on its religious beliefs — it is still subject to hefty fines under the Affordable Care Act.

Sotomayor's order, which for now prevents the government from fining the Little Sisters of the Poor, requires the Justice Department to respond by 10 a.m. Friday

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Dems can't count on economy to save them in midterm elections

The Hill

January 2, 2014

President Obama and Democrats may not be able to rely on the economic recovery to bolster their chances in November's midterm elections.

Even though there has been a raft of positive economic news recently, experts in key battleground states caution that other issues, notably ObamaCare, could loom even larger than the economy.

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They also add that congressional races, whether for the House or Senate, can swing as easily on local priorities as on broader questions of the national economy. And in some cases, the local economic story is different from the emerging national trend.

For the GOP to wrest control of the Senate, the party needs to pick up six seats.

In Arkansas, where Republicans fancy their chances of ousting incumbent Democratic Sen. Mark Pryor, the unemployment rate has edged up over the past 12 months and, at 7.5 percent, is now above the national average.

In Louisiana, where Sen. Mary Landrieu is the Democrat under threat, unemployment has also ticked up year-on-year — but only to 6.3 percent, a figure that is relatively healthy, at least in comparison to the country at large.

A mirror image of that situation is found in North Carolina, a key battleground where the GOP is seeking to topple Sen. Kay Hagan (D). Unemployment has dropped more precipitously in the Tar Heel State than anywhere else in the country, falling a full two percentage points between November 2012 and November 2013. Yet it still remains high, at 7.4 percent.

“I think there is a general sense that the state could be doing better, but I'm not sure the U.S. Senate race is going to be a referendum on the state economy,” said Chris Cooper, a political science professor at Western Carolina University in Cullowhee, N.C. “Healthcare will be huge and the real question for me is how much does the election end up being a referendum on each party's brand?”

Democrats would of course hope that a rising economy nationally would help their brand. The national unemployment rate is now 7.0 percent which, a significant decrease from 7.8 percent a year ago. At the same time, unemployment remains elevated in historical terms, and much of the drop in the unemployment rate has come from people leaving the workforce.

Still, in late December, the official estimate of economic growth in the third quarter of 2013 was revised upwards, to an annualized rate of 4.1 percent.

Meanwhile, the stock market has been booming. On Tuesday, the Dow Jones Industrial Average and the more broad-based S&P 500 both ended the year at all-time highs.

If the markets have another boom year in 2014 — even if the S&P cannot replicate its 29 percent advance in 2013 — it will surely bolster the sense of economic wellbeing among many voters.

Some experts do believe Democrats could benefit as a result, but they caution that robust economic growth during 2014 is by no means a given.

Ray Fair, an economics professor at Yale University, is best known in political circles for a complex statistical model that has predicted the outcome of presidential and congressional elections with considerable (though not flawless) accuracy.

“The basic idea is that if the economy is okay — reasonably good but not terrific — then it looks like a close election. If the economy is really good, it’s going to favor the incumbent party in the White House,” he said.

But, Fair added, it will be Republicans who will be favored come Election Day if the economy “tanks.”

There may not appear to be much chance of that happening right now, but Democrats know they have seen false dawns before — notably when the Obama administration heralded the summer of 2010 as “recovery summer.”

In any event, skeptics argue that the ways in which economic debates play out at a state level are too tangled to conform to any national model.

Take Louisiana, for example. There, Republican Gov. Bobby Jindal has been touting the state’s relative economic success, creating a complication for the GOP’s most likely opponent against Landrieu, Rep. Bill Cassidy, if he seeks to make malaise a centerpiece of his campaign.

“The economy here in Louisiana is coming back pretty strong right now,” said Robert Mann, director of the Reilly Center for Media and Public Affairs at Louisiana State University. “Unemployment took a little bit of an uptick but there is a sense that we’re getting a boost from the oil and gas sector improvement. I think that probably hurts Cassidy’s ability to attack Landrieu on the economy.”

Those kinds of considerations can cut both ways. In North Carolina, state House Speaker Thom Tillis (R) is widely favored to become the GOP nominee against Hagan. While Democrats argue that this provides an opening for attacking the legislature’s more unpopular actions, conservatives insist Tillis and the state’s GOP governor, Pat McCrory, could both claim credit for the falling unemployment rate.

“Having been in charge of the Republican House, with its platform of lowering corporate and personal tax rates, [Tillis] can say their policies worked,” said Theresa Kostrzewa, a GOP lobbyist in the state. “Both McCrory and the Republicans in the House put themselves on the line to help the economy. At this point, it looks like North Carolina has finally turned the corner.”

Kostrzewa insists that, for all the talk about the economy, another national issue will likely decide the election in the Tar Heel state.

“If the storm around ObamaCare is still a hurricane-strength storm next November, then it’s over,” she said. “In order for [Hagan] to win, it’s going to take ObamaCare being a much lower-level storm.”