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Monday, January 27, 2014

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FULL TEXT

**This week in Alabama politics: Open Meetings Act, drug screening legislators, regulating wind mills**

*Al.com*

January 27, 2014

Mike Cason

MONTGOMERY, Alabama --- A ban on former lawmakers lobbying in the State House for two years after their terms end remains a high priority for Senate President Pro Tem Del Marsh, R-Anniston, who said he's working to address other senators' concerns with the bill.

Marsh proposed SB 36 after three legislators resigned mid-term last year. One became a lobbyist.

There's a two-year waiting period now, but former senators can lobby the House and former House members can lobby the Senate during that window. Marsh's bill would close the loophole.

The bill came up during the first week of the session, but Marsh asked the Senate to delay action on it after some proposed changes. Sen. Hank Sanders, D-Selma, proposed broadening the bill, including applying it to former governors.

"That is a bill that there are more questions than most and concerns," Marsh said last week. "Let's get it right, let's involve whole body, which we're doing, and let's get a good piece of legislation. I think when it comes out of here, it will go very smoothly through the House because the work will have been done."

The House and Senate return to Montgomery Tuesday.

Bills that could be moving this week:

-- A Senate committee on Tuesday will consider a constitutional amendment, SB 222 by Sen. Trip Pittman, R-Montrose, that says legislators would be subject to drug screenings "upon such intervals as the legislative body determines appropriate." The bill has 12 Republican co-sponsors.

On Wednesday:

-- A House committee will hold a public hearing on HB 350 by Rep. Ed Henry, R-Decatur, that would move the responsibilities of the chief examiner, whose office audits state agencies, school boards, county commissions and other entities, to the State Auditor. The chief examiner now is governed by a legislative committee.

-- A Senate committee will consider SB 191 by Sen. Cam Ward, R-Alabaster, to amend the Open Meetings Act to ban serial meetings, to say that the law applies to the Legislature and its committees and to say that any Alabamian can sue for violations. Backers of the bill say recent state Supreme Court rulings showed the need to tighten the law.

-- A House committee will consider SB 188 by Sen. Linda Coleman, D-Birmingham, that would allow counties to issue car tag registrations that are good for two years. The goal is to reduce long tag renewal lines at courthouses, a problem in Jefferson County.

-- A Senate committee will consider SB 12 by Sen. Phil Williams, R-Rainbow City, to require the Alabama Department of Environmental Management to regulate and issue permits for wind mills.

-- A House committee will consider HB141 by Rep. Patricia Todd, D-Birmingham, to exempt veterinarians working for nonprofit spay-neuter clinics from a prohibition against working for a non-veterinarian. Todd has said her goal is to keep the nonprofits open.

On Tuesday, there are two special elections to fill seats of two of the legislators who resigned. The races are in House District 104 in Mobile County and House District 31 in Elmore and Coosa counties.

The state Employees' Retirement System Board of Control is scheduled to meet Thursday and consider the role of the board's investment committee, according to RSA CEO David Bronner. In December, the board voted to require the committee to approve any investment decisions. Bronner opposed the move, saying it would stop him from making timely investment decisions by proxy, as he has done for many years.

This story was edited at 8:02 a.m. to say that senators are still working on SB 36 and to change the headline.

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### **The week in the Legislature: Revising Constitution, drug-testing lawmakers on agenda**

*Montgomery Advertiser*

January 27, 2014

Brian Lyman and Kala Kachmar

A look at the week ahead in the Alabama Legislature. All events are subject to change.

#### House of Representatives

The House returns at 1 p.m. Tuesday. The House will follow the regular-order calendar Tuesday but may have a special-order calendar for Thursday, said Rachel Adams, a spokesman for House Speaker Mike Hubbard, R-Auburn. Bills that could be discussed Tuesday include HB 88, which would change the formula for calculating a person's unemployment benefit, and HB 44, which would allow farmers to register more than one truck tractor at a reduced rate.

On Wednesday, some bills passed in the Senate last week will be up for discussion in House committees, including a bill that would raise the amount of driving hours a 16-year-old needs to get a driver's license, from 30 to 50. Another bill passed in the Senate would require resealed alcohol containers to be transported in a trunk, truck bed or locked glove compartment.

#### Senate

The Senate returns at 2 p.m. Tuesday. Senate President Pro Tem Del Marsh said Thursday he expected a "fairly noncontroversial" agenda next week, though he did not name specific legislation that might be on it.

Bills scheduled to be brought up in committee include:

- A constitutional amendment proposed by Sen. Trip Pittman, R-Daphne, that would require periodic drug-testing of legislators.
- Proposed revisions to the Open Meetings Act, sponsored by Sen. Cam Ward, R-Alabaster, aimed at addressing recent Alabama Supreme Court rulings that proponents of government transparency say have severely weakened the law.
- A bill by Sen. Dick Brewbaker, R-Montgomery, that would require the state to award public contracts to firms that are either based in or make products in Alabama if their bids are no more than 5 percent greater than the lowest responsible bidder.
- Several proposed constitutional amendments stemming from the Constitution Revision Commission. The amendments make mostly minor changes, but would make it more difficult for lawmakers to send local constitutional amendments to statewide votes.

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#### **Area graduation numbers rise**

*Opelika-Auburn News*

January 25, 2014

Kristen Oliver

High school teachers in the east, central Alabama area can relish their work in the 2012-2013 school year.

The Alabama State Department of Education recently released graduation rates for the 2012-2013 school year, and nine of the 15 east, central Alabama area high schools saw increases in their rates over the last year.

Of the four Lee County high schools, three increased their graduation rates from 2012 to 2013. Beauregard High School's graduation rate was 83 percent in 2012 and 84 percent in 2013. Loachapoka High School's graduation rate increased from 79 percent to 86 percent and Smiths Station High School's rate increase from 84 percent to 86 percent.

“We’re very proud of that,” said Mac McCoy, superintendent of Lee County schools. “That just shows that what we’re doing academically is working for students, and we do have an opportunity still to continue to improve.”

Beulah High School’s graduation rate dropped from 82 percent to 75 percent, something McCoy said they are working to improve.

“That’s definitely something we’ve already been working on,” McCoy said. “When we saw that, we got with the administration and are trying to find what happened to those students and what caused the drop. That’s what we’re working on right now, and it’s a major concern for us.”

Opelika High School’s graduation rate made the biggest increase with 8 percent, from 81 percent in 2012 to 89 percent in 2013. Dr. Ferrell Seymore, principal at Opelika High, said they did so through increased attention to each individual student’s needs.

“This is a credit to our students, faculty and staff for making a commitment to work hard and to put things in place so that we’re giving every student an opportunity to do their very best,” Seymore said.

Increasing graduation rates means providing students with more avenues for learning, according to Seymore. Opelika High School provided greater tutoring and intervention opportunities and more Advanced Placement and dual enrollment options for its seniors last year.

“It’s just a strong commitment and the hard work of our teachers and staff and our families than send their students here, to make sure the students get what they need to be successful,” Seymore said. “It’s work.”

In Auburn, graduation rates stayed high, increasing slightly from 88 percent in 2012 to 91 percent in 2013.

Dr. Karen DeLano, superintendent of Auburn City Schools, said individual attention to students has helped Auburn High School keep high graduation rates. She said the teachers and faculty try to quickly identify students that may have trouble graduating to ensure they get all the assistance and attention they might need.

“We’re certainly proud that we have a higher rate than we had last year,” DeLano said. “We keep working, because our goal is to have it be 100 percent. We’re not satisfied, but we are very happy it’s going the right direction.”

In Macon County, both public high schools improved their graduation rates, with Booker T Washington High School increasing slightly from 82 to 83 percent and Notasulga High School increasing from 86 to 91 percent.

In Chambers County, Valley High School increased significantly, from 75 percent in 2012 to 82 percent in 2013, while LaFayette High School dropped from 78 percent to 72 percent.

Finally, in Tallapoosa County, both Reeltown High School and Dadeville High School's graduation rates decreased. Horseshoe Bend High School's rate increased.

Dadeville's rate dropped from 78 to 72 percent, Reeltown's rate dropped from 93 to 89 percent and Horseshoe Bend's rate increased from 87 percent to 93 percent.

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### **Under the Dome: Budget chair cautious about ETF funding proposal**

*Montgomery Advertiser*

January 25, 2014

Brian Lyman and Kala Kachmar

Gov. Robert Bentley's proposal to spend about \$92 million outside the Rolling Reserve cap drew a cautious response Thursday from the chairman of the Senate education budget committee.

Bentley's budget, unveiled Jan. 15, allocates about \$5.8 billion in spending on the Education Trust Fund. However, it also includes about \$92 million in gross sales tax revenue that the governor's office described as education spending outside the ETF and not subject to the Rolling Reserve cap. The governor said last week that without the money, they would likely not be able to provide a 2 percent pay raise for teachers or meet funding requests by the board overseeing insurance for teachers.

House Speaker Mike Hubbard, R-Auburn, and Senate President Pro Tem Del Marsh, R-Anniston, last week expressed skepticism about proposal.

Sen. Trip Pittman, R-Daphne, the chairman of the Senate Finance and Taxation Education Committee, said he would speak with House Ways and Means Education chairman Bill Poole, R-Tuscaloosa, on the matter. Poole's father, the Demopolis city attorney, was shot in his office on Jan. 17; Poole has been away from the House this week. However, Pittman said Bentley's budget "obviously circumvents the cap."

"He has to present a budget and he has," Pittman said. "But I believe we're going to have to recalibrate."

McCutcheon has surgery

Rep. Mac McCutcheon, R-Huntsville, was admitted to the hospital Tuesday for open-heart surgery that took place Friday, and the surgery reportedly went well. McCutcheon, the chairman of the House Rules Committee, is expected to return during the session, though no date has been set.

House members held a moment of silence for McCutcheon on Wednesday. He was first elected to the House in 2006.

Exchange over LRS

The Alabama Senate passed a bill Thursday sponsored by Sen. Roger Bedford, D-Russellville, that allows for expungement of criminal records in certain circumstances. Before passage, the bill became a vehicle for criticism — by senators, and for senators.

On Jan. 16, Bedford went to the podium in the chamber after the bill was called and angrily criticized members of the Legislative Reference Service for what he said was failure to get a copy of an amended bill to him in time.

On Tuesday, Sen. Paul Bussman, R-Cullman, took to the podium and, without naming Bedford, referred to a senator who had “embarrassed and humiliated” the staff.

“I would hope this is not a precedent we set,” Bussman said. “The LRS has been a tremendous service for me, and they have done everything we asked them to do.”

Bussman said he “hoped there would be an apology” to the staff. Following his remarks, Bedford and Bussman could be seen having a discussion outside the Senate chamber.

“He called out employees, and I think it was done in an attempt to intimidate and embarrass the staff,” Bussman said Thursday. “And I didn’t think it was appropriate for the body.”

Bedford said Thursday he had resolved his issues with LRS.

Bussman declined to discuss the conversation the two of them had Tuesday; Bedford did not.

“I suggested to Senator Bussman that if he had something he wanted to talk to me about, he should come and talk to me man to man,” he said.

#### Reflex action

During the debate over the legislative reorganization Wednesday evening, Senate Democrats pressed the issue of the salaries of legislative employees, and whether they would be impacted by a new salary schedule that sponsor Jimmy Holley, R-Elba, said would also come in.

Holley, after a brief conversation with Senate President Pro Tem Marsh, said he could assure Senate Minority Leader Vivian Davis Figures, D-Mobile, that the salaries would not shift. Figures replied that Marsh had made similar assurances about the Alabama Accountability Act, passed amid angry scenes in the Senate last February.

“Once you get burned, you remember that hot stove,” she said.

Marsh’s office said Thursday that legislative employees have long been at-will employees, and that the bill would not affect their status.

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**Alabama Community College System Chancellor says expanding dual enrollment program for high school students a game-changer for state**

*Tuscaloosa News*  
January 24, 2014  
Ed Enoch

The chancellor of the Alabama Community College System called a proposal to expand dual enrollment options for high school students interested in taking courses at two-year colleges a potential game-changer for the state's workforce development.

Chancellor Mark Heinrich believes an expansion, particularly making more scholarships available, would help accelerate the development of new skilled workers in Alabama and also increase high school graduation rates. His comments follow similar claims by Gov. Robert Bentley during his annual State of the State address on Jan. 14, the beginning of the 2014 regular session of the Alabama Legislature.

The program, part of a series of early college initiatives by the two-year college system, allows high school students to take courses at community colleges statewide, with the exception of Ingram State Technical College and Marion Military Institute, according to the Alabama Community College System website.

Like Heinrich, Bentley described expanding dual enrollment as a way to increase highly skilled workers and graduation rates. The promise to expand the program came amid a list of proposals put forward as ways to help Alabamians find jobs and businesses create jobs.

"This will allow us to refill the workforce pipeline we need to replenish," Heinrich said.

Two-year colleges provided 3,500 scholarships last year for career technical dual enrollment programs, which represents a fraction of the requests for aid the system receives, according to the chancellor.

"We always have many, many requests that we can't fill," Heinrich said.

Right now, about 7 to 9 percent of the state's high school students are involved in dual enrollment, whether for academic or technical courses. To increase dual enrollment by about 25 percent, it would take about \$10 million, Heinrich said.

"We would like to see that number increase to about 40 or 50 percent," Heinrich said, adding increasing scholarships would help reduce financial barriers for students.

Heinrich is optimistic funding will be made available this year, noting the comments by the governor and discussions with lawmakers.

A funding increase for dual enrollment would allow the system to recover ground lost to funding decreases in the last few years and expand capacity, said Heinrich, who estimated the system lost about \$2 million in funding during the past few years.



There are a number of bills expected to be considered this session that will address the proposal, though Heinrich said it is too early to know how much funding would be proposed.

Possible funding options includes a line-item appropriation, a tax credit for businesses that contribute funds, or a combination of the two, he said.

Any additional funding for scholarships would be used in the existing program that makes awards based on proposals to the state from regional workforce councils. The process allows the community college system to respond specifically to the workforce needs of regional businesses, Heinrich said.

"We have a very good delivery process in place," he said.

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### **Law enforcement or schools? Reps. Jim Carns, Allen Farley propose uses for Jefferson County legislators' idle office fund**

*Al.com*

January 24, 2014

Mike Cason

MONTGOMERY, Alabama --- Jefferson County lawmakers have different ideas for an idle and growing pot of taxpayer money that is supposed to pay to operate an office for the county's legislative delegation.

The co-chairman of the delegation said he expects a proposal to give most of the money to Jefferson County school systems will prevail in the House of Representatives.

For now, the money sits idle. The delegation's Birmingham office closed in 2010 and its lone employee resigned. An audit released in 2012 found there was about \$1.5 million in the fund and none of the money had been spent in almost two years.

The money comes from pistol permit fees paid by Jefferson County residents. A permit costs \$7.50, and \$2.50 of that goes to the legislative office fund. The rest goes to the Jefferson County retirement system (\$4.50) and the sheriff's office (50 cents).

Rep. Jim Carns, R-Vestavia Hills, has introduced a bill to give the bulk of the office fund money to Jefferson County school systems. Rep. Allen Farley, R-McCalla, has proposed a bill allocate all the money for law enforcement.

Carns' bill would provide that all the money in the fund in excess of \$120,000 be distributed to school systems in Jefferson County in proportion to student enrollment.

"We've talked about many different things and all of them are worthy causes," Carns said.

Carns said he thought giving the money to schools was an idea that most of the delegation could agree on.

Rep. John Rogers, D-Birmingham, co-chairman of the delegation, said most of the 18 members in the House delegation have said they would support Carns' bill.

"They want to give it to the schools," Rogers said. "The schools need it just as bad as anyone else. They probably need it worse."

Under Carns' bill, the \$2.50 from each permit fee would continue to go to the delegation office fund. That money and the remaining amount in the fund could be used to operate legislative offices in Birmingham and Bessemer, according to Carns' bill.

Carns said he was not in favor of reopening the office, but said he thought the majority of the delegation was. He noted that many of the other delegations, including Shelby County's, have an office.

Rogers said he expects the delegation to eventually reopen an office in Birmingham. State Rep.

Farley's bill would earmark the money for law enforcement in Jefferson County. That would include the money now in the fund and the \$2.50 from future permit sales that is now earmarked for the office fund.

Farley spent 36 years in law enforcement, including seven years as assistant Jefferson County sheriff. He said there is no need for a delegation office. In fact, he said he had already been in the Legislature for some time before he learned about the existence of the legislative office fund from a maintenance man at the Bessemer Courthouse.

"It's infuriating to me to think that we've got this money that we know hasn't been properly utilized," Farley said. "The law enforcement agencies in Jefferson County are working short of staff and short of equipment and at the same time we've got a fund with almost \$2 million in it." Farley proposed the same bill last year but it did not pass.

Jefferson County Chief Deputy Randy Christian said the sheriff's office supports Farley's bill.

"Our main concern is that the permit fee is not raised," Christian said in an email.

Sheriff Mike Hale pushed to lower the fee from \$20, which legislators did in 1999.

"Taking an existing \$2.50 portion and allocating it to law enforcement is a move in the right direction and will be very much appreciated," Christian said.

Farley said the money could be used to help police departments in the county buy cars, computers, bulletproof vests and other items. He said even a small amount of money could be important for some of the smaller police departments in the county.

Rogers said he expected the delegation committee to meet in about two weeks and consider the legislation on the office fund.

Any bill approved by the committee would also have to pass the House of Representatives and the Senate.

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### **AT&T-backed bill would end phone service complaints to Alabama Public Service Commission**

*The Associated Press*

January 25, 2014

MONTGOMERY, Alabama — Customers might no longer be able to call the state's utility regulatory board to complain about phone service.

A bill moving through the Alabama Legislature would complete the deregulation of home and business phone service by ending the Public Service Commission's ability to handle customer complaints about landlines.

The bill is being pushed by the state's largest phone company, AT&T. The company's Alabama president, Fred McCallum, says regulation is no longer needed because the industry is highly competitive and unhappy customers can switch companies. PSC President Twinkle Cavanaugh says she's not taking a position on the bill.

The bill by Republican Rep. Mike Hill of Columbiana has already been approved by a House committee and is awaiting action in the House.

More news from Alabama Legislature.

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### **Carly's Law would legalize controlled form of marijuana in AL**

*WSFA*

January 25, 2014

Jennifer Oravet

MONTGOMERY, AL (WSFA) -

Medical marijuana is a controversial topic, and it's a conversation that's already being had at the Alabama State House. The bill specifically seeks to legalize a controlled form of marijuana, without the intoxicating side effects. If it's passed by the legislature it would be called "Carly's Law" after a 3-year-old little girl suffering from an unthinkable disease.

Carly Chandler's seizures are hard to watch, and they happen three to five times a day. Carly's father, Justin Chandler, says it's a parent's nightmare.

"When they happen, there's nothing you can do. As a father, it's a helpless feeling," Chandler said.

Chandler stumbled upon the benefits of cannabidiol, better known as CBD, which is the oil from a marijuana leaf that helps a variety of debilitating conditions, including his daughter's epileptic seizures.

Chandler says upwards of 10 medications have failed to stop the seizures. CBD is Carly's last resort.

"I met with families who moved to Colorado to get their children the medicine they need legally. They say it's saved their child's life. It's saved their families, and kept their families intact," Chandler said.

Chandler is a police officer and refuses to break the law that's why he reached out to Rep. Mike Ball, a law enforcement colleague, to help make this medication a reality.

"It's high in CBD, low in THC so she won't get high. When you're a parent searching for answers, and you're helpless, you're willing to try anything," Chandler said.

Chandler isn't alone; supporters have already rallied on behalf of Carly's Law on the State House steps. CBD is also receiving cautious support from oncologist, Dr. Robert Avery.

"When you take an isolated compound from the marijuana leaf it makes it more scientific, it makes it easier to know exactly what you are getting," Avery said.

Avery agrees CBD is more controlled than medical marijuana, and studies show proven benefits. He would support the move, if clinical trials accompanied the use.

"I think we need to keep our eyes open to innovations like this and hopefully we won't get bogged down in the political and social sides of marijuana," Avery said.

Both the House and Senate bills have not been brought up in committee. WSFA 12 News will continue to update the progress of Carly's Law.

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**DOJ report does not accurately describe today's Tutwiler Prison (Opinion from Kim Thomas, prison commissioner)**

*Al.com*

January 26, 2014

Alabama Department of Corrections

The taxpayers of Alabama and, perhaps more importantly, the family members of the women incarcerated at Tutwiler Prison, deserve the facts about Tutwiler: The January 17, 2014, report from the Department of Justice does not accurately describe Tutwiler Prison as it is today.

The Department of Justice is absolutely right that Tutwiler has had serious issues that need to be addressed. That is exactly why Tutwiler's new warden, Bobby Barrett, and the entire staff have implemented significant structural reforms over the past year. In fact, if DOJ had taken the time to learn about the comprehensive reforms underway at Tutwiler, it would not have been able to conclude that the prison is being operated in a deliberately indifferent or unconstitutional manner.

I studied corrections in college, and I have spent more than 30 years as a corrections officer, correctional sergeant, classification officer and department lawyer and now commissioner with this department. I consider custodial sexual misconduct to be the single most egregious abuse of the authority entrusted to us as a public servant, and I will not stand for it on my watch.

In May of 2012, my office was made aware of a complaint by the Equal Justice Initiative outlining concerns about inappropriate staff-inmate relationships at Tutwiler. The issues raised by EJI are not unique to prisons in Alabama, but we will not tolerate such behavior here. In June of 2012, I requested that the National Institute of Corrections, an agency within the Department of Justice, send a team of experts to Tutwiler and make recommendations to me on steps that could be taken to prevent staff misconduct with female offenders and create a safer, healthier environment for inmates and staff. We began to immediately and universally implement the changes recommended by the institute and developed an action plan to address the challenges and opportunities identified.

In January 2013, before the DOJ ever expressed an interest in investigating Tutwiler, I directed that an action plan be created detailing what we would do to change Tutwiler and make it safer for the women residing there. The full action plan may be viewed here: [www.doc.alabama.gov](http://www.doc.alabama.gov). The plan contained 58 specific directives. To date, 57 of those directives have been completed.

Areas addressed covered a wide range of topics: leadership and philosophy, facility changes, management and operations, staffing and training, culture, offender management, and classification. The three most important action items involved extensive staff training related to the Prison Rape Elimination Act and gender responsiveness, a plan to equip Tutwiler with more than 300 security and monitoring cameras, and training for investigators in an effort to enhance the prosecution of wrongdoers. District attorneys near prisons throughout the state were invited to participate in this training.

This action plan and other progressive initiatives will serve as the cornerstone of gender-responsive strategies at Tutwiler for years to come. We are working tirelessly to make these changes second nature and part of the fabric of day-to-day operations at Tutwiler. I am confident that we have assembled the right team to accomplish this mission.

Bottom line, the department had been working to change Tutwiler before the DOJ first expressed an interest last February, before they made their on-site inspection last April, and long before the agency issued its report last week. We have been proactive from the beginning and have never downplayed the serious nature of these allegations.

Interestingly, when DOJ officials visited Tutwiler last April, they were allowed three days of confidential inmate interviews. We asked to be notified of any current inappropriate staff-inmate relationships discovered. We were informed of none.

We have taken significant steps in the last year to improve the safety and living conditions of the women housed at Tutwiler. Those changes were not reflected in the DOJ report issued last week.

I pledge to you that the Alabama Department of Corrections will continue to transform Tutwiler, making it a safe place to live for Alabama's incarcerated daughters, sisters, mothers and wives.

(Kim Thomas was appointed by Alabama Gov. Robert Bentley as commissioner of the Alabama Department of Corrections in 2011.)

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**Over the years, concerns at Julia Tutwiler Prison addressed in courtrooms, examined by investigators (timeline)**

*Al.com*

January 27, 2014

Kelsey Stein

WETUMPKA, Alabama – The Department of Justice determined, in a report released last week, that conditions at Julia Tutwiler Prison for Women in Wetumpka were unconstitutional and that the facility has "a history of unabated staff-on-prisoner sexual abuses and harassment.

The report was not the first time issues at the prison have been addressed. Overcrowding, inmate segregation and allegations of abuse have arisen in courtrooms after lawsuits were filed and in reports after investigations were completed.

December 1942: Construction completed on Julia Tutwiler Prison for Women. The facility was built to house about 400 female prisoners.

2002: The Southern Center for Human Rights files a lawsuit on behalf of 15 inmates at Tutwiler, seeking to remedy overcrowding and other issues.

December 2002: U.S. District Judge Myron Thompson rules that the prison is overcrowded, understaffed and unsafe. Describing the facility as a "ticking time bomb," he gave Alabama officials four weeks to create a plan to address the problem.

2003: In a move to relieve overcrowding, the Alabama Department of Corrections moved some Tutwiler inmates into the facility's annex and also sent more than 300 inmates to a private prison in Louisiana.

May 22, 2012: The Equal Justice Initiative, a Montgomery nonprofit organization, releases a report claiming that it "uncovered evidence of frequent and severe officer-on-inmate sexual

violence" and asked the U.S. Department of Justice to investigate the Alabama Department of Corrections.

June 2012: Alabama Department of Corrections Commissioner Kim Thomas asked the National Institute of Corrections to send a team of experts to conduct an assessment of Tutwiler.

September 2012: NIC investigators conduct interviews with staff members and inmates and are given access to various corrections department records.

November 2012: Tutwiler warden Frank Albright is reassigned to Kilby Correctional Facility, and Bobby Barrett replaces him as warden.

Jan. 25, 2013: The Alabama corrections department releases the NIC report, and Thomas outlines a plan for ADOC staff to implement changes at Tutwiler by following 58 specific steps.

April 2013: U.S. Department of Justice officials conduct their own investigation at Tutwiler.

August 2013: The Alabama Department of Corrections ends the policy of segregating HIV-positive inmates at Tutwiler. Thomas said eight HIV-positive inmates were moved back into the general inmate population as of Aug. 1. The changes were the result of a lawsuit filed by HIV-positive inmates in 2011 asserting that the segregation policy violated the rights of inmates under the Americans with Disabilities Act.

September 2013: Thomas gives reporters and photographers a tour of Julia Tutwiler Prison for Women and says that conditions have improved at the prison.

Jan. 17, 2014: The U.S. Department of Justice releases a report calling conditions at Tutwiler unconstitutional and describing the facility's "toxic, sexualized environment."

Sources: Alabama Media Group archives; U.S. Department of Justice; Alabama court records

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### **Would streamlined appeals have unfairly hurt these 5 capital defendants?**

*Al.com*

January 26, 2014

Brendan Kirby

Supporters of a bill to speed up death penalty cases contend defendants would retain all of the appeal rights they currently have.

But defense lawyers point to five Alabama cases since the start of this decade in which capital defendants won new trials. All would have faced long odds if the proposed new appeal rules had been in place, they argue.

The bill, which passed committees in the House and Senate last week, would set time limits on post-conviction challenges available to capital defendants after they exhaust regular appeals. Supporters argue that the law, backed by Alabama Attorney General Luther Strange, is needed in order to reduce the long wait between conviction and execution.

Such challenges, known as Rule 32 actions, rarely succeed. But since 2010, at least five men have won such challenges. The most recent two, coming less than a year apart, arose from challenges to Mobile County convictions.

In November 2012, Circuit Judge Sarah Stewart ordered a new trial for William Ziegler, sentenced to death in 2003 for the murder of Russell Allen Baker Jr. The judge in a 217-page ruling raised concerns about the quality of Ziegler's defense team, altered testimony and evidence that law enforcement authorities withheld from the defense.

In the other case, Circuit Judge Robert Smith ordered a new trial for George Martin, a former Alabama state trooper convicted of killing and burning his wife on Willis Road in Tillman's Corner in 1995. The judge determined that the state withheld thousands of pages of documents that bolstered Martin's case.

The Attorney General's Office has appealed both decisions.

Bryan Stevenson, an attorney who runs the Montgomery-based Equal Justice Initiative, said those and other successful Rule 32 appeals in recent years likely would have failed under the rules proposed by the bill before the Legislature.

"I don't have any question either Mr. Martin or Mr. Ziegler would have been affected," he said. "In both of those cases, we spent years recruiting law firms with the resources and experience to provide effective representation."

In addition to those two cases, Rule 32 appeals have succeeded in Dale County, where a judge granted a new trial in March 2010 to Emanuel Aaron Gissendanner Jr.; in Russell County, where a judge granted a new trial to James Allen Harrison Jr. in August 2010; and in Marshall County, where the Alabama Court of Criminal Appeals ruled in 2010 that Larry Reynold Smith had received unconstitutionally deficient legal representation. He walked free two years later after cutting a deal to plead guilty to a lesser offense.

'He would already be dead'

Assistant Attorney General Clay Crenshaw argued that the bill is carefully written to make sure defendants have every existing right to challenge their convictions.

"I think with Martin and Ziegler ... everything brought up were things in the defense counsels' files," he said.

But Ziegler's wife, Tammy Ziegler, said she fears her husband never would have gotten a shot at freedom if the rules proposed in the legislation had been in place at the time of his trial.



“He would already be dead,” she said. “I believe in the death penalty, and so does my husband. But it has to be done fairly.”

Dennis Knizley, one of Martin’s original attorneys, said the danger of rushing executions is that it increases the chances of executing innocent people.

“We should realize that two years or 20 years, we’ve killed a lot of people,” he said. “Let’s make sure we get it right.”

"I've been doing this since the 1990s, and I've had one claim of new evidence based on actual innocence." -- Assistant Attorney General Clay Crenshaw

Current law allows a defendant convicted of a capital offense to appeal to Alabama’s state courts and then bring constitutional challenges in the federal courts. After those direct appeals, the defendant can pursue a Rule 32 challenge in front of the trial judge on limited grounds, the most common of which are newly discovered evidence and substandard performance by his attorneys.

The bill pending in the Legislature would require that the defendant file a Rule 32 challenge within 180 days of the submission of the written argument in the direct appeal to the state courts. A judge could grant one, three-month extension of that deadline.

The law also would put a time limit on judges considering Rule 32 petitions in death penalty cases. Such cases currently languish for months or years. The bill would require a judge to decide a Rule 32 challenge within six months of a state Supreme Court ruling on the direct appeal.

Crenshaw notes that the law contains a safeguard for new evidence that was not available during the trial. Defendants still can bring a challenge at any time based on new evidence – as long as they pursue it within six months of discovery of the evidence.

Crenshaw said new evidence in a capital case is extremely rare.

“I’ve been doing this since the 1990s, and I’ve had one claim of new evidence based on actual innocence,” he said.

Time needed to recruit lawyers

Stevenson said the proposal underestimates one of the biggest hurdles facing death row inmates – the difficulty finding competent lawyers to take Rule 32 cases. With compensation capped at \$1,500, he said, few want the job – especially since it often requires a lengthy and expensive investigation to search for new evidence.

“Judges have been unable to find lawyers to take these cases,” he said.

Knizley said he was particularly concerned about the law's effect on claims of ineffective assistance of lawyers handling the appeal. In many cases, a defendant would have to bring such a challenge before the Supreme Court has even ruled.

Crenshaw downplayed this concern, noting that the lawyer considering a Rule 32 challenge would have plenty of time to review the transcript of the trial and read the appellate lawyer's brief to determine if an egregious error had been made.

"It ought to stand out if it's constitutionally defective," he said.

But Knizley said the law should cover hypothetical scenarios, not just ones that have occurred. If a defendant must raise an objection to his appellate lawyer's performance based solely on his work preparing the brief, he asked, what about the oral argument?

"What if the lawyer doesn't show up?" he asked. "What if he argues the wrong case?"

Legislators modeled the legislation on law in Texas, where Crenshaw said death row inmates rarely sit more than 10 years before the state carries out an execution.

Since 1983, the average time between conviction and execution in some 50 cases where Alabama imposed the death penalty averaged about 16 years, Crenshaw said. And that number has been trending higher in recent years, he said.

"Hopefully, that will have the same effect here," he said.

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### **Bedford bill bans drone use to harass hunters**

*Times Daily*

January 25, 2014

Mary Sell

Anti-hunting advocates may want to wait a minute before buying their hunter-hunting drones.

State Sen. Roger Bedford, D-Russellville, is sponsoring a bill that would ban bothering hunters and fisherman with drones.

State law already prohibits people from messing with others who are legally hunting and fishing.

Bedford's bill takes it a step further, outlawing "the use of a drone to intentionally and knowingly harass a person who is legally hunting or fishing."

"It's apparently a growing problem," Bedford said Friday. "As a lifelong hunter and fisherman, I think if someone is out in the woods or on the water, they have a right to be there without being harassed.

The bill defines a drone as any vehicle that does not carry a human operator.

Illinois passed similar legislation last year, at least in part to a proposed tactic by People for the Ethical Treatment of Animals.

On its website this past fall, PETA introduced “Air Angels.” They look like remote-control operated planes, but the goal is to capture video footage of hunters engaging in cruel or illegal activities.

Bedford said the real goal is to chase off game.

Air Angels are for sale on PETA’s website for \$324, but act quickly. If Bedford’s bill passes both chambers and is signed by the governor, the drones could be grounded by late summer.

Bedford’s bill made it out of a committee last week and now goes to the full Senate for a vote.

“This is a classic case of the law trying to catch up with technology,” he said.

Propane info sought

In response to a propane shortage during this recent cold snap, a north Alabama senator said he wants a discussion on how much fuel suppliers are required to keep.

“I want to know more about their reserves,” said Sen. Clay Scofield, R-Guntersville.

Gov. Robert Bentley on Thursday ordered a state of emergency because of a shortage.

A lack of propane is especially concerning to poultry farmers, who need the fuel to keep the chickens warm and healthy.

The propane shortage is hitting many states, and is blamed at least in part on federal restrictions on propane truck drivers’ hours.

Scofield, a poultry producer who goes through thousands of gallons of propane in a winter week, said he wants to know more about how much propane suppliers keep available, especially in colder months.

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### **District 31 runoff on Tuesday**

*Montgomery Advertiser*

January 26, 2014

Matt Okarmus

On Tuesday, voters will select a new member of the Alabama House of Representatives for District 31, filling a seat that has been vacant for months.

When state Rep. Barry Mask resigned in September, a special election was called to select a new lawmaker for the district, which includes portions of Elmore and Coosa counties. Jimmy Collier, 68, and Mike Holmes, 71, received the most votes in December's special election and now face off in Tuesday's runoff.

The candidates had to gear up for a second round of campaigning, meaning more contributions and more spending. The Montgomery Advertiser obtained copies of the candidates' campaign finance reports since the Dec. 3 special election and spoke to them about their campaigns.

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“It’s made me respect what a political person goes through,” he said.

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### **Runoff set for Tuesday in special election in Elmore, Coosa counties for Alabama House seat**

*Al.com*

January 27, 2014

Mike Cason

MONTGOMERY, Alabama --- Two Republicans square off Tuesday in a runoff in the special election in District 31 in the Alabama House of Representatives.

The district covers most of Elmore and Coosa counties. Jimmy Collier, who owns a car dealership in Wetumpka, and Mike Holmes, a retired agriculture industry executive and a timber farmer, qualified for the runoff during the Dec. 3 primary.

Holmes led the four-candidate field, while Collier ran second. No Democrats ran.

The winner will complete the term of Rep. Barry Mask, R-Wetumpka, who resigned in September.

The seat will be up grabs again later this year, as will all 140 seats in the Legislature. The primaries are June 3.

Polls open at 7 a.m. and close at 7 p.m.

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### **Unemployment is down, but enrollment in Alabama’s struggling Medicaid system continues to rise**

*Anniston Star*

January 26, 2014

Tim Lockette

MONTGOMERY — A sharp drop in the state's unemployment rate hasn't decreased the number of people covered by Alabama Medicaid, a paradox that state officials didn't foresee.

"I made the assumption that if unemployment went down, enrollment would go down," said state health officer Don Williamson, the state's point man on Medicaid costs. "I was completely wrong."

For the past few years, state officials have been hoping an economic recovery would ride to the rescue of the Alabama Medicaid Agency. Before the 2008 recession, about 750,000 people were enrolled in Medicaid, the state-and-federal health care program for the poor. After the crash, the Medicaid rolls swelled by tens of thousands, and the state's cost to run the program grew accordingly. In 2010, with federal stimulus funds to pick up part of the cost of that growth, the state paid \$307 million for the program. Medicaid got \$615 million from the state this year; Williamson said the program needs \$700 million next year.

State leaders have already tried emergency measures to pay for the program, including a \$437 million raid on a state trust fund to fill the hole Medicaid left in the state budget. It's not clear what the state will do when that money runs out in 2016.

It wasn't supposed to be a problem. Buoyed by signs of a steady-but-slow recovery, state officials expected that when Alabamians returned to work post-recession, they'd get employer-provided insurance and leave the Medicaid rolls.

That hasn't happened. Unemployment in Alabama is at 6.1 percent, the Alabama Department of Labor reported Friday. In 2009, at the height of the recession, unemployment topped 10 percent.

The number of people enrolled in Medicaid has climbed steadily over that same time, from just more than 800,000 in 2009 to 970,000 in December. Counting everyone who was eligible for Medicaid at some point during 2013, the number tops 1 million.

The same thing is happening in states across the country, said Robin Rudowitz, associate director of the Kaiser Commission on Medicaid and the Uninsured.

"Since the economy has been improving, we've seen the rate of growth slow down," she said. "We haven't seen enrollment decrease."

### Working and poor

As one of the state's chief Medicaid planners, Williamson needs to know why the rising tide isn't lifting people out of Medicaid. So far, he has only theories.

"I don't have enough data to support any of them," he said. "We need to seriously study what's happening here."

To understand those theories, it's helpful to understand who's on Medicaid, and why.

It's mostly children, and people over 65, and people with disabilities.

The one thing they have in common is that they're poor. But it's almost impossible for a non-disabled, non-elderly grownup without children to qualify for Alabama Medicaid based on poverty alone.

There's one exception: the women Williamson calls "SOBRA moms."

Any woman under the poverty line who gets pregnant is eligible for Medicaid. Coverage for the mom drops off after the child is born — but until the family income rises above the poverty line, any child under 18 is covered. That's all done courtesy of a 1986 federal law called the Sixth Omnibus Budget Reconciliation Act, or SOBRA, for short.

According to Medicaid statistics, four out of every 10 children on the program has a working parent.

"They're working in lots of places — in day care, in fast food, in convenience stores and gas stations," said Robin Rawls, spokeswoman for the Medicaid Agency. Rawls said a number of working parents on Medicaid seem to have one or more part-time jobs, but not enough work to bring them above the poverty line.

Planning ahead

SOBRA parents matter in the state's budget math because SOBRA is where the biggest chunk of growth in Medicaid enrollment is happening.

There were 355,000 kids and expectant mothers on SOBRA in August 2008, a month before the stock market crash. A year later, there were 385,000.

Today, despite declining unemployment, there are 443,000.

And, no, there aren't more SOBRA moms simply because there are more moms. Alabama's birth rate has declined in recent years, Williamson said.

Medicaid played a role in that, Williamson believes. Fifteen years ago, the state started offering free birth control coverage — the pill, intrauterine devices, or even tubal ligation — to any woman with an income low enough to be on SOBRA if she were to get pregnant.

"It's cheaper to pay for the pill than to pay for a pregnancy," Williamson said.

Women on that program, known as Plan First, also are counted toward total Medicaid enrollment, though their coverage isn't nearly as costly as coverage for other recipients. In fact, Williamson said, they save the state about \$200 million per year.

Plan First is responsible for another big chunk of Medicaid's enrollment increase.

Before the 2008 crash, the program served roughly 68,000 women. Last month, 115,642 women were in Plan First.

Williamson said the increased participation may be due to better publicity by the Medicaid Agency. Or it may be due to women's heightened reluctance to risk pregnancy when the economy is bad.

Or there may simply be more women of child-bearing age living in poverty.

Obamacare vs. McJobs

Williamson's first theory for the rise in SOBRA recipients? It could be Obamacare.

"It could be due to some as-yet-unknown aspect of the Affordable Care Act that we haven't considered," Williamson said.

With the deadline to implement the Affordable Care Act approaching, Williamson said, it's possible a number of low-wage employers are simply dropping the health plans they once provided, expecting the health care exchanges to pick up the slack.

Asked what evidence he had to support that theory, Williamson said he didn't have any. It's just a hunch, based on the fact that the ACA has interrupted a lot of other trends in health care.

Medicaid officials have been expecting an increase in enrollment due to the "woodwork effect" of Obamacare. As uninsured people go to the Affordable Care Act website to look at their options, some will discover they're Medicaid-eligible — coming "out of the woodwork" to enroll. Still, Alabama's rise in enrollees was happening long before the federal health exchanges went online.

Williamson's second theory is that the recovery is producing jobs, but it isn't producing jobs that pull people above the poverty line.

"If unemployment is going down and enrollment is going up, we may need to look at the kinds of jobs we're creating," Williamson said.

The jury is still out on whether Alabama's economy is trading high-paying, secure jobs for poverty-wage or part-time gigs.

Statistics from the Alabama Department of Labor show the state has clearly lost some high-wage jobs even as the recovery has progressed. Alabama had 9,000 fewer people working in government jobs last month — state, local and federal — than it had two years earlier. Construction lost 4,000 jobs over the same period.

Meanwhile, the "leisure and hospitality" sector, which includes fast-food workers and hotel maids in addition to higher-paying hospitality jobs, picked up 9,000 jobs.

But there was even bigger growth in manufacturing, where the workforce increased by 11,000. A full 7,000 of those jobs were at auto plants or auto suppliers — jobs that historically pay hourly wages well into the double digits.

"Manufacturing has been our salvation," said Tara Hutchinson, spokeswoman for the Department of Labor.



Discouraged

Williamson's grimmest theory is the one that's popped up with every jobs report since the recession. If unemployment is up and poverty isn't affected, maybe it's because the long-term unemployed are simply giving up on the workplace.

Keivan Deravi, the Auburn University at Montgomery economics professor who does the state's revenue forecasts, thinks that's the answer.

Much of the drop in unemployment is due to the fact that the labor force is shrinking, Deravi said.

The state Department of Labor announced on Friday that unemployment in December was down to 6.1 percent, its lowest point since October 2008, when the stock market crash was just taking effect. But the pace of job creation, Deravi said, can't by itself account for the unemployment drop. That means thousands of people took themselves out of the job hunt and never came back.

"There are still new workers coming into the workforce," he said. "The people who have been sitting on the sidelines have to compete with people whose skills have not become obsolete."

If Deravi is right, Williamson said, the implications for Medicaid are troubling.

"What it says is that we have to prepare for a million enrollees for the foreseeable future," he said.

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### **Sen. Scott Beason trying to round up support for bill to repeal Common Core**

*Al.com*

January 24, 2014

Kim Chandler

MONTGOMERY, Alabama -- Sen. Scott Beason said he will introduce legislation to repeal Common Core until at least 2017.

"I think the smart decision is to put on hold a nationally centralized, unproven, untested education experiment until we see if it works in other states," Beason said,

"We were making tremendous strides educationally over the last few years with our standards, and educrats threw that away for the promise of easy money," Beason said.

While the Gardendale Republican walked off the Senate floor Thursday with a draft of the bill, the legislation could have a tough time getting back to the chamber.

Senate President Pro Tem Del Marsh, R-Anniston, has said he will not move a Common Core repeal bill in the Senate, saying he believes it is a state school board issue. A spokesman for Marsh said Thursday that the Senate leader had not changed his position.

Beason said he is searching for enough co-sponsors "so I can make the argument that this is something we need to bring to the floor."

Common Core has split Republicans, with some saying it is a way to raise education standards in a state that has lagged behind, while others call it a federal overreach into education.

"The proponents of Common Core want to make the opponents sound like they all wear tin foil hats and believe in conspiracy theories," Beason said.

Common Core State Standards were developed in an initiative led by the National Governors Association and the Council of Chief State School Officers to have a set of bench marked standards that are consistent from state to state.

Forty-five states have adopted Common Core and the Obama administration embraced the standards by tying them to Race to the Top grants.

Supporters of the standards, which are included in the Alabama College and Career Ready Standards adopted by the state school board, urged senators not to support a repeal bill.

"We believe that higher expectations are needed in our Alabama classrooms, and our standards, which were adopted by a democratically elected school board, are one step to helping us get there," said Jessica Hammonds, executive director of Alabama GRIT (Graduate Ready. Impact Tomorrow).

The state Board of Education last week made some minor changes to the Common Core in response to some of the criticism.

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### **Parent group says Huntsville key to grassroots movement to repeal Common Core**

*Al.com*

January 26, 2014

Paul Huggins

HUNTSVILLE, Alabama - If Alabama is going to repeal Common Core, then Huntsville parents are going to have to take the lead, said the leader of a grassroots movement that had its first meeting Sunday.

"Huntsville is a key city," said Terri Michal, leader of a movement call Support Our Students (S.O.S).

Huntsville has a history of being a leader for the state, such as when it was the first public school system to integrate black students and parents always having high academic standards, she said.

S.O.S. has a simple strategy, she said. First, they want to provide a forum where parents and teachers can share their frustrations with what they have experienced the past couple years and show there is strength in numbers. Second, share those experiences with parents who haven't paid much attention to Common Core. Third, have the parents pressure their representatives in the Legislature to repeal Common Core.

Michal, whose two children have already completed school, said she knows there are some major obstacles to overcome. The opposition is well-funded and well-entrenched; and there is a stereotype that opponents to Common Core are all extreme right-wing members of the tea party movement.

"This isn't about partisan politics. Parents don't care about politics. They care about their kids' education," she told a group of 20 parents who met Sunday afternoon.

Michal started the meeting saying parents were welcome to say positive or negative things about Common Core, but they had to remain civil. No attendees gave any positive statements for Common Core.

The five or six who shared experiences gave common complaints: there is too much evaluation testing creating anxiety for many students; teachers are only allowed and given enough time to teach the tests; students are expected to complete homework without teachers providing examples; good students are losing interest in school because there's less interaction with teachers; students are being promoted without the basics.

Paul Proctor, who has two children in Huntsville City Schools, a middle-schooler and a senior at Lee High School, said his son in middle school repeatedly comes home with math problems that he doesn't know how to help him solve and the teacher hasn't had time to explain.

He said he fears the school system will promote his son to the next grade level without equipping him to learn in high school.

"This isn't about partisan politics. Parents don't care about politics. They care about their kids' education." - Leader of Support Our Students

Amanda Andrews, who has a first-grader and third-grader at Providence Elementary, said Common Core is too focused on standards and has lost sight of education basics. She added that all the testing and "predicting the education path that he's going to take is ridiculous."

"They (Common Core advocates) say they want children to do more reading on their own. My son loved reading before he started public school. He doesn't care anymore," she said.

Staci Price, who had a daughter graduate from Lee last spring and a son at the Academy for Academics and Arts, said her daughter stopped caring about her advanced level courses last year and her sixth-grade son can't read cursive writing.

Price's children repeatedly told her her teachers didn't have time to explain homework and simply pointed them pages on their computer, she said.

Michelle Watkins, a former teacher at Johnson High School, said she sends her two grandchildren to Union Chapel Christian Academy rather than let them attend Huntsville City Schools. She said she was planning to move to Madison so they could attend public schools there, but now she has second thoughts because of Common Core.

"Where's the time to teach them the basics that they need," she said.

The parents at the meeting represented a mixture of Madison County. They were from South Huntsville, North Huntsville, Madison and the Buckhorn community.

There was one teacher there. Col. Mike Parsons, a retired U.S. Air Force colonel and former aerospace instructor and JROTC commander at Butler High School, on Tuesday announced his candidacy for Alabama School Board District 8 against Mary Scott Hunter. He stated in his announcement that he's opposed to Common Core.

Michal passed around lists of local members of the Legislature with their contact information. She encouraged the parents to also talk to city council members, school superintendents and school board members. Anyone who wants to learn more of S.O.S.'s activities can like its Facebook page, S.O.S - Support Our Students.

"You're an advocate now," she said.

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*Montgomery Advertiser*

January 26, 2014

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## **Alabama Supreme Court won't rehear APT lawsuit; attorney calls ruling 'severe' blow to Open Meetings Act**

*Al.com*

January 24, 2014

Bob Carlton

BIRMINGHAM, Alabama -- The Alabama Supreme Court today denied a request to rehear a lawsuit filed by two former Alabama Public Television executives who claim the state's Open Meetings Act was violated when they were fired in June 2012.

An attorney representing Allan Pizzato, the former executive director of APT, and Pauline Howland, the former APT deputy director and chief financial officer, said today's decision is a significant blow to Alabama's Open Meetings Act.

"I can only hope that the legislative branch of our government will act to rectify the severe damage to the Open Meetings Act that this unfortunate decision has wrought," attorney Augusta Dowd said in an email to AL.com.

Pizzato and Howland had asked the court to reconsider its ruling of Sept. 27, 2013, when the court voted 5-3 to dismiss their lawsuit against the Alabama Educational Television Commission.

With only slight changes, the court today stood by its September ruling, when the majority of the court concluded that Pizzato and Howland "have not established standing" to challenge the state public TV commission under the Open Meetings Act.

Ferris W. Stephens, the chairman of the state public TV commission, told AL.com today that he is "glad to see the Supreme Court finally ended this."

Pizzato and Howland were fired at the AETC's June 12, 2012, meeting, after the commission voted to go into executive session to discuss Pizzato's reputation, character and job performance. After that executive session, the commission subsequently voted to dismiss Pizzato and Howland.

Two months later, in August 2012, the commission voted to approve Roy Clem, the former general manager of ABC 33/40, as Pizzato's replacement. Pizzato filed his lawsuit in July 2012, and Howland was added as a plaintiff in August 2012.

Pizzato and Howland have since moved on to other jobs, according to Dowd.

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## **So does the state party leader think Alabama can be a player on national GOP stage?**

*Al.com*

January 24, 2014

Alex Pappas

WASHINGTON -- As national Republicans overhaul how the party nominates presidential candidates, Alabama Republican Party Chairman Bill Armistead is predicting Alabama will play an influential role in determining the GOP's presidential nominee in 2016.

"I think Alabama is going to be a player," Armistead said in an interview at the Republican National Committee's annual winter meeting in the nation's capital. "I don't think that we'll have a nominee before our primary."

State Republican Party officials from across the country gathered at the RNC meeting in Washington on Friday to approve new party rules for the next presidential election, taking steps to condense the nominating process.

While some states might be forced to hold earlier contests now, Armistead said the new rules will not affect Alabama's plans to hold the state's presidential primary date on the second Tuesday of March in 2016.

Among other changes, the RNC voted Friday to require certain states that hold early contests -- including Alabama -- to award its delegates proportionally. This is to make sure candidates compete in enough early primaries across the country before there is a clear nominee.

But in an attempt to keep the nomination fight from going on too long, the committee will allow states that hold contests after March 15 to award winner-take-all delegates.

Armistead said he approves of the rules. "I generally am in favor of not having winner-take-all too early," he said. "You need to have more states participating."

The committee also plans to schedule its 2016 party convention earlier.

RNC officials said the changes are necessary to prevent a long, messy primary fight and too many presidential debates that could harm candidates, like in 2012. The goal is to make the GOP primary fight less painful while giving the party's eventual nominee more time to focus on the Democratic Party's candidate.

"Big reforms are coming to our presidential nominating process," RNC chairman Reince Priebus said in a speech Friday. "Reforms to put Republican voters, not the liberal media, in the driver's seat."

Referencing the change in state law that allowed Alabama to hold its primary in March, Armistead said "it worked" in 2012, noting all the attention the state garnered.

Only Alabama, Mississippi and Hawaii held primaries that day. It became “a Deep South primary,” Armistead said.

Former Massachusetts Gov. Mitt Romney, former House Speaker Newt Gingrich and former Pennsylvania Sen. Rick Santorum all hit the trail in Alabama in 2012.

“Romney was there several times, and Newt was just all over the state. He was crisscrossing doing grassroots campaigning,” Armistead said. “And Santorum did a good bit too.”

Armistead pointed out that Alabama and Mississippi’s delegates combined equal about as many as New York.

“We both voted for Santorum,” he said of Alabama and Mississippi, “so it shows that we do think a lot alike. I think we sort of set a good bar for us to continue achieve. So my goal is in 2016 to have all the presidential candidates to come to Alabama seeking our vote.”

Also at the RNC meeting, Paul Reynold, Alabama’s Republican national committeeman from Birmingham, introduced a resolution which criticizes government regulations on businesses and calls for “regulatory reform” to “reignite innovation and create new jobs and new economic growth.”

The resolution says Republican candidates and officeholders to “make it a top priority to explain to the public the individual and economic costs imposed by burdensome federal regulations.”

The resolution was passed during the committee’s general session Friday. It now goes before a committee at the 2016 Republican convention to decide whether it should be officially added to the party’s platform.

“A party is not any better than its platform,” Reynold said in an interview.

Reynold said he wrote the resolution with the help of Gingrich and his staff. He said he reached out to Gingrich to help with the resolution because of the former House speaker’s history speaking out on the subject.

“The only presidential candidate that saw the danger -- I mean the only one that saw the danger of what’s happening to free enterprise through government regulations - was Newt,” Reynold said. “He was the only one.”

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**New farm bill readied for final debate**

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After a two-year struggle and more perils than “Downton Abbey,” Congress should finally see a new farm bill this week as House-Senate negotiators worked through the weekend in hopes of filing the legislation by Monday night.

Going into Sunday night, disputes continued over livestock regulations. But afternoon staff briefings were already being held on the proposed agreement, and the hope was to call the conferees together for their signatures on Monday.

Indeed, the mood was such that no one believed any longer that more time would help; instead, it was judged better to grab the opportunity for House action this week. And if the farm bill is filed Monday night, the leadership is proposing to call it up as early as Wednesday, a fast turnaround for a measure given up as dead by many just months ago.

Bipartisan support remains crucial, but Democrats have won significant compromises on food stamp funding and Speaker John Boehner (R-Ohio) is promising a real push to deliver the needed Republican votes.

If successful, this would be a trifecta of sorts: the December budget agreement, followed by the omnibus appropriations package in early January and now the long-tortured farm bill. The farm bill remains the most contentious of the three, perhaps, but Boehner has a stake in clearing the decks and delivering on past promises to rural Republicans that the job would get done.

Factoring in cuts already made during the two-year debate, the bill should generate about \$24 billion in 10-year savings, a third of which is attributed to the nutrition title.

The most serious of these reductions is an effort to crack down on what many see as an abusive scheme by states that distribute token amounts of low-income fuel assistance to food stamp households to help them gain higher benefits. Under this practice, known as “heat-and-eat,” as little as \$1 per year in fuel aid can be used to claim a higher utility deduction and leverage far more in monthly food stamp benefits, especially in high-cost cities like New York.

By insisting that the fuel aid be no less than \$20, the farm bill hopes to rein in such schemes. A portion of the resulting savings would then be plowed back into 10 pilot programs to test new ideas to help jobless beneficiaries receive training and find employment.

Both Democrats and Republicans share in the pilots but the most robust funding is dedicated to one that would allow up to 10 states to experiment with proposals advanced by Rep. Steve Southerland (R-Fla.) regarding work requirements for food stamp beneficiaries. Southerland was a central figure in the fractious debate over the nutrition title last June, when he proposed a much more aggressive nationwide approach. But he was described Sunday night by aides as supportive of the compromise now as well as the larger farm bill, which also includes provisions important to Florida’s citrus industry.

On the agriculture side of the ledger, any cost estimate is suspect after the drop in corn prices over the summer. Cash sales were just \$4.10 per bushel this past Friday— well below the baseline used by the Congressional Budget Office.

Nonetheless the farm bill represents a landmark rewrite of commodity programs and should yield savings for taxpayers by ending the nearly 18-year-old system of direct cash subsidies to farmers.

These payments, which cost more than \$4 billion annually and are distributed at a fixed rate — whatever a farmer's profits — will be replaced by two options linked to real market losses, not just the land.

Some adjustments may still be made after the final CBO scoring but the current draft bill follows this outline.

The first program, known as Agriculture Risk Coverage, promises early — but temporary — assistance to growers facing a downward cycle of prices. Payments would be triggered once prices fall 14 percentage points below the prior five-year average. But the subsidy covers only a narrow 10-point band — from 86 percent to 76 percent of revenues — and will fade after several years if prices don't improve.

Farmers whose ARC payments are based on countywide results will be paid on 85 percent of base acres. Those who choose a more individual version tailored to their own single farm — an approach popular in Western states like Montana — will be aided at a lower rate of 65 percent on base acres.

The second program, Price Loss Coverage, fits the more classic countercyclical model of fixed, government-set target prices — not a rolling five-year average. PLC payments would typically be triggered later in a market downturn but then promise the farmer a more permanent floor to cover production costs.

Payments here are on 85 percent of base acres and farmers who sign up for PLC will also have available to them a new lower-cost version of revenue insurance based on countywide losses. This so-called Supplemental Coverage Option is designed to parallel ARC in that it also will have a 14 percent deductible and is intended to cover only that band of losses down to where the farmer has more conventional buy-up crop insurance coverage.

A portion of the savings from the commodity title would be plowed back into new crop insurance programs, and more than ever this portion of the bill will become the backbone of the revised farm safety net.

Cotton will make a wholesale shift, getting out of most commodity programs and into a new stacked-income insurance plan tailored to its needs. SCO itself is counted in this title. And recognizing its importance, the bill also seeks to use crop insurance as a lever to promote sounder land use practices by farmers.

New conservation compliance provisions will be attached as a condition for getting the subsidized coverage. And a "sod saver" program in six Midwest states would greatly reduce the level of subsidies afforded farmers who choose to plow up native prairie lands.

Among the last major divisions this weekend were two familiar issues, each with a long history and populist cast.

House Agriculture Committee Chairman Frank Lucas (R-Okla.), together with Southern senators, was pressing for some relief from new payment limits seen as threat to large family farm operations. At the same time, country-of-origin labeling requirements — first enacted in 2002 — were again a battleground between independent cow-calf ranchers and the more centralized beef industry with ties to Lucas and House Republicans.

The compromise taking shape on payment limits would set a new cap of \$125,000 per individual or \$250,000 for a farm married couple. But within that number there would be no fixed apportionments of what could be received from ARC and PLC vs. marketing loans. On the issue of who qualifies as being “actively engaged,” the deal appears to kick that issue up to Agriculture Secretary Tom Vilsack to decide but makes clear that farmers who own their land should automatically qualify.

In the case of COOL, Canada and Mexico have raised trade complaints about the implementation of the law, which has reduced the prices paid by American packers for their cattle. Texas ranchers and feed lots, which purchase young feeder cattle from Mexico, are affected by the same discounts, and if Canada were to retaliate, American fruit growers fear they would be caught in the same fight.

Among the 29 House conferees, anti-COOL forces have a solid majority, but the outcome is less certain among the smaller set of 12 Senate negotiators. Three swing votes could be Sens. Michael Bennet (D-Colo.), Amy Klobuchar (D-Minn.) and John Hoeven (R-N.D.)

“COOL has been a failure,” said Colin Woodall, a vice president for the National Cattlemen’s Beef Association. “It’s costing us money and it will only get worse if there is retaliation.”

But Bill Bullard, a former rancher who now leads the R-CALF producers association, says that the COOL experience shows that consumers respond to the labeling and are willing to pay more for American-bred beef. A 2010 report by the Agriculture Department found that the packers themselves admit they don’t get the same return now on beef from cattle originating in Canada and Mexico. And Bullard said that COOL is crucial if cow calf operators are to retain any leverage against the far more powerful packers.

“COOL is absolutely critical if the U.S. cow-calf operator is to be able to compete,” Bullard said. “It empowers the consumer and takes away the power of the packers to unilaterally decide where the meat comes from.”

“The harm that Canada and Mexico are claiming is caused by competitive market forces, which COOL facilitates,” Bullard said, “and not because of COOL regulations.”

Except for one meeting of the full House-Senate conference in late October, all of the farm bill talks have been left to the top four members of the respective committees: Lucas and his ranking

Democrat, Minnesota Rep. Collin Peterson, and Senate Chairwoman Debbie Stabenow (D-Mich.) and her ranking Republican, Mississippi Sen. Thad Cochran.

Contingency plans have been made for a second meeting of all 41 conferees Monday. But the final decision will lie with Lucas and Stabenow. And the two chairs seemed confident enough Sunday that it appeared likely that any Monday meeting will only be for members to sign the draft conference report.

Either way, it will cap a remarkable political saga that strained the farm coalition as never before.

The Republican leadership went so far as to block any House floor action in the previous Congress and then contributed to the defeat of a first attempt to pass a comprehensive farm bill last June 20.

That loss was followed by an unprecedented series of votes that split the old alliance between food stamps and farm programs. The nutrition title was first dropped from a stripped-down farm bill adopted July 11. It was then passed as a free-standing 109-page bill Sept. 19 after Majority Leader Eric Cantor (R-Va.) engineered new food stamp savings to appease conservatives.

Weeks later, the two pieces were joined together again for the purpose of the House-Senate talks which began in October.