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FULL TEXT

Tracking the 2014 session: House gets back to work after missed days for weather

Al.com

January 30, 2014

Mike Cason

MONTGOMERY, Alabama --- After losing two days because of the winter storm, the Alabama House of Representatives mustered a quorum today, with 59 of the 102 members answering roll.

The Senate also met and passed nine bills that had little or no opposition.

What they did:

The Senate:

-- Passed SB 89, which would apply the same penalties for boating under the influence accidents that result in a death as for vehicular DUI accidents that result in a death. The House later its own version of the same bill.

-- Passed SB 151, which would make bestiality, sexual contact with an animal, a misdemeanor.

-- Passed SB 229, which would raise the fee to obtain a license for trapping furry animals.

-- Delayed action on SB 168, which would prohibit smoking in work places and public places.

-- Delayed action on HB 105, which would set up an independent tribunal to hear tax disputes between taxpayers and the state.

The House:

-- Passed HB 88, which would increase the amount people are allowed to earn while receiving unemployment benefits without having their benefits reduced.

-- Passed HB 44, which would allow farmers to buy more than one vehicle tag at a reduced cost for vehicles that haul farm products.

-- Passed HB129, which puts into law a state regulation that private schools are exempt from sales and use taxes on tangible personal property and lunches provided to K-12 students that are not sold for a profit.

Coming up:

The Senate returns at 2 p.m. on Tuesday, the House at 1 p.m.

Quote of the day:

"I'll sit down and explain it to you again after we pass it."

Rep. Jack Williams, in response to question from Rep. Jim McClendon about a bill on unemployment compensation.

McClendon: "Where have I heard that before?"

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House approves changes to legislation on unemployment compensation

Montgomery Advertiser

January 30, 2014

Brian Lyman

The House of Representatives passed a bill Thursday that would allow people to earn more money without seeing their unemployment benefits reduced, but not before the measure sparked a brief debate among members of the House's Republican caucus.

The legislation, sponsored by Rep. Jack Williams, R-Vestavia Hills, would change the ceiling for how much an individual can earn each week before seeing their unemployment benefits affected. Currently, individuals can make only up to \$15 a week without seeing their unemployment benefits reduced.

Under the bill, the threshold would be increased to a third of their benefit. A person drawing an unemployment check of \$250 a week could make up to \$75 a week without seeing their benefit reduced. Currently, a person who made \$20 a week would see the \$250 benefit check cut to \$245.

Williams said the legislation was aimed to revise a formula that had not been revisited since the 1960s.

"We want people to work in this state," he said. "This is designed to give people the opportunity to work for themselves ... and allow small businesses to decide if they want to take someone off the unemployment rolls and maybe give them full-time employment."

However, some members of the House Republican caucus expressed concerns about the overall impact of the bill on the state's small employers, who fund the state's Unemployment Compensation Trust Fund.

Rep. Ed Henry, R-Hartselle, initially moved to have the vote on the bill delayed in order to allow him to "understand the implications" of the legislation. Rep. Richard Laird, I-Roanoke, also suggested that legislators should be careful when people say "it's not going to cost businesses anything."

Williams said the bill was aimed at helping people reduce dependence on government assistance.

"I thought this legislative session was about people working," he said. "We've got people filibustering against working."

After taking up other business, the House took up the bill again; at the podium, Williams said the Unemployment Compensation Trust Fund had \$220 million on hand, enough to defray the \$980,000 cost estimated by the Legislative Fiscal Office.

The House passed the bill 74 to 9, with Henry and Laird both voting yes. The legislation now moves to the Senate.

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Bill seeks to increase boating fatality penalties

The Associated Press

January 30, 2014

MONTGOMERY (AP) — The Alabama Legislature is trying to increase the penalties for alcohol-related boating deaths to the same as deaths caused by drunken car drivers.

The Senate voted 18-1 Thursday for a bill to equalize the penalties. The bill's sponsor, Republican Sen. Bryan Taylor of Prattville, says a drunken boater should be held equally responsible to a drunk driver. The senator has Lake Jordan and part of Lake Martin in his district. He says the bill stems from fatal accidents on those lakes.

The House voted 83-0 Thursday for a similar bill by Republican Rep. Paul Beckman of Prattville. Beckman's bill goes to the Senate for consideration and Taylor's bill goes to the House. One of the bills must pass both chambers to become law.

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New payday, title loan bills filed in Legislature

Montgomery Advertiser

January 30, 2014

Brian Lyman

Advocates of payday and title loan reform, defeated in their efforts last year, are coming back with legislation that would impose caps on interest rates charged by the companies while attempting to strengthen regulations on the industry.

The bipartisan coalition, which includes ideologically diverse groups such as Alabama Arise and the Federation of Republican Women, is hopeful that the measures will be passed. However, leaders of the House and Senate sounded cautious about the proposals Thursday.

Rep. Patricia Todd, D-Birmingham, already has filed legislation addressing payday lending; Stephen Stetson, a policy analyst with Alabama Arise, said he expected Rep. Rod Scott, D-Birmingham, to file legislation addressing title loans.

Todd's bills would cap payday and title loan interest rates at 36 percent; cap the number of loans an individual can take out at six per year; cap the aggregate amount of loans a person can have out at \$500 and establish a single state database to track loans.

Payday loans are generally small loans with a short maturity cycle; there are more than 1,000 payday lenders in the state. The businesses can charge up to 456 percent APR on payday loans; title loan companies can charge 300 percent APR on title loans.

A Pew Charitable Trusts report published in 2012 found the average payday and title loan customer took out an average of eight loans per year, oftentimes to service interest rates on prior loans.

“It creates a cycle of debt that drives people into bankruptcy,” Stetson said. “It’s a problem posing as a solution. This is not a needed service.”

The industry, in turn, says it provides a service that traditional financial institutions do not, and says that a cap of 36 percent on their high-risk loans would force them to close their doors.

Similar legislation was introduced by reform advocates last year, but died in the midst of strong opposition from the industry. A pared-down version of the proposals, sponsored by Senate President Pro Tem Del Marsh, R-Anniston, also failed to get out for a vote.

A call to Buck Wilson, president of the Modern Financial Services Association of Alabama, an industry group, was not returned Thursday.

Last fall, the Alabama Banking Department, with the support of Gov. Robert Bentley, announced that it would attempt to establish a central database to keep track of payday lenders. The industry quickly filed suit to stop the implementation of the database. The case is still pending in Montgomery County Circuit Court.

Marsh said Thursday he wanted to see the database established before moving forward with any other changes.

“Get the database in place, and let’s see how big a problem this is based on real data, and then move forward,” he said. “So I don’t see it this year. I would welcome a look at it again this year, but I would like to see the numbers as we proceed.”

House Speaker Mike Hubbard, R-Auburn, said Thursday he was uncertain as to whether the bills would pass this year, but expected a “serious debate” on the issue.

“You don’t want to be just immoral to people,” he said. “I think there is a happy medium, and that debate will take place this year.”

Last September, the Montgomery City Council voted to establish a moratorium on new payday and title loan businesses; Councilman Charles Smith has expressed concerns that the businesses stifle economic growth in the area. The City Council renewed the moratorium in December.

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Senate committee approves bill that would end PSC's handling of phone service complaints

Al.com

January 30, 2014

Mike Cason

MONTGOMERY, Alabama --- A Senate committee today approved a bill that would continue the deregulation of retail telephone service.

SB 277 by Sen. Jabo Waggoner, R-Vestavia Hills, would end the Public Service Commission's handling of customer complaints about phone service.

Fred McCallum, president of AT&T Alabama, told the committee that the complaint calls are one of the last remaining parts of retail phone service that fall under PSC regulation. At one time, the PSC approved rate changes and other aspects of the business.

McCallum said AT&T has a specialized group that handles complaints.

"I'm pretty confident that we should be able to do this in a way that customers will continue to be served well," McCallum said.

PSC President Twinkle Andress Cavanaugh spoke briefly to the committee. She said the PSC did not take a position on the legislation because she believed it was the job of the Legislature to determine what the PSC should regulate.

"You should give us our marching orders at Public Service Commission," Cavanaugh said.

In 2013, Cavanaugh said the PSC investigated 749 customer complaint cases about phone service. She said 588 of those involved AT&T.

"This is not to say any company is not doing a good job," she said, noting that the number of complaints could be related to how many customers a company had.

McCallum said the PSC continues to regulate wholesale services, such as agreements under which competing phone companies use AT&T's lines.

There was no opposition to the bill, which still must pass the Senate and House to become law.

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Bestiality one step closer to being a crime in Alabama

Al.com

January 30, 2014

Kyle Whitmire

MONTGOMERY, Alabama -- Bestiality is one step closer to being illegal in Alabama after the Alabama Senate today passed a bill to criminalize sexual contact with animals.

Senate Bill 151 would criminalize sexual contact with animals, with exemptions for acceptable animal husbandry and veterinarian practices.

State Sen. Tom Whatley, R-Auburn, sponsored the bill which passed today with no debate by a vote of 20-1. The lone dissenting vote was due to a common procedure in the Legislature, whereby a vote on a previous bill can be used for the next bill up for a vote.

Next, the bill will go before the Alabama House for approval.

Currently, bestiality is still legal in 14 states and the District of Columbia.

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AP interview: Gov. says ice storm no one's fault

The Associated Press

January 30, 2014

Kim Chandler

Gov. Robert Bentley said forecasters were plain wrong about the winter storm that brought Birmingham to an icy, messy halt, but he discouraged people from playing the blame game.

"We go by what the National Weather Service says and they probably missed it by 150 miles, but no one really knows. It's no one's fault," Bentley said in an interview with The Associated Press on Thursday.

The winter storm gave the Birmingham area a surprise wallop Tuesday stranding 11,000 students at public schools, causing chaos on roads that weren't treated for ice and leaving thousands of cars abandoned and many wrecked.

Angry parents vented on social media and talk radio about meteorologists who blew the forecast by predicting central Alabama would get only a trace of snow and experience no travel problems.

Bentley said people shouldn't blame meteorologists if prediction models failed.

But unlike Atlanta, where there was much finger pointing among public officials, Alabama leaders mostly said people did the best they could.

In Montgomery, a Birmingham Democrat even took to the Senate floor to praise the Republican governor for directing help to Jefferson County once the storm shifted north.

"The governor should get kudos for what he's doing in this situation," said Sen. Rodger Smitherman. "The moment it hit, they started shifting things back to our county."

In Atlanta the National Weather Service contended its forecast was "spot on." The Weather Service had acknowledged problems with the Alabama prediction, but said it always tried to stress the uncertainty of the storm.

The Alabama forecast had initially predicted snow and ice in the lower half of the state, approximately 75 miles south of Birmingham. The Alabama Department of Transportation sent salt, brine and trucks south of Birmingham.

"We didn't think above Clanton that there would be much of anything, at least by the weather forecast," Bentley said.

A revised forecast was issued at 9 a.m., about an hour before snow started falling. A warning came at 11 a.m. and by that time roads were inundated with people trying to get home.

"That morning we watched the news and they said nothing, maybe a light dusting," said Kelly Davis, director Homewood Day School, a preschool at the Homewood Church of Christ.

By the time they got notice of public school closings, roads were already becoming impassable, she said.

Forty children, including five infants, spent Tuesday night at the daycare with teachers when their parents were unable to get there. Davis said one father trudged nine miles through the snow to spend the night with his children.

Davis said her husband and a worker walked through the snow to buy formula, diapers and food for the babies.

"I was just so impressed of how everybody stepped up and helped," she said.

Attention turned Thursday to clearing the thousands of cars that were left wrecked and abandoned on roadways.

"It's like cars dropped out of the sky and landed everywhere," Steven Weil, manager of Weil Wrecker in Birmingham.

"We've seen cars on top of a guard rails, cars off in ditches turned over, cars on top of one another, cars everywhere," Weil said.

Tommy Holmes of Leeds on Thursday went to retrieve his car off the side of Interstate 20 in Leeds. But the snow and ice had melted into a muddy mess that kept his car stuck.

"The snow and ice, I survived that ordeal. What got me stuck was the mud," Homes said.

A state trooper and the Alabama National Guard helped pull his car free.

The Alabama Department of Transportation said road conditions had dramatically improved, but drivers were still urged to be careful and on the lookout for remaining icy patches.

Hoover Police Capt. James Coker said people needed to be extra cautious during Friday morning commutes. Temperatures were expected to get below freezing again Thursday night.

Some in Birmingham continued to marvel at the epic ice storm that paralyzed the area.

"I've never seen anything like it. I've been in Alabama my whole life," Holmes said.

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Energen seeking buyer for Alagasco, report claims

Birmingham Business Journal

January 30, 2014

Ty West

More than a year ago, Energen Corp. (NYSE: EGN) Chairman and CEO James McManus told the Birmingham Business Journal the company was shifting its focus to oil and natural gas liquids.

According to reports from the Wall Street Journal and Reuters, the company's strategy shift could result in the sale of its Birmingham-based Alagasco subsidiary, which has more than 400,000 customers.

The Wall Street Journal's report, which cited unnamed sources, claims Energen – also based in Birmingham – is working with J.P. Morgan Chase & Co. on the sale of the natural gas utility. Sherri Goodman, spokeswoman for the company, told the WSJ that McManus has previously said Energen's board would address its corporate structure in 2014.

Energen, an oil and natural gas production and exploration company, is one of Birmingham's largest public companies.

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Alabama Farmers Federation endorses Republicans Jeremy Oden, Chip Beeker, John Merrill, Adam Thompson in statewide races

Al.com

January 30, 2014

Mike Cason

MONTGOMERY, Alabama --- The Alabama Farmers Federation's political action committee has endorsed four Republicans in statewide races this year.

The federation endorsed Public Service Commissioner Jeremy Oden in his bid for election to a full term on the three-member PSC. Oden, appointed to the commission by Gov. Robert Bentley in 2012, is unopposed so far in the race for Place 1.

The federation endorsed Chip Beeker in the race for Place 2 on the PSC. Beeker is challenging incumbent Terry Dunn.

In the race for secretary of state, the federation endorsed state Rep. John Merrill of Tuscaloosa.

Adam Thompson picked up the federation endorsement in the race for state auditor.

The primary is June 3.

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NRC lifts 'red' level at Browns Ferry

Decatur Daily

January 30, 2014

Cody Muzio

A "red" level safety finding by the Nuclear Regulatory Commission has been lifted from the Browns Ferry Nuclear Power Plant in Limestone County, but some issues remain.

"Based on our most recent inspection, Browns Ferry showed improvement in the 10 areas we inspected, and we have closed the red finding," NRC Regional Administrator Victor McCree said.

But two additional, though less severe, violations remain, he said, which will keep the plant in the NRC's lowest overall safety grade until addressed.

At a public meeting Tuesday night, NRC and Tennessee Valley Authority officials met with the public to report the findings of years of periodic inspections. The most recent took place in December, the results of which removed the "red" safety label from the TVA-operated plant. The "red" finding is the highest grade of safety concern the NRC assigns. It was given following an incident in 2010 in which an emergency cooling valve failed.

Although an accident was averted, this spurred a comprehensive three-year inspection of the plant by the NRC and a letter detailing procedural changes and renewed safety commitments from TVA.

Keith Polson, TVA's site vice president over Browns Ferry, told a crowd of about 30 people at the meeting that improvement plans are underway at the plant and proving effective, but they are not a short-term fix.

"Our ultimate goal is really sustainability of our improvements," he said.

He said Browns Ferry is in a "continued performance improvement" stage, but is transitioning into a mindset of "sustained excellence" as it finishes the work the NRC requires to reinstate a positive safety rating.

In 2011, he said, a survey by a third-party contractor found 77 weaknesses in the plant's safety culture. In 2013, the same group found four.

"I don't want anybody to think we're satisfied with just having those four," he said. "We got that survey, and we immediately took action, and we're already seeing improvement in those areas." Several of those in attendance said they were also not satisfied with the situation at Browns Ferry and left feeling little better than when they arrived.

“Very obviously things had been dramatically out of shape,” Lawrence County resident Jackie Posey said. “If things are improved even slightly, then there are fewer chances for accidents. But we just have to believe that we can do better.”

Nancy Muse, of Florence, said the TVA and NRC statements did nothing to calm her concerns. “Some of us have been like broken records asking that Browns Ferry would be closed down,” she said. “It’s always, ‘The grass is greener on the other side of the fence and we’re going to fix these problems,’ but the problems are ongoing. We are playing Russian roulette. A nuclear accident may not happen every day, but when it does, it is devastating.”

Polson said TVA would continue to scrutinize every level of its operation until Browns Ferry provided no more causes for concern.

“We’re going to be comparing ourselves to the rest of the industry,” he said, “because we want to be the best in the industry.”

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Auburn graduate to be named head of NSA

Al.com

January 31, 2014

Stan Diel

Vice Admiral Michael Rogers, a 1981 graduate of Auburn University, is to be the new head of the U.S.'s National Security Agency.

Rogers, whose presidential appointment does not require Senate approval, will take over an agency that has been rocked by revelations leaked to the international media by former employee Edward Snowden.

Rogers will replace Keith Alexander, whose retirement was announced in October. Separately, Richard Ledgett, who ran NSA’s investigation of Snowden, is to become deputy director, which is the agency's highest civilian office, The Guardian reports.

Rogers graduated from Auburn in 1981 with an undergraduate degree in business, said Troy Johnson, spokesman for Auburn's Raymond J. Harbert College of Business.

"We're definitely proud to claim him as one of our own," Johnson said.

Rogers, whose military background is in cryptology, also is expected to simultaneously run the military’s Cyber Command. His appointment to the Cyber Command post requires Senate approval.

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Huntsville Common Core supporters say new repeal movement will fail, hurt schools in process

Al.com

January 31, 2014

Paul Huggins

HUNTSVILLE, Alabama - Parent groups seeking to get Common Core repealed are having an impact, but proponents of the Alabama College and Career Readiness standards say that impact is just hurting schools.

Lucia Cape, vice president of economic development for the Chamber of Commerce of Huntsville/Madison County, said she doesn't believe the people trying to repeal Common Core, such as the newly formed Support Our Schools, will ever be successful, but they do divert attention of officials like her who are trying to make it work.

"That's detrimental to students," she said. "Money and resources could be spent on students rather than trying to fight against repealists."

A third of her time is devoted to addressing Common Core opponents, she said, identifying two threats to schools. One, they give energy to the minority of legislators who want repeal. Two, when repeal proponents keep their voice alive, they give teachers a sense that Common Core is a temporary directive and some won't give it their full commitment.

Cape and Elizabeth Dotts Fleming, executive director of the Schools Foundation, sat down with AL.com this week to respond to a Sunday article about a new grassroots parent movement called Support Our Schools. The group shared stories of problems they and their children have experienced the past two years and pointed at Common Core as the cause.

Too many tests?

Among their complaints: There is too much evaluation testing creating anxiety for many students; teachers are only given enough time to teach the evaluation tests; students are expected to complete homework often without teachers personally providing examples; good students are losing interest in school because there's less interaction with teachers; and they fear students will be promoted without knowing the basics.

Support Our Schools' leader Terri Michal said they want to provide a forum where parents and teachers can share their frustrations and show there is strength in numbers, and then use their large voice to pressure the Legislature to repeal Common Core.

Cape and Fleming addressed some of the issues brought up by the parent group.

They said the assessments, which were changed to harder but more revealing tests, are necessary to gauge and track students' progress as well as determine whether teachers are effective; the amount of homework students bring home has nothing to do with standards; teachers are not required to give up their individual creativity in the classroom to follow rigid teaching methods

set forth by the standards; and the new standards do a better job stressing basics than previous teaching methods.

"Whenever there are changes they (teachers) need more models and examples. It's not a function of standards to tell teachers how to teach," Cape said, addressing the whether teachers have less influence in the classroom. "There's just natural feedback from teachers struggling with the changes."

Reverse engineering

Fleming said a common complaint from parents is the teaching process is different from what they had and struggle to assist children with homework. That's especially common with math where children are required to show their work at achieving the answer.

Elisa Ferrell, president of the Huntsville Council of PTAs, said she struggles to understand the new math methods, but her daughter studying biomedical engineering at UAB can grasp it.

"Standards are more about reverse engineering and taking it apart and building it back up again so you understand it. Not just getting the answer to the test and forgetting it two weeks later," she said. "That's why it's a lot harder, but you'll remember it a lot longer."

Ferrell, who has three children at Challenger Middle School, said the local angst over Common Core is really a combination of a new curriculum with laptops occurring at the same time as the new standards. All at once, there were different teaching methods, technical and software issues associated with laptops and a more demanding curriculum, she said.

One issue she faced, Ferrell said, was when fifth graders were evaluated with a state science test that had questions the new curriculum didn't address. But the school recognized it, and teachers supplemented their instruction, she said.

Us against the world

The reason adopting new standards is so critical, Ferrell said, is simply to help Alabama students compete against the world. Students in Massachusetts, for example, must score higher than Alabama students to become National Merit Finalists. Colleges know this, so Alabama students have a harder time getting the best scholarships, she said.

Fleming and Cape said while Common Core, which has been adopted by 45 states, still may have issues to solve, the early evidence shows the new standards and curriculum changes made positive strides. For example:

Huntsville graduation rates from 2011 to 2013 went up 21 percent, while discipline incidents dropped nearly 38 percent and suspensions dropped by 28 percent. STAR assessment testing from fall 2011 to spring 2013 showed math scores increased 32 percent while reading was up 43 percent.

The early results show committing to Common Core standards will ensure the state's high school graduation rate will exceed 90 percent by 2020, Fleming said. It also should take care of the glaring issue of 33 percent of college students taking remedial courses because they didn't learn properly in high school, she added.

Cape said the bottom line is there are too many organizations, including PTAs, "the overwhelming majority of teachers," including 11 of the past 18 state teachers of the year, as well as business interests supporting Common Core for it to be repealed.