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FULL TEXT

Gov. Robert Bentley says flat revenues make special session for teacher raise less likely this year

Al.com

July 7, 2014

Mike Cason

MONTGOMERY, Alabama --- Alabama Gov. Robert Bentley said today that flat tax collections make it less likely he will call a special session this year to ask for a pay raise for education employees.

Tax collections are running slightly behind projections and income taxes, the largest source for the Education Trust Fund, are below last year's levels three-fourths of the way through the fiscal year.

Bentley asked the Legislature to include a 2 percent raise for education employees in the budget for fiscal year 2015, which starts Oct. 1.

Legislative leaders would not go along and said the state could not afford to pay for a raise and to help cover a shortfall in the Public Employees' Health Insurance Plan. They said the insurance was the higher priority and put enough in the budget for PEEHIP to prevent out-of-pocket increases for employees.

The pay raise issue became a standoff between the governor and the Republican leadership in the Legislature as the session wound down in early April. The state Senate abruptly ended the session several hours early on the last night to keep from having to vote on an expected Bentley executive amendment for the teacher raise.

Bentley, who had threatened to veto the budget over the issue, waited until a week after the session ended to sign the budget.

At that time, he said he might consider a special session later in the year if the revenues were strong.

Today, he said that was less likely.

Through June, net revenues to the ETF were up just 0.7 percent this fiscal year. They had been projected to increase by about 2 percent, Legislative Fiscal Office Director Norris Green said.

Bentley noted there was an uptick in income tax collections in June, exceeding the previous June.

"We will see the last quarter how things turn out," Bentley said. "Things have actually increased this last month. They're better. Now whether or not they will improve enough to be able to do what we talked about, I don't know. But we'll just have to wait and see. But they are down. They are what they are."

Sen. Trip Pittman, R-Montrose, chairman of the Senate Finance and Taxation Education Committee, said last week that the flat revenues show that legislators made the right call on the budget in April.

The sluggish tax revenues could also curtail the state's hopes of paying up to \$100 million this year back to the Alabama Trust Fund for money borrowed during the recession to shore up the education budget. Entering this budget year, the state still owed \$163 million of the \$437 million transferred from the ATF's rainy day account in fiscal year 2009. That must be repaid by June 2015.

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Majority of employers say Affordable Care Act having negative effect, expect worse in 2015

Al.com

July 7, 2014

Stan Diel

BIRMINGHAM, Alabama – A majority of employers believe the Affordable Care Act has had a negative effect on their businesses, and most think the biggest negative impact is yet to come, a new survey found.

The fifth in a series of surveys conducted by the International Foundation of Employee Benefit Plans found that nearly 90 percent of employers expect their health care costs to rise this year. Many reported plans to pass those increases along in the form of higher premiums and higher deductibles

The survey found that most large companies have not laid off employees because of the ACA, but many smaller companies have had ACA-related layoffs, even though they're exempt from the law.

"We are seeing firsthand how the Affordable Care Act has had major implications on employers and their employees," Michael Wilson, CEO of the International Foundation, said in a prepared statement. "Employers are taking a variety of actions to mitigate costs and in most cases are sharing the cost impact with their work force."

Among the survey's findings:

Nearly one-third of employers have increased employees' out-of-pocket limits.

More than 20 percent have increased co-payments.

More than 40 percent of employers expect to see the greatest cost increases due to ACA in 2015.

Nearly one in six businesses with 50 or fewer employees has reduced their work force. More than 10 percent of small businesses have reduced hours, frozen pay or limited hiring. The foundation also reported that most companies that offer health benefits but are not required to do so intend to continue offering their employees insurance.

The survey was conducted on April 17, among 691 human resources and benefits professionals, and industry experts.

Read the full report:

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Ala prisons use \$20.8 in OT to supplement staff

The Associated Press

July 7, 2014

BIRMINGHAM, Ala. (AP) — Alabama's prison system paid \$20.8 million in overtime last year, with 14 percent going to one prison.

Al.com (<http://bit.ly/1zkpZ6X>) reports that employees of Donaldson Correctional Facility, a maximum security prison in Jefferson County, received about \$2.9 million in overtime pay. That averages about \$8,873 per employee.

Department of Corrections spokeswoman Kristi Gates said the prison system uses overtime to supplement chronic staffing shortages. Gates said Donaldson prison has 8.4 inmates for every one officer. The overtime pay reduces the ratio to 6.9.

Donaldson, which houses many repeat offenders, traditionally has the most overtime of any prison. In 2003, it led the state at \$2.4 million, or about 16 percent of the overtime paid by the Department of Corrections that year.

St. Clair Correctional Facility in St. Clair County was second on the total overtime list last year at \$1.7 million. That worked out to an average of \$5,869 per employee.

Bullock Correctional Facility in Bullock County was third at \$1.6 million. That averaged \$7,736 per employee.

Retired corrections employee David Wise, who worked at Donaldson for six months in 1987, told al.com that Donaldson has a reputation for being "extremely rough" and being a stressful place to work.

Wise, who later served as deputy warden at Limestone Correctional Facility in Limestone County, said it is one of the best big prisons to work in and "the best place in Alabama" to serve time because it has lower security inmates who work in a cattle and farming operation and are preparing for re-entry into society. Its employees received \$1.1 million in overtime last year, or \$2,857 per employee. That was the lowest amount per employee at any major Alabama prison.

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Alabama physicians form network to provide private care for state veterans

Al.com

July 7, 2014

Leada Gore

A group of Alabama physicians are teaming up to help provide medical care to veterans.

The Medical Association of the State of Alabama, or MASA, is creating a registry of private physicians prepared to serve veterans outside the embattled Department of Veterans Affairs healthcare system.

"Our nation is indebted to our veterans for the great service they have given this country and Alabama's physicians want to step up and help the VA deliver the care our veterans need and deserve," MASA President Ron Franks, M.D., said.

The move comes as the VA has been under fire for long wait times and falsified records that in some cases, have led to patient deaths. A recent VA audit found 57,000 veterans are still waiting for their first medical appointments while another 64,000 enrolled in the system had not yet seen a physician.

VA facilities in Mobile, Tuskegee and Mobile were among those cited in the audit for long wait times and falsified records.

"Alabama's private physician community – and our colleagues nationwide – stand ready and willing to help our veterans until the VA can increase access to care and reduce the wait times experienced by our veterans," Franks said.

MASA is currently seeking the names of any licenses physicians interested in assisting in the effort. Physicians wishing to be placed on the registry can email cflack@masalink.org or call 1-800-239-6272 and ask to be placed on the Veterans' Outreach Registry. The registry will be shared with groups working with Alabama veterans and with the medical directors of VA facilities in Alabama.

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Cooperage shows off \$60 million facility

Times Daily

July 7, 2014

Jonece Dunigan

HILLSBORO — Former International Paper employee Bo Fuqua said he didn't shed many tears when he heard about the company's Courtland mill closing.

Despite less pay, Fuqua, 44, accepted a position as a barrel raiser at Jack Daniel Cooperage a couple of months before IP made the announcement in September 2013. The cooperage job allows him to spend more time with his wife and five children at their home in Leighton.

"The closing hit home, especially since I had second thoughts about this job," Fuqua said. "It turned out to be for the best, and I became one of the first workers here."

Fuqua was working in the plant Monday as cooperage management showed off its \$60 million facility to local and state officials. The cooperage at the Mallard-Fox West Industrial Complex in eastern Lawrence County has been in operation since March. It produces barrels for the distillery in Lynchburg, Tennessee, using white oak staves produced at mills in Stevenson and Clifton, Tennessee.

Fuqua got out early, but more than 1,000 employees were let go when the IP plant in Courtland ceased operations in early February. The job losses have put a strain on Lawrence County's budgets.

Despite the losses, though, things are looking up for the unemployed nationwide. The unemployment rate has dipped to 6 percent, according to the U.S. Department of Labor. This is the best reading since September 2008. Employers added 288,000 jobs in June, with maintenance, health care and retail hiring the most people.

Fuqua considers himself lucky. He was friends with some of the employees who worked up to 40 years at the IP mill. Most of them had to learn how to write resumes and apply for jobs. Fuqua said he has seen five IP workers trickle into the cooperage and is happy they found work.

He is aware that there are many more who haven't found a job. He said his heart goes out to both them and their families.

"It's hard to find a job when you don't have one," Fuqua said.

The unemployment rate in Lawrence County has risen since last year, according to the Alabama Department of Labor. In May 2013, the rate was 7.1 percent. It rose to 7.5 percent in May 2014.

The cooperage is expected to bring 200-plus jobs to the area, as well as produce \$12 million in state and local tax revenue over the next 10 years. The plant has a fully staffed first shift with 65 workers and will continue the hiring process for the second shift this fall. It is producing approximately 400 barrels per day and expects that number to rise to 700 in the coming weeks.

Alongside this, IT-TRI LLC is expected to open this fall at the industrial park and promises to bring 100 jobs to the county with a \$68 million investment. IT-TRI is affiliated with Independence Tube Corp. in Western Springs, Illinois. Independence Tube has a Decatur operation.

Tony Stockton, executive director of the Lawrence County Industrial Development Board, said the county has the No. 1 thing a company looks for: the availability of a qualified, trainable workforce.

"We have people who have a reputation for being good workers who stay with the jobs until they're done. They are loyal. You can count on them," Stockton said.

The industrial board receives its project leads from a variety of sources. Some come through the Tennessee Valley Authority, others come from industrial consultants, and sometimes they take direct calls from the office.

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The whiskey will flow thanks to new \$60M Jack Daniel's barrel-making plant in Trinity

Al.com

July 7, 2014

Lucy Berry

TRINITY, Alabama -- Jack Daniel's Alabama ties go way back.

John Hayes, senior vice president and managing director of Jack Daniel's, told a crowd today in Trinity that the Yellowhammer State helped put founder Jack Daniel in business.

"When he started, as usual, you've got to raise money, and so there wasn't a lot of population around Lynchburg, Tenn., at that time," he said. "So the story goes that Jack came down to Huntsville, Ala., to sell his whiskey by the barrel back then because you didn't sell whiskey by the bottle."

When Tennessee went dry prior to National Prohibition, Jack Daniel's nephew Lem Motlow moved the company's operations to Birmingham, where it stayed until Alabama went dry.

The No. 1-selling whiskey brand now serves customers in 160 countries across the globe. Today, the company formally opened its new 150,000-square-foot, \$60 million barrel-making plant in Mallard Fox West Industrial Complex.

"Here we are today nearly a century later and Alabama is once again helping make sure that Jack Daniel's continues to flow, and flow it must," he said. "More than ever before, the American whiskey category is booming with exports of bourbon and Tennessee whiskey, exceeding the \$1 billion mark for the first time last year."

Jack Daniel's leaders joined Gov. Robert Bentley, Alabama Department of Commerce Secretary Greg Canfield, Lawrence County Industrial Development Board Executive Director Tony Stockton and others today in Trinity for the grand opening of the Jack Daniel Cooperage plant.

The facility, which employs 65, is adding 8-10 new workers a month and plans to staff about 200 within the next 18 months, according to Brown-Forman Cooperages Vice President and General Manager Greg Roshkowski. The positions pay between \$16 and \$20 per hour.

State and local governments provided \$63 million in incentives to lure the company to North Alabama. Stockton said the plant could not have come at a better time for Lawrence County, which lost its largest employer, International Paper, in March.

"Well-paying jobs are essential for the survival of any county, and Jack Daniel Cooperage is bringing well-paying jobs into Lawrence County," he said.

Roshkowski said they have already hired "quite a few" former IP workers.

IP, which employed 1,096 workers, made paper for envelopes, labels, copiers, forms, printers and magazines. The company's decision to close was driven by dwindling demand for the mill's uncoated freesheet paper, which has been in decline since 1999 as more consumers have switched to electronic alternatives.

Another 1,100 Hillshire Brands workers are preparing to lose their jobs later this year when the meat company closes its Florence facility.

Bentley said IP's closure was a "blow to this part of the state," but to see new jobs being created here is significant for the area.

"We want to look at areas of the state where the needs are and try to encourage companies to come to those areas," he said. "And Lawrence County is one of those areas."

Using wood from stave mills in Stevenson and Clifton, Tenn., the cooperage produces 400 barrels per day and has plans to expand that figure in the coming weeks.

The barrels, which are toasted and charred for maturing Jack Daniel's Tennessee Whiskey, are responsible for the whiskey's color and more than half of the product's flavor and character.

"The barrel couldn't be more important to our whiskey making process, and helps impart the quality and character of our whiskey that folks have come to know and expect when they see Jack Daniel's," said Jeff Arnett, master distiller for Jack Daniel's.

In June, Alabama Industrial Development Training (AIDT) posted an online jobs announcement seeking operator technicians for the new plant. [Click here](#) to learn more about the positions.

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State Sen 30 candidates exchange barbs in debate

Montgomery Advertiser

July 7, 2014

Marty Roney

PRATTVILLE – A Monday night debate among state Senate District 30 candidates got heated as barbs were exchanged over campaign practices and records.

Clyde Chambliss Jr. will face Harris Garner next Tuesday in the Republican Runoff for the seat. The Republican Club of Central Alabama held the debate at Bass Pro Shops, with about 150 people attending.

Each candidate answered the same 16 questions in rotation. The first few questions were softballs given this crowd; did they support term limits, which each man said they did, and how would they define marriage, which each man said was between one man and one woman.

One of the red meat questions dealt with tax increases, framed by asking each candidate if they would make a pledge not to support future tax increases.

Garner, of Millbrook, said he had no problem making that pledge.

“I will never raise taxes on the people of Alabama, or the people of this district,” he said. “I will never raise fees or support other increases. I feel we are taxed enough. We have to make hard decisions based on revenue matters in this state. Raising taxes is the easy way out, so we don’t have to make those hard decisions.”

Chambliss, of Prattville, said the public should decide.

“I will never say never on this issue,” he said. “Right now in Chilton County, they have no hospital. People have to drive to Birmingham to go to the hospital. The people of Chilton County have the right to vote on a tax to build a hospital. One person in the Legislature shouldn’t block the people’s right to vote.”

The race has turned nasty of late, with allegations of mudslinging. One recent direct mail piece from Garner photo shopped the face of Chambliss.

“Mr Garner’s campaign has told lies about my record and my character,” Chambliss said. “If a person will distort my face, they will probably distort the truth.”

Garner took exception to being called a “liar.”

“We are going to point out what positions my opponent has take on issues, all this information was from public sources,” he said. “We are going to put this information out in the public and let the voters decide.”

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Mobile dinner features auditor battle of favorite sons; Beeker vs. Obama in PSC race

Al.com

July 8, 2014

Brendan Kirby

MOBILE, Alabama – Five of the six candidates for statewide office who will be on next week's Republican primary runoff ballot got five minutes to make their case to party loyalists here Monday night.

The only Mobile resident in one of those races, state auditor candidate Jim Zeigler, couldn't help making a hometown appeal, telling audience members that they will not have anyone in state government to call if he fails to win his July 15 runoff. He asked for their "unanimous support."

Zeigler's opponent, former Marine and retired farmer Dale Peterson, reminded members of the Mobile County Republican Executive Committee that he has roots in Mobile.

"Well, I was born here," he said, concluding his remarks by saying, "I'm Dale Peterson, and I'm from Mobile."

The other two runoffs that will be contested statewide are:

- State Rep. John Merrill, R-Tuscaloosa, against former Montgomery County Probate Judge Reese McKinney for the GOP nomination for secretary of state.
- Public Service Commissioner Terry Dunn against former Greene County Commissioner Chris "Chip" Beeker for the Republican nomination.
- Zeigler vs. Peterson

As they have in the past, Zeigler and Peterson promoted competing visions for breathing new relevance into an office that is short on formal authority.

"I have a plan to turn the state auditor's office into something that it's never been before, and that is a strong monitor of how your tax dollars are spent," said Zeigler, who has run several times in the past for statewide office.

Peterson, who faces a trial in Jefferson County Circuit Court on a shoplifting charge, called the auditor position a "pretty useless job for the state of Alabama" and suggested there was not much Zeigler could do to make the kinds of changes he wants.

"Political puffing for votes is OK. But it can't do that," he said, noting that the auditor's main job is count damaged or stolen property.

Peterson said he would lobby to bring accountants currently within Department of Examiners of Public Accounts under the control of the elected auditor position. He also said he supports giving pay increase to election registrars, noting that the one of the auditor's duties is to appoint one of the registrars in every county but Jefferson.

Secretary of state battle

The secretary of state runoff features a former probate judge against a state representative. It is a contest, McKinney argued, that he should win easily because the duties of the office align closely with those of probate judges. Both offices oversee elections.

"It's important that we have someone who knows this office," he said, pointing to beefed up training that instituted as probate judge. "I'm proud of what I accomplished in Montgomery County. ... We've done a majority of those jobs you see at the secretary of state's office."

McKinney also touted his Republican bona fides, noting that worked ballot security for Ronald Reagan. He pronounced himself a lifelong Republican and conservative, a subtle dig at Merrill, who unsuccessfully ran for office as a Democrat before winning a seat in the Legislature in 2010 as a Republican.

Merrill noted that he was a co-sponsor of a law requiring voters to present a photo identification card at the polls. He said he also worked to ban a previously long-standing practice allowing donors to keep the source of their contributions secret by running the money through several political action committees. He promised to crack down on fraud.

"We're going to identify the perpetrators and make sure they are investigated," he said.

Merrill said he would work to streamline the system the process of businesses filing incorporation documents and other paperwork and make it easier to adopt foreign children.

On voting, he said, the state never has implemented a law passed by the Legislature allowing soldiers overseas to vote electronically in elections.

"Their voices are not being heard, and their votes are not being counted," he said.

Beeker vs. Obama

Dunn was the only one of the six invited candidates who did not appear at the Mobile GOP dinner.

Beeker, who hopes to unseat him, trained steady fire Monday – not at his opponent but against President Barack Obama.

"One of the most important jobs this time is to fight federal regulations. ... The EPA has its targets on Alabama," he said. "The EPA does not have any integrity. Anybody who's ever dealt with them knows that."

Beeker said he would fight any effort to close coal-fired power plants or make coal more expensive.

"I will stand my ground. I will vote 'no,'" he said. "You want to sue over a natural resource which is God-given? That doesn't make any sense."

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Joe Hubbard challenges Attorney General Luther Strange to a debate; Strange responds by blasting Hubbard

Al.com

July 7, 2014

Jim Stinson

State Rep. Joe Hubbard, D-Montgomery, is getting tired of waiting for a yes. He's gone on the offensive in pushing for a debate in the race for Alabama attorney general.

On Monday, Hubbard fired off a tweet asking for a debate with incumbent Attorney General Luther Strange.

A debate may not happen, says Hubbard.

And that's no surprise. Strange doesn't sound like he will talk to Hubbard anytime soon.

"My real opponent is the Indian casino boss who's written him a \$1 million check," Strange said. "If I debated anyone, it would be the people paying for him to run. As my opponent himself said, if you take the big money, you are beholden to the donor. I'd like to hear from his million-dollar donor what they want in return for that donation."

Strange has made that charge before.

Hubbard said Strange is too obsessed with gambling, and focuses on prosecuting "little old ladies" in bingo halls rather than focusing on victims of violent crime and drug criminals.

The contentious race has already featured Strange's allies referring to Hubbard as "Crazy Liberal Joe," while Hubbard has suggested Strange has taken illegal campaign donations.

As for a possible debate before the Nov. 4 election, Hubbard said he has gotten a go-ahead from the University of Alabama and Alabama Public Television to arrange it.

But Strange's campaign has been telling possible hosts, including the UA College Republicans, that he isn't interested in a debate, according to Hubbard.

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Secretary of state hopeful Merrill hits GOP opponent over pay raises, Hyundai-related lawsuit

Al.com

July 7, 2014

Brendan Kirby

MOBILE, Alabama – Flanked by most of the Republican state representatives from the Mobile Bay area, secretary of state candidate John Merrill on Monday went on the offensive against his opponent in next week's GOP primary runoff.

Repeating points he has made in television and radio ads, Merrill depicted himself as the only true "conservative reformer" in the race. He said he has declined pay raises, while opponent Reese McKinney accepted nine in 14 years as Montgomery County probate judge. He also hit McKinney over a lawsuit he filed against state and local governments during his tenure in office.

"It is an honor to stand here with the people who know me so well," said Merrill, a state representative from Tuscaloosa County who lined up early endorsements from most of the Republican House members from Mobile and Baldwin counties.

McKinney called Merrill "upside down." Read his comments [here](#).

Majority Whip Randy Davis, R-Daphne, praised Merrill, the only freshman lawmaker who holds a leadership position in the House Republican caucus. Merrill also is a member of the Constitution, Campaigns and Elections Committee, which Davis chairs.

"Let me say how important it is to elect John Merrill on July the 15th," he said. "He is very detailed and very conservative with his deliberations about the legislation that comes through that committee."

Merrill edged McKinney by 4,233 votes during the first round of voting last month. But he failed to clear the 50 percent threshold in the three-man field, making next week's runoff necessary.

On the campaign trail and again Monday, he criticized McKinney for accepting pay raises that brought his salary from \$70,350 a year to \$106,446 a year during his tenure as Montgomery County probate judge.

"I just don't think that's standing for the typical Alabamian," Merrill said.

In contrast, he said, he has turned down the pay raise that Legislature gave itself in 2007 and volunteered for a 15 percent pay cut.

Merrill said he also has been part of the legislative majority that has worked to maintain state services while cutting budgets. The Montgomery County probate budget increased while McKinney was in office, Merrill said.

Merrill also pointed to a lawsuit McKinney filed against the state, county and city over the Hyundai auto plant a decade ago. Local officials had agreed to pay McKinney and other landowners in the area \$4,500 per acre – almost twice the appraised value – to make room for the factory.

When Hyundai officials later said they needed more land, though, government authorities agreed to a \$12,000-per-acre price demanded by a pair of landowners who previously had refused to sell.

That prompted some landowners, including McKinney, to sue. They alleged the state, county and city had violated the earlier agreement.

A judge ultimately threw out the suit, but Merrill said it cost taxpayers \$7 million.

Merrill has worked hard to build institutional support while searching for the votes of rank-and-file voters across Alabama. He said he has been to all 67 counties and put 162,508 miles and four sets of tires on his vehicle during the campaign. He also has lined up endorsements from 17 organizations and 80 state lawmakers.

"This is my 27th trip to Mobile County," he said.

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Merrill 'upside down' over allegations in Alabama secretary of state race, McKinney argues

Al.com

July 7, 2014

Brendan Kirby

MOBILE, Alabama – Alabama secretary of state candidate John Merrill is "upside down" on allegations he has been leveling during his campaign, GOP primary opponent Reese McKinney said Monday.

Merrill, a state representative from Tuscaloosa, said earlier Monday that he is the only candidate who has turned down pay raises. He said he also has cut budgets, while McKinney's budget rose by about \$1 million a year during his tenure as probate judge in Montgomery County.

"He's so upside down, he's wrong," said McKinney, who pointed out the Legislature sets the salary of probate judge and the County Commission sets the budget. "Believe me, I worked every day," he said.

McKinney said he saved the county money in the long run by purchasing new equipment.

McKinney also defended himself against another accusation Merrill has made on the campaign trail. Merrill has said McKinney, while he was probate judge, filed a lawsuit as a private citizen that cost the city and county governments millions of dollars.

McKinney acknowledged that he did file the lawsuit, which accused state and local officials of renegeing on a deal to pay all property owners \$4,500 per acre for land used for the Hyundai auto plant in Montgomery County. When officials later paid a higher price to a pair of other landowners, McKinney was among the property owners who sued.

"We were involved in a land deal," he said. "There were folks who did some wrong, and we took action."

Merrill finished first and McKinney second in the first round of voting in June. The winner of next week's runoff goes on to the general election.

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Dale Peterson, Jim Zeigler seek GOP auditor nod

Montgomery Advertiser

July 8, 2014

Brian Lyman

The names may be familiar to Republican voters: One for five previous appearances on the ballot, the other for a viral video that did far better than his campaign for agriculture commissioner

Jim Zeigler and Dale Peterson will face each other for the Republican nomination for state auditor next Tuesday.

Both men are campaigning on their reputations, but also are trying put parts of their reputation behind them.

Peterson may be best remembered for his 2010 run for agriculture and industries commissioner. Although he finished third in the Republican primary, a campaign video that featured Peterson with a rifle while emphatically discussing immigration, his opponents and yard sign theft became a YouTube sensation.

As of Monday, the video had gotten 2.6 million views. Peterson has created videos for his state auditor campaign, though none have taken off like the first.

"That was lightning in a bottle," Peterson said. "People said, 'Well, Dale, do another viral video.' I said 'Let me see if I got it in me.' That's a once in a lifetime thing."

Peterson also gained less flattering attention after two arrests within five months for shoplifting at a Walmart and Sam's Club in Hoover. Peterson said Monday he could not discuss the details of the cases, but said "there was never any intent to steal anything."

"If I had anything to be ashamed of, do you think for one moment I would put my family, my children and my grandchildren through this?" he said. "You don't do that."

Zeigler, meanwhile, is hoping to catch a break: Between 1982 and 2002, Zeigler sought nominations for four state offices, losing each time, sometimes by narrow margins.

In his last campaign in 2002, Zeigler finished first in the Republican primary for state auditor but lost the runoff to Beth Chapman, who later served two terms as Secretary of State. Zeigler gained the nickname "Mr. 49 percent" for his close defeats. However, he pointed to his successful 2004 campaign to be a delegate to the Republican National Convention as a hopeful sign.

"On July 15, I expect I will end Mr. 49 percent," he said. "I might be Mr. 51 percent. I'm on a streak. A winning streak."

The winner will face Democrat Miranda Joseph in the general election in November.

Both men position themselves as outsiders who hope to use the auditor's office to improve overall government performance.

"There's only one candidate who's led a taxpayer challenge to government spending," said Zeigler, a Mobile attorney who served on the Public Service Commission from 1975 to 1979. "There's only one candidate who's filed an ethics complaint against a government official."

Peterson, a businessman who lives outside Pelham, calls himself an "independent Republican" who wants to use the office to benefit the greatest number of Alabamians.

"I'm not an establishment guy, as you probably know," Peterson said. "That's one thing I have against my opponent."

Zeigler finished first in the June 3 Republican primary, netting 47 percent of the vote. Peterson got about 25 percent of the vote.

The state auditor keeps track of spending in government and governmental property, but like many government offices has relatively few enforcement powers. Both Zeigler and Peterson said they supported legislation sponsored by Rep. Ed Henry, R-Decatur, that would have moved the Department of Examiners of Public Accounts to the office. The legislation passed the House in March but did not come to a vote in Senate.

Zeigler said he would also give an ear to state employees who may have suspicion of wasteful spending.

"Most of the cases that I've handled, all of the cases that I've handled against spending came from honest employees who could not get anything done through their channels," he said. "They report to Jim Zeigler, knowing I'll investigate it."

Both Peterson and Zeigler said they wanted to actively pursue those who may have stolen or damaged state property. Peterson said he wanted to use money recovered from property to provide additional funding to county registrars; the state auditor appoints one registrar in each of Alabama's 67 counties, except where provided by law. Peterson said the registrars were "overwhelmed by work."

"We've got to get those folks some money and get them some help somehow," he said.

Dale Peterson

Age:

68

Residence:

Near Pelham

Occupation:

Businessman

Family:

Wife, Kathy; one daughter, two grandchildren.

Political experience:

Republican candidate for agriculture and industries commissioner, 2010; Shelby Co. Republican County Executive Committee, Alabama Republican State Executive Committee

Jim Zeigler

Age:

66

Residence:

Mobile

Occupation:

Attorney

Family:

Wife, Jackie; two children

Political experience:

Member, Public Service Commission, 1975-79; Democratic candidate for Alabama Supreme Court, 1982; Democratic candidate for state treasurer, 1986; Republican candidate for Alabama Court of Civil Appeals, 1996; Republican candidate for state auditor, 2002.

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Dale Peterson scheduled to appear in Jefferson County court on appeal of theft conviction

Al.com

July 7, 2014

Mike Cason

MONTGOMERY, Alabama – Dale Peterson, candidate for state auditor in next week's Republican runoff, is scheduled to make a pre-trial appearance in Jefferson County Circuit Court in Bessemer on Tuesday in his appeal of a theft conviction from Hoover Municipal Court.

Mike Blalock, Peterson's lawyer, said Peterson will plead not guilty and he expects the judge to set a trial date.

The case is one of two misdemeanor theft convictions from Hoover that Peterson has appealed to the circuit court.

The other is in the Birmingham division of Jefferson County Circuit Court and is scheduled for trial Aug. 25.

Peterson, a retired businessman who lives in Shelby County, faces Mobile lawyer Jim Zeigler in the July 15 runoff.

Peterson, 68, was arrested in October 2012 and charged with stealing beer from a Hoover Wal-Mart. Peterson has said the case was a misunderstanding and that he had pushed his cart past the checkout lines to go to the restroom and had no intention to steal.

He was charged with third-degree theft of property. That's the case on appeal in Bessemer.

In March 2013, Peterson was hit with the same charge again after an employee at Sam's Wholesale Club in Hoover said he saw Peterson eat from a jar of cashews while shopping, return the jar to the shelf and then check out of the store, paying for other items but not the cashews.

Peterson left the store and was stopped by the store employee. He told the employee "that he had messed up and should have just paid for the cashews," according to the employee's deposition. That's the case on appeal in the Birmingham division of the circuit court.

Asked today about the arrests, Peterson said he could not comment in detail about what happened.

"Eventually it will all work out," he said. "I know one thing, on the entire matter, I'm cleared with the big guy upstairs. Now I have to get cleared in the courtroom."

Blalock said Peterson chose not to fight the charges in Hoover Municipal Court when he appeared there in November 2013. Instead, he stipulated to the facts as presented by the city for the purposes of appealing the cases to the circuit court, where he has demanded a trial by jury in each case.

The cases will be heard as new cases, and Peterson will be presumed innocent, Blalock said.

Court records show that the two municipal court convictions each carried fines of \$1,000 plus court costs, plus restitution of \$48.50 for the beer and \$13.48 for the cashews. Both also carried sentences of 180 days in jail.

Zeigler led a four-candidate field in the June 3 primary with 47 percent of the vote. Peterson ran second with 24 percent.

The winner will face Democrat Miranda Joseph in the general election in November.

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ASU president responds to Moody's credit downgrade

The Associated Press

July 7, 2014

MONTGOMERY, Ala. (AP) — Alabama State University officials are re-evaluating administrative processes to respond to a recent credit downgrade and a warning from an accreditation agency, the university's president said Monday.

It's the school's third credit downgrade by Moody's Investor's Service in almost nine months and ASU President Gwendolyn Boyd said in a written statement that she considers it a "very serious issue." The school's credit rating dropped Oct. 18, Jan. 21 and again on Thursday.

The Montgomery Advertiser reported last week (<http://on.mgmadv.com/1jQSU8T>) that Moody's found the school has drawn from reserves to cover debts this year and is expected to do so again in 2015 and possibly longer. Moody's said the school is \$235 million in direct debt and has declining cash and investments.

"We are committed to turning the tide through the new ASU reorganization plan, fiscal austerity and the implementation of sound financial best practices to restore our university's credit rating," Boyd said.

Gov. Robert Bentley said that although he's disappointed by the downgrade, he's confident the school will bounce back.

After a Monday news conference on an unrelated matter at the Capitol, Bentley said the warning letter from the Southern Association of Colleges and Schools and a forensic audit of the school likely factored into Moody's decision to downgrade the university's credit rating. A company

performing the forensic audit released a preliminary report in October that raised concerns about fraud and waste by some university officials. ASU disputed the company's findings and sued the firm that conducted the audit. The lawsuit was dismissed in late June.

SACS officials said ASU failed to comply with six accreditation standards and they put the school on a six-month warning period in late June. The penalty is less severe than the school being placed on probation.

Bentley said he's confident that Alabama State University has the right president and board in place to guide the school's recovery from the downgrade and accreditation warning.

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ADA complaints cost local businesses

Opelika-Auburn News

July 8, 2014

Michael Hill

Elaine Espy said she has already spent more than \$10,500 defending a letter, from "The ADA Group" in Montgomery, stating her shopping center does not comply with the Americans with Disabilities Act (ADA).

At least 14 businesses in the Auburn-Opelika area, which are mostly restaurants, have received letters stating their failure to comply with ADA standards. Settlements are being demanded to resolve the matter and to "avoid protracted litigation in federal court." The initial letter does not give businesses any indication of who the complaint was filed by, their disability or what area of the ADA the business failed to comply with.

Espy is a general partner of Phillips Family Partnership, LTD in Auburn, and they have been in business for 14 years. She said she nearly discarded the letter because it was vague, and after she contacted her attorney he suggested she take action and referred her to another attorney in Montgomery.

Many of these letters are coming from "The ADA Group," a law firm that includes attorneys Tracy Birdsong and Landis Sexton. The acronym stands for the Attorneys for Disabled Americans and not the Americans with Disabilities Act. Some business owners state they were confused when they received the letter. According to their Facebook page, this law firm represents disabled persons in Title III barrier cases and was established in September 2012.

"Our approach is to resolve without a case," Sexton said. "It's easier and cheaper for everyone."

Sexton said most people want to fix the problem, so they attempt to talk to people first.

He said the letters are the firm's business model, and they have sent many, but would not provide an exact or an approximate number of letters sent out. He said 85 to 90 percent of businesses respond, and they often reach a settlement.

Sexton said their protocol is to contact the business through a letter stating they are out of ADA compliance, and they ask the business to contact them. He said these letters do not state his client's name, their handicap or the barriers needing removal. After being contacted regarding the initial letter, a complaint and explanation of violation is sent to the business, along with the name of the client and their disability.

Although the complaint states the business has discriminated against the disabled person, the act does not require proof of when, or if in fact they even visited the businesses.

Espy said the complaint listed multiple infractions that were already in compliance. She said everything was “bogus” except one thing.

One of the infractions listed in the complaint was that her disabled parking signs were not high enough. According to ADA.gov , identification signs should be a minimum of 60 inches above the floor or ground surface measured to the bottom of the sign. Espy’s signs are in “custom-ordered flower pots,” and she said the person completing the inspection measured from the top of the dirt in the flower pot instead of from the ground.

“They were definitely not professionals,” Espy said, referring to the experts completing the inspection.

Espy said the amount of attorney fees she has already paid does not include a disclosed amount she had to pay to The ADA Group to settle the case or the approximate \$60,000 she is expecting to spend for barrier removal on just the exterior of her property. She said she is still paying fees, and regrets signing the disclosure agreement.

“Why does it have to be a secret,” Espy said. “I would love for people to know how much I had to pay.”

She said she was close to paying off all of her bank loans, but receiving the letter has only set her back.

Deanna Forbush, an Auburn attorney, said the letters are being used to “terrorize the business community.”

“The letters, from law firms, some seemingly masquerading as groups for the disabled, threaten ‘protracted litigation in federal court,’ but offer help formatting and implementing an acceptable remediation plan,” Forbush said. “Provided that the recipient thereof pays an undisclosed client’s reasonable attorney’s fees and costs, including cost of the client’s experts.” She said many business owners view the letters as a form of shakedown.

“The letter stated to respond or we would be sent to federal court,” Espy said. “That just sends a knife through you.”

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Blue Cross conspiracy lawsuit could have 'enormous impact on competition' in health care, legal article asserts

Al.com

July 7, 2014

Mike Oliver

BIRMINGHAM, Alabama -- A federal judge's ruling June 18 that an antitrust lawsuit filed in federal court here can continue has inspired several legal write-ups highlighting the significance of the case.

"The results of this challenge to the structure of the Blues could have an enormous impact on competition in the health care industry," states a legal analysis by Robert Craig for Taft Stettinius & Hollister.

The article online at lexology.com is titled "Insurers singing the Blues after district court denies motion to dismiss in lawsuit accusing Blue Cross/Blue Shield of conspiring to limit competition."

The lawsuit originally filed in 2012 by an Alabama chiropractor and consolidated with similar suits, is being brought by Blue Cross subscribers and health care providers against about three dozen Blues, including Blue Cross and Blue Shield of Alabama which has the largest market share in a single state of any insurer in the country.

"The consolidated class actions, filed on behalf of a proposed class of subscribers, and a separate class of providers, allege that the defendants have conspired to horizontally allocate geographic markets through the use of 'service areas,' where only one designated Blue Plan is authorized to sell health insurance within a particular state, according to the article.

The Blue Cross businesses are separate but fund the association which owns and manages the Blue Cross and Blue Shield trademarks.

U.S. District Judge David Proctor in Birmingham on June 29 denied motions to have the case thrown out.

"Judge Proctor deferred reaching a decision on many of the Blues' arguments, rather than rejecting them and denied the Blues' motion on that basis," according to another analysis in the National Law Review at natlawreview.com. "However, by doing so, Judge Proctor has authorized a massive case to proceed into discovery. The impact of that decision will likely not be known for many months, as discovery progresses. Stay tuned."

The Blue Cross and Blue Shield Association has denied the lawsuit's allegations and, earlier, a spokesman said Proctor's ruling on the motion to dismiss is not surprising given that the litigation is in its early stages.

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'I plan on blowing the aggregate limits out,' says Hoover man who challenged McCain-Feingold

Al.com

July 7, 2014

Brendan Kirby

MOBILE, Alabama – Shaun McCutcheon never figured he'd be the face of a movement to chip away at the landmark McCain-Feingold law limiting campaign contributions, but his lawsuit led to a U.S. Supreme Court ruling that did just that.

In a 5-4 decision delivered in April, the high court struck down so-called "aggregate limits" on how much money someone can contribute to candidates and political action committees in a two-year campaign cycle. The total was \$123,200, including the separate \$48,600 cap on contributions to candidates for 2013 and 2014.

McCutcheon, an electrical engineer and contractor from Hoover who will address the Mobile County Republican Party this evening, said his message is simple: "Get active. It's about free speech. It's more important now than ever."

McCutcheon, who grew up in Vestavia Hills and graduated from the Georgia Institute of Technology, said he has been making political contributions since the 1990s. But he said he did not begin getting heavily involved in politics until about five years ago when he joined the Greater Birmingham Young Republicans.

In 2010, he said, he realized he was getting close to the aggregate donation limit. He said a Washington, D.C., lawyer he knows suggested he could challenge the limit and that the case likely would go all the way to the Supreme Court. To his great surprise, it did.

"I was very skeptical," he said. "I thought the opposition would be insurmountable."

But the Supreme Court under Chief Justice John Roberts has taken a skeptical view of limits on political donations in the name of rooting out corruption. The most famous case, *Citizens United v. FEC*, struck down bans on corporate donations in 2010.

In McCutcheon's case, Roberts wrote for the majority that aggregate limits were arbitrary. He noted that a citizen could max out the \$2,600 limit on donations to nine congressional candidates and then be prevented from giving the maximum amount to a 10th.

McCutcheon said it did not make any sense. Using the hypothetical raised by Roberts, he said giving money to the 10th candidate would raise the specter of corruption but giving to that same candidate instead of to the ninth would be OK.

"What's the difference? That was the layman's argument," he said.

The court's four liberal justices vigorously dissented, with Stephen Breyer reading his from the bench to signify particular disagreement with the majority. He argued that Congress has a legitimate interest in preventing the appearance of corruption.

The majority ruling did not touch the limits on contributions to a single candidate. McCutcheon said he believes individual caps make some sense to prevent a candidate from being too dependent on a single source of money. But he added that he believes the current caps are too low.

As it was, he said, it would be impossible for a resident of a big state – like Texas – to give the maximum amount to candidates in all of the U.S. House races in that state.

"It's a fundamental free speech, First Amendment right," he said.

It did not take McCutcheon long to take advantage of his newly won freedom. He said he so far has contributed to 30 candidates, with the overall amount exceeding what had been allowed before the Supreme Court decision. He said he also plans to exceed the old caps on donations to political parties and political action committees.

"I plan on blowing the aggregate limits out," he said.

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Another court case that could undermine Obamacare?

Al.com

July 7, 2014

Mike Oliver

Lurking, lurking is another court case that could threaten the core of the Affordable Care Act.

As reported by the Fiscal Times, the health care reform law suffered a setback last week when the U.S. Supreme Court dealt a blow to the reform law's efforts to provide women with free access to birth control devices.

The court ruled in the *Burwell vs. Hobby Lobby* case that family businesses could make the decision whether to provide birth control coverage if it offended the owners' religious beliefs.

Now comes a case – actually it's been around for some time – that challenges the very premium subsidies that are at the heart of the reform law.

The suit before the U.S. Court of Appeals says that only those who gained coverage through the 14 state insurance exchanges are entitled to the subsidies.

Halbig vs. Burwell argues that the subsidies cannot be provided to those in the states -- 36 at last count -- who opted to let the federal government operate the exchanges.

As the Fiscal Times puts it:

"That could torpedo the Affordable Care Act by making insurance unaffordable for millions of people relying on the subsidies to lower the cost of their premiums."

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Federal aid for Alabamians hit by severe weather in April and May reaches \$34.5 million

Al.com

July 7, 2014

Jesse Chambers

The federal government has approved about \$34.5 million in aid to Alabamians impacted by the flooding, high winds, tornadoes and other storms that hit the state from April 28 through May 5, according to a news release today from the Federal Emergency Management Agency (FEMA).

The single biggest slice of the federal aid, about \$15.8, has been approved for housing assistance grants to help with home repairs and recovery rental expenses.

The next biggest slice, or about \$13.4 million, consists of low-interest loans to eligible homeowners, renters or business owners from the U.S. Small Business Administration.

In addition, \$3.7 million covers such essential disaster-related needs as medical expenses and lost personal possessions.

About \$1.5 million has been allocated for public assistance programs, including about \$576,000 allocated for debris removal.

The release – based on data compiled by the agency on July 3 – also states that 15,368 damaged homes and property have been inspected, which represents about 99 percent of the requests that have been made.

For more news from Birmingham and Alabama, go to www.al.com/birmingham.

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New \$60 million VA facility will open up space in existing Birmingham medical center

Al.com

July 7, 2014

Michael Tomberlin

BIRMINGHAM, Alabama – Builders of the \$60 million VA Primary Care Annex and parking deck held an official groundbreaking ceremony this morning with officials proclaiming it will help the Birmingham medical center provide better healthcare to veterans.

The ceremony was hosted by BL Harbert International, the Birmingham contractor building the project, along with the U.S. Department of Veterans Affairs.

The massive project will have the address of 2415 Seventh Ave. South, but the development is taking up the entire city block between Seventh Avenue South and University Boulevard and between 24th and 25th Streets.

The new, 2,300-space parking deck will provide much closer access to the Birmingham VA Medical Center at 700 19th Street South. Currently, patients park at the city parking deck at the corner of Fourth Avenue North and 22nd Street and are bussed several blocks to the hospital.

The project is slated for completion in fall of 2015.

Thomas Smith, director of the Birmingham VA Medical Center, said the 58,000-square-foot Primary Care Annex will house several outpatient procedures, women's health, mental health and a number of lab and technical functions. He said the relocation of those operations from the existing medical center is expected to open up the entire first floor to allow for an expansion of the emergency room, a new dialysis center and other improvements elsewhere in the hospital.

VA and elected officials acknowledged the current scandals that created long waits and inadequate care at several VA hospitals across the country and even similar allegations here in Alabama. However, they said the Birmingham hospital is known for providing quality, timely care and the new facilities will help it keep pace with the increasing demand as more veterans turn to the VA for treatment.

"Everything we do is about improving the care and services we provide to you," Smith told the many veterans attending the groundbreaking.

Smith said the site search for the parking deck and annex started a decade ago as officials realized the number of Alabama veterans deployed to Iraq and Afghanistan would increase the demand for services.

Congresswoman Terri Sewell, D-AL, said honoring veterans should be something all of us feel called to do.

"We can never repay our veterans for their noble and brave service to our country," she said. "The least we can do is provide them with the best quality medical care."

Sewell recognized the family of 98-year-old James Carrington, a World War II veteran who served with the Montford Point Marines, the first group of African-Americans to serve in the U.S. Marine Corp. She said after the groundbreaking, she planned to visit Carrington at the VA Medical Center and present him with the Congressional Gold Medal.

"It's most important not that we speak for them, but that we do for them," she said of veterans.

Charles Sepich, director of the VA Southeast Network, said he views Birmingham as one of the medical centers that is focused on doing right by the patients.

"I want to thank Birmingham for being such a strong meca in providing quality medical care to our veterans," he said.

Birmingham City Councilwoman Sheila Tyson, herself a veteran, said she could get treatment from any other hospital she chooses but she prefers the Birmingham VA Medical Center because the people there "genuinely care about veterans."

Birmingham Mayor William Bell agreed, saying his father, a veteran, receives medical care there and is pleased with the level of care given.

Birmingham's Graham & Co. is developing the project along with the Las Vegas-based Molasky Group of Companies. Austin, Texas-based Page Southerland Page is the architect.

"BL Harbert is pleased to construct this facility for the Department of Veterans Affairs. Our veterans have so bravely served our country in many capacities around the world to ensure our freedom," Gary Savage, BL Harbert's president of U.S. operations said in a statement. "Helping to meet their healthcare needs through construction of a state-of-the-art healthcare facility is an honor we embrace."

Steve Graham, chairman of Graham & Co., said it was important for the firm to be a part of the significant project.

"We are honored a privileged to be a part of the team that is committed to doing what we can to help out our veterans," he said.

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Alabama's first state-water weekend red snapper season goes off 'OK overall'

Al.com

July 7, 2014

Jeff Dute

Alabama's first weekend red snapper/grey triggerfish season went "OK overall," said the state's Marine Resources Director, but there were a few people who allegedly tried to take undue advantage.

"There definitely is not the volume of red snapper in our state waters as compared to those available in federal waters, but there were quite a few people who took advantage of the additional fishing opportunity and there were a few fish landed," Chris Blankenship said.

While working their joint patrol agreement with NOAA's Office of Law Enforcement, Blankenship said Alabama MRD Enforcement officers documented violations of nine people,

who were found to have either red snapper, triggerfish or amberjack onboard boats intercepted between 15 and 35 miles offshore.

Those documented violations will be forwarded to NOAA's Office of Law Enforcement where a determination of whether to levy a summary settlement or fine will be made, said Maj. Scot Bannon, MRD's chief enforcement officer.

Federal seasons are closed now on all three species. Amberjack are not rescheduled to open until Aug. 1. Triggerfish reopen Jan. 1, 2015 and the 2015 federal red snapper season is scheduled to open June 1.

Alabama and Mississippi both opened waters out to 9 nautical miles, the territorial boundary approved by both state legislatures earlier this year.

Prior to the both state-season openers, fishermen were warned that they could face fines if found in possession of red snapper beyond 3 nautical miles since federal enforcement agencies only recognize Alabama and Mississippi territorial water out to 3 nautical miles.

Bannon said federal marine enforcement agencies embarked on an education campaign over the weekend, handing out fliers instead of tickets to fishermen aboard boats within that 3- to 9-mile disputed area and those they encountered at busy ports such as Orange Beach and Dauphin Island.

The fliers reminded fishermen that NOAA and the Coast Guard will continue to enforce federal regulations beyond 3 nautical miles from state shores and that if they're found in possession of any species involved in a federal fishery closure beyond that boundary they may face fines and seizure of their catch.

Bannon expects that federal enforcement agencies will be documenting more violations beyond federally recognized state-water boundaries rather than handing out fliers on subsequent weekends.

"They have the same understanding as we do that there is a lot of discontentment with the state of fisheries management. They also have the same issue as we do with limited manpower to cover the entire Gulf, especially with state seasons open in Alabama, Mississippi and Louisiana. They also know they have a job to do. Even with leeway for officer discretion, I feel they'll document the violation and forward the case packet to whoever they're supposed to. Whether or not a penalty is assessed is determined on a different level."

The flier also remind for-hire and headboat operators who possess a federal permit that they are prohibited from harvesting red snapper from state waters if the federal fishery is closed.

The flier included reminders of the requirement of people fishing in state waters for reef fish to use non-stainless-steel circle hooks only and that they must also have a de-hooking device onboard.

Efforts to reach a Coast Guard representative to check on how long the education effort would be ongoing before violations were documented were unsuccessful Monday afternoon.

Bannon said his officers reported that most people fishing nearshore structure such as platforms and pyramid reefs caught a lot of red snapper, though many were undersize.

"The biggest thing we heard is that the king mackerel hadn't showed up on that nearshore stuff like they usually have by this time of year," Bannon said. "I think they went out there thinking that if the red snapper didn't bite that they'd be able to troll for kings over the reefs. It just didn't happen."

Blankenship said he caught lots of Spanish mackerel, a nice grouper and one legal red snapper while fishing the platforms just off Sand Island Spit at Dauphin Island.

He said it was difficult to quantify the catch from state water compared to what anglers normally see when they can legally fish between 12 and 25 miles.

"We knew we had the resources that would allow people to go out into state waters and catch some red snapper," he said. "It's not necessarily the size they're used to or the quantity, but I think from the fish we saw landed, it went pretty much how we expected it to be.

"I was glad to see a few people out in our state waters catching few red snapper. I would call it a medium response, certainly not overwhelming."