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FULL TEXT

Summary of action in Alabama Legislature

The Associated Press

March 13, 2014

MONTGOMERY, Ala. (AP) — A summary of action in the Alabama Legislature on Thursday, the 24th meeting day of the regular session:

HOUSE:

— Approved a bill to create a state database to enforce an existing limit on how much people can borrow from payday lenders. Goes to Senate.

— Approved a bill to place the Department of Examiners of Public Accounts within the office of the state auditor and transfers the duties of the chief examiner to the state auditor. Goes to Senate

— Approved a bill to increase the statute of limitations from three to five years for certain felonies and specify that the statute of limitations for theft by deception and certain securities violations doesn't begin until after the discovery of the facts constituting the offense. Goes to Senate.

SENATE:

—Debated, but did not vote, on a bill to allow people without pistol permits to carry loaded pistols in their vehicles.

AGENDA:

House convenes at 1 p.m. Tuesday and Senate at 2 p.m.

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The day in the Legislature: March 13, 2014

Montgomery Advertiser

March 13, 2014

Brian Lyman and Kala Kachmar

A look at the action in the Alabama Legislature, the 24th legislative day.

House of Representatives

Passed HB 145, sponsored by Rep. Patricia Todd, D-Birmingham, which would mandate the establishment of a centralized database to track payday loans.

Passed HB 459, sponsored by Rep. Alan Boothe, R-Troy, which defines draft and keg beer.

Passed HB 543, sponsored by Rep. Mike Ball, R-Madison, which would repeal the law requiring disclosure of campaign contributions by judges before taking office and provide new criteria for recusal.

Passed SB 159, sponsored by Sen. Rusty Glover, R-Semmes, which doesn't require food produced at home, such as baked goods and jams, to be subject to the Department of Health regulations.

Passed HB 322, sponsored by Rep. Mark Tuggle, R-Alexander City, which is a constitutional amendment that would ensure people continue to have the right to hunt and fish in the future.

The House will return at 1 p.m. on Tuesday.

Senate

The Senate bogged down in debate over SB 354, sponsored by Sen. Scott Beason, R-Gardendale, which would allow drivers to carry loaded guns in their vehicles without a permit.

The Senate will return at 2 p.m. on Tuesday.

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Ala. Legislature has governor blocked on pay raise

The Associated Press

March 13, 2014

Phillip Rawls

MONTGOMERY, Ala. — Gov. Robert Bentley may have no way to give education employees the 2 percent pay raise he has recommended.

The Republican governor has been pushing the Republican-controlled Legislature to approve 2 percent raise legislation for two months, but he told reporters Thursday there is no way him to achieve that unless the Legislature sends him some type of pay raise bill that can he can amend to the amount he wants.

Bentley said he can't amend the state education budget to legislate a 2 percent raise. The money to fund a raise would be included in the budget. But he said he needs a separate bill to enact the raise.

"I don't have a mechanism at this time," he said at an impromptu news conference on the Statehouse lawn.

House budget committee Chairman Bill Poole, R-Tuscaloosa, said the governor is correct that he would need a separate bill for a raise and the House isn't in position to pass one.

Pay raise legislation backed by Bentley originally was introduced in the Senate at 2 percent. The Senate reduced it to a one-time bonus of 1 percent for the 2014-2015 school year. The Senate-passed bonus was put on hold by the House Ways and Means-Education Committee on Wednesday. Instead, the committee approved an education budget that doesn't include funding for any raise.

Instead, the House put money toward the rising health insurance costs for teachers.

“A pay raise does teachers no good if they have to pay every dime of it, and perhaps some extra, toward higher health insurance premiums that Obamacare demands. That is why the House education budget attempts to help both active and retired education employees by funding their health insurance,” he said, referring to the federal Affordable Care Act.

Bentley urged the House to get into a position to vote on legislation for a 2 percent raise. “I want the members to have a chance to vote with me and vote with the teachers or vote against it and vote against the teachers,” he said.

Bentley said education employees had to pay more for their health and retirement benefits at the start of the current four-year term because the recession reduced the state’s revenue. He said now that the state’s financial picture is improving, “I believe we have to support our teachers. We have asked a lot of our teachers and our state employees over the last three years.”

Any raise for the upcoming school year would be on top of the 2 percent education employees received for the current school year.

Bentley said that if the Legislature sends him an education budget with no pay raise bill accompanying it, he will have to decide then what to do with the budget. “If it’s a reasonable budget, obviously we’ll look at it very carefully,” he said.

Bentley and most legislators are running for re-election. Poole said, “It is the responsibility of the legislature to pass a budget and I would encourage the governor to allow the Legislature to address important policy issues related to the education budget without injecting election year politics.”

House Speaker Mike Hubbard, R-Auburn, also recently accused the governor of playing politics with the raise.

When asked about election-year politics, Bentley grinned and said, “I can’t believe anybody would play politics down here.”

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Gov. Robert Bentley calls for vote on teacher pay raise

Montgomery Advertiser

March 13, 2014

Brian Lyman

Gov. Robert Bentley Thursday called for an up-or-down vote on a two percent pay raise for teachers, saying there was enough money available for a wage hike and fully fund the Public Education Employees Health Insurance Program (PEEHIP).

The remarks, a variation of comments Bentley made Wednesday after a House committee approved a \$5.93 billion 2015 education budget without pay raises, sets up a confrontation

between the governor and GOP lawmakers, who have consistently said the funding to do everything the governor wants is not there.

“If it’s a two percent pay raise bill, I want to bring it back and vote on it,” Bentley said Thursday. “I want the members to have a chance to vote with me, and vote for the teachers, or vote against it, and vote against the teachers.”

Pay for teachers and support personnel must be approved by legislation adjusting their salaries. Although one bill in the House would do that, it does not have the support of its sponsor, and legislative leadership made it clear Thursday they will not bring it out for a vote.

“We’ve already demonstrated there’s not enough money in the budget to cover the increases in PEEHIP, the health insurance, and a pay raise,” said House Speaker Mike Hubbard, R-Auburn on Thursday. “It’s really a moot point. Why would you have a bill for that and not have the money in budget?”

Senate President Pro Tem Del Marsh, R-Anniston, said Thursday lawmakers “didn’t want to do anything that will throw us into proration.”

“I know the governor would not want to go into proration, either,” he said. “We’ll look and see. But my sense is that the education budget, you’re leaning more toward filling the hole in the PEEHIP more than anything else.”

Senate Finance and Taxation Education Committee chairman Trip Pittman, R-Daphne, has said a pay raise may not be sustainable and has expressed pessimism about revenues in the ETF in 2015 -- a stark contrast to Bentley, who described a state experiencing economic recovery in his State of the State address on Jan. 14.

House Ways and Means Education chairman Bill Poole, R-Tuscaloosa, had sponsored legislation to provide a two percent pay raise; budget chairs frequently carry legislation to allow budget items to take effect, whatever their opinions on the subject may be. Sen. Cam Ward, R-Alabaster, carried a bill that initially called for a two percent pay raise for teachers. Ward’s bill was substituted in the Senate with a one percent bonus; the House education committee did not take action on that bill yesterday. Poole’s bill remains in committee.

“We’re just continuing to stay the course,” Hubbard said. “We will pass a responsible budget that doesn’t put us in a position of being prorated.”

The budget approved by the House committee includes \$48 million for PEEHIP, which may help address shortfalls in the teachers’ insurance program. The figure is less than Bentley’s proposal, which would have fully funded the program. Even with full funding, PEEHIP officials have said increases to teachers’ premiums or co-pays are possible.

Bentley said Thursday that teachers and support personnel had been asked to bear more expenses in the last few years. The Legislature, with the support of the governor, voted in 2011 to raise

teachers' contributions to retirement plans from 5 percent to 7.5 percent. Bentley said Thursday that the state was emerging from the dire economic times that required such moves.

“Now that things are better, I believe we need to reward them,” he said. “There’s nothing more important than teachers and support personnel. We can fully fund PEEHIP and not take more money out of their salaries.”

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How does teacher pay in Alabama really stack up?

Yellowhammer News

March 13, 2014

Cliff Sims

Teacher pay has become a major point of contention during the 2014 legislative session. The Alabama Education Association (AEA) has demanded a 6 percent pay raise for teachers this year. Gov. Bentley included a 2 percent pay raise in his budget, and has threatened (via Tweet!) to veto any budget that falls short of that. But the \$5.9 billion Education Budget approved by a House committee yesterday does not include a raise for educators. Instead, it increases funding for teacher health insurance (PEEHIP), which is experiencing skyrocketing costs due to the president’s healthcare law.

Certainly everyone would like to pay teachers far more than they currently make. In truth, we could never pay the good ones — and we’ve got a lot of great ones in Alabama — what they’re worth. Budgets are just an unfortunate reality of life.

But all of this got me thinking, how does teacher pay in Alabama really stack up?

In an attempt to answer that question, Yellowhammer looked at three different metrics:

1. The average salary for an Alabama educator compared to the national average
2. The average salary for an Alabama educator compared to the average salary for an Alabamian employed in the private sector, with the spread between those two numbers compared to the spread in other states (Hopefully that will make more sense in a minute)
3. The cost of living in Alabama compared to other states

That should give us a well-rounded look at how well educators are compensated in Alabama compared to other states and the nation as a whole.

Average Salary

As we have been hearing from the AEA for years, teachers in Alabama don’t make as much money as teachers in other states. That is a fact.

According to statistics gathered from the Bureau of Labor Statistics Quarterly Census of Employment and Wages, Alabama teachers make about 86% of what the average teacher in

America makes. The average salary for an educator in Alabama is \$36,177, while the average educator in the US makes \$42,060.

Compared to the private sector

The average private sector worker in Alabama makes \$41,079 per year, compared to the national average of \$49,200. That's 83.5% of the national average.

So while Alabama's private sector workers only make 83.5% of the national average, its teachers make 86% of what the average educator makes in America — a spread of 2.5 in favor of teachers.

Compare that to a state like Georgia — which is frequently cited as a state that could “steal” teachers from Alabama because they pay better — and Alabama educators actually appear to be faring better than it initially seemed.

The average private sector worker in Georgia makes 95.5% of the national average, while Georgia's teachers only make 88% of the national average — a spread of -7.5%. Even worse, Texas' private sector workers make 104.9% of the national average, while their educators only make 89.8% — a massive -15.1 spread.

Alabama educators are ahead of the national average when it comes to the spread between average private sector pay and average teacher pay.

Cost of living

In a free market, the cost of goods and services fluctuates based on the ability of individuals in the market to pay for those goods and services — simple supply and demand. That is why the cost of living is dramatically different in various areas of the country.

CNN Money has a “cost of living calculator” that let's us compare different cities.

If you're a teacher in Birmingham, Ala. making \$35,000 a year (The CNN calculator only does increments of \$5k, otherwise I'd use the exact average salary), that's the equivalent of making \$37,853 in Atlanta, Ga., which is \$800 more per year than the average teacher in Georgia makes. So it's fair to say that teachers in Alabama are typically making a good bit more money than teachers in Georgia when the cost of living is taken into account.

As a matter of fact, TeacherPortal.com ranks Alabama 11th in the country on their “salary comfort index,” which seeks to rank teacher compensation in different states with the cost of living and other variables taken into account.

So in short, Alabama teachers make more in “real wages” than most of their colleagues around the country.

Real wages are defined as the goods and services which can be purchased with wages

While teachers in Alabama do indeed make less money than the average teacher in the United States, they're actually living more comfortably off of their salary.

It is also worth noting that none of this includes the benefits packages that teachers receive, which are typically superior to those offered by companies in the private sector.

Again, this is not in any way an argument against giving Alabama's teachers a raise, but simply an attempt to figure out how well Alabama's teachers are currently being compensated compared to their colleagues around the US.

What do you think? Are teachers fairly compensated in Alabama? Should legislators cut whatever else they have to in order to give teachers a raise?

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Bill to consolidate examiner's office passes House

Times Daily

March 13, 2014

Mary Sell

MONTGOMERY — Though a few Republicans spoke against it, Rep. Ed Henry's bill to put the state examiner of public accounts under the state auditor was approved by the Alabama House on Thursday.

The vote was 65-to-23. House Bill 350 now goes to the Senate.

The legislation was largely prompted by chief examiner Ron Jones' decision last year to promote an assistant examiner at the highest salary allowed for the job — \$240,000 a year.

A panel of lawmakers, including Henry, R-Hartselle, criticized Jones' decision but lacked authority to overrule it. Jones, who is paid \$241,000 a year, stood by his decision. Henry's bill essentially transfers examiner's office oversight to the auditor's office.

State Code allows the examiner's office to operate differently than other agencies, including with regard to salary structure.

It is not clear exactly how much money Henry's bill would save.

"Most states have their auditing function under the state auditor, not a separate entity," Henry said Thursday.

Sen. Arthur Orr, R-Decatur, has asked the state personnel department to study how many upper managers the state has and how much they earn compared to their counterparts in Southeastern state government and the private sector.

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Alabama House passes bill to create statewide payday lending database

Al.com

March 13, 2014

Kyle Whitmire

MONTGOMERY, Alabama -- Payday lenders would have to keep a unified statewide database under a bill passed out of the Alabama House today.

Under the existing law, payday lenders may lend only \$500 to a single borrower, and no borrower may have greater than \$500 worth of payday loans at any one time.

However, without a unified statewide database, that restriction has been unenforceable, and many borrowers have been trapped in revolving debts, the bill's sponsor, Rep. Patricia Todd, D-Birmingham, said.

The bill was a compromise from a previous version which would also have capped interest rates on payday loans. Todd commended Alabama House Speaker Mike Hubbard, R-Auburn, for helping all the parties reach a compromise.

"It's a first step," Todd said. "We will have data now instead of relying on the industry to give us that data, and we'll be able to see how many people are served, how many they get per year, how long it takes them to pay it off."

The bill now goes to the Alabama Senate.

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Ready for a fight: Birmingham Democrats promise battle to defeat Water Works Board bill heading to State House of Reps.

Al.com

March 14, 2014

Joseph D. Bryant

BIRMINGHAM, Alabama -- Battle lines are drawn at the Alabama House of Representatives as Birmingham delegation members prepare to combat proposed legislation to reconfigure the Birmingham Water Works Board.

On one side, Republican Rep. Paul DeMarco of Homewood is pushing the House version of a bill approved in the Senate Tuesday.

Meanwhile, Birmingham Democrats are vowing to block any attempt to bring it to the floor for a vote. Busy on the sidelines are teams of lobbyists hired by the city and Water Works to help derail the legislation.

The bills from Sen. Jabo Waggoner, R-Vestavia Hills, and DeMarco would expand the Water Works Board to include three non-Birmingham members and bring new rules capping board pay, imposing term limits and mandating public hearings before customer rate increases.

Waggoner Wednesday met with members of the Republican House caucus to urge his counterparts to pass the bill.

With a Republican-dominated House and Senate, the best hope for a Democratic minority to fight legislation is killing it before it comes to the full body.

"Oh it's going to be a fight, and we're going to continue to work to prevent this bill from reaching the House Floor," said Rep. Juandalynn Givan, D-Birmingham. "We are poised and ready to fight this legislation."

Givan said the legislation purports to address deficiencies at the Water Works that don't exist.

"I do not feel the alleged intent actually depicts or reflects the true day-to-day business dealings of the Birmingham Water Works Board," Givan said. "We have one of the highest rated water systems in the country."

The true intent of the bill is to snatch control of the asset from Birmingham, she said.

The House bill hasn't yet been assigned to a committee, which it must pass before going to the full House. DeMarco, who had sponsored a bill similar to Waggoner's, said he would amend his document to reflect the Senate version.

"If the people want to see this pass, they need to make their voices heard," DeMarco said. "I've heard their voices, Sen. Waggoner heard their voices and others have heard their voices. They need to make it clear, 'we are tired of the status-quo and we want to see some change.'"

DeMarco said he knows opposition is fierce in Montgomery, but said support remains strong outside special interest circles.

"There's support from a lot of folks, but because of the politics and money involved, they're afraid to say they support the bill," DeMarco said. "The people who don't support this bill are the board members who want the status quo. The fact that they are doing everything they can to fight it is the reason this board needs reform."

Both DeMarco and Waggoner have decried the \$360,000 total spent in public cash to hire lobbyists, primarily to fight the legislation.

The city is spending at least \$130,000 in contracts for four lobbyists for the current legislative session, including \$50,000 to Jay Murrill, a lawyer with the Riley & Jackson firm of Homewood. Riley & Jackson was founded by Rob Riley Jr. and Keith Jackson. Riley is the son of former Republican Gov. Bob Riley.

The former governor is also a registered lobbyist since leaving office in 2011 and forming Bob Riley and Associates.

To date, the Water Works Board has approved spending at least \$210,000 on lobbyists and political consultants this year.

"We've never seen such opposition from a board regarding reform that is in the best interest of the people. There's no question it's going to be a tough battle," DeMarco said. "The board is spending all the money to fight this, but if the people that want to see this change, they need to speak out."

Democrats make it no secret that they must use rules and procedures to present the bill from arriving on the floor.

"We are not compromising," said Rep. John Rogers, D-Birmingham. "I intend to fight that bill in every fashion I can."

Rogers echoed Givan, saying the legislation is power grab and an attempt to marginalize the city of Birmingham.

Republican sponsors countered, stressing that the new board would continue to have a Birmingham majority with four of seven members.

"This has been a long time in coming," DeMarco said. "Now we finally have an effort to reform this board."

Rogers accused Republicans of manipulating the legislative committee system to go around the local delegation when presenting the Water Works bills. Rogers is chairman of the Jefferson County delegation.

For example, Waggoner's Senate bill, DeMarco's previous version of the Water Works bill and other similar proposals all went to committees other than the Jefferson County delegation, which is the standard procedure for local legislation. Rogers said Republican legislators violated the policy in order to shop for a friendlier committee to usher the bills through.

"We contend that it's a tricky way to get around the Jefferson County delegation, and for that reason we don't appreciate it," he said. "It's not fair."

On the Senate side, Rodger Smitherman, D-Birmingham, made a similar argument as he worked vainly to defeat Waggoner's bill.

Rogers said Republicans have set a new precedent that will have long-term ramifications.

"They are changing the whole concept of what's done in Montgomery," he said. "They are opening up a whole can of worms they don't have to open in the Legislature. That will be a war that won't end in the session."

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Gun-in-car bill sputters, stalls in Senate

Montgomery Advertiser

March 14, 2014

Brian Lyman

A bill allowing drivers to carry loaded pistols in their cars without a permit Thursday trapped the Alabama Senate in a crossfire between issues of gun rights and local revenue.

The legislation, sponsored by Sen. Scott Beason, R-Gardendale, would allow individuals to carry a pistol in their car without a concealed carry permit. Individuals also would be allowed to carry concealed weapons on their own property without a permit, and in the vehicles or on the property of others with permission.

"It puts us in line with other states across the South, the other states that do not require concealed weapons permits in the car," said Beason, who sponsored legislation last year that expanded the locations where guns could be carried.

However, the lengthy debate on the bill, which consumed nearly all of the five hours the Senate met Thursday afternoon, failed to get the bill out of the chamber.

Sen. Rodger Smitherman, D-Birmingham, who was angered Tuesday by passage of a bill to expand the membership of the Birmingham Water Works Board, filibustered Beason's bill, and a Republican attempt to invoke cloture fell short by three votes, with four Republican senators not voting and two — Sen. Paul Bussman, R-Cullman, and Sen. Bryan Taylor, R-Prattville — joining eight Democrats in voting no.

Members of the Republican caucus said concerns from the sheriffs' association over the impact of the bill, as well as attempts by both parties to block legislation on the Thursday agenda, led to the stalemate.

"Birmingham Water Works ego, gun rights ego," said Sen. Gerald Dial, R-Lineville, as he left the chamber Thursday. "Two ego days."

Senate President Pro Tem Del Marsh, R-Anniston, said the Republican caucus would meet Tuesday to decide whether they had the votes for cloture and to advance the bill.

"When someone has a bill like that, I expect them to know whether they have the cloture votes, and I don't think Sen. Beason actually knew he didn't have it," Marsh said Thursday evening. "I was a bit surprised, but then I wasn't working the cloture vote, either."

Beason said after the Senate adjourned that he believed he had the votes on final passage.

“On cloture, there’s all sorts people upset about different issues, and it came out on the floor today,” he said.

The Alabama Sheriffs’ Association strongly opposes Beason’s legislation, saying it would decrease public safety and cut into local revenues from concealed carry permits, revenues that frequently support public safety agencies. Bobby Timmons of the Alabama Sheriffs’ Association said police officers who pull over cars can check outstanding warrants but can’t be certain if the driver of the car is carrying a gun.

Current law “won’t tell me if you’ve got a gun or not, and whether you’ve got a permit or don’t have a permit, but it makes me a little more comfortable approaching the car,” he said.

Timmons also said the legislation could affect counties’ ability to pay for law enforcement and school resource officers by cutting revenue from gun permits. The Senate approved an amendment by Sen. Phil Williams, R-Rainbow City, that would “preserve existing revenues or license fees upon which any governmental or law enforcement entity currently relies.”

It was unclear what practical effect Williams’ amendment would have. Williams, saying he was trying to preserve funding for school resource officers in his district, said it would mean “current and existing procedures are going to have to stay in place” for counties to collect revenue, but referred questions about the impact of the amendment on carrying pistols in automobiles to Beason. Beason said the amendment “does tremendous damage” to the bill, but could not say how it would affect the central thrust of the bill.

“You’ll have to talk to an attorney about that,” he said.

Taylor said he had concerns with “three or four” bills further down the Senate agenda, bills that he declined to name. The senator said he agreed with the spirit of Beason’s law, but felt the revenue question needed to be fully addressed.

“We need to work on the bill and find some way to ensure we’re not taking money away from law enforcement purposes,” he said.

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Sen. Scott Beason says pistol bill 'still has a chance,' but no guarantee that support is there

Al.com

March 13, 2014

Mike Cason

MONTGOMERY, Alabama --- Sen. Scott Beason said tonight he has not given up hope for passing his bill to allow people to carry a loaded pistol in their vehicles without a permit.

The Senate debated the bill for several hours today but adjourned without voting on it after a petition to end a filibuster fell three votes short.

Beason said he hoped for a vote on the bill when the Senate returns on Tuesday, “but I have no assurance of that.”

“I do believe it still has a chance,” he said.

Sen. Rodger Smitherman, D-Birmingham led the filibuster today. Smitherman strongly opposed legislation affecting the Birmingham Water Works Board that passed on Tuesday and indicated he would slow legislation in the Senate as a result.

Senate President Pro Tem Del Marsh said the Republican senators would meet Tuesday before the Senate convenes at 2 p.m. and decide whether there is enough support to bring the bill, SB 354, back to the floor.

Lawmakers are running out of time to pass other legislation, including the two state budgets, and might be reluctant to allow another long debate on the gun bill. Only six meeting days remain in the session.

It takes 21 votes in the 35-member Senate to stop debate. Eighteen senators voted to do so today.

The bill also faces the opposition of the Alabama Sheriffs’ Association, although Jefferson County Sheriff Mike Hale supports it.

Besides the question of whether there is enough support for the bill, another is the effect of an amendment added today.

Beason said he thought the amendment, by Sen. Phil Williams of Rainbow City, hurt the bill. The amendment said:

“Nothing in this act shall serve to repeal existing revenues or license fees upon which any governmental or law enforcement entity currently relies.”

Williams said that without the amendment, the bill would cause counties to lose revenue from concealed carry pistol permit fees because fewer people would buy permits. The Sheriffs’ Association made the same argument.

Asked whether the amendment would undo the intent of his bill, Beason said he was not sure.

"You have to ask an attorney," Beason said.

Williams, who is an attorney, said he thought the effect of his bill would be to maintain the current requirements in the law. Williams said the revenues support law enforcement and school security.

Beason said he was not sure his bill would cause a loss of revenue. He said experiences in other states vary.

Beason said most southern states already allow loaded pistols in vehicles without permits. Alabama law requires pistols in vehicles to be unloaded and locked away out of reach if the owner does not have a permit.

Beason said people should be able to have usable guns for protection in their cars, just as they can in their homes. He proposed eliminating the permit requirement in a bill last year, but it was taken out of the final version that became law.

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Alabama Senate bill would allow teachers to receive gifts for above and beyond service

Al.com

March 13, 2014

Mike Cason

MONTGOMERY, Alabama --- A state senator is proposing to amend Alabama's ethics law to allow teachers and state employees to accept rewards for exemplary service from a third party without running afoul of the law.

Sen. Greg Reed, R-Jasper, said he proposed the bill after the owner of a Gulf Shores resort offered free lodging to Birmingham-area teachers as a reward for their dedication during the snow and ice story in January.

Many teachers spent the night at schools with stranded students.

Reeds's bill, SB 348, is on the Senate agenda for today.

Reed said he asked the Legislative Reference Service to draft a bill and then sought advice from the Ethics Commission and Attorney General's office.

He said the intent is to allow unsolicited rewards from a third party for job performance over and above normal.

It could apply to teachers and state employees but not elected officials.

Reed said the rewarded performance should be "something that no one would question, including the Ethics Commission, that this is dedication over and above expected service by the employee."

Reed plans to add an amendment from the Ethics Commission that would require third parties to notify the commission of any rewards. If the reward is worth \$250 or more, it would have to be authorized by a majority vote of the Ethics Commission.

In 2012, the Legislature amended the ethics law to restrict gifts to teachers to a value of \$25 or less.

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Editorial: Rewriting document in hands of people

Montgomery Advertiser

March 13, 2014

Alabamians are familiar with amending the state constitution. Are they ever familiar with it — they've done it more than 800 times. That's a tribute to the fundamental flaws of the 1901 document, notably the centralizing of authority at the state level and sharp limits on the power of local governments.

In an effort to improve the document, the longest constitution in the United States and very likely the world, the Legislature began considering revisions of portions of it. The proposed revisions then go before the voters for their decision to ratify or reject.

It's not a wholesale rewrite of the constitution, the sort of undertaking that would occur in a constitutional convention. The idea of such a convention makes many Alabamians nervous, although we have noted that a newly drafted constitution could hardly be worse than the current one. At least a new constitution would not start with the premise of disenfranchising blacks and poor whites, as the 1901 constitution's dismal history shows, and presumably some lessons on how to improve the other aspects of the document have been learned in 113 years.

With scant support in the Legislature for a convention, the article-by-article revision approach has prevailed. Now that has been called into question by two members of the state Supreme Court, Chief Justice Roy Moore and Associate Justice Tom Parker.

Moore and Parker, generally joined at the hip judicially, contend that the article-by-article revisions amount to a constitutional convention within the Legislature. "By wresting the convention process from the people, the Legislature has unconstitutionally made itself the paramount mechanism of constitutional revisions," Moore wrote in an advisory opinion.

The other seven members of the court, tellingly, have not taken a similar stand. In fact, in a 2013 case, all seven — plus Parker — voted to dismiss a challenge to the process. Moore was the lone vote in support of that challenge by Sandra Bell, executive director of the Association for Judeo-Christian Values.

It's also worth noting that Article VI of the constitution, the article under which the Judicial Department operates, was revised in just this way 40 years ago. Would the justices deem the branch of government Moore leads and in which Parker serves to have been unlawfully altered back then?

Alabamians should not forget that no change in the constitution can be implemented without their vote. The Legislature is not empowered to amend the constitution on its own.

A case can be made for a constitutional convention as the better option for real broad-based reform, but it's hard to see a persuasive argument against the legality of lesser measures that are debated in the Legislature and always — always — presented to the people for the final decision.

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Gov. Robert Bentley to hold ceremonial bill signing for new Alabama Workforce Council

Al.com

March 13, 2014

Lucy Berry

TRINITY, Alabama – Gov. Robert Bentley will be in north Alabama on Friday morning for a ceremonial signing of SB 217, a bill that creates the new Alabama Workforce Council.

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Sen. Paul Bussman, R-Cullman

Sponsored by Sen. Paul Bussman, R-Cullman, and Rep. Terri Collins, R-Decatur, the bill establishes a council of governor-appointed business executives and industry leaders who will assist state officials on issues related to workforce development.

A release said the governor's new College and Career Ready Task Force recommended the creation of the Alabama Workforce Council, which will help create policies, develop education workforce programming and talk about critical workforce development issues.

State and local leaders, as well as the College and Career Ready Task Force, will be in attendance at the bill signing at 10 a.m. Friday at Nucor Corporation on 4301 Iverson Boulevard in Trinity.

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Alabama's prison plan: Install cameras at Tutwiler, ensure inmates' privacy in showers and bathrooms

Al.com

March 14, 2014

Kelsey Stein

At Julia Tutwiler Prison for Women, Alabama officials are adding cameras so that illicit activities will be seen and salon doors in the shower areas so that women will have some privacy.

A U.S. Department of Justice report, released Jan. 17, highlighted the findings of an April 2013 investigation and condemned the atmosphere at Tutwiler. That report said that the facility was not suited for housing female offenders for various reasons, including "a floor plan that affords

little privacy to women prisoners to undress, shower or use the toilet and numerous blind spots throughout the facility that allow sexual activity to occur undetected."

Alabama officials contended that the report did not reflect recent improvements. Gov. Robert Bentley and Department of Corrections Commissioner Kim Thomas say that all 58 directives outlined in an action plan that Thomas announced in January 2013 have since been implemented. AL.com has divided this lengthy list into a few categories to outline what the state has done so far to fix its prison problem.

Here's a look at what the plan recommended to protect inmates and improve the facility:

1. Install a camera system. Thomas promised to advocate for an additional \$3.2 million to cover the cost of camera equipment and installation. Bentley has said that an additional \$24 million in the ADOC budget for 2014 will pay for the cameras.
2. Ensure privacy in showers and bathrooms. According to Thomas, salon doors have been installed in the shower areas. Officials will work "to ensure maximum privacy in these bathroom areas without unduly jeopardizing institutional security," he said in the plan.
3. Help inmates understand how to file complaints. Women who want to make a complaint about sexual harassment or abuse under the Prison Rape Elimination Act have access to a hotline or a PREA coordinator at the prison. Women who file complaints will no longer be required to describe the incident numerous times and will not be placed in segregation except when safety is an issue.
4. Allow for better communication through an inmate council. Tutwiler Warden Bobby Barrett will create an outline for more formal communication between inmates and staff members. The council will meet once per month, with meetings recorded and minutes available to all inmates.
5. Add classes and continue mental health programs. Barrett has requested more adult basic education classes for inmates to attend at J.F. Ingram Technical College. Weekly self-help groups will continue and cover topics such as anger management, grief, coping with incarceration, depression, relapse prevention and more.

Part 1: Alabama's prison plan: State officials take steps to comply with federal prison rape law at Tutwiler

Part 2: Alabama's prison plan: Recruit more female employees, update training methods at Tutwiler

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Overflowing Alabama prisons filled with drug offenders? It's largely a myth (searchable database)

Al.com

March 14, 2014

Brendan Kirby

Forget about solving Alabama's chronic prison overcrowding by cutting loose all of the low-level drug offenders. For the most part, they are not in the penitentiary.

The state's worst-in-the-nation prison overcrowding has led Gov. Robert Bentley to call for the construction of new correctional institutions – at a time when some other states have found enough success reducing inmate populations that they have begun to close facilities.

Alabama's prisons are so stretched beyond capacity, though, that there are no easy targets. A favorite of the general public – drug users arrested for petty offenses – arises from a common misconception that drug offenders make up a majority or a large chunk of the inmate population.

Statistics from the Alabama Sentencing Commission, though, unequivocally show that is not true. While drug offenses do constitute the largest share of convictions – averaging about 41.5 percent of all convictions from fiscal year 2010 to fiscal year 2012 – narcotics offenders often do not go to prison and do not stay long when they do. That continual churn keeps that population relatively small.

Bennet Wright, the executive director of the Sentencing Commission, said various diversion programs designed to block some drug offenders from going to prison has been enough to keep the system treading water.

“There really is no silver bullet to solve the overcrowding problem,” said Wright, whose state-created agency writes punishment guidelines that judges must consider. “The total of all efforts at reform that have been put in place really has been a stabilization.”

The numbers

Drug offenders accounted for 36.6 percent of all new prison admissions from Oct. 1, 2009, to Sept. 30, 2012.

But few drug offenders spend much time in prison. The inmate population as of Sept. 5 – a snapshot from the most recent data available – included just 347 people whose most serious conviction was for first-degree possession of marijuana. That represents 1.4 percent of the inmates incarcerated that day.

Alabama prison population | Create Infographics

Throw in all drug offenders – a category that includes cocaine possession, drug distribution and trafficking – and the proportion of the inmate population rises to 17 percent. That is in line with the national average for inmates in state prisons.

Beyond drug offenders, there are not a whole of other nonviolent inmates in Alabama's prisons, the Sentencing Commission statistics show. The September snapshot counted 72 percent of inmates as having been convicted of violent crimes.

To determine what is considered a violent crime, the commission uses definitions provided under state law. For instance, drug trafficking and burglary are treated as violent crimes in Alabama. That might not be the case in some other states.

“The term ‘violent offender’ means different things wherever you go,” Wright said.

On the flip side of the coin, some of the 28 percent of inmates serving sentences for nonviolent crimes have violent offenses on their records.

Even some critics of aggressive drug enforcement said public perception has been skewed after years of seeing the excesses of the criminal justice system.

“I think the war on drugs has been very problematic in many ways,” said Marc Mauer, executive director of the Washington-based Sentencing Project. “At the same time, some in the public got the idea that 90 percent of people were in prison for smoking a joint or something. I think it did get a little out of perspective.”

Mauer, whose organization advocates sentencing reform, said at the peak of the drug war, one out of every four prisoners in the United States, was serving time for a drug conviction. That proportion has declined nationally to about one in six.

Mauer said part of the decline stems from the fact that sentences for other offenses have grown longer in many cases, and parole has become harder to get in some states. For instance, he said, about one out of every nine prisoners is serving a life sentence. In Alabama, the rate is one of six.

“It’s a little bit of good news and bad news from our perspective,” he said. “That’s pretty remarkable, and many of those are life without (parole), as well.”

‘Hard decisions’ loom

Mauer said it is clear that states must do more than reform drug laws in order to realize meaningful declines in their prison populations. He said it will require states reducing sentences and increasing early release for the kinds of prisoners that the public thought it was reserving room in prison for by reducing drug penalties.

Wright, of the state Sentencing Commission, said new prisons might be unavoidable.

“At some point, the state is going to have to take a look at a long-term plan to not only repair existing facilities but a long-term strategic plan on constructing new facilities,” he said.

Mauer said that smart risk assessment by parole boards can reduce clogged prisons without excessively endangering the public. An inmate who committed an armed robbery in his 20s who now is in his 40s is probably a safer risk than a 23-year-old man finishing a two-year drug sentence, he said.

“It’s going to require some hard decisions. ... It’s a difficult issue politically,” he said. “At the age of 40, 50, 60, how much public safety are we buying, and at what cost?”

Leah Sakala, who this week co-authored an exhaustive analysis of Americans incarcerated at all levels, said tackling drug offenses is a good place to start even if it does not represent a panacea.

“Often, drug reform tends to be a relatively straightforward step,” said Sakala, a policy analyst for the Massachusetts-based Prison Policy Initiative.

Sakala, also said that drugs contribute to prison overcrowding in indirect ways. For instance, prior drug convictions sometimes increase the penalties handed down to people convicted of other types of crimes, she said.

“That certainly shouldn’t be underestimated,” she said.

Drug prosecutions remain the most common type of felony offense, but they are declining faster than other crimes. In fiscal year 2010, 8,978 people were convicted of a drug crime, accounting for 43.1 percent of all convictions. Those numbers declined to 7,393 and 38.6 percent, respectively, in fiscal year 2012.

Deborah Tillman, the chief assistant district attorney in Mobile County, said law enforcement officers are bringing her office as many drug cases as ever. The declining convictions, she said, result from expanded use of drug court and other programs that allow some offenders to erase the conviction by completing drug treatment programs.

“I don’t think the drug program has gone away by any stretch,” she said.

Randall Hillman, the executive director of the Alabama District Attorney’s Association, pointed to other factors. He said budget cuts had delayed drug analysis at the Department of Forensic Services. He added that law enforcement authorities increasingly are confronting “spice” and other chemical compounds.

“New synthetic drugs that have come our have posed a conundrum for law enforcement,” he said. “All of them have a different chemical signature. To make a case, first of all, you have to determine if it’s illegal, which requires testing.”

Wright agreed cutbacks at state labs play a role in declining drug convictions. He said law enforcement cuts in some parts of the state might also have affected arrests. The largest share of the credit, he said, probably goes to growing community corrections programs and other initiatives designed to divert defendants from prison.

But he said the state could do more.

“A lot of these things require state, county and local linkages that in a lot of places are not fully developed yet,” he said.

Who's in prison?

Find out which offenses are the most common among inmates serving time in the Alabama state prison system and which offenses formed the most frequent convictions in fiscal year 2012. They often are not the same.

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Baldwin County tops state with \$3.2 billion in tourism-related spending in 2013

Al.com

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Marc D. Anderson

BALDWIN COUNTY, Alabama -- Out of \$11 billion spent by more than 24 million visitors in Alabama in 2013, \$3.2 billion came from Baldwin County alone, according to preliminary estimates released this month by the Alabama Tourism Department.

Baldwin's 29 percent share of tourism-related spending in the state last year doubled second-place Jefferson County with its \$1.6 billion. Mobile County came in fourth with \$916 million.

According to the tourism figures, the \$11 billion represents a 3.1 percent increase from travelers' 2012 spending through hotel stays, restaurant visits, retail purchases and transportation. It is estimated that the 2013 spending created 163,000 jobs in the state.

"The tourism numbers for 2013 bring great economic news for Alabama," state tourism director Lee Sentell said in a prepared statement. "The dollars spent on tourism creates jobs, it grows local economies and generates needed tax revenues. Without the dollars collected by the tourism industry each household in the state would end up paying almost \$400 in additional taxes."

Following Baldwin's \$3.2 billion in travel-related spending are Jefferson County with \$1.6 billion; Madison County at \$997 million, Mobile County at \$916 million and Montgomery County at \$661 million.

A complete state tourism economic impact report, conducted by Auburn University Montgomery, is expected to be released in April. The preliminary numbers released by the state tourism department last week shows that from 2003 to 2013, travel spending rose 51 percent.

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Ala. Republicans replace candidate in Senate 6

The Associated Press

March 14, 2014

BIRMINGHAM, Ala. (AP) — The Alabama Republican Party has changed its candidate in a state Senate race in northwest Alabama.

Republican Party Chairman Bill Armistead says Jerry Mays dropped out of the Senate District 6 race, and the party's Candidate Committee replaced him with Tuscumbia obstetrician Larry Stutts.

Stutts has never run for public office before, but Armistead said he's well known in northwest Alabama because of his medical practice.

The incumbent in District 6, Democrat Roger Bedford of Russellville, is seeking re-election. District 6 covers all of Franklin County and parts of Colbert, Marion, Lauderdale and Lawrence counties.