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FULL TEXT

Alabama House approves fetal heartbeat bill

The Associated Press

March 4, 2014

Kim Chandler

MONTGOMERY, Ala. (AP) — The Alabama House of Representatives on Tuesday approved several abortion restrictions, including one that bans them once a fetal heartbeat is detected, which can happen as early as six weeks into a pregnancy.

Bill sponsor Rep. Mary Sue McClurkin, R-Indian Springs, said a heartbeat is universally accepted as an indication of life and should be protected.

"Abortion is taking a life," McClurkin said.

If it wins final approval, the legislation, which is now going to be considered in the Senate, would tie Alabama with North Dakota as having the most stringent abortion law in the country. It is a direct challenge to the 1973 U.S. Supreme Court ruling that legalized abortion up until a fetus is considered viable. Opponents called the bill blatantly unconstitutional and destined to be held up by the courts.

"In the Bible that I read, if a woman is in that situation, it is between her and her God," Rep. Marry Moore, D-Birmingham, said during the debate on the multiple bills. "The 105 members that make up this body, none of them have been labeled as God."

The National Institutes of Health's website for patients says an embryonic or fetal heartbeat can be heard when a woman is six to seven weeks pregnant. A doctor who performs an abortion when a heartbeat is present would be guilty of a Class C felony, under the bill.

North Dakota approved a similar law last year, but a federal judge put it on hold while the legal challenge plays out in court. Arkansas approved a 12-week ban that was also enjoined.

Some proponents of fetal heartbeat laws have said they hope to spark a series of court cases in the hopes of eventually outlawing abortion.

"In Alabama, we will fight tooth and nail to preserve and protect the life of the unborn until the liberal, activist Supreme Court decision making abortion legal in the United States is overturned," Speaker of the House Mike Hubbard, R-Auburn, said.

Rep. Napoleon Bracy, D-Prichard, said the state would end up spending money it can't afford on a lawsuit. Rep. Chris England, D-Tuscaloosa, said the bill might as well be a stimulus package for lawyers.

"We already know this is unconstitutional before you even vote on it. But you decide you want to vote on this so you can go back home and say, 'Look what I did,'" Bracy said.

The bill gives an exemption to save the life of the mother but not an exemption for rape or incest. McClurkin said the unborn fetus is "a life regardless of the painful, painful circumstances."

Representatives also approved a bill to extend the waiting period before an abortion from 24 to 48 hours. House members approved the bill by a 76-23 vote.

Current Alabama law requires women to receive information, either in person or through certified mail, about abortion alternatives and possible adverse outcomes 24 hours before having an abortion,

"I just want to give that unborn child and that mother who is about to make a horrible decision that she will live with for rest of her life, a little bit more of an opportunity," Rep. Ed Henry, R-Hartselle, said.

Opposed lawmakers said that women could make their own decisions without the required waiting period.

More than 20 states require a 24-hour waiting period before an abortion, according to the Guttmacher Institute. Two states, Utah and South Dakota, require 72-hour waiting periods.

House members also approved a bill to require women seeking an abortion because of lethal fetal anomalies to be advised about the availability of perinatal hospice services.

A fourth abortion-related bill approved Tuesday night would require parents to submit a birth certificate or other proof of parenthood when giving consent for their daughter to have an abortion. Rep. Mike Jones, R-Andalusia, said the bill is needed to make sure that the adult accompanying the girl to the clinic is actually the parent.

The bills were approved after more than six hours of debate. All four now move to the Alabama Senate.

Susan Watson, executive director of the ACLU of Alabama, while the fetal heartbeat bill is getting the most attention, all four bills have grave consequences for women.

"All of these bills are another attempt by politicians to own a woman's body. Reproductive health choices should only be made by the woman, her doctor, her family and her faith—not by the opinions and faiths of unqualified elected officials," Watson said.

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House passes four pro-life abortion bills

Montgomery Advertiser

March 5, 2014

Kala Kachmar

After more than six hours of debate, the Alabama House of Representatives passed a slate of four abortion bills backed by the Alabama Pro-Life Coalition, including one meant to challenge the legality of abortion.

Although all four bills generated controversy among lawmakers, the most hotly debated piece of legislation was the fetal heartbeat bill, which would ban abortion when the fetal heartbeat is detected at about six weeks.

The bill would make exceptions if the pregnancy endangers the woman's life or if the fetus has a lethal anomaly, meaning the child would be stillborn or die shortly after birth.

Physicians would be required to check for a fetal heartbeat. Doctors who perform an abortion without documenting the heartbeat could be charged with a Class C felony, which carries a penalty of up to 10 years in prison.

Democratic lawmakers argued that the bill, sponsored by Rep. Mary Sue McClurkin, R-Indian Springs, is unconstitutional and the court challenge would be costly to the state. The bill passed, 73-29, after a motion to cloture, or stop debate and bring the bill directly to a vote, was made.

The enforcement of similar bills in North Dakota and Arkansas, which ban abortion at six weeks and 12 weeks respectively, have been blocked by federal judges.

McClurkin said the intent of the legislation is to save the lives of children and challenge Roe v. Wade, the U.S. Supreme Court decision that legalized abortion in 1973.

Rep. Chris England, D-Tuscaloosa, fought hard against all four bills, and said Alabama lawmakers should wait until the courts rule on the same legislation in other states.

"Why would you waste Alabama state taxpayer money doing the same thing to get the exact same answer when someone else is already doing it?" England said.

Rep. Marcel Black, D-Tuscumbia, said Alabama has been down this "trail" before when it passed an immigration bill similar to Arizona's and ended up losing hundreds of thousands of dollars when a federal judge struck parts of it down.

A more complicated bill, sponsored by Rep. Mike Jones, R-Andalusia, would change the process by which a minor can seek a waiver from a judge to get an abortion without parental permission. Eric Johnston, executive director of the Alabama Pro-Life Coalition and an attorney who drafted the bill, said it would update the current law that allows a judge to decide without real evidence if the abortion is in the minor's best interest.

He said the bill would require the minor to prove her maturity in court, prove the reason she can't tell her parents about the abortion and provide evidence that it's in her best interest to get the abortion. It would prevent "rubber stamps" on minor abortions, he said. It also would require more documentation, including notarized consent forms and a certified birth certificate to prove parenthood, for minors seeking an abortion with parental permission.

Jones, who also practices family law, said he crafted changes to the first draft of the bill carefully to ensure that the bill was legal and would stand up to challenges in court. He was commended by some Democrats for structuring a legal bill "the way it should be."

"I truthfully believe this would pass review in U.S. and state supreme courts," Jones said earlier this month.

A bill, sponsored by Rep. Ed Henry, R-Hartselle, would change the waiting period from when a woman can have an abortion after first seeing a doctor about it. The bill would make a woman wait 48 rather than 24 hours.

The other bill, sponsored by Rep. Kurt Wallace, R-Maplesville, would have the same 48-hour waiting period requirement, but would also require that a woman seeking abortion because of a lethal anomaly be counseled on hospice options for the child if the mother carried the child to term.

Wallace said his bill is different than some of the other abortion bills because it doesn't prohibit women from being able to make a choice about abortion.

"Most of the people this would affect are the people who want that baby," Wallace said, adding that most parents give up, but the hospice information lets them know about another option. He said some people can't live in good conscience knowing they aborted their child.

Rep. Pebblin Warren, D-Shorter, said she's concerned about the overall impact the abortion bills will have on women.

"There are so many young girls out here trying to give themselves abortions," Warren said. "It's frightening because of things like this. We're legislating so much that they don't feel comfortable going to anyone."

Rep. Patricia Todd, D-Birmingham, said there are a lot of bills about abortion, but very few about improving sexual education.

"Abortion is one piece of the puzzle, but another piece is education," Todd said. "And making sure people know their bodies and the consequences."

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4 abortion bills pass state House

Times Daily

March 4, 2014

Mary Sell

MONTGOMERY — Lawmakers in the House spent most of Tuesday afternoon and evening debating, and eventually passing, four pieces of legislation that put more rules and regulations on abortion in the state.

One of them, the Fetal Heartbeat Bill, could become one of the nation's most restrictive abortion bill. House Bill 490 bans abortion if a fetal heartbeat can be heard, which is as early as six to eight weeks into pregnancy. Current state law bans abortion after 20 weeks of pregnancy. A doctor who performed an abortion despite a heartbeat could be charged with a Class C felony, punishable with one to 10 years in prison.

It passed the House 73-29.

Bill sponsor Rep. Mary Sue McClurkin, R-Pelham, was asked on the House floor by a Democratic colleague if her goal was to get a case before the U.S. Supreme Court and overturn Roe V. Wade.

McClurkin said that wasn't her goal, "but that would be great."

Two other states have passed similar legislation and have been challenged in federal courts.

Rep. Marcel Black, D-Tuscumbia, said the bill will cost taxpayers money when it is fought here. Planned Parenthood is at least one group that has said it would sue if the legislation becomes law.

"If the bill is currently being challenged (elsewhere), why is it important for us to follow that trail and spend the money that will have to be spent?" Black said. "It just doesn't make sense."

There is no exception for rape or incest in the bill, and Republicans rejected a Democrat's amendment to change that.

"We wouldn't want to play God in this," McClurkin said about why rape and incest shouldn't be a factor in allowing abortions.

Rep. Terri Collins, R-Decatur, thanked McClurkin for her bill and said the GOP had been working under a "commonsense conservative" agenda this session.

When it comes to saving lives, this is commonsense, Collins said.

McClurkin's bill and the three others now go to the Senate for consideration.

House Bill 489 from Rep. Ed Henry, R-Hartselle, changes from 24 to 48 the number of hours a woman must wait between consultation and abortion. Henry has said he hopes the bill would allow women more time to reconsider.

"A lot can happen in 24 hours; a lot more can happen in 48," he said. Two years ago, Henry admitted to taking a girlfriend, when he was younger, to get an abortion.

Rep. Mary Moore, D-Birmingham, said Henry's bill puts an undue burden on women and that if the GOP is the party of smaller government, it should stay out of people's bedrooms.

Other states have 72-hour waits, Henry said, so he didn't think this bill would be challenged in court.

Rep. Patricia Todd, D-Birmingham, said she wished Republicans would spend more time encouraging and making adoption easier in Alabama, not fighting a legal procedure. She

introduced an amendment to put \$1 million from the general fund budget toward expanding adoption. She also wanted more money toward sex education in schools. The amendment was not approved.

House Bill 493 requires physicians to provide to women whose fetuses are unlikely to survive to birth, or long afterward, information about hospice services if the child is carried to term. If abortion providers don't provide the information, they can be charged criminally.

Rep. Kurt Wallace, R-Maplesville, said the woman still could choose to have the abortion; she just has to read the information first.

Collins called the legislation a "compassionate bill."

Moore, the Democrat from Birmingham, said women can make that choice on their own, without the help of lawmakers.

"Y'all continue to act as if women in this state are dumb," she said to Republicans.

Other Democrats pointed out that there are currently no such perinatal hospice services operating in the state. Wallace said if the bill passes, the services will come.

House Bill 494 puts more requirements on minors seeking abortions, including making consenting parents prove they are the minor's mother or father. Sponsor Rep. Mike Jones, R-Andalusia, said the birth certificate or similar documentation would have to be shown.

In 2012, there were 7,970 abortions in Alabama, according to the Alabama Center of Health Statistics.

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Alabama House passes stringent abortion restrictions, bill goes to state Senate

Al.com

March 4, 2014

Kyle Whitmire

MONTGOMERY, Alabama -- The Alabama House today passed a bill to ban most abortions in the state and make legal abortions difficult if not impossible. The bill now goes to the Alabama Senate.

The bill, sponsored by Rep. Mary Sue McClurkin, R-Indian Springs, would require doctors to check for a fetal heartbeat before performing an abortion. If a fetal heartbeat is detected, the abortion would be illegal and a doctor performing one would be guilty of a felony.

Fetal heartbeats are typically detectable six weeks into a pregnancy.

The law would allow abortions when prenatal anomalies would end with a stillbirth, but the law makes no exception for victims of rape and incest.

"I just don't think that gives her the right to kill," McClurkin said.

The bill is similar to laws in North Dakota and Arkansas that have been challenged there in court and enjoined while they are litigated.

During the debate today, Democrats argued that the bill would waste taxpayers' money. If the bill passes into law, it would subject the state to defending a needless court challenge. Instead, they said, Alabama should wait until those other cases make their ways through the courts.

The debate quickly turned to race after McClurkin said that she hoped *Roe v. Wade* would be overturned and she compared her efforts to that of *Brown v. the Board of Education*, which ruled segregation of schools unconstitutional.

Several Democratic lawmakers blasted McClurkin for making the comparison, and Rep. Alvin Holmes, D-Montgomery, said that Republican lawmakers who oppose abortion would force their daughters to have one if they were impregnated by black men.

"Ninety-nine percent of the all of the white people in here are going to raise their hand that they are against abortion," he said. "On the other hand, 99 percent of the whites who are sitting in here now, if their daughter got pregnant by a black man, they are going to make their daughter have an abortion."

Earlier in the day, the House passed another bill that would increase the waiting period before abortions from 24 hours to 48 hours.

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House OKs Jones' bill for minors seeking abortions

Andalusia Star News

March 5, 2014

A bill that would strengthen the requirement for parental consent for minors seeking abortion passed the Alabama House of Representatives Tuesday.

Rep. Mike Jones (R-Andalusia) sponsored HB494, which passed 82 to 18.

"This bill makes crystal clear a process that has been enforced inconsistently at best in the state of Alabama," Jones said. "In instances where a minor is seeking an abortion, it is imperative that they fully understand the ramifications of their decision and prove that they are wholly aware of its impact."

The bill provides for identification and documentation requirements when a minor seeks to have an abortion with the consent of a parent or legal guardian and when the consent form is signed by

the minor and parent or legal guardian in the presence of the physician. The bill establishes that a parent may not coerce a minor into undergoing an abortion.

The bill also helps clarify the judicial process if a minor seeks to have an abortion without consent from a parent or guardian.

This bill now goes to the Senate for consideration.

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Alabama Senate gives final passage to dual enrollment scholarship program for job training classes

Al.com

March 4, 2014

Mike Cason

MONTGOMERY, Alabama ---A bill to set up a scholarship program for high school students to train at two-year colleges to become welders, electricians, mechanics or other types of skilled workers won final passage today in the Alabama Senate.

HB 384 by Rep. Mac Buttram, R-Cullman, is one of the priority bills of the Republican majority, who say it is a way to fill gaps in the workforce and lower the dropout rate by keeping some students interested in school.

It had already passed the House and goes to Gov. Robert Bentley, who could sign it into law.

Alabama two-year colleges already offer dual enrollment classes for high school students in career tech fields.

But proponents of HB 384 say some students can't take advantage of those because of the cost.

HB 384 would set up a scholarship program to help cover those costs.

Donations from taxpayers would fund the scholarships. Donors would get a credit on their state income taxes worth up to 50 percent of their donation, up to 50 percent of their tax liability. The total amount of tax credits paid per year could not exceed \$5 million.

Donors could also direct up to 80 percent of their donation to a specific training program.

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Alabama Legislature approves tribunal to hear taxpayer appeals

The Associated Press

March 5, 2014

MONTGOMERY, Alabama — The Alabama Legislature has given final approval to legislation creating an independent tribunal to hear tax appeals.

The House of Representatives voted 94-1 on Wednesday to go along with Senate changes to the bill. The proposal, supported by the Business Council of Alabama, now goes to Gov. Robert Bentley.

Tribunal judges will replace an administrative law judge employed by the Alabama Department of Revenue.

Republican Rep. Paul DeMarco of Homewood says the change will ensure taxpayers have an independent person to hear their cases.

Tribunal judges would be appointed by the governor. One judge would be assigned to each case, but a judge could ask for an additional two judges to help decide the case.

DeMarco says Alabama was in the minority of states for not already having a tribunal.

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Two pro-business bills pass Alabama legislature

Birmingham Business Journal

March 5, 2014

Brent Godwin

A couple of bills that have made their way through the Alabama legislature should have a positive impact on businesses in the state.

What is called the "Taxpayer's Bill of Rights" was approved on Tuesday. The bill creates a new independent tax tribunal to make it easier for businesses to appeal tax assessments. You can read more about the Taxpayer's Bill of Rights [here](#).

Another bill that is being touted for making Alabama more business friendly also received final passage on Tuesday. This law will change the rules for establishing limited liability companies in the state, and hopefully make Alabama an attractive destination for creating an LLC. You can read more about the LLC law [here](#).

Both bills will now go to Gov. Robert Bentley to be signed into law.

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Summary of action in Alabama Legislature

The Associated Press

March 4, 2014

MONTGOMERY, Ala. (AP) — A summary of action in the Alabama Legislature on Tuesday, the 20th meeting day of the regular session:

HOUSE:

—Approved a bill to ban abortion once a fetal heartbeat is detected, something that can happen as early as six weeks into a pregnancy. Goes to Senate.

—Approved a bill to require women seeking an abortion because of lethal fetal anomalies to be advised about the availability of perinatal hospice services. Goes to Senate.

— Approved a bill to extend the waiting period before abortions from 24 to 48 hours. Goes to Senate.

—Approved a bill to require parents to present a birth certificate when giving parental consent for their daughter to have an abortion. Goes to Senate.

—Approved a bill creating an independent tax tribunal to hear tax appeals. Goes to governor.

SENATE:

—Approved Kevin Ball of Birmingham, Neal Morrison of Cullman, James Montgomery of Anniston and Perry Jones of Riverwoods, Ill., as trustees of Alabama A&M University.

—Approved Hal Bloom of Montgomery as a trustee of the University of West Alabama.

—Approved a bill to provide a pension bonus to retired state employees. Goes to House.

—Gave final approval to a bill creating a scholarship program for high school students to have dual enrollment in technology courses in community colleges. Goes to governor.

AGENDA:

—Senate Finance and Taxation-Education Committee meets at 10:30 a.m. Wednesday in room 727 of the Statehouse to consider reduction-in-force legislation for teachers.

—Senate Health Committee meets at noon Wednesday in room 304 to consider legislation on spay-neuter clinics.

—Senate Judiciary Committee meets at 1 p.m. Wednesday in room 325 to consider firearms legislation.

—House Ways and Means-Education meets at 9 a.m. in room 617 for a public hearing on the education budget.

— House Financial Services Committee meets at 9 a.m. in room 428 to consider payday loan legislation.

— House Health Committee meets at 9 a.m. in the joint briefing room to consider restrictions on smoking in public places.

— House Education Policy Committee meets at 2 p.m. in room 418 to consider changes to school layoff policies and a bill to allow homeschooled children to play on public school athletic teams.

— House Internal Affairs Committee meets at 11 a.m. in room 410 to consider a legislative reorganization bill.

—Senate meets at 3 p.m. Wednesday. House meets at 3:30.

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Tracking the 2014 session: House passes four bills to restrict abortions

Al.com

March 4, 2014

Mike Cason

MONTGOMERY, Alabama ---The Alabama House of Representatives passed four bills to restrict abortion today, with lengthy debates on the first three.

-- HB 490, would prohibit abortions in cases where a fetal heartbeat is detected, which can occur as early as six or seven weeks.

-- HB 489, would increase from 24 to 48 hours the required time between when a women receives state-mandated information about adoption services and other issues before undergoing an abortion.

-- HB 493, would require doctors to provide women with information about post-birth hospice services before aborting a fetus with a lethal anomaly, a defect reasonably certain to cause death within three months after birth.

-- HB 494, would tighten the law on minors receiving parental consent for an abortion.

All four bills move to the Senate.

The House today also gave final approval to HB 105, which would set up a tribunal to hear appeals by taxpayers to decisions made by the Alabama Department of Revenue and some local government entities. The business-backed bill goes to the governor.

What the Senate did today:

--- Passed SB 267, which would give retired state employees a one-time bonus of \$2 for each month they worked for the state, with a minimum bonus of \$300. Goes to House.

--- Gave final passage to SB 384, to create a \$10 million scholarship program for high school students to take job training classes at two-year colleges, with scholarships funded by donations from taxpayers who would receive tax credits. It goes to the governor, who plans to sign it after a review.

--- Passed SB 235, which would change from 10 days to 14 days before an election the deadline to register to vote. Goes to House.

Coming up:

Senate committees will consider on Wednesday:

--- SB 354, which would make it legal to carry a loaded pistol in a vehicle without a concealed carry permit.

--- HB 141, which would carve out an exception in the veterinary medicine law to allow nonprofit spay/neuter clinics to continue to operate.

---SB 353, which would prohibit school boards from using seniority as the main factor in determining which teachers to lay off when there are funding cuts. Public hearing scheduled.

House committees will consider on Wednesday:

--- SB 184, the state education budget.

--- SB 168, to ban smoking in public places and workplaces, with some exceptions. Public hearing is scheduled.

--- HB 145, which would lower interest rates and add other regulations on payday loans.

The Senate convenes at 3 p.m. on Wednesday; the House at 3:30 p.m.

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New payday lending bill set for Ala. House panel

The Associated Press

March 5, 2014

MONTGOMERY, Ala. (AP) — A scaled-back bill to increase the regulation of payday loans is headed for its first test in a committee of the Alabama House.

The House Financial Services Committee is slated to consider a bill Wednesday by Democratic Rep. Patricia Todd of Birmingham that would set up a statewide database to enforce existing limits on how many payday loans people can take out at one time.

Todd's bill does not include any lowering of interest rates. She previously proposed a bill that included lower rates, but it stalled in the House committee.

Gov. Robert Bentley's Banking Department tried to set up a payday loan database last year without legislation, but payday lenders sued to stop it.

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Pay-day loan reform bill may return after compromise

Montgomery Advertiser

March 5, 2014

Brian Lyman

Seemingly dead just a few weeks ago, lawmakers plan to revive a proposal to regulate pay day lending in the state, albeit in a more modest form.

The House Financial Services Committee today is scheduled to bring back legislation sponsored by Rep. Patricia Todd, D-Birmingham, which appeared defeated after being referred to a subcommittee Feb. 12.

The compromise, Todd said Tuesday afternoon, would be limited in its provisions: language to cap interest rates would be dropped, limiting the bill to the establishment of a central database to ensure pay day lenders and lendees are complying with state limits on the amount of pay day debt individuals can carry.

“We figure if we get the database, it will give us enough information to move forward on the other stuff in a year or two,” Todd said. “But it will give us good data, and it will restrict people from having more than \$500 (out in loans) at a time.”

It remains to be seen whether the bill will be voted out of the committee, which has been a trap door for pay day and title loan reform legislation. Committee members, many of whom have received substantial contributions from the industry, did not give a reason for referring the bill to a subcommittee during the February meeting.

Todd said the new bill was the result of negotiations in which House Speaker Mike Hubbard, R-Auburn, was involved, “so I assume it’s going to move.”

Senate President Pro Tem Del Marsh, R-Anniston, also has expressed his preference for legislation that would chiefly concern itself with a database.

If it does move, the legislation would mirror actions taken by the state Banking Department last fall to set up a centralized database to track payday loans. The industry immediately sued to block the database, saying the Banking Department had no statutory authority to do so.

The loans issued in both industries are short-term loans, usually lasting between 14 and 30 days. Pay day lenders can charge up to 456 percent APR on their short-term loans; title loan operators, governed under a separate act, can charge up to 300 percent APR.

Critics say the industry traps Alabamians in cycles of debt, forcing them to take out new loans to service existing ones. The industry says it provides a service traditional lenders do not, and says the high interest rates mirror the risk involved in the loans.

State law currently forbids pay day loan companies from extending loans to customers who have more than \$500 in outstanding loans; however, lenders use multiple databases to track customers, and customers can go to different stores to take out loans. Supporters of the central database provision say that it would be a step toward enforcing that limit.

Pay day and title loan reform has drawn a diverse number of supporters, from Alabama Arise, a group that works on poverty issues, to the Alabama Federation of Republican Women. A title loan proposal sponsored by Rep. Rod Scott, D-Fairfield, has more than half of the House listed as co-sponsors, including Reps. John Knight, D-Montgomery and Dimitri Polizos, R-Montgomery.

However, House Financial Services Committee chairman Lesley Vance, R-Phenix City, has been the critical vote on the legislation, and has to date been reluctant to bring the legislation out to the floor.

“I think Rep. Vance is working as hard as possible to get the groups together to resolve the issues,” Scott said. “One of the problems when you start dealing with legislation is it has to pass the House and Senate. If there’s agreement, it goes through very readily.”

Rep. Steve Hurst, R-Munford, a member of the House Financial Services Committee, said he would prefer to see the bill move.

“I’d like to see it come on out,” he said. “I think we need a database.”

Shay Farley, legal director of Alabama Appleseed, which supports pay day and title loan reform, said the bill did not go as far as she would like, but called it an “excellent first step.”

“It will give the state Banking Department all the tools it needs to enforce the law,” she said. “It will stop a little bit of the abuses. But until we cap the interest rate, every person that gets a pay day loan is trapped in triple digit interest.”

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House Committee approves bill to allow courts to seal arrest records in some cases with no conviction

Al.com

March 4, 2014

Mike Cason

MONTGOMERY, Alabama --- A bill to allow people to ask a court to seal arrest records so they would not have to be disclosed to potential employers and others was approved today by the Alabama House Judiciary Committee.

Rep. Chris England, D-Tuscaloosa, said people charged with misdemeanors and some felonies could ask for records to be sealed after the cases are resolved if they are found not guilty, charges are dismissed or a grand jury declines to indict. Those charged with violent felonies or sex offenses would not be eligible.

England, who spoke for the bill at today's meeting, said people sometimes have career or job opportunities blocked because of arrests even if the charges were dropped or they were found not guilty.

"We want people to get jobs and be employed and try to remove as many barriers as possible, and this will do that," England said.

The bill, SB 108 by Sen. Roger Bedford, D-Russellville, had already passed the Senate. The committee changed the bill. If the House approves it, it would have to return to the Senate before becoming law.

Under the bill, if the prosecutor or the victim involved in the charges objects to sealing records, the court would hold a hearing before making a decision. England said sealed records would be retained, not destroyed.

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Alabama Senate approves bonus for retired state employees after debate about amount

Al.com

March 4, 2014

Mike Cason

MONTGOMERY, Alabama --- The Alabama Senate passed a bill today to give retired state employees a one-time bonus after turning back efforts by a Democratic senator to increase the bonus.

SB 267 by Sen. Del Marsh, R-Anniston, would give retirees a bonus of \$2 per month of service, with a minimum of \$300.

Sen. Roger Bedford, D-Russellville, tried to boost the bonus to \$4 per month, but the Senate killed his amendment. Bedford then tried \$3 a month, but the Senate killed that, too.

"It's the right thing to do both politically and morally," Bedford said.

Marsh said he "would love to have done the \$4." But he said his original proposal of \$2 per month of service was the amount the state could afford.

The bonus, which would be paid in fiscal year 2015, would cost \$13 million, according to the Legislative Fiscal Office.

The bill now goes to the House.

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'No legislation, no change:' Birmingham Water Works Board members, city officials reject compromise Senate proposal

Al.com

March 4, 2014

Joseph D. Bryant

BIRMINGHAM, Alabama --Members of the Birmingham Water Works Board and city leaders are saying "no deal"when it comes to a new compromise proposal to reconfigure the utility board and implement new operating rules.

State Sen. Jabo Waggoner, R-Vestavia Hills, proposes an amended version of his bill to assuage concerns and end fights over proposals to change the Water Works Board.

Under Waggoner's new plan, Birmingham would retain a board majority with four seats, while Jefferson County and other service areas would gain representation on the expanded board with three new seats.

Other changes including board term limits, mandatory public hearings before rate increases and caps of board pay would remain in the legislation.

Waggoner's proposal, however, received a cold reception from Birmingham city officials and was flatly rejected by Water Works Board leaders.

"The board's position still remains the same on this issue. No legislation. No change," Water Works spokesman Rick Jackson told AL.com.

Board member Ann Florie said she was not consulted before an official board statement was issued and offered a dissenting view. While her colleagues issued a blanket rejection, Florie called it reasonable for leaders to begin a dialogue with Waggoner before summarily dismissing it.

"We should at least have a conversation about the substitute bill," she said. "We owe it to the ratepayers to do that."

Compromise with caution

State Sen. Rodger Smitherman, D-Birmingham, called proposed board reconfiguration unnecessary. He said talks would continue to find common ground on other issues of term limits, pay caps and public hearings.

"I think that's a start but that's not the final thing that could be acceptable," he said of Waggoner's latest bill. "The disagreement is about actual control and there's no justification for it."

Smitherman repeated earlier arguments, saying the Birmingham City Council already honors a gentleman's agreement to appoint one non-Birmingham member. Florie is the current non-Birmingham resident.

"Beyond that, these other outlying areas don't have justification for being on the board," Smitherman said, regarding the surrounding areas of St. Clair, Blount, Walker and Shelby counties.

And while he said there is room for compromise, Smitherman cautioned that Republicans could attempt to ramrod legislation through, as was the case in the last session with school overhaul legislation.

Waggoner said he was trying to end controversy over board representation by maintaining Birmingham's majority and shifting the focus on needed board reforms.

But Waggoner said his overtures at compromise are not being reciprocated as lobbyists hired by the city and Water Works Board continue to fight all attempts to change the utility.

"It's very curious to me, why," Waggoner said. "I don't understand why they don't want another set of ears and another set of eyes to the board."

Where is Mayor William Bell?

Birmingham Mayor William Bell's position on Waggoner's latest proposal remains a mystery.

He hasn't return AL.com calls and messages for comment.

Bell in the past has called for compromise and offered to be a mediator between the city, legislators and the Water Works Board. He made his first call for compromise during his State of the City address in January.

Bell's call for moderation was made the same day the city approved his request to hire a team of lobbyists to the State House. The city spent \$130,000 for lobbyists this session. The mayor has gone publicly silent on the issue ever since.

City Council: Let us handle it

Council members still have heartburn over any change to the Water Board's composition.

Council President Johnathan Austin said the city's position against the legislation remains the same.

"We said that the city does not support any changes to the Water Works governance," he said. "Obviously, the main issue is the composition of the board itself and the city retaining its appointing authority of the Water Works Board. That's obviously the main issue of contention."

Austin said other points such as term limits are already being discussed by the City Council and could come up for a council vote.

"It's ready to be voted and approved on at any time," he said.

Austin said if legislators are concerned about board pay and other reforms, then that should be the focus of their efforts in collaboration with the council.

Board pay is set by the Legislature, while the City Council appoints members. The city could set its own rules to limit board service, Austin noted.

"They should allow the city to solve the problems that we can fix instead of trying to ram some legislation down the House and Senate's throat," Austin said.

Councilwoman Lashunda Scales, chairwoman of the Utilities Committee, said face-to-face negotiations are needed.

"While Sen. Jabo Waggoner's official compromise is welcomed, I believe that it would be in the best interest of all parties involved for the leaders of the city of Birmingham and the sponsor of this bill to have a face-to-face meeting so that a realistic compromise can be achieved," Scales said.

While Water Works Board members and some city leaders reject Waggoner's bill, the real decision will be made at the State House, where Waggoner said the influence of lobbyists remains strong.

With a Republican majority in both the House and Senate, Waggoner called it reasonable to assume his bill would have a fair chance at passage, but the veteran lawmaker left room for doubt.

"I don't know the situation in the House, but I feel reasonably comfortable unless I have been out-lobbied," Waggoner said. "There will be winners and losers, and if I lose, the lobbyists win."

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Rep. Alvin Holmes says white Republican lawmakers would abort mixed-race grandchildren

Al.com

March 4, 2014

Kyle Whitmire

MONTGOMERY, Alabama -- A debate Tuesday over a bill to ban abortions after a fetal heartbeat is detected turned to race after Rep. Mary Sue McClurkin, R-Indian Springs, compared her bill to *Brown vs. the Board of Education*.

But during the debate, Rep. Alvin Holmes, D-Montgomery, said that his Republican colleagues would support abortion if their daughters were impregnated by black men.

"Ninety-nine percent of the all of the white people in here are going to raise their hand that they are against abortion," he said. "On the other hand, 99 percent of the whites who are sitting in here now, if their daughter got pregnant by a black man, they are going to make their daughter have an abortion."

Listen to the rest of Holmes' comments below.

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Gov. Robert Bentley widens huge lead in campaign fundraising, rakes in \$125,000 in February

Al.com

March 4, 2014

Mike Cason

MONTGOMERY, Alabama ---Gov. Robert Bentley raised \$125,250 for his re-election campaign in February, widening his huge lead over other contenders for the state's top office.

Bentley's campaign spent \$108,715 during the month and ended it with a balance of \$2,736,087, according to the report filed tonight with the secretary of state's office.

Among Bentley's largest donors for the month:

- Owen Aronov of Montgomery gave \$12,500.
- MCNA Health Care Holdings LLC of Fort Lauderdale gave \$12,500.
- Diversified Elevator Service & Equipment Co., Inc. of Millbrook gave \$10,000.
- Metro Mini Storage of Pelham gave \$10,000.
- First Decade PAC of Montgomery gave \$10,000.
- Rance Sanders of Birmingham gave \$10,000.

Tuesday was the deadline for candidates to file their monthly reports for February.

Stacy Lee George, who faces Bentley in the June 3 primary for the Republican nomination, reported raising \$610 in February and a campaign balance of \$573.

There was no campaign finance report on the secretary of state's website tonight for Bob Starkey of Scottsboro, who also qualified to seek the Republican nomination.

Candidates are not required to file reports until they raise or spend \$1,000.

Former Congressman Parker Griffith, Bentley's best-known challenger, reported raising just \$101 in cash in February, but a campaign spokesman said Griffith was just getting started and expected to be competitive in fundraising.

Griffith, who is running for the Democratic nomination, announced his candidacy on Feb. 7. The retired cancer doctor loaned his campaign \$55,000.