



Office of Senate President Pro Tempore Del Marsh  
Press Clips  
Friday, April 30, 2010

- [Gov. Robert Bentley issues statewide state of emergency because of winter weather \(AP\)](#)
  - [Unfunded mandates may end for schools \(TimesDaily\)](#)
  - [Bill would require reading of Congressional prayers in Alabama schools \(Anniston Star\)](#)
  - [These are the Alabama House and Senate races to watch in 2014 \(Yellowhammer News\)](#)
  - [After bruising special election, Congressman Bradley Byrne sails without opposition in 2014 \(al.com\)](#)
  - ['Biggest Loser' alum Gina McDonald announces candidacy for Alabama House District 43 seat \(al.com\)](#)
  - [GOP candidate Stacy Lee George proposes lottery to support education, volunteer fire departments, other needs \(al.com\)](#)
  - [Honda to add 50 jobs, invest nearly \\$72 million at its Alabama plant \(al.com\)](#)
  - [Attorney General Luther Strange appoints new solicitor general for Alabama \(al.com\)](#)
  - [Mobile Republican seeks to disqualify legislative candidate from running under party banner \(al.com\)](#)
  - [Hydropower new weapon in Alabama-Florida-Georgia water wars: Consumption in Georgia raises power rates in Alabama, Jeff Sessions says \(Montgomery Advertiser\)](#)
  - [Small Businesses Get Further Delay for Obamacare Coverage \(Bloomberg\)](#)
  - [Tea party challengers' favorite punching bags? Obamacare and GOP leaders \(Washington Post\)](#)
-

## **Gov. Robert Bentley issues statewide state of emergency because of winter weather (AP)**

MONTGOMERY, Alabama — Gov. Robert Bentley is issuing a statewide state of emergency in advance of dangerous winter weather that's forecast to hit the state.

The state of emergency begins at 6 a.m. Tuesday.

Bentley says the state is taking no chances as the winter weather nears the state.

The governor says he is urging schools to close if they are in an area predicted to have snow and ice accumulations. He is urging people to be cautious and avoid all unnecessary travel.

Bentley says a wrecker unit of the Alabama National Guard is on standby with crews positioned throughout north Alabama.

The governor says the state's emergency operations center has been activated to handle response to the storm.

## **Unfunded mandates may end for schools (TimesDaily)**

Unfunded state mandates greatly impact local school budgets, but mandates more than \$50,000 may be a thing of the past if a House bill is approved that would put the issue before voters.

The state House Education Policy committee last week approved a bill that grants school boards constitutional protection from unfunded mandates.

The House could give final passage to the bill this week.

If the bill passes, voters could decide in November whether to approve a constitutional amendment barring legislation that would force school boards to use local funds to meet state mandates.

If passed, any legislation that would cost local boards more than \$50,000 would require a two-thirds majority vote.

Financial officers for local school districts said Alabama has had too many imposed mandates without the money attached to implement them.

"There are things every year that we're required by the state to do but don't have money for," Franklin County Chief Schools Financial Officer Carla Knight said. "For example, when the state began the push for ACCESS (distance learning) labs, they reimbursed us for the classes but not for the aides that must be in the classrooms with the students," Knight said. "That money comes from our local funds."

Knight said the legislation would be helpful if it prevented legislators from authorizing all unfunded mandates, but she doesn't want the law to stand in the way of educational progress.

"There are certainly things we need in education that would benefit us greatly that we just can't afford," she said. "But for the Legislature to make us implement things we don't have the money for, it's just devastating to our local budget."

She recalled a time a few years ago when the state mandated school districts have technology coordinators. Districts that didn't already have technology coordinators, added them, but at a cost.

"The state gave us \$20,000 for that position and it hardly covered it," she said. "It came right back to us having to use local money."

In Sheffield, officials said they respect the legislative attempt to relieve unfunded mandates, but the possibility is still there.

"In a small system like ours, these unfunded mandates really hurt," she said. "Even with this change, the concern for us will be the same as it has always been. If we still have to pay up to \$50,000 with local money, well, that's still an unfunded mandate that will hit us hard.

"The concern is that it will continue to be the same as it has always been. If something is important enough for the Legislature to have to mandate it, it should be important enough for them to fully fund it."

**[Bill would require reading of Congressional prayers in Alabama schools \(Anniston Star\)](#)**

by Tim Lockette

MONTGOMERY — Teachers in Alabama classrooms would be required to read a Congressional prayer every day under a bill filed in the state Legislature.

"If Congress can open with a prayer, and the state of Alabama Legislature can, I don't see why schools can't," said Rep. Steve Hurst, R-Munford, the bill's sponsor.

Hurst's bill would require schools to set aside the first portion of the first class period every day "for study of the formal procedures followed by U.S. Congress," which must include "a reading verbatim of one of the opening prayers" given at the opening of the U.S. Senate or House of Representatives.

Hurst said the bill would help students learn more about history and civics.

"They could read the prayer from the day war was declared in World War II," he said. "They could read the prayer the day after Sept. 11."

The bill would limit the daily instruction on congressional procedures to 15 minutes per day. That instruction could include teaching about other procedures of Congress, but would always include the reading of a prayer.

Susan Watson, director of the American Civil Liberties Union of Alabama, said the bill was a clear attempt to sneak teacher-led prayer into schools through a back door.

"Religious practices and beliefs are best taught at home and in our religious institutions," she said. "The Alabama Legislature can try to pass anything it wants, but our public schools must still abide by the United States Constitution."

Advocates for school prayer have long argued that state and federal legislatures have always opened their sessions with an invocation. Watson said a prayer in schools isn't the same as prayer in the a legislative body, whose members are there voluntarily.

"Children in school are a captive audience," she said.

Hurst said his bill would allow teachers or principals to choose the prayer to be read to students every day.

"I wouldn't be the one picking out the prayer," he said. Asked if he had a particular favorite among the prayers delivered before either Congress or the Alabama Legislature, Hurst said no.

With few exceptions, the chaplains of the U.S. House and Senate have been Protestant ministers, according to records maintained by Congress. Guest chaplains often deliver the opening prayer. The Star found at least one Muslim invocation, delivered in the last year. A Hindu invocation, delivered in 2007, sparked protest from Christian conservative groups, according to news reports from the time.

Attempts to reach Amy Marlowe, a spokeswoman for the Alabama Education Association, were unsuccessful early Monday afternoon.

Hurst's opponent in the Republican primary, Munford resident Steve Dean, said he strongly supported school prayer, but had yet to make a decision on Hurst's bill.

"This is the first I've heard of it," he said. "It's interesting, but I don't jump in to support a bill I haven't read."

Talladega resident Stephanie Engle, who is running as a Democrat against Hurst, said there were better ways to address faith in the classroom.

"I think prayer is important in anybody's life," she said. "I think it would behoove everyone to have a course in comparative religions, but setting aside 15 minutes for a prepared prayer isn't as constructive."

Hurst's bill is scheduled for a public hearing before the Education Policy Committee in the Alabama House of Representatives Wednesday.

## **[These are the Alabama House and Senate races to watch in 2014 \(Yellowhammer News\)](#)**

Yellowhammer has already given you the big picture lay of the land for this year's legislative races, now let's take a look at some of the most hotly contested House and Senate districts to watch in 2014.

Remember, with Alabama having become a bright red state in 2010, it is fairly rare for there to be a general election fight between Republicans and Democrats. The battle is almost exclusively in the Republican primary, with a few notable exceptions.

That means that traditionally Democrat-aligned powerhouses like the Alabama Education Association (AEA) are planning to spend millions of dollars in Republican primaries this year, so hang on to your hats.

Here's our take on what to look out for:

#### Republican primary fight in Senate District 30

When Sen. Bryan Taylor, R-Prattville, announced in late October of last year that he would not seek re-election in 2014, candidates quickly began lining up for this safe GOP seat.

Suzelle Josey of Deatsville, a former spokesperson for Chief Justice Roy Moore, had already announced plans to challenge Taylor, and Millbrook's Harris Garner, owner of Garner Electric Company, wasn't far behind her. They have since been joined in the Republican primary by insurance agent Bill Harris and Autauga County Commission Chairman Clyde Chambliss, Jr.

As with any open seat, this one's going to be hotly contested, and a prime opportunity for the AEA to infiltrate the Republican primary. AEA-aligned operatives are running Harris Garner's campaign, which should be a huge red flag to any Republican primary voters.

Chambliss is the early favorite. He has already been endorsed by The American Council of Engineering Companies and The Homebuilders' Association of Alabama. Early polling shows he has strong positive name ID, and he's a strong fundraiser. Expect AEA to dump a ton of money in this race, either through direct candidate contributions to Garner or through ads running under the name "Alabama Values Education" — or both.

#### Key potential pickups for Republicans in the Senate

Yellowhammer has focused a lot on the battle between Republicans trying to maintain their supermajority in the Senate and the AEA trying to chip away at it, either in the general election or Republican primary, but there are also a few opportunities for Republicans to take out some sitting Democrats.

Sen. Tammy Irons, D-Florence, announced last week that she's not seeking re-election. That makes Senate District 1 a likely pickup for the GOP. Three Republicans have already qualified for the seat, including small businessman Jonathan Berryhill, Dr. Tim Melson, and early favorite Chris Seibert, an Athens City Councilman and former Univ. of Alabama football player.

Sen. Marc Keahey, D-Grove Hill, qualified for re-election at the last minute in his south Alabama senate district, but rumor has it that he may just be a placeholder while Democrats search for a

candidate to take his place. Since the senate districts were redrawn after the 2010 elections, Keahey's district has become significantly more Republican-leaning. Five Republicans are vying for the seat.

Independent Sen. Harri Ann Smith of Dothan might as well have a "D" beside her name, as she sides with the Democratic minority on most tough votes. The former Republican, who was denied ballot access by Republicans after she endorsed a Democrat for Congress, has done a masterful job over the years of portraying herself as the victim. She was the victim of Gov. Bob Riley and the anti-gambling crowd; she was the victim after former Rep. Jay Love bested her when she ran for Congress; and she was the victim when the Republican Party disowned her. She's going to have a much harder time playing the victim when her opponent is another woman, Houston County Commissioner Melinda McClendon. Republicans are excited about McClendon's candidacy, and will spend heavily to pick up this seat. But the AEA won't make it easy. Expect them to pump big bucks into protecting one of their biggest allies in the senate.

#### House District 91

Another wiregrass-area race to watch is House District 91. Yellowhammer named incumbent Rep. Barry Moore, R-Enterprise, the most conservative member of the legislature last year, but an impeccable voting record (e.g. only legislator to vote "no" on extending unemployment benefits) doesn't matter when AEA-aligned political operatives find a young, politically ambitious challenger they can co-opt.

Enterprise attorney Josh Pipkin has already gone hard negative against Moore. This will likely end up being one of the nastiest Republican primaries in the House.

#### General election battle in Senate District 10

Yellowhammer last year named incumbent Republican Sen. Phil Williams, R-Gadsden, one of the "Top 7 most conservative Alabama legislators." But he represents one of the few legislative districts in the state that could actually have a competitive general election race. Williams is being challenged by former Democratic Senator Larry Means, who represented the 10th District from 1998 until 2010. Means was arrested on corruption charges only about a month before the 2010 general elections, but was ultimately acquitted and is now trying to return to the Senate at the age of 66.

The 10th District will be one of the Alabama Education Association's (AEA) top targets. There is a pretty sizable union population in the district, a constituency that tends to favor Democrats. But Williams is well liked among conservatives, who appreciate his no-nonsense approach. His early polling numbers are strong as well. This race is shaping up to be a real battle.

AEA taking aim at Republican leadership

The word around Montgomery is that the AEA will spend \$500k against each of the top Republicans in the Alabama legislature — Senate President Pro Tem Del Marsh, R-Anniston, and House Speaker Mike Hubbard, R-Auburn.

Rainy Day Patriots Tea Party member Steven Guede is challenging Marsh, who has come under fire from some grassroots conservatives for his support of Common Core. Fred "Sandy" Toomer, founder Toomers Coffee Roasters Company, is challenging Hubbard.

These races are extremely personal for AEA Head Henry Mabry, who plans to spend big bucks in these races, whether it makes tactical sense or not.

#### Senate District 8

Sen. Shad McGill opted not to run for re-election, opening up a two-man race for the Republican nomination in this safe GOP district.

State Rep. Todd Greeson, R-Ider, is running for the seat and starts with a name-ID advantage after being in the legislature for over 15 years. His campaign has already received tens of thousands of dollars from the AEA.

Businessman Steve Livingston is the other Republican in the race. He is the owner and manager of Dicus Oil Company, has served as president of Jackson-Scottsboro Chamber of Commerce, Scottsboro Rotary and is a founding member of Leadership Jackson County.

#### Senate District 17

It didn't take long for Republicans to start coming out of the woodwork to run in this safe GOP district after Tea Party favorite Sen. Scott Beason, R-Gardendale, announced he would not seek re-election. Here's the list of candidates who qualified for the Republican primary in SD11:

Shay Shelnut

Jim Murphree

Gayle H. Gear

Brett King

Adam Ritch

Joe Cochran

Jim Roberts



Murphree and Gear are the two candidates with AEA ties, but this race is so crowded it's tough to say who should be the early favorite to survive the free for all.

#### Senate District 11

Democrat-turned Republican Sen. Jerry Fielding, R-Sylacauga, was hoping to avoid a primary challenger after he switched parties in 2012. But State Rep. Jim McClendon, R-Springville, decided in June of last year that he was going to jump in the primary against Fielding, who is still serving in his first term in the senate.

There are three big keys to look at in this race. First of all, the new district lines make St. Clair County the majority of the district. That is a huge advantage for McClendon. Secondly, McClendon holds a fairly substantial fundraising advantage over Fielding at this point. But finally, the real albatross around Fielding's neck may be his vote against an anti-ObamaCare bill in 2012. It is tough to justify that in any Republican primary at this point.

That said, Fielding has been an extremely reliable vote for Republicans since he switched parties. We'll see if that proves to be enough.

Independent candidates still have time to qualify

Although major party qualifying closed Feb. 7, Independent candidates have until June 3 to round up enough signatures to get on the ballot.

In order to gain ballot access, an Independent candidate must get the signatures of 3% of the total votes cast in the 2010 gubernatorial race in the district in which they want to run. For example, if 30,000 votes were cast in your district during the 2010 general election for governor, you would have to get 1,000 signatures in order to get your name on the ballot. An influx of Independent candidates could put a strain on the Alabama Secretary of State's office, which is charged with verifying signatures. With limited manpower, that could be a daunting task.

Two races that could potentially end up with Independent candidates are Senate District 27, where former Democratic Sen. Ted Little may try to challenge incumbent Sen. Tom Whatley, R-Auburn, and Senate District 2, where former Republican Sen. Tom Butler may challenge incumbent Sen. Bill Holtzclaw, R-Huntsville.

The AEA's candidate recruitment efforts were somewhat of a flop in the GOP primaries, but with almost four months until June 3, there is a good chance they will round up some Independents to jump in and shake things up.

## **After bruising special election, Congressman Bradley Byrne sails without opposition in 2014 (al.com)**

After struggling to a narrow victory in a special election Republican primary runoff for a vacant congressional seat, Bradley Byrne finds himself in an enviable position barely more than three months later.

The 2014 primary qualifying deadline passed last week without a single Republican or Democrat lining up to challenge him.

It is a far cry from last year when he was one of nine Republicans jostling to fill the unexpired term of Jo. Bonner, R-Mobile, who resigned to take a job as vice chancellor in the University of Alabama System. Byrne, R-Fairhope, finished first in the initial round of voting in September and then fought back a stiff challenge from conservative activist Dean Young on Nov. 5.

"I'm very grateful to be in the position I'm in because it enables me to focus completely on my job and not have to worry about campaigning," Byrne said from his office on Capitol Hill on Monday.

His predecessor won three consecutive general elections before he reached the point where politicians considered him virtually invulnerable and avoided serious opposition. But University of South Alabama political scientist Sam Fisher noted that the state's Democratic Party has declined over the past decade.

"If I'm a Democratic challenger, I'm going to need a lot of money, and people who are giving money are going to concentrate on races that seem winnable," he said.

Byrne said he believes his lopsided general election victory of Democrat Burton LeFlore also gives would-be challengers pause. "The Democrats are having trouble recruiting candidates in lots of races, not just mine," he said.

Since taking office, Byrne has moved quickly and aggressively toward establishing a record of conservative votes. He came out against a plan backed by the Republican leadership in the U.S. House of Representatives to liberalize the country's immigration laws. He signed on to a bill to repeal the Affordable Care Act and replace it with a Republican alternative. He signed on to a bill to ban federal funding for abortions.

He also has taken steps to kill a proposed study of the feasibility of turning part of the Mobile-Tensaw River Delta into a national park – an issue that erupted among conservative activists during last year’s elections – and co-authored a letter urging President Barack Obama to maintain the Navy’s commitment to buy 52 Littoral Combat Ship vessels. Mobile’s Austal USA is one of the companies making those ships.

The net effect of Byrne’s short tenure in Congress is that a challenger from the right would have trouble finding an effective issue, Fisher said.

“One of the things he did in the campaign and continues to do now is drift right, or be as far right as possible,” he said.

Pete Riehm, a tea party activist from Mobile County who backed Young in last year’s campaign, agreed that Byrne has given little cause for concern so far among conservatives.

“He’s been very attuned to what the people want, and he’s jumped on things that make people mad,” he said. “You could say he’s doing all the right things.”

Riehm, who unsuccessfully challenged Bonner during the 2012 primary, said Byrne also benefits from timing. Anyone with a strong desire to run for Congress probably already tried last year since there never would have been a better time. He said that Young and the other losing candidates would face an even more daunting challenge going up against an incumbent this year.

“I think to a certain degree, we have real election fatigue before we even get to 2014,” said Riehm, co-founder of the Common Sense Campaign. “Having ridden the bull once myself, you’re really eager to get up on it the first time. You’re not as eager the second time.”

Alabama Republican Party Chairman Bill Armistead agreed.

“I think Congressman Byrne has hit the ground running in Washington. I think coming off that (primary), folks who were in that battle don’t see a reason to jump back in so soon,” he said. “Sometimes, it takes a while to recover from an exhausting campaign.”

The next major issue looming before Congress is a decision over the next couple of weeks on whether to raise the nation’s debt limit again to permit more borrowing. Byrne said he has told the Republican leadership that he would not support such an effort without significant spending cuts in return.

“The fact that we don’t have any opposition doesn’t change how we do business at all,” Byrne said.

## **'Biggest Loser' alum Gina McDonald announces candidacy for Alabama House District 43 seat (al.com)**

Clay Aiken wasn't the only reality TV personality to make a political announcement this week.

Hoover's former contestant on NBC's "The Biggest Loser," Gina McDonald, announced plans to run for the Alabama House District 43 seat, which covers parts of Shelby and Jefferson County. The district is currently represented by Mary Sue McClurkin, who will vacate the seat at the end of her term.

"I have a servant's heart," she said. "This is definitely a job for a servant's heart."

McDonald qualified for the Republican primary race right at the deadline, but said she wanted to make sure she could fully commit herself before she officially announced her campaign.

She said she had been thinking about running for a political office for almost six years. She lives and practices law in the district.

"Seeing people come in and dealing with people in our district and seeing the issues that they have, I thought 'Why not me?' Why not the person that sits in this desk every day, talks to people in this district and understands the issues? Why not run for this seat and try to help as many people as I can?"

McDonald said she will begin talking to people in the district to find out what they're concerned about.

"I'm going to be opening up the floor for discussion," she said. "I want to hear what the people of district 43 think the issues are and what needs to be addressed in Montgomery."

She said she will also continue practicing law and will maintain her role as spokeswoman for the Scale Back Alabama campaign.

"I've got a lot of energy and a certainly want to spend that energy wisely," she said. "This is a great opportunity to start spending that energy wisely."

## **GOP candidate Stacy Lee George proposes lottery to support education, volunteer fire departments, other needs (al.com)**

MONTGOMERY, Alabama --- Stacy Lee George held a news conference at the Alabama State House today outlining his plan to propose a state lottery, with the proceeds being split five ways.

George, 45, is challenging Gov. Robert Bentley in the Republican primary on June 3.

George said he thinks a lottery would bring in \$200 million to \$250 million. His plan would put 20 percent of that into each of five categories.

-- Volunteer fire and rescue squads, with the money distributed equally to the 67 counties.

"These are hard-working individuals that help us without charging us anything," George said. "I'm passionate about them. A lot of them do these pancake breakfasts. They get up on Saturday morning when they could be with their kids at a ballgame."

-- Downtown development and revitalization in cities and towns across the state, with the money distributed according to population.

-- College scholarships, though he said it was not his intent for the lottery to provide full scholarships.

-- Voluntary pre-kindergarten and a job preparation program for 11th and 12th graders.

He said he wants to pump at least \$20 million more a year into pre-k. "I believe that this is important, because if every child does not have the ability to read and write by the fourth grade, they're not going to survive in life and be successful."

Bentley has also pushed for increased funding for pre-k.

The job preparation program would be set up to work with businesses to fit students with what employers need.

"They get a four-year degree and they can't find a job making minimum wage because they have no work skills," George said.

-- Supporting the General Fund.

George said one-fifth of the lottery proceeds would be earmarked for the General Fund, but the Legislature would determine where to spend that money from the fund.

"That will be the only money that politicians in Montgomery can touch," George said.

For Alabama to have a lottery, the Legislature would have to pass a proposed constitutional amendment. Then the voters would have to approve that.

Alabama voters rejected former Gov. Don Siegelman's lottery proposal in 1999. George said he did not support Siegelman's idea because he said it lacked transparency.

"The bottom line is folks, Alabama defeated the lottery 15 years ago and it's time we voted on it again," George said.

George is a corrections officer at Limestone Correctional Facility. He served two terms on the Morgan County Commission, losing a reelection bid in 2008.

George said he would campaign on more than just the lottery. He said he believed he cut some wasteful spending in state government. He said the state needed a middle class person's perspective in the governor's office, somebody concerned about gas prices, insurance costs and other demands on middle class incomes.

"We're not going to balance the state budget on the backs of state employees anymore," George said.

Bob Starkey, a retired businessman from Scottsboro, is also running in the Republican primary.

## **[Honda to add 50 jobs, invest nearly \\$72 million at its Alabama plant \(al.com\)](#)**

Honda plans to add 50 production jobs and invest \$71.8 million at its Talladega County plant, the latest in a string of new projects for the Japanese automaker's Alabama operations.

The Talladega County Commission tonight approved nearly \$3.4 million in tax abatements for the project, which is related to the production of drivetrain components. Construction, equipment installation and testing are expected to be complete next year.

The drivetrain components are part of Honda's "Earth Dreams Technology" program, which is focused on enhancing the fuel economy and performance of Honda's Alabama products, said Ted Pratt, a spokesman for the Lincoln plant.

The value of the abatements, for non-education taxes, is \$187,000 a year for 10 years. The abatements also include \$1.5 million in taxes related to construction costs.

The plant employs more than 4,000 people and represents a total investment of more than \$2 billion. In the last three years alone, the company has added more than 450 jobs and spent more than \$508 million at the Alabama operations.

A portion of that was tied to the addition of the Acura MDX SUV to the assembly lines. It is the first vehicle the plant has produced for Honda's luxury brand.

Workers in Lincoln also build Honda's Odyssey minivan, Pilot SUV, Ridgeline pickup and the V-6 engines that power them.

"This latest expansion at Honda is proof that Alabama continues to be a great place for automotive manufacturing companies to be successful," Gov. Robert Bentley said in a prepared statement.

## **[Attorney General Luther Strange appoints new solicitor general for Alabama \(al.com\)](#)**

MONTGOMERY, Alabama – Attorney General Luther Strange has appointed a new state solicitor general after the man previously in the position returned to private practice.

Andrew Lynn Brasher, who has served as deputy solicitor general since 2011, was chosen as solicitor general. John Neiman previously held the position.

As solicitor general, Brasher supervises the state's handling of appellate litigation in both state and federal courts and advises the attorney general on legal and policy issues.

"I am delighted that Andrew has agreed to continue serving the people of Alabama as our solicitor general," Strange said. "He is an outstanding legal scholar who conducts himself with utmost integrity and dedication to the rule of law. He comes to this office with a distinguished background of excellence in legal and public service and we are fortunate to have him with us."

Brasher received a degree in international relations from Samford University in 2002 and graduated from Harvard Law School in 2006. He was an editor of the Harvard Law Review and received the Victor Brudney prize for the best paper on corporate law.

Before joining the attorney general's office in 2011, Brasher was an attorney at Bradley Arant Boult Cummings in Birmingham and a law clerk to Judge William H. Pryor Jr. In 2011, Brasher was recognized as an Alabama SuperLawyers Rising Star.

In a news release, Strange also thanked Neiman for his dedicated service as Alabama's solicitor general for the past three years.

"The Office of Attorney General has benefitted from his wise counsel and skilled guidance through the appellate process and in numerous other matters," Strange said. "I am grateful for his service."

## **[Mobile Republican seeks to disqualify legislative candidate from running under party banner \(al.com\)](#)**

A Mobile County resident said Monday he plans to challenge state legislative candidate James Hall's right to run for office under the Republican banner.

David Preston cited Hall's attempt last year to run for Congress as an independent and his statements last week to Al.com regarding the fact that he considers himself an independent at heart and a "Republican from the '80s."

Preston, who ran for the Daphne City Council in 2000 and owns a courier business, said he does not know Hall or his Republican opponent in House of Representatives District 64, Harry Shiver. But he said he has been active in the GOP for years and contends that Hall's actions and words show that he is not a true Republican.

"To run in the Republican Party, you have to have certain qualifications, and one of those qualifications is that you have to support the Republican platform and not make disparaging remarks about Republicans," he said.

Preston released a letter that he said he is sending to Republican Party headquarters in Birmingham.



Hall declined to comment. He has described himself as a conservative and said in the past that he believes the party has drifted too far from its roots.

Alabama Republican Party Chairman Bill Armistead said he has not received Preston's complaint. He said the party's 21-member candidate committee investigates all challenges to people seeking office under the party label.

If the committee deems there to be enough evidence, Armistead said, it would convene a hearing in Montgomery on Feb. 22 after the party's regular meeting. At that hearing, the challenger and the candidate both would present evidence.

Armistead, who has been party chairman, said the party has disqualified candidates in state races three or four times since he became chairman in 2011. He said the party has no specific list of conduct that is unacceptable.

"It's not something we do on a routine basis. We feel like voters in the Republican primary should decide," he said. "It has to be a pretty clear-cut case."

Party leaders have disqualified candidates for a number of reasons. In 2012, for instance, the party kicked Madison County judicial candidate Chris Messervy off the ballot for failing to file campaign finance reports. Two years earlier, the party disqualified state Sen. Harri Anne Smith of Slocumb, for her endorsement of Democrat Bobby Bright for Congress in 2008. She ended up winning re-election as an independent.

The GOP, however, decided not to disqualify a trio of state Supreme Court justices accused in 2012 of missing campaign finance report deadlines.

District 64 includes much of northern Baldwin County and part of Monroe County. Shiver, himself a former Democrat, has represented the area since 2006.

Hall, a production supervisor at Cintas Corp. who lives in Stapleton, launched an independent bid for Congress after U.S. Rep. Jo Bonner, R-Mobile, left office before the end of his term. Hall, however failed to collect enough signatures to appear on the ballot. He unsuccessfully challenged the ballot law in federal court in Montgomery.

Preston acknowledged that a number of Republican politicians have complained the party had not sufficiently adhered to conservative principles. But he argued that Hall's statements fall into a different category.

"How many of these candidates actually have run as an independent in previous elections?" he said. "He's being intellectually dishonest."

## **Hydropower new weapon in Alabama-Florida-Georgia water wars: Consumption in Georgia raises power rates in Alabama, Jeff Sessions says (Montgomery Advertiser)**

WASHINGTON — Alabamians pay more for electricity when Georgia taps federal reservoirs for drinking water, according to an Alabama senator who is working a new angle in the tri-state water wars.

Sen. Jeff Sessions, normally a champion of nuclear reactors and coal-fired power plants, has lately become a cheerleader for hydroelectricity.

The Alabama Republican accuses Georgia of siphoning off so much water upstream that it's hurting clean-energy customers downstream.

"Alabama electric customers are paying for Atlanta's excess water consumption," Sessions complained to colleagues in a recent letter.

Alabama and Florida have battled Georgia for more than two decades over how much water moves through two river basins they share. After Georgia won a big legal victory in 2011, the fight moved to Congress, where the Alabama and Florida delegations have become increasingly confrontational in challenging Georgia's water consumption.

While Florida officials calculate the economic damage that low-water flows do to the seafood industry in Apalachicola Bay, Sessions is holding up higher power bills in assessing the damage to Alabama.

"When there's less water to generate electricity at hydroelectric dams, this clean, renewable low-cost electricity is not available in a larger quantity," Sessions said in a recent interview. "As a result, more expensive energy — perhaps produced by carbon fuels — will have to replace it."

Last summer, Sessions summoned leaders of the U.S. Army Corps of Engineers and water management officials from all three states before a congressional committee and angrily alleged that one Georgia county was taking more out of Lake Allatoona than its contract allowed.

Brig. Gen. Donald Jackson, commander of the South Atlanta Division of the Army Corps, told lawmakers at the hearing he was aware Cobb County had exceeded its allowed usage of Lake Allatoona water in the past, and the Corps has notified county officials of the breaches. But he said the county is now in compliance.

Lake Allatoona is at the top of the Alabama-Coosa-Tallapoosa River Basin, which supports dams, lakes, rivers and streams throughout most of central Alabama, including Montgomery. The state has argued for years that the Corps, which operates the federal reservoir, has been too stingy releasing water during dry periods and too deferential to metro Atlanta's needs for drinking water.

In the months following the hearing, Sessions tried to calculate how those extra withdrawals affect hydroelectric turbines in Alabama, which contribute cheaper energy to the power grid.

An exact dollar figure hasn't been identified, but the government office that markets the hydroelectric power generated at reservoirs operated by the Corps confirmed that the extra withdrawals do affect prices. Hydropower and water supply contracts help pay for the operation of Corps reservoirs, so the more money the Corps collects from water supply contracts, the less money it has to raise selling hydropower.

"If the Corps were to bill and receive additional water supply revenue from water supply users exceeding their contract withdrawal amount, additional water supply revenues would decrease preference (hydropower) customer rates," according to the Southeastern Power Administration at the federal Energy Department.

Those power customers in Alabama agree.

"Hydro is a big part of our energy, so when we have a reduction of hydro in kilowatt hours generated, you have to replace it with very high-cost energy," said Fred Clark, president and CEO of Alabama Municipal Electric Authority (AMEA). The authority serves customers in 11 Alabama cities, including Tuskegee and Opelika.

The AMEA tends to rely on hydroelectricity during peak hours of consumption, Clark said, like early morning and early evening. Without it, they turn to electricity from plants fueled by natural gas.

The cost difference is significant primarily because in hydroelectric, the fuel is "provided by the Good Lord at zero cost," Clark said.

The water wars' effect on hydroelectricity has been debated in the courts before. Settlement talks in one of the cases about a decade ago revealed that Southeastern utilities wanted \$37 million to make

up for their lost hydropower, plus changes in the Corps' management of the reservoirs to prevent further losses in the future.

That agreement was never implemented, said Alan Williford, president of Southeastern Federal Power Customers, a group of electric cooperatives and municipal power companies representing more than 6 million power customers in the region.

"We want to do what we can to minimize the impact to our ratepayers," Williford said.

He said his organization will update its financial impact estimates after the Corps writes new water control manuals for the federal reservoirs and establishes new contracts for water withdrawals.

Sessions has similar concerns about Georgia's withdrawals from Lake Lanier, which is on a different river basin than Lake Allatoona.

Georgia officials say they're not to blame. Atlanta consumes less water per capita than other cities, and Georgia reservoirs comprise only a small portion of the total water storage capacity in the river basins, they told Congress.

"Georgia has gone to great lengths to become a responsible custodian of water resources and has requested minimal operational changes to ensure the viability of its communities and users," Georgia Sens. Saxby Chambliss and Johnny Isakson said.

Sessions said he hopes a public debate over hydropower will lead to a settlement among the governors of Alabama, Georgia and Florida.

"Maybe it will help begin refocusing all three states on how to reach some sort of accord," Sessions said.

## **[Small Businesses Get Further Delay for Obamacare Coverage \(Bloomberg\)](#)**

By Alex Wayne - Feb 11, 2014

Employers with fewer than 100 workers won't have to provide health insurance until 2016 under Obamacare, as the administration said it would again delay a key requirement of the health law.

Larger firms have to cover at least 70 percent of the workforce starting next year, the Internal Revenue Service said in a rule issued yesterday.

The Patient Protection and Affordable Care Act envisioned as a cornerstone of its expansion of U.S. insurance coverage that employers with 50 or more workers would be required to provide health benefits to their employees. Under pressure from business groups, the Obama administration has weakened that requirement since July, first by delaying enforcement of the mandate until 2015. Many firms will have even more time under the new regulation.

#### The Fate of Obamacare

“While about 96 percent of employers are not subject to the employer responsibility provision, for those employers that are, we will continue to make the compliance process simpler and easier to navigate,” Assistant Secretary for Tax Policy Mark J. Mazur said in a statement. “Today’s final regulations phase in the standards to ensure that larger employers either offer quality, affordable coverage or make an employer responsibility payment starting in 2015 to help offset the cost to taxpayers of coverage or subsidies to their employees.”

The rule provides employers far more flexibility than allowed by the language of the health law, which levies fines of as much as \$3,000 per worker against firms that don’t comply with the requirement.

#### Republican Criticism

Republicans have criticized President Barack Obama for appearing to unilaterally change the terms of the health-care overhaul for select groups, including employers and insurers. They have called on him to delay the law’s requirement that most individual Americans carry health insurance or pay a fine, which took effect Jan. 1. He has declined.

“Once again, the president is giving a break to corporations while individuals and families are still stuck under the mandates of his health care law,” House Speaker John Boehner, a Republican from Ohio, said in a statement. “And, once again, the president is rewriting law on a whim. If the administration doesn’t believe employers can manage the burden of the law, how can struggling families be expected to?”

The U.S. Treasury secretary has broad authority under the tax code to implement laws such as the health-care overhaul in ways that will encourage compliance, including by phasing in requirements, senior administration officials told reporters in a conference call.

#### Election Timing

The Obama administration's decision means many small businesses won't have to worry about complying with the law's employer mandate later this year when voters are going to the polls in congressional elections. Republicans are using the troubled roll-out of the health law against Democratic candidates in the campaigns for the Nov. 4 election.

"Let's just say the politics, the policy and the stars all aligned at a propitious time and have brought what appears, at least on the surface, to be a pretty darned good approach," Neil Trautwein, a vice president at the National Retail Federation, said in a phone interview.

Trautwein's group and other business organizations have lobbied the administration for further relief from the law's coverage requirement. The degree of flexibility the government will allow surprised him, he said.

'Pleasantly Astounded'

"I am pleasantly astounded," he said. "In the context of the ACA, this is an extraordinarily pragmatic and wise approach to accommodate the law to the real world."

Among other exemptions, the administration said in the rule issued today that employers won't have to cover seasonal workers, those employed less than six months.

Employers with fewer than 100 workers will have to certify to the government that they haven't fired workers to get under the threshold and qualify for the delay until 2016. They also must certify they won't drop health plans they already offer, officials said.

The law, passed solely with Democratic votes by Congress in 2010, seeks to provide insurance for many of the nation's 48 million people without health coverage. Among its major provisions, the law banned insurers from denying coverage to those with pre-existing medical conditions, allowed adults younger than 26 years old to remain on their parents' health plans, expanded the Medicaid program for the poor and created insurance marketplaces for Americans to buy coverage with government subsidies.

About 3 million people signed up for private health plans using the new exchanges as of Jan. 24. An estimated 1.7 million more people have gained coverage from Medicaid through December, said Peter Gosselin, a Bloomberg Government senior health analyst.

## **Tea party challengers' favorite punching bags? Obamacare and GOP leaders (Washington Post)**

By Sean Sullivan, Updated: February 10 at 4:19 pm

Step one: Take a hard-line stance opposing Obamacare. Step two: Run far, far away from Republican congressional leaders.

That's a large part of the playbook for tea party contenders for Congress, at least if five such candidates who visited with reporters Monday in Washington are any indication. The consistency of their opposition on both fronts provided a glimpse at how conservative challengers generally believe they best can fire up the base ahead of the midterm primary and general elections on tap this year.

Speaking at the headquarters of the national tea party group Freedomworks, four of five congressional candidates quickly named the federal health-care law when asked what they are hearing about most on the campaign trail.

"It's what people care the most about," said Matt Bevin (R), a Louisville businessman running to the right of Senate Minority Leader Mitch McConnell (R-Ky.).

Barry Loudermilk (R), a Georgia state senator running for the U.S. House, added, "As we travel around the district, of course Obamacare is the greatest concern we're hearing because it's affecting every demographic in Georgia."

What about for the people of Mississippi? "There's no more pressing issue than Obamacare," said state Sen. Chris McDaniel (R), who is challenging Sen. Thad Cochran (R-Miss.).

When it comes to fighting the law, lawmakers shouldn't apply "band aids," warned activist Katrina Pierson (R), who is challenging Rep. Pete Sessions (R-Tex.). "We definitely need a full repeal of this bill," she said.

Enthusiasm for congressional Republican leadership was just as lacking.

"Do you want me to comment on that?" asked Bevin sarcastically, in a nod to his challenge against the Senate's top-ranking Republican. He added: "There's a level of cronyism that is destroying this country."

McDaniel is not running against McConnell, but he's no fan. "I'm not terribly pleased with any of the leaders in the Senate, or for that matter, in Washington," he said.

Former congressional aide and now U.S. House candidate Igor Birman said he's been disappointed that "optics has taken a preeminent position over principles and policy."

Loudermilk's take: House Minority Leader Nancy Pelosi (D-Calif.) was willing to sacrifice her speakership for the cause of health care; Republicans should be willing to risk their own power for important causes, too.

Tea party candidates, of course, aren't the only ones railing against Obamacare. In the wake of the law's troubled rollout, Republicans everywhere are going on offense with opposition to the measure.

And on the leadership front, even candidates with support from GOP leaders have shied away from cozying up to them. Just ask Rep. Bradley Byrne (R-Ala.), a Chamber of Commerce Republican who was backed by the leadership PAC of House Majority Leader Eric Cantor (R-Va.). Byrne wouldn't commit to supporting another term as speaker for John Boehner (R-Ohio) during his campaign.

But why? In part because the emergence of tea party candidates like the ones at Freedomworks Monday have made it perilous if not disastrous for GOP contenders to take their foot off the gas on the issues that drive the base.

For tea party candidates, the wager is that on these kinds of issues -- Obamacare being the most prominent one -- the intensity runs so high among GOP primary voters that they can win by getting to the right of the field, even when it comes to figures like McConnell and Cochran, who opposed the health-care law. (The senators' primary opponents would charge they have not fought it hard enough.)

For the McConnells and Cochrans of the world, the wager is that there won't be enough daylight between themselves and their challengers on these issues to cause voters to revolt and kick them out of office.

We'll find out late their year which arguments win where and which ones fall flat.