



Office of Senate President Pro Tempore Del Marsh  
Press Clips  
Friday, February 28, 2014

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**[Public assistance drug testing bill stalls in Senate \(Montgomery Advertiser\)](#)**

The Senate abruptly adjourned Tuesday afternoon in the middle of a debate over a bill requiring drug testing of public assistance applicants with prior drug convictions.

Senate President Pro Tem Del Marsh, R-Anniston, moved for the adjournment. He said after Tuesday's session that he understood amendments to the legislation — one of several public assistance bills that were scheduled to be considered by the body — were coming and that few members knew about it. Marsh said he hoped to meet with GOP members today to discuss the amendments and bring the body to order.

The bill, sponsored by Sen. Trip Pittman, R-Daphne, would have required applicants for benefits under the Temporary Assistance for Needy Families (TANF) program to submit to drug tests if there was "reasonable suspicion" that they were doing drugs. The bill defines reasonable suspicion as a previous failure on a drug test, or a conviction for drug use or distribution within the previous five years.

"I had worked with several members and had dialogue with them," said Pittman, who said on the floor that he had tried marijuana in the past. "I think people who really understand this bill understand that it's an attempt to help people give up drugs, and to change their situation."

However, Sen. Bobby Singleton, D-Greensboro, who planned a filibuster on the bill, said the legislation assumed those who receive public assistance were on drugs — an assertion Pittman firmly rejected — and that its testing unfairly singled out poorer individuals. At one point, Singleton called for drug testing of lawmakers, lobbyists and Lt. Gov. Kay Ivey, who presides over the Senate.

"You are not going to stop the drug epidemic in America testing mothers on public assistance," Singleton said.

Pittman, who has introduced a bill to require drug testing of lawmakers, said he was trying to "create a fair process so we can help people with a drug problem get off drugs."

The bill would require the department to pay for the initial drug screening; subsequent tests would be the responsibility of the individual. The Legislative Fiscal Office estimates the cost of the tests at between \$15 to \$40 per kit; a number from the Department of Human Resources, which administers the most anti-poverty programs in the state, was not immediately available.

Other bills that were due for consideration included:

- SB 87, sponsored by Sen. Bryan Taylor, R-Prattville, which would forbid DHR from seeking waivers requiring able-bodied adults without dependents receiving Supplemental Nutritional Assistance Program (SNAP) benefits to work at least 20 hours a week. The federal stimulus bill in 2009 allowed

states to receive waivers from the requirements, and a number of states, including Alabama, applied for the waivers. The farm bill passed by Congress earlier this year also eliminates statewide waivers from workforce requirements in times of economic duress, though local waivers would still be possible.

DHR opposes the legislation. Barry Spear, a spokesman for the department, said the legislation would prevent the department from seeking waivers for counties that may have high unemployment rates, or may have experienced natural disasters that prevent return to work.

"If tornadoes came through and destroyed a (work) facility, we'd have to wait for the Legislature to come back in to request those waivers," he said.

- SB 114, sponsored by Sen. Arthur Orr, R-Decatur, which would make it a crime to fraudulently obtain public assistance. Fraudulently obtaining assistance worth less than \$200 would be a Class A misdemeanor, punishable by up to a year in jail and a \$6,000 fine. Fraud of more than \$200 would be a Class C Felony, punishable by up to 10 years in prison and a \$15,000 fine.

DHR supports the bill. Spear said the department "wants (only) people eligible for those benefits to use those benefits."

- SB 115, sponsored by Orr, which would require a TANF applicant to apply for at least three jobs before completing an application, and three jobs for each week the applicant receives welfare. Those who voluntarily quit their jobs also would be ineligible for public assistance.

- SB 116, sponsored by Orr, which would ban recipients of public assistance from using benefits to purchase alcohol, tobacco or lottery tickets. The bill also specifically prohibits the spending of benefits in bars, casinos, psychic parlors and strip clubs.

In the last report available, DHR reported a monthly average of 21,960 cases of recipients receiving financial assistance in the 2012 fiscal year. The average monthly payment was \$188.38 per case. Over 411,000 households that year received SNAP benefits, representing 910,244 recipients. The vast majority of those — 775,813 — were non-public assistance recipients.

It was not immediately clear Tuesday how widespread public assistance spending on alcohol, casinos and strip clubs was.

"The only way we would have any knowledge of that is if someone sent a personal complaint," said Barry Spear, a spokesman for DHR. "We don't have any way to track how they spend their money. It's a cash benefit."

The department opposes the bill. Federal guidelines limit administrative spending of TANF funds to 15 percent of total funds; Spear said the department is "very close" to that cap and would get pushed over if it had to administer those restrictions.

"If something puts us over that 15 percent, we'll have to pay from state funds, which we don't have."

## **[Tracking the 2014 session: Pistol bill gets public hearing in Alabama Senate committee \(al.com\)](#)**

MONTGOMERY, Alabama --- A bill to make it legal to carry a loaded handgun in a vehicle without a concealed carry permit will be discussed in a public hearing Wednesday at the Alabama State House.

Current law requires a pistol to be unloaded and locked in a compartment out of reach of the driver or passengers if there is no concealed carry permit.

The Senate Judiciary Committee will hold the hearing on Senate Bill 354 by Sen. Scott Beason, R-Gardendale. The meeting begins at 1 p.m.

What they did:

House:

Passed a bill to carve out an exemption in state law to help nonprofit spay-neuter clinics can continue to operate.

The Health Committee approved four abortion bills.

Senate:

Debated, but did not pass, a bill to require some welfare applicants and recipients to be drug-tested.

Coming up

The Senate Judiciary Committee will consider SB 109, which would change from a misdemeanor to a felony the crimes of promoting gambling, conspiracy to promote gambling and possession of a gambling device.

The Senate Finance and Taxation Education Committee will consider SB 184, the education budget for 2014-2015, and SB 232, a bill to give K-12 and two-year college employees a 2 percent pay raise.

The House Education Policy Committee will hold a public hearing on HB 478, which would prohibit school systems from using seniority as the main factor in deciding which teachers to lay off during cutbacks forced by spending cuts or decreased enrollment.

The House Ethics and Campaign Finance Committee will consider SB 36, a bill to prohibit former legislators from lobbying either chamber of the Legislature within two years after their term ends and make other changes to state ethics laws.

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

## **House OKs bill affecting spay neuter clinics (Montgomery Advertiser)**

After hours of debate, the Alabama House of Representatives passed a bill Tuesday that would allow veterinarians to work at nonprofit spay neuter clinics.

Under current law, veterinarians are only allowed to work for businesses owned by licensed veterinarians.

This is the third year the House has discussed the bill, sponsored by Rep. Patricia Todd, D-Birmingham.

Todd said the bill exempts veterinarians who work at clinics from the requirement that they work for a veterinarian who owns the clinic and its equipment. Most nonprofits aren't run by veterinarians, but are still required to abide by the same standards veterinary practices do and are still licensed and regulated by the Alabama Veterinarian Medical Examiners Board, she said.

Veterinarians already exempt from the requirement are those employed by any federal, state or local agency, those employed by licensed research facilities and those who inherit a veterinarian business under the terms of a will.

The bill also restricts what can be done at a spay neuter clinic to those procedures only, with the exception of a one-year rabies vaccination and treatment of external and intestinal parasites administered only at the time of the spay or neuter surgery.

"Veterinarians would have complete control of the medical practice within that spay neuter clinic," Todd said. "How many procedures, how they're done and everything related to the medical care of the animal."

But some opponents of the bill said they were concerned about the well-being of the animals in these clinics, and the potential damage to struggling veterinary practices that might lose business.

"I do feel strongly about supporting our small businesses," said Rep. David Standridge, R-Hayden.

Standridge said he's been contacted by several veterinarians in his community who are concerned about the bill, especially with concerns about standard of care. Standridge's son is a practicing veterinarian.

## **[Alabama House committee approves new restrictions on abortions \(al.com\)](#)**

MONTGOMERY, Alabama --- Four bills that would add new restrictions on abortions in Alabama won approval today in a committee in the state House of Representatives.

One of the bills would ban many abortions that are now legal in the state.

House Bill 490 by Rep. Mary Sue McClurkin, R-Indian Springs, would require doctors to check for a fetal heartbeat before abortions and would ban abortions if a heartbeat is detected.

According to the National Institutes of Health, fetal heartbeats can be detected six to seven weeks into a pregnancy. Alabama law currently allows abortions up to 20 weeks.

The House Health Committee also approved:

-- HB 493 by Rep. Kurt Wallace, R-Maplesville, which would require doctors to give women information about perinatal hospice services before aborting a fetus with a lethal anomaly, a defect reasonably certain to result in death within three months after birth.

-- HB 489 by Rep. Ed Henry, R-Hartselle, which would increase from 24 hours to 48 hours the period a woman must wait before an abortion after receiving state-mandated information about adoption services, father's obligations and on other issues.

-- HB 494 by Rep. Mike Jones, R-Andalusia, which would tighten restrictions on parental consent for minors to get abortions.

All four bills were approved on voice votes without much discussion. The committee held public hearings on the bills last week.

Reps. Berry Forte, D-Eufaula and Joe Hubbard, D-Montgomery, did express concerns about the likelihood that some of the bills would be challenged in court, resulting in costs to the state.

"You're talking about a bundle of money the taxpayers have to pay," Forte said.

An anti-abortion rally was held outside the State House after the meeting.

David Day of Montgomery, 37, who attended the rally, said he would like to see abortion banned outright rather than the incremental steps sought by the legislation.

"A baby is a baby, and no matter how we look at it, it is simply murder," Day said. "If a bill is truly pro-life, it's all points of conception."

Cheryl Ciamarra, board director to the National Right to Life Committee for Alabama Citizens for Life, said other states have passed differing versions of the fetal heartbeat bill. She said one in Arkansas has been enjoined by a court.

Ciamarra said she also had concerns about an amendment to the heartbeat bill added by the committee today that makes an exception for a fetus found to have a lethal anomaly.

Still, Ciamarra said the bill overall is a good step.

"It is a good education for people in the public to understand that every abortion stops a beating heart," she said.

Susan Watson, executive director of the American Civil Liberties Union of Alabama, told the Associated Press that the bills were an attempt to "garner votes in the upcoming election at a woman's expense."

"These bills demoralize and dehumanize women and turns them into hostages. They need and want health care, but they can't get it unless they meet a career politician's criteria. What exactly gives a politician the right to decide what a woman needs or doesn't need or what procedures she can and can't have?" Watson said.

## **Alabama House committee approves bill to expand Birmingham Water Works Board (al.com)**

MONTGOMERY, Alabama --- An Alabama House of Representatives committee today approved a bill that would expand the Birmingham Water Works Board and limit members to two full terms.

The House Health Committee approved HB 482 by Rep. Jim McClendon, R-Springville. It now moves to the House.

The bill would expand the board from five members to nine, with one member each from Shelby, Blount, St. Clair and Walker counties. When the next vacancy occurs on the current board, that member would be replaced by a Jefferson County resident who lives outside Birmingham.

That means Birmingham would have just four of the nine members and no longer control the board.

Several other bills pending in the Legislature would also expand the board, including one by Sen. Jabo Waggoner, R-Vestavia Hills, that would impose term limits and limit board members' pay.

The bills have drawn some opposition, including from Sen. Rodger Smitherman, D-Birmingham, who has said he wants Birmingham members to retain control of the board.

McClendon said the main purpose of his bill would be to allow St. Clair County and Moody to have some representation on the board.

The Birmingham board bought the Moody water and sewer systems in 1993. It sold the sewer system back to the city in 2008.

McClendon said the Moody is interested in buying the water system back from the board if that is feasible.



Mac Underwood, general manager of the Birmingham Water Works Board, spoke at today's committee meeting in opposition to McClendon's bill.

Underwood said that it would be a mistake to shift board power outside the city and Jefferson County. He said more than 90 percent of the customers are in Jefferson County.

Underwood said the board is willing to discuss selling the Moody system back to Moody. He said the board has invested a lot in the Moody system and it is providing good service.

McClendon said Moody has requested information about the number of customers in Moody, cash flow and volume of water used and has so far not been able to get it from the board. He said that information would help determine whether it would be feasible for Moody to buy the system back.

## **Editorial: State should base all raises on realities (Montgomery Advertiser)**

As the Legislature moves into the second half of this year's session, not a great deal has been accomplished, but nothing truly terrible has occurred — yet. The only punches that have been thrown are verbal ones and the leaders of both parties say they're communicating better than they sometimes have in the past.

Maybe this stretch of relative tranquility will continue, but some hard choices are looming that surely will test both individual and institutional tempers. The tough fiscal decisions in the education and General Fund budgets top the list.

It's an election year and legislators historically have tried to give pay raises to teachers and state employees in advance of their re-election campaigns. It's good politics, but not good policy if fiscal realities are discounted in the decision-making process.

That's why we call on the members to make these decisions responsibly and honestly. The issue is not whether teachers and state employees deserve a pay raise; they do. The issue is, or certainly should be, what the state can realistically afford. That may be nothing.

The education budget is always the healthier of the two budgets, so the likelihood of a raise for teachers is considerably greater than for state employees paid from the chronically strapped General Fund. However, it is also important for legislators to remember that across-the-board pay raises have

more than a one-year impact. The increases become part of the salary structure in future years as well and also have a long-term impact on retirement costs.

Lawmakers have to be careful to consider to what they are committing the state in the long run, not just what they're adding in the next fiscal year's budgets. This cannot be a purely political decision.

It's important in the education budget, but even more so in the tighter General Fund budget, where legislators are working, as Sen. Dick Brewbaker, R-Pike Road, aptly put it, "completely without a net." There's virtually no wiggle room.

"We've got to get it right or we'll move into proration, and nobody wants that," Brewbaker said.

Indeed not. Overly optimistic budgeting — or budgeting directed by politics instead of reality — that leads to spending cuts months into the fiscal year is deeply damaging to the operations of state government. For key General Fund agencies, notably Medicaid and the Department of Corrections, the effect can be ruinous.

Fiscal responsibility must prevail in the face of election-year pressures. If it does not, the Republican supermajorities in the House and Senate can't point fingers elsewhere. The fault, inescapably, will be theirs.

## **[Wind energy companies hire lobbyists to fight bill that would regulate them in Alabama \(Yellowhammer News\)](#)**

So called green energy companies have long been the beneficiaries of favorable treatment by the federal government. Tax breaks, subsidies, and often a total lack of regulation have given them a leg up on their heavily regulated fossil fuels competitors. But now that a bill to at least somewhat "level the playing field" is making its way through the Alabama Senate, several wind energy providers are hiring high-paid lobbyists to help them maintain their competitive advantage.

Wind energy providers have proposed wind farms in 8 different Alabama counties. One of those proposed wind farms was conceived by a company called Pioneer Green, which recently announced plans to build eight wind turbines in Cherokee County, Ala. at a new facility called the Shinbone Wind Energy Center. Local citizens began to speak out about the proposed wind project and raised concerns to their state senator, Phil Williams, R-Rainbow City.

Williams began studying wind farms located in other parts of the country. He found numerous examples of wind energy companies making big promises of jobs and economic development that ultimately never materialized. He specifically noted the Horizon Wind project in Oregon, which received over \$11 million in subsidies but only created thirty-six jobs at a cost to Oregon taxpayers of over \$305,000 per job.

Williams also looked into the background of Pioneer Green and its executives. He found that Pioneer Green's president, Andy Bowman, has carefully positioned his company to receive favorable treatment from the Obama Administration. He was even among the the president's inner circle that was allowed to attend the president's 50th birthday party in Chicago.

But the most concerning part of Williams' research may have come from the realization that the State of Alabama has no laws on the books to protect citizens and communities when it comes to wind energy production. For instance, while regulations on coal mining require an almost unimaginable amount of research, proposals, permits, reclamation plans, insurance and numerous other safeguards overseen by independent government entities, wind farms are largely free to do as they please without any real oversight to speak of.

Two groups of citizens in Williams' district have filed lawsuits against Pioneer Green asking for a judge to block the proposed project, at least until the state creates a regulatory framework to protect the local community. Williams went to work crafting a bill that would do exactly that. He immediately found that 5 other legislators had introduced bills to address the issue in their local areas. He realized then that there may be a need for a statewide solution to wind energy regulation.

After getting feedback from a wide variety of groups, including the League of Municipalities, Aviation Council, major utility providers, ALFA, the County Commission Association, the Business Council, and even three separate wind energy companies, Williams drew up SB12, a bill that would provide a comprehensive regulatory structure for wind energy companies seeking to locate in Alabama.

Here are a few things the bill does:

- Standardizes the rules on wind energy production in the State of Alabama
- Allows the Alabama Public Service Commission to regulate wind energy companies, just like they do other energy providers in Alabama
- Establishes uniform setbacks from property lines
- Sets noise decibel limits for wind farms
- Requires wind energy companies to submit a reclamation plan for how they will repair the landscape once they leave

- Requires wind energy companies to give “financial assurance” in the form of a surety bond or cash escrow account, so if they go bankrupt like Solyndra and other green energy companies, there will still be money left to remove the project

RELATED: Are your tax dollars going to help fund a wind farm in Alabama?

Although green energy companies have been major beneficiaries of increased regulation on traditional energy providers, they apparently don't like it when they are expected to meet a minimum level of standards themselves. Two out-of-state wind energy companies have already hired lobbyists to try to stop SB12 from passing in the Alabama Senate.

But Williams is undeterred. His bill is set to come up on the floor of the senate this week.

“Senate Bill 12 is extremely important because it protects Alabama citizens and communities from the perils that we've seen in other parts of the country with regard to wind farms,” he told Yellowhammer. “It also prevents a patchwork quilt of local bills that create a regulatory nightmare statewide.”

Do you support taxpayer-subsidized wind energy companies locating in Alabama?

Just for fun, we put together a few images of what it might look like if wind farms popped up in some of Alabama's most notable locations.

## **If legislators did their homework, they'd all support Common Core (Opinion from the superintendent of Chickasaw's schools)**

By Kyle Kallhoff

When the city fathers of Chickasaw decided to form their own school system they knew it would be a struggle. But they had no idea that the Alabama legislature would be one of their chief roadblocks.

We are in our second year of existence with 880 students, 92 percent are eligible for free or reduced lunch. Our students thank us daily for the work we do and the barriers we break to prepare them to be successful adults. This includes teaching the Alabama College and Career Ready Standards, which will better prepare them to be marketable when entering careers or colleges. For more information about our students, watch this video: (<http://www.youtube.com/watch?v=E00M909kbIE>)

Like many systems in Alabama, we are financially strapped. We carefully consider every financial decision and obligation we make. If any system in the state can make a penny squeal when it is pinched, it is Chickasaw.

Since we started in June of 2012 we have allocated financial and human resources to preparing our teachers to teach the more rigorous college and career standards adopted by the state board of education. All monies spent and all professional development of faculty has been done with this in mind.

Now the legislature wants to jerk the rug out from under us. They want to waste all the dollars and time and effort we've invested. They want to change the rules of the game halfway through the second quarter.

They want to repeal the Alabama College and Career Ready standards and have us go back to teaching our kids like we did in 1999. Instead of preparing our students for a global economy, they want to put up a fence around Alabama and act like none of the rest of the world exists.

Why do they want to repeal our standards? Because they are listening to misinformed, persuasive political voices instead of professional educators. It is a sad commentary when a group of elected officials are willing to swap the future of our children for a handful of votes. This is leadership? This is statesmanship?

Our Chickasaw students do their homework. The members of the legislature should do the same thing.

They should research the National Assessment of Educational Progress (NAEP) results and see where Alabama students rank in reading and math versus the other 49 states. It is clear that our students need rigorous standards and we need to stop threatening to slow down the momentum Alabama's school systems are making. As a leader of a small system in south Alabama, I trust the research-based guidance and direction for our students that is being provided by Alabama's Board of Education and Dr. Tommy Bice, our state superintendent.

I represent over 100 employees who are committed to teaching Alabama's College and Career Ready Standards, who are committed to teaching problem solving, collaboration and critical thinking. The employees of the City of Chickasaw Board of Education are committed to breaking barriers and putting the students we serve in positions to be successful adults. Don't slow our momentum.

There are 15 senators who are sponsors of SB380, the bill to roll back the clock in Alabama. Not a single one has called to find out how this legislation will impact our system and our students.

I will be glad to talk to any legislator about this matter. Or I will call an assembly of all our faculty and students so that any member of the state senate or house can explain how rolling back our standards will be good for them.

(Kyle Kallhoff is superintendent of the Chickasaw City School System. You can reach him at 251-380-8114)

## **[State education department ramps up training for student data protection as common core repeal bill pends in Legislature \(al.com\)](#)**

MOUNTAIN BROOK, Alabama -- Since the Alabama State Board of Education adopted the national education standards known as the common core in 2010, critics have raised concern about the issue of student data collection and sharing.

Sen. Dick Brewbaker, R-Pike Road, who chairs the Senate Committee on Education and sponsored legislation to repeal the common core, alleged last year that the federal government planned to use the standards to collect "400 data points" on every child, much of attitudinal in nature.

And concerned citizens claimed during Senate hearings that the federal government planned to assess students' emotion states with devices such as facial-expression cameras, posture-analysis chairs, pressure mouses and emotional skin sensor wristbands."

At the time, State Superintendent of Education Tommy Bice flatly denied the claims.

But to address the the concerns, the state board adopted in September a new statewide policy that only allows the state to share required education data with the federal government and only in aggregate form so individual students cannot be identified.

[Related: State education board passes new data governance policy over objections of two board members and several concerned citizens]

Now, as a new bill to repeal the common core on grounds it is an untested experiment remains pending in the Alabama Senate this year, the state department is publicly ramping up training for its new data policy.

State education officials announced today that recently appointed Chief Data Privacy Officer Scott Crews will be conducting meetings for school technology coordinators and data managers.

The meetings will target data policies, security, privacy and access, the state department said in a statement.

Crews will conduct such a meeting Wednesday morning at the Mountain Brook City Central Office's Charles Mason Building, according to school officials.

"Data governance, including data security regarding student information, is increasingly important in the fast-evolving digital world. School systems should have policies in place to protect student information," the state department said in its first public announcement of such a meeting.

Adopted by 45 states, the District of Columbia and four U.S. territories, the common core is a set of standards developed through the Common Core State Standards Initiative, a cooperative initiative of the Council of Chief State School Officers and the National Governors Association with funding from the Bill and Melinda Gates Foundation and others.

The initiative came as a response to a report from the American Diploma Project that said 28 percent of high school graduates nationwide were not prepared for college math or English.

[Related: Early data shows fewer Alabama students test proficient than under old standards and tests]

Education standards are intended to tell schools and teachers what students should learn in each grade in order to be prepared for college or career upon graduation.

The common core standards apply only to math and English. Alabama implemented the standards for math in 2012 and for English this school year.

The state has not adopted the standardized Common Core assessments offered by the initiative, instead opting for an ACT product aligned with the new standards.

The first test results under the new standards will not be available until this fall at the earliest, according to school officials.

Though not developed by the federal government, the standards have been criticized as a federal intrusion into state-run education since the Obama administration announced in 2009 that states seeking certain education grants would be scored in part on whether they had adopted the common core.

They have also criticized the standards as an untested experiment.

Many of the concerns related to data sharing and the common core relate to recent changes to the Family Education Rights and Privacy Act that allowed increased educational data sharing with out-of-state entities.

According to Aimee Rogstad Guidera, executive director of Data Quality Campaign in Washington D.C., changes to the FERPA were intended allow states to collect data for their own purposes, not to share it with the U.S. Department of Education.

The changes allow states to share data for "very specific evaluation purposes" such as contracting a university to evaluate the effect of an education initiative, she said.

Evaluators are usually required to destroy the data upon completion and are barred from re-disclosing it, she said.

## **Why I want to get BP in front of a jury of Alabamians (Opinion from Attorney General Luther Strange)**

By Luther Strange

It has been almost four years since the catastrophic Deepwater Horizon oil spill in the Gulf of Mexico, America's biggest environmental disaster. Making Alabama whole from this disaster has been and remains a top priority. Below is an update for Alabamians on where things stand.

In March 2012, BP signed an agreement that would compensate thousands of Alabamians for the private economic damage they suffered. An army of BP attorneys wrote and negotiated the terms of that agreement and urged that the court approve it. In 2013, I traveled the state and hit the airwaves to inform Alabama businesses and individuals of their rights under BP's settlement. Alabamians responded overwhelmingly, filing more than 35,000 claims in the settlement program's first twelve months. In fact, Alabama had the first and third most active claims centers among the 19 centers along the Gulf Coast during that time period: Mobile (#1 with 6,934 claims) and Gulf Shores (#3 with 2,678 claims).



But now, BP is fighting the terms of the very agreement it signed. This challenge is disappointing but not surprising; it is consistent with BP's past behavior. At the same time BP lauds its efforts to restore the Gulf in the media, it blames others in court for its own mistakes to avoid responsibility for its conduct. As usual, BP is wrong. If BP underestimated how much it would owe under the terms of its own agreement, that is BP's problem—not the citizens'. BP cannot undo a settlement it negotiated and signed, just to avoid its consequences. BP recently revealed that it has spent more than one billion dollars on legal fees related to the oil spill. That is money that should have been used to fulfill its commitment to the people of the Gulf instead of betraying them.

The 2012 settlement did not include any of the Gulf States' claims for economic damages (including lost tax revenue), natural resource damages, or penalties. In 2013, there was a trial in New Orleans to determine which defendants were at fault for the oil spill, and in what proportion, and importantly, whether any of the defendants were grossly negligent. As the lead lawyer for the Gulf States in this trial, I, alongside attorneys representing the United States, Louisiana, and private businesses and individuals, litigated the first phase of the liability trial in the spring of 2013, and the second phase of the trial in the fall of 2013. Combined, the liability trial lasted 40 days, with nearly 70 witnesses questioned in court. A ruling on these issues is expected sometime this year. I'm proud that since I took office, all trial and appellate work on behalf of Alabama in the oil spill litigation continues to be handled by attorneys in my office, saving Alabama taxpayers millions in legal fees.

Once we have a ruling from the judge in New Orleans, we will have a trial to determine Alabama's economic damages, such as lost tax revenue, and how much the defendants must pay to our state. From day one, my goal has been for Alabama to be the first Gulf State to have a trial. A few months ago, we persuaded the judge in New Orleans, and this year Alabama will be the first state to try its economic damages case – a monumental step in making Alabama whole.

Alabama has made great progress in proving that BP, Halliburton, and Transocean are liable for the devastating effects of the oil spill. My hope, and my goal, is that the defendants will stand trial here, in Alabama, in front of a jury of Alabamians, this year to determine the extent of their financial liability to our State.

## **[Trussville voters approve school property tax vote by 59 percent \(al.com\)](#)**

Trussville voters today voted 2,812 to 1,935 to approve a 7 mill property tax that would build two new schools.

That's roughly a 59.2 percent margin of victory, according to school officials. About 34 percent of the city's registered voters cast their ballots.

"This is a victory for everyone in Trussville," said Superintendent Pattie Neill.

"It's a victory for the children," said Board President Bill Roberts.

The increase amounts to:

\$70 per year on \$100,000 of the homes appraised value (\$5.83 per month)

\$140 per year on \$200,000 of the homes appraised value (\$11.66 per month)

\$210 per year on \$300,000 of the homes appraised value (\$17.50 per month)

The increase could generate an estimated \$2.1 million to fund the renovation and expansion of Trussville's first high school to become an elementary school and construction of another elementary school in Magnolia Place.

System officials have argued the increase was necessary to relieve over-crowding at the Paine campus, where hundreds of students are in portable classes.

The tax will expire at the end of 25 years, unless renewed by voters.

In 2010, Trussville voters rejected a measure that would have raised the city's property taxes from 5 mills to 12.5 mills.

Nearly 40 percent of the city's registered voters participated, rejecting the tax increase by a vote of 3,559 to 1,370; 72 percent to 28 percent.

Here are some of the responses I received today from voters telling me why they chose to vote the way they did:

"I voted yes. What could ever be more important than the safety and well being of our children and grandchildren?"

"I voted FOR the increase. Whether they are in trailers or not... 2000 elementary children is way too many for 1 campus. And it's time for those who put education first - start acting like it. A small tax increase for education will pay 10 fold down the line."

"I voted no to the plan not to the need for better schools. Not sure the school superintendent should be leading the plan for the city. When they said it would just be only million dollar\$ more to have two schools an save the old building, I could think of a lot of things to do with a million dollars. Then they said that it would 'just' cost 300K for double administration the first year then the state would take it from there. So I guess the state has a money tree and they would pick from to pay admiration fees from then on. Then they put the document of property taxes of similar size city's. So why did Hoover not make that chart. Could it be that Hoover school system is in major debt after building many schools and do not want that opened up that conversation ? Also they said that they would monitor the air around the school that was to be built near a dump. Really?? So if the air gets bad they ask the children to hold their breath? Good idea, bad plan."

## **Brooks retires from district attorney position (Montgomery Advertiser)**

Longtime Montgomery County District Attorney Ellen Brooks announced Tuesday that she is retiring.

Gov. Robert Bentley appointed Chief Deputy District Attorney Daryl Bailey to take her place. He will serve out the rest of her term, which ends in 2016.

Brooks has served as district attorney for Alabama's 15th Judicial Circuit since 1993 and has worked in the office for nearly 37 years. She was a deputy attorney general from 1991 to 1992, and she was chief deputy district attorney from 1983 to 1991.

Brooks said that she has been considering retirement for a while and that it was not a sudden decision.

"We kept this very much under wraps purposefully to protect our staff and not put them in disarray," Brooks said, also adding that her retirement had nothing to do with her health.

She said she will continue to offer help to Alabama's judicial system and that she is willing to continue to work with committees she is part of to help crime victims. She also said she looks forward to traveling in her retirement.

Brooks completed law school at the University of Alabama in 1976 and was admitted to the Alabama State Bar in 1977.

Bailey has been a deputy district attorney since 1997 and was the director violence against women unit from 1999 until 2002. He graduated from Jones School of Law at Faulkner University in 1996.

## **Disqualified auditor candidate sit out 2014 (AP)**

ANNISTON, Ala. (AP) — A state auditor candidate disqualified by the Alabama Republican Party says supporters have encouraged him to run as an independent, but he probably won't.

The Republican Party's candidate committee blocked Ray Bryan's candidacy because the Anniston attorney was late filing a financial statement with the Alabama Ethics Commission.

Bryan said Tuesday he will probably pass on this year's election and wait for another opportunity to pursue public office.

This is the second time the GOP has disqualified Bryan. He previously ran for a circuit judgeship in Anniston, but got disqualified because a campaign finance report arrived late at the secretary of state's office.

## **Biden: There's 'hatred' behind Alabama's photo voter ID law (Yellowhammer News)**

At a reception in honor of Black History Month on Tuesday, Vice President Joe Biden said he hopes Congress will "modernize" the Voting Rights Act of 1965 to counter the "hatred" behind voter ID laws in Alabama, North Carolina and Texas.

Alabama's photo voter ID law kicks in this year, but voters without photo identification have two options to get a free ID to meet the requirement. They can either go to the Dept. of Public Safety office in their county and acquire a free non-drivers ID card or go to their local Board of Registrars office to get a free photo ID there.

The United States Justice Department is currently suing North Carolina and Texas in an attempt to block their voter ID laws, arguing they discriminate against minorities.

"These guys never go away," Biden said of supporters of voter ID. "Hatred never, never goes away. The zealotry of those who wish to limit the franchise cannot be smothered by reason."

Alabama has played a significant role in the history of U.S. voting laws.

The Voting Rights Act of 1965 was passed in response to racial discrimination in voting, which was prevalent in Alabama and other areas of the country for decades. Section 5 of the Act required certain states and local governments with a history of discrimination to receive "pre-clearance" by the U.S. Attorney General or a panel of U.S. District Court judges before making any changes to their voting laws or practices.

Shelby County, Ala. sued the U.S. Attorney General in 2011 claiming that portions of the Act were unconstitutional. The case ultimately made its way to the Supreme Court last year. The Court ruled by a 5-to-4 vote that the formula used to determine which areas were subjected to pre-clearance was unconstitutional, effectively gutting the law.

"Alabama has made tremendous progress over the past 50 years, and this decision by the U.S. Supreme Court recognizes that progress," Alabama Gov. Robert Bentley said at the time. "We will not tolerate discrimination in Alabama."

But a group of federal lawmakers in January introduced a bill in response to the Court's decision. Vice President Biden said on Tuesday that he hopes it will pass.

"This fight has been too long, this fight has been too hard, to do anything other than win," he said.