



Speaker's Press Clips
Monday, January 21, 2014

- *Al.com*: [Alabama Senate Democrats try to keep focus on Medicaid expansion](#)
- *AP*: [Dems, GOP still argue over Medicaid expansion](#)
- *Al.com*: [State education board alters Common Core standards in response to criticism](#)
- *Dothan Eagle*: [Pre-K advocates seek more funding](#)
- *Yellowhammer News*: [Alabama Democrats try to block adoption tax credit bill](#)
- *AP*: [Justice Department says state violated inmates' rights at women's prison](#)
- *WBRC*: [Ala. lawmakers outraged at inmate sex abuse cited in DOJ report](#)
- *Al.com*: [Week ahead in Alabama politics: A push for shorter stays on death row](#)
- *Al.com*: [Death penalty bills to start off on fast track in Alabama Legislature](#)
- *WAFF*: [AL Rep. pleasantly surprised at support for medical pot derivative](#)
- *Al.com*: [Alabama lawmakers support constitutional convention to make Congress balance budget](#)
- *Times Daily*: [GOP lawmaker Johnson seeks national convention](#)
- *Yellowhammer News*: [Alabama legislator introduces resolution calling for Convention of the States](#)
- *AP*: [Pay raises for Alabama public employees iffy](#)
- *Montgomery Advertiser*: [State Archives to reach milestone with 'Alabama Voices' exhibit](#)

FULL TEXT

Alabama Senate Democrats try to keep focus on Medicaid expansion

Al.com

January 20, 2014

Kim Chandler

MONTGOMERY, Alabama -- Democrats are not numerous in the Alabama Senate, but they are expected to speak loudly on one issue all session long.

Medicaid expansion.

Senate Minority Leader Vivian Figures, D-Mobile, said that will be Senate Democrats' singular issue during the ongoing legislative session.

"This is a no-brainer with the billions of dollars that it will bring to Alabama," Figures said.

While Medicaid expansion is an election year rallying cry for some Democrats, refusal to expand remains an election year point of pride for Republicans.

Gov. Robert Bentley, a staunch Obamacare opponent, has said the state will not expand a "broken" system. Bentley, in his final State of the State address before he seeks reelection, offered up a thunderous, unapologetic defense of his decision.

"Now they are telling us we'll get 'free money' to expand Medicaid," he said. "Ladies and gentlemen, nothing is free. The money the federal government is spending with wild abandon is not 'federal' dollars. Those are your dollars, your hard-earned tax dollars."

An expansion would add an estimated 300,000 low-income people to the Alabama Medicaid rolls which now total more than 900,000 people. The federal government would pay all of the cost for the first three years, but the state's share would eventually grow to 10 percent.

Figures said Alabama Republicans had no problem accepting federal stimulus dollars or federal highway money.

"The only reason they are so against it is because it's associated with President Barack Obama," Figures said.

A House bill seeks a constitutional amendment on the issue which voters would have to approve. That would effectively put the decision in the hands of voters, said the bill's sponsor.

"Let the people decide," said Rep. Darrio Melton, D-Selma.

"The governor is giving a whole lot of excuses on why we can't expand, but he is not giving us any solutions on what we can do for health care for these 300,000 people," Melton said.

The bills face almost certain death in the GOP-controlled Alabama Legislature.

Lawmakers last session approved an overhaul of Alabama's Medicaid program that will switch to a managed care approach. However, the state is not expected to reap savings from that change until 2016.

Speaker of the House Mike Hubbard, R-Auburn said that Democrats have "proven time and time again that they are out of ideas and this year is no different."

"The Democrats' only approach to Medicaid is to throw millions upon millions of dollars at the broken, flawed, inefficient and overly expensive liberal social program. Republicans are focused

on saving taxpayer dollars by reforming Medicaid and helping individuals move off of the government dole through growing the economy and creating more jobs," Hubbard said.

+++

Dems, GOP still argue over Medicaid expansion

The Associated Press

January 20, 2014

Bill Barrow

MONTGOMERY, Ala. — Alabama's Republican leaders have made it clear they won't be expanding the Medicaid government insurance program any time soon.

But that doesn't mean that there isn't an election-year fight over a key provision of President Barack Obama's health care overhaul.

When he addressed legislators last week, Republican Gov. Robert Bentley restated his opposition to expanding Medicaid. He said it's too expensive and would breed dependency on government.

Democrats say the governor is being short-sighted.

They note that some parts of the law will cost hospitals money they get for treating the uninsured. It's foolish, they say, to not expand Medicaid to make up the loss.

Hospital executives, meanwhile, have launched a campaign to convince local civic and business leaders that expansion is the right move.

Alabama's Republican leaders have made it clear they won't be expanding the Medicaid government insurance program any time soon. But that doesn't mean that there isn't an election-year fight over a key provision of President Barack Obama's health care overhaul.

Republican Gov. Robert Bentley used his annual legislative address to frame his refusal of federal money for more Medicaid coverage as a principled stand against a profligate White House and an expanding welfare state.

"The money the federal government is spending with wild abandon is not 'federal' dollars; those are your dollars," the governor told lawmakers and a statewide television audience last week. "If states do not stand firm and say 'no more,' there will be no one left to stop the out-of-control spending in Washington."

Widening Medicaid insurance rolls, a joint federal-state insurance pool for low-income Americans, was an anchor of the law Obama signed in 2010. But the U.S. Supreme Court ruled that states could decide whether to participate. The feds have agreed to pay for all new coverage through 2016 for everyone with household income up to 138 percent of the federal poverty rate — \$15,420 a year for an individual or \$31,812 for a family of four. States eventually would have to pay 10 percent of coverage costs for the new Medicaid recipients.

Besides fiscal considerations, Bentley argued that adding an estimated 300,000 Alabamians to the program would speed "a downward spiral of dependence" in American society. He added an argument familiar to Alabama governors: states' rights. "It's OK to question the federal government. ... The 10th amendment to our great constitution gives us that authority," Bentley said.

Each line of opposition drew enthusiastic applause with the Old House Chamber filled by the Republicans who dominate every branch of state government. Yet Democrats, even as an overwhelming minority, pushed back, accusing Bentley of putting easy politics above good policy as he faces a re-election campaign.

Sen. Billy Beasley, D-Clayton, said he was "disappointed in the governor." Beasley and his fellow Democrats contend that Medicaid expansion makes sense from an economic, health care and moral perspective. And, they add, it would be more irresponsible to deny the state's health care system a new cash flow when separate provisions of the new law promise to cut hospital revenues.

"This would support thousands of jobs around the state," Beasley said. "Instead, the governor wants basically to threaten hospitals and communities with the serious consequences of doing nothing."

Those consequences involve something called "uncompensated care payments" that hospitals get as part of the Medicaid program. Those payments, which like the rest of Medicaid come from state and federal money, are intended to help hospitals cover their losses for treating uninsured patients in emergency situations, as required by law.

The original 2010 law called for curtailing those payments while increasing Medicaid spending. The idea was that having more people with insurance — both through Medicaid expansion and the private policies sold on new insurance exchanges — would mean better care and fewer expensive emergency room visits and hospital admissions by uninsured patients. And hospitals would get paid for the admissions that were still necessary.

"The governor knows all of that," said Senate Minority Leader Vivian Davis Figures, D-Mobile.

Figures, meanwhile, said she appreciated Bentley's emphasis on the moral imperative to prioritize opportunity over simple aid. But, she said, "You don't do that by pulling the rug out from under people." She noted that many of the would-be new Medicaid beneficiaries work, they just don't have jobs with access to health insurance.

Sen. Roger Bedford, D-Russellville, is sponsoring a bill to require the state to enlarge its Medicaid program. Republicans in recent years have denied a committee hearing for similar measures, which have no chance of passing even if there is a hearing.

Republicans have their own symbolic legislation. House Bill 147 by Rep. Barry Moore, R-Enterprise, would declare the federal law "null and void" in Alabama. Despite the U.S. Supreme

Court's 2012 ruling upholding nearly all of the law, Moore's proposal essentially declares the act unconstitutional. It states: "The (Alabama) Legislature has the absolute and sovereign authority to interpose and refuse to enforce the provisions of the ... Act that exceed the authority of Congress."

Moore's Democratic colleague, Rep. Joe Hubbard of Montgomery, mocked the proposal on social media. "If my memory of eight grade history serves," he wrote on Facebook, "South Carolina tried nullification in the 1830s. It failed ultimately led to a civil war."

The rhetoric leaves the hospital industry treading lightly.

The Alabama Hospital Association has endorsed Medicaid expansion. But lobbyist Dane Howard said they aren't pushing Bedford's bill or any other. Instead, Howard said, hospital executives around the state have essentially formed a speaker's bureau and a lobbying shop to present civic clubs and business leaders a picture of what would happen at individual hospitals if they lose "uncompensated care payments" without getting new revenue from more Medicaid patients. The idea is for community leaders to embrace expansion and then pressure local legislators on their own.

"When you look at the options here, there really isn't a choice long-term," Howard said. "The most powerful thing we can do is have legislators hear directly from people back home about what this means in their community."

+++

Pre-K advocates seek more funding

Dothan Eagle

January 20, 2014

Jim Cook

Last year, advocates for early childhood education convinced Alabama lawmakers to boost funding for its state-supported pre-K program by \$9.4 million. Now they're seeking another funding increase to make the program available to more four-year-olds.

Early education advocates are seeking another \$12.8 million to provide the program to more eligible students in the state. Alabama's pre-K program is considered one of the best in the nation by education experts, but limited funding means it is available to only a few students. Last year's funding increase allowed the program to reach 10 percent of eligible students in the state, up from 6 percent the year before.

Allison de la Torre, executive director of the Alabama School Readiness Alliance, said early education advocates plan to increase state funding of Alabama's pre-K program by \$125 million over 10 years to provide the program to all eligible 4-year-olds in the state. De la Torre said research shows that pre-k programs provide solid benefits to students, helping them to adjust better to school, giving them a head start on academics and narrowing performance gaps between low-income and wealthier students.

“New research from the Public Affairs Research Council of Alabama shows that students completing First Class Pre-K are outperforming their peers and the results are lasting through the sixth grade,” she said.

De la Torre said about 1,700 students in the state now receive pre-K instruction from the state program. Federal HeadStart programs also provide pre-K for low-income students.

De la Torre said she believes there is support in the Legislature for expanding the pre-K program further.

“Alabama leaders have made a commitment to expanding access,” she said. “They have seen the results and chances are good that they’ll expand the program to reach more children.”

+++

State education board alters Common Core standards in response to criticism

Al.com

January 17, 2014

Evan Belanger

MONTGOMERY, Alabama -- The Alabama State Board of Education further distanced itself today from the controversial education standards known as the Common Core, passing a host of local changes to the nationalized standards for English and math.

The 5-2 decision marks the second time the board has sought to pull back from the standards without formally repealing them.

In November, the board rescinded an outdated, nonbinding agreement with the Common Core State Standards Initiative, hoping to confront allegations that the board has surrendered control of its standards to out-of-state entities.

State Superintendent of Education Tommy Bice said today's revisions will make the standards better meet the learning needs of Alabama students while simultaneously addressing concerns raised by Common Core detractors.

"This adoption affirms the consistent message of the State Board of Education members and the state superintendent of education that the governance and approval of academic standards remains with the State Board of Education," the state education department said in a statement.

The board decision eliminates from Alabama's Common Core standards Appendix B, which included several examples of books that could be used for English language arts classes.

Bice said some Common Core critics erroneously interpreted those examples as a required reading list for Common Core English. By eliminating the 183-page appendix, he said they eliminate those concerns.

The revisions also install a new math progression that state education officials said negates claims by Common Core detractors that the standards only allow students to take Algebra I in the ninth grade or higher.

Board members Stephanie Bell of Montgomery and Betty Peters of Kinsey, both whom oppose the Common Core in Alabama, cast the only dissenting votes on the revisions. Board member Jeffery Newman of Millport was not present for the vote.

Bell said the revisions prove there are problems with the national standards. During debate, she clashed with Bice over whether Alabama will still be considered a Common Core state under the revised standards.

"This does not solve the problem," she said of the revisions. "Obviously, the answer to my question is that, yes, we are still a Common Core state."

"No, we're not," Bice responded. "We're the Alabama College and Career Ready Standards, and if you want to refer to them that way, that's your prerogative."

The state board adopted the Common Core in 2010 and incorporated them into the state's wider set of education standards known as the Alabama College and Career Ready Standards, which include subjects not covered by the Common Core.

Bice said today's revisions come after a year of work by the committee that first recommended the Common Core in Alabama. After several minutes of debate between Bice and Bell, the board cutoff discussion.

Other revisions to the standards reflect Alabama's new graduation requirements after the board eliminated the Alabama Graduation Exam this year in favor of ACT tests.

They also added new English standards, seeking to create a system of repetition across grades with increasing complexity as students move toward graduation.

The state education department said the revisions will not impact current or future federal funding and that the revisions were based on input from Alabama educators, without input or permission from out-of-state sources.

Bell expressed concern that eliminating Appendix B from the English standards would not resolve concerns because those examples will still be part of the state's new assessment's that are aligned with the Common Core.

Bice denied that claim, saying the tests do not ask about any specific books.

The Common Core are education 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.

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

Alabama implemented the standards for math in 2012 and for English this year. The state has not adopted the Common Core assessments, instead opting for an ACT product aligned with the new standards.

The standards have been criticized as a federal intrusion into state-run education since the Obama administration announced in 2009 that state's seeking certain education grants would be scored in part on whether they had adopted the common core.

+++

Alabama Democrats try to block adoption tax credit bill

Yellowhammer Politics

January 20, 2014

Cliff Sims

One of the first bills on the agenda when the Alabama House of Representatives reconvenes on Tuesday will be Rep. Paul Lee's, R-Dothan, Adoption Tax Credit bill.

The bill would give Alabama residents who adopt a child either through private adoption or through the state foster care system a one-time \$1,000 income tax credit, which would apply in the tax year in which the adoption was finalized.

Approximately 2,500 kids were adopted in Alabama last year.

"We're trying to take care of Alabama children and get them in a good, stable home," Rep. Lee told Yellowhammer today.

Lee has firsthand experience with this issue. He and his wife have an adopted daughter, who is now 20-years-old.

But when the bill came up in committee last week, Democrats quickly jumped out against it.

Democrats say the bill will take \$2.5 million a year out of the Education Trust Fund, a number they came to after multiplying the tax credit amount by the number of Alabama children adopted last year.

Republicans responded by pointing out that the bill could help ease the financial burden on the Alabama Department of Human Resources. DHR is funded by the Alabama Public Welfare Trust Fund, which receives annual appropriations from both the Education Budget and The General Fund Budget.

“We believe it will actually help us as far as DHR is concerned,” Rep. Lee said. “It’s about \$5,000 a year per child that stays in DHR. Getting them out of that system and into permanent homes will help DHR financially. But most importantly, we’re getting these children into a stable home that will help them with their education and the decisions they make for their future. The earlier we can do that, the better.”

Lee said he believes the tax credit will be especially helpful to families adopting in the private sector.

“If you choose to go through the private sector, it can sometimes be hard to tell the total cost because of attorney fees and other expenses that aren’t calculated ahead of time,” Lee said. “This bill will cover both private sector adoptions and the adoption of kids coming out of the DHR system. Thousands of kids and families will benefit from this every year.

+++

AL Rep. pleasantly surprised at support for medical pot derivative

WAFF

January 20, 2014

Charles Molineaux

MADISON COUNTY, AL (WAFF) -

Advocates who wish to loosen Alabama's laws against medical marijuana will come together in Montgomery Tuesday, and their fight could turn out to be surprisingly easy.

Additional Links

Pot derivative could stop young girl's seizures

They will be rallying at the capitol in support of a bill that would authorize a marijuana-based treatment for seizures, but could also derail future efforts to legalize pot.

Representative Mike Ball crafted the law, and Senator Paul Sanford sponsored it. Ball originally figured a medical marijuana bill would be a tough sell, but not anymore.

Ball said families like Charlotte Dalton's in Madison, or Carly Chandler's in Shelby County, desperately trying to control their children's seizures, deserve a chance to at least try cannabidiol, or CBD oil, derived from marijuana.

In the state legislature, Ball is pushing what's been named Carly's Law, to make CBD oil legal. But what he expected to be a tough, controversial proposal is hitting surprisingly smooth waters.

"It's drawing support across the political spectrum, among groups that often oppose one another. It's just an amazing thing to watch," he said.

CBD oil comes from a certain variety of the cannabis plant sometimes nicknamed "Hippie's Disappointment." Ball said, "You could drink a gallon of this oil. You'd get sick to your stomach before you'd get high."

As a former state trooper, Ball sees the measure as a chance to preempt the movement to legalize pot with a kind of marijuana that really is medical and nothing but. He said he is now seeing support from conservative church groups and Governor Bentley.

He said it looks like it may even pass the State House unanimously, and he's been hearing from lawmakers who want to co-sponsor it.

+++

Week ahead in Alabama politics: A push for shorter stays on death row

Al.com

January 20, 2014

Mike Cason

MONTGOMERY, Alabama --- With controversy over execution by lethal injection a hot topic nationally, Alabama lawmakers will tackle a different death penalty issue on Tuesday.

The House and Senate Judiciary committees will hold a joint public hearing on a bill to speed up appeals in death penalty cases. Alabama's condemned inmates have been on death row an average of 13 years. One has been there for 34 years.

Alabama Attorney General Luther Strange supports the bill.

"It shouldn't take decades through the appeals process to get justice for families," Strange said recently.

Other stories to watch in Alabama politics:

-- Alabama House Democrats will announce their legislative agenda on Tuesday morning.

-- On Tuesday night, state School Superintendent Tommy Bice will be one of four panelists in a debate-style discussion, Alabama Education Crossroads, that will cover the Common Core and other topics.

-- On Wednesday, a House committee is scheduled to consider a bill to authorize Retirement Systems of Alabama Chief Executive David Bronner to make investment decisions without approval of a committee. The bill is part of a power struggle that's been brewing for a while over control of the state's giant public pension funds.

-- Also on Wednesday, a Senate committee is expected to hold a hearing on changes to the state's Open Meetings law intended to fix gaps in the law found by court rulings.

-- A bill to add new restrictions on smoking in public and in workplaces, the Alabama Smoke-free Air Act, is scheduled to be heard in a Senate committee on Wednesday.

-- A public hearing is scheduled Wednesday in a House committee on a bill to regulate tanning parlors, including restrictions on their use by those under 18.

-- Senate President Pro Tem Del Marsh has said he plans to meet Wednesday with the Alabama Ethics Commission to discuss proposed amendments to his bill to tighten rules on former legislators working as State House lobbyists.

That bill could return to the Senate floor on Thursday.

+++

Death penalty bills to start off on fast track in Alabama Legislature

Al.com

January 20, 2014

Kim Chandler

MONTGOMERY, Alabama -- An effort to shorten the appeal time in death penalty cases is hitting the fast track in the Alabama Legislature.

The bill seeks to reduce the time between sentencing and execution by streamlining the appeals process. The House and Senate Judiciary Committees have scheduled a joint public hearing for Tuesday. Votes are expected as soon as Wednesday.

"Waiting 20, 25 years is not justice," said Senate Judiciary Committee Chairman Cam Ward, R-Alabaster.

Backers of the bill say it is unfair to victims' families that decades can elapse between sentencing and execution. Defense lawyers say the shortened

appeal window could result in the execution of innocent people.

Currently, a person given the death penalty has a series of direct appeals, first to the Alabama Court of Criminal Appeals, and then to the Alabama Supreme Court and the U.S. Supreme Court. After those are complete, the defendant can begin Rule 32 appeals, post-conviction appeals that look at other issues such as the trial lawyer's competence.

The proposed legislation, dubbed "The Fair Justice Act", would run both sets of appeals simultaneously. Capital defendants would be required to file Rule 32 petitions within 180 days of filing their first direct appeal. Death Row inmates could still make federal appeals.

"You continue to have all of the same appeals that you have right now," Ward said.

"The man who killed my brother was on Death Row for over 30 years," said Janette Grantham, director of Victims of Crime and Leniency, which supports the bill.

Coffee County Sheriff Neil Grantham was shot and killed in 1979 by a former prisoner as he arrived at the jail.

"He assassinated him right there, and my brother was unarmed," Grantham said.

Grantham said after decades of appeals her brother's killer had his sentence reduced to life in prison without parole. She would give only his prison ID number, because she says she will never speak his name.

Grantham said years of appeals take a toll on the family.

"It's horrible. What I always called it was the appeals nightmare. It just brings it all back and you had to relive it time and time again," Grantham said.

But defense lawyers say the change could result in the execution of innocent people.

"Everybody who has been exonerated required more time than this bill allows," said Bryan Stevenson, director of the Montgomery-based Equal Justice Initiative.

The long delay between sentencing and execution is often caused because Death Row inmates can not find lawyers, he said.

Defense lawyer Susan James said that while she is sympathetic to the pain of victims' families, the change would make it difficult for defendants to file Rule 32 appeals.

"When the state is going to take a life following a capital murder conviction, there is just no margin for error," James said. Rule 32 issues often aren't identified until someone takes an independent review of the trial work.

Stevenson predicted the bill would result in expensive litigation and delay instead of speeding up execution dates.

"They are simply not going to be the lawyers to handle these cases,"

Stevenson said he was concerned that lawmakers were rushing to a vote.

"It's a very complicated piece of legislation. No one has had time to review it," he said.

"It's almost as if they want to vote on it before anyone has figured out all the problems," Stevenson said.

+++

Justice Department says state violated inmates' rights at women's prison

The Associated Press

January 20, 2014

MONTGOMERY (AP) — Alabama Department of Corrections officials and Gov. Robert Bentley's office say they had been working to improve conditions at Julia Tutwiler Prison before a federal investigation found evidence of inmates being sexually abused by staff and fellow prisoners.

A report from the U.S. Department of Justice issued late last week said instances of sexual abuse at the hands of prison staff and others have been underreported for nearly 20 years. The report also said jail staff condoned a strip show inside the facility and would deliberately watch inmates shower and use the restroom.

Federal officials visited the prison in April and recently sent their findings to Bentley in a 36-page letter. Investigators have said prisoners there fear for their safety.

"We conclude that the state of Alabama violates the Eighth Amendment of the United States Constitution by failing to protect women prisoners at Tutwiler from harm due to sexual abuse and harassment from correctional staff," federal officials wrote in the letter.

The Eighth Amendment bans "cruel and unusual punishment."

The DOJ said it will expand its probe to medical and mental health care for inmates as well.

"During the course of our investigation, we reviewed information suggesting that the systemic deficiencies at Tutwiler that facilitated staff sexual misconduct may also lead to excessive use of force, constitutionally inadequate conditions of confinement, constitutionally inadequate medical and mental health care, and discriminatory treatment based on national origin, sexual orientation, and gender identity," federal officials said.

Corrections Commissioner Kim Thomas called the findings off-base and said officials have been working to address problems at the facility for months.

"The letter is based on a visit from last year," Thomas told the Montgomery Advertiser. "It does not give us enough credit for being productive. We are still trying to get everybody on board."

Before the federal probe began, Thomas implemented a formal action plan in January 2013 to begin addressing some of the allegations.

In a statement, he said that corrections officials have never downplayed the seriousness of allegations against jail staff at Tutwiler, but he doesn't agree that the facility is operating in a deliberately indifferent or unconstitutional manner.

"We will cooperate with the Department of Justice and continue our efforts to implement changes and recommendations with the goal of improving prison conditions and avoiding potential contested litigation," Thomas was quoted as saying in a press release.

Jennifer Ardis, a spokeswoman for Bentley, said in a statement that the governor is "supportive of Commissioner Thomas' proactive measures to address the needs and issues in our prison system."

Rep. Barbara Boyd, D-Anniston, said the report would strengthen her effort to have Tutwiler closed and replaced, either with a new prison or several smaller facilities.

"The question is, where do you find the money?" said Boyd, a co-chairwoman of the Legislature's Commission on Women and Girls in the Criminal Justice System. The commission has been issuing reports on overcrowding and other problems at Tutwiler for years.

Prison officials asked lawmakers last year for a budget increase to pay for the installation of video cameras at Tutwiler. The prison has few video cameras, and prison officials said cameras would help prevent abuse. Prison officials, citing the difficulty of retrofitting equipment to an aging prison, told The Anniston Star in December that construction on the camera system had not yet begun.

In budget hearings last week, Thomas asked lawmakers to increase the state's \$389 million prison budget by \$42 million in fiscal 2015. The request included \$5 million to hire new corrections officers, \$16 million for pay raises to help retain prison guards and \$4 million to replace damaged locks and doors. The day after Thomas made his request, Gov. Robert Bentley released a budget proposal that would keep the prison system level-funded at \$389 million in 2015.

"You're long past the point of money fixing this," said Sen. Cam Ward, R-Alabaster, the chair of the Legislature's Joint Prison Oversight Committee. State officials have said building a new prison would cost \$100 million. Ward said that to "build our way out of the problem" of overcrowding would take four or five new prisons.

"You'd have to at least double their budget," he said.

Last week, Ward introduced a proposal to create a Prison Reform Task Force to suggest solutions to the overcrowding problem. The resolution passed the Senate and is headed to the House.

Boyd said the Legislature should pay more attention to the recommendations from the prison-reform panels it already has.

"We've known for a long time that something needs to be done," she said.

The owners of a 734-bed privately-owned prison in Perry County have been trying to interest lawmakers in buying or leasing it. When Star reporters toured the facility in November, the prison had only 30 inmates, most of them federal.

Ward said that even if the state had the money to buy the Perry County prison, there aren't enough employees to staff it.

Bryan Stevenson, director of the Montgomery-based Equal Justice Initiative, told The Montgomery Advertiser he's pleased with the federal investigation.

"We hope the findings will trigger more meaningful reforms by the Alabama Department of Corrections," Stevenson said. "When conditions are unconstitutional, there has to be a remedy."

+++

Ala. lawmakers outraged at inmate sex abuse cited in DOJ report

WBRC

January 20, 2014

BIRMINGHAM, AL (WBRC) -

A federal report blasted the state of Alabama over how it runs its state prison system for women. The report from the U.S. Justice Department pointed to serious problems at the Julia Tutwiler Prison for Women.

In a letter to Alabama Gov. Robert Bentley on Friday, the U.S. Department of Justice said the state had failed to protect women prisoners at Tutwiler Prison in Wetumpka from harm due to sexual abuse and harassment from correctional staff, despite repeated notification of the problems.

The report stated: "Tutwiler has a history of unabated staff-on-prisoner sexual abuse and harassment. The women at Tutwiler universally fear for their safety. They live in a sexualized environment with repeated and open sexual behavior, including: abusive sexual contact between staff and prisoners; sexualized activity, including a strip show condoned by staff; profane and unprofessional sexualized language and harassment; and deliberate cross-gender viewing of prisoners showering, urinating, and defecating."

Continue reading >>

Excerpts from the report include:

"Several prisoners report that Officer B solicits and receives oral sex from prisoners in exchange for gifts and new uniforms and underwear.

More than one prisoner reported being sexually abused by Sergeant C in 2010 and 2011, including being forced to touch his penis and engaging in sex with him.

In late 2010, a prisoner reported Officer D had exchanged sexually explicit letters with her and ultimately engaged in sexual intercourse with her.

In May 2010, Officer E raped a prisoner. In 2011 the prisoner gave birth to a child, and subsequent testing confirmed Officer E was the father. Officer E served 180 days in jail."

Senator Cam Ward of Alabaster chairs the Joint Prison Oversight Committee. Ward is outraged at the report.

"It's a black eye on the state. The crimes listed in that report truly horrific," Ward said.

Ward said Prison Commissioner Kim Thomas is addressing the problems at Tutwiler but it won't be a quick fix. Ward said hiring additional female correctional officers will be a problem.

State Representative John Rogers of Birmingham is also a member of the Joint Prison Committee. Rogers does not believe the state can solve the problems.

"It's going to take the federal government to come in and take care of the prison because I think Alabama has turned their head to the thing," Rogers said.

Senator Ward plans to have the joint prison committee to hear from Commissioner Thomas about Tutwiler and what needs to be done to protect the women there.

A full copy of the report can be found online at http://www.justice.gov/crt/about/spl/documents/tutwiler_findings_1-17-14.pdf (Warning: Some of the content is graphic.)

+++

Alabama lawmakers support constitutional convention to make Congress balance budget

Al.com

January 21, 2014

Mike Cason

MONTGOMERY, Alabama – The Alabama Legislature is required by the state Constitution to pass a balanced budget each year, and some legislators would like to see the same requirement for Congress.

Sens. Arthur Orr, R-Decatur, and Trip Pittman, R-Montrose, will hold a news conference this morning to promote legislation that would prepare Alabama to name delegates to a convention of states to amend the U.S. Constitution.

Orr chairs the Senate's General Fund committee, while Pittman chairs the education budget committee.

Rep. Ken Johnson, R-Moulton, has introduced a resolution calling for a convention to place fiscal restraints on the federal government, limit its power and jurisdiction and set term limits.

Article V of the constitution provides that states can call a constitutional convention by the consent of two-thirds of states (34).

Amendments approved at a convention would then have to be approved by three-fourths of states (38) to take effect.

Pittman and Orr met last month in Virginia with legislators from other states who support a constitutional convention. Pittman told The Anniston Star that his main interest is in an amendment to require a balanced federal budget.

"I think it's important that we require some fiscal responsibility," Pittman told The Anniston Star.

Pittman and Orr are sponsoring two bills would authorize call the Legislature to appoint delegates to a convention and to write instructions and duties for the delegates.

Although the Legislature is required to balance the state budgets, it has borrowed money from state funds to do so.

Lawmakers balanced the General Fund budget the last two years and will do so next year thanks to a total of \$437 million borrowed from the Alabama Trust Fund. Voters approved the transfer in 2012.

Last year, lawmakers passed a bill to repay the Alabama Trust Fund by 2026, starting with a \$5 million payment this fiscal year.

+++

GOP lawmaker Johnson seeks national convention

Times Daily

January 19, 2014

Mary Sell

MONTGOMERY — Republicans in the state House of Representatives want to be part of a national push for a convention of states to propose amendments to the U.S. Constitution. A resolution being introduced by Rep. Ken Johnson, R-Moulton, aims to put fiscal restraints on the federal government and limit its reach. It also calls for term limits.

Under Article V of the Constitution, a convention of the states can be convened if 34 state legislatures pass the same resolution.

“The reality is it could take several years, but even if it never comes to fruition, it communicates a sentiment and a message,” Johnson said Friday. “It was not the federal government that created the states: It was the states that created the federal government.”

From the resolution: “Whereas, the founders of our Constitution empowered state legislators to be guardians of liberty against future abuses of power by the federal government; and whereas, the federal government has created a crushing national debt through improper and imprudent spending ... has invaded the legitimate roles of the states through the manipulative process of

federal mandates, most of which are unfunded to a great extent ... has ceased to live under a proper interpretation of the Constitution ... ”

Johnson received the resolution from the group Convention of States. That organization’s website states the federal government is broken and Washington, D.C., will never voluntarily relinquish its power.

“It is time for citizens and the states to act, and we have the solution,” it said.

According to the website, the organization hopes to have 15 to 20 states pass this same resolution this year, and the rest in 2015.

A convention of states is not a constitutional convention, supporters said, because it does not open up the entire Constitution.

It only allows for specific amendments.

Lawmakers passed a resolution supporting a budget-focused convention in 2011.

Sen. Arthur Orr, R-Decatur, sponsored the resolution that called for a balanced national budget. In December, Orr and Sen. Trip Pittman, R-Daphne, attended a meeting near D.C. where like-minded leaders from other states discussed what a convention would look like, should it be called, including how many votes each state receives.

Expungement

When lawmakers return to the Statehouse on Tuesday, one of the first pieces of legislation expected to get a vote in the Senate is a criminal charges expungement bill from Sen. Roger Bedford.

Bedford’s bill would allow for the expungement of misdemeanor criminal offense records if charges against an individual were dropped, dismissed or if they were found not guilty.

In Alabama, a charge, even if a person isn’t convicted, can follow someone their entire life, said Bedford, D-Russellville.

“It remains on your record in Alabama,” he said. “What I want to do is come in line with 49 other states that have a mechanism where, if you’re found not guilty or the charges are dismissed, you can clean your record up so that it doesn’t hurt you for employment opportunities in the future.”

His bill also allows for the expungement of some misdemeanor convictions if certain criteria are met.

If SB 108 passes in the Senate, it will go to the House.

+++

Alabama legislator introduces resolution calling for Convention of the States

Yellowhammer News

January 17, 2014

Cliff Sims

Ken Johnson, R-Moulton, this week introduced a resolution in the Alabama House of Representatives calling for a Convention of the States in an effort to check federal government spending and mandates and calling for term limits on certain federal elected officials.

In December of last year, Alabama state senators Arthur Orr, R-Decatur, and Trip Pittman, R-Daphne, joined roughly 100 state legislators from 32 states at Mt. Vernon, Virginia to discuss the ground rules of a potential Convention of the States.

Article V of the U.S. Constitution says that a convention of the states can be convened if two-thirds of the state legislatures (34) approve an application for the convention to occur.

By design, that's a high bar to clear. And the bar gets even higher when it comes to actually passing a constitutional amendment.

Rep. Ken Johnson (Left) with Alabama House Speaker Mike Hubbard (Right)

Rep. Ken Johnson (Left) with Alabama House Speaker Mike Hubbard (Right)

Each state would then choose delegates to represent them at the convention, but each state would only get one vote on proposed amendments. It takes an affirmative vote from three-fourths (38) of the states to actually amend the constitution.

The idea of a Constitutional Convention gained steam in the conservative grassroots community after talk show host Mark Levin advocated for a states-led convention in his book *The Liberty Amendments: Restoring the American Republic*.

Rep. Johnson told *Yellowhammer* this morning that he introduced the resolution because he believes a convention is the last available option to force the federal government to live within its means.

“We’re calling for restraints on the federal government,” Johnson said. “That means an amendment that forces them to balance the budget and stops these overreaching federal mandates. We’re also calling for term limits on federal elected offices.”

Johnson said the states are able to limit the scope of the convention ahead of time, to mitigate the risk of a “runaway convention.”

“Because we’ve never done it, the idea that there could be a ‘runaway convention’ is always brought up as a concern,” Johnson said. “The convention would be limited to a small set of issues. But on top of that, the safeguard is that it only takes 13 states to kill any runaway convention. If there aren’t 13 conservative states left, we’re in trouble, period. And Washington is a runaway train right now anyway. How much more damage could be done?”

Johnson's full resolution can be read below. 37 members of the Alabama House signed on as co-sponsors.

WHEREAS, the Founders of our Constitution empowered state legislators to be guardians of liberty against future abuses of power by the federal government; and

WHEREAS, the federal government has created a crushing national debt through improper and imprudent spending; and

WHEREAS, the federal government has invaded the legitimate roles of the states through the manipulative process of federal mandates, most of which are unfunded to a great extent; and

WHEREAS, the federal government has ceased to live under a proper interpretation of the Constitution of the United States; and

WHEREAS, it is the solemn duty of the states to protect the liberty of our people, particularly for the generations to come, to propose amendments to the Constitution of the United States through a Convention of the States under Article V to place clear restraints on these and related abuses of power; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature of the States of Alabama hereby applies to Congress, under the provisions of Article V of the Constitution of the United States, for the calling of a convention of the states limited to proposing amendments that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials.

BE IT FURTHER RESOLVED, That the Secretary of State is hereby directed to transmit copies of this application to the President and Secretary of the United States Senate and to the Speaker and Clerk of the United States House of Representatives, and to the members of the Senate and House of Representatives of the United States Congress from this state; and to also transmit copies hereof to the presiding officers of each of the legislative houses in the several states, requesting their cooperation.

BE IT FURTHER RESOLVED, That this application constitutes a continuing application in accordance with Article V of the Constitution of the United States until the Legislatures of at least two-thirds of the several states have made applications on the same subject.

+++

Pay raises for Alabama public employees iff

The Associated Press

January 19, 2013

MONTGOMERY, Ala. (AP) — Alabama's public employees need not be in any rush to plan how they are going to spend the pay raises recommended by Gov. Robert Bentley.

Legislative leaders say they don't see any money to give a cost-of-living raise for state employees, and finding the money for education employees will be tough.

"It's difficult to say that we can't afford to give a raise, but we have to live within our means," House Speaker Mike Hubbard, R-Auburn, said.

Even Bentley concedes the pay raise for state employees won't be possible without a windfall.

"It's just political rhetoric to get him through the campaign season," House Minority Leader Craig Ford, D-Gadsden, said.

In Bentley's State of the Address to the Legislature on Tuesday night, the Republican governor proposed a 2 percent cost-of-living raise for education employees in the 2014-2015 school year. That would be on top of the 2 percent they received this year.

He proposed a cost-of-living raise of up to 4 percent for workers in state agencies, but it would be contingent on the state bringing in more tax revenue than expected. State employees aren't getting a cost-of-living raise this year, but many will get merit raises of up to 5 percent if they receive high job performance ratings.

Bentley said funding the raise for state workers would require more money than the state government expects to take in to operate state agencies. He said he included the conditional raise in his budget proposal in case Congress passes a law for states to collect sales taxes on Internet sales. "There is a possibility if it passes that we could have extra money in 2015," Bentley said.

Bentley said the revenue flowing into the state education budget is increasing, and he's confident it will be sufficient to finance a guaranteed 2 percent raise for school employees.

Senate budget committee Chairman Trip Pittman, R-Daphne, said funding a teacher pay raise will be difficult because the Legislature is committed to repaying money borrowed from a state trust fund to support public schools when tax revenue plunged during the recession. He said the Legislature also is supportive of the governor's goal to expand Alabama's voluntary pre-kindergarten program with an extra \$10 million.

Some Republicans are also concerned that Bentley is increasing the available education funds by skirting a spending cap that Republicans adopted in 2011 after they took control of the Legislature from Democrats.

"Personally, I have concerns about that," the House speaker said. "I don't think that was our intent. Our goal was to make sure we don't over-appropriate."

The spending cap, called the "Rolling Serve Act," has been one of the laws that Republicans point to when discussing how they've restructured state government since winning control.

Bentley acknowledges the law has helped prevent budgets with appropriations that exceed revenue. But he said he doesn't consider the maneuver to be circumventing the law, and the Legislature has gone along with it before.

"It's not new. We did this in 2012 for the 2013 budget," he said.

The maneuver provides \$92 million extra to spend. The 2 percent raise costs \$73 million.

"There are a number of things that would be difficult to do if we did not do that," Bentley said.

+++

State Archives to reach milestone with 'Alabama Voices' exhibit

Montgomery Advertiser

January 21, 2014

Alvin Benn

A milestone is about to be reached at the Alabama Department of Archives and History, and volunteers are needed to help tell the story of a remarkable state — our state.

As the position indicates, no paycheck will be involved, but there will be everlasting gratitude from the small Archives staff where important responsibilities abound throughout the year.

The milestone will be celebrated Feb. 15 with the opening of “Alabama Voices,” an exhibition that tells a 300-year story of the people who shaped the state’s history.

It’s taken nearly a decade of research, planning and fundraising to transform a dream into a reality, and Archives officials are thrilled at the results.

The significance of the achievement is not taken lightly by those directly involved, and Archives Director Steve Murray is happy to give credit where it’s due.

He lauds professionals of today and yesterday dating back to 1901 when Tom Owen jump-started the Archives’ initial development as its first director.

Each generation since that time saw new archivists, curators and educators step forward to meet challenges of those eras.

“To be sure, our work is not done,” said Murray, who succeeded long-time director Ed Bridges in 2012. “The challenge of acquiring, cataloging and interpreting new collections will continue.”

That’s why volunteers are so important. It’s unlikely the professional archivists who have guided the huge facility across the street from the state Capitol could have done all the work by themselves.

“Our volunteers work everywhere,” said Aimee Sparks, who coordinates the program that trains them. “They are involved in government records, preparing papers for storage, labeling, answering the phone and so much more.”

It even includes removing staples from thousands of documents dating back many decades as new items arrive and vie for space at the Archives.

Myra Wade is one of 140 active volunteers who give of their time and talents to assist the professional staff every day. At the age of 87, she can’t wait to do what she can to help.

The Coosa County native has been a volunteer for the past seven years and loves to welcome visitors from her spot at the reception desk in the main lobby.

“This is a great place to come and visit,” she said recently after greeting two visitors and directing them to where they needed to go. “They have a wonderful staff here.”

“Miss Myra,” as she’s known at the Archives, works one day a week throughout the year. Right now, she is looking forward to the 2014 version of “school days” at the facility.

Alabama fourth-graders have toured the Archives for many decades, and the opening of the new exhibit will be their latest “lesson” — much the same thing their parents and grandparents enjoyed in the past.

“They are just so precious,” Wade said. “They are our children, and I enjoy watching them come every year.”

As she waited for more visitors to arrive, Wade was joined by Murray, who has been putting in even longer hours than usual as he prepares for the grand opening.

“We’ve got a good bit of work left to do, but everything is on track,” he said. “February 15 is going to be a great celebration for all the people of Alabama.”

There is no bigger fan than Murray when it comes to Archive volunteers, and he is happy to heap praise on them whenever he can.

“We just couldn’t function without them,” he said. “We have a long tradition here of having a very faithful volunteer corps.”

Volunteers don’t just drop by and go to work at the Archives. Three days of instruction precede their involvement, and Sparks helps to assist them in their development.

Some of the volunteers are docents, another word for tour guide, and represent an integral part of the Archives’ daily mission.

Most of the volunteers work behind the scenes, history-minded men and women who handle important duties that help keep everything running smoothly.

The volunteers are recognized at an annual program, and some receive plaques signifying years of service.

“Our volunteers were honored at a tea last year at the governor’s mansion, and everyone had a wonderful time,” Sparks said. “We can’t do enough to thank them for their efforts.”