



Speaker's Press Clips
Thursday, March 20, 2014
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FULL TEXT

Summary of action in Alabama Legislature

The Associated Press

March 20, 2014

MONTGOMERY, Ala. (AP) - A summary of action in the Alabama Legislature on Wednesday, the 26th meeting day of the regular session:

HOUSE:

-Passed a bill to fund a \$1 million University of Alabama at Birmingham study on the effectiveness of using cannabidiol to control seizures. Goes to Senate.

-Passed a bill that would reorganize much of the legislative branch of state government. Goes to Senate.

-Passed a bill that would allow people arrested, but not convicted, of certain crimes to petition to have the arrest wiped from their record. Goes to Senate

-Passed a bill making revisions to the Alabama Accountability Act which provides private school tax credits to families zoned for failing schools. Goes to Senate.

-Passed a bill to clarify candidates are responsible for reporting campaign contributions when a donation check is deposited or within 10 days of receiving the check. Goes to Senate

SENATE:

-Passed a bill to allow motorists to carry loaded handguns in their vehicles without buying a pistol permit. Goes to House.

-Delayed consideration of a bill to merge the Alabama Forestry Commission and state Department of Agriculture and Industries.

-Passed a bill to prohibit birth parents from trying to contact an adopted child without the adoptive parent's approval until the child turns 19. Goes to House.

-Declined to go along with the House's version of the state education budget and sent it to a conference committee to work out differences.

COMMITTEES:

-Senate Finance and Taxation-General Fund Committee approved a revised version of the state General Fund budget. Goes to Senate.

-Senate Health Committee approved a bill to keep secret the names of execution drug suppliers, but added an amendment that said a judge could still order the release.

- House Health Committee held a public hearing, but did not vote, on a bill to allow non-nurse midwives to assist women who choose to deliver their babies at home.

AGENDA:

-House meets at 10 a.m. Thursday and Senate at 10 a.m

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House approves legislative reorganization bill

The Associated Press

March 20, 2014

MONTGOMERY, Ala. (AP) - The House of Representatives has approved a bill that would reorganize much of the legislative branch of state government.

Representatives voted 64-30 for the bill Thursday.

Republicans said the changes would streamline a hodgepodge of existing oversight. Democrats expressed concerns that it will give the majority party too much power over legislative functions.

The bill consolidates operations under a reconfigured Legislative Council of lawmakers. The bill would also require the secretary of the Alabama Senate and the clerk of the Alabama House of Representatives to be re-elected every four years.

Republican Rep. Mike Ball said the plan will make the operations more efficient and add structure.

Rep. Patricia Todd, a Democrat, said the changes will put political pressure on legislative staff.

State senators will now decide whether to accept House changes to the bill.

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'Carly's Law' passes House, Senate

Montgomery Advertiser

March 20, 2014

Kala Kachmar

The Alabama House of Representatives passed a bill that would allow chronically ill patients to use cannabidiol, a marijuana derivative that may be effective in preventing seizures.

The bill, also known as “Carly’s Law,” also passed in the Senate last week, but has to go back again because of an amendment the House added.

The legislation, sponsored by Sen. Paul Sanford, R-Huntsville, authorizes the University of Alabama at Birmingham to study the effects of the drug on chronically ill patients for up to five years. The university would control and dispense the drug to participants in the study.

The House version of the Education Trust Fund included a \$1 million appropriation to fund the study in the coming year.

The bill is named after Carly Chandler, a 3-year-old who suffers from a rare genetic disorder that has led to uncontrollable seizures and affected her developmental ability. Her father, Dustin, and a driving force behind the bill, said other medicines have not helped his daughter and that they want an option for cannabidiol.

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Alabama House approves expungement bill

The Associated Press

March 19, 2014

MONTGOMERY, Ala. (AP) - People accused, but not convicted, of certain crimes in Alabama might soon be able to have their records cleared.

The Alabama House of Representatives on Thursday approved a bill that would allow people to petition the circuit court to wipe arrests from their record if they were found not guilty or if the charges were dropped.

Only certain nonviolent misdemeanors and felonies would be covered by the petition process. Rep. Chris England of Tuscaloosa said people accused of violent crimes would not be eligible to remove the arrest record.

England said people currently carry the blemish of an arrest for their entire lives even if the arrest was in error.

House members approved the bill on an 88-8 vote. The bill now returns to the Alabama Senate.

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General Fund Budget: Senate panel OKs one-time bonus for state workers

Montgomery Advertiser

March 20, 2014

Brian Lyman

State employees may get a one-time bonus worth around \$400 under a 2015 General Fund budget proposal approved by a Senate committee Wednesday.

The bonus would be paid for by a \$4.5 million allocation within the budget. Senate Finance and Taxation Committee chairman Arthur Orr, R-Decatur, said the proposal could change before today, when the Senate is expected to take up the budget.

“It’s not what we would want to do, but it’s what we have the resources to do at this time, and we want to pass that onto our employees,” Orr said after the meeting.

State employees have not received a cost-of-living pay raise since 2008. Gov. Robert Bentley last year allowed state agencies to give merit raises to state employees. The state could also authorize a 2 percent bonus for state retirees. Orr said after the meeting that the bonus would not require additional funding from the state’s General Fund, due to improved calculations for Employee Retirement System revenue.

Funding for the State Employees Insurance Board would remain the same, at about \$825 per month per employee. William Ashmore, the CEO of the SEIB, said in a statement the group had planned on having that level of funding.

“While we are pleased to receive that level of funding again this year, we will still face a deficit for 2015,” Ashmore said in a statement. “This means that the SEIB will again have to make some tough decisions this fall on how to make up the deficit.”

The \$1.8 billion budget, about \$14.8 million higher than a House budget approved earlier this month, also includes \$3.5 million to renovate a Wetumpka facility to house inmates from the Julia Tutwiler Prison for Women. The facility is currently under federal investigation. A U.S. Department of Justice report released in January found the state violated inmates' Eighth Amendment protections against cruel and unusual punishment. DOJ said inmates at the prison live in "a toxic environment with repeated and open sexual behavior," including sexual abuse and harassment.

Corrections would get an additional \$1.3 million for security locks and doors at St. Clair, Donaldson and Holman prisons.

Attempts to reach officials with the Department of Corrections on Wednesday were unsuccessful.

The budget would also provide \$250,000 to the Governor's Office to hire an ombudsman for female inmates, who Orr said would function independent of the Corrections system.

"This is something that I think will be helpful to the state, to provide an ombudsman or inmate advocate for women prisoners, to give them a resource to have to hear their concerns," he said.

In a statement, Jennifer Ardis, a spokeswoman for Bentley, said that the governor was "supportive" of the move.

Sen. Cam Ward, R-Alabaster, who has been pushing the state to make changes to the overcrowded Department of Corrections, praised Orr's work, but said officials had to realize that the problems could not be solved at the current funding level for the department.

"There's only so much we're going to be able to rely on as budget continues to shrink," he said. "You will not be able to fund (prisons) at the rate we're going, and hoping those problems will go away."

The Alabama Medicaid Agency, which gets over a third of the funding from the General Fund — and covers about a fifth of Alabama's residents — had requested \$700 million for 2015, an increase of about \$85 million over the current year.

The Senate committee stuck with a proposal from Gov. Robert Bentley to give it \$685 million, an increase of about \$70 million. Dr. Don Williamson, who is overseeing attempts to transform the Medicaid Agency, has said they can make up the difference with carryover money and new ways of acquiring prescription drugs.

The Senate committee chose to leave funding for the state's courts at about \$92 million, about \$3.1 million higher than this year. Rich Hobson, the administrative director of the courts, said the money was \$21 million short of what was requested. The budget includes conditional appropriations to provide merit raises for court employees next year; court officials have said they have no money to provide the raises this year.

“We have to have more,” Hobson said. “We received an inadequate budget ... we will continue to push forward for adequate funding.”

The General Fund has been in a seemingly endless crisis for the past six years, due to growth in Medicaid and Corrections costs, stagnant revenues and lawmakers unwilling to consider new taxes for the budget. About 10 percent of the General Fund’s revenue for 2015 will come from one-time sources. Orr said “we have a serious, serious problem awaiting the Legislature in 2015,” when borrowing from the Alabama Trust Fund, which has been used to sustain the General Fund, runs out.

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State House parties run late

Montgomery Advertiser

March 20, 2014

Kala Kachmar

The Alabama House of Representatives had only passed three of 19 bills by 10 p.m. Wednesday, and planned to continue into early morning.

After about four hours of debating the special order calendar and two bills, House Speak Mike Hubbard, R-Auburn, called for a dinner break and said the House would reconvene at 9:15 p.m. Wednesday, and again at 12:01 a.m. today

There are only four legislative days left, and next week is the “spring break.”

House Minority Leader Craig Ford, D-Gadsden, said the Democrats were filibustering Wednesday’s bills as payback to the Republicans for Tuesday night, when they procedurally blocked the Democrats from making amendments to the Education Trust Fund budget.

The House version of the \$5.9 billion budget didn’t include pay raises or bonuses for teachers. It did include state funding of \$38 million for educators’ insurance that Rep. Bill Poole said will fund it to the level that will prevent increased premiums for teachers and retirees. But that was far less than the \$72 million Gov. Robert Bentley had requested in his budget, and some believe educators may still have to pay higher premiums.

Ford said Democrats did not get the opportunity to propose the amendments they wanted, which included the raises and additional funding for health insurance.

The chamber voted to end debate on all three bills and to bring the bill to a direct vote. In the designated 10 minutes between voting to end debate and voting on the bill, Democrats requested the bills be read out loud.

Last week, Hubbard said the last day to pass House bills with any chance of getting them through the Senate was Wednesday. Today’s calendar contains Senate and House bills.

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Lawmaker: Make death drugs secret or bring back electric chair

Anniston Star

March 20, 2014

Tim Lockette

MONTGOMERY — Alabama will have to go back to use of the electric chair if lawmakers don't pass a bill that makes lethal injection drugs confidential, the bill's sponsor told a Senate committee Wednesday.

"We have a choice," said Rep. Lynn Greer, R-Rogersville. "We can pass this bill this year, or we can go back to the electric chair next year."

Greer is the sponsor of HB 379, a bill that would make the names of people involved in execution, and the identities of those who make those drugs, a state secret. Greer's bill has already passed the House, and the Senate Health Committee voted Wednesday to pass the bill on to the full Senate for a vote.

The lethal injection process has become the subject of a growing number of death penalty appeals, as a shortage of key drugs has forced states to remix their lethal injection cocktails. Death row inmates, including at least four Alabama inmates in the past three years, have argued that the new lethal injection cocktails are untested and could violate the Eighth Amendment prohibition on cruel and unusual punishment.

Greer said his bill would protect lethal injection as a form of execution by protecting drugmakers from harassment by death penalty opponents. He said states are turning to small pharmacies to make drugs that are no longer available from major manufacturers.

"The small amount of money they'd get by providing that drug, and the lawsuit that might follow by them providing that drug, would prevent them," Greer said.

Supporters of the bill have said repeatedly that nothing in current state law protects information about lethal injection drug makers from being released to the public — and Alabama law allows anyone to "inspect or take a copy of any writing of this state" unless that writing is protected by law.

Still, the Department of Corrections has long declined to release the information as a matter of policy. Corrections officials have yet to comply with a request for receipts for death penalty drugs, made more than two weeks ago by The Anniston Star.

Alabama executed six men in 2011, the year the state switched from sodium thiopental to pentobarbital as the first drug in its execution protocol. In the two years since, the state has executed only one inmate, Andrew Reid Lackey, who dropped his appeals and asked for an execution date.

In comments before the Senate committee Wednesday, Greer indicated that executions have come to a halt.

"Pass this bill, let's make the names confidential, and Alabama can begin again on capital punishment," Greer said.

Oklahoma postponed an execution this week, according to the Associated Press, because the state has run out of its main execution drug. Asked if Alabama is also out of execution drugs, Greer responded: "I think you're on target."

A DOC official who was at the meeting referred all questions to Brian Corbett, who doubles as the spokesman for DOC and the Emergency Management Agency. Corbett, who was out of town for EMA training, did not immediately respond to emailed questions about the supplies of the drug.

Some members of the committee said they were uncomfortable with the apparent broad nature of the bill, which, as originally worded, would have shielded drug manufacturers' names from discovery or use as evidence "in any action of any kind in any court or before any tribunal, board, agency, or person. "

Sen. Cam Ward, R-Alabaster, said that provision would make drug companies exempt from any kind of legal action, including legal action by the state itself if a mishap occurred.

"You're about to create a huge area of almost complete immunity," Ward said.

Sen. Linda Coleman, D-Birmingham, said there should be some way to take legal action against drug suppliers who are genuinely negligent.

"If you decide to put Drano in the solution... I don't want that person to not be able to be prosecuted," Coleman said.

Ward offered an amendment that would allow the names of drugmakers to be released with a court order. Randy Hillman, executive director of the Alabama District Attorneys Association, said Ward's amendment would gut Greer's proposal.

"Any crack in this thing and you might as well not have the bill," he said.

Some senators were uncomfortable with Ward's amendment, expressing concerns that it would protect convicted killers from execution.

"I have an uneasy feeling that we're trying to protect a person who has committed a crime of death," said Sen. Billy Beasley, D-Clayton.

The Senate committee approved Ward's amendment. Committee members also voted to remove wording, found in the original version of the bill, that would make the entire lethal injection process exempt from the state's open records law.

The bill moves on to the full Senate. Ward and Greer said the bill would likely be amended again on the Senate floor, and Ward said he hoped to work out a compromise with Greer on court access before that time.

Ward said the bill would likely reach the Senate floor after the chamber takes a week-long break next week.

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Taxpayers shell out for ASU audit

Montgomery Advertiser

March 20, 2014

Josh Moon

Alabama State University has doled out just shy of a half-million dollars to law firms over the past six months to represent the school and administrators during an ongoing forensic audit investigation.

All told, between attorneys, audits and a severance agreement with former president Joseph Silver, the ASU ordeal has cost taxpayers more than \$2.6 million, and climbing. Gov. Robert Bentley's office told the *Montgomery Advertiser* last week that a new contract, extending the forensic audit through the end of April, has been approved.

The bulk of the \$493,543 paid by ASU to attorneys since August went to U.W. Clemon's law firm, White, Arnold & Dowd. That firm made \$245,527 since August and has pulled in more than \$377,000 since Clemon was retained by ASU in December.

In addition, the firm Melton, Espy and Williams and the firm Copeland, Franco, Screws and Gill earned \$102,868 and \$78,856, respectively. Those two firms are representing ASU board chairman Elton Dean and vice-chairman Marvin Wiggins, who were named individually in a preliminary audit report released last October.

That forensic audit, conducted by the firm Forensic Strategic Solutions, has chewed through taxpayer money. In addition to the \$655,582 that ASU has spent on attorneys since that audit was announced, Bentley's office has paid \$988,798 to FSS to conduct the audit.

The contract to extend the audit through April doesn't include additional pay, but FSS president Ralph Summerford told the *Advertiser* last week that his firm expects to be paid for any additional work it performs over the next month.

Certainly the attorneys representing ASU will.

One of the primary points of contention between the school and the governor's office has been the flow of information from ASU to FSS auditors. Clemon has required every request to go through him or ASU legal counsel Kenny Thomas, who earns an annual salary of \$189,000.

That setup has slowed the audit process to a crawl and steadily increased attorneys' fees. Those fees will continue as the school responds to continued requests for information from FSS.

The costs don't end there. When Silver alleged in November 2012 that he had uncovered issues with contracts at the school, he was almost immediately placed on paid leave by the board of trustees and later reached a settlement agreement with the school, paying him \$685,000.

Additionally, ASU contracted its normal accounting firm, Warren Averett, to conduct a review of all contracts at the school. The total bill for that audit, according to the school, was \$282,778.

In all, since December 2012, Bentley's office and ASU have spent \$2,612,158.

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U.S. Sen. Sessions: U.S. must make Russia 'feel pain'

Montgomery Advertiser

March 19, 2014

Criticizing America's response as weak, U.S. Sen. Jeff Sessions said Wednesday the United States must make Russia "feel pain" over what he described as a pattern of aggressiveness by President Vladimir Putin in Ukraine and elsewhere.

Sessions, R-Mobile, said Russia must be "booted" from the G8 group of industrialized nations and face deep sanctions. He condemned Russia's expected annexation of Crimea and compared it to the nation's 2008 push to claim the regions of South Ossetia and Abkhazia in Georgia.

"I believe a systematic effort should be undertaken so that Russia feels pain for this," Sessions said. "Because if you don't act now to make some sanctions against Russia then why will they believe in the future that we're going to impose sanctions or do anything aggressive if they move forward to take all of Ukraine, all of Georgia?"

His comments came as Vice President Joe Biden issued a warning to Russia while visiting Lithuania, pledging to stand with the Baltic states in support of the Ukrainian people.

"Russia cannot escape the fact that the world is changing and rejecting outright their behavior," Biden said, after meeting in Vilnius with Lithuanian President Dalia Grybauskaite and Latvian President Andris Berzins.

A day earlier, Putin declared Crimea part of Russia in a passionate speech steeped in Russia's sense of being slighted and marginalized by the West in the years since the Cold War.

Sessions said he's been to South Ossetia in Georgia, where he said Russians are erecting barbed wire border fences after occupying the area.

"The (United Nations) says Ossetia is a part of Georgia, but Russia has basically taken it," Sessions said. "Crimea, according to international law, is a part of Ukraine and Russia has basically annexed it.

"I believe our administration should have foreseen this possibility."

Sessions blamed the problem on overly optimistic foreign policy. The Obama administration, he said, believed that if they gave up planned missile sites in the Czech Republic and Poland, Russia would respond by backing the United States overseas in Iran and Syria.

That hasn't happened and has instead encouraged Russia to become more aggressive, he said.

Sessions said that has left the United States with a limited number of options.

"We can't go to war," he said. "We're not going to send troops to fight over there, and any sanctions are never fun. They're always difficult. They hurt us as well as Russia. But we've got to find some things that are painful for Russia and impose those.

"There's no good solution now. The bottle of milk has shattered on the floor and you can't put it back together."

Speaking at an Eggs and Issues breakfast in downtown Montgomery, the senator painted a bleak picture of the federal deficit and decried the federal food stamp program's effect on the farm bill.

While he said it's difficult to find more funding for the military, he said that fears of deeper military cuts and layoffs this year are overblown.

The crowd of business and community leaders cheered when Sessions was asked if he plans to run for president, but he laughed off the idea.

"I do have one advantage over most of these (presidential hopefuls), and it's that I know I'm not qualified to be president," he said.