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Monday, March 24, 2014

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FULL TEXT

Bentley, lawmakers reach deal on education budget; Agreement could help keep health insurance costs down for educators

Montgomery Advertiser

March 22, 2014

Brian Lyman

Gov. Robert Bentley and lawmakers said Friday afternoon that they had reached a compromise on funding teacher insurance in 2015, possibly clearing the way for passage of the education budget next month.

The agreement reached between Bentley and the House and Senate budget chairs would raise the state's share of individual coverage under the Public Education Employees Health Insurance Plan (PEEHIP) to \$780 per eligible per month, up from the current level of \$714 per month.

The agreed-upon 2015 number reflected movement on both sides. PEEHIP and Bentley wanted the number at \$795; a House and Senate conference committee report Thursday set it at \$754. The Legislative Fiscal Office estimates the \$780 funding level would cost the Education Trust Fund roughly \$61 million.

The additional money will be used to help the insurance fund close an estimated \$220 million spending gap next year. Filling the crevice between revenues and expenses could include raising members' co-pays and premiums, but Leura Canary, general counsel for the Retirement Systems of Alabama, said Friday she was hopeful that could be avoided when PEEHIP's governing board meets on April 15.

"The board I think would love to do whatever it takes to minimize or do away with any premium or cost increases with members of PEEHIP," she said. "I believe they will do everything in their power to make sure there are no increases to members."

Several senators Thursday refused to support the House and Senate conference committee budget, citing the lack of pay raises or bonuses in it and the possibility of increased insurance costs for teachers and support personnel. Sen. Cam Ward, R-Alabaster, one of the senators who opposed that budget, said Friday he was "glad to support the governor's compromise."

Bentley said in a statement that he appreciated the work of Senate Finance and Taxation Education Committee chairman Trip Pittman, R-Daphne and House Ways and Means Education Committee chairman Bill Poole, R-Tuscaloosa.

"Our teachers, support personnel and retirees work hard and do a great job to prepare our students for success," the statement said. "Their take-home pay should not be reduced by inadequate funding for the health insurance program."

Derek Trotter, a spokesman for Senate President Pro Tem Del Marsh, said Friday that Marsh supported the agreement.

Pittman said in a phone interview Friday that the increase will be paid for in part by reducing a debt repayment number from \$45 million in the conference committee report to \$35 million. Funding for community service grants for legislators and an At-Risk program also would be reduced.

"It sounds like we can move forward and get the budget finished up when we get back," Pittman said.

Pittman also said a funding increase for pre-kindergarten programs, cut in in conference committee to \$8 million, would be increased to \$10 million under the agreement. The conference committee report also would have allowed the hiring of 200 new teachers, including 150 for middle schools. Those numbers would not be affected, Pittman added.

The department had sought funding for 450 new teachers; the House version of the budget had given them funding for 400.

The proposal is expected to appear in a conference committee when the Legislature reconvenes April 1.

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Alabama Legislature has much to do when lawmakers return from spring break

The Associated Press

March 24, 2014

Phillip Rawls

MONTGOMERY, Alabama — When Alabama legislators return from spring break on April 1, they will have plenty to do and only three days left to do it.

The pending legislation ranges from serious matters like state budgets and abortion restrictions to light-hearted matters, including declaring cornbread the official state bread.

Each year, the Legislature has 30 meeting days to pass the state budgets and consider other legislation. Lawmakers wrapped up their 27th meeting day Thursday and left Montgomery until April 1.

Here's a look at what's left for the last three meeting days:

EDUCATION BUDGET: The House and Senate have passed differing versions of the \$5.9 billion spending plan for the 2014-2015 school year. The Senate version included a one-time bonus of 1 percent for education employees. The House version didn't, but it included more money to fund health insurance benefits. Senate President Pro Tem Del Marsh, R-Anniston, and House Speaker Mike Hubbard, R-Auburn, said House and Senate budget writers have agreed with the governor to drop the bonus and provide more funding for health insurance to keep employees from having to pay higher premiums. They expect that to have broad support.

GENERAL FUND BUDGET: The Senate has passed a \$1.8 billion budget that is based on state employees getting a one-time pay bonus of \$400. Senate budget committee Chairman Arthur Orr, R-Decatur, said he's optimistic the House will agree. Hubbard said he anticipates that happening.

ABORTION: The House has approved a bill to extend the waiting time for an abortion from 24 hours to 48 hours after an abortion clinic provides information about adoption and the risks of

abortion. The bill has cleared a Senate committee and is awaiting a final vote in the Senate. The sponsor, Republican Rep. Ed Henry of Decatur, said he's optimistic about passage in the Senate. The House also passed a bill to ban abortions after a fetal heartbeat can be detected, which can happen at six or seven weeks into a pregnancy. That bill is still pending in the Senate Health Committee.

CORNBREAD: The House has voted to designate cornbread as the official state bread of Alabama. If the Senate agrees to elevate the Southern staple to "official" status, cornbread will join the ranks of the blackberry, which is the official state fruit, and pecan, the official state nut.

PAYDAY LOANS: The House has passed a bill for the state Banking Department to set up a database of payday loans. That will allow the department to enforce a state prohibition against having more than \$500 in payday loans at one time. That bill is in position for a final vote in the Senate. "That database is very much needed," said Marsh, who predicted the Senate will approve it.

GUNS: The Senate has approved a bill that would allow people to carry loaded handguns in their cars without buying pistol permits from their local sheriffs. The bill is opposed by the Alabama Sheriffs Association, which says it will lead to less revenue to support law enforcement and other functions of county government. The bill is pending in the House Public Safety Committee, and the bill's sponsor, Republican Sen. Scott Beason of Gardendale, said he's unsure whether it will pass in the House. The House speaker said, "I don't think there is really a lot of support for that. Law enforcement is pretty solidly against it."

TEACHER LAYOFFS: Neither the House nor the Senate has passed bills that would prohibit city and county school boards from using seniority as the main factor in deciding which teachers are laid off and which are kept when there are funding cuts or declines in enrollment. The state teachers' organization, the Alabama Education Association, has fought to keep the bills from coming to a vote.

GOVERNMENT CONSOLIDATION: A bill to combine the state Forestry Commission and the state Department of Agriculture and Industries has stalled this session. But a bill to fold the state Examiners of Public Accounts into the state auditor's office has passed the Senate and is awaiting a vote in the House.

EXECUTION SECRECY: The House has passed a bill to keep secret the supplier and manufacturer of the drugs used to carry out the death penalty in Alabama. The bill is awaiting a vote in the Senate.

DEATH PENALTY APPEALS: State Attorney General Luther Strange got bills introduced in the House and Senate to speed up inmates' court appeals in capital punishment cases, but neither bill comes to a vote yet. If a bill doesn't pass in one chamber on April 1, the issue is finished for this legislative session. "It will be difficult to get out," House Rules Commission Chairman Mac McCutcheon, R-Capshaw, said. The House speaker said the bills ran into trouble when some circuit judges expressed concern.

CROWD FUNDING: The Senate has passed a bill that would allow people trying to start small businesses in Alabama to use "crowd funding" to raise money from fellow Alabamians. The bill, backed by the Alabama Securities Commission, will be on the House's work agenda April 1, McCutcheon said.

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Marijuana oil bill now goes to Bentley to sign

The Associated Press

March 22, 2014

Kim Chandler and Phillip Rawls

Parents with children suffering severe seizures defied the odds Thursday to get the Alabama Legislature to approve a bill allowing the use of a marijuana derivative to try to control the seizures.

Pelham police officer Dustin Chandler started pushing the bill to help his 3-year-old daughter Carly and other children suffering from severe forms of epilepsy and other illness causing frequent seizures. He was joined at the State House by other parents and their ill children.

Legislators told them repeatedly that major bills don't pass the first year they are introduced, and a bill mentioning marijuana would be especially hard to pass in a year when the Legislature is up for election.

But the bill went through the Senate and House without a dissenting vote and received final passage Thursday when the Senate voted 27-0 to go along with minor changes the House made to it. It now goes to Gov. Robert Bentley, who plans to sign it after it is reviewed by his legal staff.

"It's like a miracle. This does not happen in Alabama. We are the most conservative state," said Jena Dalton of Madison, whose 20-month-old daughter Charlotte has Dravet Syndrome and suffers about 300 seizures per month.

"If we can cut some of those down, it will be great," she said as her daughter played nearby.

The bill authorizes the University of Alabama at Birmingham's Department of Neurology to do a study of the marijuana derivative cannabidiol, or CBD oil, to treat severe seizures.

The Legislature is providing \$1 million to the university to fund the five-year study and determine the effectiveness of cannabidiol. Participants in the study who are prescribed the marijuana oil will have legal protection from state criminal charges.

The study cannot proceed until UAB gets approval from U.S. Food and Drug Administration and the Drug Enforcement Administration. The chairman of UAB's Department of Neurology, Dr. David Standaert, said Thursday the university will begin the regulatory steps to create the cannabidiol program.

“This research will be invaluable in the search for ways to prevent seizures, or minimize their effects, and UAB will continue to work with neurologist across the state to identify and treat patients in need of this therapy,” he said.

The oil does not get users high and anecdotal evidence suggests it is an effective treatment in reducing seizures.

Chandler worked on the legislation with Republican Rep. Mike Ball, a retired state trooper from Madison; Republican Rep. Allen Farley, a retired assistant sheriff from Jefferson County; and Republican Sen. Paul Sanford, a barbecue restaurant owner from Huntsville. They became known as “the three cops and the barbecue guy.” Chandler said having law enforcement involved helped get others interested.

Then the families started coming to the Legislature repeatedly to put a face on the bill. Legislators started calling it “Carly’s Law.”

The turning point, Chandler said, was when House Speaker Mike Hubbard, R-Auburn, got UAB involved, which ensured the marijuana oil wouldn’t get into the wrong hands.

“There is no way you could write a better script for this,” Chandler said.

Carly started having seizures at just eight weeks old. She was eventually diagnosed with CDKL5, a rare genetic disorder. She cannot talk or walk, but her parents hope the oil will help control her seizures and improve her cognitive functioning. Amy Chandler said reducing the number of strong anti-seizure medications in her system every day “alone may show us a different child.”

Asked her dream for her daughter, Amy Chandler said “to hear her speak more than anything.”

“We haven’t heard this child call us Mommy or Daddy.”

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Lawmakers’ bills just ran out of time

Decatur Daily

March 22, 2014

Mary Sell

Lawmakers will have three days left to pass legislation when they return from spring break April 1. But a slew of bills died last week when they ran out of time to pass both chambers.

Among the dead bills is Sen. Scott Beason's effort to let school systems "opt-out" of the Alabama College and Career Ready Standards, also known as Common Core.

Some other legislation that will have to wait another year:

Sen. Arthur Orr's bills to consolidate the Alabama Forestry Commission into the state Department of Agriculture and the Department of Pardons and Parole into the Department of Corrections.

"They'll be back next year, without a doubt, and I've got others," said Orr, R-Decatur.

Orr's proposal to extend the amount of time borrowers have to repay payday lenders is also dead. However, a House bill to create a statewide database to enforce an existing \$500 limit on borrowing is moving forward. It was approved in a Senate committee last week and now waits for a vote of the full Senate.

Orr said last week he won't try to amend the House bill to add the repayment extension language because he doesn't want to jeopardize its passage in the Senate.

Current law prohibits people from borrowing more than \$500 from payday lenders at any one time. But without a database, there is no way to enforce the law.

Sen. Del Marsh's bill that said teacher seniority cannot be the most significant factor in keeping educators during cutbacks. Rep. Ed Henry, R-Hartselle, carried the same bill in the House, where it had not passed last week.

Clinic bill opposed

When lawmakers return next week, each chamber will work on legislation already passed by the other body. One House bill still lingering in the Senate would regulate and protect the state's low-cost spay and neuter clinics.

"I would love to see it come to the floor. I will do all I can to get it to the floor," said Marsh, the senate president pro tem. "It still has opposition ... I don't think the cloture votes are there, so we'll have to see."

Cloture votes are the ones needed to stop debate on a bill and get a vote. At least one local lawmaker, Sen. Paul Bussman, R-Cullman, is opposed to the legislation because private veterinarians and their associations oppose it.

Collins to chair conservative group

State Rep. Terri Collins, R-Decatur, is now a state chair to a conservative think tank in Washington, D.C.

Collins said she was approached about the position with the American Legislative Exchange Council, known as ALEC, a few weeks ago. She replaces Rep. Mary Sue McClurkin, R-Pelham, who is not seeking re-election.

The ALEC website describes its origins 40 years ago as a collaboration of "conservative state lawmakers who shared a common belief in limited government, free markets, federalism and individual liberty."

Some provisions in the Alabama Accountability Act, passed by lawmakers last year, are similar to model legislation offered by ALEC. The Associated Press reported last year ALEC is backed mostly by corporate contributions.

Collins said Friday that she has read some of ALEC's policies and legislative recommendations, but has never used any in her own bills. The group has some suggestions on pension reform Collins said she plans to consider.

"I would like to see what they say and plan to do some reading over the summer," Collins said. The other chair from Alabama is Sen. Greg Reed, R-Jasper.

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Proponents, opponents react to local wind farm bills

Gadsden Times

March 21, 2014

John Davidson

With local bills governing wind energy in Etowah and Cherokee counties signed into law Thursday, proponents and opponents are explaining the benefits or problems they create.

The bills regulate the permitting and process, the setbacks from property lines needed for construction, decibel limits and bonding and land restoration regulations for the removal of wind turbines when a project ends, whether through the end of its life or abandonment.

Sen. Phil Williams, R-Rainbow City, sponsored the bills. He also is the sponsor of a state bill regulating wind energy throughout Alabama. However, these bills are separate and their passage has no bearing on the future of the state bill, which was unanimously approved by the House Commerce Committee on Wednesday.

"(The signing of the bills) gives me a great sense of relief," Williams said. "If the statewide bill reaches an impasse, our citizens will be protected."

The bills state that local governments must adopt rules, laws or ordinances governing the construction of wind farms as well. Etowah County CEO Patrick Simms said the County Commission is waiting on the state bill to see what it needs to do, compared to what the state already will do, if the bill passes.

Pioneer Green Energy has plans to build two wind projects on Lookout Mountain in Etowah and Cherokee counties. Development Manager Patrick Buckley said the new legislation would cause both counties to become two of the most highly regulated wind markets he has ever seen, and is unaware of similar property setbacks anywhere else.

Buckley said the 2,500-foot setbacks required in the legislation were the worst he had ever seen. He said the law is an assault on property owners throughout the area and state, and runs contrary to the pro-business atmosphere that Alabama likes to promote.

“This is the expansion of government with these regulations,” Buckley said. “You’re basically telling a land owner what they can and can’t do with their property.”

Williams said the regulations are not meant to affect property rights, but are to protect adjacent property owners from nuisance. He said during the researching of the bill, he saw places throughout the nation and world where there were larger setbacks, such as Umatilla County, Ore., and in parts of Australia, which have 2-mile and 2-kilometer setbacks, respectively.

Buckley said the goal of the local legislation was to kill Pioneer Green’s projects. He said the projects invest \$200 million in both counties, a large chunk of which would benefit the schools in both counties. Williams denied his bill was aimed at any specific project.

“The intent of the bill was never to kill anything,” he said. “The intent was to protect our citizens.”

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Doubts arise about drugs; State wrestles with ways to rein in runaway Medicaid expenses

Times Daily

March 22, 2014

Mary Sell

MONTGOMERY — The state Medicaid agency spent nearly \$600 million in 2012 on prescription drugs for its recipients. But whether those medications are being taken in the correct way is sometimes doubtful.

As state leaders grapple with ways to rein in Medicaid's increasing costs, some think making sure Medicaid recipients are taking their medications and staying as healthy as possible is one solution.

Dr. Don Williamson, the state health officer and overseer of the Medicaid budget, said last week during a panel discussion on medication compliance that the state won't balance its Medicaid budget on medication adherence alone. But without it, it will be hard to control expense growth. The state is budgeting \$700 million for Medicaid in fiscal 2015, an \$85 million increase from the current year. The federal government will kick in more than that.

Williamson said there's no way to really know how many of the state's Medicaid recipients are non-compliant with their medications and there's no reason to think they're any different than the rest of the population.

But when Medicaid patients need more medical care or are hospitalized because they didn't take their meds, it is a cost to the state.

"There is the opportunity to save money if you can improve adherence in the patients whose non-adherence significantly increases health care costs," Williamson said.

Medications are much cheaper than hospital visits.

"If people don't take their medication, they are going to be in the emergency room or back in the hospital," said Diane McCrary. "(Non-adherence) costs the health care system."

McCrary is the clinical care coordinator at Huntsville-based North Alabama Community Care Inc. Her group currently serves about 500 Medicaid recipients in Madison, Morgan, Limestone and Cullman counties. Part of the job is making sure people are taking their meds.

"When we go in and talk to patients, each one has a different story about why they're non-compliant," McCrary said.

Some don't take their medications because they can't read well enough to follow the directions, McCrary said. Some have psychological problems like depression that prevent them from taking their medications.

Some don't get all their prescribed medications because they can't pay for them. Medicaid pays for five medications per month, but McCrary said many of the people she works with are prescribed 10 or more.

Sometimes, the medications are prescribed by different physicians and have a negative interaction, causing the patient to stop taking them. Similarly, a negative side effect may stop some people.

McCrary said some people stop taking their medications simply because they don't see the importance of them or don't think they work.

A lack of communication between primary medical providers, hospitals specialists and other medical care providers is also part of the problem, McCrary said.

That's one that Williamson and others hope might be fixed, in time, with a different Medicaid set up.

State leaders plan to turn Medicaid from its current fee-for-service model to a managed care approach beginning in fiscal 2017. To make the transition, Medicaid officials are splitting the state into five areas where Regional Care Organizations — largely run by health care providers — will operate to provide a package of Medicaid benefits.

In the Regional Care Organizations, providers will receive a fixed dollar amount per patient. Making sure they stay healthy — in part by taking their medications — will be in the

organizations' best financial interest, said Sen. Greg Reed, R-Jasper, who last year sponsored the legislation creating the Regional Care Organizations.

"The incentive for them is to not just be focused on the treatment of disease, but more focused on preventative care," Reed said. "If they help Medicaid recipients stay healthier, they don't have to spend as much caring for them, which is better for the providers, the patients and the state."

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Study confirms Alabama as low tax state

The Associated Press

March 23, 2014

A new study by the Tax Foundation confirms Alabama's reputation as a low tax state.

The report said Alabama ranked 43rd among the states in state tax collections per capita in 2012 with \$1,880 per person. The national average was \$2,557.

The report says Alabama ranked 50th among the states for state and local tax collections per capita in 2011. Alabama's average was \$2,895, and the national average was \$4,320.

The study by the tax policy research organization shows the impact of federal funding on state government. It said federal funding makes up 37 percent of the Alabama government revenue. in Alabama. That's 12th highest among the states. The national average is nearly 33 percent. Mississippi is number one at nearly 46 percent.

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Alabama prison officials deny public records request for overtime information

Al.com

March 21, 2014

Brendan Kirby

The Alabama Department of Corrections has denied a public records request by AL.com for detailed information about overtime earned by its employees.

The department previously reported that its overtime costs increased by from \$13.1 million to \$19.2 million between fiscal years 2011 and 2013 as full-time employment declined. The depths of the recession prompted the department to pull back on recruiting, but that meant increased reliance on overtime to cover shifts, according to officials.

Citing Alabama's sunshine law, AL.com asked for a "copy of the names of everyone employed as a corrections officer during the past three years along with the facility each employee was assigned to, the annual base salary and the annual overtime money the employee earned."

AL.com wanted to determine how all that extra overtime has been distributed. Does overtime get spread around fairly evenly? Do a relatively small number of corrections officers get a disproportionate number of overtime shifts?

Are there some employees earning enormous salaries because of overtime?

We don't know the answers to any of those questions because the department has taken the position that it is not a public record.

"The Alabama Department of Corrections, however, cannot honor this request due to the fact that we do not collect and maintain employee data in the form requested," General Counsel Anne. A. Hill wrote in a one-paragraph denial letter.

Courts have ruled that government agencies are obligated to provide only information that they collect as a regular record. Information that would require state employees to, for instance, write a special computer program to obtain, has been deemed exempt from the open records law.

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'It's the guards that antagonize everything:' Tutwiler inmates describe beatings, cruelty of prison officers

Al.com

March 24, 2014

Kelsey Stein

WETUMPKA, Alabama –An offhand comment. An ill-timed snicker. The wrong paperwork for a special dietary plan. A complaint about stolen clothing.

Depending on a guard's mood, an inmate at Julia Tutwiler Prison for Women could be confronted with words or fists for any of those missteps.

While a January report from the U.S. Department of Justice focused primarily on rampant sexual contact between inmates and guards at the prison, investigators also expressed broader concerns about physical violence and unsafe conditions.

The federal inspectors wrote 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."

[RELATED: Women at Tutwiler are 'crammed in here like sardines' eating food not fit for human consumption, former inmates say]

A hovering threat of violence

Stephanie Hibbett said she had just arrived at Tutwiler and was standing still for roll call when she heard a young woman, perhaps just a teenager, snicker from her top bunk.

"The guard thought she was laughing at him and he yanked her off that top bunk and ended up breaking her nose, collarbone and knocked out a tooth," Hibbett said. "She got medical treatment, and they wrote up that there was an inmate-on-inmate fight."

Bobbi Finley served a year and a half at Tutwiler between February 2011 and the summer of 2012 after pleading guilty to theft by deception. Her stay at Tutwiler was marked by violence from the start.

Finley was accused of marrying and stealing from more than a dozen military servicemen across the country, and her case drew national media attention. Some Tutwiler officers who had served in the military were especially cruel to her, including an officer who threw her to the ground and kicked her during her first week at the prison, Finley said.

She described looking on in horror as half a dozen guards hit a petite woman "til she was black and blue" for simply saying "What?" Another time, in the kitchen, Finley said a lieutenant slammed a woman into a rail in the serving line until her face turned purple.

"I'm not saying what any of us did was right because some of us needed to be incarcerated, but not treated like that," Finley said.

Marsha Colby, who was at Tutwiler from 2008 to 2012, knew a woman whose daughter sent her a box of nice white garments, widely coveted items at Tutwiler. When the woman returned from church one morning, all of her items had been stolen. She cried out to a guard working in the dorm, "one of the more violent officers," Colby said.

"He immediately just flared up, hollering and screaming," Colby said. "He takes her face and slams it into the prison walls – plexiglass over iron bars."

A pervasive culture of violence

Former inmates and attorneys say that prison leadership has turned a blind eye or, at times, taken part.

"You hear that there's a lot of inmate violence in prison, but that's not the case in the women's prison," Hibbett said. "Most everyone gets along and if they don't they stay away from you. It's the guards that antagonize everything."

The most recent annual report gives statistics from 2012, with assaults broken down by inmate-on-inmate and inmate-on-staff. At Tutwiler, 39 total assaults were reported in 2012. For comparison, ADOC reports that 60 assaults occurred in 2012 at Holman Correctional Facility, a men's prison with similar capacity to Tutwiler.

Through September 2013, 37 assaults were reported at Tutwiler and the nearby annex for the year, according to the most recent data available from the Department of Corrections.

Attorneys with the Equal Justice Initiative, an Alabama-based nonprofit that initially reported widespread abuse at Tutwiler, say state officials have not taken steps to head off problems, despite being aware of concerns at Tutwiler for years.

"A large percentage of officers were involved in promulgating this abusive atmosphere," EJI attorney Charlotte Morrison said. "The officers not involved were too bullied and intimidated to change the culture in that prison."

'Feeling that you're forced to do it'

Hibbett, who served just over a year at Tutwiler for escape, said she spent several months spurning the advances of a sergeant who asked her to do odd jobs. In the fall of 2010, she was cleaning a trailer when he came in, kissed her and grabbed her breasts.

"I said 'I'm here to do my time and that's it,' and he said 'Well, we can do this the easy way or the hard way,'" Hibbett said.

When she pushed him away, he threatened her, saying he would write her up so she would not be paroled early and would have to serve more time.

Hibbett didn't report the incident, but someone else eventually sent a grievance to the warden. When she was called to the warden's office, she described what had happened after much prodding from the warden. She repeated the story for officers with the Investigations and Intelligence Division, then took a polygraph test.

Just a few days later, Hibbett was transferred to the medium-security Montgomery Women's Facility and then transferred again to Birmingham work release. The guard was given an option of resigning in lieu of being terminated. He resigned and, to Hibbett's knowledge, was never prosecuted for his actions.

Finley says she reported being raped by a kitchen steward in a storeroom, but officials "swept it under the rug."

"After the incident they put me on a mood stabilizer and an anti-depressant pill," she said. "I couldn't function. I would take the pill and 15 minutes later be out cold."

Under state law, a prison inmate cannot give consent. Any sexual contact with prison staff is a crime.

While former inmates acknowledge that some women use sex as a commodity to make prison life more bearable, they say that the majority of sexual encounters happen because women think they have no other options.

"For the most part... situations that happened at Tutwiler are because of being forced or feeling that you're forced to do it," Finley said. "Officers will say 'Well, if you don't do that I'm going to take away your visits' or 'I'll throw you in (solitary confinement).'"

Gov. Robert Bentley has said that inmates should be treated humanely and touted a "zero-tolerance policy" for sexual misconduct in Alabama prisons. According to figures provided to AL.com by Bentley's office, ADOC sent 18 cases of sexual misconduct to the Elmore County District Attorney's office between 2009 and 2013. Those cases involved 30 corrections employees.

But inmates, attorneys and prison reform advocates say that employees accused of assaulting inmates are moved to a position on a watch tower – according to prison policy - or, in more serious cases, resign before being fired or disciplined.

"Women are being abused either physically, mentally or sexually," Finley said. "It's time to stop it. It's time for somebody to stand up and say 'Hey we're not doing this anymore. We're not going to allow this abuse to happen at this prison anymore.' Nobody will stand up for these women, so how are these women ever going to change?"

What's your experience with Alabama's prison system? We want to hear your story

Note: Colby is among the former inmates who have shared their experiences with AL.com, which is reaching out to Alabamians for a closer look at prison problems as part of the Alabama Investigative Journalism Lab.

Launched this year by Alabama Media Group, the lab encourages innovation in digital journalism and audience interaction to guide and inform reporting on complex stories. Partners in the lab include the Center for Investigative Reporting and NPR station WBHM.

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Alabama's business recruiters talk technology, manufacturing and catfish on mission to strengthen trade ties in Southeast Asia

Al.com

March 22, 2014

Dawn Kent Azok

Alabama's top business recruiters are in Southeast Asia on a mission designed to find new markets for state goods and services in countries across the region.

The group, led by Alabama Commerce Secretary Greg Canfield, includes representatives of companies from across the state.

This week, they have visited Indonesia and Thailand. Today, they were to travel to Singapore before returning home on Wednesday.

On Friday, Canfield and Hilda Lockhart, director of the Commerce Department's International Trade Division, met with trade and commerce officials for the Royal Thai government.

They discussed Thailand's strong interest in Alabama-grown and processed catfish, as well as machinery, equipment and technology used in advanced manufacturing, according to Canfield.

READ MORE: Alabama exports dip slightly in 2013 but auto shipments continue to grow

Commerce Department officials believe economic activity between the state and Southeast Asia is ripe for expansion. Two-way trade between Alabama and Singapore totaled \$250 million in 2013, and exports accounted for a majority of that total, figures show.

Two-way with Thailand totaled \$174 million last year, and it was \$90 million with Indonesia.

Alabama's top exports to the region are chemicals, plastics, machinery and vehicles. Companies there primarily ship apparel, wood products, furniture and boats to the state.

Alabama companies represented in the delegation include Enterprise Electronics Corp., MapuSoft Technologies Inc., Knox Kershaw Inc., Motion Industries and Quality Valve Inc.

The Alabama delegation has spent time in Jakarta, Indonesia, and Bangkok, Thailand. Their agenda has included meetings with business representatives and government officials.

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Candidate Darren Flott disqualified from Democratic primary for House District 98 race

Al.com

March 22, 2013

Michael Finch II

MOBILE, Alabama -- Darren Flott, a candidate for the state House of Representatives Democratic primary race, has been removed from the ballot, the Alabama Democratic Party said in a statement.

Flott was challenging state Rep. Napoleon Bracy Jr., D-Prichard, in an upcoming election for the District 98 seat. The two were poised for a rematch of the 2010 primary, in which Flott was defeated by Bracy during a scandal-ridden race.

Bracy had Flott jailed after accusations of harassment, of which he was later acquitted in a Mobile County court.

In the upcoming 2014 race, Bracy called into question Flott's candidacy as a democrat after he ran as a write-in candidate without obtaining clearance from the Democratic Party in a previous election.

The party ruled in an e-mail dated March 13, that Flott had, in fact “violated the By-Laws of the State Democratic Executive Committee, commonly referred to as the Radney Rule,” the message read.

The letter, signed by Theron Stokes, the subcommittee’s chairman said, “By running as a write-in candidate for the last four years, and not seeking preclearance from the Executive Board of the SDEC, you were in violation of the by-laws and ineligible to run in this election as a Democrat.”

Flott, 48, of Saraland, said he was aware of the rule. “I asked the party for forgiveness, but they did not accept my request,” Flott said, adding that he plans to run as an Independent in the general election.

This will be the third time Flott will run for the District 98 seat. He was sentenced to probation after allegations of ballot fraud in a 2006 race against former state Rep. James O. Gordon.

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Obamacare plans bring hefty fees for certain drugs

The Associated Press

March 22, 2014

MIAMI (AP) -- Breast cancer survivor Ginny Mason was thrilled to get health coverage under the Affordable Care Act despite her pre-existing condition. But when she realized her arthritis medication fell under a particularly costly tier of her plan, she was forced to switch to another brand.

Under the plan, her Celebrex would have cost \$648 a month until she met her \$1,500 prescription deductible, followed by an \$85 monthly co-pay.

Mason is one of the many Americans with serious illnesses -- including cancer, multiple sclerosis and rheumatoid arthritis -- who are indeed finding relatively low monthly premiums under President Barack Obama's law. But some have been shocked at how much their prescriptions are costing as insurers are sorting drug prices into a complex tier system and in some cases charging co-insurance rates as high as 50 percent. That can leave patients on the hook for thousands.

"I was grateful for the Affordable Care Act because it didn't turn me down but ... it's like where's the affordable on this one," said Mason, a 61-year-old from West Lafayette, Indiana who currently pays an \$800 monthly premium.

Before the federal health law took effect, Mason paid slightly more for her monthly premium on a plan that didn't cover her arthritis or pain medications and some routine doctor's visits.

Avalere Health, a market research and consulting firm, estimates some consumers will pay half the cost of their specialty drugs under health overhaul-related plans, while customers in the private market typically pay no more than a third. Patient advocates worry that insurers may be

trying to discourage chronically ill patients from enrolling by putting high cost drugs onto specialty tiers.

Brian Rosen, senior vice president for public policy for The Leukemia & Lymphoma Society, said the group studied premiums and benefits for patients with blood cancer in seven states, including Florida, California, Texas and New York. They found 50 percent co-insurance rates for specialty drugs on several plans in Florida and Texas, while the highest co-insurance rates on California plans were 30 percent and in New York, co-pays were typically \$70.

Under the law, insurers can't charge an individual more than \$6,350 in out-of-pocket costs a year and no more than \$12,700 for a family policy. But patients advocates warn those with serious illnesses could pay their entire out-of-pocket cap before their insurance kicks in any money.

"The challenge is for the sickest patients, the ones that need access to these specialty drugs, the costs are going to come in most cases from that out of pocket cap ... they are likely to hit that \$6,350 ceiling and in some cases quickly," said Rosen.

Insurers say prescription drugs are one of the main reasons health care costs are rising.

"Spending on specialty drugs is growing rapidly. It's unsustainable," said Clare Krusing, spokeswoman for America's Health Insurance Plans, a trade group that represents the private insurance industry.

Only 1 percent of prescriptions written in 2012 were for specialty drugs, but they accounted for 25 percent of the total cost of prescription drugs, according to a study by America's Health Insurance Plans.

Insurers can generally choose to put whichever drugs they want into the specialty tier of a plan. Generic drugs for blood pressure or cholesterol typically fall into categories that require patients to pay less than \$20 out-of-pocket. But patients can end up spending significantly more when they pay for a percentage of a specialty drug's cost. Two of the most frequently prescribed specialty drugs in recent years include the cancer drug Avastin, with an \$11,000 average annual price per patient, or the hypertension drug like Letairis, which costs \$32,000 per year, according to health insurers.

Even before the Affordable Care Act took effect, insurers had increasingly begun requiring patients to pay a percentage of the drug costs instead of a flat co-pay, but experts say patients often spend more for their prescriptions in plans offered under the health law because of the co-insurance.

"There's a significant percentage of plans who are using co-insurance of 50 percent or higher," said Caroline Pearson, who tracks the health care overhaul for Avalere Health, which studied plans in 19 states. "It is generally a lot higher than what we see in private insurance."

Once they pay more than several hundred dollars, Pearson says patients start to abandon their medications.

William Hurd signed up for a Cigna plan with a \$616 monthly premium that covered him and his wife in December. The government kicks in about \$900 a month in tax credits. Hurd, a 61-year-old diabetic who works a construction job in Orlando, was eager to fill his insulin prescription along with two other medications. But he was shocked when the pharmacy said he would have to pay \$1,400 out of pocket for a 90-day supply. He was under the impression that prescriptions were part of the plan and thought he only had a \$10 co-pay for prescriptions.

"I already had the plan. I was in and I was ready to cancel it. If I've got to pay \$1,000 more dollars for drugs ... then it's not worth it," he said.

Fortunately, Hurd called his doctor and was able to switch to a cheaper brand of insulin and ended up paying only \$112.

"This was an extremely expensive misunderstanding," said his insurance broker Leslie Glogau.

She ran into her own problems with she switched from a private insurance plan to one on the exchange and learned one of her prescriptions was cancelled under the new plan, prompting numerous appeals.

Patient stories in the media have been seized by both political parties, who have put a sometimes misleading spin on successes and failures under the law. Advocacy groups asked about prescription costs repeatedly stressed how beneficial the law is for people with pre-existing conditions, but they still worry about affordability.

Insurers and health navigators say patients are also finding it complicated to figure out which drugs fall into which price categories.

For example, advocates say there's inconsistency on the Multiple Sclerosis drugs and treatments covered by the insurers and whether they can be altered on a per-patient basis.

"This is very much a work in progress," said Bari Talente, executive vice president advocacy at the National Multiple Sclerosis Society. The organization recently addressed the issue at a conference in Washington with more than 300 other MS advocates.

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Steve Forbes discusses economy, upcoming election while in Auburn

Opelika-Auburn News

March 21, 2014

Justin Lee

Renowned entrepreneur and business executive Steve Forbes visited Auburn on Friday, speaking to a crowd of Auburn University students and local residents at Auburn Arena.

Forbes was scheduled to deliver the keynote speech as part of an event put on by the Auburn Conservatives for Tomorrow and Young America's Foundation.

Before the event, Forbes met with members of the media to discuss several topics — including the state of the national economy.

“I think the economy this year is going to do better than it has between the years 2009-13,” Forbes said in a press conference Friday afternoon. “But it's not going to be a buoyant economy. “It'll be like a baseball player — since the season is about to begin in the Major League. (It is like) a hitter hitting .170-.180 each year in '09. This year I think we'll be doing the equivalent of .250-.260 — better than the past but certainly not the .300-plus we should be doing.”

Forbes also discussed the U.S. tax code, and expressed displeasure on the amount of new federal government regulations that he says have been put in place.

“There's no way a human being can know what the rules are,” Forbes said. “There are being more and more written in vague language, which leaves the interpretation to the bureaucracy in Washington. That is not the way you have the rule of law. Each of you are probably committing a felony each day and you don't know it, with the tens of thousands of rules out there.

“That's not where we want this country to go. I think changes are coming, and I think in the next few years you're going to see a consensus. There's already a merging on simplifying the tax code. Even though things look crazy now, I think things beneath the surface are starting to move in the right direction to make fundamentally positive changes.”

While expressing concern over a number of national issues, Forbes did maintain a certain level of optimism moving forward.

“This so-called new normal is the new abnormal,” Forbes said. “We should be doing better and will be doing better. It was mistakes that put us in this mess. The nice thing about that is that they can be undone. This is not handed down from on-high. This is homemade and can be undone, and I think will be undone.”

Before parting, Forbes, who ran for president in 1996 and 2000 as a Republican, offered his thoughts on the upcoming election season.

“I think this year the Republicans are going to do well in spite of themselves,” Forbes said. “I think they will take control of the Senate. But congressional elections are a very different animal from presidential elections.

“In 2016, whoever emerges as the GOP candidate is going to have to have a Reagan-esque program — not just criticizing, put putting forth some exciting proposals like Reagan did more than 30 years ago. I think that will happen, but it remains to be seen.”

Forbes said that Friday marked his first-ever visit to the city of Auburn.

“I’m told you have this kind of weather all the time,” Forbes said inside the Auburn Arena press room, with clear skies and 70-degree weather outside. “This is the San Diego of the South in terms of weather.”

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Justice Dept. resets priorities to protect voting, civil rights

Montgomery Advertiser

March 24, 2014

Mary Orndorff Troyan

WASHINGTON — The Justice Department, no longer responsible for vetting election procedures in states with a history of racial discrimination, instead plans to proactively search the entire country for voting rights violations.

Its new focus is the result of a June 2013 Supreme Court decision dismantling a Voting Rights Act provision that had required all or part of 15 states to get “pre-clearance” from Justice officials or a federal court before making any changes to their election procedures.

Now, the department says, it will be more offensive in protecting minority voters.

“The voting section’s work will shift to greater affirmative efforts to detect and investigate voting practices that violate federal law, to more affirmative litigation to enjoin such practices, and to additional monitoring of elections throughout the country each year,” according to the agency’s fiscal 2015 budget documents sent to Congress last week.

Instead of cutting back on the number of attorneys handling voting rights cases, the department is expanding its reach under other sections of the Voting Rights Act that allow it to sue jurisdictions for unfair voting practices or return the worst offenders to a more strict level of oversight.

Attorney General Eric Holder has long argued that the 2013 Supreme Court decision, in a case that originated in Alabama’s Shelby County, wouldn’t keep his civil rights lawyers from doing their job.

“We will not hesitate to take swift enforcement action using every legal tool that remains to us against any jurisdiction that seeks to take advantage of the Supreme Court’s ruling by hindering eligible citizens’ full and free (right to vote),” Holder said the day of the ruling.

In its 5-4 ruling, the court said the formula that Congress had used to determine which states and cities were subject to “pre-clearance” was unconstitutional.

The decision immediately ended the Justice Department’s job of reviewing redistricting plans, proposals to move polling places and myriad other voting-related changes in those states and cities. The agency reviewed 9,600 such proposals in fiscal years 2012 and 2013.

“Now the burden is on the federal government or private plaintiffs to prove a problem with discrimination,” said Rick Hasen, professor of law and political science at the University of California-Irvine School of Law. “These cases are fact-intensive and expensive to bring.”

An increased emphasis on filing lawsuits to enforce the Voting Rights Act already is apparent. The Justice Department has opened a number of new investigations as part of its plan “to identify election systems that may dilute minority voting strength ... as well as investigation of voting practices that may deny or abridge the right to vote,” the budget document states.

The agency’s civil rights division has asked for an additional 50 employees, half of them attorneys, according to budget documents. The extra \$5.1 million would go toward more civil rights investigations involving voting, human trafficking, hate crimes, the disabled, education, housing and employment.

In the weeks following the Shelby County decision, the Justice Department sued Texas and North Carolina over redistricting and voting laws that it says will infringe on minority voter rights.

But election law experts say such high-profile statewide cases are relatively easy to find and finance because they usually are based on actions by state legislatures, and civil rights advocates already are involved. They say it’s harder to spot problems on the local level, where thousands of jurisdictions pass thousands of voting-related rules and laws.

While pre-clearance was still in effect, jurisdictions sent the Justice Department the names of minorities who would be affected by a proposed change in voting procedures, in case the department wanted to contact them. That flow of information has stopped.

“DOJ is going to have to rely very heavily on the people in the communities to let them know about voting changes being made that are potentially discriminatory,” said Gerald Hebert, executive director of the Campaign Legal Center in Washington.

Hebert, who worked in the Justice Department’s voting rights section for 20 years, said that since the Shelby County decision, the agency has not been as aggressive as it could be.

“I’m glad to hear that the DOJ says they’re going to be on offense, but the proof is in the pudding and I haven’t seen that yet,” Hebert said.

He said at least four local governments in the South have tried to implement election changes that the Justice Department — before the Shelby County decision — had warned them would negatively affect minority voters. So far, only private plaintiffs are fighting the changes, Hebert said.

In another recent case, the city of Evergreen, Ala., agreed to Justice Department oversight of its elections based on a lawsuit filed by black residents, not the government. The black residents had experience with voting laws and found a lawyer who deferred most of his fees until they won and the defendants were ordered to pay.

“Re-entry by DOJ into local voting rights enforcement not only would be welcome but is vital,” said the lawyer in the Evergreen case, John Tanner, a former chief of the agency’s voting rights section.

Tanner said the Justice Department initiates about five new voting rights cases a year. That doesn’t include instances in which they intervene in existing cases.

“There is no reason they cannot improve on that record,” Tanner said.

Hebert said he hopes the agency follows through on its plans for more aggressive enforcement.

“I hope they’re out investigating, but you have to litigate sometimes,” Hebert said. “We’re watching DOJ very closely on this to make sure we hold their feet to the fire.”

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Insurance hike to hit state hard

The Associated Press

March 24, 2014

BESSEMER — Prices for government-backed flood insurance are on the rise, and homeowners in Lee Cole’s urban neighborhood will feel the pinch.

Cole has spent decades in the Pipe Shop area of Bessemer, a low-income neighborhood bordered by Valley Creek and crisscrossed with small streams and ditches. The name comes from the nearby pipe factory and old steel mills where blue-collar residents worked for generations near Birmingham.

Statistics from the Federal Emergency Management Agency reviewed by The Associated Press show that 81 percent of Bessemer’s 255 flood insurance policyholders are facing annual price hikes of up to 25 percent. Increases for most of those 207 policies, all of which are subsidized by the government, would be capped at 18 percent annually, although some would pay the higher amount.

That’s the highest share of price hikes for any place in Alabama with at least 100 flood policies in effect, worse even than in touristy beach towns that get slammed by hurricanes every few years.

Officials said many of those Bessemer residents who will receive higher bills live in the Pipe Shop neighborhood, where Cole has seen floodwaters reach rooftops.

“They’d have to use boats to get people out of their houses,” said Cole, leaning on his pickup outside a wood-frame house that resembles dozens more in the area. Years after the last flood, dark water lines still stain the sides of some.

Retiree Arthur Dow lives in a flood plain just a couple of blocks from the creek but lacks flood insurance. Dow said he can't afford it now, and premium hikes will put the coverage even further out of reach.

Going up

"The prices just keep going up," he said.

Congress set the stage for large rate hikes two years ago, when it tried to rid the National Flood Insurance Program of \$24 billion in debt. Rate increases were capped at 10 percent a year before 2012. But changes to the law allowed rate increases of as much as 25 percent annually for policyholders who had repeat flooding and hadn't had a survey to determine the real risk to their property.

The stepped increases in premiums are the result of a law passed to alleviate even sharper price hikes.

Statewide, FEMA statistics show that 8,540 flood insurance policies — 15 percent of the state total — could go up as much as 25 percent because of the change.

About \$12.4 billion worth of policies were in force at the end of 2013 in the state, costing the holders about \$38.2 million annually. Twenty cities or unincorporated sections of counties have at least 100 subsidized flood insurance policies in effect. Those include the large metro areas of Birmingham, Huntsville, Mobile and Montgomery, plus smaller cities Tuscaloosa, Gadsden and Selma.

Coastal benefits

Coastal towns like Gulf Shores, Orange Beach and Dauphin Island also have hundreds of pieces of property covered by subsidized flood policies, but a greater percentage of vacation homes are covered by the policies there than in inland cities like Bessemer.

In Gulf Shores, for example, 13 percent of policies are subsidized and could be hit with rate hikes of as much as 25 percent, a far smaller share than in Bessemer, where income levels are far lower than in tourist hot spots. Also, many of the homes in Gulf Shores are built on stilts to reduce the threat of flooding, while at-risk homes in Bessemer are typically built with a crawl space at most, leaving them low to the ground.

Ron Gilbert, the city engineer in Bessemer, said at least two sections of the city of roughly 27,000 people are in flood zones.

"I'm afraid a lot of people aren't going to be aware of it until it hits them," he said.

In the Pipe Shop district, Cole has little doubt what price increases would mean for residents.

"They won't be able to afford it. They'll go without it," he said.

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Moore issues dissent in Obama citizenship case

The Associated Press

March 22, 2014

Chief Justice Roy Moore said Alabama's secretary of state should have been required to determine whether President Obama was born in the United States and qualified to be on state ballot in 2012.

The all-Republican Alabama Supreme Court on Friday upheld the lower court's dismissal of a case that sought to require the secretary of state to demand a birth certificate from presidential candidates.

Moore and Justice Tom Parker dissented.

Moore writes the secretary of state is a gatekeeper and has a duty to determine if candidates are natural-born U.S. citizens.

Parker said plaintiffs presented documentation that raise "serious questions" about Obama's birth certificate.

Two other Supreme Court justices, Mike Bolin and Tommy Bryan, said the secretary of state doesn't have the authority or ability to investigate candidates' qualifications.