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FULL TEXT

### **Summary of action in Alabama Legislature**

*The Associated Press*

March 6, 2014

MONTGOMERY, Ala. (AP) — A summary of action in the Alabama Legislature on Thursday, the 22nd meeting day of the regular session:

#### HOUSE:

—Approved a bill to keep secret the manufacturers and suppliers of the state's lethal injection drugs. Goes to Senate.

—Approved a bill to let cities authorize the limited operation of golf carts on some city streets. Goes to Senate.

#### SENATE:

—Approved a bill to borrow up to \$100 million through a bond issue to help schools convert to digital textbooks. Goes to House.

—Killed and then resurrected a bill to allow liquor tastings in state-run liquor store. The bill could come up for passage next week.

#### AGENDA:

—House meets at 1 p.m. Tuesday and Senate at 2 p.m.

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### **Alabama Senate approves bill authorizing up to \$100 million in bond sales for conversion to digital textbooks**

*The Associated Press*

March 6, 2014

MONTGOMERY, Alabama — The Alabama Senate is trying to provide schools with up to \$100 million to convert from paper textbooks to digital textbooks.

The Senate voted 19-11 Thursday for a bill by Republican Sen. Gerald Dial of Lineville that would allow the state to borrow up to \$100 million through bond sales to provide money to schools for laptops, tablets and electronic versions of textbooks. Dial's bill goes to the House, where similar legislation died last year.

Dial says digital textbooks are cheaper than paper textbooks, and the savings should cover the cost of the 20-year bond issue. He says schools that have already converted to tablets, such as Huntsville and Jasper, could seek reimbursement through the bond issue.

Opponents questioned the wisdom of a bond issue lasting longer than the tablets.

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## **ASU students and staff rally against proposed cuts on State House steps**

*Montgomery Advertiser*

March 6, 2014

Brian Lyman

Students, administrators and supporters of Alabama State University rallied on the steps of the State House Thursday morning, urging lawmakers to reverse a proposed 26 percent cut to the university's budget.

"Our message is clear," ASU president Gwendolyn Boyd told a crowd of students under a cold rain. "We will not be silent. We will not be quiet. We will not allow you to do this to us."

The Senate last week approved a \$5.9 billion Education Trust Fund budget that would cut the university's budget from \$41.5 million in the current fiscal year to \$31.5 million, a cut of about \$10.8 million. ASU officials, who said they were not consulted about the cut, said it could lead to layoffs and the shut down of programs.

The budget does include a \$10 million first-priority conditional for ASU. Its release would be at the discretion of Gov. Robert Bentley. Senate Finance and Taxation Education chairman Trip Pittman, R-Daphne, said last week he made the move to give Boyd leverage to make changes at the school, currently undergoing a forensic audit over allegations of fiscal mismanagement. Bentley says he did not seek the cut and does not support it.

Pittman said last week that he would work with House Ways and Means Education Committee chairman Bill Poole, R-Tuscaloosa to restore the funding to ASU. Lawmakers indicated at a House hearing Wednesday they supported restoring the cuts.

That feeling was echoed by lawmakers who attended the rally Thursday. Sen. Quinton Ross, D-Montgomery, an alumni of Alabama State University, urged students to push lawmakers to restore the cut.

"It's not over, and if any of you know the song, it's not over," he said. "Alabama State University can not sustain a \$10 million cut. Alabama State can not sustain a \$1 million cut. We will not stop until they restore the \$10 million that was taken away."

Rep. John Knight, D-Montgomery, who serves as Executive Vice President and Chief Operating Officer of the school, said they would do all they could to "get the money back in the budget."

Boyd said ASU students and faculty would "continue to fight for their institution."

"It is a great institution," she said. "It is a marvelous institution. It is an institution that produces greatness, and we will continue to produce greatness in each and every one of you, and for generations yet unborn."

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## **This 3-year-old is doing the unthinkable: bringing the Ala. legislature together**

*Yellowhammer News*

March 7, 2014

Cliff Sims

Carly Chandler is a 3-year-old from Birmingham who suffers from an extremely rare neurological disorder called CDKL5 that causes her to have daily seizures. There are believed to be less than 700 people in the world with the disorder, and there are only a couple hundred known cases in the United States.

Carly's seizures are particularly difficult to control. Individuals with CDKL5 often do not see the frequency of their seizures decrease with traditional medical treatments. However, a significant percentage of CDKL5 patients who take marijuana-derived cannabidiol, also known as CBD, experience drastic improvement. CBD comes in oil form and has none of the intoxicating effects of marijuana that might make legalization susceptible to abuse.

Epilepsy Foundation President and CEO Philip M. Gattone and Epilepsy Foundation Board of Directors Chairman Warren Lammert released a joint statement several weeks ago saying "nothing should stand in the way of patients gaining access to this potentially life-saving treatment."

Right now, Alabama law is standing in the way. But that may change soon if "Carly's Law" is passed by the legislature sometime during the final 7 days of the 2014 session.

While Carly has been the face of the movement to pass the bill, it is her parents who have been the driving force behind the scenes.

Carly's father, Dustin, recently sent an email to members of the Alabama House and Senate, and it quickly became one of the most-discussed issues among members of both parties. Here's an excerpt from the email:

Since we don't know how long she will be with us, my wife Amy and I said we were going to give Carly the best quality of life we could possibly give her no matter what. Giving Carly the best quality of life is what led me to this journey.

Carly has tried over 8 Anti-Epileptic Drugs or AED's and none of them have stopped her seizures. All the AED's that she has been given have had bad side effects with some of them possibly being fatal.

As we looked for answers we heard about a specific strain of Marijuana that was high in CBD and low in THC called Charlotte's Web. Charlotte's Web comes in an oil form and is given orally. Since there are no psychoactive properties there is no way to get "stoned" by taking it. It has shown to be 80-85% effective in children in not only stopping seizures, but also improving cognitive abilities... But, as you know, it is illegal in the state of Alabama.

Since then, Carly's law has overcome the knee-jerk reactions to "marijuana legalization" (which we have established this is not) and is now on the verge of coming up for a vote in the senate.

Supporters of Carly's law flocked to the state house this week in hopes of witnessing their bill's passage. But it was too far down the senate's agenda. The body adjourned for the week without getting to the bill, but a spokesman for Senate President Pro Tem Del Marsh said they plan to bring the bill up for a vote this coming Tuesday.

When they do, there's a good chance we'll witness something we haven't seen very much this sessions — Republicans and Democrats coming together to pass a bill that will have a profound and direct impact on Alabamians' lives.

We'll have a beautiful 3-year-old girl and her persistent parents to thank when that happens.

Here are the faces of a few other Alabamians who would be directly affected by this legislation:

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### **Marijuana derivative bill stalls in Alabama Senate**

*Montgomery Advertiser*

March 7, 2014

Brian Lyman

Carly Chandler cannot walk or talk, has multiple disabilities and suffers from seizures due to a rare genetic disorder. Her father Dustin, a police officer, says they've tried every possible prescription to help her.

"My daughter takes a drug that's not recommended for children under 17," he said Thursday. "My daughter's 3. I mean, where is the logic in that to a dad?"

Dustin Chandler and other advocates are hoping to try another promising drug, known as cannabidiol (CBD), an extract of the marijuana plant. CBD, which does not get users high and has shown promise for treating seizures. But possession of marijuana in the state remains a crime.

A bill sponsored by Sen. Paul Sanford, R-Huntsville, would effectively permit the possession of CBD, often distributed as oil, for those with debilitating medical conditions, like Carly's. The legislation, supporters are quick to point out, would not legalize general recreational or medicinal marijuana use in the state; it would specifically allow use of CBD for those with debilitating medical conditions.

The bill was on the Senate's agenda Thursday, but lawmakers voted to adjourn before taking up the bill. The legislation could come back to the Senate on Tuesday afternoon.

Sanford was sharply critical of the adjournment Thursday, noting that Chandler and other parents had brought their families to the State House on Thursday — some missing treatment

appointments — to see the bill come up. He said he believed the votes for passage “are there,” but was afraid some lawmakers might worry about attack ads if they vote for the bill.

“There are too many people afraid for political reasons rather than moral reasons to allow families to seek CBD oil,” he said.

CBD is separate from the THC part of the marijuana plant, and lacks psychoactive properties. Research has shown potential for CBD to control seizures, and supporters cite the case of Charlotte Figi, a Colorado child who at one point had 300 seizures a week. After taking CBD, the seizures dropped to about two a day.

Chandler said he hoped bringing his daughter’s seizures under control would help her grow cognitively.

“We’re of the firm belief that if we can get treatment for these kids and give them relief from the seizures, a lot of these kids are young enough to start catching skills,” he said. “I want to hear my daughter say ‘Daddy.’ ”

Senate President Pro Tem Del Marsh, R-Anniston, said he believed the Senate would pass the bill if it comes to a vote.

“I think there’s discussion to be had, (and) still some concerns, but I think the mood is there to pass the bill,” he said.

Chandler said he wasn’t certain that CBD could help his daughter, but he at least wanted the chance to see.

“All these kids that we’re fighting for have treatment-resistant epilepsy,” he said. “We have tried everything they’ve asked us to try ... We’re at the end of our rope.”

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## **Stone Brewing to Alabama? Legislators make play that could attract craft beer leader**

*Al.com*

March 6, 2014

Alex Walsh

A leader in the craft brewing industry is looking to build a new facility in the eastern U.S., and Alabama legislators are working through a pair of bills that could help recruit that business to this state.

San Diego-based Stone Brewing Co. generated \$135 million in revenues in 2013, and brewed roughly 213,000 barrels of beer -- several times the amount of Alabama's combined statewide beer production.

The company is looking to expand again in the near future. According to a request for proposal published online, Stone is aiming to build a brewing, packaging, and distribution center occupying at least 130,000 square feet, and up to 220,000 square feet.

"Revenue projected from the facility will exceed \$100 million in year four," Stone claims in its RFP, "and grow over time into hundreds of millions annually."

In addition to the brewing facility, Stone says it plans to construct an adjoining retail operation called Stone World Bistro & Gardens, which would support tourism commerce and merchandising sales.

But that proposed adjoining facility is where things get complicated for Alabama.

In this state, brewers are not allowed to sell their products directly to consumers, and instead must go through what's known as a "three-tier" system of sales. A vestige of the end of Prohibition, the three-tier system makes it easier for governments to regulate the sale of alcohol.

To address that issue, a pair of bills have been filed in the Alabama Legislature -- HB 581 and SB 439 -- that would exempt brewers that produce at least 25,000 barrels of beer annually from some aspects of the existing law.

State Sen. Dick Brewbaker, R-Montgomery, is the primary sponsor of SB 439. Brewbaker would not confirm that he was targeting Stone Brewing Co. with his legislation, but did say that the economic development operations of "five or six" Alabama counties had approached him about an opportunity in the brewing industry.

State Rep. April Weaver, R-Alabaster, the primary sponsor of HB 581, could not be reached for comment prior to publication.

Both bills were introduced on March 5, and have yet to be put up for a vote as of publication.

A spokesperson for Stone Brewing acknowledged that the company was seeking to expand into the eastern U.S., but would not confirm whether it had entered into any dialogue with Alabama.

"We have received interest from many East Coast cities and will be reviewing submissions in the near future," Stone's Sabrina LoPiccolo said.

The deadline for submissions to Stone is March 15. The request for proposals was issued in late February.

### Craft controversy

The Alabama Brewers Guild, which often represents many of the small craft breweries headquartered across the state on legal issues, says it opposes both SB 439 and HB 581 in their current forms.

"HB581 allows brewers to operate a restaurant and conduct direct retail sales, which is a goal of this organization. Unfortunately, as written those provisions would only apply to breweries who produce in excess of 25,000 barrels. This would effectively cut out all existing Alabama breweries in an effort to entice larger businesses into Alabama," an ABG statement read.

"We do not support a bill that would give a legal advantage to large, established, out-of-state breweries at the expense of local Alabama business," it added.

Dan Roberts, ABG's executive director, said changing the bill to include all breweries in Alabama would instantly change his organization's collective mind. "We support everything about this bill except that it excludes the existing breweries who have been building the craft beer industry in Alabama for years," he said.

The Brewers' Guild counts Avondale Brewing, Back Forty Beer Co., Yellowhammer Brewing, and Fairhope Brewing among its members.

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### **Alabama House approves bill to keep lethal injection drug suppliers secret**

*The Associated Press*

March 6, 2014

MONTGOMERY, Alabama — Makers and suppliers of Alabama's execution drugs would be kept secret and not released to the public or the courts under a bill approved Thursday in the Alabama House of Representatives.

House members voted 77-19 for the bill being sought by the Alabama Department of Corrections. It now moves to the Alabama Senate.

Rep. Lynn Greer, R-Rogersville, said companies are becoming hesitant to supply the drugs because of the threat of lawsuits and backlash from death penalty opponents.

"We're having a terrible time getting the drug. The Department of Corrections can't get the drugs. It's just simple," Greer said.

Richard Dieter, executive director of the Death Penalty Information Center, said about seven states have adopted similar laws, which he said are being challenged in court.

Supporters of the Alabama bill said the state should protect people playing a role in court-ordered executions from the threat of lawsuits and retaliation. Opponents argued the details of the state-sanctioned taking of a life should not be kept secret.

"I think any contractor in the state of Alabama should be open record," said Rep. Napoleon Bracy, D-Prichard.



"People can create this drug and sell it to the people of Alabama in our prisons. That drug's intent is to kill someone. Then they don't want anyone to know who they are, but they want to profit from selling the drug," Bracy said.

The identities of the drug companies would not be subject to disclosure in a lawsuit or admissible as evidence, according to the legislation. The bill would also keep secret the names of people who perform any ancillary function related to an execution.

"I would not want my name and my address let out. No matter what method we use, I think we owe them some form of confidentiality," Greer said.

The bill would also hide more than the manufacturers' names. The legislation would make all policies and procedures related to lethal injection exempt from state open records law.

Felicia Mason, executive director of the Alabama Press Association, said the organization opposed that provision.

Mason said they had asked for public records exemption to be removed from the bill, and thought they had an agreement to do so. The press group did not oppose keeping the manufacturers' names confidential as long as all other information was open to the public, Mason said.

Alabama in 2002 switched from the electric chair to lethal injection as its primary form of execution.

Asked about the state's current lethal injection drug process, a spokesman for the Alabama Department of Corrections said the execution drug cocktail has not changed since it was disclosed in a court case.

The court filing said the Department of Corrections announced in 2011 that it was changing the first drug in its three-drug protocol from sodium thiopental to pentobarbital. The other injections are pancuronium bromide, and potassium chloride.

The state has been reluctant to discuss procurement of lethal injection drugs.

Dieter said many states have laws to protect the identities of corrections officers who carry out an execution. The new laws try to extend the secrecy to the source of drugs.

Dieter said that raises a couple of issues including the public's right to know about state work and how state tax dollars are being used. The other, he said, is the inmate's right to "know what you are going to be injected with and how you are going to be treated."

Georgia's secrecy law is currently before the Georgia Supreme Court.

Birmingham lawyer Richard Jaffe, who has handled multiple capital cases, said the background of the drug production and manufacturer is important to know in challenges over the execution method.

"I just don't understand the need for secrecy and question whether it is constitutional. I believe it will lead to more expensive and protracted litigation," Jaffe said.

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### **Bill to allow liquor tastings in ABC stores voted down, but could return next week**

*The Associated Press*

March 7, 2014

MONTGOMERY, Alabama — State Sen. Billy Beasley is getting a second shot at passing his bill to allow liquor and wine tastings in state-run liquor stores.

The Senate initially voted down his bill 14-17 Thursday. But then the Senate agreed to reconsider the bill and let Beasley try to pass it again next week.

Beasley says distillers want to do the tastings to market their products. The Clayton Democrat says they would conduct the tastings under the supervision of the Alabama Alcoholic Beverage Control Board. His bill limits the tastings to small amounts of two liquors or four wines.

Opposition came from some senators concerned about the promotion of alcohol and from others concerned that the bill didn't cover Alabama's privately run liquor stores.

More Alabama and national political news.

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### **Ala. governor hiring national firm to help prison**

*The Associated Press*

March 6, 2014

Kim Chandler

MONTGOMERY, Ala. (AP) — Gov. Robert Bentley said the state is bringing in a nationally recognized consulting group to implement reforms at a state prison thrust into the national spotlight over accusations of widespread sexual harassment and abuse.

Bentley said the state is hiring The Moss Group, a Washington, D.C., firm that specializes in helping prisons and jails prevent sexual misconduct, to help make changes at Julia Tutwiler Prison for Women

"We're going to make sure our inmates are treated humanely, and we have zero-tolerance for sexual misconduct," Bentley said in an interview.

"If there have been problems in the past, or if there are problems today, we are going to get them solved as best as we possibly can and protect the individuals that are out there," Bentley said.

The U.S. Department of Justice in January accused Alabama of violating Tutwiler inmates' constitutional rights saying the prison had a "history of unabated staff-on-prisoner sexual abuse and harassment." The report alleged that corrections officers had assaulted inmates, coerced inmates into sex, inappropriately watched inmates in the showers and bathrooms and were verbally abusive to inmates.

The governor and First Lady Dianne Bentley visited Tutwiler prison Thursday morning. Bentley said he wanted to see Tutwiler for himself, the areas that have prompted concerns, and the status of changes ordered by the state prison commissioner.

"What I saw today primarily was the overcrowding aspect and the dated, aged building that was built in 1942," Bentley said.

The nonprofit Equal Justice Initiative first raised the alarm about Tutwiler, filing the complaint with the Department of Justice.

"We think it's great that the governor is getting personally involved," said Charlotte Morrison, a senior attorney with the nonprofit Equal Justice Initiative.

"We do think there are a lot of additional proactive steps that could be taken and have not been. We look forward to working with the governor's office on some of these interventions," Morrison said.

Morrison said The Moss Group is a nationally recognized firm.

The governor's office said The Moss Group will help with policy development, prison culture change, staffing assessments and training on internal investigations. The firm will also aid the state in complying with the federal Prison Rape Elimination Act. The governor declined to give a price tag for the contract, saying it was still being finalized.

One of the issues identified at Tutwiler is that the 1942 prison has few cameras and many unmonitored areas where officers and inmates could be alone unnoticed. Bentley said that Tutwiler should have a "good camera system" by July.

"It will eliminate those blind spots," Alabama Department of Corrections Commissioner Kim Thomas said.

Thomas said the department is trying to accelerate plans to move inmates into nearby facilities to alleviate overcrowding at Tutwiler. The department hopes to have a former sewing plant on prison grounds converted to a 60-bed intake facility for new inmates by Oct. 1, 2015. The building also will house a new infirmary.

Thomas said in early summer of 2015 the department hopes to have a former state institution for people with mental disabilities converted into a medium-security facility for inmates nearing their release date.

State officials have disagreed with the DOJ report, but have also acknowledged problems at Tutwiler.

Asked why Tutwiler got like it did, Thomas pointed to funding. He said the average national expenditure on inmate incarceration is \$60 per inmate per day, while Alabama spends a little over \$40.

"We spend the lowest amount of dollars in corrections. Obviously, we haven't built a prison since the late 1980s. Obviously, we have been forced by monetary appropriations to not have as many people as we need to. And you are working in a prison that was built in 1942," Thomas said.

Long-term Bentley said the state will have to find more money for corrections. However, the proposed General Fund budget being crafted in the Alabama Legislature does not give corrections an increase. Bentley and legislative budget chairmen have said they want to find additional funds.

"I'm of the belief we are going to have to have more money in our prison system. We've got to come up with a way of doing that," Bentley said.

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### **Sen. Beason introduces compromise bill targeting common core education standards**

*Al.com*

March 6, 2014

Evan Belanger

MONTGOMERY, Alabama -- Sen. Scott Beason, R-Gardendale, has introduced a new bill dealing with Alabama's common core issue.

Beason's Senate Bill 443, filed Tuesday night, would give local school boards the right to opt out, add to or alter the common core standards adopted by the Alabama State Board of Education in 2010 for math and English.

Academic standards, which tell teachers what concepts students should master by each grade, are currently set by the state board only in Alabama.

[Related: [Keep your hands off our common core standards, readers tell legislature \(poll\)](#)]

The bill would allow local school systems to implement their own academic standards for English and math, so long as the local standards satisfy the curriculum standards in place before the common core took effect.

That's a step back from Beason's earlier bill that would repeal the standards statewide, overruling the state board without giving local board the option to keep the standards if they chose.

The new bill is co-sponsored by Senate President Pro Tempore Del Marsh, who had previously said that no common core bill would reach the Senate floor this session because he did not want to rush the matter.

[Related: Education budget would block expansion of common core in Alabama schools]  
Beason said today he still believes the common core should be repealed entirely because the standards are "an untested experiment," but the giving local school boards the option might face easier path the passage.  
"There are states that have much more autonomous local school systems, and they're still good," he said.

Alabama GRIT, a pro-common core group composed of business leaders, education groups and civic organizations, is already criticizing the new bill, saying it would bypass the elected state board's authority.

[Related: Who supports the common core? Business, education leaders ask Alabama Legislature to ignore repeal bill]

They also said it would create a chaotic patchwork of education standards and derail the state school system's school accountability programs.  
"What Alabama students are expected to learn should not be dependent upon their zip code," said Alabama GRIT Executive Director Jessica Hammonds.

Created at the behest of state leaders through an ad hoc organization known as the Common Core State Standards Initiative, the standards are a response to a report from the American Diploma Project that said 28 percent of high school graduates nationwide were not prepared for college math or English.

[Related: Is Alabama destined for the same common core misfire as New York?]

Meant to instill more rigorous math and English standards in public schools the standards were adopted quickly by 45 states, the District of Columbia and four U.S. territories.

But the standards have come under fire from Tea Party groups and the Republican National Committee who say the standards are a federal attempt to seize control of state-run education.

That distrust has been fueled by the fact that the Obama administration may have lured some states to the standards by making adoption a condition on certain Race to the Top education grants.

Alabama applied for one of those grants, but was not selected. The state implemented the common core standards for math in 2012 and for English this school year.

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## **Business Council of Alabama president slams Beason's new common core bill as 'the very definition of government overreach'**

*Al.com*

March 7, 2014

Evan Belanger

MONTGOMERY, Alabama -- The Business Council of Alabama is lashing out against Sen. Scott Beason's, R-Garden City, latest attempt to curb the common core education standards in Alabama.

In a statement this evening, BCA President and CEO William J. Canary said the bill "amounts to a significant usurpation of power by the Legislature."

[Related: Sen. Beason introduces compromise bill targeting common core education standards]

"It's simply wrong," he said. "This is a political application at the expense of students and our future workforce. As we have said before, continued attempts by the Legislature to assume control of this issue, regulated by the law to the State Board of Education, is the very definition of government overreach."

Beason introduced the bill Wednesday night as an apparent attempt at a compromise for Republicans lawmakers to tackle this session.

[Related: Keep your hands off our common core standards, readers tell legislature (poll)]

Beason's bill would allow the local school systems to opt out, alter or add to the common core standards adopted by the Alabama State Board of Education in 2010 for math and English.

Senate President Pro Tem Del Marsh is one of the sponsors of the bill. Marsh said before the start of the session that no bill dealing with the common core was likely to reach the Senate floor because he did not wish to rush the important issue.

[Related: Who supports the common core? Business, education leaders ask Alabama Legislature to ignore repeal bill]

The standards were developed through a state-led initiative in an attempt to make high school more rigorous for U.S. students, 28 percent of whom were not prepared for college math or English upon graduation.

But the program has been criticized as a federal overreach since the Obama administration made adoption of the common core one of several criteria for states to receive a federal Race to the Top Grant.

[Related: Is Alabama destined for the same common core misfire as New York?]

Beason called the common core an untested experiment today and that he thinks the compromise bill has a better chance of getting through the Senate.

He said he would still push for the full repeal, but he is uncertain of its fate.

"It may not be dead, but it's in intensive care," he said.

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### **Alabama attorney general joins lawsuit to stop California from imposing humane-treatment restrictions on local egg farmers**

*Al.com*

March 6, 2014

Evan Belanger

MONTGOMERY, Alabama -- Alabama Attorney General Luther Strange has joined a lawsuit to block California from requiring all eggs sold within its borders come from farms that use larger-than-normal cages for the humane treatment of the birds.

In a press release, Strange's office said the suit would "stop California from imposing on Alabama and other states its own standards requiring that eggs be sold only from chickens that live in roomy, larger-than-normal cages."

"In Alabama, consumers are free to make their own choice of which eggs to buy at their grocery stores, and it is preposterous and quite simply wrong for California to tell Alabama how we must produce eggs," Strange said in a statement.

"This is not an animal-welfare issue; it is about California's attempt to protect its economy from its own job-killing laws by extending those laws to everyone else in the country."

The suit challenges California's 2008 Prevention of Farm Animal Cruelty Act, which applies to chickens and other livestock and requires caged egg-laying hens to be confined only in a manner that enables them to lie down, stand up, fully extend their limbs and turn around freely.

Initially, the law only applied to California farmers, but provisions were added making it apply to all eggs imported into the state in order to protect California egg producers from having an unfair disadvantage against out-of-state producers.

Since the California law exceeds the industry standard in Alabama and other states, it could close the comparatively large California economy to egg farmers from Alabama and other states.

It could also change the industry standard, forcing egg farmers nationwide to make significant investments upgrading their operations to comply with the California standard.

Alabama is the 15th largest egg producers in the nation, with production totaling 2.14 million eggs in 2012.

States filing the suit, which include Missouri, Nebraska, Oklahoma, and Iowa, are asking the U.S. District Court for the Eastern District of California to declare the law invalid and stop its enforcement, which is set to take effect Jan. 1, 2015.

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### **Program crafts new future for juveniles**

*Montgomery Advertiser*

March 6, 2014

Brad Harper

Alabama's juvenile corrections agency rolled out a new program Thursday that organizers hope will pave the way to a better future for the kids leaving the system while also strengthening the state's workforce as a whole.

Students in the new CraftTrain program at the Department of Youth Services learn jobs like construction, masonry and welding through a school that's set up like a company. They get "hired" by the program, attend orientation, go through a probationary employment period and have to manage schedules and reviews.

Classes are treated as work shifts, with an emphasis on punctuality and performance. Along the way, they're taught real-world skills ranging from leadership qualities to how to fill out a job application.

"This is life-changing for the students," said DYS Career and Technical Education Coordinator SoJuan Crenshaw, one of the architects of the program. "It actually, as realistically as possible, puts them in a position of what they will experience upon release.

"We are, for many of our students, the last structured support system for them. We want them to be job-ready. We want them to be continuing education-ready."

Crenshaw said the program took years to set up but now is "fully staffed" with students who are ready to go to work. She and others celebrated its launch Thursday at the home of one of its partner groups, state industrial training arm AIDT.

One of the speakers, Terry Waters from the Department of Postsecondary Education, told the Biblical parable of the prodigal son and said the DYS students are all part of the "Alabama family." He said their future is linked to the fortunes of the state, as the workforce continues to dwindle.

Crenshaw said some of those students already have demonstrated what they can do. She pointed to two recent graduates who moved directly into jobs, and to the work done by welding students who helped erect the pavilions in the Hannah Daye Ridling Bark Park in east Montgomery.

"It is critical for our student population, and it's an untapped labor pool," she said.



Among those in the audience was Georgia Department of Juvenile Justice Deputy Commissioner Carl Brown, who came to Montgomery to learn more about the program and whether it could be implemented in Georgia. He said the concepts behind the program seem promising.

“We always want to do all we can to encourage kids to re-enter the community better than they came to us,” Brown said. “This is an opportunity for us to ensure we’re helping them re-enter society in a productive way.”

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### **PACs receive \$250,000 from Poarch Creeks, give equal amount to AG candidate Joe Hubbard**

*Al.com*

March 6, 2014

Mike Cason

MONTGOMERY, Alabama --- Three political action committees that received a total of \$250,000 from the Poarch Band of Creek Indians last week gave an equal amount to attorney general candidate Joe Hubbard the next day.

Hubbard, a Democrat and state representative from Montgomery, is challenging Republican Attorney General Luther Strange in the November general election.

Hubbard said he had not talked directly to the Poarch Creeks but said he has made it clear that he believes Alabama has no jurisdiction to interfere with their gambling operations.

"My understanding is they want somebody who is going to administer the law fairly and justly," Hubbard said.

Strange has tried several times, with no success, to stop the Poarch Creeks from using slot-machine-like electronic bingo machines at their three Alabama casinos. In 2011 and 2012, Strange asked the National Indian Gaming Commission to ban the machines. Last year, Strange sued in Elmore County to try to shut down the casinos.

Hubbard said Strange's moves against the Poarch Creeks were political pandering because the state has no jurisdiction on the tribal lands.

"The Poarch Creek Indian tribe is under federal jurisdiction," Hubbard said. "At the end of the day, if they are a federally recognized tribe, whatever we think about them here in Alabama, there's not a whole lot we can do about it."

Efforts to reach the Strange campaign and a spokeswoman for the Poarch Creeks were unsuccessful.

According to campaign finance reports filed with the secretary of state, the Poarch Creeks made these contributions on Feb. 26:

--- \$83,000 to Speed PAC of Montgomery, operated by lobbyist John Teague.

- \$84,000 to T PAC of Montgomery, operated by Teague.
- \$83,000 to AL PAC of Montgomery, operated by Teague.

According to Hubbard's campaign finance report for February, his campaign received on Feb. 27:

- \$75,000 from Speed PAC.
- \$60,000 from T PAC.
- \$115,000 from AL PAC.

The three PACs also reported the contributions to Hubbard.

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### **Indicted former Ala. senator cites AG's payments**

*The Associated Press*

March 6, 2014

FORT PAYNE, Ala. (AP) - An indicted former state senator accused of making improper payments to a campaign aide has filed court papers citing the attorney general's payments to a campaign staffer.

Former Democratic Sen. Lowell Barron filed the court papers in Fort Payne in advance of a court hearing Friday.

The papers stem from Attorney General Luther Strange fighting Barron's subpoena for him to testify at Barron's trial next month. Strange contends there is no compelling need for his testimony.

Barron's court papers Thursday cited \$354,548 in payments that Strange made to campaign aide Jessica Garrison or companies affiliated with her after his unsuccessful race for lieutenant governor in 2006 race and before and after his successful run for attorney general in 2010.

The attorney general's office got an indictment last year accusing Barron and former aide Rhonda Jill Johnson of improperly diverting \$58,000 in campaign funds and a campaign car to her use and to other non-campaign uses in the 2010 election.

In citing the attorney general's campaign expenses, Barron's attorney, Joe Espy, said, "Strange has personal knowledge of facts which may be admissible depending on the position of the prosecutors in this case."

Strange's office did not have any immediate comment.

Barron, a businessman from Fyffe, served in the Legislature from 1982 to 2010 and held leadership positions including Senate president pro tem and Senate Rules Committee chairman.

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## **Questioned by Byrne, defense secretary expresses doubt about Mobile-made ship's combat capabilities**

*Al.com*

March 6, 2014

Brendan Kirby

WASHINGTON – Defense Secretary Chuck Hagel expressed skepticism at a budget hearing Thursday about the Mobile-made littoral combat ship as U.S. Rep. Bradley Byrne pressed him about the viability of the system.

Hagel, who previously has raised concerns about the LCS's combat capabilities, said he continues to have doubts even as he added that he respects the opinion of Navy Secretary Ray Mabus – an LCS supporter.

“But there's enough testing out there, congressman, that tells me and others who have evaluated it that there are big, big questions whether we want a sixth of our Navy to be LCS's,” he told Byrne, R-Fairhope.

Byrne, who has made safeguarding the LCS program a top priority, said in a prepared statement that he believes the ship can be modified to address Hagel's concerns.

“Clearly, the LCS can be retained in a modified form and continue beyond the original order of 32 ships,” he stated. “This testimony will strongly support our case as we continue fighting to preserve the LCS program.”

Mobile-based Austal USA and a company in Wisconsin share a contract to deliver different versions of the LCS, a light, fast ship designed for close-in operations. But the Obama administration has proposed cutting back on the originally envisioned order of 52 ships.

At Thursday's hearing of the Armed Services Committee, Byrne asked about options that Hagel has given the Navy regarding the LCS program.

“I've given the secretary of the Navy and the chief of naval operations, not options – I've given them directives as to what I want to see come back to me – survivability, combat power, more capability,” Hagel said. “Can they do that with an existing design that would give more survivability, more capability, more combat power?”

Hagel said the LCS has met the mission it was originally given.

“That's not in dispute. The bigger question is ... if you build out the LCS system to 52 in a 300-ship Navy, that represents about a sixth of our Navy,” he said. “Every test we've seen – never designed to do otherwise, which I agree with – but it doesn't have the survivability, capability, firepower of ships as we may well need to confront much more sophisticated adversaries.”

Byrne suggested that modifying the ship's design would be far more cost-effective than scrapping it and starting over with a brand-new ship – particularly in an era of shrinking military budgets.

“Is it practical, is it good, common sense, that we would actually go and design a new ship with the long-term period that it would take to develop that ship and the attended expense now that we have reached a fairly low expense on a per-ship basis with the LCS – down to \$350 million a vessel?” he asked.

Hagel responded that it was feasible.

“There's a lot of design already that you could build on existing systems or match and mix and so on,” he said.

Austal, which launched operations along the Mobile River in 1999, has grown to be the city's largest industrial employer. It soon will pass the 4,000-employee mark. Possible cuts to the LCS program represent a significant threat to the company's future.

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### **Alvin Holmes makes national news with racial comments**

*Montgomery Advertiser*

March 6, 2014

Kala Kachmar

Rep. Alvin Holmes made national news for the second time in the past month with racial comments made during debate about an abortion bill on the House floor Wednesday.

The bill, sponsored by Rep. Mary Sue McClurkin, R-Indian Springs, would ban abortion when the fetal heartbeat is detected, which is at about six weeks.

Debate about the legality of the bill raged on, but the discussion became contentious when McClurkin compared the bill to *Brown vs. Board of Education*, a 1954 U.S. Supreme Court ruling that overturned the *Plessy vs. Ferguson* “separate but equal” ruling 58 years earlier.

McClurkin said her bill was intended to challenge and possibly overturn *Roe v. Wade*, a 1973 decision that legalized abortion.

“That's just an example of a ruling that was overturned by the Supreme Court,” she said. “That was my reasoning for bringing that up.”

Several Democrats, including Reps. Juandalynn Givan, D-Birmingham, and Barbara Boyd, D-Anniston, scolded McClurkin for drawing such a comparison.

“I was really confused at first about their taking it as something racist because it certainly wasn’t that at all,” McClurkin said. “In the end, they realized I was using that as an example of a bad ruling that had been overturned for the good.”

Rep. Alvin Holmes, D-Montgomery, made some controversial remarks about race and abortion, although it’s unclear whether his comments were in response to the comparison. His comments caught the attention of national media, including the Huffington Post.

Holmes said 99 percent of the white legislators in the chamber would raise their hand to say they’re against abortion, and that same 99 percent would make their daughters get an abortion if they were impregnated by a black man

“You ain’t gonna have no little back baby if you got two other white children and then she’s gonna have a little black baby running around there in the living room or in the den with the rest of them,” he said. “They’re not going to let that happen. You know that and I know that.”

Holmes also said he’d mortgage his house and bring \$100,000 in cash – in a briefcase – tomorrow if anyone could show “a whole bunch of whites” who have adopted black children in Alabama.

Holmes asked McClurkin if she would let her daughter have a black baby, and when she said yes, asked what she’d do with it after it was born.

“Let it run around in my living room and enjoy it as my grandchild,” she said.

“With them other little blond children running around there?” Holmes said.

“That’s right,” McClurkin said.

“Well I need to commend you then. It wouldn’t be one out of 100,000 to do that,” Holmes said.

Later in the discussion, House Speaker Mike Hubbard said they’d identified more than 200 families who have adopted black children.

McClurkin said it’s typical for Holmes to bring race into debates.

“We have just come to expect Alvin to say those kinds of things,” she said “That’s the page he’s on. He does that on almost issue. He’s passionate about that still, so it’s expected.”

Last month, Holmes called U.S. Supreme Court Justice Clarence Thomas an “Uncle Tom,” which caught the attention of national news outlets.

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## **Abortion Law Pushes Texas Clinics to Close Doors**

*The New York Times*

March 6, 2014  
Manny Fernandez

McALLEN, Tex. — Shortly before a candlelight vigil on the sidewalk outside, employees of the last abortion clinic in the Rio Grande Valley in South Texas shut the doors early Thursday evening, making legal abortion unavailable in the poorest part of the state in the wake of tough new restrictions passed last year by the Texas Legislature.

The closings on Thursday of two clinics operated by Whole Woman's Health — the one here in McAllen and another in the East Texas city of Beaumont — are part of a wave of clinic closings brought on by the new law.

There were 44 facilities that performed abortions in Texas in 2011, abortion providers said. After the two closings on Thursday, there are now 24, they said. When the law is fully implemented in September, that number is expected to drop to six.

“It’s heartbreaking for us,” said Amy Hagstrom Miller, the chief executive of Whole Woman’s Health, which has challenged provisions of the law in court. “It’s been a very difficult decision. I tried everything I can. I just can’t keep the doors open.”

Anti-abortion groups said some of the reasons for the clinic closings were “deplorable conditions,” violations of state safety regulations and high staff turnover, accusations the operators denied. Still, abortion opponents expressed satisfaction that the two clinics, which together treated nearly 3,000 patients annually, were shutting their doors.

“We are pleased that women will never again receive substandard care from either of these abortion facilities,” said Joe Pojman, executive director of Texas Alliance for Life.

Abortion was a heated political issue last year in Texas, when Republican lawmakers, backed by Gov. Rick Perry, passed some of the toughest restrictions in the country, despite a marathon filibuster that turned State Senator Wendy Davis into a national political figure. The politics have since been toned down. Ms. Davis did not attend the clinic closings on Thursday and has not emphasized the issue in her campaign for governor.

But the real-world impact has played out in the months since the law passed.

In McAllen, the shuttering of the city’s only abortion clinic has increased the costs, the time and the travel distance for women seeking abortions. Women have been making a roughly four-hour, 240-mile trip to San Antonio or a five-hour, 310-mile trip to Austin to get abortions. There had been only two clinics that performed abortions in the Rio Grande Valley, but by the end of the day Thursday there were none. The other one in nearby Harlingen closed days ago.

Activity at the McAllen clinic had slowed recently. It stopped performing abortions last year after parts of the law went into effect. On Tuesday, the aftercare room, where women who had received abortions were taken to recuperate, was cluttered with boxes of files as workers prepared for Thursday.

“Sometimes on my lunch break, I’ll come back here, and I’ll just sit here,” said Lucy Carreon, the clinic’s patient advocate, who is moving to San Antonio to work at the Whole Woman’s Health facility there. “It’s very sad. I can’t believe it.”

The leaders of Whole Woman’s Health, which operates clinics in Texas and two other states, said they closed the ones in McAllen and Beaumont in large part because of one restriction in the law: the requirement that doctors who perform abortions have admitting privileges at a hospital within 30 miles.

Ms. Miller said that nearly all their doctors were unable to obtain admitting privileges at nearby hospitals, and that some hospitals declined to even provide doctors with applications for admitting privileges.

Continue reading the main storyContinue reading the main story

Another part of the law, which takes effect in September, requires clinics to meet surgical-center standards, meaning all abortions, including nonsurgical procedures, must take place in hospital-style operating rooms. It is that requirement that abortion providers say will probably reduce the number of clinics in the state to six and that Ms. Miller said played a role in the decision to close the McAllen and Beaumont clinics.

Republican supporters of the law said it would protect women’s health and hold abortion clinics to safer standards. Opponents said that it was an unconstitutional attempt by Republicans at a backdoor ban on abortion and was designed to force clinics to close. Mr. Perry has stated that one of his goals in office is to “make abortion, at any stage, a thing of the past,” and another Republican leader, Lt. Gov. David Dewhurst, suggested last year on Twitter that shutting clinics was part of the purpose of the law, known as House Bill 2.

In a statement, Ms. Davis, who is running for governor against Attorney General Greg Abbott, a Republican who has defended the law in court, pointed out the other services the clinics provided, beyond abortions, that were now unavailable to many women.

“These health centers provide lifesaving preventive care, cancer screenings and birth control to Texan women,” she said. “Politicians like Greg Abbott are forcing their personal political agenda and threatening the health of women across the Rio Grande Valley.”

Even before the full regulations kick in, women in rural areas have already had more difficulty getting abortions than those living in urban centers like Houston and Dallas.

In the West Texas city of Lubbock, Planned Parenthood closed the only clinic there providing abortions, sending many women on a five-hour trip to Dallas or to Albuquerque, some 320 miles away. The closing of the clinic in Beaumont has made Houston the nearest option, more than an hour’s drive away. A clinic in Corpus Christi, which is closer to McAllen than San Antonio but

is still more than two hours away, is closing in September because of the surgical-center requirements.

In McAllen, the problems associated with traveling 240 miles to San Antonio one way — including additional costs for gas, lodging or child care — have caused some women to go to Mexico to buy a widely available “abortion pill” that can induce miscarriages and that abortion providers and advocates said poses significant health risks. Ms. Carreon, the patient advocate, said she believed 30 to 40 women who had contacted the clinic since last year had decided on their own to take the pill.

Some women interviewed at the McAllen clinic said they had considered taking the 30-minute trip to Mexico to get the pill — a drug called misoprostol known by the brand-name Cytotec — but ultimately decided against it.

“Honestly, I think they’ll go south of the border, if they have to,” said a 23-year-old woman who was one of the last patients to be seen at the clinic and who went to San Antonio for an abortion last month. “It’s cheaper and it’s closer. To go to San Antonio is so much more of a hassle and costs a lot more.”

On the day of her appointment in San Antonio, the woman, who asked that her name not be used, said she left with a friend at about 3 a.m. to arrive at the clinic by 8 a.m. She had to spend the entire day there waiting to be seen. The San Antonio clinic, it turned out, was packed with patients from the Rio Grande Valley area.

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### **Longtime Democratic D.A. Valeska switching to GOP**

*WSFA*

March 6, 2014

DOTHAN, Ala. (AP) -

A longtime prosecutor in southeast Alabama says he's leaving the Democratic Party to become a Republican.

District Attorney Doug Valeska has won five terms as a Democrat in Houston and Henry counties, but he says he's now jumping to the GOP.

The 62-year-old Valeska last won a six-year term in 2010, and he says he will seek re-election in 2016 as a Republican.

Valeska says the Democratic Party was much more conservative when he won his first term in 1986, and the GOP now fits his beliefs more closely.

The prosecutor describes himself as being against abortion and for the death penalty.

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## **New health insurance marketplaces signing up few uninsured Americans, two surveys find**

*Washington Post*

March 6, 2014

Amy Goldstein

The new health insurance marketplaces appear to be making little headway in signing up Americans who lack insurance, the Affordable Care Act's central goal, according to a pair of new surveys.

Only one in 10 uninsured people who qualify for private plans through the new marketplaces enrolled as of last month, one of the surveys shows. The other found that about half of uninsured adults have looked for information on the online exchanges or planned to look.

The snapshots from the surveys released Thursday provide preliminary answers to what has been one of the biggest mysteries since HealthCare.gov and separate state marketplaces opened last fall: Are they attracting their prime audience?

The findings emerge as the Obama administration has been revising a series of rules that define how the 2010 law works in practice. According to a variety of health-policy experts who support and oppose the law, the changes are in response to consumer hesitancy and political opposition that linger — at least, in the early going — as the law's major provisions have taken effect.

The rule changes postpone or relax aspects of the law, sometimes to adjust for technical problems, other times to push into the future controversies that have arisen from specific groups of consumers or parts of the health care industry.

This week, administration officials said that people could keep for three years old health plans whose benefits do not meet the law's standards. Last week, they said the government would pay for people in certain states to collect federal subsidies for insurance policies outside the exchanges. Two weeks before that, they gave medium-size and large employers two additional years before they must offer coverage to their full-time workers.

The surveys offer no evidence that the rule changes contribute to the insurance marketplaces' relatively low popularity so far among the nation's uninsured. One of the surveys, by the consulting firm McKinsey & Co., shows that among people who are uninsured and do not intend to get a health plan through one of the exchanges, the biggest factor is that they believe they cannot afford it.

The McKinsey survey shows that of people who had signed up for coverage through the marketplaces by last month, about one-fourth described themselves as having been without insurance for most of the past year. That 27 percent, while low, compares with 11 percent a month earlier.

The survey also attempted to measure what has been another fuzzy matter: how many actually have the insurance for which they signed up. Under federal rules, coverage begins only if

someone has started to pay their monthly insurance premiums. Just over half of uninsured people said they had started to pay, compared with nearly nine in 10 of those signing up on the exchanges who said they were simply switching from one health plan to another.

The second survey, by researchers at the Urban Institute and based on slightly older data from December, shows that awareness of the new marketplaces is fairly widespread but that those with a lower income and those who are uninsured are less likely to know about this avenue to health coverage than other people.

The surveys are not a perfect way of showing what is happening in the insurance exchanges. But they begin to fill in blanks that both advocates and opponents of the 2010 health-care law agree are critical to understand.

“If there is one point to the law, it is to lower the number of uninsured,” said Larry Levitt, a senior vice president of the Kaiser Family Foundation, a health-policy organization. “Ultimately, that has to happen for the law to be judged a success.”

With just over three weeks remaining in a six-month sign-up period, the question of how many uninsured people are gaining coverage so far is eluding both Obama administration officials and most of the private health plans being sold through the new marketplaces.

Inside the Department of Health and Human Services, staff analysts who have been producing monthly enrollment updates are confronted with a major hindrance to examining the question of people’s prior insurance status: the wording of the HealthCare.gov applications themselves.

The paper versions of applications, used by a small fraction of people who are signing up, contain a multiple-choice question asking whether people in a household currently have insurance. “No” is one of the boxes people can check.

But the online application, which most people use to enroll, asks whether people want to apply for coverage but does not give them a place to indicate whether they have insurance now or have had it in the past. As a result, HHS analysts have no way to assess how many of the online enrollees were uninsured in the past.

“We are looking at a range of data sources to determine how many marketplace enrollees previously had coverage,” said Julie Bataille, director of the Office of Communication at the Centers for Medicare and Medicaid Services (CMS), the HHS agency overseeing the new insurance marketplaces. “Previous insurance coverage is an important metric, and we hope to have additional information in the future,” she said.

In the absence of information from people who have enrolled, Obama administration officials have drawn attention to recent outside polls, which suggest that the overall number of uninsured Americans is declining. It is not clear, however, whether the trend is because of the health-care law or other reasons.

So far, of 14 states operating their own insurance exchanges, instead of relying on the federal one, only New York has given any indication about how many uninsured people are signing up.

The NY State of Health, the state's marketplace, said last month that including people eligible for Medicaid, 70 percent of the half-a-million who had enrolled since it opened in October were uninsured at sign-up time.

The McKinsey survey, its fourth since late November to measure the behavior of Americans in the new insurance marketplaces, is based on a national sample of about 2,100 people.

It defined uninsured people as those who qualify for private health plans sold through the exchanges. It does not include those who are uninsured and have an income low enough that they qualify for Medicaid. The Urban Institute's survey includes people eligible for Medicaid in its definition of the uninsured.

McKinsey's survey also includes people who bought insurance outside the new marketplaces. Asked at a conference on Thursday how many Americans are buying insurance on their own, apart from the new marketplaces, Gary Cohen, the outgoing director of CMS's Center for Consumer Information and Insurance Oversight, said that federal health officials have not yet tried to collect such information. "I think it is a really important question, because obviously the goal is to get as many people insured as possible," he said.