



Office of Senate President Pro Tempore Del Marsh  
Press Clips  
Monday, April 19, 2010

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## [Alabama jobless rate hits 5-year low \(Montgomery Advertiser\)](#)

Alabama's jobless rate inched down from 6.2 to 6.1 percent in December, according to preliminary numbers released Friday by the state.

It's the state's lowest unemployment rate since October 2008, but that decline has coincided with a steady drop in the labor force as baby boomers retire, people return to school and others simply stop looking for work.

"While we are certainly pleased to announce that our unemployment rate is at a five-year low, we know that we are not in a perfect situation, employment wise," Alabama Department of Labor Commissioner Tom Surtees said in a statement. "There are still more than 120,000 Alabamians who want a job, and we must focus our efforts on helping those people find work."

There were nearly 7,000 fewer Alabamians employed in December than a month earlier, but the rate fell because the labor force shrunk at an even faster rate.

The jobless rates for Montgomery, Autauga and Elmore counties all rose slightly in December, although those numbers are not adjusted for seasonal job trends. Autauga County's figure of 5.0 percent was the seventh lowest rate in the state.

Although most of Alabama's key economic indicators are pointing toward a recovery from the recession, hiring has been slow to pick up.

"What I hear right now from most businesses is that they're not sure this recovery is sustainable," said Ahmad Ijaz, the director of economic forecasting at the University of Alabama's Center for Business and Economic Research. "They're reluctant to hire new people because of that. Once businesses feel like we're in a definite recovery, they'll start hiring."

The workforce decline has been dramatic in Alabama, but it isn't isolated to this state. The labor force fell two-tenths of a percent nationwide in December, according to the Bureau of Labor Statistics. That helped push the national jobless rate down to 6.7 percent in December.

Even before the December drop, Alabama had the lowest unemployment rate in the Southeast aside from Virginia. Ijaz said the workforce decline isn't a cause for concern when considering other positive signs in the state economy, such as a growing manufacturing sector and housing market.

State and national economists described a sunny outlook for 2014 during a summit in Montgomery last week, with Alabama riding a wave of aerospace and auto industry growth.

Ijaz said the state's job picture will improve along with that, even if there are some bumps in the road.

"This year will definitely be better than last year," Ijaz said. "The recovery won't be as fast a pace as we like, but it will be faster than last year."

## **[The week in the Legislature: Revising Constitution, drug-testing lawmakers on agenda \(Montgomery Advertiser\)](#)**

A look at the week ahead in the Alabama Legislature. All events are subject to change.

### House of Representatives

The House returns at 1 p.m. Tuesday. The House will follow the regular-order calendar Tuesday but may have a special-order calendar for Thursday, said Rachel Adams, a spokesman for House Speaker Mike Hubbard, R-Auburn. Bills that could be discussed Tuesday include HB 88, which would change the formula for calculating a person's unemployment benefit, and HB 44, which would allow farmers to register more than one truck tractor at a reduced rate.

On Wednesday, some bills passed in the Senate last week will be up for discussion in House committees, including a bill that would raise the amount of driving hours a 16-year-old needs to get a driver's license, from 30 to 50. Another bill passed in the Senate would require resealed alcohol containers to be transported in a trunk, truck bed or locked glove compartment.

### Senate

The Senate returns at 2 p.m. Tuesday. Senate President Pro Tem Del Marsh said Thursday he expected a "fairly noncontroversial" agenda next week, though he did not name specific legislation that might be on it.

Bills scheduled to be brought up in committee include:

- A constitutional amendment proposed by Sen. Trip Pittman, R-Daphne, that would require periodic drug-testing of legislators.
- Proposed revisions to the Open Meetings Act, sponsored by Sen. Cam Ward, R-Alabaster, aimed at addressing recent Alabama Supreme Court rulings that proponents of government transparency say have severely weakened the law.
- A bill by Sen. Dick Brewbaker, R-Montgomery, that would require the state to award public contracts to firms that are either based in or make products in Alabama if their bids are no more than 5 percent greater than the lowest responsible bidder.
- Several proposed constitutional amendments stemming from the Constitution Revision Commission. The amendments make mostly minor changes, but would make it more difficult for lawmakers to send local constitutional amendments to statewide votes.

## **[This week in Alabama politics: Open Meetings Act, drug screening legislators, regulating wind mills \(al.com\)](#)**

MONTGOMERY, Alabama --- A ban on former lawmakers lobbying in the State House for two years after their terms end remains a high priority for Senate President Pro Tem Del Marsh, R-Anniston, who said he's working to address other senators' concerns with the bill.

Marsh proposed SB 36 after three legislators resigned mid-term last year. One became a lobbyist. There's a two-year waiting period now, but former senators can lobby the House and former House members can lobby the Senate during that window. Marsh's bill would close the loophole.

The bill came up during the first week of the session, but Marsh asked the Senate to delay action on it after some proposed changes. Sen. Hank Sanders, D-Selma, proposed broadening the bill, including applying it to former governors.

"That is a bill that there are more questions than most and concerns," Marsh said last week. "Let's get it right, let's involve whole body, which we're doing, and let's get a good piece of legislation. I think when it comes out of here, it will go very smoothly through the House because the work will have been done."

The House and Senate return to Montgomery Tuesday.

Bills that could be moving this week:

-- A Senate committee on Tuesday will consider a constitutional amendment, SB 222 by Sen. Trip Pittman, R-Montrose, that says legislators would be subject to drug screenings "upon such intervals as the legislative body determines appropriate." The bill has 12 Republican co-sponsors.

On Wednesday:

-- A House committee will hold a public hearing on HB 350 by Rep. Ed Henry, R-Decatur, that would move the responsibilities of the chief examiner, whose office audits state agencies, school boards, county commissions and other entities, to the State Auditor. The chief examiner now is governed by a legislative committee.

-- A Senate committee will consider SB 191 by Sen. Cam Ward, R-Alabaster, to amend the Open Meetings Act to ban serial meetings, to say that the law applies to the Legislature and its committees and to say that any Alabamian can sue for violations. Backers of the bill say recent state Supreme Court rulings showed the need to tighten the law.

-- A House committee will consider SB 188 by Sen. Linda Coleman, D-Birmingham, that would allow counties to issue car tag registrations that are good for two years. The goal is to reduce long tag renewal lines at courthouses, a problem in Jefferson County.

-- A Senate committee will consider SB 12 by Sen. Phil Williams, R-Rainbow City, to require the Alabama Department of Environmental Management to regulate and issue permits for wind mills.

-- A House committee will consider HB141 by Rep. Patricia Todd, D-Birmingham, to exempt veterinarians working for nonprofit spay-neuter clinics from a prohibition against working for a non-veterinarian. Todd has said her goal is to keep the nonprofits open.

On Tuesday, there are two special elections to fill seats of two of the legislators who resigned. The races are in House District 104 in Mobile County and House District 31 in Elmore and Coosa counties.

The state Employees' Retirement System Board of Control is scheduled to meet Thursday and consider the role of the board's investment committee, according to RSA CEO David Bronner. In December, the board voted to require the committee to approve any investment decisions. Bronner opposed the move, saying it would stop him from making timely investment decisions by proxy, as he has done for many years.

## **Under the Dome: Budget chair cautious about ETF funding proposal (Montgomery Advertiser)**

Gov. Robert Bentley's proposal to spend about \$92 million outside the Rolling Reserve cap drew a cautious response Thursday from the chairman of the Senate education budget committee.

Bentley's budget, unveiled Jan. 15, allocates about \$5.8 billion in spending on the Education Trust Fund. However, it also includes about \$92 million in gross sales tax revenue that the governor's office described as education spending outside the ETF and not subject to the Rolling Reserve cap. The governor said last week that without the money, they would likely not be able to provide a 2 percent pay raise for teachers or meet funding requests by the board overseeing insurance for teachers.

House Speaker Mike Hubbard, R-Auburn, and Senate President Pro Tem Del Marsh, R-Anniston, last week expressed skepticism about proposal.

Sen. Trip Pittman, R-Daphne, the chairman of the Senate Finance and Taxation Education Committee, said he would speak with House Ways and Means Education chairman Bill Poole, R-Tuscaloosa, on the matter. Poole's father, the Demopolis city attorney, was shot in his office on Jan. 17; Poole has been away from the House this week. However, Pittman said Bentley's budget "obviously circumvents the cap."

"He has to present a budget and he has," Pittman said. "But I believe we're going to have to recalibrate."

McCutcheon has surgery

Rep. Mac McCutcheon, R-Huntsville, was admitted to the hospital Tuesday for open-heart surgery that took place Friday, and the surgery reportedly went well. McCutcheon, the chairman of the House Rules Committee, is expected to return during the session, though no date has been set.

House members held a moment of silence for McCutcheon on Wednesday. He was first elected to the House in 2006.

#### Exchange over LRS

The Alabama Senate passed a bill Thursday sponsored by Sen. Roger Bedford, D-Russellville, that allows for expungement of criminal records in certain circumstances. Before passage, the bill became a vehicle for criticism — by senators, and for senators.

On Jan. 16, Bedford went to the podium in the chamber after the bill was called and angrily criticized members of the Legislative Reference Service for what he said was failure to get a copy of an amended bill to him in time.

On Tuesday, Sen. Paul Bussman, R-Cullman, took to the podium and, without naming Bedford, referred to a senator who had “embarrassed and humiliated” the staff.

“I would hope this is not a precedent we set,” Bussman said. “The LRS has been a tremendous service for me, and they have done everything we asked them to do.”

Bussman said he “hoped there would be an apology” to the staff. Following his remarks, Bedford and Bussman could be seen having a discussion outside the Senate chamber.

“He called out employees, and I think it was done in an attempt to intimidate and embarrass the staff,” Bussman said Thursday. “And I didn’t think it was appropriate for the body.”

Bedford said Thursday he had resolved his issues with LRS.

Bussman declined to discuss the conversation the two of them had Tuesday; Bedford did not.

“I suggested to Senator Bussman that if he had something he wanted to talk to me about, he should come and talk to me man to man,” he said.

#### Reflex action

During the debate over the legislative reorganization Wednesday evening, Senate Democrats pressed the issue of the salaries of legislative employees, and whether they would be impacted by a new salary schedule that sponsor Jimmy Holley, R-Elba, said would also come in.

Holley, after a brief conversation with Senate President Pro Tem Marsh, said he could assure Senate Minority Leader Vivian Davis Figures, D-Mobile, that the salaries would not shift. Figures replied that

Marsh had made similar assurances about the Alabama Accountability Act, passed amid angry scenes in the Senate last February.

"Once you get burned, you remember that hot stove," she said.

Marsh's office said Thursday that legislative employees have long been at-will employees, and that the bill would not affect their status.

## **DOJ report does not accurately describe today's Tutwiler Prison (Opinion from Kim Thomas, prison commissioner)**

By Kim T. Thomas

Alabama Department of Corrections

The taxpayers of Alabama and, perhaps more importantly, the family members of the women incarcerated at Tutwiler Prison, deserve the facts about Tutwiler: The January 17, 2014, report from the Department of Justice does not accurately describe Tutwiler Prison as it is today.

The Department of Justice is absolutely right that Tutwiler has had serious issues that need to be addressed. That is exactly why Tutwiler's new warden, Bobby Barrett, and the entire staff have implemented significant structural reforms over the past year. In fact, if DOJ had taken the time to learn about the comprehensive reforms underway at Tutwiler, it would not have been able to conclude that the prison is being operated in a deliberately indifferent or unconstitutional manner.

I studied corrections in college, and I have spent more than 30 years as a corrections officer, correctional sergeant, classification officer and department lawyer and now commissioner with this department. I consider custodial sexual misconduct to be the single most egregious abuse of the authority entrusted to us as a public servant, and I will not stand for it on my watch.

In May of 2012, my office was made aware of a complaint by the Equal Justice Initiative outlining concerns about inappropriate staff-inmate relationships at Tutwiler. The issues raised by EJI are not unique to prisons in Alabama, but we will not tolerate such behavior here. In June of 2012, I requested that the National Institute of Corrections, an agency within the Department of Justice, send a team of experts to Tutwiler and make recommendations to me on steps that could be taken to prevent staff misconduct with female offenders and create a safer, healthier environment for inmates



and staff. We began to immediately and universally implement the changes recommended by the institute and developed an action plan to address the challenges and opportunities identified.

In January 2013, before the DOJ ever expressed an interest in investigating Tutwiler, I directed that an action plan be created detailing what we would do to change Tutwiler and make it safer for the women residing there. The full action plan may be viewed here: [www.doc.alabama.gov](http://www.doc.alabama.gov). The plan contained 58 specific directives. To date, 57 of those directives have been completed.

Areas addressed covered a wide range of topics: leadership and philosophy, facility changes, management and operations, staffing and training, culture, offender management, and classification. The three most important action items involved extensive staff training related to the Prison Rape Elimination Act and gender responsiveness, a plan to equip Tutwiler with more than 300 security and monitoring cameras, and training for investigators in an effort to enhance the prosecution of wrongdoers. District attorneys near prisons throughout the state were invited to participate in this training.

This action plan and other progressive initiatives will serve as the cornerstone of gender-responsive strategies at Tutwiler for years to come. We are working tirelessly to make these changes second nature and part of the fabric of day-to-day operations at Tutwiler. I am confident that we have assembled the right team to accomplish this mission.

Bottom line, the department had been working to change Tutwiler before the DOJ first expressed an interest last February, before they made their on-site inspection last April, and long before the agency issued its report last week. We have been proactive from the beginning and have never downplayed the serious nature of these allegations.

Interestingly, when DOJ officials visited Tutwiler last April, they were allowed three days of confidential inmate interviews. We asked to be notified of any current inappropriate staff-inmate relationships discovered. We were informed of none.

We have taken significant steps in the last year to improve the safety and living conditions of the women housed at Tutwiler. Those changes were not reflected in the DOJ report issued last week.

I pledge to you that the Alabama Department of Corrections will continue to transform Tutwiler, making it a safe place to live for Alabama's incarcerated daughters, sisters, mothers and wives.

(Kim Thomas was appointed by Alabama Gov. Robert Bentley as commissioner of the Alabama Department of Corrections in 2011.)

## **Legislators, defense attorneys at odds over proposed changes to Alabama's death penalty laws** **Proposed bills clear committee (Tuscaloosa News)**

By Stephanie Taylor

Legislators are showing support for a bill that would expand Alabama's death penalty law, but some Tuscaloosa defense attorneys say the proposed changes would not be effective.

Attorney General Luther Strange and the Alabama District Attorneys Association are pushing bills that would expand the death penalty law to cover several additional crimes, including killing someone on a school campus or a child-care center. It would also make it a capital offense to kill a family member of a law enforcement officer or judge for intimidation or retaliation.

A second bill would shorten the time allowed for death penalty appeals — allowing two rounds of appeals to run simultaneously rather than consecutively.

The House and Senate Judiciary Committees voted Wednesday to approve both bills, which are part of what Strange has called the Fair Justice Act package.

"Expanding capital offenses from 18 to 22 types of murder will only increase the costs to a severely underfunded criminal justice system. It's unnecessary," Tuscaloosa County Public Defender Joseph Van Heest said.

Expanding death penalty offenses goes against a national trend, he said. Six states have abolished the death penalty during the last six years, according to the National Death Penalty Information Center, bringing the number of states with capital punishment to 32.

Public support for the death penalty declined to 60 percent, according to a 2013 Gallup poll, which is the lowest level during the last 40 years, the center reported in its annual report released in December.

Strange said the proposed legislation would make death penalty appeals more efficient, while remaining fair for defendants who have been sentenced to death.

"Death penalty appeals seem endless, with excessive delays that serve only to prolong pain and postpone justice for the victims of these heinous crimes," he stated in a news release issued Wednesday.

Right now, a defendant sentenced to death can submit a direct appeal, which can take years to move through the state and federal appellate court system. After that, the defendant is assigned a new attorney to file what's called a Rule 32 petition. That starts a second round of appeals that almost always claims inadequate legal representation up to that point and other possible procedural errors. The entire appeals process takes an average of 16 years, according to Strange, but can stretch into much longer. His proposed bill would call for those two rounds of appeals to run simultaneously rather than consecutively.

"Nobody's trying to rush the process unduly, but on the other hand there's that saying that 'Justice delayed is justice denied'," said Chris McCool, district attorney for Alabama's 24th Judicial Circuit and a past president of the Alabama District Attorneys Association. "If we're going to have the death penalty, which we do, then it shouldn't take two or three decades to impose that penalty."

The longest-serving death row inmate now is Arthur Lee Giles, convicted in the 1978 stabbing deaths of a couple killed during a robbery at their rural Blount County home. Giles, 54, has been on death row since Aug. 18, 1979.

Tuscaloosa defense attorney Joel Sogol said it would be impractical, if not impossible to hold two rounds of appeals simultaneously.

"I think it's ludicrous," he said. "It puts lawyers in an unethical situation. If you try a death penalty case and get a death sentence, and you're going to do the direct appeal for them, somebody else is going to be doing a Rule 32 (claiming ineffective representation during the trial and first appeal) at the same time. How can an attorney represent someone who at the same time is alleging that they're ineffective?"

Van Heest agreed that simultaneous appeals wouldn't work.

"It may look good on paper, but I don't think it will work because you cannot expect a circuit judge to rule on a Rule 32 while there is a pending (direct) appeal," Van Heest said.

Sogol said that a better solution would be to require appellate courts to issue rulings within a certain amount of time. He once submitted a Rule 32 petition and didn't receive a ruling from an appellate judge until 18 months later, he said.

McCool said that holding appeals simultaneously would likely shave five or six years from the lengthy process.

"I believe that it's fair and does not infringe on the defendant's rights," he said. "I don't know of any prosecutors that are bloodthirsty. We want this to be fair for the defendant as well. It's a major decision to seek the death penalty, and it ought to be. But we do think that if you're going to have one, it should not be a decades-long process. We can't forget that there is always a victim's family waiting for justice."

The full House and Senate are expected to consider the bills in upcoming weeks.

## **Sen. Scott Beason trying to round up support for bill to repeal Common Core (al.com)**

MONTGOMERY, Alabama -- Sen. Scott Beason said he will introduce legislation to repeal Common Core until at least 2017.

"I think the smart decision is to put on hold a nationally centralized, unproven, untested education experiment until we see if it works in other states," Beason said,

"We were making tremendous strides educationally over the last few years with our standards, and educators threw that away for the promise of easy money," Beason said.

While the Gardendale Republican walked off the Senate floor Thursday with a draft of the bill, the legislation could have a tough time getting back to the chamber.

Senate President Pro Tem Del Marsh, R-Anniston, has said he will not move a Common Core repeal bill in the Senate, saying he believes it is a state school board issue.

A spokesman for Marsh said Thursday that the Senate leader had not changed his position.

Beason said he is searching for enough co-sponsors "so I can make the argument that this is something we need to bring to the floor."

Common Core has split Republicans, with some saying it is a way to raise education standards in a state that has lagged behind, while others call it a federal overreach into education.

"The proponents of Common Core want to make the opponents sound like they all wear tin foil hats and believe in conspiracy theories," Beason said.

Common Core State Standards were developed in an initiative led by the National Governors Association and the Council of Chief State School Officers to have a set of bench marked standards that are consistent from state to state.

Forty-five states have adopted Common Core and the Obama administration embraced the standards by tying them to Race to the Top grants.

Supporters of the standards, which are included in the Alabama College and Career Ready Standards adopted by the state school board, urged senators not to support a repeal bill.

"We believe that higher expectations are needed in our Alabama classrooms, and our standards, which were adopted by a democratically elected school board, are one step to helping us get there," said Jessica Hammonds, executive director of Alabama GRIT (Graduate Ready. Impact Tomorrow).

The state Board of Education last week made some minor changes to the Common Core in response to some of the criticism.

## **[Mac McCutcheon, Alabama House Rules Committee chair, recovering from triple-bypass surgery at Huntsville Hospital \(al.com\)](#)**

Republican State Rep. Mac McCutcheon is recovering at Huntsville Hospital following triple-bypass surgery Friday morning.

"Everything went according to plan, and he's pulled through real well," Mike Ball, who serves alongside McCutcheon in the Alabama House of Representatives, told AL.com Friday afternoon.

Ball, R-Madison, said doctors discovered several blocked arteries around McCutcheon's heart after he began having chest pains last week.

McCutcheon, who lives in Monrovia and represents parts of northwest Madison County and eastern Limestone County, is chairman of the powerful House Rules Committee. In that role, he has significant influence over which bills make it to the House floor for debate and which bills remain on the sidelines.

McCutcheon is the second member of Madison County's legislative delegation to undergo heart bypass surgery in a span of seven weeks. State Rep. Wayne Johnson, R-Ryland, had triple bypass surgery on Dec. 5 after routine tests revealed major blockages.

Ball said Johnson "hasn't missed a single day" of the legislative session that began Jan. 14. That gives him hope that McCutcheon will be back working in Montgomery well before the session ends in early April.

"His procedure was very similar to what Wayne had, so that's a good barometer" for McCutcheon's expected recovery time, said Ball.

McCutcheon recently retired from the City of Huntsville after a more than 25-year career as a police officer, detective, probation officer and zoning coordinator. He is up for re-election later this year.

## **Bedford bill bans drone use to harass hunters (TimesDaily)**

Anti-hunting advocates may want to wait a minute before buying their hunter-hunting drones. State Sen. Roger Bedford, D-Russellville, is sponsoring a bill that would ban bothering hunters and fisherman with drones.

State law already prohibits people from messing with others who are legally hunting and fishing. Bedford's bill takes it a step further, outlawing "the use of a drone to intentionally and knowingly harass a person who is legally hunting or fishing."

"It's apparently a growing problem," Bedford said Friday. "As a lifelong hunter and fisherman, I think if someone is out in the woods or on the water, they have a right to be there without being harassed.

The bill defines a drone as any vehicle that does not carry a human operator.

Illinois passed similar legislation last year, at least in part to a proposed tactic by People for the Ethical Treatment of Animals.

On its website this past fall, PETA introduced "Air Angels." They look like remote-control operated planes, but the goal is to capture video footage of hunters engaging in cruel or illegal activities.

Bedford said the real goal is to chase off game.

Air Angels are for sale on PETA's website for \$324, but act quickly. If Bedford's bill passes both chambers and is signed by the governor, the drones could be grounded by late summer.

Bedford's bill made it out of a committee last week and now goes to the full Senate for a vote.

"This is a classic case of the law trying to catch up with technology," he said.

Propane info sought

In response to a propane shortage during this recent cold snap, a north Alabama senator said he wants a discussion on how much fuel suppliers are required to keep.

"I want to know more about their reserves," said Sen. Clay Scofield, R-Guntersville.

Gov. Robert Bentley on Thursday ordered a state of emergency because of a shortage.

A lack of propane is especially concerning to poultry farmers, who need the fuel to keep the chickens warm and healthy.

The propane shortage is hitting many states, and is blamed at least in part on federal restrictions on propane truck drivers' hours.

Scofield, a poultry producer who goes through thousands of gallons of propane in a winter week, said he wants to know more about how much propane suppliers keep available, especially in colder months.

## **[State Sen. Linda Coleman announces she will seek re-election in Senate District 20 \(al.com\)](#)**

State Sen. Linda Coleman, D-Birmingham, announced today that she would seek re-election in District 20 this year.

Coleman is completing her second term in the Senate. She previously served one term in the House of Representatives and three terms on the Birmingham City Council.

"My hope is that the voters will continue to trust my experience in representing the interests of the residents of Jefferson County and the State of Alabama," Coleman said in a prepared statement. "I work very hard to put people before politics and make sure that the voices of the people in District 20 are heard everyday and in every meeting of the legislature."

The primary is June 3.

## **Alabama Community College System Chancellor says expanding dual enrollment program for high school students a game-changer for state (Tuscaloosa News)**

By Ed Enoch

The chancellor of the Alabama Community College System called a proposal to expand dual enrollment options for high school students interested in taking courses at two-year colleges a potential game-changer for the state's workforce development.

Chancellor Mark Heinrich believes an expansion, particularly making more scholarships available, would help accelerate the development of new skilled workers in Alabama and also increase high school graduation rates. His comments follow similar claims by Gov. Robert Bentley during his annual State of the State address on Jan. 14, the beginning of the 2014 regular session of the Alabama Legislature.

The program, part of a series of early college initiatives by the two-year college system, allows high school students to take courses at community colleges statewide, with the exception of Ingram State Technical College and Marion Military Institute, according to the Alabama Community College System website.

Like Heinrich, Bentley described expanding dual enrollment as a way to increase highly skilled workers and graduation rates. The promise to expand the program came amid a list of proposals put forward as ways to help Alabamians find jobs and businesses create jobs.

"This will allow us to refill the workforce pipeline we need to replenish," Heinrich said.



Two-year colleges provided 3,500 scholarships last year for career technical dual enrollment programs, which represents a fraction of the requests for aid the system receives, according to the chancellor.

"We always have many, many requests that we can't fill," Heinrich said.

Right now, about 7 to 9 percent of the state's high school students are involved in dual enrollment, whether for academic or technical courses. To increase dual enrollment by about 25 percent, it would take about \$10 million, Heinrich said.

"We would like to see that number increase to about 40 or 50 percent," Heinrich said, adding increasing scholarships would help reduce financial barriers for students.

Heinrich is optimistic funding will be made available this year, noting the comments by the governor and discussions with lawmakers.

A funding increase for dual enrollment would allow the system to recover ground lost to funding decreases in the last few years and expand capacity, said Heinrich, who estimated the system lost about \$2 million in funding during the past few years.

There are a number of bills expected to be considered this session that will address the proposal, though Heinrich said it is too early to know how much funding would be proposed.

Possible funding options includes a line-item appropriation, a tax credit for businesses that contribute funds, or a combination of the two, he said.

Any additional funding for scholarships would be used in the existing program that makes awards based on proposals to the state from regional workforce councils. The process allows the community college system to respond specifically to the workforce needs of regional businesses, Heinrich said.

"We have a very good delivery process in place," he said.

**[Parent group says Huntsville key to grassroots movement to repeal Common Core \(al.com\)](#)**

If Alabama is going to repeal Common Core, then Huntsville parents are going to have to take the lead, said the leader of a grassroots movement that had its first meeting Sunday.

"Huntsville is a key city," said Terri Michal, leader of a movement call Support Our Students (S.O.S).

Huntsville has a history of being a leader for the state, such as when it was the first public school system to integrate black students and parents always having high academic standards, she said.

S.O.S. has a simple strategy, she said. First, they want to provide a forum where parents and teachers can share their frustrations with what they have experienced the past couple years and show there is strength in numbers. Second, share those experiences with parents who haven't paid much attention to Common Core. Third, have the parents pressure their representatives in the Legislature to repeal Common Core.

Michal, whose two children have already completed school, said she knows there are some major obstacles to overcome. The opposition is well-funded and well-entrenched; and there is a stereotype that opponents to Common Core are all extreme right-wing members of the tea party movement.

"This isn't about partisan politics. Parents don't care about politics. They care about their kids' education," she told a group of 20 parents who met Sunday afternoon.

Michal started the meeting saying parents were welcome to say positive or negative things about Common Core, but they had to remain civil. No attendees gave any positive statements for Common Core.

The five or six who shared experiences gave common complaints: there is too much evaluation testing creating anxiety for many students; teachers are only allowed and given enough time to teach the tests; students are expected to complete homework without teachers providing examples; good students are losing interest in school because there's less interaction with teachers; students are being promoted without the basics.

Paul Proctor, who has two children in Huntsville City Schools, a middle-schooler and a senior at Lee High School, said his son in middle school repeatedly comes home with math problems that he doesn't know how to help him solve and the teacher hasn't had time to explain.

He said he fears the school system will promote his son to the next grade level without equipping him to learn in high school.

This isn't about partisan politics. Parents don't care about politics. They care about their kids' education." - Leader of Support Our Students

Amanda Andrews, who has a first-grader and third-grader at Providence Elementary, said Common Core is too focused on standards and has lost sight of education basics. She added that all the testing and "predicting the education path that he's going to take is ridiculous."

"They (Common Core advocates) say they want children to do more reading on their own. My son loved reading before he started public school. He doesn't care anymore," she said.

Staci Price, who had a daughter graduate from Lee last spring and a son at the Academy for Academics and Arts, said her daughter stopped caring about her advanced level courses last year and her sixth-grade son can't read cursive writing.

Price's children repeatedly told her her teachers didn't have time to explain homework and simply pointed them pages on their computer, she said.

Michelle Watkins, a former teacher at Johnson High School, said she sends her two grandchildren to Union Chapel Christian Academy rather than let them attend Huntsville City Schools. She said she was planning to move to Madison so they could attend public schools there, but now she has second thoughts because of Common Core.

"Where's the time to teach them the basics that they need," she said.

The parents at the meeting represented a mixture of Madison County. They were from South Huntsville, North Huntsville, Madison and the Buckhorn community.

There was one teacher there. Col. Mike Parsons, a retired U.S. Air Force colonel and former aerospace instructor and JROTC commander at Butler High School, on Tuesday announced his candidacy for Alabama School Board District 8 against Mary Scott Hunter. He stated in his announcement that he's opposed to Common Core.

Michal passed around lists of local members of the Legislature with their contact information. She encouraged the parents to also talk to city council members, school superintendents and school board members. Anyone who wants to learn more of S.O.S.'s activities can like its Facebook page, S.O.S - Support Our Students.

"You're an advocate now," she said.

Earlier this week, State Sen. Scott Beason said he will introduce legislation to repeal Common Core until at least 2017. Senate President Pro Tem Del Marsh has said he won't move a Common Core repeal bill in the Senate because it's a state school board issue.

## **AT&T-backed bill would end phone service complaints to Alabama Public Service Commission (AP)**

Customers might no longer be able to call the state's utility regulatory board to complain about phone service.

A bill moving through the Alabama Legislature would complete the deregulation of home and business phone service by ending the Public Service Commission's ability to handle customer complaints about landlines.

The bill is being pushed by the state's largest phone company, AT&T. The company's Alabama president, Fred McCallum, says regulation is no longer needed because the industry is highly competitive and unhappy customers can switch companies. PSC President Twinkle Cavanaugh says she's not taking a position on the bill.

The bill by Republican Rep. Mike Hill of Columbiana has already been approved by a House committee and is awaiting action in the House.

## **Unemployment is down, but enrollment in Alabama's struggling Medicaid system continues to rise (Anniston Star)**

MONTGOMERY — A sharp drop in the state's unemployment rate hasn't decreased the number of people covered by Alabama Medicaid, a paradox that state officials didn't foresee.

"I made the assumption that if unemployment went down, enrollment would go down," said state health officer Don Williamson, the state's point man on Medicaid costs. "I was completely wrong."

For the past few years, state officials have been hoping an economic recovery would ride to the rescue of the Alabama Medicaid Agency. Before the 2008 recession, about 750,000 people were enrolled in Medicaid, the state-and-federal health care program for the poor. After the crash, the Medicaid rolls swelled by tens of thousands, and the state's cost to run the program grew accordingly. In 2010, with federal stimulus funds to pick up part of the cost of that growth, the state paid \$307 million for the program. Medicaid got \$615 million from the state this year; Williamson said the program needs \$700 million next year.

State leaders have already tried emergency measures to pay for the program, including a \$437 million raid on a state trust fund to fill the hole Medicaid left in the state budget. It's not clear what the state will do when that money runs out in 2016.

It wasn't supposed to be a problem. Buoyed by signs of a steady-but-slow recovery, state officials expected that when Alabamians returned to work post-recession, they'd get employer-provided insurance and leave the Medicaid rolls.

That hasn't happened. Unemployment in Alabama is at 6.1 percent, the Alabama Department of Labor reported Friday. In 2009, at the height of the recession, unemployment topped 10 percent.

The number of people enrolled in Medicaid has climbed steadily over that same time, from just more than 800,000 in 2009 to 970,000 in December. Counting everyone who was eligible for Medicaid at some point during 2013, the number tops 1 million.

The same thing is happening in states across the country, said Robin Rudowitz, associate director of the Kaiser Commission on Medicaid and the Uninsured.

"Since the economy has been improving, we've seen the rate of growth slow down," she said. "We haven't seen enrollment decrease."

Working and poor

As one of the state's chief Medicaid planners, Williamson needs to know why the rising tide isn't lifting people out of Medicaid. So far, he has only theories.

"I don't have enough data to support any of them," he said. "We need to seriously study what's happening here."

To understand those theories, it's helpful to understand who's on Medicaid, and why.

It's mostly children, and people over 65, and people with disabilities.

The one thing they have in common is that they're poor. But it's almost impossible for a non-disabled, non-elderly grownup without children to qualify for Alabama Medicaid based on poverty alone.

There's one exception: the women Williamson calls "SOBRA moms."

Any woman under the poverty line who gets pregnant is eligible for Medicaid. Coverage for the mom drops off after the child is born — but until the family income rises above the poverty line, any child under 18 is covered. That's all done courtesy of a 1986 federal law called the Sixth Omnibus Budget Reconciliation Act, or SOBRA, for short.

According to Medicaid statistics, four out of every 10 children on the program has a working parent.

"They're working in lots of places — in day care, in fast food, in convenience stores and gas stations," said Robin Rawls, spokeswoman for the Medicaid Agency. Rawls said a number of working parents on Medicaid seem to have one or more part-time jobs, but not enough work to bring them above the poverty line.

Planning ahead

SOBRA parents matter in the state's budget math because SOBRA is where the biggest chunk of growth in Medicaid enrollment is happening.

There were 355,000 kids and expectant mothers on SOBRA in August 2008, a month before the stock market crash. A year later, there were 385,000.

Today, despite declining unemployment, there are 443,000.

And, no, there aren't more SOBRA moms simply because there are more moms. Alabama's birth rate has declined in recent years, Williamson said.

Medicaid played a role in that, Williamson believes. Fifteen years ago, the state started offering free birth control coverage — the pill, intrauterine devices, or even tubal ligation — to any woman with an income low enough to be on SOBRA if she were to get pregnant.

"It's cheaper to pay for the pill than to pay for a pregnancy," Williamson said.

Women on that program, known as Plan First, also are counted toward total Medicaid enrollment, though their coverage isn't nearly as costly as coverage for other recipients. In fact, Williamson said, they save the state about \$200 million per year.

Plan First is responsible for another big chunk of Medicaid's enrollment increase.

Before the 2008 crash, the program served roughly 68,000 women. Last month, 115,642 women were in Plan First.

Williamson said the increased participation may be due to better publicity by the Medicaid Agency. Or it may be due to women's heightened reluctance to risk pregnancy when the economy is bad.

Or there may simply be more women of child-bearing age living in poverty.

Obamacare vs. McJobs

Williamson's first theory for the rise in SOBRA recipients? It could be Obamacare.

"It could be due to some as-yet-unknown aspect of the Affordable Care Act that we haven't considered," Williamson said.

With the deadline to implement the Affordable Care Act approaching, Williamson said, it's possible a number of low-wage employers are simply dropping the health plans they once provided, expecting the health care exchanges to pick up the slack.

Asked what evidence he had to support that theory, Williamson said he didn't have any. It's just a hunch, based on the fact that the ACA has interrupted a lot of other trends in health care.

Medicaid officials have been expecting an increase in enrollment due to the "woodwork effect" of Obamacare. As uninsured people go to the Affordable Care Act website to look at their options, some will discover they're Medicaid-eligible — coming "out of the woodwork" to enroll. Still, Alabama's rise in enrollees was happening long before the federal health exchanges went online.

Williamson's second theory is that the recovery is producing jobs, but it isn't producing jobs that pull people above the poverty line.

"If unemployment is going down and enrollment is going up, we may need to look at the kinds of jobs we're creating," Williamson said.

The jury is still out on whether Alabama's economy is trading high-paying, secure jobs for poverty-wage or part-time gigs.

Statistics from the Alabama Department of Labor show the state has clearly lost some high-wage jobs even as the recovery has progressed. Alabama had 9,000 fewer people working in government jobs last month — state, local and federal — than it had two years earlier. Construction lost 4,000 jobs over the same period.

Meanwhile, the "leisure and hospitality" sector, which includes fast-food workers and hotel maids in addition to higher-paying hospitality jobs, picked up 9,000 jobs.

But there was even bigger growth in manufacturing, where the workforce increased by 11,000. A full 7,000 of those jobs were at auto plants or auto suppliers — jobs that historically pay hourly wages well into the double digits.

"Manufacturing has been our salvation," said Tara Hutchinson, spokeswoman for the Department of Labor.

Discouraged

Williamson's grimmest theory is the one that's popped up with every jobs report since the recession. If unemployment is up and poverty isn't affected, maybe it's because the long-term unemployed are simply giving up on the workplace.

Keivan Deravi, the Auburn University at Montgomery economics professor who does the state's revenue forecasts, thinks that's the answer.

Much of the drop in unemployment is due to the fact that the labor force is shrinking, Deravi said.

The state Department of Labor announced on Friday that unemployment in December was down to 6.1 percent, its lowest point since October 2008, when the stock market crash was just taking effect. But the pace of job creation, Deravi said, can't by itself account for the unemployment drop. That means thousands of people took themselves out of the job hunt and never came back.

"There are still new workers coming into the workforce," he said. "The people who have been sitting on the sidelines have to compete with people whose skills have not become obsolete."

If Deravi is right, Williamson said, the implications for Medicaid are troubling.



"What it says is that we have to prepare for a million enrollees for the foreseeable future," he said.

Read more: Anniston Star - Unemployment is down but enrollment in Alabama s struggling Medicaid system continues to rise

## **[Alabama Supreme Court won't rehear APT lawsuit; attorney calls ruling 'severe' blow to Open Meetings Act \(al.com\)](#)**

BIRMINGHAM, Alabama -- The Alabama Supreme Court today denied a request to rehear a lawsuit filed by two former Alabama Public Television executives who claim the state's Open Meetings Act was violated when they were fired in June 2012.

An attorney representing Allan Pizzato, the former executive director of APT, and Pauline Howland, the former APT deputy director and chief financial officer, said today's decision is a significant blow to Alabama's Open Meetings Act.

"I can only hope that the legislative branch of our government will act to rectify the severe damage to the Open Meetings Act that this unfortunate decision has wrought," attorney Augusta Dowd said in an email to AL.com.

Pizzato and Howland had asked the court to reconsider its ruling of Sept. 27, 2013, when the court voted 5-3 to dismiss their lawsuit against the Alabama Educational Television Commission.

With only slight changes, the court today stood by its September ruling, when the majority of the court concluded that Pizzato and Howland "have not established standing" to challenge the state public TV commission under the Open Meetings Act.

Ferris W. Stephens, the chairman of the state public TV commission, told AL.com today that he is "glad to see the Supreme Court finally ended this."

Pizzato and Howland were fired at the AETC's June 12, 2012, meeting, after the commission voted to go into executive session to discuss Pizzato's reputation, character and job performance. After that executive session, the commission subsequently voted to dismiss Pizzato and Howland.

Two months later, in August 2012, the commission voted to approve Roy Clem, the former general manager of ABC 33/40, as Pizzato's replacement.

Pizzato filed his lawsuit in July 2012, and Howland was added as a plaintiff in August 2012.

Pizzato and Howland have since moved on to other jobs, according to Dowd.

## **[Blue Cross model has been legally "validated" it says in response to antitrust suit \(al.com\)](#)**

Blue Cross and Blue Shield defendants in an antitrust lawsuit said the suit is without merit and the Blue Cross model is legally sound.

The general statement of defense came in response to a filing this week by law professors supporting an ongoing antitrust lawsuit against Blue Cross organizations across the country.

"For more than 80 years, independent, community-based and locally operated Blue Cross and Blue Shield plans have provided local solutions that improve access to affordable, quality healthcare," Blue Cross and Blue Shield Association spokesman Rob Sholars said in an email. "The model has been validated and enforced by numerous courts and regulatory agencies. The market is open to all competitors, the plaintiffs' claims simply have no merit and we are vigorously defending the Blue model."

The statement follows a "friend of the court" brief filing on Wednesday by fourteen law professors from around the country in support of a lawsuit that alleges Blue Cross organizations have conspired to eliminate competition.

The lawsuit, filed in federal court in Birmingham, alleges that about three dozen Blue Cross organizations have violated antitrust laws by orchestrating a "complete lack of meaningful competition" within markets across the United States where Blue Cross businesses sell insurance. Defendants include Blue Cross and Blue Shield of Alabama, which has the largest market share in a single state of any insurer in the country.

## **Business coalition endorses Ala. attorney general (AP)**

MONTGOMERY, Ala. (AP) — A coalition of business interests called the Alabama Civil Justice Reform Committee has endorsed state Attorney General Luther Strange for re-election.

Committee Chairman Tom Dart said Friday the Republican attorney general has maintained the integrity of the office and has been a strong voice for fairness.

The Civil Justice Reform Committee is traditionally a major contributor to campaigns. So far, Strange has no announced opposition in his bid for a second term, but candidates can sign up until Feb. 7.