



Office of Senate President Pro Tempore Del Marsh
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Tuesday, June 01, 2010

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Lawmakers brush off Gov. Bentley's veto threat (WSFA)

MONTGOMERY, AL (WSFA) -

House Speaker Mike Hubbard says the legislature has a responsibility when it comes to the budgets and it will take into account what the governor wants, but not treat it as sacred.

"In the budgeting process, we're the appropriators and he makes recommendations to us."

Hubbard went one step further and said he fears the governor's budget could send the state into proration, mandatory midyear spending cuts.

Earlier in the week, Gov. Robert Bentley sent a tweet from his official Twitter account that read, "If the legislature doesn't include my 2% pay raise for teachers and full funding for PEEHIP, I'll send the budget back w/ an Exec. Amendment."

Gov. Robert Bentley's Education Budget included full funding for PEEHIP, the Public Education Employees Health Insurance Program, whereas the Senate approved budget only maintained last year's funding levels, which could translate into \$972 in new charges for PEEHIP members.

The governor's spending plan included a 2% raise for all K-12 and Postsecondary employees. The Senate budget included a one-time 1% bonus in lieu of a raise that would have to be paid for every year.

If the governor were to send the budget back to lawmakers after final passage with an executive amendment, then House and Senate members would have to decide whether to adopt the budget with the governor's proposed changes. If they don't they could approve the budget in its original passed form, essentially overriding the governor's veto.

The top member of the Alabama Senate sided with the Speaker of the House, saying he doesn't think the governor's budget is a fiscally responsible one.

"I'm not going to be a budget buster" said Sen. Del Marsh, R – Anniston, the President Pro Tem of the Senate. "Unless you want to mess up the Rolling Reserve Act, there's no way for us to do what the governor is asking us to do."

The House Education Budget Committee will consider its version of the Education Trust Fund budget next week.

Under the Dome: Marsh sees 'no way' to provide teacher pay raise (Montgomery Advertiser)

Senate leadership Thursday largely shrugged off Gov. Robert Bentley's threat to veto any education budget without a teacher pay raise or full funding for insurance.

Senate President Pro Tem Del Marsh, R-Anniston, said he saw "no way" to meet the governor's budget goals without overspending in the Education Trust Fund budget. The Senate on Feb. 27 approved a \$5.9 billion budget that replaced Bentley's proposed 2 percent teacher pay raise with a 1 percent bonus, and eliminated additional state funding for teacher insurance.

"I'm not going to be a budget buster," Marsh said. "Unless you want to mess up the Rolling Reserve Act, there's no way to do what the governor's asking us to do."

Senate Finance and Taxation Education Committee chairman Trip Pittman, R-Daphne, has expressed repeated pessimism about the state's short-term economic future, a theme that notably contrasts with Bentley's re-election message of recovery, and like other Republican lawmakers in the Legislature has

prioritized repayments to the state's Rainy Day Account, which must be made whole by July of next year. Bentley, with more optimistic budget forecasts, allocated \$27 million in next year's ETF for Rainy Day repayments, assuming most of it would be paid off this year. The Senate budget increases that to \$62 million.

Lawmakers stressed last week that the budget was a work in progress. The House Ways and Means Education Committee is scheduled to bring out its own version of the budget this Wednesday.

"There are a lot of discussions going on," he said. "I hope to work with the governor to come to a consensus."

Bentley sent his budget threat out via Twitter; Pittman said Thursday, "I don't tweet."

Medicaid feud

With Medicaid expansion a major theme for Democrats in the upcoming elections, fights over the impact of the expansion were inevitable. The first skirmishes began last week.

On Monday, Scott Beaulier, a professor of economics and director of the Johnson Center at Troy University, released a study that questioned the economic impact of expansion, as outlined in a 2012 University of Alabama Birmingham piece. The UAB study found that the expansion, which would extend Medicaid eligibility to anyone making less than 138 percent of the poverty level, could generate up to \$935 million in net tax revenues between 2014 and 2020 -- an average of \$155.8 million per year -- due to increased economic activity from expansion.

The UAB study got there by taking the estimate of state tax burden from the Federation of Tax Administrators -- 8.6 percent -- and multiplying it into projected new direct and indirect economic activity of \$20 billion from the Medicaid expansion. The Troy study factored out direct impact like increased physician and hospital revenues, "because simply possessing government health coverage does not directly contribute to the economy," according to the study, which also suggested the primary care physician shortage in the state could limit the impact of growth.

The study also used a lower tax estimate of 5.4 percent; Beaulier said the 8.6 percent figure included local revenues, which would not have an impact on the budget, and noting that medical expenses are exempt from sales taxes.

Using those figures, the Troy study came up with a cost to the state of \$469 million.

Beaulier said last week that expanding insurance "is a goal worthwhile to consider," but said he and co-author Phillip Moxon had been "bothered" by UAB's tax revenue estimates.

"The issue that Phillip and I really have with what's being sold to Alabamians is it's oversold," he said. "They could have simply taken the moral high ground and said, 'Health care is really good.'"

David Becker, who co-authored the 2012 UAB study, issued a statement last week standing by the study's methodology, noting that the Troy study left direct impacts aside.

"Although the health care services are exempt from sales taxes, this health spending does generate taxable income," the statement said. "Despite these critical differences in methodology, the studies both conclude that expansion of Medicaid would provide economic development to Alabama far in excess of the state's investment in expansion."

Many hospitals in the state rely on Medicaid to keep their doors open, and the Troy study said "institutions that have a vested financial interest" in Medicaid expansion have funded them. The Johnson Center has received funding from David and Charles Koch, two billionaire brothers who have funded vociferous attacks on the Affordable Care Act, which authorized the expansion. Beaulier acknowledged the connection, saying he thought it was "always good to follow the money."

"UAB supporting study to benefit UAB hospitals is not surprising," Beaulier said. "If people want to look at it and say, 'Look we're biased,' fine. In this particular case, we're pursuing a topic that's of interest to us."

New version of education budget eliminates pay bonus, applies more money to health insurance (AP)

MONTGOMERY, Alabama — A House committee will consider a new version of the education budget that does away with a teacher bonus and instead puts the money toward education employees' health insurance.

Budget committee chairman Rep. Bill Poole says a pay raise won't help educators if they have to pay every dime, plus some extra, to higher health premiums.

The budget committee will consider the proposal on Wednesday.

A lawyer for the state says the extra funding should avoid any substantial increases in insurance costs.

However, the head of the state teachers' association criticized Republican legislators' budgeting choices.

Alabama Education Association Executive Secretary Henry Mabry says school employees went many years without raises while paying more for retirement and health benefits.

Gov. Robert Bentley is seeking a 2 percent raise for school employees.

Budget battles hit final days (TimesDaily)

MONTGOMERY — Eight days remain in the 30-day 2014 legislative session, which has moved quickly so lawmakers can hit the campaign trail.

Passing the \$5.9 billion education and the \$1.8 billion general fund budget is priority No. 1 for lawmakers in the final days of the session. The budgets are the only things the Legislature is constitutionally required to do, and work remains.

Gov. Robert Bentley said he will reject the education budget passed by the Senate last month unless his suggested 2 percent raise for teachers and support staff is reinstated, along with full funding for health insurance.

"There is a lot of conflict yet to be resolved in both budgets," Rep. Johnny Mack Morrow, D-Red Bay, said last week. Like most Democrats, he wants the pay raise left intact.

But a lot of Bentley's Republican counterparts in the Statehouse say the raise is fiscally irresponsible, given the other demands on the education budget.

A House committee will vote on the education budget this week. The general fund budget, which supports most noneducation state operations, has passed the House and will likely come before a Senate committee this week.

Rep. Marcel Black, D-Tuscumbia, called the proposed 1 percent bonus for teachers that was passed in the Senate, instead of a 2 percent raise, a "slap in the face."

Black had suggested a 6 percent raise for teachers, which budget-makers said was impossible.

"You have to have priorities," Black said Friday.

Aside from the budgets, lawmakers will try to pass local legislation in the last several days of the session.

Black has passed one bill out of the House and into the Senate. House Bill 329 relates to obtaining a veteran's driver's license.

"It makes it a little easier to prove you're a veteran," Black said.

Rep. Greg Burdine, D-Florence, has a local bill that would let the Lauderdale County tourism board become incorporated.

"If they are incorporated, they can handle their own money and they could borrow money and do things of that nature, separate from the city," Burdine said last week.

Burdine and Sen. Roger Bedford, D-Russellville, have a bill that would allow for a one-time bonus of up to \$1,200 for retired teachers. That bill has yet to come out of committee.

Earlier in the year, Burdine suggested a bill to put more clawbacks (retraction of money or benefits) in the incentives that the state offers companies setting up shop in Alabama. That bill hasn't progressed and he said he's meeting soon with Department of Commerce officials to get a better idea of the existing clawback mechanisms.

Bedford, meanwhile, has an expungement bill that has passed the Senate and was approved by a House committee last week. Currently, if an Alabamian is charged with a crime, that charge can follow him or her, even if it was dismissed or they were found not guilty. Bedford's bill originally allowed for the expungement of some convictions, but that language has been removed.

Sen. Tammy Irons, D-Florence, is also watching one of her bills in the House. The "Jessica Elkins Act" requires schools that provide information on immunizations, infectious diseases, medications or other school health issues for parents of students in grades 6-12 to include information about meningococcal meningitis and its vaccine. The act is named for an Athens High School student who died of the disease.

Irons' other priorities in the final days? Getting the teachers' pay raise back in the education budget and stopping "the passage of all the bad bills that the Alabama Republican supermajority will try to pass for their re-election campaigns."

Rep. Lynn Greer, the Shoals' lone Republican, agreed that budgets will be the priority moving forward. As far as the 2 percent raise: "I think we're going to have to make it possible."

Last week, Greer passed in the House a bill that would keep secret the drugs used in Alabama's lethal injection process, their makers and the corrections workers who carry out the process.

Greer said drug suppliers have become hesitant to sell lethal injection drugs because of backlash and harassment from anti-death penalty advocates.

Greer's bill, which came from the Alabama Department of Corrections, would keep hidden the name of the drugs used in the process.

Greer said Friday, though, that releasing that information would be OK with him.

"Personally, I'd have no problem with that, we just don't want to say who mixed it or who carried (the execution) out."

Sen. Bill Holtzclaw, R-Madison, is carrying the same bill in the Senate. It hasn't come up for a vote. Tuesday will be the 23rd of 30 legislative days. The 27th legislative day is the last day for a bill to come out of the House and still have a chance in the Senate. In the Senate, anything that comes out after the 25th day must have unanimous consent before it moves to the House.

State education superintendent blasts new common core bill that would let local school boards opt out of controversial standards (al.com)

State Superintendent of Education Tommy Bice today released a statement blasting Senate Republicans' latest attempt to curb the common core education standards in Alabama.

Developed through a multi-state initiative, the national education standards tell teachers what topics students should master for math and English in each grade and were adopted by the Alabama State Board of Education in 2010.

Beason, who initially filed a bill to repeal the standards statewide, said he opposes the standards because they are an "untested experiment."

His latest bill, filed in an attempt to compromise with Senate Republicans, would let local boards of education opt out of the standards, alter them or add to them as they see fit, so long as they don't lower the academic rigor below the standards in place before the common core took effect.

But Bice blasted the bill today, saying it contains "absolutely nothing to support current efforts to ensure students graduate prepared."

See his full statement:

My analysis of SB443 confirms that it contains absolutely nothing to support current efforts to ensure students today graduate prepared for college, work, and adulthood in the 21st century. In fact, it appears to be intended to ensure they do not by requiring a return to out-of-date standards and student assessments totally out of alignment with the expectations of our community college, universities, and business and industry.

It forces a return to standards that are a decade old and removes the ability to account for the learning gains of students and to identify schools in need of improvement or failing. It would require significant local costs as school systems attempt to purchase ten-year-old textbooks and resources if they even still exist.

It would create a total disruption to the learning of Alabama students at a time when we have just seen our greatest gain in graduation rate ever recorded at 80% – a foundational measure of PLAN 2020.

We would be required to return to the regressive measures of No Child Left Behind that created a situation of such low expectations that almost 30% of Alabama's high school graduates were required to enroll in remedial courses following high school graduation.

I continue to attempt to seek the value of this proposed legislation from the perspective of students and how a total disruption to two years of learning could be beneficial to them.

I have yet to be able to find such value, so I must surmise that the intended beneficiary of this legislation must be someone other than Alabama K-12 public school students!

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.

Alabama implemented the standards for math during the 2012-13 school year and English during this school year. The first test results will not be available until the fall, school system officials say.

[Business Council of Alabama president slams Beason's new common core bill as 'the very definition of government overreach' \(al.com\)](#)

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."

"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.

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.

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.

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.

[The week in the Legislature: Marijuana oil bill \(Montgomery Advertiser\)](#)

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

House of Representatives

The House of Representatives is scheduled to return at 1 p.m. Tuesday. The House will take up a bill that would ensure students' right to freedom of religious expression in schools.

In committees:

The House Ethics and Campaign Finance Committee is scheduled to meet at noon Tuesday, and will discuss an ethics bill that would prohibit legislators from becoming lobbyists for two years after their term is over.

The House Ways and Means Education Committee is scheduled to meet at 9 a.m. Wednesday, and will present its version of the 2014-15 Education Trust Fund budget.

Senate

The Senate is scheduled to return at 2 p.m. Tuesday. Senate President Pro Tem Del Marsh, R-Anniston, said Thursday he hopes to continue working on bills that were on Thursday's agenda, including legislation that would allow individuals with debilitating medical conditions to use a marijuana derivative that may be able to control seizures. Marsh also said he hoped to see work resume on the budgets.

In committees:

The Senate Education Policy Committee is scheduled to hold a public hearing at 10 a.m. Tuesday on a bill that would impose a moratorium on "further implementation of Common Core," and allow local school districts the option to not adopt the standards.

The Senate Health Committee is scheduled to meet at noon on Wednesday, and is scheduled to hold public hearings on four abortion bills, including one that would ban abortions when a fetal heartbeat is detected.

The Senate Constitution and Elections Committee is scheduled to meet at 2 p.m. Wednesday, and may take up several pieces of legislation aimed at making revisions to the state's Constitution.

[Alabama Chief Justice Roy Moore opposes Legislature's article-by-article changes to state Constitution \(AP\)](#)

MONTGOMERY, Alabama — Alabama's highest court is divided over whether the state Legislature is acting legally by rewriting the state Constitution a few portions at a time.

In advisory opinions sent to legislators, Supreme Court Chief Justice Roy Moore and Justice Tom Parker said the Legislature's article-by-article approach is not allowed by the Constitution.

Moore said putting out a few new provisions each year for voters to approve does not change the reality that the Legislature has undertaken a near total revision of the Constitution through an in-house constitutional convention.

"By wresting the convention process from the people, the Legislature has unconstitutionally made itself the paramount mechanism of constitutional revisions," the chief justice wrote in an advisory opinion that was supported by Parker.

The court's other seven justices, all Republicans like Moore and Parker, declined to weigh in on the issue.

But in 2013, many of the same justices upheld the dismissal of a lawsuit filed by Sandra Bell, executive director of the Association for Judeo-Christian Values, who challenged the Legislature's article-by-article approach to rewriting the Constitution.

The decision came after the state attorney general argued that the state officials had immunity from suit.

Republican Bryan Taylor of Prattville, chairman of the Senate's Constitution and elections committee, said he sought the court's advice after some critics questioned the legality of what lawmakers were doing.

When the justices' replies were distributed to senators on Wednesday, Taylor said it was significant that seven justices did not join Moore and Parker in their positions.

The Alabama Constitution can be changed in two ways. Two-thirds of the Legislature can approve an amendment to one part, and it will take effect if a majority of voters approved it in a statewide referendum. The entire document can be rewritten if a majority of the Legislature and a majority of voters decide to have a constitutional convention with delegates from across the state.

The current Constitution was written with a constitutional convention in 1901. But it has been amended more than 800 times since then and is now the longest of any state.

When Republicans won control of the Legislature in 2010, the new GOP leadership made revision of the Constitution a priority. They wanted to delete portions that were outdated or negated by court rulings and modernize the portions addressing businesses.

They chose not to seek a constitutional convention. Instead, the Legislature created a commission that includes public officials and others to recommend revisions to a few articles each year, with the goal of addressing 11 of the 18 articles in the Constitution.

Then the Legislature reviews and passes the recommendations and submits each article individually to voters for approval.

An advocate of the article-by-article approach, Republican Rep. Paul DeMarco of Homewood, said members of the Supreme Court shouldn't have any problem with it because the Legislature used that approach 40 years ago to rewrite Article 6 on the state court system. The court system, headed by Moore, is still operating that article, DeMarco said.

So far, the Legislature has rewritten the articles on banking and corporations, which have been approved by voters.

In the current legislative session, lawmakers are considering rewrites of Article 3 on the separation of powers, Article 4 on the Legislature, Article 5 on the Executive Department, Article 7 on impeachment of elected officials and Article 10 on homestead exemptions, which gives Alabamians tax breaks on their homes.

With only eight meeting days left in the legislative session, the House and Senate haven't voted on any of the revised articles.

Bell said it's clear the Legislature's enthusiasm for constitutional revision cooled off after the advisory opinions from Moore and Parker. She said legislators are beginning to come around to her view that the process the Legislature is using is limited to making small changes to an article of the constitution, but it can't be used for a large rewrite of an article.

"I think they got a little afraid of this," she said.

Senate President Pro Tem Del Marsh, R-Anniston, said the opinions from the Supreme Court have put "a little cold water" on the process but that it would continue.

If the Legislature does approve any of the pending articles, "we will sue them again," Bell said.

Pardons and Paroles stunned by bill transferring supervisory functions to Corrections (Montgomery Advertiser)

The Senate is moving a bill that would transfer the supervision of offenders on probation and parole into a new division within the Alabama Department of Corrections.

The legislation, approved by a Senate committee last week, stunned officials with the Board of Pardons and Paroles, who said they did not expect the legislation and questioned what cost savings, if any, it would provide to the state.

Cynthia Dillard, the executive director of the Board, said Wednesday that while discussions of bringing the DOC and the Board together reaches back decades, she was not informed of any move to do so this year.

"I was surprised because we were told by Department of Corrections that it was not going to happen," she said last week. "I was told by the Department of Corrections they did not ask for it, they did not want it. Their plate is full."

DOC commissioner Kim Thomas did not return several messages seeking comment last week. Lawmakers in support of the bill said last week that the consolidation effort was less of an attempt to save money and aimed more at attempting to ease overcrowding in the state's correctional system.

Alabama's prisons now are at nearly 200 percent capacity, which has led to open speculation about the possibility of a federal court ordering the DOC into receivership, which could force the state to spend hundreds of millions of dollars to improve the system.

Sen. Cam Ward, R-Alabaster, the chairman of the Senate Judiciary Committee and a lawmaker who has been pushing for bills to address the problem, said Thursday that having the supervisory functions separate from corrections meant that a bottleneck was developing within the prisons.

"You have inmates continuing to take up beds that could be reserved for violent offenders who could go into the system," he said. "Offenders are taking up the beds because the parole system is not moving fast enough to deal with it."

Ward also said the state is unusual in that it has a separate Pardons and Parole Board. More than three-quarters of states put their parole agencies under the state Department of Corrections in 2006, according to a 2008 survey by the U.S. Bureau of Justice Statistics.

The legislation, sponsored by Sen. Arthur Orr, R-Decatur, would create a new Division of Probation and Parole within the Department of Corrections. The division would be responsible for developing release plans and post-release supervision for inmates, duties that currently reside with the Board. The Board of Pardons and Paroles would still make determinations of eligibility for parole.

Orr, who chairs the Senate's General Fund Committee that determines funding for Corrections and the Board, compared the proposal to a hospital system that provides a continuum of care to a patient from when they enter the doors to when they leave, and said that "eliminating the barrier" between DOC and the Board could provide some small relief in the overcrowded prisons.

"It is not a panacea," Orr said. "(But) when the inmate comes in from day one, they will be monitored and evaluated by the same entity all the way until that person is off parole."

Both lawmakers expected the effect to be small, and both said the goal was not to facilitate large releases of prisoners.

"This is a small part of the puzzle," Ward said. "One piece. One of 15 pieces."

Both Orr and Ward also said the move was not intended as a swipe at the Board's performance.

"They do a good job," Ward said. "The problem is that communication between the two agencies, currently as it is right now, is not functioning."

The legislation would transfer a minimum of \$33 million to the Department of Corrections from the Board, according to the Legislative Fiscal Office.

Board officials agreed that the cost savings would be minimal, saying they couldn't see what financial efficiencies would be present. According to Dillard, the Board supervises approximately 70,000 offenders in the state. The cost breaks down to about \$1.70 a day per inmate. The DOC has estimated costs of supervising prisoners in its community corrections programs at between \$10 to \$13 a day.

"You take two underfunded agencies, and one that is working well, and you put it under the one that is not working well, there's no duplication of services," said Phil Bryant, assistant executive director of the Board. "They house inmates. We supervise offenders. There's no duplication of services. So any savings to the state are going to be minimal at best."

Moving the department's administrative functions also could increase the cost to the state should a federal court order the system into receivership. The average probation officer in the state supervises

200 cases each, Dillard said — a large caseload, and one that might lead a judge to order the state to hire more probation officers.

Layoffs may also be possible, Dillard said, and there could be other issues to consider.

“I’m not sure if they’re going to make us law enforcement or not,” she said. “We serve our own warrants. We provide security in courtrooms. We do 90 percent of our work for the courts.”

Ward said he could understand the feelings of Board officials.

“If we need to wait until next year for passage, that’s fine, but at some point, it’s going to have to happen,” he said. “Every other state that has done it has seen a more expedited process, and again, it frees up bed space.”

Editorial: Improve state's long-term budgeting (Montgomery Advertiser)

The annual scramble to cobble together the state budgets is a familiar sight for Alabamians, who surely would not be surprised by the findings of a nationwide study on long-term budget planning that gives our state low marks in that area. A great deal of improvement is needed if Alabama is to take a more forward-looking fiscal approach, rather than continuing to simply contrive to get each year’s budgets done by the end of the legislative session.

The report by the Center on Budget and Policy Priorities ranked Alabama 44th among the states in its long-term budget planning practices. The state does a few things well in this regard, but falls short in most relevant factors.

It’s important to note the good things and to ensure that they are maintained. The state’s “rainy day” reserve fund is a strong point, the study found, and Alabama does a good job of monitoring pension contributions and debt obligations. Having a nonpartisan Legislative Fiscal Office to conduct analysis was also cited favorably.

After that, however, the picture is much less flattering, and it is here that Gov. Robert Bentley and Legislature should look most closely. For example, Alabama is deficient in making multi-year forecasts and the fiscal notes offered on savings or costs don’t reach very far into the future.

Alabama doesn't establish current services baselines, figures that would show what it will cost to continue to deliver the same quantity and quality of services currently provided. The state also lacks an independent consensus revenue forecast that would put the executive and legislative branches on the same fiscal page when making budget plans.

Such practices would help raise the state's fiscal eyes from the current focus on the coming fiscal year to a longer look ahead.

There is also an underlying and inescapable factor in Alabama's budgeting process that is not addressed in the CBPP study, but which every Alabamian who has paid any attention to the state's fiscal issues over the years will recognize. The state's unbalanced and unjust taxation system guarantees boom-and-bust cycles that create even more fiscal challenges.

That's going to be a complicating factor as long as the state leans too heavily on sales taxes, which are hyper-sensitive to swings in the economy, and makes too little utilization of property taxes and income taxes. Having the nation's lowest property taxes is not a point of pride, but an indicator of a regressive system.

The CBPP report is important reading for Alabama's policymakers, but lawmakers must also take strong steps to reform the ruinous tax system if the state is ever to achieve fiscal stability and health.

[Bill would let large breweries sell directly to customers \(Decatur Daily\)](#)

MONTGOMERY — A pair of bills in the Alabama Statehouse would expand how large breweries in the state can operate and allow for direct-to-customer sales. The proposed change to current law is the result of an outside company's apparent interest in the state.

House Bill 581 would allow breweries that produce more than 25,000 barrels of alcoholic beverages per year to operate a restaurant on their premises and sell their products directly to consumers for off-site consumption.

Current law doesn't allow breweries to retail their beverages to consumers for home consumption. They have to go through wholesalers.

Reps. Terri Collins and Micky Hammon, both Republicans from Decatur, are co-sponsors on the bill. "There is an industry that is looking to come into the state. They are looking at about four different places," Collins said. "Decatur wasn't on their list, but they like river areas."

The bill does not have the support of the Alabama Brewers Guild because the 25,000-barrel requirement means the law wouldn't apply to existing breweries in the state.

"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," the guild said in a statement.

Dan Roberts, the guild's executive director, said the group would support the bill if the production limit was less than 6 million barrels.

That would include existing breweries and allow for more large craft brewers, but exclude "mega breweries."

There will be a public hearing on HB581 Tuesday morning. A companion bill is in the Senate.

Campaign finance

Sen. Bryan Taylor, R-Prattville, said he will introduce a bill this week to put more teeth in campaign finance laws.

There are rules about how candidates and elected officials can spend campaign dollars and how they report expenses and contributions, but actual enforcement is weak.

"This would clarify the ability of the Secretary of State and probate judges to enforce the civil penalties," Taylor said last week. "We want to make sure we can impose administrative penalties to make enforcement easier and swifter."

Earlier this year, The Decatur Daily looked at current lawmakers' 2012 annual campaign finance reports to see how they were spending their money.

Lawmakers' expenditures included car payments and leases, football tickets, hotels inside and outside of Alabama, and airline tickets, though many reports don't include the purpose of the travel. There are also large purchases at retailers, though reports don't state what was bought.

A state attorney general's opinion states elected officials should detail credit card bills paid with campaign funds by itemizing the expenses. Many officials aren't following that guideline.

Two lawmakers didn't file reports at the end of 2012.

No one in state government is monitoring the reports to make sure lawmakers and candidates are complying with laws, Taylor and other lawmakers said.

[Home-schooled students seek to compete in public school sports \(Montgomery Advertiser\)](#)

Last fall, 15-year-old Ricky Hall earned a starting position on his local high school's freshman football team.

Hall, who is home-schooled, said he practiced with the team every day up until a few days before the first game, when he was told he couldn't play.

"That was disappointing, naturally, because all I wanted to do was just play some football," he said.

Hall, of Dothan, spoke at a public hearing earlier this week in support of a bill that would allow home-schooled and church-schooled students to participate in high school athletics at public schools. The Alabama High School Athletic Association (AHSAA) requires that students be enrolled in the school in order to participate in sports.

Similar versions of the bill have been in the state Legislature for several years. And every year, the bill sparks controversy among school officials and parents.

Hall's mother, Angel, said when the local football team for home schoolers didn't have enough players, she worked with the school last summer to see if her son could play in the fall. He tried out, practiced and then was told he was ineligible.

According to ASAA rules, home-schooled students have never been able to play for public schools.

"It was devastating," she said.

Angel Hall said her son is so far ahead academically that enrolling him in a public or private school would probably hurt him.

"It's not like we're asking for any services for free," she said. "Our tax dollars go toward that school we're zoned for."

Jim Chesnutt, who spoke against the legislation on behalf of the Council for Leaders in Alabama Schools, said it's not about the money, but rather fairness.

He said finding a fair way to discipline home-schooled students would be difficult.

"We feel like extracurricular activities are an outgrowth of being in school all day," he said.

Chesnutt also said it's a safety issue because students who aren't in school all day don't know the procedures and drills.

Sally Howell, executive director of the Alabama Association of School Boards, said after-school athletics are an integral part of the culture of a school. She said the real problem is having no real way

to ensure home-schooled students are meeting the same standards, both academically and behaviorally.

“How many people will you get at a pep rally if half the starters don’t go to the school?” she said.

The bill, sponsored by Rep. Mary Sue McClurkin, would require students pay any fees associated with playing on the team. They’d also be held to the same performance, academic and behavioral standards as other students.

Home-schooled students would be required to submit scores from one of several acceptable standardized tests, proof that they took all required core classes the year before and a portfolio of work.

Students would also have to meet residency requirements, meaning they’d have to live in the school’s district in order to play at the school. The school would also cover the insurance costs for the student.

The bill also includes language that would give schools that host home-school athletes 10 percent of the funding they’d get from the Education Trust Fund if they were enrolled. Based on this year’s figures, that’s about \$577 per student, said Shonda Stallworth, education analyst for the Legislative Fiscal Office.

Stallworth said there’s no way to know what kind of impact the bill will have on the education budget until the students are enrolled.

Jay Drivers, a home-school father and coach who lives in Rose Hill, said the local high school team is the whole community’s team.

“I believe in the Alabama high school athletic experience,” Drivers said. “I believe it’s important for every kid to have that opportunity. Kids in rural Alabama who home school don’t have those opportunities.”

Karen Millican, who has two home-schooled sons, Caden and Cole, said athletics are an important part of students having a well-rounded experience, whether they’re home-schooled or enrolled in traditional schooling.

There are private schools, including Emmanuel Christian School in Dothan, that allow home-school students to play for their teams.

Some parents have heard that might change, however.

"It appears home schoolers are being discriminated against," Angel Hall said. "We pay for that service, we should have access to it."

Steve Savarese, executive director of the AHSAA, said the association has been given the authority by the state Legislature to make its own rules and bylaws without government interference.

The organization, which is independent and does not receive any government funding, is run by district boards that represent the member schools.

"What we want is for our school to continue the process of legislating themselves," he said.

Savarese said there could be unintended consequences associated with allowing students who aren't subject to the same rules as enrolled students all day long.

The House Education Policy Committee passed the bill, which means it'll go on the calendar to be taken up on the House floor.

House focuses on 'pro-life' bills going to the Senate (Talladega Daily Home)

by Chris Norwood

TALLADEGA COUNTY - Both houses of the state legislature continued to grind through the regular session, with much energy on the House side focused on a package of "pro-life" bills that will now make their way to the Senate.

In the Senate, "we handled a lot of routine bills, and a few of interest," according to Sen. Jerry Fielding, R-Sylacauga. "On Tuesday, we passed a total of nine bills, including one that creates a tax credit for contributions to dual enrollment programs. That would allow, for instance, students at Sylacauga High School to get credit for classes at Central Alabama Community College in Childersburg. That way, they can get some of their technical classes taken care of, and get (an associates) degree only one year after graduating from high school, which allows them to go out and find a job with a productive income sooner. I think that's a good bill."

Fielding said the Senate also approved a lump sum payment of \$2 per month of service to retired state employees outside of the education system. There is a minimum payment of \$300 for employees with fewer years of service. "I would love to be able to give them a cost of living adjustment, but that's just not in our budget right now," he said.

A bill allowing out of state rapid responders to be treated as in-state during times of declared emergency also passed the Senate, Fielding said.

The first part of Wednesday was taken up with committee meetings, he continued. In the Health Committee, the big controversy was over a bill that would allow spay and neuter clinics to operate with a veterinarian available, even if the clinic was not actually owned by a vet.

Fielding said he voted in favor of the bill, which eventually was passed on to the full senate 8-4.

The confirmation committee took up two nominations to the Children's Policy Council, one each to the boards of Polygraph Examiners and Massage Therapists and one to the state Port Authority. None were controversial.

The Banking and Insurance Committee approved five bills bringing the state into compliance with federal regulations and other "clean up" type legislation, but also didn't handle anything particularly controversial.

The Judicial Committee, which was meeting at the same time as the Banking Committee, approved a bill that requires a district or circuit court judge (as opposed to a magistrate) to issue a felony warrant against a teacher based on the complaint of a student. Although Fielding missed the vote, he said the committee also passed a bill saying that a driver does not have to have a pistol permit for a weapon in his car.

"That one will be highly contested," he said.

The Judiciary Committee also approved bills immunizing organizations donating food to charities from liability and providing assistant counsel for the state director of transportation.

Bills passed by the full Senate Wednesday afternoon allowed unallocated funds from class action lawsuits to go to the Child Abuse Prevention Fund, as well as a bill reforming the relationship between landlord and tenant, which Fielding said would be a benefit to both.

Notable bills approved by the Senate Thursday include a \$100 million bond issue for schools to buy tablet computers and a doubling of the cap for small claims suits, from \$3,000 to \$6,000.

Bills sponsored by Jabo Waggoner that would have reformed the Jefferson County Water System were not approved, although Fielding said he generally favored them.

In the House, "there were so many filibusters it was pathetic," according to Rep. Steve Hurst, R-Munford. "We didn't get to the education budget at all yet, but hopefully we will next week or the week after. The governor has put some executive amendments to that in the back, and I really hope we can all come together for something everybody can support and be proud of. We'll have to take it one day at a time."

Most of the week, Hurst said, was taken up with the four bills regarding abortions in Alabama.

One of these increases the amount of time between a doctor providing information on adoption and other alternatives and a final decision from 24 to 48 hours, another requires doctors to provide information on "post-birth hospice services," yet another allows a minor to appeal her case to court if her parents do not consent, and the fourth requires a doctor to attempt to detect a heartbeat before starting the procedure. Failure to do so would be a felony.

All four bills passed, and Hurst said he supported all four. So did Rep. Ron Johnson, R-Sylacauga.

Hurst said the House also approved a bill expanding appeals of tax assessments and increasing the area available to offshore drilling.

In spite of the record saying otherwise, Hurst said he supported the House version of the spay/neuter clinic act. "That was being filibustered, and I left the chamber to go talk with some people from the governor's office. When I got back, I thought we had moved on, but apparently someone voted no with my machine. That doesn't happen all that often that someone else will vote for me, but it has happened two or three times." He said he has entered a note indicating that he would have voted in favor of the bill had he been present.

Johnson said most of the pro-life bills were resolved by margins of about 2-1, with the rest of the week focusing largely on local bills. "It all goes back to things that certain groups are opposed to," he said. "I'd say it was a pretty eventful week."

A bill that would make a second or subsequent conviction for stealing from a church a felony was not able to pass the house this week. "That really stirred up a group of people who didn't even think it should be a misdemeanor, I guess," he said. Another bill that would have expanded the back to school tax holiday to cover band instruments also stalled due to some people deeming it too expensive.

Rep. Barbara Boyd, D-Anniston, could not be reached for comment Friday.

'Tutwiler cannot be changed overnight' but ADOC, consulting firm will collaborate on prison reform, Gov. Bentley says (al.com)

Changes implemented by the Alabama Department of Corrections at Julia Tutwiler Prison for Women coupled with aid from a national consulting group will get the facility moving in the right direction, Gov. Robert Bentley said.

Bentley made his first visit to Tutwiler prison on Thursday in the wake of a report that detailed widespread sexual abuse and other issues at the facility.

Bentley also announced that the state has hired a Washington, D.C.-based consulting firm called The Moss Group, which has expertise in criminal justice management and sexual safety in confinement. A contract will be finalized in the next month.

The Moss Group will help ADOC to comply with the requirements of the federal Prison Rape Elimination Act (PREA) and build on other reform efforts that are already underway at Tutwiler. The consulting group also will help with the culture, staffing and safety assessments, policy review and development, technical assistance and training on internal investigations and other issues affecting the facility, staff and inmate safety.

"The Department of Corrections has made significant improvements at Tutwiler to create a safer environment," Bentley said in a statement issued Friday. "The Moss Group will focus on continuing our efforts to improve the facility. The issues at Tutwiler cannot be changed overnight, but with the reform efforts already underway combined with the technical assistance provided by the Moss Group, Tutwiler will be a better facility for the staff who work there and the inmates who are incarcerated there."

Andie Moss, president of The Moss Group, has more than 25 years' experience with correctional management issues, with a particular emphasis on sexual safety, Bentley said.

"I am impressed by the commitment of Governor Bentley and Commissioner (Kim) Thomas and the forthrightness with which they are willing to confront the challenges at Tutwiler," Andie Moss, President of The Moss Group, Inc. said in a prepared statement.

While the consultants will focus primarily on Tutwiler, their work will help address concerns throughout the entire correctional system.

Many improvements already implemented at Tutwiler were part of a 58-item action plan that Thomas announced in January 2013. All 58 recommendations have since been initiated, officials have said.

"Nothing will be able to change the past culture at Tutwiler," Thomas said in a prepared statement. "However, we are moving in a new direction with Tutwiler, and I am committed to our reform efforts to address the concerns there and in the entire Alabama prison system. Custodial sexual misconduct is the most egregious abuse of power, and it will not be tolerated as long as I am commissioner. The staff at the Department of Corrections does a tremendous job under very difficult circumstances, and our employees are just as committed to reforming Tutwiler as I am."

Here's what we're doing to fix the problems at Tutwiler Prison for Women (Opinion from Gov. Robert Bentley)

By Gov. Robert Bentley

As Governor, it is my responsibility to address the problems that exist in Alabama's prison system.

I want Alabamians to know that custodial misconduct in our correctional facilities will not be tolerated, especially when it comes to female inmates.

In June of 2012, Alabama's Corrections Commissioner, recognizing the need to address serious, longstanding, systemic issues within our prison system, proactively asked a national independent agency to come in and make recommendations on steps to reduce inappropriate staff conduct with female offenders and create a safer environment for the inmates. In January of 2013, Commissioner Thomas issued a directive with 58 recommendations. Some examples include enhancing inmate privacy by adding new panel doors in the bathroom areas, modifying policies to take into account gender differences and specific requirements of the women inmates, discontinuing the process of strip searches of inmates returning to the facility, enhancing the internal investigation procedures for inmate complaints, and continuing efforts to recruit much needed staff to safely supervise the inmate population.

Today, all 58 recommendations have been initiated and are close to completion.

Significant progress has been made at Tutwiler over the last thirteen months, and there is no question that more work needs to be done. We are working hard to address areas of concern in the facility.

With the Legislature's help, we increased funding for the Department of Corrections by approximately \$24 million for FY 2014. That allowed for the hiring of 100 additional corrections officers system-wide and the installation of a camera system at Tutwiler. The department has also started a new recruiting effort to hire more female corrections officers which included a higher salary for officers willing to work at Tutwiler. I believe we need more female officers at Tutwiler, and we are working to get them hired.

Another top priority for the Department of Corrections is the renovation of the Wetumpka Women's Facility. Once completed, this facility will significantly reduce the number of inmates at Tutwiler by nearly 50% and make a significant impact on the overcrowding issues there. We are working with members of the Legislature right now to get additional money appropriated for the Department of Corrections in order to get the Wetumpka Women's Facility renovated.

I recently visited Tutwiler and saw first-hand the operations at the facility. I met with the warden and female correctional officers, and saw the inmates. I do not believe that the pervasive custodial sexual misconduct that existed in the past occurs there anymore. In isolated instances where it has occurred in the last three years, quick action has been taken to investigate and refer offenders to the appropriate authorities for prosecution.

We are moving in a new direction with Tutwiler, and are reforming the facility to make it safer for inmates and staff.

I have asked an expert group in criminal justice management and sexual safety in confinement to assist the Department of Corrections in continuing the reform efforts underway at Tutwiler. The Moss Group has a national reputation for helping criminal justice agencies and brings a lot of experience and best practices to Alabama. The Moss Group has worked in all 50 states with some of the most respected professionals in corrections. Specifically, the Moss Group will help with the culture, staffing and safety assessments, policy review and development, technical assistance and training on internal investigations and various other matters.

The issues at Tutwiler cannot be changed overnight, but with the reform efforts already underway and the assistance of the Moss Group, we will continue to implement best practices so Tutwiler can become a better facility for the inmates and the staff.

Covington County DA calls on governor to build more prisons (al.com)

Walt Merrell, district attorney of Covington County in south Alabama, said that he's long been aware that his office leads the state in locking up inmates per capita.

Merrell on Friday said the numbers speak to the best policing in the state and should reassure residents around Andalusia.

When asked what he would say to Gov. Robert Bentley about prison overcrowding, Merrell said:

"I would say instead of hiring that consulting firm, let's hire a contractor that has bricks and mortar," said Merrell. "Because really that's the problem."

Merrell on Friday sat down for lengthy, in-depth discussion with reporter Blaine Wilson at WAAO in Andalusia, as the two talked about prison crowding, state politics, conviction rates and the nature of criminal justice in Alabama.

Merrell, who called for more prisons, said that sentencing rests with the judge and it is the duty of the Department of Corrections to find or create appropriate space for these inmates.

The interview discussed the findings of an article produced earlier this week by AL.com: Which county locks up the most inmates per capita?

"These numbers mean in my opinion that we have better law enforcement than everybody else," said Merrell.

Here's the full interview by WAAO:

Scott Beaulier: Which of these lines is not like the others? (al.com)

A lot of attention has been focused on the Johnson Center's new Medicaid study, "The Feasibility of the Medicaid Expansion in Alabama." As some readers know, my co-author, Phillip Mixon, and I question the University of Alabama's estimate of 30,700 new jobs, and we also refute the positive budgetary impact promised in the UAB study.

When Mixon and I assume more accurate tax rates and healthcare costs, the UAB estimate of \$935 million of net revenue to the state of Alabama by 2020 disappears. In fact, we find the state will lose about \$470 million between now and 2020. And, if even more realistic assumptions are made about conditions in the health professional labor market, the numbers get much worse for state taxpayers!

In responding to our study this week, the UAB and UA researchers told Brendan Kirby of AL.com that "they stand behind their research" and that "if you sent it to anyone, it will stand on its own."

If our review of their study is not evidence enough that their numbers don't add up, however, there are already other studies in existence that support our claim that a Medicaid expansion will ultimately cost states money. The graph below sums up the conclusions of studies looking at proposed Medicaid expansions in neighboring states.

MedicaidGraph.png

[View full size](#)

The chart shows us the cumulative budgetary impact of expanding Medicaid. We have taken five economic impact studies looking at the Medicaid expansion (ours and UAB's included), and we compare the net state impact (i.e., state tax revenues from expansion minus costs).

Out of the five studies, there is only one that does not look much like the others--the UAB/UA study (the black line in the graph). The UAB/UA study paints a rosy picture of steadily improving state finances from the Medicaid expansion. The other four studies--our Johnson Center study included (in red)--all instead predict state budget impacts will be fairly neutral early and will worsen as we get closer to 2020.

Our study and the UAB/UA study, of course, are focused on Alabama expanding Medicaid. The "Ole Miss" study by Bob Neal is one we mention in our paper. Neal focuses a lot on how hard it will be to hire health professionals in Mississippi and summarizes his findings by saying expanding Medicaid is a real problem because "paying for it in the years ahead might be a challenge." His estimate for Mississippi's state budget is in blue, and it helps us understand the financial challenges their state would face from expanding.

The Georgia State University study (in orange), conducted by William Custer, reaches the largest negative net impact numbers. The larger negative number is not surprising, given Georgia's far larger total population compared to Alabama, Mississippi, and South Carolina. Custer encourages a great deal of caution when estimating state revenues from the Medicaid expansion because authors can only use a rate of collections and will miss important details of the industry under examination.

The South Carolina study by Joseph Von Nessen (in green) assumes significant lags in implementation and a lot of time passing before health professionals are hired. According to Von Nessen, the Medicaid expansion is going to result in a small, positive budgetary impact for South Carolina by 2020.

Taken together, the studies from neighboring states--states with similar characteristics to Alabama--support one of our main points: there are many ways to justify expanding Medicaid, but selling the expansion to Alabamians as a money maker for the state is not one of them. To keep peddling this bad argument and to use the highest estimate possible in the UAB study of \$1.7 billion (something Mixon and I have not done in our criticisms of UAB) is misleading and contradicts much of the literature on the Medicaid expansion that I have outlined above.

In other words, our finding--that Medicaid expansion will negatively affect state finances--is consistent with those of other researchers, and it's the UAB/UA study that does not hold up well when studied more closely.

Beyond arguments about the budgetary impact of the expansion, the UAB study, of course, has a more fundamental problem: It does not do well when run through the most important filter of all--common sense. Expanding publicly funded healthcare programs will not be free; adding 300,000 Medicaid enrollees is going to be an added cost for taxpayers, both through their state and federal tax bills. This is a straightforward, common sense conjecture that many people around the state have reached on their own. And, it's the UAB/UA study that's asking us to throw common sense aside, engage in tortured logic about the health cost curve, and assume, this time, we'll not only get a free lunch but be paid to eat it.

Scott Beaulier is Chair of the Economics and Finance Division and Director of the Manuel H. Johnson Center for Political Economy at Troy University. Email Scott at sbeaulier@troy.edu. Follow the Johnson Center on Facebook and Twitter (@Johnson_Center)

[Cameron Smith: Troy study confirms Medicaid expansion is the wrong choice for Alabama \(al.com\)](#)

Troy University's Manuel H. Johnson Center for Political Economy recently released a study finding that expanding Medicaid under the Patient Protection and Affordable Care Act (PPACA) would prove exceptionally costly for Alabama.

The Troy study argues that research from UAB and the University of Alabama supportive of the PPACA's Medicaid expansion overstates the tax benefit of the program to the state and underestimates the administrative costs of running an enlarged Medicaid bureaucracy.

While the Troy study shows that reasonable economic minds in Alabama disagree about the impact of the PPACA's Medicaid expansion, it is unlikely to sway those already decided on the issue. Many Alabamians favoring the PPACA assert that the law's Medicaid expansion will improve health quality for low-income Alabamians. Unfortunately, that conclusion is largely driven by the liberal mantra that more government spending and services necessarily produces better outcomes.

If more Medicaid improves health quality, tracking health outcomes under Alabama's current program as it has grown should reinforce that conclusion. Unfortunately, Alabama's Medicaid program does not effectively monitor and provide information that could determine whether Medicaid beneficiaries' health quality actually improves over time.

In the 2013 legislative session, Alabama Gov. Robert Bentley and the Alabama Legislature took the first steps towards improving the health of low-income Alabamians by enacting a modern, information-drive, beneficiary-centered approach to Medicaid that will hopefully have the added benefit of reducing costs for health issues that could have been prevented through a more comprehensive approach to care.

While the new model may need improvements, it outclasses the previous system designed to pay for health services with little focus on overall health outcomes. Yet instead of working to improve the current Medicaid program for children, the disabled and the poorest Alabamians, PPACA supporters want to pile more people onto the already burdened program.

Even so, PPACA supporters, liberal politicians and activist groups focusing on growing Medicaid are not actually generating the lion's share of the pressure to expand Medicaid. The most powerful supporters of the Medicaid expansion in Alabama are the state's hospitals, and their motives are decidedly, and understandably, economic.

Ironically, the PPACA created the problem that has Alabama hospitals pushing ardently for the Medicaid expansion. The PPACA's cuts to Disproportionate Share Hospital (DSH) payments, designed to compensate hospitals for the higher costs of treating low-income patients, have left Alabama hospitals scrambling to find revenue.

With gridlock in Washington, pragmatic solutions to the DSH cuts such as reducing PPACA subsidies in exchange for more effectively supporting indigent care at hospitals seem unlikely. Given that Congress and President Obama are unwilling to reach common ground on revisions to the PPACA, it is hard to

blame Alabama's hospitals for their support of the expansion, but that does not mean that their path of least resistance is the best one for Alabama.

Alabamians should be critical of the voices claiming that expanding a massive government program will provide an economic windfall. The Troy University study confirms what experience has already proven: Growing government entitlement programs creates a cost for taxpayers that will continue to increase over time and is nearly impossible to slow or reverse.

Alabama is making important strides toward the goal of improving healthcare for the most vulnerable Alabamians, and accountability over time will show the effectiveness of the changes. At the same time, Governor Bentley and Alabama's elected leaders are wise to reject a Medicaid expansion that supports an expensive, Washington-driven approach to healthcare that the majority of Alabama's voters flatly reject.

(Cameron Smith writes a regular column for Alabama Media Group. He is vice president and general counsel for the Alabama Policy Institute, an independent, non-profit research and education organization dedicated to the preservation of free markets, limited government and strong families. He may be reached at camerons@alabamapolicy.org or on Twitter @DCameronSmith.)

[As trial approaches, former state Sen. Lowell Barron says, 'I trust the people of DeKalb County' \(al.com\)](#)

FORT PAYNE, Alabama - Attorneys for former state Sen. Lowell Barron said today they want to use testimony from the state's top prosecutor to help prove Barron did nothing wrong in giving campaign funds to a campaign worker.

In a hearing that lasted almost two hours today at the DeKalb County Courthouse, Barron attorney Joe Espy argued that Attorney General Luther Strange is the best witness to discuss customary uses for dispensing campaign funds.

Prosecutors in the Barron case, who are from Strange's office, are attempting to stop Strange from testifying.

DeKalb County Circuit Judge Randall Cole heard arguments on five motions in the case Friday but did not issue any rulings.

Espy filed a motion Thursday in which he claims Strange gave more money to a campaign worker than Barron gave to Rhonda Jill Johnson, who worked on Barron's 2010 campaign. Barron and Johnson have been indicted on six counts of violating state ethics and campaign laws. They are scheduled to go to trial April 14.

"The attorney general is primary example A," Espy said "Surely he knows the law. What he did was certainly legal."

After the hearing, Barron made a brief statement to reporters -- echoing, in part, a prepared statement he released earlier in the week -- and Espy repeated a statement he made in court that the prosecution can't prove their case against Barron.

"I trust the people of DeKalb County," Barron said. "And I'm looking forward to my day in court. I don't understand why Luther Strange won't come to DeKalb County. I don't understand why he wants special treatment."

Said Espy, "We are ready and we are prepared. As you saw in the courtroom, it appears, as I said, they do not understand their case."

Prosecutors said Strange's testimony is not needed about the customary uses of campaign funds because Barron's use of money he gave to Johnson was not customary.

"The defense has shown no compelling need for the top prosecutor in the state to testify," Assistant Attorney General Bill Lisenby said.

When Cole asked Lisenby if context would be necessary for the jury on typical uses of campaign expenses, the prosecutor responded that Barron's use of money was not customary.

Lisenby said Johnson received a \$50,000 check in campaign funds from Barron, then immediately wrote Barron a check for \$50,000 that Barron placed in his personal account. Johnson was re-paying Barron for a loan, Lisenby said.

Another \$2,000 check to Johnson was also turned back over to Barron as another part of a loan payment and Barron gave Johnson \$6,000 in campaign funds to help Johnson pay off a credit card, Lisenby said.

"That's not ordinary or customary," Lisenby said.

In seeking testimony from Strange to compare practices in campaign expenses, Lisenby said Barron's defense team was looking to enter evidence that is "completely extraneous."

Former Senate leader Barron's trial set for April 14 (Montgomery Advertiser)

FORT PAYNE — A prosecutor said Friday he will show that former Alabama Senate leader Lowell Barron gave \$58,000 in campaign funds to campaign aide Rhonda Jill Johnson to help her pay a debt to him and a credit card company.

Barron's defense attorney said Barron paid Johnson for the work she did, and she used it to pay bills like everyone else does with a paycheck.

For the prosecution to convict Barron and Johnson, "they've got to prove the work she did is not worth a dime," defense attorney Joe Espy said in a court hearing.

Espy and Assistant Attorney General Bill Lisenby laid out their cases in a hearing in preparation for the trial of Barron and Johnson, which is scheduled to start April 14 in Fort Payne.

State Attorney General Luther's staff got a DeKalb County grand jury to indict Barron and Johnson last year on charges accusing them of diverting \$58,000 from Barron's 2010 campaign account and a campaign car for Johnson's personal use. The two have pleaded not guilty.

Barron, a 72-year-old Democrat from Fyffe, served 28 years in the Senate and held leadership positions, including president pro tem and Rules Committee chairman, before losing in 2010. Johnson, 48, of Scottsboro, served on his Senate staff and then on his campaign staff.

State law allows campaign donations to be used for ordinary campaign expenditures and expenses of holding a public office.

Barron loaned Johnson \$100,000 to help her buy a house in 2008. Then in 2009, he gave her \$2,000 from his campaign account, which she used to pay part of her debt to him, Lisenby said.

Then during the campaign in 2010, he wrote her a \$6,000 check from the campaign and a \$6,800 personal check, which she used to pay a \$12,400 credit card bill, Lisenby said.

After losing in November 2010, Barron gave her \$50,000 from his campaign account, which she used to finish paying her debt to him, Lisenby said.

"That is not going to be an ordinary or necessary expenditure" for a campaign, he told the judge.

Barron's lawyers argued that it was a bonus for her hard work, and that Barron's campaign reported all the payments on the campaign finance reports he filed with the secretary of state.

Barron's defense has subpoenaed the attorney general to testify in the trial. Espy said Strange's campaign finance records show Strange paid campaign aide Jessica Garrison \$85,000 after his 2010 campaign, and they want to show that bonuses after a campaign are common in Alabama.

The attorney general's office is seeking to block Strange's testimony. Lisenby said Barron's lawyers know they can't call Strange as a witness, but are making an issue of it to try to influence potential jurors in the case.

Circuit Judge Randall Cole said he will rule later on the issue. He will also rule later on whether prosecutors can use at trial the lengthy testimony that Johnson gave to a DeKalb County grand jury before being indicted. "Our plan is to offer all of the statement — all 500 pages," Lisenby said.

Defense attorney Ben Espy, son of Joe Epsy, argued that the statement can't be used in a joint trial because it might unfairly influence Barron's case.

Attorneys expect testimony in the trial to last about two weeks.

[Alabama Department of Public Safety tries to fix mistake in motorcycle license law \(al.com\)](#)

MONTGOMERY, Alabama --- The Alabama Department of Public Safety is trying again to change state law to require drivers to pass a test to be licensed to drive a motorcycle.

This year's proposal is the latest effort to resolve a confusing issue for the public and police.

Under current law, anybody with a regular driver's license can drive a motorcycle legally. Alabama appears to be the only state where that's the case, given the additional skills and knowledge needed to safely drive a two-wheeler.

When the Legislature overhauled the state driver's license law in 1995, it left out a requirement for drivers to have the M designation on their license to operate a motorcycle.

But that wasn't discovered until years later.

For years, the state required those who wanted an M designation to pass a multiple choice, motorcycle knowledge test. Drivers paid \$5 to take the test.

And for years, the state enforced the law that was not on the books, writing people tickets who did not have the M designation, said Capt. Guy Rush, assistant chief of the driver license division at DPS.

Rush said a lawsuit challenging the state's authority to require the M designation brought the oversight to light.

Since then, DPS has been trying to fix the problem. Rush said this is the seventh year for a bill to plug the gap in the law.

HB 535 by Rep. Allen Farley, R-McCalla, would authorize DPS to require the M designation and a test. It's the fourth year for Farley to carry the bill.

"It will give the Department of Public Safety the statutory authority to issue a motorcycle license," Rush said. "Presently there is no authority."

Douglas Shinkle of the National Conference of State Legislatures said that after doing research and talking to other experts, he knows of no other state that does not require a motorcycle license or special endorsement on a regular license to drive a motorcycle.

A House committee approved Farley's bill on Wednesday. But Farley said it's a longshot to pass with only eight meeting days left in the legislative session.

Farley, a former police officer and assistant sheriff in Jefferson County, said he was surprised when DPS came to him three years ago and asked him to sponsor the bill. Farley did not know there was no license requirement. It's apparently not common knowledge.

That's partly by design. Rush said DPS hasn't publicized the gap in the law.

Rush said as a general practice, when someone asks for a motorcycle license designation, driver's license offices don't tell them it's not required. Instead they offer the test, which is now free.

Rush said the don't-tell policy is motivated by safety concerns.

"It is certainly more safe for people to take a test before they get on a motorcycle," he said.

It's also important for drivers who cross state lines. An Alabama motorcyclist stopped in a neighboring state who doesn't have the M designation can be ticketed, Rush said.

Although the test is free, drivers who pass it pay \$18.50 to get the new license with the M designation. That's the same fee for a duplicate license if a license is lost.

There's another confusing aspect to the story. Many drivers in their 40s and older already have an M on their license even if they never asked for it. Farley said the M was automatically added for those who had a license as of about 1987. If Farley's bill passed, the new test requirement would not apply to them.

Farley said versions of the bill in previous years specifically called for a motorcycle skills test. He said that would be good policy but the state does not have the testing sites or personnel in place to make that feasible now.

But giving the state the legal authority to require the knowledge test would help, Farley said.

He said unsafe motorcycle drivers not only pose a danger to themselves, but other drivers who might have to swerve or slam on their brakes to avoid them.

"It's all about saving lives," Farley said.

Roby's rise: Hard work, independent voting have helped cement young Congresswoman's role in Republican Party, House (Montgomery Advertiser)

ASHINGTON — W Rep. Martha Roby's first steps on the path leading away from obscurity in Congress came right after she suffered a defeat.

Alabama voters had just given her a second term, and the Montgomery Republican boldly asked her GOP colleagues in Congress to elect her vice chair of their conference. The job involves developing and delivering House Republicans' political message through the two-year term.

After weeks of campaigning, the secret November 2012 vote was a nail-biter between Roby and Rep. Lynn Jenkins of Kansas.

Roby lost, but the moment marked a turning point in her young congressional career. She was gracious to Jenkins, declared there would be other leadership opportunities, and celebrated the relationships she had established with more than 200 other Republican members of the House.

"I looked at it like, I don't want to sit around and wait my turn," Roby said. "I want to dive straight in and do all I can for the benefit of Alabama's Second District, but also my role to help be a part of shaping the future of this country, so I did it."

Roby's determined networking seems to be paying off.

Just over halfway through her second term, her record shows she's adept at both politics and policy. She has shepherded a favorite GOP bill to House passage, embraced a controversial investigation of the Obama administration, picked sides in contested GOP primaries, and recently landed a coveted spot on the House Appropriations Committee.

She turns 38 this summer, one of 25 members of the House under 40.

"There are people here that are Martha's age that aren't working half as hard as she is," said Rep. Spencer Bachus, R-Vestavia Hills, dean of Alabama's House delegation, who is retiring after this year.

"She has a keen political instinct," said former Rep. Jo Bonner of Mobile, now a lobbyist.

In an unusual political move, Roby involved herself in the Republican primary to replace Bonner in Alabama's First District late last year. Alabama lawmakers normally avoid primary entanglements, but Roby threw her support behind Bradley Byrne a few days before the special primary runoff in November. Byrne won, and Roby's involvement helped define her as a politician: She had chosen an establishment, pro-business conservative over one over one she felt was driven more by conflict and ideology, and she had been willing to go public with her preference.

"I believe in governing, and I want folks here (in the House) who want to be part of governing and not be obstructionists," Roby said. "I want folks who are ready to roll up their sleeves and be a part of solutions rather than drawing hard lines in the sand and voting no every time."

She urged like-minded colleagues to join the cause, and they showered Byrne's campaign with nearly \$100,000. House Majority Leader Eric Cantor of Virginia and Senate Minority Leader Mitch McConnell of Kentucky personally paid their respects at a Capitol Hill reception after Byrne was sworn into office.

The timing of Byrne's victory was significant. Republicans had been blamed for the government shutdown in October, when hard-core tea party lawmakers had pushed GOP leaders into an unwinnable bargaining position. Roby disagreed with the strategy and sided with leadership against the uprising.

It was risky.

People aligned with the tea party in Roby's district complained she was cooperating with her party's "moderate elite." Heritage Action, the political wing of the conservative Heritage Foundation found Roby has voted in line with the group's views only 18 of 32 times this term, the kind of track record that could attract a challenger from the right. Another conservative group, Club for Growth Action, actively tried to recruit someone to run against Roby.

But it didn't happen. Roby, who defeated a tea party-preferred candidate in the Republican primary before going on to first win her seat in 2010, has no primary opponent this June. Democrat Erick Wright of Montgomery is on the general election ballot in November.

So how has Roby managed to stay friendly enough with Republican leadership to get a seat on the Appropriations committee, yet avoid a primary challenge?

For one, her voting record includes nods to each side of the House GOP divide.

Roby ranked near the middle when the Cook Political Report scored House Republicans on their votes on five key pieces of bipartisan legislation brought to the floor by GOP leaders in 2013. On one end were the "dependables" who voted for all five. On the other end were the "rebels" who voted against all five.

Roby was among the "skeptics" who voted against three of the five: extra aid for victims of Hurricane Sandy, re-authorization of the Violence Against Women Act, and the deal that ended the government shutdown. She voted for the farm bill and a bipartisan two-year budget pact reached in December.

"It depends on who you talk to. One day I may be a tea-party darling and the next day I'm a RINO (Republican in Name Only)," Roby said.

Roby's political skills go back to her days on the Montgomery City Council, said Brad Moody, associate professor emeritus of political science at Auburn University Montgomery.

"She's got mainstream establishment Republican connections, but she's also very outspoken at her meetings in the county seats and with constituents saying all the tea-party kind of things about problems with the federal government and Obamacare," Moody said.

Roby is critical of outside groups that score or rank lawmakers based on loyalty to a particular ideology.

"To have these outside groups bullying members into feeling they have to vote a certain way or they won't be re-elected is a big part of the problem of what's going on up here," Roby said. "I reserve the right to disagree with leadership, but we elected them and I want them to lead, and I'm not going to be pushed around by outside Washington groups."

Roby may have disagreed with the strategy behind last year's government shutdown, but ultimately she voted against the deal that ended it. That vote required some explaining back home in a district with a strong military presence, where the shutdown was getting painful. Roby said she was happy to reopen the government, but not with a deal that didn't include spending cuts.

"I don't think she has a fear of doing something that might cost her a vote," Bachus said. "There are lots of people up here, they may vote one way and pray another, they may not say what they believe or tell people what they want to hear. She does none of that."

Rep. Robert Aderholt, R-Haleyville, said Roby should get credit for supporting the tea-party goals of smaller government and lower taxes.

"Just because you reach out and work with leadership doesn't mean you can't work on those issues," Aderholt said.

The GOP, often criticized as the party of older white males, has tapped Roby to deliver the party's national weekly message — a response to the president's weekly radio address — three times in the last three years, plus a fourth time alongside a handful of her colleagues.

Roby also picked up a Republican comp time bill that had languished for years, dusted it off, and pushed it through the House under a heavily promoted theme of helping working, middle-class families.

The bill, to offer hourly workers in the private sector a compensatory time off option, was not as well-received by Democrats as she had hoped, and the final vote was mostly along party lines. The Democratic majority in the Senate is expected to ignore the proposal out of concern it would make it harder for workers to earn overtime pay.

Other legislative initiatives also shore up Roby's record as a conservative, such as her attacks against funding for Planned Parenthood and against requirements that states adopt certain federal education standards in order to win federal education grant money.

When Republicans declared the deadly 2012 attack on the American consulate in Benghazi, Libya, a political scandal worthy of multiple congressional investigations, the Armed Services subcommittee she chaired at the time joined in.

She said her panel's inquiry was nonpolitical and focused only on military readiness, but Democrats still labeled the final report a partisan sideshow.

The highlight of Roby's efforts on behalf of the Second District was her success blocking a Pentagon move to take several C-130 planes away from an Air Force reserve unit stationed at Maxwell Air Force Base. Alabama's entire congressional delegation, concerned about lost jobs in the short term and the base's long-term prospects in an era of Pentagon budget cuts, confronted Air Force leaders about whether there was a valid purpose behind the reorganization. In the end, the 908th Airlift Wing kept its six planes and picked up two more.

Roby's record is why she landed the coveted spot on the Appropriations Committee in December, said Aderholt, a veteran member of the powerful committee.

"She has demonstrated she wants to make a difference and go the extra mile, so I think Republican leadership — the speaker — has taken note of that," said Aderholt, who also chairs an Appropriations subcommittee. "She works hard in the district and here in Congress, and so I think that's one of the reasons they chose her."

Roby said she focused her first term on organizing a staff capable of handling constituents' needs and her second term on learning the legislative process and navigating House rules. She still has her eye on leadership.

"Where there are opportunities I think are right and good for our state and country, I'll take them," she said.

[Representative Byrne signs on to term limits bill \(al.com\)](#)

U.S. Rep. Bradley Byrne, R-Fairhope, has signed on to another longtime conservative cause in Congress, putting his name behind legislation to impose term limits.

Byrne announced Friday that he will co-sponsor a bill by Rep. Mick Mulvaney, R-S.C., to limit members of Congress to six, two-year terms in the House of Representatives and two, six-year terms in the Senate.

To Byrne, the action represents the fulfillment of a campaign promise.

"Washington is in dire need of fresh ideas and energy," he said in a prepared statement. "No member of Congress has a monopoly on the seat they occupy. It belongs solely to the people they represent."

Term limits long have been popular among conservative activists, and Republican support for the idea dates as far back as the "Contract with America," the pledge that most House Republican candidates signed during the 1994 election. A proposed constitutional amendment after that election failed, however, to gain the necessary two-thirds majority in the House.

Subsequent efforts have made little progress over the years.

Byrne has done much to bolster his conservative credentials during his brief time in Congress, including voting against raising the debt limit, joining the conservative Republican Study Committee and co-sponsored a bill to ban federal funding of abortion.

[Yellowhammer named State Blog of the Year at CPAC \(Yellowhammer News\)](#)

WASHINGTON, D.C. — Yellowhammer News, Alabama's leading source of news and political commentary, was named State Blog of the Year at BlogBash on the first night of the 2014 Conservative Political Action Conference (CPAC).

"This is an incredible honor for our company," said Yellowhammer News CEO Cliff Sims. "It's exciting to see our reach and influence continue to spread, even outside of Alabama. But the most humbling part about winning this award is that it was voted on by a panel of our peers. These folks have been on the forefront of the digital media revolution for a long time. For them to acknowledge the work Yellowhammer is doing like this is more than we could have ever hoped for."

BlogBash has become a star-studded event in recent years as the influence of digital media outlets has grown exponentially. Sen. Rand Paul, Texas Gov. Rick Perry and House Republican Conference Chair Cathy McMorris Rodgers were just three of the notable speakers during this year's BlogBash, which has dubbed itself "The largest gathering of right-of-center bloggers and online opinion leaders."

A who's who of national political groups, companies, and politicians sponsored the event, including Americans for Prosperity, Americans for Tax Reform, Franklin Center for Government & Public Integrity, Facebook, National Review, The Republican National Committee, True the Vote and many others.

CPAC has attracted 11,000 attendees to National Harbor this week and features speeches by numerous potential 2016 Republican presidential contenders. Sens. Ted Cruz and Marco Rubio, Rep. Paul Ryan and New Jersey Gov. Chris Christie all delivered speeches on just the first day of the 3-day event.

[Conservatives try to make criminal justice reform a signature issue \(Washington Post\)](#)

By Wesley Lowery, Published: March 7

Many of the headlines after day two of the Conservative Political Action Conference were about Rick Perry's well-received speech, in which he harped on what he deemed the "two Americas": red-state America and blue-state America.

But as much as the Texas governor's morning address impressed the crowd, it was the second event in which he participated Friday that will be far more important if the Republican Party is serious about winning more swing voters in 2016.

Perry appeared alongside several other conservatives, including Grover Norquist, on a panel about criminal justice reform and how those reforms are being pushed by several Republican states.

While it was sandwiched between better-attended sessions, the discussion of Republican progress on reforming the criminal justice system was one of the few CPAC sessions that laid out a true pathway forward for a party that desperately wants to expand demographically.

Much of the Democrats' successful messaging in recent years has painted Republicans as obstructionist. Democrats have noted the repeated attempts by congressional Republicans to repeal the Affordable Care Act, and each week House Democrats rail against the Republican leadership's refusal to allow votes on immigration reform and raising the minimum wage.

And much of the CPAC lineup consisted of panels that will likely be fodder for that type of Democratic messaging (for example, "Obama's IRS: Political Arm of the Left?").

But on issues of sentencing reform and prison recidivism, Republicans — especially several governors in Southern states — have been the leaders, earning praise from prison reform groups on both sides of the aisle for efforts to save money by implementing rehabilitation programs and curbing skyrocketing prison costs.

A nonpartisan study issued last year about how one of the bluest states in the union, Massachusetts, could cut prison costs credited Republican states for how they have tackled prison reform.

That's why the criminal justice discussion at CPAC surpasses the practice-run stump speeches of 2016 hopefuls in importance if the GOP's stated desire to re-brand is for real. "This is our chance to show we can provide solutions to affect significant problems," said Norquist, president of Americans for Tax Reform.

The renewed focus on cost-saving reforms marks a dramatic, decade-long shift by Republican governors, many of whom previously won election by stumping on tough-on-crime platforms.

But, as many of those governors have noted, one way to cut state costs is to decrease the number of people being locked up for nonviolent offenses and rid the law books of mandatory minimum sentences for such offenses.

In addition to Perry, prominent Republicans who once trumpeted tough-on-crime stances and now call for sentencing changes and rehabilitation programs for drug and other nonviolent offenders include former Florida governor Jeb Bush and former House speaker Newt Gingrich. Sen. Rand Paul (R-Ky.), a tea party hero, has made reform of mandatory minimum sentences a major focus in recent months.

"We're not a soft-on-crime state, you know what I'm saying? . . . We're tough on crime," Perry said. "But I hope we are also seen as a smart-on-crime state."

While the room emptied out a little right before the panel — which followed a speech by former Arkansas governor Mike Huckabee — many CPAC attendees did stick around, which should be encouraging for center-right Republicans who have called for a more solutions-oriented message from the party. On Thursday, New Jersey Gov. Chris Christie declared that “our ideas are better than their ideas.”

The push for more solutions-oriented messaging was not universal at CPAC, however.

Paul on Friday urged Republicans not to “meekly dilute our message” by settling for insufficiently conservative candidates in the midterm or presidential campaigns. Sen. Ted Cruz (R-Tex.) and former senator Rick Santorum (R-Pa.) attacked previous GOP presidential candidates for not being conservative enough. Cruz called them out by name, sarcastically urging the crowd to “remember President Dole, President McCain and President Romney.”

Still, Perry was the star of the day Friday with a rousing, upbeat speech focused on two different futures for the country, one based on a red-state, Texas-like strategy, one based on a blue-state strategy like New York’s. Perry argued that Texas is a perfect model of less government.

“We have created almost 30 percent of the nation’s jobs while keeping taxes among the nation’s lowest,” he said. “We have presided over not only an energy boom but the nation’s largest population boom and an economic boom of monumental proportion.”

Perry added, “The future of America is based on the state -vision that wins out. We don’t need to change history. We just need to change the presidency.”

He said there were things the government should not be involved in: “Get out of the education system, get out of health care!” Among the things it should do: “Deliver the mail, do it on time and, heck, do it on Saturdays.”

The crowd rose as Perry’s speech came to a close and applauded as he yelled his final lines.

“You represent the renewed hope that America can be renewed again,” Perry said.