



Office of Senate President Pro Tempore Del Marsh
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Thursday, March 27, 2014

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Bentley, lawmakers reach deal on education budget: Agreement could help keep health insurance costs down for educators (Montgomery Advertiser)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[Much to do when Alabama Legislature returns \(AP\)](#)

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

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

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

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

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

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

ABORTION: The House has approved a bill to extend the waiting time for an abortion from 24 hours to 48 hours after an abortion clinic provides information about adoption and the risks of abortion. The bill has cleared a Senate committee and is awaiting a final vote in the Senate. The sponsor, Republican Rep. Ed Henry of Decatur, said he's optimistic about passage in the Senate. The House also passed a bill to ban abortions after a fetal heartbeat can be detected, which can happen at six or seven weeks into a pregnancy. That bill is still pending in the Senate Health Committee.

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

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

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

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

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

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

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

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

[Gun bill a concern for law officials \(TimesDaily\)](#)

The Alabama Senate's passage of a bill to allow motorists to carry loaded pistols in their vehicles has local law enforcement officials concerned.

"I'm a strict constitutionalist, but from my standpoint, we are creating an officer safety issue," Tusculumbia Police Chief Tony Logan said. "Police officer assaults are on the rise. I'm afraid this could just increase that threat even more."

Alabama law allows individuals to carry a pistol in a vehicle as long as it is unloaded and out of reach. Anyone with a pistol permit, which is purchased from a county sheriff's office, can carry a loaded pistol on their person as well as in a vehicle.

The bill, sponsored by Sen. Scott Beason, R-Gardendale, would allow motorists without a pistol permit to carry a loaded pistol in their car.

"I'm concerned about the safety of my deputies on the street," Colbert County Sheriff Ronnie May said. "This is going to allow anyone and everyone to have a weapon in their car.

"I believe in the Second Amendment and support our constitutional right but from the safety aspect it just sends up a flag."

Russellville Police Chief Chris Hargett said anyone who wants to carry a pistol in a car can do so now, they just have to go through the process of getting a pistol permit.

"It's not that we want to stop the privilege, but there are ways to do it now, so why do we want to change it?" Hargett said. "I just don't know if opening it up to anyone to have a gun without going through the process of getting a permit is such a good idea."

A person applying for a pistol permit goes through a background check to determine if they have prior felonies or any record of violent crimes. The application is reviewed and a decision is made whether to approve or deny the application request based on background findings.

Lauderdale County Sheriff Ronnie Willis said if the law is passed by the Alabama House and then signed by Gov. Robert Bentley, it will take control of who carries weapons away from law enforcement.

"Some people don't need to be carrying weapons," Willis said. "This is going to allow anyone to keep a loaded gun in their car. It's a scary thought."

Law enforcement say the bill, if passed, will likely cut down on the number of pistol permits sold.

"Despite what some people think, our permit money is split between our department and the County Commission," Willis said. "The money our department gets, which is \$4 per permit, is used to buy ammunition and equipment for the deputies."

Permits cost \$10 each in Lauderdale County.

Willis said he also worries about the safety of civilians.

"I'm afraid this will just open the door for more road rage shootings," he said. "To me, this could be one of the worst mistakes (the Legislature) could make."

"Police officers face threats every day, this will intensify that threat," Muscle Shoals Police Chief Robert Evans said. "If this passes, officers will have to be concerned that with every car they approach, the person inside could have a weapon."

Evans said he is a strong firearms advocate, but he has concerns "when you have no way to regulate and see who has a weapon and who doesn't."

"There are some people who just don't need to have a firearm," he said. "To me, this is very irresponsible. Any legislation that restricts too severely the use of firearms or any legislation that gives unfettered access (to firearms) is just not a good thing."

The bill has been sent to the Alabama House.

Proponents, opponents react to local wind farm bills (Gadsden Times)

By John Davidson

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

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

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

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

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

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

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

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

Williams said the regulations are not meant to affect property rights, but are to protect adjacent property owners from nuisance. He said during the researching of the bill, he saw places throughout

the nation and world where there were larger setbacks, such as Umatilla County, Ore., and in parts of Australia, which have 2-mile and 2-kilometer setbacks, respectively.

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

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

Lawmakers' bills just ran out of time (Decatur Daily)

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

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

Some other legislation that will have to wait another year:

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

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

Orr's proposal to extend the amount of time borrowers have to repay payday lenders is also dead.

However, a House bill to create a statewide database to enforce an existing \$500 limit on borrowing is moving forward. It was approved in a Senate committee last week and now waits for a vote of the full Senate.

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

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

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

Clinic bill opposed

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

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

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

Collins to chair conservative group

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

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

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

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

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

"I would like to see what they say and plan to do some reading over the summer," Collins said.

The other chair from Alabama is Sen. Greg Reed, R-Jasper.

Medicaid revamp hoped to cut costs (Decatur Daily)

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

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

Dr. Don Williamson, the state health officer and overseer of the Medicaid budget, said last week during a panel discussion on medication compliance that the state won't balance its Medicaid budget on medication adherence alone. But without it, it will be hard to control expense growth.

The state is budgeting \$700 million for Medicaid in fiscal 2015, an \$85 million increase from the current year. The federal government will kick in much more.

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

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

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

Medications are much cheaper than hospital visits.

"If people don't take their medication, they are going to be in the emergency room or back in the hospital," said Diane McCrary, the clinical care coordinator at Huntsville-based North Alabama Community Care, Inc. "(Non-adherence) costs the health care system."

McCrary's group serves about 500 Medicaid recipients in Madison, Morgan, Limestone and Cullman counties. Part of the job is making sure people are taking their meds.

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

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

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

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

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

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

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

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

In the Regional Care Organizations, providers will receive a fixed dollar amount per patient. Making sure they stay healthy — in part by taking their medications — will be in the organizations' best financial interest, said Sen. Greg Reed, R-Jasper, who last year sponsored the legislation creating the RCOs.

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

Study confirms Alabama as low tax state (AP)

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

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

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

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

Business Council of Alabama backs Gov. Robert Bentley for re-election (Tuscaloosa News)

The Business Council of Alabama has endorsed Gov. Robert Bentley in his bid for re-election. The council also endorsed John Merrill for secretary of state. Merrill is a Republican state representative from Tuscaloosa who is running to succeed Jim Bennett, who is retiring.

The Business Council also endorsed the following incumbents whose districts are in West Alabama: Sens. Greg Reed, Cam Ward and Gerald Allen and Reps. Mike Millican, April Weaver, Alan Harper, Rich Wingo, Bill Poole, AJ McCampbell.

It also endorsed Rich Wingo who is running for seat being vacated by Merrill and Kyle Smith who is challenging the incumbent in House District 16. All the endorsed candidates are Republicans except McCampbell, who is a Democrat.

Corrections come under fire for refusal to release death penalty information (Montgomery Advertiser)

An attorney involved in a challenge to Alabama's execution methods said Friday that the Department of Corrections "had no basis" to use a protective order to deny Freedom of Information requests from the Montgomery Advertiser and other Alabama news outlets.

Suhana S. Han, a New York attorney representing death row inmate Thomas Arthur who is challenging the procedures, said in a statement that the 2012 order "only governs information produced in the litigation." Representatives of the state, the statement said, "had not agreed to supply any information about the suppliers of lethal injection drugs."

"Such information about the suppliers belongs to the state of Alabama, and the state is free to disclose that information as it sees fit," Han said.

The Advertiser, The Anniston Star and the Associated Press filed separate freedom of information requests on the drugs being used and the protocols employed in the state's executions. The Advertiser sought the information in light of questions about the drugs being used in capital punishment, reports of drug shortages, questions about the ways other states, most notably Missouri, were acquiring them, and Alabama Legislative efforts to make the identities of those involved in the manufacture of drugs used in lethal injections confidential.

In the statement Thursday, DOC commissioner Kim Thomas cited a court order in the Arthur case that requires information on the state's death penalty produced in the trial to be kept confidential, including execution protocols; drugs used in current and past procedures and "testimony, documents or information related to prior executions of any Alabama death row inmate." The protective order, issued Sept. 28, 2012, does not cover information about those procedures already in the public domain.

Thomas said that he was under a "legal order" to not disseminate the information.

"While the department generally considers execution related documents confidential and exempt from public disclosure under Alabama law, because of the pending litigation, I will abide by the court order and will not release any execution information," the statement said.

In the motion for the protective order, the Department of Corrections said it had a “vital and compelling interest in protecting the confidentiality of the procedures, the identities of persons who participate in the enforcement of death sentences, and all aspects of the manner of enforcing a death sentence in the State.”

A request for comment from the Department of Corrections was not returned Friday.

The death penalty secrecy bill was approved by a Senate committee Wednesday. Supporters have said confidentiality is needed because of efforts by death penalty opponents to expose individuals involved in their manufacture. The legislation, which has already passed the House, awaits full Senate consideration. Rep. Lynn Greer, R-Rogersville, the sponsor of the legislation, said Wednesday that if the legislature did not pass the legislation this year, “we can come back (next year) and repeal this law and go back to the electric chair.”

Experts on both sides of the capital punishment debate Friday questioned the DOC’s use of a court order to deny the requests. Richard Dieter, executive director of the Death Penalty Information Center in Washington, said a judge’s past ruling on a case is not the same as a controlling law.

“A strong argument could be made that the very fact they’re considering a bill and it’s already passed the House would be an indicator that it needs changing, and that until the law is passed, (the information) could be released,” said.

ACLU of Alabama executive director Susan Watson said in a statement that “Alabamians need and deserve to know how the government is performing executions in their name.”

Similar efforts to keep the sources of lethal injection drugs secret have taken place in Texas, Ohio and Missouri amid a shortage of lethal injection drugs, particularly sedatives used in the procedure. Anti-death penalty groups in Europe have campaigned against companies that manufactured drugs used in executions. The European Union, which bans capital punishment, has forbidden exports of any drugs that could be used in executions.

Dudley Sharp, a death penalty and victims’ rights advocate based in Texas, said Friday that he believed the push for secrecy was to ensure the corrections departments have a reliable supply and discourage legal action.

“I think the states don’t want to get sued,” he said. “The states are going to make sure they have good compounding pharmacies, and that pharmacies have responsible suppliers. If they don’t have that, it’s a disaster.”

But Sharp added that he believed the issue would likely have to be settled by the U.S. Supreme Court.

"You have freedom of information," he said. "You also have the obligation of the state to carry out the law. If advocates are making it impossible to carry out the law, the Supreme Court has to weigh one over the other."

Hospira, the manufacturer of sodium thiopental, a sedative frequently used in execution, announced in 2011 it would no longer manufacture the drug. Alabama, like other states, switched to the use of pentobarbital in executions.

Arthur was convicted in 1982 of a murder-for-hire scheme involving Muscle Shoals businessman Troy Wicker Jr. The murder occurred while Arthur was on a work release program after being convicted of the murder of the sister of his common-law wife in 1977.

Arthur has challenged the state's use of pentobarbital, arguing that the drug would not render him unconscious before two other drugs listed in the procedure -- pancuronium bromide, which paralyzes the muscles, and potassium chloride, which stops the heart -- are administered.

The Attorney General's Office, representing the DOC, has argued pentobarbital would be preferable to sodium thiopental, and says that Corrections officials would not allow an execution to go forward if the inmate was still conscious.

[Alabama prison officials deny public records request for overtime information \(al.com\)](#)

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

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

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

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

Are there some employees earning enormous salaries because of overtime?

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

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

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

'It's the guards that antagonize everything:' Tutwiler inmates describe beatings, cruelty of prison officers (al.com)

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

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

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

The federal inspectors wrote that "the systemic deficiencies at Tutwiler that facilitated staff sexual misconduct may also lead to excessive use of force, constitutionally inadequate conditions of confinement, constitutionally inadequate medical and mental health care and discriminatory treatment."

A hovering threat of violence

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

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

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

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

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

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

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

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

A pervasive culture of violence

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

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

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

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

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

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

'Feeling that you're forced to do it'

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

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

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

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

Just a few days later, Hibbett was transferred to the medium-security Montgomery Women's Facility and then transferred again to Birmingham work release. The guard was given an option of resigning in

lieu of being terminated. He resigned and, to Hibbett's knowledge, was never prosecuted for his actions.

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

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

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

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

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

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

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

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

[School board member discusses what comes after common core as legislative fight fades \(al.com\)](#)

Wednesday marked the last day this year for the Alabama Senate to act on a bill to curb Alabama's use of the national education standards known as the common core.

While Senate Republicans inserted in the education budget language prohibiting the expansion of the common core in Alabama, that budget is still pending final resolution with the House.

And the common core English and math standards adopted by the Alabama State Board of Education in 2010 remain intact.

The first results from new common core-aligned standardized tests won't be available until the fall, so what comes next for the state's education leaders?

State school board member Mary Scott Hunter of Huntsville, a key supporter of the common core standards, said recently that the next phase of education improvement could be decidedly less standardized than the common core.

Up for reelection this year, she called for an increased focus on and extra funding for arts education in the state.

"Any employer will tell you that creativity is extremely important. It just is, and you can't measure it, you can't standardize it," she said. "You have to involve students in it and there has to be a problem of creating."

Adding that the fight over the common core standards appears to be fading, ensuring their continued use in Alabama, she said increased focus on arts would be critical to instilling creativity, confidence and critical thinking in students.

It would also help the state become more competitive nationally and globally, she said.

[Related: Alabama eighth graders ranked dead last in national math scores as common core fight fades]

"Alabama is finally positioning itself to be an education heavyweight, and that also positions us to be an economic heavyweight," she said.

As an example, Hunter points to the arts career tech program at Gadsden High School that involves its voice and visual arts programs. However, she also admits arts education in Alabama funded "not very well."

The Alabama Department of Education requested \$1 million for the upcoming fiscal year, but the governor's budget recommended only \$500,000 and the Senate-approved version had just \$250,000.

The House Ways and Means Committee increased that to \$600,000, but the budget is yet to be approved by the full legislature.

Developed through a state-led initiative of the National Governors Association and the Council of Chief State School Officers, the common core standards tell educators what math and English skills students should master in each grade.

They have been criticized by Republicans and conservative groups as a federal intrusion into state-run education since the Obama administration announced in 2009 that states seeking Race to Top education grants would be scored in part on whether they adopted the standards.

The standards have been adopted by the 45 states and the District of Columbia.

[Alabama's business recruiters talk technology, manufacturing and catfish on mission to strengthen trade ties in Southeast Asia \(al.com\)](#)

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

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

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

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

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

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

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

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

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

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

Moore issues dissent in Obama citizenship case (AP)

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

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

Moore and Justice Tom Parker dissented.

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

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

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

Insurance hike to hit state hard (AP)

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

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

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

That's the highest share of price hikes for any place in Alabama with at least 100 flood policies in effect, worse even than in touristy beach towns that get slammed by hurricanes every few years. Officials said many of those Bessemer residents who will receive higher bills live in the Pipe Shop neighborhood, where Cole has seen floodwaters reach rooftops.

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

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

Going up

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

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

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

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

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

Coastal benefits

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

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

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

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

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

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

Obamacare plans bring hefty fees for certain drugs (AP)

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

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

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

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

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

Avalere Health, a market research and consulting firm, estimates some consumers will pay half the cost of their specialty drugs under health overhaul-related plans, while customers in the private market typically pay no more than a third. Patient advocates worry that insurers may be trying to discourage chronically ill patients from enrolling by putting high cost drugs onto specialty tiers.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Common Core spawns widespread political fights (AP)

NASHVILLE, Tenn. (AP) — What began as a bipartisan effort to set new standards in American schools has become a political firestorm, particularly among Republicans.

Establishment voices like former Florida Gov. Jeb Bush praise the Common Core guidelines as a way to improve student performance over time. But many archconservatives, including tea party favorites Ted Cruz of Texas and Rand Paul of Kentucky, say the effort amounts to a takeover of local schools.

Forty-five states initially adopted some part of the standards developed by Republicans and Democrats at the National Governors Association. But legislatures in at least a dozen states have debated measures to repeal or delay the standards.

It's become one more divide between establishment Republicans and the more strident members of their party.