



Office of Senate President Pro Tempore Del Marsh
Press Clips
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[Alabama Republicans wants 'outsiders' \(that means you AEA\) to quit meddling in is primaries: Today in state politics \(AL.com\)](#)

The head of the state's Republican Party is taking aim at the Alabama Education Association in his fight to move towards a closed primary.

In a letter sent to GOP members and posted to ALGOP.org this week, party boss Bill Armistead said he's continuing his long-time efforts to stop cross-over voting in primaries by moving towards a "closed" primary.

Alabama is currently one of 11 states that employ what's known as an open primary system. Using that method, voters aren't required to declare a party affiliation before voting and can request

whichever ballot they choose at the polls. A closed primary would require voters to declare a party affiliation prior to the primary date and then only vote in that party's primary.

Armistead said his reason for supporting the move to a closed primary system is based on a sort of electoral reverse psychology and one he blames on the AEA.

"In this year's primary election, as a result of the rise of the Republican Party, the Democrats had few serious primaries. As a result, many Democrats opted to vote in the Republican primary at the urging of the Alabama Education Association and, in many cases, with the AEA's financial support. The efforts of these Democrats and the AEA were attempts to influence who won our primary.

"Their goal was simple: get candidates loyal to the AEA nominated in the Republican primary or elect the "weakest candidate" as the Republican nominee to enhance the chance of electing a Democrat in November."

The GOP's state Executive Committee has already passed a resolution endorsing closed primaries and urging the legislature to pass a measure to change the primary system.

Until such time that we enact legislation...to have a closed...primary, we will continue to see Democrats "meddling" in our Republican primary.

"Obviously, the legislature didn't take action on the party's recommendation to close our primary. I strongly believe that a closed or semi-closed system would enable both the Republican and Democrat parties to have control of their nominating process without the influence of the opposing party," Armistead wrote.

Details of the primary change would have to be worked out, he said, but would probably entail voters registering as Democrats or Republicans in order to vote in that party's primary. Voters who register as independents would only be allowed to vote in the general election.

"Until such time that we enact legislation in Alabama to have a closed or semi-closed primary, we will continue to see Democrats "meddling" in our Republican primary. It's time to put a stop to that once and for all."

Here's what else is making headlines in Alabama politics:

What are your thoughts about gambling in Alabama? You can share them by answering these six questions.

Who do you think won the debate between AL-06 Republican candidates Paul DeMarco and Gary Palmer?

Rep. Allen Farley says Gov. Robert Bentley should consider changes at the top in Alabama Department of Corrections.

[Rep. Allen Farley says Gov. Robert Bentley should consider change at the top in Alabama Department of Corrections \(AL.com\)](#)

MONTGOMERY, Alabama --- State Rep. Allen Farley, vice chairman of the Legislature's prison oversight committee, said he thinks Gov. Robert Bentley should consider replacing Prison Commissioner Kim Thomas with someone who is not so deeply rooted in the troubled system.

Thomas started as a corrections officer in 1983 and has worked in DOC's legal department since 1995. Thomas was the department's general counsel when Bentley appointed him commissioner in 2011.

"I think if I were the governor, I believe I would find somebody that's got a background, not in defending the state in all the litigation, but find somebody that's got a background in training and keeping people safe," Farley said.

Farley, a Republican from McCalla, spent 36 years in law enforcement, including seven years as assistant sheriff in Jefferson County. He ran the Jefferson County jail in Bessemer from 2003 to 2010. He said he likes Thomas personally.

"You won't ever find a nicer guy," Farley said. "I'm sure he's a great attorney."

But Farley said somebody who has worked inside the system for so long might not hold wardens and others in the chain of command accountable for the kinds of problems alleged by the Department of Justice, the Equal Justice Initiative, Southern Poverty Law Center and others.

"I think they need a general," Farley said. "Maybe somebody who over the years hasn't become friends with wardens and lieutenants and captains."

Thomas responded to Farley's comments.

"I respect Rep. Farley," Thomas said. "But this is one of the cases where we have a difference of opinion. I still look forward to working with him and the task force and the legislative oversight committee and moving the criminal justice system and the Department of Corrections forward in a more positive, productive and efficient way."

Farley said he has expressed his concerns to Bentley. Farley said that as DOC's top lawyer, Thomas should have been known about problems in the system long before allegations by the Equal Justice Initiative, the National Institute of Corrections, the Department of Justice and others in a string of scathing reports starting in 2012.

Jennifer Ardis, spokeswoman for Bentley, said the governor stands behind Thomas.

"The governor has full confidence in Commissioner Thomas' ability to lead the Department of Corrections," Ardis said. "There are some serious issues in the prison system, and the governor is confident that Kim Thomas is the right leader to address the problems and help reform the system."

Thomas worked as a corrections officer, sergeant and classification specialist in St. Clair Correctional Facility, a maximum security prison, from 1983 to 1995. While working there, he attended Birmingham School of Law and received his degree in 1993. He became an assistant general counsel in DOC's Legal Division in 1995. He later served as general counsel under Commissioners Donal Campbell and Richard Allen before becoming commissioner.

Farley said that when he was in charge of the Jefferson County jail in Bessemer, Sheriff Mike Hale held him responsible for everything that happened there, and he held the supervisors who worked under him responsible.

He said the same standard should apply to state prisons.

"If it happens on your shift, I'm going to hold you responsible," Farley said. "If it happens in your facility, I'm going to hold you responsible."

[RSA moving forward with 'double dipper' limits \(Decatur Daily\)](#)

MONTGOMERY — A Retirement Systems of Alabama board Thursday approved new rules designed to crack down on “double dippers,” — state retirees who skirt income caps by becoming state contractors and continue to work for RSA agencies while drawing their pensions.

State law says a retiree can’t draw a pension if that person goes back to work for an RSA agency and earns more than \$23,000 annually. Some have found a way around the rule by calling themselves contractors or by stating they work for a third party.

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RSA officials said this is a problem because if employees retire after 25 years of service, they no longer are contributing to the retirement system. But if they’re still working through a contract, they are blocking a potential new government employee and RSA contributor.

Last year, RSA sent letters to about 1,000 state and municipal agencies with the systems, asking for a list of retiree contractors.

RSA general counsel Leura Canary said Thursday the systems didn’t hear back from all agencies. The new rules, a result of legislation from Sen. Arthur Orr, R-Decatur, cap contractor income and require agencies to report contracts to RSA. They also require retirees to report such work.

“We’ve had no way of knowing when people were doing this,” Canary said.

The new rules have now been adopted by both the teachers’ and employees’ retirement system boards.

RSA has taken action when it found retirees earning above the cap. Last year, Lawrence County interim administrator Tricia Galbreath’s retirement benefits were suspended. Galbreath was a retired county administrator who worked for the county through her company, Galbreath & Associates. In addition to receiving \$7,500 monthly from the county for her company, Galbreath was paid about \$5,600 in monthly pension.

“Many people don’t realize they’re in violation of the statute, and when they’re made aware, they will limit their income,” Canary said.

She said some retirees opt to suspend their benefits while they work.

Orr said as a member of the state contract review committee, he saw former state employees with newly formed LLCs getting around the \$23,000 cap. He said that was unfair to former employees who worked within the cap, and he talked to RSA about either stopping the contracting practice or abolishing the cap.

He said the new rules “will bring clarity to an area of the law that was clearly being abused by some and followed to their financial detriment by others.”

Now, even if contracts are below the \$23,000 cap, RSA wants to know whether they are legitimate and would stand up to IRS scrutiny. Canary has said some of the agreements were “sham contracts.”

“Some retirees have been entering into sham independent-contractor relationships with participating employers and taking the position that they are exempt from the post-retirement pension-suspension rules that would otherwise require the suspension of the retiree’s pension,” Canary said last year.

“Stated plainly, these violations are a form of pension fraud and cause a financial drain on your retirement system.”

There is nothing to prevent retirees from working for private business.

How does Alabama stack up against other states for taxpayers' subsidy of Affordable Care Act premiums? (AL.com)

BIRMINGHAM, Alabama – People in Mississippi, Georgia and Missouri got the biggest discounts on insurance sold under the Affordable Care Act, with Alabama falling in the middle of the pack, new data indicates.

Obamacare signup AP.jpg

Carol Hill helps Jae K Lee and his wife Myung Lee, of Edison, N.J., sign up for Affordable Care Act insurance in New Jersey in March. (Amy Newman/AP)

Mississippians who bought subsidy-qualified individual insurance via the federal exchange are, on average, having 95 percent of the cost picked up by taxpayers, according to data released Wednesday by the Department of Health and Human Services. In Alabama the number is 77 percent. Thirty-six states elected to not create state exchanges under the terms of the ACA, which was signed into law in 2010 and conducted open enrollment in the fall of 2013 and the spring of this year.

More than three-quarters of ACA individual policies have premiums reduced by tax credits.

After the federal tax credits – which are paid up front in the form of reduced premiums – Mississippians are paying an average of \$23 a month for subsidized individual policies under the program, commonly called Obamacare. Alabamians are paying an average of \$76 a month. After tax credits the insurance is the most expensive in New Jersey, where people pay an average of \$148 a month.

To find detailed information on how states that used the federal exchange fared use the dropdown menu in the chart below:

Ruling on gay sex ban leaves Alabamians 'less protected from nonconsensual sex,' AG says (AL.com)

Alabama Attorney Luther Strange today argued the state should challenge the recent ruling striking down Alabama's gay sex ban.

The Alabama Court of Criminal Appeals held that the state's sexual misconduct law is unconstitutional as it criminalizes private consensual acts.

Strange wants the appeals court to leave the law, code section 13A-6-65, in place to deal with nonconsensual sex acts.

The law had criminalized "deviate sexual intercourse," defined as anal and oral sex, and said "consent is no defense."

In its unanimous ruling the appeals court cited the U.S. Supreme Court's decision in *Lawrence vs. Texas*. In that 2003 case, the U.S. Supreme Court held that a Texas law barring same-sex intimate contact was unconstitutional. The high court said there was no "legitimate state interest which can justify its intrusion into the personal and private life of the individual."

The state appeals court pointed out the legislative commentary for the statute says the consent section "was changed by the legislature to make all homosexual conduct criminal, and consent is no defense."

The appeals court ruling came in a Dallas County case, *Williams vs. Alabama*. A Dallas County man appealed after being convicted of sexual misconduct, even though the jury found the homosexual sexual encounter was consensual.

But Strange argues the court went too far.

"The Williams decision leaves all Alabamians less protected from nonconsensual sex and potentially calls into question numerous past convictions, involving both heterosexual and homosexual defendants and victims," Strange said in a news release. "That is why I intend to ask the Court of Criminal Appeals to reconsider its decision."

The same sexual misconduct law makes it a crime to engage in sex without consent in circumstances not covered by first or second degree rape. It also criminalizes sex when consent is "obtained by the use of fraud or any other artifice."

In its opinion on Friday, the court of criminal appeals said no Alabama court had ruled on the ban on consensual acts in light of the 2003 *Lawrence* decision.

Strange said the law needs to remain on the books because "the sexual misconduct statute is an important tool to protect homosexual and heterosexual victims from nonconsensual sex."

In Friday's ruling the appeals court noted the 11th Circuit Court of Appeals had looked at the law in a 2003 lawsuit. That decision pointed out the Alabama attorney general conceded the law is unconstitutional as it applies to consensual "anal and oral sex between unmarried persons."

The Alabama appeals court also rejected a request by the state of Alabama to strike the consent language in the statute and send Williams' case back for a new trial. The court said its job is to interpret the law, and it would not "as the state urges us do on appeal, amend 13A-6-65 (a) (3) ... to make it constitutional."

Williams' conviction was overturned by the court.

[U.S. Supreme Court rules First Amendment protected Alabama whistleblower when he ratted out lawmaker \(AL.com\)](#)

WASHINGTON – A unanimous United States Supreme Court Thursday ruled that the First Amendment protected an Alabama two-year college employee when he risked his job and fired a legislator who didn't come to work but was paid anyway.

supreme-court.jpg

U.S. Supreme Court

The high court ruled that Edward Lane's First Amendment rights protected him from job retaliation when he testified in the public corruption trial of then state Rep. Sue Schmitz in 2010.

Lane was fired by the two-year college where he worked after his testimony.

The decision is a win for whistleblower advocates, who said it could encourage more government workers to cooperate with prosecutors in public fraud cases without fear of losing their livelihoods.

Lower courts had ruled against Lane, finding that he was testifying as a college employee, not as a citizen.

Writing for the court, Justice Sonia Sotomayor said Lane's testimony was constitutionally protected because he was speaking as a citizen on a matter of public concern, even if it covered facts he learned at work.

Lane was director of a college youth program at Central Alabama Community College in 2006 when he discovered that Schmitz, a Democrat, was on the payroll but not showing up for work. Lane fired Schmitz despite warnings that doing so could jeopardize his own job.

Federal prosecutors began investigating Schmitz, and Lane was later called to testify before a federal grand jury and under subpoena at Schmitz's two criminal fraud trials. Lane claimed he was fired in retaliation.

Schmitz bogus job was uncovered and detailed, along with many other cases of corruption in the state's two-year college system as part of a two-year investigation of the system by The Birmingham News in 2006-07.

Former News reporter Brett Blackledge won the Pulitzer Prize in investigating reporting for that series.

[Forbes ranks Birmingham-Hoover in Top 10 of 'new industrial boomtowns' \(AL.com\)](#)

BIRMINGHAM, Alabama – Birmingham is among the Top 10 cities leading a new industrial revival in the U.S., according to a Forbes ranking.

The popular business magazine and website ranks the Birmingham-Hoover metro area sixth among large cities experiencing a manufacturing boom.

Manufacturing ranking.JPG

[View full size](#)

Source: Forbes

Birmingham's manufacturing employment growth last year is what helped land it on the Forbes list. In the rankings, noted economic journalist Joel Kotkin pointed to the metro area's 38,900 manufacturing jobs in 2013 as being 3.4 percent higher than the previous year. That recent growth was in spite of a 3.8 percent loss of jobs between 2008 and 2013.

Rick Davis, head of economic development at the Birmingham Business Alliance, said the Forbes ranking confirms what officials here have recognized.

"I think what it does for me is it validates what we've been seeing over the last year or two or three," Davis said. "We're seeing job growth and it starts with manufacturing."

While several of the cities in the Top 10 could attribute the growth to the energy sector, many of the Southern cities are seeing growth in traditional manufacturing and skilled labor jobs.

"Although we will likely never see a boom in factory employment on the scale experienced in the last century, the demand for blue-collar skills is projected to increase in future years." Kotkin wrote in the article. "By 2020, according to BCG and the Bureau of Labor Statistics, the nation could face a shortfall of around 875,000 machinists, welders, industrial-machinery operators, and other highly skilled manufacturing professionals."

Kotkin went on to write, "Our research suggests that much of this growth will be in metro areas in the South and the Great Plains that are known for friendly business climates. New industrial investment is tending to go to places that are largely non-union, and feature lower taxes and light regulation."

Davis said the Birmingham metro area is poised to attract new industry and help existing ones expand.

"Any community will tell you that manufacturing is the base," he said. "Manufacturing is in Birmingham's DNA. We've done it since 1871 and we still do it well."

The Forbes article started by ranking 357 metro areas based on manufacturing employment data from the Bureau of Labor Statistics from 2002 through January 2014. The rankings are based on recent growth trends for the last year and the last two years, mid-term growth for 2008-13, long-term growth for 2002-13 and long-term momentum comparing 2008-2013 to 2002-2007. The rankings were then broke out based on the size of the cities. The largest ones where Birmingham-Hoover ranked sixth were for the 66 metros with more than 450,000 jobs overall.

In the mid-sized category, Mobile ranked third while in the small metro category, Florence-Muscle Shoals came out on top in the No. 1 spot.

With a number of announcements of expansions and new jobs already this year and several economic development projects in the pipeline, Davis said he expects the metro area will continue to build on the momentum.

"These sectors that are key to Birmingham are improving and now another national publication has taken note of it," Davis said.