



Office of Senate President Pro Tempore Del Marsh  
Press Clips  
Saturday, July 19, 2014

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## **[Gov. Robert Bentley looking at all possibilities on Alabama state revenue \(AP\)](#)**

Gov. Robert Bentley's opposition to new state taxes during his first term could change in a second term.

"We are looking at all possibilities right now for the next four years because we have to. That's my job," Bentley said in an interview.

Bentley opposed new taxes following his election in 2010. That included a proposed increase in the state cigarette tax that appeared to be gaining momentum until he came out against it. Instead, he has worked with the Legislature to control costs by reducing the number of state employees, restructuring pension benefits, consolidating state agencies, and refinancing state bond issues to save on interest payments.

Bentley also persuaded voters to approve a constitutional amendment in 2012 that let him take \$437 million out of a state trust fund to shore up the state General Fund budget for three years.

The governor who takes office in January 2015 will have to begin work on the state budgets for 2016, and none of that trust fund money will be left. The new governor will also have to look for solutions to an overcrowded prison system that is under review by the U.S. Justice Department.

Bentley estimates revenues for the General Fund budget will be down \$200 million for fiscal 2016.

"It's always my desire not to raise taxes, but I also know we have to have revenue," Bentley said Thursday.

His Democratic opponent in the general election Nov. 4, former U.S. Rep. Parker Griffith, said Bentley could bring in more revenue by expanding Alabama's Medicaid program under the federal health care act. Bentley, a dermatologist from Tuscaloosa, opposes the expansion, but Griffith, a retired cancer doctor from Huntsville, said the expansion would create 25,000 to 30,000 good-paying jobs.

"I think there will probably be other things needed, but it will go a long way toward jump starting this economy and allowing us to do the things we need to do," he said.

Griffith, a former state senator, said he would sign a cigarette tax increase if the Legislature approved one because it could discourage smoking.

"We lose 3,200 Alabamians a year to cigarette-related cancers. It's a huge, huge expense," he said in a phone interview Friday.

But like Bentley, he said he doesn't like the idea of adding broad-based taxes on Alabama families.

"I think a tax increase would be difficult to sell for any reason," he said.

## **ALDOT adjusts to keep projects going as long as possible in face of funding crunch (AL.com)**

The Alabama Department of Transportation is bracing to keep current projects going on for as long as possible should lawmakers in Washington, D.C., not reach an agreement on the national Highway Trust Fund.

That would mean several months before problems begin to show.

It also means ALDOT wouldn't begin any new road construction projects for up to a year because of the funding disruption, a state official said.

The U.S. House of Representatives and Senate have begun moving forward on separate proposals to shore up the fund, which the U.S. Department of Transportation says will run out of money in August.

Without the federal money, which reimburses the majority of the costs on state-sponsored projects, the state's bond-funded road and bridge program would account for the only new road work statewide.

### Money disruption

Propped up by federal fuel taxes that haven't been increased since 1993 -- 18.3 cents per gallon for gasoline and 24.4 cents per gallon for diesel -- the highway fund is expected to shrink to nothing by late August.

In the federal funding system, states collect federal fuel taxes. The revenue is sent to Washington and divided up among the 50 states through a formula.

Under the current transportation funding bill, which will expire Sept. 30, Alabama has received about \$730 million per year.

As contractors work, the state pays them, then is reimbursed by federal funds. States are obligated to receive reimbursements for projects already under way.

However, on July 1, U.S. Transportation Secretary Anthony Foxx sent a letter to states saying a cash management plan will go into effect on Aug. 1.

On that date, the federal government will reduce reimbursements to a percentage of what states normally would get, Foxx wrote.

Payments also will be less frequent.

Under the plan, as states continue to send tax revenue, the Federal Highway Administration will look at available funds every two weeks and figure out payments.

Alabama is scheduled to get just under 2 percent of what's available said Ronnie Baldwin, ALDOT's chief engineer.

Baldwin said that amount would be just enough to cover contractor payments for existing projects, but not enough to start new work.

The only new work would be those covered under the Alabama Transportation Rehabilitation and Improvement Program, or ATRIP, a program started in 2012 and paid for by state bonds.

#### Impacts

At this time, it doesn't appear ALDOT will have to stop any ongoing projects as other states are planning to do, Baldwin said.

As the funding crisis began to appear more likely earlier this year, ALDOT began reducing certain budgets to help free up cash flow during the shortage.

"The ultimate question is how each state is during this time frame from a cash flow standpoint," Baldwin said. "I am confident with the steps we have taken at this point in anticipation of the trust fund problem, we will not have any problems for at least six months -- maybe longer."

Another casualty of funding dilemma, however, is delayed and reduced funding's impacts on planning.

When funding sources are certain, ALDOT and contractors are able to plan based on equipment and employment needs. Without that certainty, the department can't plan ahead as it normally would with guaranteed money.

That was a point Foxx made during a stop in Birmingham this year, when he pushed President Barack Obama's \$302 billion proposal for a four-year transportation bill.

At the time, Foxx estimated that the highway fund's problems would put about 700,000 jobs in jeopardy nationwide.

Road construction and associated industries employ more than 35,000 people in Alabama said Billy Norrell, CEO of Associated General Contractors of Alabama.

Norrell said ALDOT has a sound plan for coping with the shortage. He said he thinks Congress will patch the highway fund in the near term.

"As long as the Congress puts a temporary fix in place, which is what we expect them to do, that will get them through sometime next year with a compromise on an early 2015 date for the program's stability," Norrell said. "Then, after the elections have passed they can really get to work and address the long term solution for funding."

A vote could come up in the House as soon as this week, the Associated Press has reported.

## **Governors sidestep Common Core conversation (AP)**

Reviled by staunch conservatives, the common education standards designed to improve schools and student competitiveness are being modified by some Republican governors, who are pushing back against what they call the federal government's intrusion into the classroom.

Facts

Common Core

What it is: A set of educational standards developed by a bipartisan governors association in 2009.

What Republicans say: Common Core gives the federal government too much power over local education.

What Democrats say: The standards are necessary to improve student performance and maintain global competitiveness.

The Common Core standards were not on the formal agenda during a three-day meeting of the National Governors Association that ended Sunday, relegated to hallway discussions and closed-door meetings among governors and their staffs. The standards and even the words "Common Core" have "become, in a sense, radioactive," said Iowa Gov. Terry Branstad, a Republican whose state voluntarily adopted the standards in 2010.

"We want Iowa Common Core standards that meet the needs of our kids," Branstad said, echoing an intensifying sentiment from tea party leaders who describe the education plan as an attempt by the federal government to take over local education.

There was little controversy when the bipartisan governors association in 2009 helped develop the common education standards aimed at improving schools and students' competitiveness across the nation. The standards were quickly adopted by 44 states.

But conservative activists who hold outsized influence in Republican politics aggressively condemned Common Core, and lawmakers in 27 states this year have proposed either delaying or revoking Common Core.

The issue has forced many ambitious Republicans who previously had few concerns to distance themselves from the standards, and the issue has begun to shape the early stages of the 2016 presidential race.

Wisconsin's Republican Gov. Scott Walker, a potential 2016 candidate among the governors gathered in Nashville, said he has proposed a measure to adopt Wisconsin-specific education standards that are tougher than what the state adopted under Common Core in 2010.

"My problem with Common Core is I don't want people outside Wisconsin telling us what our standards should be," Walker said.

Indiana Gov. Mike Pence was the first to sign legislation revoking Common Core in April, and fellow potential Republican presidential hopeful Gov. Bobby Jindal of Louisiana signed a series of executive orders blocking the use of tests tied to the standards, a move that outraged his state's education superintendent.

Republican governors in Oklahoma and South Carolina, an early presidential primary state, have signed measures aimed at repealing the standards.

Other Republicans, including former Florida Gov. Jeb Bush, have defended the standards as integral to improving student performance and maintaining American competitiveness around the globe.

Democratic Gov. Peter Shumlin, of Vermont, called the conservative critics "crazy."

"The fact that the tea party sees that as a conspiracy is a symptom of their larger problems," said Shumlin, who leads the Democratic Governors Association.

## **Alabama spends \$3 million on low-interest election (Montgomery Advertiser)**

Alabama taxpayers will spend \$3 million on a runoff election Tuesday that most citizens will skip.

Alabama's chief election official, Secretary of State Jim Bennett, said he expects about 5 percent of Alabama's 2.85 million active voters to participate because of a lack of races that draw voters.

"You have no extremely high profile elections," Bennett said. His forecast is less than one-fourth of the 22 percent who turned out in the primary June 3.

No party has a runoff for governor or U.S. Senate. The Republican Party has runoffs for secretary of state, state auditor, and Public Service Commission Place 2, the 6th Congressional District, and six legislative seats. The Democratic runoff has no statewide races, no congressional contests, and only one legislative runoff. Only 20 of Alabama's 67 counties have a Democratic runoff Tuesday.

There is one constitutional amendment on the ballot statewide, but it has not generated much interest. If approved by a majority of Alabama voters, it would allow cotton farmers to vote to make a fee mandatory that they have been paying voluntarily on each bale of cotton. The fee is used for cotton promotion and research, said Hassey Brooks, program director for the state agriculture department.

Bennett acknowledges that his forecast of 5 percent turnout may be optimistic. The turnout didn't reach that during the runoff elections in 2004, 2008 or 2012.

"People are not interested in getting out for the secretary of state's race," said one of the contestants, state Rep. John Merrill of Tuscaloosa.

His opponent, former Montgomery County Probate Judge Reese McKinney, shares Merrill's concern about the lack of interest. "That will make every vote that much more valuable," he said.

No matter what the turnout, it costs about \$3 million to stage an election statewide, the secretary of state said.

Runoff elections are a Southern tradition. Most states give the nomination to the top candidate in the primary.

Runoffs started in the South in the late 19th century and early 20th century when Democrats controlled the region. The general election in November didn't matter because the Republican Party was so weak. Democratic parties started runoff elections to make sure that crowded races weren't won by someone with strong regional appeal but little statewide appeal, said Charles Bullock, a political scientist at the University of Georgia who has written extensively about Southern elections.

Alabama, Mississippi, Arkansas, Georgia, Oklahoma, South Carolina and Texas require a runoff if no candidate gets more than half the votes in the primary election. Louisiana has a runoff, but it is after all candidates compete in an open election.

North Carolina permits a runoff if no candidate tops 40 percent, but the second-place finisher has to call for it. Florida ended runoff elections in 2002.

Two non-Southern states have runoffs that hardly ever matter. South Dakota has runoffs for U.S. Senate, U.S. House and governor if no candidate tops 35 percent. Vermont has a runoff when two candidates tie.

Runoff elections raise concerns about people who traditionally vote in one party's primary crossing over to the other party's runoff. That became an issue in Mississippi's runoff for the U.S. Senate last month.

Alabama Republican Party Chairman Bill Armistead said some people made efforts to get traditional Democratic voters to vote in some hot legislative races in the Republican primary where the state teachers' organization was backing candidates, and he expects more of that in the runoff.

Bennett said nothing in state law prevents Democratic primary voters from crossing over to the Republican runoff. The Democratic Party has a rule that prohibits Republican primary voters from crossing over to the Democratic runoff.

Armistead is concerned that a few traditional Democratic voters could have more impact in the Republican runoff than they did in the primary because of the low turnout. "What we can't judge is how many folks will be voting who are regular Democratic voters," Armistead said.

Republican Rep. Mike Ball of Madison tried to pass legislation in 2013 that would prohibit a runoff if any candidate topped 35 percent of the vote in the primary and led his nearest competitor by 5 percentage points.

Ball said he's continuing to look at ideas, possibly for introduction in the 2015 session. One option is to abolish the runoff entirely and have the top vote-getter win. The other is to have people vote for a



second choice in any race with more than two candidates. Then rather than have a runoff, those second choices would be compiled to determine a winner.

"Either one of those would eliminate crossover voting and save millions," Ball said.

## **Central Alabama VA lost 900 patient X-rays since 2009 (Montgomery Advertiser)**

At least 900 unread patient X-rays taken at Central Alabama Veterans Health Care System facilities since 2009 had been lost until recently, and top administrators who knew about the problem tried to cover it up, according to documents obtained by the Montgomery Advertiser.

Some of the lost X-rays showed possible malignancies and abnormalities that required medical attention.

More than 200 recent X-rays were found around April, not long after they were lost.

But when radiologists read the 654 older X-rays, some as old as five years, they found many showed problems needing medical attention.

Seven X-rays showed possible malignancies, one is abnormal, seven are considered major abnormalities, 119 are abnormal with attention needed, 25 are major abnormalities with no attention needed and 139 are minor abnormalities, according to an updated version of a May 1 CAVHCS Veterans Health Administration Issue Brief.

A study has not yet been done to determine the impact losing these X-rays had on patient health.

Email warned VA leadership about unethical scheduling

Staff began noticing in October 2012 that there was a problem with X-rays missing from the computer system, according to the original issue brief from May 1, which was modified on May 5 and July 8.

CAVHCS Director James Talton notified the VA's Southeast regional chief medical officer, who is in charge of VA systems in Alabama, Georgia and South Carolina, that unread imaging exams were intermittently falling off the "unread list" in the system, according to the brief.

Regional staff and administrators determined that there wasn't enough memory on radiologists' workstations, and the recommendation was to increase the memory, according to emailed documents provided to the Advertiser by unnamed VA officials who requested anonymity for fear of losing their jobs. However, X-rays continued to disappear off the unread list.

Anticipating a new radiology system that was supposed to be purchased for the whole region, CAVHCS did not pursue its own new system, the brief said.

#### Disabled veterans lose funds from unpublicized benefits

On April 30 of this year, a provider couldn't find an X-ray for a patient and notified IT staff, who discovered that X-rays that haven't been read in the first eight days "fall off" the system, according to the brief.

On May 1, the staff member changed the settings from eight days to five years, and about 900 unread X-ray exams showed up on the list, the brief said.

The current brief includes no indication of the problems that occurred between October 2012 and April 2014.

A May 6 email from Stephen Holt, the regional chief medical officer, said the May 5 version of the brief needed a substantial rewrite before it could be passed along, and asked that all the references to 2012 be taken out. The brief also indicates that clinical and institutional disclosure of the problem was not needed.

The email said the reference to workstation issues in 2012 is "unrelated and begs unnecessary and unrelated questions."

The final version, dated July 8, was sent to the regional office in Atlanta on Wednesday, according to emails obtained by the Advertiser. It doesn't contain any references to the problems in 2012 and does not indicate that any CAVHCS staff knew about the problem until April 2014.

#### Josh Moon: VA in serious need of care after failures at facilities

The modified brief also recommends a root cause analysis review, which is a blame-free patient safety mechanism to identify process issues that contributed to a problem. However, the brief issue form doesn't have anything checked off on whether disclosure is needed.

According to the final version of the brief, CAVHCS will be working with other facilities in Birmingham, Columbia, S.C., and Charleston, S.C., to establish a network so each facility can access and interpret X-rays. CAVHCS has also hired two radiologists, one of which will start next week, according to the brief.

An email Holt sent Thursday shows that the next step is to conduct clinical reviews to see whether the delayed readings affected patients. Staff members are also trying to find X-rays older than five years that might not have been read.

Attempts to reach Holt and Talton were unsuccessful Thursday.

## **'Time' names Alabama House candidate's video the 'best political campaign ad of the summer' (AL.com)**

Pundits, other politicians and the public have heaped praise on a simple video – produced with a minimal budget and the help of family and friends – that advertises the campaign of a Republican candidate for the Alabama House.

Now, Time.com has listed Darius Foster's ad as the best political campaign ad of the summer (with this caveat – "so far"). The video has garnered more than 155,000 YouTube views and has been featured by various media outlets.

"While most political ads focus on the politician, Darius Foster switches it up by focusing on the constituents," the Time.com article states. "His ad shows him as a man of the people."

In the ad, Foster, a Republican running for the District 56 seat, urges voters to "think outside the box" in a state where less positive political commercials are fairly common. Political bloggers quickly picked up on the ad, praising Foster for his straight-forward approach.

"I continue to be amazed by the attention we've gotten," Foster said. "This ad has really put on a spotlight on the campaign and has given me the opportunity to discuss the problems that face District 56 and the solutions I plan to bring to the district and Montgomery."

The ad also landed Foster, who has pledged to run a positive campaign, an appearance on the Fox & Friends talk show.

Foster faces Democrat Louise Alexander in the November general election. District 56 includes Bessemer, Lake Cyrus, Lipscomb, Oxmoor Valley, Ross Bridge and Shannon.

## **Lawmaker Plans Bill to Protect Bicyclists (AP)**

An Alabama state senator wants to require drivers to stay three feet away from bicyclists after a recent fatal crash.

Credit Druid City Bicycle Club [druidcity.org](http://druidcity.org)

Republican state Sen. Arthur Orr of Decatur tells the Decatur Daily that he hopes lawmakers will approve a "three-foot bill" in 2015. Orr says he plans to introduce a bill if no one else does.

The issue has captured attention recently. Rufus Daniel Nix was charged in June with vehicular homicide in the death of Walter Dennis Ham. Police have said Ham was riding his bicycle on Upper River Road near Priceville in July 2013 when 85-year-old Nix struck him while driving.

Orr says any law's goal should be education, not punishment. He says bicyclists and motorists have to share the road.

## **Cotton farmers could face mandated fee (Cullman Times)**

In Alabama, cotton has been one of the primary cash crops for farmers for many years. On July 15, voters in Cullman County and across the state will decide on a constitutional amendment regarding a fee for Alabama's cotton farmers.

Currently, cotton farmers pay a small fee, or "check-off" based on their yield on a voluntary basis. This money goes to support advertising, research, and educational programs to benefit the statewide cotton industry. The amendment, if approved, would allow cotton farmers to hold an exclusive referendum on whether to make the fee mandatory.

Other crop industries have similar programs. For example, the "Beef, it's what's for dinner" slogan was funded through a checkoff program. Most check-offs, for cotton or other crops, are set up so farmers and growers can give input on how the funds are spent.

Senate Bill 255, which proposed the statewide amendment, was approved by the Alabama Senate unanimously on January 28, 2014. State Sen. Paul Bussman voted for the bill. The bill was also approved by the Alabama House of Representatives on March 20, 2014, by a tally of 96 to 1. Rep. Harry Shiver cast the lone dissenting vote, while Cullman representatives Mac Buttram, Ed Henry and Randall Shedd all voted for the bill.

According to the Farm Service Agency, there are approximately 1,573 cotton farmers in Alabama. Many cotton farms are concentrated in the southeast and northwest parts of the state.

Bussman said he supported the bill to help ensure that all cotton farmers benefiting from the advertising campaigns paid for it.

"They should commit to doing that," Bussman said of the farmers. "It is very important for the industry as a whole to make sure they build their product."

Bussman added that the amendment would apply to few farmers in his district, and said that he had not spoken with any area farmers about the bill.

Chris Shedd of Holly Pond was one longtime area farmer who commented on the amendment. "I've been growing cotton all my life," he said. "But I'm going to vote no on it."

"Most people are going to vote yes," Shedd continued, "but I think people should have the option to get it back if they can."

Shedd said he has voluntarily paid the checkoff fee in the past, which is about \$1-\$1.50 per bushel. Shedd said he grows 800-1000 bushels of cotton a season, on average.

Howard Bartlett is a Fairview farmer who grew cotton up until five years ago, about 600 bushels per year on average. He said that he favored the check-off personally.

"When we sold cotton, the buyer would take out that fee, and they sent it to the ACC (Alabama Cotton Commission)," Bartlett said.

The Alabama Cotton Commission is a group of 11 cotton farmers statewide who volunteer to distribute the checkoff funds with the goal of promoting and educating citizens about cotton production.

Bartlett said he believed that the check-off "is a pretty good thing ... because the only way such projects are funded is if we do it ourselves."

## **Tension over environmental concerns forced Port Authority to seek full study of channel widening project (AL.com)**

The letters started going out around the end of March, about four months after some Dauphin Island residents met at the International Trade Center to discuss widening of the Mobile Bay ship channel.

The Alabama State Port Authority had plans to expand the channels' width to 550 feet and some were leery of its effect on the island.

The two groups jostled before over coastal erosion concerns. Some believed the beach's diminishment was caused -- at least, in part -- by dredging maintenance in the Bay.

The spat resulted in a lawsuit against the state that was settled in 2009. So when the issue came up again, the Port Authority convened a meeting.

Officials from the Army Corps of Engineers; the town of Dauphin Island; the Dauphin Island Property Owners Association; and Mobile Baykeeper each attended. After the Corps completed a review of the initial project, the widening plans were moved south -- right at the mouth of the Bay.

Residents were no more relieved. They felt the issue merited broader evaluation.

"The dredging practices of the Corps, I believe, are the root cause of the continued erosion that has occurred on the south shoreline of Dauphin Island," Stan Graves, a resident who attended the meeting wrote to the Corps in April, "and that is adversely affecting one of my properties."

Two crucial problems

The Port Authority is under pressure to expand the ship channel, make way for larger ships carrying a growing amount of cargo. Vessels that sail down the 5-mile wide path everyday must do so one at a time. The widening project will change that, resulting in increased productivity.

The Port of Mobile's competitors are all preparing for the opening of the Panama Canal in early 2016. Now as deep as 45 feet in some areas, the channel is deep enough to hold some of these ships depending on the tonnage they carry. These ships have docked at the container terminal in Mobile already. But the industry standard (about 55 feet) is deeper.

Barrier islands are struggling to stick around in the northern Gulf of Mexico. Decades of hurricanes and now, sea level rise threaten to take them under. But there could be one other reason: dredging.

The Port Authority rejects the idea as having no "basis in science."

"The problem is, they don't have any science on their side," Jimmy Lyons, the Port Authority's executive director, told a local news station recently.

Residents like Glen Coffee said he's just cherry-picking research. "There is a whole bunch of science that he has chosen to ignore."

Coffee, a former Corps employee, points to a 2007 study by the U.S. Geological Survey, linking land loss on several barrier islands to storms, rising seas and a shortage of sand to replenish the coastal areas.

Sand is lacking because some of it is being swept into the ship channel. The widening project -- depending on which group is right -- could exacerbate the situation.

"Sand supply is the only factor contributing to barrier island land loss that can be managed directly to mitigate the losses," said Robert A. Morton, in his conclusion of the USGS study, "by placement of dredged material so that the adjacent barrier island shores receive it for island nourishment and rebuilding."

Letters thwart plans

After leaving the meeting on Nov. 25, Laura Martin, president of the property owner's association, obtained a copy of the limited re-evaluation report conducted by the Corps. The report is smaller in terms of the scope of what it requires the agency to do. And no public input is necessary.

It revealed what she called "very serious concerns...over the manner in which the Mobile District of the Corps is complying with the National Environmental Policy Act...," Martin said in her March 31 letter to the commanding officer of the Corps in Mobile.

The last comprehensive study of the Bay was in 1986. Given the history of controversy, or at least the speculation about erosion, why not go for the full study? Martin wrote a letter on the group's behalf, a 6-page explanation of what they believed was going wrong.

Soon followed letters from other residents; the Mobile Bay Audubon Society, the Mobile Baykeeper and the Mobile Bay Sierra Club were also sent to the Corps in support of their position.

"We're not against them widening the ship channel," said Joe Mahoney, chair of the Sierra Club.

"We just want to make sure everybody dots their i's and crosses their t's so years from now we don't say 'hey why didn't we check that out?' "

The full Environmental Impact Statement will surely cost more, but Port Authority officials hope it deters a more unfavorable outcome. The study was last pegged at \$1.3 million, and the overall cost was as much as \$15 million.

"Rather than fight what was sure to be a legal challenge by some of the residents or even a larger environmental group, the Port Authority decided to ask the Corps to perform the EIS," Judy Adams, Port Authority vice president for marketing, said in an email.

"Given the EIS is a much lengthier and costly study, the Port Authority decided to look at the entire project in terms of widening and deepening."

The full review could take as long as three years to complete, pushing the channel expansion efforts past the tentative 2016 opening of the Panama Canal. Paying for the project will be split 50-50 between the state and federal governments.

Given the amount of work associated with the full study, Corps spokesman Pat Robbins said even "three years is pretty quick."