



Office of Senate President Pro Tempore Del Marsh
Press Clips
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When it comes to energy, Alabama's future is now: guest opinion

By State Sen. Cam Ward

Alabama Gov. Robert Bentley recently appointed me to serve on his Industrial Energy Advisory Team. As the chairman of the Senate Energy Committee and a member of the Permanent Joint Task Force on Energy, energy issues play a dominant part in my daily policy arena. It is an area I have always been interested in – and one that will play a part in shaping the future of our state, our country and our world.

America is currently in the middle of an energy renaissance. Who would have thought just 10 years ago that we would be discussing the notion of an energy independent nation? With the advent of newer and cleaner technologies such as hydraulic fracturing, and the discovery of large deposits of shale gas and bituminous coal in northern and western states, America is set to become not only energy independent, but a net energy exporter – if we allow businesses and entrepreneurs to safely develop our resources and the infrastructure to transport energy products.

This is where Alabama comes in: We have a chance to play a critical role in the area of energy production and the transportation of these resources to the rest of the world.

Alabama can help lead the way to our country's energy independence.

Right now Alabama is 13th in the nation for energy production but that ranking may rise if we can develop shale deposits that exist in the northern third of our state. According to the Geologic Survey of Alabama, oil sands in Alabama may contain up to 7.5 billion barrels of hydrocarbons. This is why last year Gov. Bentley and Mississippi Gov. Phil Bryant entered into a memorandum of understanding to explore this potential resource.

Our state government must plan ahead for this potential influx of energy development, not just let it happen to us in a haphazard manner. There are public safety and environmental concerns that need to be addressed, including:

How do we make sure that railroad and pipeline transportation means are protected, and that workers and the public are kept safe?

How do we make sure that the transporters have the wherewithal and emergency planning procedures in place to deal with possible transportation accidents?

With the expansion of energy infrastructure, how do we ensure that the Alabama Department of Environmental Management can protect the pristine environments used for outdoor activities like hunting, fishing and hiking?

We need to put some elbow grease and intellectual capital into answering these questions before other states surpass us, and before there is an accident that we can't manage because we don't have the proper infrastructure or procedures in place.

One major issue I see being a challenge is the overburdening of our rail system while pipeline development to refinery production continues to lag. States such as North Dakota are already experiencing this problem. With our state-of-the-art port in Mobile ready to export the nation's energy resources to the rest of the world, we must be prepared to have the most advanced and safest methods of energy transportation available.

Infrastructure upgrades must be a part of any energy development to ensure public safety and economic viability. Our state's oversight agencies like ADEM need to be adequately funded and staffed.

As always, I remain optimistic about our energy future as Alabamians and Americans. Together we can tackle these challenges, create jobs and help our country achieve energy independence.

Big bucks in brewing, but how does Alabama stack up?

According to figures compiled by the national Brewers Association, the craft brewing industry contributed nearly \$40 billion to the U.S. economy in 2012, supporting more 360,000 jobs that included 108,440 direct jobs at breweries and brewpubs.

The Boulder, Colo.-based association, which represents small and independent craft brewers across the United States, also estimated national craft beer sales totaled \$14.3 billion in 2013 – less than one-fifth of the nation's overall \$100 billion beer market that year – or 20 percent more than the niche market's total sales one year earlier.

Of the overall \$40 billion economic impact – which includes the total impact of beer brewed by craft brewers as it moves through the three-tier system of breweries, wholesalers and retailers as well as all non-beer products such as food and merchandise that brewpub restaurants and brewery taprooms sell – Alabama's contribution for 2012 totaled \$238 million.

The top five states, however, accounted for more than one quarter, or nearly \$13 billion, of the total 2012 economic impact.

TOP 5

California: \$4.7 billion

Texas: \$2.3 billion

New York: \$2.2 billion

Pennsylvania: \$2 billion

Colorado: \$1.6 billion

So how did Alabama fare against its southeastern neighbors?

2012 craft beer economic impact in the Southeast

Florida: \$876 million

North Carolina: \$791 million

Georgia: \$671 million

Virginia: \$623 million

Louisiana: \$462 million

Tennessee: \$446 million

Kentucky: \$271 million

South Carolina: \$254 million

Alabama: \$238 million

Arkansas: \$212 million

Mississippi: \$150 million

West Virginia: \$118 million

Alabama goes all in on ignition controls for drunken drivers, but do they work?

Alabama is stepping up its use of a technological solution to the age-old problem of drunken driving.

Taking effect this month, a revised law provides for people convicted of driving under the influence of alcohol to install ignition interlock devices that prevent their vehicles from starting if they have a blood-alcohol content of .02 or more. In some cases, the interlock devices are mandatory. In others, drivers can request devices in exchange for reduced terms of driver's license suspensions.

The Legislature passed an interlock law in 2011, and the program was supposed to be **operational the following year**. But defects in the statute prevented most jurisdictions from implementing it. In Mobile County, for instance, Presiding District Judge George Hardesty said he has not yet had a DUI case involving an interlock device.

"We're doing our best to implement that now," he said. "We certainly want to apply the laws that the Legislature has passed. Because of the newness of the law, we're still digesting elements and effects of the implementation and the procedures."

Sometimes mandatory, sometimes voluntary

The law makes mandatory an interlock device for DUI defendants with a previous DUI within the preceding five years. Repeat offenders must pay to have the device installed after they finish a period of a suspended driver's license.

The device also is mandatory for first-time offenders who meet any of the following conditions:

- A BAC of .15 or greater.

- A driver who refuses to take a breath test.
- A driver with a passenger younger than 14.
- The driver who caused an injury to anyone other than himself or herself.

The basic term is six months but can be extended for violations, and subsequent offenses carry longer terms.

DUI defendants who are not required to install the device can ask a judge for one in order to delay the driver's license suspension. In those cases, the Alabama Department of Public Safety issues a special driver's license designating that the operators must have interlock devices. If a law enforcement officer pulls such a driver over – even for a non-DUI offense – he can issue a citation if the driver does not have an interlock.

Driver voluntarily using interlocks get standard licenses back if they successfully complete their probation.

The original law called for fines as part of the program but did not set up a mechanism for collecting them. The law also required fines from people whose license were suspended but not those whose licenses had been revoked.

Most jurisdictions did not implement the program as a result. And even in the few that did, officials said it is too soon to draw hard conclusions about whether it works.

"It's too early, I think, to really gauge the effect of it," said Sean McTear, a deputy district attorney in Montgomery County. "That's something obviously we hope to see."

According to the Alabama Department of Public Safety, the agency has issued a total of 81 interlock-mandated driver's licenses. Baldwin County, which adopted the interlock program before most other jurisdictions, has accounted for a large share of those.

District Judge Michelle Thomason said Baldwin County had 404 DUI cases in 2013. Of those defendants, she estimated, about 50 installed interlock devices.

McTear said he hopes that as the program grows, it not only cuts down on repeat drunken driving but acts as a deterrent to others.

"It's a big, honking reminder of what you did," he said. "It's sitting there in your car. Anyone who rides with you can see it."

How it works

The interlock design varies somewhat depending on the company that sells it. But it generally is about the size of a cell phone and has wires leading to a component connected to the ignition. The driver must blow into a tube. If the device measures alcohol, the car will not start for 15 minutes.

Donna Tate, a spokeswoman for Smart Start of Alabama – one of three approved vendors in the state – said the device also periodically requires people to pull over and blow again after the car has started. This, she said, is to prevent people from driving just after drinking, before the alcohol has reached the blood stream.

Drivers each month must take their vehicles to an interlock vendor to get them re-calibrated. For customers of Smart Start, that costs \$75. Drivers also must pay a \$95 installation fee, Tate said.

A log of activity for the month goes to the driver's probation officer. Four positive tests in a month trigger a hearing to determine if the operator has violated the terms of his probation. Other violations include tampering with the device or failing to get it re-calibrated.

Smart Start officials say they have recorded more than 506 million car starts nationwide. Almost 6.5 million attempted starts have been blocked because of alcohol readings.

Tate said there are other safeguards to make it harder for motorists to evade the rules. She said it takes some practice to get the hang of using the device, which requires humming as the driver breathes. This is meant to make it harder for an impaired driver to get someone else to blow into the machine, she said.

Effectiveness touted

The popularity of interlock laws has grown significantly since 2006, when only a handful of states required them for DUI offenders. Now, 44 states mandate interlocks for at least some DUI offenders, according to Mothers Against Drunk Driving. A 45th state, California, has a mandatory-interlock law in four counties.

Advocates point to a growing body of evidence that they prevent impaired drivers from hitting the road.

The Centers for Disease Control, after reviewing more than a dozen studies, recommends that all drivers convicted of DUI be required to install interlocks.

"We have found about two-thirds, or a 67 percent median decrease in re-arrest while drivers have the interlock device," said Gwen Bergen, a behavioral scientist for the agency.

The studies compared DUI offenders driving with interlock devices to DUI offenders who did not have the devices.

Bergen said the research indicates that the re-arrest rate returns to the normal level after the device is removed. "So the effect is while the interlock is on the car," she said.

Bergen said there have not been enough studies for the CDC to draw a firm conclusion on whether interlock laws reduce traffic accidents. But MADD argues that evidence suggests that those laws have had an impact. From June 2006 to June 2013, according to the organization, the number of installed interlocks jumped from 101,000 to more than 300,000 nationwide.

That has coincided with a 27 percent drop in drunken driving deaths from 2006 to 2011. MADD also points to studies from six states showing reductions in traffic fatalities ranging from 22 percent to 40 percent.

Tate, of Smart Start, said voluntary interlock laws improve public safety while allowing DUI convicts to keep driving.

"It's a pretty significant reduction for them," she said. "It allows them to continue to support their families. It allows them to get to treatment if that's something that's required."

Thomason, the Baldwin County judge, said the attitudes of defendants who have a choice on interlocks have varied widely.

"It's interesting to hear some people anxious to get on with their lives," she said. "And others don't want it. They don't want it on their car. They don't want any part of it."

Hardesty, the Mobile County judge, said many people drive even if their licenses have been suspended. He said that is true regardless of why the licenses was suspended, whether it is a DUI conviction, failure to pay child support or other reasons.

"It's generally a problem," he said. "We don't have a subway. We have buses, but they're not used to a great extent."

Montgomery mayor says he would be surprised if Maxwell base is chosen to house immigrant children

Montgomery's Maxwell Air Force Base may be in consideration to temporarily house hundreds of immigrant children, but Mayor Todd Strange says no federal officials have made a site visit to determine if such a plan would even be feasible.

"Our name is on a list that is all it is," he said.

Based on logistics, available housing and amenities, Strange said he would be surprised if Maxwell is chosen.

The mayor says he would prefer the children go elsewhere, but if Montgomery is selected the federal government would reimburse the city for any expenses such as for transportation and possibly providing education for the children.

More than 50,000 unaccompanied minors have crossed illegally into the U.S. through its border with Mexico since October, according to reports. About 2,500 are currently being housed at three military bases and the Pentagon has signed an agreement to provide housing through Jan. 31, 2015 for as many as 5,000 additional juveniles.

It's costing the federal government about \$252 a day per child and total expense is expected to top \$2 billion this year.

Strange said Maxwell has a school that could educate the children until they are placed in foster homes or with sponsor families. So, he isn't sure if any of the immigrant children would be educated in Montgomery Public Schools.

"There is just so much uncertainty there would have to be some conversations," he said.

MPS is closed today, and no one could be reached for comment.

Former U.S. Rep Artur Davis, a Montgomery native who is considering a run for mayor, said he is "amazed" the federal government would consider moving the immigrant children into the city without getting the approval of city leadership and the congressional delegation.

"You can feel enormous sympathy for those kids and their plight, and still recognize that sympathy has costs, particularly when federal refugee law means that many of them will end up being permanently relocated to their "temporary" communities," Davis said in a statement to AL.com.

Having grown up two minutes away from the base, Davis said he knows how poverty stricken it is.

"These areas have always been neglected, the families have always been mired in poverty, and every child in this section of West Montgomery could use the same infusion of money Washington is prepared to spend on the border children who would be sent to Maxwell. Montgomery ought to have the authority to decide if that balance of needs is the right one."

U.S. Rep. Terri Sewell (D-Birmingham) previously stated if chosen, Alabama should step up and do its part to help.

"This is a humanitarian crisis and I believe we have a moral obligation to protect and treat unaccompanied children with care and compassion," she said. "Should Maxwell Air Force Base be selected as a site, we as Alabamians, as we have always done, must rise to the call of duty and follow the law."

Gov. Robert Bentley said the influx of children would tax the state's educational and social services systems. Reps. Mike Rogers, R-Saks, and Rep. Martha Roby, R-Montgomery, agreed with the governor, saying "under no circumstances" should the children be sent to Alabama.

NLRB orders Mercedes plant to change rules

An administrative law judge has ruled that Mercedes-Benz U.S. International violated federal labor law in its dealings with employees interested in forming a union.

The United Auto Workers and employee Kirk Garner accused Mercedes managers of unfair labor practices by blocking efforts by pro-union employees to distribute information about the union at the Vance plant. Attorneys for Mercedes said the company never infringed on any worker's rights.

Administrative Law Judge Keltner Locke wrote in his ruling Thursday that employees can approach other workers about labor union matters on company grounds so long as they are not on working time. He ordered the company to change rules in its employee handbook governing the solicitation and distribution of materials at the facility.

Mercedes told The Tuscaloosa News (<http://bit.ly/1mQf0Zh>) in a written statement it does not agree with aspects of the ruling and is evaluating its next steps. Each side has 28 days to appeal the ruling to the National Labor Relations Board.

"We are especially pleased that the judge found no credible evidence of threats or harassment," the company said. "The judge also stated that MBUSI truly sought to be neutral at all times and not to interfere with team members."

According to testimony in April, a Mercedes supervisor told workers they could not solicit for a union in the atrium, an area where workers commonly gather before their shifts and during breaks. The company subsequently rescinded that rule.

Locke ordered Mercedes to post a notice to its employees explaining the NLRB has found the company had violated labor law. The notice will explain the company will not prohibit employees who are not on their employer's time from distributing literature, discussing unions or other matters relating to wages, hours, terms and conditions of employment.

Alabama prisoners claim they face retaliation for filing lawsuit over medical care

State prisoners who sued the Alabama Department of Corrections over medical care have filed a new complaint claiming that some inmates involved in the case have faced retaliation.

Prison Commissioner Kim Thomas issued a statement in response today, saying that the DOC does not retaliate against inmates who file complaints and makes that policy clear to its staff.

The inmates, represented by the Southern Poverty Law Center and the Alabama Disabilities Advocacy Program, filed an amended complaint in federal court in Montgomery on Friday, following up on the lawsuit filed on June 17.

Much of the 130-page complaint repeats what was in the original lawsuit. But a new section recounts several incidents of retaliation that inmates claim has happened since the case was filed.

It says that an inmate at Ventress Correctional Facility, a plaintiff who had met with the attorneys in the case several times, was roughed up by an officer three days after the case was filed.

The complaint says the incident happened in the handicapped accessible shower in the prison infirmary. The inmate suffers from severe scoliosis and untreated, extreme weight loss and has to get help to return to his dormitory, the lawsuit says.

When he rang a bell to receive help an officer cursed him for filing the lawsuit and forced him to the floor, handcuffed him behind his back, put his knee in his back and ground his face into the floor, according to the complaint.

Another officer and two nurses saw the incident but did not help the inmate, the complaint says. The inmate was unable to get up because of his physical condition and the handcuffs and remained on the floor for two hours until an officer came and helped him, the complaint says.

An inmate at Kilby Correctional Facility who had received insulin injections since 1969 and who is a plaintiff in the case was switched to oral medication in May without explanation, the lawsuit says. Since then he has suffered side effects and his blood sugar has increased. In June, he asked for his injections to be resumed, but was taunted and told to tell his lawyer.

A couple of other incidents of alleged retaliation were listed.

Thomas issued a statement in response to the allegations.

"The Alabama Department of Corrections does not retaliate against inmates who make a complaint," he said. "Even though prisoners are litigious, they must follow rules while incarcerated. Retaliation for making a complaint is unacceptable and is not part of the problem solving process important in corrections. ADOC has and will continue to make sure this message is clear to all staff. We look forward to defending our position in court."

Forty inmates filed the lawsuit last month. The new complaint adds a few more named inmates.

The lawsuit claims that:

-- Prison medical care for inmates is inadequate, results in cruel and unusual punishment and violates the Eighth and 14th amendments to the Constitution.

-- Mental health care is inadequate.

-- Prisoners are denied due process because they are medicated without consent.

-- The prison system violates the rights of prisoners with disabilities.

The new complaint adds a fifth claim, retaliation in violation of prisoners' First Amendment rights to talk to lawyers and file lawsuits over prison conditions.

The lawsuit asks the court to make the case a class action on behalf of all state inmates and future inmates.

The lawsuit asks the court to declare that the prison health care system is unconstitutional and to order the state to develop a plan that would ensure adequate health care staff levels; provide timely access to care, response to emergencies and access to medications; provide sanitation that does not promote the spread of infections; provide timely access to mental health care, medication and therapy; and accommodate prisoners with disabilities.

When the SPLC and the ADAP released a report on problems in the prison health care system last month, Thomas issued a statement that said, in part, the DOC was "committed to ensuring that every individual incarcerated in our system is confined in an environment that complies with the United States Constitution."