



Office of Senate President Pro Tempore Del Marsh
Press Clips
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[Sluggish revenues could slow education budget payback to Alabama Trust Fund \(AL.com\)](#)

Alabama is still paying back \$437 million it borrowed to shore up the education budget during the recession, and flat tax revenues might slow down the pace.

The state still owes \$163 million and must pay it back by June 2015.

Lawmakers had hoped to pay back as much as \$100 million of that this year.

This year's budget includes a \$35 million payment, plus another \$65 million if revenues are available.

But revenues to the Education Trust Fund have barely grown, just 0.7 percent, through the first three-fourths of the fiscal year.

Norris Green, director of the Legislative Fiscal Office, said revenues had been projected to grow more than that, at about 2 percent. He said it would take substantial growth over the next three months to allow for the full \$65 million conditional repayment.

The money is owed to the Alabama Trust Fund, which receives lease payments from companies with natural gas wells off the Gulf Coast. All \$437 million in the ATF's rainy day account was withdrawn six years ago.

Sen. Trip Pittman, chairman of the Senate Finance and Taxation education budget committee, said the federal debt, the Affordable Care Act and worries that new environmental regulations will raise utility bills are hurting the economy and, as a result, what people earn and pay in taxes.

"We're doing so many things at the federal level that are causing concerns going forward," Pittman said. "And all that plays into why the economy is underperforming."

More money would have been available for debt repayment if not for the Alabama Accountability Act. Lawmakers lowered ETF spending by \$40 million this year to offset the estimated costs of the parent tax credits and scholarship donor tax credits authorized under the law.

The actual amount of the credits for the first year of the AAA turned out to be closer to \$25 million because of low participation in the parent credits.

Whatever the state does not repay to the ATF this year will have to be paid next year. The budget for fiscal year 2015 includes \$35 million for a repayment. The amount needed above that will be taken from sales tax receipts.

Lawmakers also tapped the ATF to shore up the General Fund. In 2012, voters approved a \$437 million transfer over three years. That money must be repaid by 2026.

[Our View: Confront prison concerns \(Montgomery Advertiser\)](#)

A lot of statistics crop up in discussions of Alabama's prison system, such as the oft-cited reality that the system has almost twice as many inmates as its facilities were built to hold. That's troubling enough, but there are some new numbers that add further perspective that should be useful as the state proceeds under the Justice Reinvestment Initiative.

That initiative, part of the Office of Justice Programs in the U.S. Department of Justice, has helped several other states develop effective reforms in their prison systems. It's a smart move for Alabama to draw on the expertise and experience JRI offers.

As the state task force delves into the issues, we hope it will bear in mind a critical fact and be open to two important questions that fact raises.

Here's the fact: Alabama has a higher rate of incarceration than any country on the planet. If Alabama were a nation, its incarceration rate of 861 persons per 100,000 population would rank well ahead of the United States rate of 716 and miles ahead of the country in second place — Cuba, with 510 persons incarcerated per 100,000 residents.

Here are the questions: Why is our rate so high? And, what do we get for it?

Our state's conservative politics can't be the only answer to the first question. Other states that no one would confuse with bastions of liberalism have markedly lower incarceration rates — Nebraska at 443, North Dakota at 370, Utah at 458, New Hampshire at 368, Kansas at 631, for example.

Maybe it's our general attitude toward prisons, a viewpoint geared more toward retribution than — despite the official name of the state's prison department — corrections.

As for the second question, what we get is largely undesirable. We get a serious drain on an already strapped budget. We get many persons who come back into society poorly equipped to live successfully within its boundaries. Few people die in prison; most will return to society at some point.

State Sen. Cam Ward, R-Alabaster, who chairs the state task force, has called the prison problem the biggest challenge Alabama has ever faced. He may well be right.

Ward has been one of only a handful of responsible voices in the Legislature on this issue. We hope more of his colleagues will begin paying serious attention to the situation, moving away from the easy non-answers employed for so long and toward a candid confrontation of the problems that decades of neglect and unsound policies have only made worse.

Some Alabama corrections officers make more in overtime than regular pay, records show (AL.com)

From 2009 through 2013, Irvin Harris made an average of \$49,351 a year in base pay working as a corrections officer at Kilby Correctional Facility – a salary that puts him close to the median household income in Alabama.

Add in his overtime, though, and his pay roughly doubles to \$98,550 a year on average – placing him among the highest-paid employees in state government.

Records from the Alabama Department of Finance show that Harris earned the most overtime pay in the Department of Corrections during that five-year period, \$245,997. But he is far from alone. Ten employees, in fact, made more in overtime than their base salaries as supervisors struggled to fill shifts amid staffing shortages. Each of the 20 employees with the highest amount of overtime made at least \$28,870 in extra pay.

Overtime costs in the prison system swelled the past three years as officials tried to deal with shortages caused by a hiring freeze prompted by budget cuts.

"I think that's what's driving the overtime pay scale. And it's actually cheaper to use overtime than hiring a full-time employee," said state Sen. Cam Ward, R-Alabaster. "The benefits package is what kills you."

Overtime pay at Alabama's prisons

Search through pay records for the Alabama Department of Corrections between 2009 and 2013. You can search by a job title, place of work, or year paid.

To search for pay for multiple job titles, hold Ctrl on a PC or Cmnd on a Mac to multi-select.

Job Title

Location

Year

Online Database by Caspio

Source: Alabama Department of Corrections

The department in calendar year 2013 shelled out more than \$20.8 million in overtime to 2,995 employees – about two-thirds of the total workforce. But that overtime was not distributed evenly. Although the median overtime amount was \$3,754.36, 27 employees made more than 10 times that amount.

According to officials at the Department of Corrections, overtime decisions are made by managers at each prison.

"Most overtime is voluntary, and these COs with high overtime earnings are the ones volunteering for it," said Kristi Gates, a spokeswoman for the department.

[MORE: Employees in one Alabama prison earned \$2.9 million in overtime last year]

Less staff, more overtime

The \$20.8 million spent on overtime last year came after a four-year period in which the department averaged \$13.8 million in overtime.

Gates said the prisons must have a minimum of 2,350 to 2,400 corrections officers. In the fiscal year that ended in September, the system averaged 2,150.

That staffing level required about \$11 million in overtime to make up the difference, she said. That is on top of the \$8 million in overtime that is built into the system by the use of 12-hour shifts by 10 of the state's prisons.

Since it takes months for a new officer to be recruited and complete the 12-week training program, staff shortages can lag years after budget cuts, according to administrators.

Lonnie Golden, an economics and labor employment relations professor at Penn State University at Abington, said many law enforcement agencies across the country have faced similar issues as elected leaders slashed budgets amid the recession and sluggish economy that followed.

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"You have this vicious-cycle situation, where you have to rely on overtime to cover past budget cuts," he said.

When agencies base overtime on seniority, he said, that means that the highest-paid employees get most of the overtime. "It can run it up in a hurry," he said.

The recipients of the extra work and additional pay, at the standard time-and-a-half rate, are not determined by a sophisticated effort to identify the most able or most deserving.

Personnel files indicate that many of the top overtime earners have been disciplined for rules violations. Some have been suspended or dismissed.

Harris, for instance, received a suspension from June 16-18 in 2010, for bringing books, a newspaper and a phone charger into the prison in March of that year against department rules. He also received a reprimand following a February 2010 conviction on a charge of driving under the influence of alcohol and a three-day suspension in 1997 for leaving his post.

The No. 2 overtime earner, Leroy Jamison Jr. resigned in 2002 during the middle of an investigation into possible misconduct. Personnel records show that despite a recommendation that he not be rehired, the department did so in November 2004, and he currently works at Kilby Correctional Facility. He declined to comment.

Experts warn against excessive OT

Extreme amounts of overtime raise questions about the effectiveness of those employees. Several experts said too many hours on the job lead to fatigue, which is bad for the employee and the institution.

"The commonly held belief is that it reaches a point, particularly in stressful jobs – including all law enforcement positions and health care positions – where a range of things happens," said Richard Greene, the president of the public policy and management consulting firm Barrett & Greene. "You become too worn out to do the job you're asked to do. You make inadvertent mistakes."

Greene said most employees can handle short bursts of overtime without too much difficulty. The danger comes with repeated overtime over longer periods, he said.

"It's when you reach the point where you reach sleep deprivation," he said.

Golden, the Penn State-Abington professor, said voluntary overtime generally is better than mandatory overtime. But he added the advantages of voluntary overtime can be reduced when the employee signs up for extra hours out of necessity.

"But in a way, if there's a bankruptcy, it's not really voluntary," he said.

John Violanti, a research professor in the Department of Epidemiology and Environmental Health at the State University of New York at Buffalo, said it is important to get at least six hours of sleep. He said law enforcement officers working overtime – and in some cases, second jobs – often do not get that.

"I think working too many hours can cause fatigue," he said. "The health of corrections officers is not great. ... High fatigue can cause a lot of errors on the job."

Violanti said even with regular sleep, workers simply are not as sharp at the end of long shifts.

"Working 12- and 14-hour shifts and doubling back, you're going to lose focus," he said.

Staffing decisions in Alabama prisons are the purview of supervisors at each institution, Gates said. But she acknowledged that excessive overtime is not the ideal.

"It's always a concern," she said. "We recognize that fact as well."

Experts said burnout increases, as well.

"The morale already is incredibly low," said Ward, the state senator who heads the Legislature's prison reform committee.

Overtime in the commissioner's office

One of the biggest overtime earners last year was not a corrections officer or other employee at a prison but a captain assigned to the commissioner's office. Cynthia Nelson's \$43,480 in overtime pushed her total earnings to \$107,285, according to records.

Nelson, who retired at the end of March, declined to comment. Gates said Nelson racked up overtime working weekends and traveling to job fairs across the state to sign new officers.

"At the time, she was a one-woman recruitment force for the state," she said.

Gates said the department, following the recommendation of a prison task force in late 2013, revamped the recruitment office. Now, a captain supervises three lieutenants stationed throughout the state.

She said the effort goes along with attempts to increase the full-time workforce and reduce overtime.

"We're still trying to swing the momentum back to where we had been," she said.

This month, the department will launch its first non-residential academy, in Elmore County. Gates said officials hope to attract people interested in becoming correctional officers who cannot or will not commit to spending 12 weeks away from home at the agency's academy in Selma.

The Department of Corrections is placing special emphasis on attracting more female corrections officers, she said. She noted that 12 female corrections officers graduated in April, the most in four years. Fifteen women currently are enrolled, she added.

[Ronald Reagan invoked in Alabama Senate District 30 as candidates feud over Common Core, negative ads \(AL.com\)](#)

"Thou shalt not speak ill of a fellow Republican."

That was President Ronald Reagan's so-called "11th Commandment," and it is in contention in Alabama Senate District 30. As is the educational agenda known as Common Core.

The feuding began after the Alabama Republican Party called for a runoff in the District 30 race, which at first seemed to end after the GOP primary on June 3.

Prattville City Councilman Clyde Chambliss had come in first, and almost broke 50 percent of the vote in the four-way race.

But additional canvassing found Chambliss did not break 50 percent, forcing a runoff with second-place finisher Harris Garner of Millbrook.

A few weeks before the July 15 runoff, and the campaigning has gotten more intense.

Garner has released an ad charging that Chambliss is a supporter of Common Core because of his support from the Business Council of Alabama.

Chambliss denied he is a supporter of Common Core.

And he responded with an ad saying Garner is speaking untruths, and said he won't sling mud or support Common Core.

The seat became open when state Sen. Bryan Taylor, R-Prattville, announced he would not seek re-election.

District 30 covers Autauga, Elmore, Chilton, Coosa and Tallapoosa counties.

[Fireworks in runoff: Terry Dunn unleashes TV ad for PSC Place 2, and takes shots at opponent Chip Beeker \(AL.com\)](#)

The fireworks have begun early in the Public Service Commission race for Place 2. Republican voters will chose between Terry Dunn and Chip Beeker in the July 15 runoff.

Dunn, the incumbent commissioner for Place 2 from Gadsden, has unleashed a new TV ad (obtained first by AL.com and displayed below) and, immediately, it launches volleys against challenger Chip Beeker of Eutaw.

Dunn's ad blasts Beeker for taking more than \$400,000 in federal farm subsidies since 1995. The subsidies are listed in a federal farm database established by the Environmental Working Group of Washington, D.C.

In an interview with AL.com last week, Dunn said Beeker's rhetoric targets federal overreach, but his hand is out for federal farm subsidies.

Beeker is "biting the hand that feeds him," said Dunn.

Beeker bristled at the suggestion, and blasted back on Thursday.

"Just like thousands of other hardworking, conservative farm families across the South, our small cattle and catfish operation has received available subsidies, but saying that disqualifies me from opposing Obama is like saying anyone who accepts Social Security or Medicare can't criticize him,

either," said Beeker. "That's the kind of crazy argument we hear from Obama Democrats, so instead of just acting like a liberal, Terry Dunn is talking like one now, too."

The ad also says Beeker will raise power rates, and is in league with "monopoly utilities."

Chip Beeker

Chip Beeker, candidate for PSC 2

Beeker also denied he is scheming to raise rates.

"Right now, my catfish farm is struggling to pay \$20,000 a month to Alabama Power Co. just to keep our stock alive and aerated, so as a consumer, the last thing I want to do is raise rates," Beeker said in an email to AL.com. "That's why I'm going to fighting Barack Obama's rate-raising environmental mandates while my opponent has done nothing but twiddle his thumbs and whistle."

Dunn said he managed to keep rates flat despite federal regulations. He promises to fight for lower power rates.

Recently, Dunn also charged Beeker was "Alabama Power's chosen one."

Dunn's ad charges Beeker is close with former Mississippi Gov. Haley Barbour, a lobbyist with Southern Co., Alabama Power's parent company.

Alabama Power, for their part, denied again involvement with any PSC candidate.

"We are not involved directly or indirectly with any PSC campaign, or with any PSC candidate," said Michael Sznajderman, spokesman for Alabama Power.

Both men describe themselves as conservatives, but Beeker said Dunn isn't so.

"Check the record and you'll find there's only one Ronald Reagan Republican committed to protecting Alabama jobs in this race, and it sure isn't Terry Dunn," said Beeker.

The PSC is Alabama's three-member elected board that oversees utilities and inspects railways.

The race for Place 2 on the Public Service Commission has been contentious from the start, but Dunn has taken the most heat from critics for wanting a formal rate review for Alabama Power and Alabama Gas.

The effort was shot down in early 2013 by the three-member board -- all Republicans -- because Dunn could not get a second in his motion.

Then PSC President Twinkle Cavanaugh said the effort was a "full frontal assault" by environmental extremists and their "fancy San Francisco environmental lawyers." Dunn said he and David Rountree, his chief of staff, were smeared by fellow Republicans.

It later also brought charges from Beeker that Dunn was a "weak-kneed" commissioner who was afraid to stand up against environmentalists, the EPA and President Barack Obama. Dunn was also said to be against the usage of coal in power generation.

Dunn denied the charges, but his opponents didn't let up. Beeker has raised more than \$470,000 since his committee was founded last year. By comparison, Dunn has raised \$164,000.

Beeker came in first in the Republican primary on June 3, but because he did not break 50 percent in a four-way race, he will face off with Dunn in the July 15 runoff. Beeker got 39 percent of the vote to Dunn's 33 percent.

No Democrat has filed for the PSC Place 2 race.

[Support from Alfa, Poarch Creek Indians gives Albritton fundraising edge in Senate race \(AL.com\)](#)

Republican candidate Greg Albritton enjoys a fundraising advantage in his state Senate race in large measure because of nearly \$30,000 in "in-kind" services provided by the Alabama Farmers Federation – support his primary opponent contends raises questions about his independence.

Bay Minette lawyer Harry D'Olive, who placed second to Albritton in the five-candidate June 3 primary, noted the federation's ties to the Alfa Mutual Insurance Co.

"Alfa dropped several thousand policies in Mobile and Baldwin counties, and I think it is a serious issue," he said. "Is he going to vote with Alfa or with his district?"

Albritton, a former state representative from Conecuh County, said the group has sent mailers on his behalf and also conducted a poll before the first round of voting. He said his support from the political action committee is a result of his strong support for farmers.

"No it doesn't," he said when asked if the Alfa support compromises his ability to fight for insurance reform. "This district is a rural district. Even Baldwin County is rural in nature. Alfa is most representative of this district."

In addition to the \$27,905 in in-kind contributions, according to campaign finance reports, Albritton had raised \$37,475, compared to \$31,550 for D'Olive. He outspent D'Olive by a similar margin, \$38,459 to \$33,859. Albritton loaned his campaign \$31,126, substantially more than the \$7,000 D'Olive gave his campaign. That allowed Albritton to build a cash reserve of \$30,143 for the remaining sprint to the finish line.

"I'm never confident," said Albritton, despite the fundraising edge.

D'Olive, meanwhile, had just \$190 left in the bank. His contributions mainly have come from attorneys. He also received \$2,500 from a PAC representing trial lawyers, and \$2,500 each from a pair funded by Great Southern Wood Preserving Inc., Protective Life Insurance Co. and Blue Cross and Blue Shield of Alabama.

"It's picked up since the runoff," he said.

Alfa money rare flashpoint

The Alfa support is one of the few flashpoints in a race that otherwise has been quiet.

Candidates scramble to make last-minute pitches

With less than two weeks before the July 15 primary runoff, candidates are running out of time to win voters.

Senate District 22 candidate Harry D'Olive announced he will meet voters at Mobile Equipment Co. in Robertsdale from 5 p.m. to 7 p.m. On Tuesday, D'Olive will participate in a candidate forum at 6 p.m. at the Baldwin County Annex Building on Palmer Street in Robertsdale.

Greg Albritton said he will attend the event if he can but has other commitments that day. That forum also will feature candidates for state auditor, Baldwin County Commission and Baldwin County school board.

And on July 11, for days before the runoff, Democratic candidate Susan Smith will kick off her campaign at Royal Oaks Bed and Breakfast at 5:30 p.m. in Atmore. The Democratic Party turned to the Atmore city councilwoman after the incumbent, Marc Keahey, dropped out of the race.

Albritton and D'Olive generally agree on the issues and have refrained from attacks on each other on the campaign trail. The winner of the July 15 primary will take on Democrat Susan Smith in a sprawling district that runs from Clarke County in the north to Lillian in southern Baldwin County and includes all or parts of eight counties.

The Democratic Party turned to the Atmore city councilwoman after the incumbent, Marc Keahey, dropped out of the race.

D'Olive and Albritton also don't appear to have much difference on the issue of insurance reform. Both support the concept but do not have specific proposals.

D'Olive said the state has to figure out a way to bring homeowners policies more in line with risk. He said a clear accounting of insurance payouts would determine if companies truly do pay more on claims in southwest Alabama than the rest of the state.

"I've heard that, in fact, that is not true," he said. "I don't have the numbers yet."

Albritton also said he favors more transparency. Passage of the so-called Clarity Act, which requires more detailed reporting by insurance companies, is a good first step, he said. But he added that reform advocates have told him that information provided by the state Insurance Commission has been incomplete.

It is important, he said, to have accurate information before developing a solution.

"There's not a silver bullet. The first thing we have to do is get the truth out," he said. "The last thing we need to do is exacerbate the issue by going off all half-cocked."

Outside of Alfa, Albritton's biggest source of support has been toxic to most Republican candidates – the Poarch Band of Creek Indians. Most Republicans have been leery of taking money from the tribe because of its association with casino gambling.

The tribe's PAC, Speed PAC, has given Albritton \$12,000 – more than a quarter of his total cash contributions.

Tribe a major part of district, Albritton says

Albritton said the tribe not only is an important part of the community but personally connected to him. He said his mother is a relative of former Poarch leader Eddie Tullis.

"Indian development is one of the major developments, economic forces in this district," he said.

As a member of the Legislature in 2004, Albritton signed a pledge to oppose legalized electronic bingo throughout the state. He said he still would oppose "opening the floodgates" to expanded gambling. But he noted that the state failed in its bid to shut down Indian gaming.

"I don't do it. I don't believe it's a healthy endeavor for anyone," he said. "I also know we fought it, and we lost."

Unlike the Alfa money, Albritton's Poarch Creek donations drew no complaint from D'Olive. He said he, too, solicited a contribution. "I could never seem to get my foot in the door with them," he said.

D'Olive said gaming in Indian land is a federal issue but added that he "probably would not" favor non-Indian gambling in Alabama.

"I wouldn't want to depend on gambling as a revenue source," he said.

Former Agriculture Commissioner and State Senator Albert McDonald dies (WHNT)

WHNT News 19 has learned of the death of former Alabama Agriculture Commissioner Albert McDonald. McDonald died Sunday.

McDonald was elected in 1982 and served two terms from 1983 to 1991. He also served as a member of the Alabama Senate.

His son Stan McDonald served two years as Limestone County Probate Judge. His son-in-law is current Congressman Robert Aderholt.

McDonald was 83. Funeral arrangements are pending.