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Prisons, budgets, Medicaid again top legislative agenda

By Mary Sell Montgomery Bureau Feb 5, 2017 Updated Feb 5, 2017



Marsh

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MONTGOMERY — A massive prison proposal and a chronically anemic General Fund budget await lawmakers in the Legislature this week.

The 2017 legislative session starts Tuesday. Some of the issues on the agenda:

\$800M prison proposal

Since it failed last year, Gov. Robert Bentley has been working to convince lawmakers and the public that his plan to borrow \$800 million to build four mega-prisons is the way to fix the state's crowded, understaffed prisons.

Lawmakers know something needs to be done — some prisons are at nearly twice the capacity they were originally built to hold. They're also old and outdated, needing millions of dollars in upgrades.

But some question if closing existing prisons and consolidating to four larger ones will save the estimated \$50 million a year needed to pay off the bond issue Bentley wants. Meanwhile, the Department of Corrections and Bentley haven't said which of the 14 existing men's prisons would close or where the new ones will be built.

Speaker of the House Mac McCutcheon says lawmakers should be told. McCutcheon, R-Monrovia, has constituents who work at Limestone Correctional Facility.

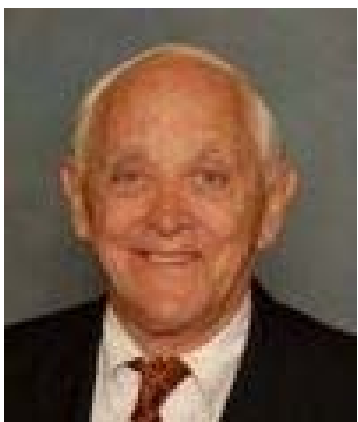
"A lot of these facilities are economic engines for their areas," McCutcheon said last week. "(Legislators) have a right to know what they're facing when they make a vote."

Limestone is one of the newer, least crowded prisons. McCutcheon said he hasn't been told it would close, but like other lawmakers with prisons in their districts, "I'd like to know what the intentions are."



McCutcheon

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Dial

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Budgets, again

The 2018 General Fund budget will be helped by \$105 million lawmakers dedicated from the state's BP settlement to Medicaid, the largest expense in the budget. Still, there's not a lot of good news in this budget process, according to lawmakers.

"We have to be very careful what we do this year. Don't get all happy and think everything is fine because the reality is, we know next year there's going to be \$105 million missing and we have to deal with that," said Senate President Pro Tem Del Marsh, R-Anniston.

Most state agencies shouldn't expect an increase in funding next year.

"There is sympathy for the (Alabama Department of Mental Health)," said Sen. Arthur Orr, R-Decatur. "If there is a way to do it, they'd be high on the list for an increase."

Democrats like Rep. Johnny Mack Morrow, D-Red Bay, are quick to criticize Republicans for not addressing the state's funding issues in the six years they've been in charge.

"Our jails are full of the mentally ill and our funding for (the Alabama Department of Human Resources) is just as bad," Morrow said. "We're ignoring what it takes to run a state government. The question is, how long can you run a state government and not fund it?"

Orr said some decisions in Washington, D.C., will impact the state's spending plans, including whether the federal government is going to continue 100 percent funding of the Children's Health Insurance Program. If it put 20 percent of the cost back on the state in 2018, as is being discussed, the state would need to find about \$90 million.

Gov. Robert Bentley has been more optimistic about the budget, and his office last week said he's considering raises for state employees.

In the education budget, there's expected to be some new revenue, but it will largely be eaten up by benefit increases and a needed increase in the Veterans Administration scholarship program.

Medicaid and RCOs

Orr and Senate General Fund committee chairman Trip Pittman, R-Daphne, said last week it's possible some of Medicaid's \$105

million in BP money can be saved for 2019.

Medicaid received \$700 million from the state last year. It's asking for \$869 million in 2018, including the \$105 million in BP money.

Lawmakers are getting frustrated with Medicaid's ever-growing needs and the subsequent cuts to other agencies.

"How long do you take the functions of government that have existed since the beginning of this state and continue putting it toward individual health care?" Pittman said last week.

"... Corrections is getting sued, mental health is getting sued, we're getting sued on all these fronts because we're not providing adequate service for these recipients and we're spending \$800 million on Medicaid," he said. "We could take that \$800 million and fund the other programs. But we can't get out of Medicaid, we can't stop this crazy thing, because the whole health care system of the state is built on Medicaid ... this is where we are."

Meanwhile, a plan to move Medicaid patients to a managed-care system run by third parties in an effort to reduce costs appears to be in jeopardy. The move to regional care organizations, approved by lawmakers in 2013, was delayed last year 12 months to Oct. 1 of this year.

"I don't see how they can (launch), based on the budget information I've heard," Pittman said.

Sen. Bill Holtzclaw, R-Madison, is also concerned about the long-term cost commitment of the privately-run regional care organizations. He said there are too many unknowns about future funding.

"We are going to put ourselves in a position to have to cut another agency, not fund the RCOs, or raise revenue," Holtzclaw said. "I just think that should be worked out beforehand."

Gas tax?

McCutcheon said he expects infrastructure needs and a gas tax to be discussed this year. He said he's seen a few proposals, but none had been pre-filed last week.

McCutcheon previously sponsored gas tax increase bills, but said he will not as speaker. Still, he's become known as the "gas tax guy," he said.

"But to me it's more than just talking about a gas tax, it's about providing good infrastructure for our state," he said. "The thing

that drives me about being supportive of revenue for our infrastructure is the impact our infrastructure has on our economic growth.”

Companies need good roads to haul their goods, he said.

Marsh has also been supportive of a gas tax increase.

Others don't see it happening, at least not this year, including Rep. Lynn Greer, R-Rogersville, chairman of the House transportation and infrastructure committee, but he has said he sees a need for it. Other Republicans remain loyal to their “no taxes” pledge.

Any legislation to increase taxes must start in the House, but McCutcheon said he hasn't heard of others.

Reapportionment

The Republican majority lawmakers were recently told by federal judges they have to redo nine House and three Senate districts because as they were drawn in 2012, they were unconstitutionally gerrymandered on the lines of race. Plaintiffs had filed suit, saying African-American voters were “packed and stacked” into designated districts.

New lines are needed for the 2018 election, for which campaigning begins this June.

Sen. Gerald Dial, R-Lineville, said last week getting new lines approved by lawmakers before the session ends in May is a priority.

He also said the issue could be contentious and redrawing 12 districts would impact surrounding districts.

If the lines aren't approved this session, a special session would be needed, Dial said.

Bentley probe will resume

Last year, 23 House members voted to begin an impeachment investigation of Bentley. In November, the House Judiciary Committee's work was stalled by Attorney General Luther Strange, who said his office was doing related work. McCutcheon last week said there will be a report completed and given to House members.

“We are still on track with the impeachment process,” he said. “We didn't suspend it, we just put it on hold.”

If the House were ever to vote for impeachment, it'd be the Senate that would hold a trial.

“That ball is in the House's court,” said Senate President Pro Tem Marsh last month. “Quite honestly, I'm not expecting to take any action on that.”

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