

*From Montgomery
to Washington,
ARA is there
to benefit you!*

Friday, March 23, 2007

CRR EXTRAS

ARA LEGISLATIVE AGENDA IN ACTION

Bedford Introduces ARA-Backed Theft by Emergency Exit Bill

In a constant battle to stay one step ahead of law enforcement and retail loss prevention professionals, shoplifters constantly refine their techniques. To the frustration of retailers throughout Alabama and the United States, shoplifters' latest method manifests itself in using emergency exits to make their escape.

Sen. Roger Bedford, D-Russellville, this week introduced an **ARA-backed bill that would make it first-degree theft of property for anyone attempting to steal property to use an emergency exits to make a quick get away and evade loss prevention efforts.**

Under current law, you'd have to steal \$2,500 worth of property to reach the level of first-degree theft. Under [SB 254](#), anyone who trips the emergency alarm to mask their getaway while stealing any amount of property would be guilty of first-degree theft. **This bill is part of ARA's [2007 State Legislative Agenda](#).**

>> [Read ARA's Issue Brief on this topic](#)

>> Other News

MORE ARA LEGISLATIVE AGENDA IN ACTION

ARA-Backed Late Fee Increase Moving

House Banking and Insurance to Consider Bill Next Week

On Wednesday, March 28, the House Banking and Insurance Committee will consider [HB 323](#) by Rep. Leslie Vance, D-Phenix City. **ARA supports this bill, which calls for an increase in late fees for delinquent consumer credit payments.**

Right now, a creditor can charge \$10 or five percent of the

BILLS

- [HB 118](#)
- [HB 124](#)
- [HB 178](#)
- [HB 195](#)
- [HB 286](#)
- [HB 287](#)
- [HB 288](#)
- [HB 289](#)
- [HB 290](#)
- [HB 291](#)
- [HB 323](#)
- [HB 330](#)
- [HB 358](#)
- [HB 420](#)
- [HB 443](#)
- [HB 474](#)
- [SB 114](#)
- [SB 160](#)
- [SB 168](#)
- [SB 205](#)
- [SB 206](#)
- [SB 211](#)
- [SB 250](#)
- [SB 254](#)
- [SB 275](#)
- [U.S. HR 2](#)

IN THE NEWS

- [House panel says yes to higher-alcohol beer](#)
- [House OKs bill on paid political advertising](#)
- [House passes bill requiring disclosure of money for campaign ads](#)
- [Mobile judge states concern over primary](#)

scheduled payment, whichever is greater up to a cap of \$100, when a credit payment is late. That has been the case since 1997, when the Alabama Legislature increased the late charge from \$5. Obviously, the cost to a creditor for collecting delinquent payments has increased in the past 10 years.

As part of its [2007 ARA State Legislative Agenda](#) your association is asking for a modest increase to \$18, which is still only half of what the typical bank credit card can assess and can assess sooner.

The Senate companion is [SB 168](#) by Sen. Bobby Denton, D-Muscle Shoals.

>> [Read ARA's Issue Brief on this topic](#)

McLaughlin Introduces Nonpartisan Election of Judges

Rep. Jeff McLaughlin, D-Guntersville, has introduced legislation to establish a separate section on the ballot for the nonpartisan election of all judges in Alabama from the Supreme Court to the circuit and district level. [HB 474](#) has five co-sponsors. **ARA opposes any legislation that changes the current election process for appellate judges.** Partisan elections help voters make more informed choices in judicial elections.

PRIVACY

Committee Carries Over Bill

Calls for Removing Social Security Numbers

After discussions with the Alabama Retail Association, Rep. Victor Gaston, R-Mobile, asked the House County and Municipal Government Committee to carry over [HB 178](#), which would require Social Security numbers and birthdates be removed or covered on any document recorded in a probate office, unless the birth date is required by law in the document.

Probate offices handle state and federal tax liens. Access to an original, complete version of those records is necessary to protect the integrity of credit reports. ARA and other interested parties will meet with the bill's sponsor hopefully to reach an agreement before the bill moves forward. **ARA appreciates Rep. Gaston's cooperation.**

The bill also gives the probate judge personal immunity for failure to comply through mistake or error. However, the probate judge is responsible for having any error, mistake or

[bill](#)

- [Earlier 2008 presidential primaries for Mobile area?](#)
- [Emergency spending bill holds funding for Mobile federal disaster center](#)
- [Panel OKs \\$32 million for Enterprise schools](#)
- [Legislators pass 62% raises over Riley's objection](#)
- [How Alabama Legislature voted on legislative pay raise](#)
- [62% raise divides Jefferson and Shelby County legislators](#)
- [Bill targets menus, foreign shrimp](#)

For more stories concerning legislative action, go to [In the News](#)

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LEGISLATIVE CONTACTS

To contact members of the Alabama Legislature:

WRITE:

Alabama State House
11 South Union Street
Montgomery, AL 36130

CALL:

HOUSE: (334) 242-7600

omission corrected promptly upon learning of it.

SENATE: (334) 242-7800

Committee Carries Over Computerized Data Breach Notification Bill

Wednesday, the Senate Judiciary Committee carried over **[SB 114](#)** by Sen. Phil Poole, D-Moundville, which requires those with computerized data containing personal information about Alabama residents to inform them of any breach of security.

Under the bill, businesses must notify Alabama residents of any breach of security within 45 days. Anyone who maintains data on behalf of others would have 10 days to send a notification once a breach is discovered. If notification involves more than 500,000 people or a cost of \$250,000 or more, the owner of the compromised computerized data would have to notify the injured parties by e-mail, post the notice conspicuously on their Web site and notify the major statewide media, instead of providing written notice.

ARA and other interested parties have met with the sponsor to amend the bill to make it more uniform with other states and to prevent duplicative notices on a single security breach. A substitute bill will be ready for committee perusal next week. ARA offers a special thanks to Sen. Poole for his assistance.

Bill Would Reveal Names and Addresses of Businesses with Employees on Public Health Care

Rep. Sue Schmitz, D-Toney, has introduced extremely invasive legislation that would require applicants for publicly funded health-care benefits to disclose the names of their employers. The state agencies involved in turn would be required to provide the employers names to the Alabama Legislature, who then could release the employers names to the media.

[HB 420](#) would require any potential beneficiary of such programs as the Children's Health Insurance Program, Medicaid and the Alabama All Kids program to identify his or her employer, if that employer has 50 or more employees. No later than Feb. 1 of each year, Medicaid and the Alabama Department of Public Health would report each employer's name, business address and total number of employees and dependents enrolled in each publicly funded health-care program to the Legislature. The Legislature then could make that report available to the media.

E-MAIL:

Most representatives can be reached through the House e-mail system by using the following format:

firstname.lastname@alhouse.org.

Those without e-mail addresses can be reached through the general e-mail address:

house3@alhouse.org

There is no general e-mail address for senators. [Click here](#) for a roster of the state senators with their complete contact information.

LINKS GO TO CONTACT INFO:

The link to each lawmaker mentioned in this publication goes to their individual websites, which have contact information. You can also find out whose legislative district you live or work in under [Find Your Lawmaker](#) in the [Political Affairs](#) section of alabamaretail.org.



For committee assignments and clerk contacts for the Alabama Legislature, see [ARA's 2011 Legislative Roster](#).

ARA opposes this legislation as punitive on small business owners who work hard to provide benefits for their employees. ARA supports more positive methods of encouraging employers to provide health-care benefits such as providing tax incentives or credits.

LEGAL

Sanders Bills Would Extend Statute of Limitations; Revive Cases

Sen. Hank Sanders, D-Selma, has introduced two bills that could extend the statute of limitations on virtually any issue. [SB 205](#) extends the statute of limitations for toxic substances exposure for civil actions and provides for retroactive effect. It also allows for multiple claims for the same action. This could revive hundreds, if not thousands, of cases currently barred.

[SB 206](#) proposes an amendment to the Constitution of Alabama to permit the revival of certain actions previously barred by a statute of limitations, for any claims for disease or property damage resulting from exposure to any toxic substance. The Alabama Civil Justice Reform Committee, of which ARA is a member, contends the bill could be construed by a court to pertain to any action, not just limited to toxic cases. In the bill, the term toxic substance refers to any physical substance or material, exposure to which is toxic or hazardous to human life or well being, or which causes any disease process, including, without limitation, all hazardous substances, hazardous wastes, hazardous materials, and toxic substances as defined by federal law. Both bills were referred to the Senate Judiciary Committee. **ARA will oppose both of these bills.**

LABOR

Bill Calls for Reimbursing Union for Cost of Representing Nonmembers

The Senate Business and Labor Committee canceled its Thursday meeting during which it was to take up a bill by Chairman E.B. McClain, D-Midfield, that essentially would repeal Alabama's Right-to-Work Law.

[SB 160](#), introduced last week, would require non-union employees to reimburse unions for their representation in a grievance arbitration process. Such representation is a responsibility labor unions initially accept when organizing a

Now, Even More Benefits from ARA



Your Business Can Save Thousands

ARA constantly strives to increase the Value its members received from membership. Many members have been using our low-cost workers' comp program for years, but were asking for more. In January, we announced more savings. ARA members now have access to:

Cost-Saving Credit Card Processing:

Through a partnership with Huntsville-based **CHECKredi**, ARA members get rates normally reserved for only the largest stores.

Discounted Inbound and Outbound Shipping:

Through our arrangement with **PartnerShip** ARA members can save up to 27% on FedEx services and up to 70% on other shipping needs.

Budget Friendly Email Marketing:

Constant Contact brings ARA members cutting edge e-mail marketing technology for as low as \$15 a month; members save up to 25%

[Find Out More Today](#)

IMPORTANT EVENT THIS WEEK

WHAT: **Birmingham Business Leadership Exchange**
WHEN: **6 p.m. Wednesday, April 6**

workforce.

Under current law, an employee in a unionized shop can choose not to join the union and therefore, not pay union dues. Under this scenario, the employee is still entitled (required) to use the grievance arbitration procedures provided under the union contract; and the union is required to pay the associated expenses. Under the proposed legislation, the union could charge non-union employees for expenses incurred during arbitration procedures. The resulting effect would be to force non-union employees to join the union.

ALCOHOL

Committee OKs Higher Alcohol Content Beer

On a unanimous voice vote, the House Tourism and Travel Committee on Wednesday approved [HB 195](#) by Rep. Thomas Jackson, D-Thomasville, which would permit the sale of beer with more than double the alcohol content that state law now allows.

The bill will allow the sale of more imported and gourmet beers by adding malt beverages with higher alcohol content under the definition of "beer." Under the proposed definition, a malt liquor could contain one half of 1 percent or more of alcohol by volume, not to exceed 14.9 percent by volume and still be sold by an ABC Board licensee. The bill also would eliminate the current law that limits the size of beer containers to 16 ounces.

The House committee conducted a public hearing on the bill, which is being pushed by a Birmingham area-based group called "Free the Hops." The Senate companion, [SB 211](#), by Sen. Parker Griffith, D-Huntsville, had been scheduled Thursday to be considered by the Senate Tourism and Marketing Committee, but that hearing was canceled.

The House bill now goes to the full House for consideration.

ELECTIONS/CAMPAIGN FINANCE

Bill Would Compel Those Paying for Political Ads to Identify Themselves, Their Committee or PAC

The Alabama House of Representatives voted 105-0 Thursday for [HB 118](#) by Rep. Randy Hinshaw, D-Meridianville,

WHERE: Regions Center
Upper Lobby Auditorium,
1900 5th Avenue North

*Complimentary parking
available at Regions Center
deck via 19th St. North*

The Speaker's Commission on Job Creation is partnering with the Birmingham Business Alliance to invite business owners of companies across the industrial spectrum to attend a "Business Leadership Exchange," and share their ideas about how to improve the business climate in the state. If you have any questions, please **contact the office of House Speaker Mike Hubbard at 334-242-7668**. If you are unable to come to the Birmingham exchange but would like to submit ideas and recommendations, you may [email them to Alabama Jobs Commission](#)

or join the conversation on Facebook at

[facebook.com/
speakersjobscommission](https://facebook.com/speakersjobscommission)

which would require identification of the person, campaign committee or PAC paying for political advertising, including mailouts and calls from a phone bank, within 90 days of an election. Identification would be required on donations of \$1,000 or more to legislative campaigns and \$10,000 or more to statewide campaigns.

The bill is aimed at anonymous ads, phone calls and fliers that disparage a candidate, but include no disclosure of who paid for the material, Hinshaw told the Associated Press. Current Alabama law requires financial disclosure only for ads that specifically ask people to vote for a certain candidate. The bill now goes to the Senate for debate.

Bill Allows Early Voting for Mardi Gras Celebrants in 2008 Presidential Primaries

Wednesday, the House Constitution and Elections Committee delayed discussion of [HB 358](#) by House Majority Leader Ken Guin, D-Carbon Hill, and House Minority Leader Mike Hubbard, R-Auburn. The bill would keep the 2008 presidential primaries on Fat Tuesday, but allow counties that celebrate Mardi Gras to conduct an early voting on the previous Wednesday, Jan. 30. If the measure passes, a voter in one of the affected counties would be able to vote through an absentee ballot, or cast a ballot on either Jan. 30 or Feb. 5. It also allows any registered voter to vote absentee regardless of whether he is out of town, and creates one centralized voting location in Mobile, Baldwin and each of the other counties that observe the Mardi Gras holiday.

Last year, legislators moved the 2008 presidential primaries from June to Feb. 5, which is also Fat Tuesday. Although the bill creates an early election day on the Wednesday before Feb. 5, the results would not be tabulated until after the polls close on the official Election Day. The bill also clearly leaves primaries for all other elected offices in June, which was unclear in the legislation passed last year. Seven other states, including California, have set their 2008 presidential primaries for Feb. 5 and at least 15 others are considering the move.

WORKERS' COMPENSATION

Smitherman Introduces His Version of Work Comp Termination Bill

Sen. Rodger Smitherman, D-Birmingham, this week introduced [SB 250](#), the Senate companion

to [HB 330](#), introduced last week by Rep. Marcel Black, D-Tuscumbia. **This legislation, opposed by the ARA, weakens the burden of proof for claimants in cases alleging workers were discharged for filing a workers' compensation claim.** Currently, under the Code of Alabama, *"no employee shall be terminated by an employer solely because the employee has instituted or maintained any action against the employer to recover workers' compensation benefits ..."* Smitherman and Black's bills would change the law to read *"solely or **substantially** because the employee has instituted or **made a claim** to recover workers' compensation ..."* SB 250 has been assigned to the Senate Judiciary Committee, which Smitherman chairs.

ILLEGAL IMMIGRATION

Lawmakers Discuss Illegal Immigration Legislation

Several bills on illegal immigration were debated this week in the Alabama Legislature, but only one saw action.

Thursday, the House approved [HB 124](#) by Rep. Ronald Grantland,

D-Hartselle, to prohibit the state from entering into contracts with companies that won't certify that they do not hire illegal aliens.

Other bills that came up in committee or have been introduced but did not progress include:

- [HB 286](#), which denies state economic incentives to employers who hire people who are in the country illegally. This bill requires employers to attest that they do not knowingly employ illegal aliens before their companies qualify for state economic development grants or do business with state agencies. Some have said the language in this bill is too vague and could mean an Alabama company contracting with an out-of-state company that hires illegal immigrants could be forced to give up state funding, even if the offense was the subcontractor's CEO hiring a nanny without proper documentation.
- [HB 289](#) allows law enforcement officers to impound vehicles of immigrants driving without a valid driver license, current vehicle insurance or proof of legal entry into the United States. Alabama Appleseed, an advocacy group in Montgomery, and other groups that work with Hispanics have requested a public hearing on this bill. State Rep. Thad McClammy, D-Montgomery, chairman of the House Public Safety Committee, said a public hearing will be set for next

week.

- **HB 287** requires people applying for or renewing professional or commercial licenses to prove legal status.
 - **HB 288** requires immigrants 18 or older to prove they are legally in the country. This bill is similar to a Colorado law that denies non-essential services to adults but not to children. The prohibition does not apply to life-sustaining medical care or other exceptions in federal law.
 - **HB 290** would allow police to seize property of illegal immigrants just as they can seize drug dealers' property.
 - **HB 291** would make it a felony for illegal immigrants to attempt to vote or register to vote.
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PHARMACY

CMS Extends National Provider Identifier Deadline

As you know, the Health Insurance Portability and Accountability Act (HIPAA) of 1996 required the adoption of a standard unique identifier for health-care providers, the National Provider Identifier (NPI). The NPI is 10 digits in length and will replace health-care provider identifiers in use today, including the nine-digit Medi-Cal provider number. The NPI implementation is scheduled to go into effect May 23rd. Medicaid Commissioner Carol Hermann-Steckel, however, announced at a recent Medicaid meeting that **the Center for Medicaid and Medicare Services (CMS) has approved their request to delay implementation until Sept. 17.** Hopefully, this will give them time to initiate a solution to the problem pharmacies have in getting the necessary information in order to comply. **The ARA will continue to monitor and work with Medicaid on this issue.**

Medicaid Reimbursement Workgroup Meets

The Alabama Medicaid Pharmacy Reimbursement Workgroup met Wednesday to discuss potential options to cope with the 2005 Deficit Reduction Act. Commissioner Steckel has presented a new concept for Medicaid pharmacy reimbursement, which includes defining and reimbursing pharmacies at a more accurate "acquisition cost" and creating a "savings" pool with the difference of the reimbursement from the new acquisition cost versus current reimbursement. Medicaid proposes utilizing this "savings" pool to potentially change the way dispensing fees are

currently paid to include reimbursing for disease management programs performed by pharmacists. This proposal also could include a “shared savings” program where reductions in costs brought about by the professional services provided by pharmacists would be shared with the pharmacy provider community. This is modeled after the successful Patient First Program in the physician community.

After lengthy conversation, Commissioner Steckel advised the group that she would draft a proposal for the program for all to review and use as a working document. ARA will send this proposal to you as soon as it is received and encourages thorough discussion. The group likely will meet again in May.

TECHNOLOGY

Lawmakers Introduce Electronic Payment Legislation

[HB 443](#) and [SB 275](#), introduced Thursday, would allow the state comptroller to electronically pay warrants of more than \$2,500 to business entities, vendors and providers of professional services, rather than cut a paper warrant.

The House bill was introduced by Rep. Neal Morrison, D-Cullman, and its Senate companion was introduced by Sen. Wendell Mitchell, D-Luverne.

In a statement, State Treasurer Kay Ivey said, “This legislation is about increasing efficiency and modernizing the way the state does business.”

FEDERAL

Congress Entangles Minimum Wage Tax Relief with Iraq

Unadvisedly, U.S. House leaders have added legislation raising the federal minimum wage to an emergency spending bill for the Iraq war. Business groups are urging Congress to keep the minimum wage hike and related small business tax relief separate from the politically charged supplemental spending bill for the war in Iraq.

“Important differences on [H.R. 2](#) should be resolved on their merits without being buried in other, unrelated legislation, including the pending supplemental appropriations bill providing funding for the war in Iraq,” [National Retail Federation](#) Senior Vice President for Government Relations Steve Pfister said recently in a letter to both Democratic and Republican leadership in Congress.

The wage increase has been embedded into the emergency spending bill that would set a timetable for withdrawing U.S. troops from Iraq, which also includes a wide range of unrelated provisions ranging from children's health insurance to money to fight forest fires. Thursday, U.S. Sen. Richard Shelby added \$6 million for a federal disaster response center in Mobile to the emergency spending bill. It also contains \$20 million in assistance for Alabama's fishing industry and a waiver of federal cost-sharing requirements for disaster aid following Hurricane Katrina.

Among the provisions is language that would increase the \$5.15 federal minimum wage by \$2.10 over the next two years and provide \$1.8 billion in small business tax relief. The language mirrors wage hike and tax relief bills passed earlier this year by the House. The Senate has passed the same wage hike but the two chambers have been in deadlock because the House tax relief package is a fraction of the \$8.3 billion offered by the Senate to compensate for increased payroll costs.

The House proposal would extend the Work Opportunity Tax Credit widely used by retailers for one year (compared with five years under the Senate bill), includes the Senate's one-year extension of small business expensing, and addresses restaurant tips. It leaves out Senate language that would let retailers who own their stores depreciate remodeling over the same 15 years as those who lease their stores rather than the current 39 years.

The **Capitol Retail Report** is another **Benefit from the Value** of **Alabama Retail Association** membership. For more benefits, go to www.alabamaretail.org