

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

**CRR EXTRAS**

*Friday, March 11, 2011*

## **Under Sentencing Plan Chief Justice Outlines**

### **Shoplifters, Organized Retail Thieves Get Off Easy**

Law makers Introduce Bills to Carry Out Sentencing Plan

Legislation aimed at easing prison overcrowding could end up giving Alabama shoplifters and organized retail thieves a cost-of-living increase and a get-out-of-jail free card while inviting criminals from surrounding states to come to Alabama, where they could steal more and be punished less. It also would put convicted felons on the street without employers knowing those potential employees have a criminal record.

[Alabama Chief Justice Sue Bell Cobb](#) on Tuesday in her annual State of the Judiciary remarks to the Alabama Legislature outlined proposals made by the Alabama Public Safety and Sentencing Coalition, which the coalition boasts could result in the release of 5,000 inmates over five years and reduce prison costs by \$106 million. Bills based on those recommendations and introduced this week call for a 100 percent increase in the felony shoplifting threshold and a whopping 1,000 percent increase in the value of property that qualifies as organized retail theft in Alabama.

>> [Read Chief Justice Sue Bell Cobb's State of the Judiciary](#)

>> [Read the Alabama Public Safety and Sentencing Coalition report](#)

Cobb told lawmakers, "*(The state should) lock up people of whom we are afraid, not those with whom we are just mad.*" Her remarks and the proposals introduced seek to slow the state's spiraling spending on corrections. What neither considers is the economic cost



#### **TOP ISSUES**

[Governor signs education budgeting change](#)

[House OKs draft beer for Daleville and Ozark](#)

[Tell congressmen to keep swipe fee reforms](#)

[Lawmakers introduce tort reforms](#)

[Employer-requested changes made to immigration bill](#)

[Tell lawmakers: Keep penalties for shoplifting, organized retail theft as is](#)

[Bill would protect retailers from obesity suits and menu labeling](#)

[Democrats want PSE products to be by prescription only](#)

[Sales tax ban on groceries back](#)

[Economic dev tax incentives see committee action](#)

[Federal bill calls for study of all states' workers' comp](#)

[Bills asks Medicaid to competitively bid generic drugs](#)

#### **BILLS**

- [HB 003](#)

to the state's businesses and citizens. **Alabama retailers annually lose at least an estimated \$1.08 billion** and consequently **Alabama and its local governments lose on average \$108 million annually in sales tax revenue due to retail theft. The coalition's proposals could easily double those losses to retailers and governments.**

**Call your legislators to let them know these reclassifications of the felony statutes will cause tremendous cost to your business!**

Companion bills - [SB 204](#) and [HB 218](#)- create a new class of felony, a Class D felony, which would NOT be subject to the state's habitual offender law. Consequently, a criminal could commit an unlimited number of these crimes and not be classified as a habitual criminal and be subject to stiffer penalties. The bills raise the felony shoplifting threshold from \$500 to \$1,000, and increases from \$1,000 to \$10,000 the value of goods that would have be stolen in a six-month period to classify as organized retail theft, while making both a Class D felony. Under the bill, a thief would have to steal more than \$5,000 before the Habitual Felony Offender Act could be applied to his crimes. It also makes criminal mischief, forgery and burglary of unoccupied buildings, Class D felonies.

**No state adjacent to Alabama has a felony threshold for shoplifting that is more than \$500.** Consequently, thieves from neighboring states could come to Alabama, steal more and still expect a lesser penalty, a recipe for increased crime here. A public hearing has been set for March 30th in the Attorney General's Office on the entire Alabama Public Safety and Sentencing Coalition package of bills, which await consideration by the Judiciary Committees in their respective chambers.

---

## >> Other News

### IMMIGRATION

#### **ALEIR Changes Made to Arizona-Style Immigration Bill**

On a voice vote Tuesday, the House Public Safety and Homeland Security Committee amended and approved a substitute version of [HB 56](#), an Arizona-style immigration bill proposed by [Rep. Micky Hammon, R-Decatur](#), Hammon chairs the committee. The bill, which now goes to the full House for debate, drew some 200, mostly Hispanic protestors, to the State House on Thursday.

The bill makes it illegal to knowingly employ or transport an

- [HB 056 1stComAmd](#)
  - [HB 056 2ndComAmd](#)
  - [HB 056 3rdComAmd](#)
  - [HB 056 4thComAmd](#)
  - [HB 056 Sub](#)
  - [HB 057](#)
  - [HB 059](#)
  - [HB 060](#)
  - [HB 064](#)
  - [HB 066](#)
  - [HB 072](#)
  - [HB 073](#)
  - [HB 089](#)
  - [HB 107](#)
  - [HB 117](#)
  - [HB 128](#)
  - [HB 178](#)
  - [HB 195](#)
  - [HB 217](#)
  - [HB 218](#)
  - [HB 227](#)
  - [HB 236](#)
  - [HB 239](#)
  - [HB 242](#)
  - [SB 015](#)
  - [SB 036](#)
  - [SB 046](#)
  - [SB 050](#)
  - [SB 070](#)
  - [SB 072](#)
  - [SB 088](#)
  - [SB 121](#)
  - [SB 142](#)
  - [SB 152](#)
  - [SB 155](#)
  - [SB 166](#)
  - [SB 167](#)
  - [SB 173](#)
  - [SB 184](#)
  - [SB 187](#)
  - [SB 192](#)
  - [SB 204](#)
  - [SB 207](#)
  - [SB 212](#)
  - [SB 215](#)
- [USHR 623](#)

unauthorized immigrant. The bill also requires every business in the state to adopt E-verify by Jan. 1, 2012, and requires Alabama Homeland Security to update a list of Alabama employers who use E-verify every quarter on its website. It also would make an immigrant without valid federal immigration registration guilty of trespassing, a crime punishable by as much as a year in jail.

The committee approved a version of the bill, which was amended and substituted to address many of the concerns raised by the Alabama Employers for Immigration Reform of which ARA is a member.

Among the Alabama Employers for Immigration Reform (ALEIR) requested provisions the bill now includes are:

- immunity from sanctions for employers who use the federal E-Verify system, an electronic means of checking an employee's immigration status, or a telephone verification system to be developed by the Alabama Department of Industrial Relations (DIR). If an employee verified by either system was later found to be undocumented, the hiring employer would not be subject to any of the employer penalties under the bill. Under the bill, on first offense, if it is proven the employer knew the employee was in the United States illegally, the employer would be placed on probation for three years and have to make quarterly reports to DIR, plus the employers' business license could be suspended for 10 days if the employer refuses to sign an affidavit stating the employer fired all illegal aliens working for the company and will never intentionally hire another illegal alien. On a second offense, business licenses would be revoked permanently for those employers found guilty of hiring illegals;
- protections for employers sued for wrongful termination or failure to hire based on an inaccurate notification from the federal E-Verify system that an employee or prospective employee is an unauthorized alien. The bill now gives immunity to employers who verify employment eligibility in good faith;
- a requirement that employers with 25 or fewer employees utilize the E-verify program until DIR establishes its telephone verification system. Once that system is in place, the smallest businesses will have an alternative form of verification;
- investigatory and appeal authority for the Department of Industrial Relations. Local law enforcement also has arresting and investigatory authority but DIR will hear complaints against businesses to determine if an employer is in violation;
- immunity for companies that contract with businesses found to have employed illegals if they did not know the subcontractor's employee was unauthorized;
- requirements that the government prove violators 1)

[Cobb asks lawmakers to create Class D felony](#)

[Proposed law's changes in criminal sentencing find little favor](#)

[Alabama chief justice warns of hundreds of layoffs in court system in 2012 state budget](#)

[Alabama business group tracks status of illegal immigration bill](#)

[Black legislators fire up State House rally opposed to immigration bill in Legislature](#)

[Alabama House panel OKs bill to potentially charge illegal immigrants with trespassing](#)

[Governor signs education-funding bill into law](#)

[Legislature redesigns education budgeting process; comes closer to dropping DROP](#)

[House OKs killing Alabama's DROP retirement program](#)

[Alabama Senate votes to end DROP retirement plan](#)

[Democrats unveil first agenda as minority](#)

[Democrat's agenda likely to suffer under GOP majority](#)

[Bill allowing Sunday sales vote in Northport clears committee](#)

[Pre-paid cell phone users would be charged 911 fee under Alabama bill](#)

[Alabama bill again aims to end early August school start; tourism cited](#)

[Alabama has more appliance rebates available](#)

[Who'll pay bigger fees for your debit card use?](#)

concealed, harbored, shielded, or transported or moved an alien within the state 2) the alien was in the state in violation of law 3) violator knew of this fact 4) violator acted with reckless disregard of the alien's violation of law .

**ARA thanks Hammon for adding provisions to his bill to minimize the burden for retailers and other businesses, and ARA will continue to monitor this legislation to make certain those provisions are preserved.**

---

## HANDSHAKE WITH ALABAMA

### Bentley Signs New Education Budgeting Process

Secret Ballot, DROP Move Too

In five legislative days, the minimum time it takes to pass laws in Alabama, the new Republican majority Alabama Legislature redesigned the way the state budgets its education money in order to minimize the possibility of midyear budget cuts.

At an 11:30 a.m. Alabama Capitol ceremony today, Gov. Robert Bentley signed into law [HB 57](#) by [Rep. Greg Canfield, R-Vestavia Hills](#), the Rolling Reserve Budget Act, thus ending the practice of basing Alabama's education budget on tax revenue

forecasts. Instead, the budget will be based primarily on revenue trends for the past 15 years. In years when tax collections grow faster than historic trends, the extra money will be saved and used to stabilize



*Supporters, including ARA, at signing of Rolling Reserve Budget Act*

spending in lean years. During debate, Canfield said that before this law, during a student's 17 years in Alabama public education institutions, the student could expect to experience school spending cutbacks five of those years because state budget forecasting exceeded reality. The new law does not eliminate prorated budgets, but will make that possibility less frequent, Canfield said. [Sen. Tripp Pittman, R-Daphne](#), sponsored [SB 121](#), the Senate companion.

Canfield's bill was the first to make it all the way through the 2011 session of the Alabama Legislature, but others included in the Republican Party's "Handshake with Alabama," issues the party promised to address if voters elected its candidates,

[Debit card fees prompt a push near deadline](#)

[Small businesses: Lowering debit card swipe fees will help the bottom line](#)

*For more stories concerning legislative action and news of interest to retailers, go to [In the News](#)*

## ARA CONTACTS

[Rick Brown](#)  
President

[Alison Wingate](#)  
Vice President

[Nancy Dennis](#)  
Dir. of Public Relations

[Brett Johnson](#)  
Member Relations Mgr.

## 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  
SENATE: (334) 242-7800

**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](#)

are close behind:

- On Tuesday, the Alabama Senate approved [SB 72](#) by [President Pro Tem Del Marsh, R-Anniston](#), to drop the DROP, an expensive 2001 state employee retirement program that allows any state worker who is at least 55 years old and has worked with the state for at least 25 years to continue working while his or her retirement benefits are placed into a special account that accrues 4 percent interest. A state employee can stay in DROP for up to five years. The House voted 59-40 Thursday to end the program, thus saving between \$35 million and \$70 million, but the bill was amended and had to go back to the Senate, which adjourned without voting on the changes. The Senate will consider final approval of the bill when it returns from spring break on March 22. The House companion is [HB 59](#) by [Rep. Barry Mask, R-Wetumpka](#).
- On Wednesday, the House voted 63-31 in favor of [HB 64](#) by [Rep. Kurt Wallace, R-Maplesville](#), a proposed constitutional amendment which would guarantee elections by secret ballot, including union elections. This legislation is in response to proposed federal legislation pushed by labor unions to force employees to forego secret ballot in union representation elections, the so-called "card-check" bill.

[Sen. Scott Beason, R-Gardendale](#), this week introduced [SB 215](#), companion legislation to another of the Handshake bills, [HB 60](#) by [Rep. Blaine Galliher, R-Gadsden](#), a state constitutional amendment to prohibit mandatory participation in any health care system. This legislation is in reaction to federal legislation compelling everyone to have health insurance.

---

## ARA LEGISLATIVE AGENDA IN ACTION

### Bills Would Continue Tort Reforms Begun in 1999

Four bills were introduced this week in an effort to complete tort reform, which began with the approval of a three-bill package in 1999. **As a member of the Alabama Civil Justice Reform**

**Committee (ACJRC), ARA supports these tort reform measures:**

- [SB 184](#) by [Sen. Ben Brooks, R-Mobile](#), the Small Business Protection Act, a bill intended to keep state retailers from being pulled into what should be federal



[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](#).

## BENEFIT FROM THE VALUE

Now, Even More Benefits from ARA



Your Business Can Save Thousands

ARA constantly strives to increase the Value its members received from membership. Many

lawsuits against manufacturers. In product liability suits, Alabama retailers, wholesalers and distributors can be sued even though those businesses did NOT participate in the manufacture or design of the products. As a result, lawsuits can be filed in counties favorable to plaintiffs and keep out-of-state manufacturers in an Alabama state court and out of federal court, where such suits rightfully belong. These suits end up costing Alabama businesses time and money, even though ultimately the Alabama businesses are usually excused from the suit. The true target is the manufacturer or designer of the product, consequently this bill prohibits product liability suits against retailers, wholesalers and distributors unless those entities are also the manufacturer/designer, altered the product to make it harmful or the manufacturer cannot be identified. Rep. Wes Long, R-Guntersville, plans to introduce this bill in the House when lawmakers return from spring break.

- [SB 187](#), also by Brooks, and [HB 239](#) by [Rep. Steve McMillan, R-Bay Minette](#), would require Alabama to apply the federal expert witness rule. Alabama has not adopted the federal rule, even though in 1993 the U.S. Supreme Court mandated its adoption in all federal courts. Instead, Alabama continues to use a 1923 standard, which the U.S. Supreme Court rejected in 1993. The stricter federal standard for admitting expert testimony helps business as it ensures valid scientific and other technical expert testimony has a solid foundation and basis. For example, in a medical malpractice case involving alleged mistakes when doing heart surgery, the expert witnesses for the plaintiff and the defendant must be experts in heart surgery and not some other medical specialty.
- [HB 227](#) by [Rep. Ron Johnson, R-Sylacauga](#), and [SB 212](#) by [Sen. Clay Scofield, R-Guntersville](#), which would prohibit forum shopping in wrongful death actions.
- [HB 236](#) by [Rep. Greg Canfield, R-Vestavia Hills](#), and [SB 207](#) by [Sen. Cam Ward, R-Alabaster](#), which would tie the post-judgment interest rate to the one-year constant maturity Treasury yield, the standard now used in federal courts.

---

### **Late Fee Bill to Go Before Senate Committee**

On Wednesday, March 23, the Senate Banking and Insurance Committee will consider [SB 70](#) by [Sen. Gerald Dial, R-Lineville](#), which would mean a modest \$8 increase in late

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**  
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

fees for delinquent consumer credit payments, a change your association has sought since 2007. Like its House companion, which is ready for full House consideration, [HB 3](#) by [Rep. Craig Ford, D-Gadsden](#), Dial's bill links the minimum late fee retailers and other businesses can charge on credit transactions under the Mini-Code to the amount allowed under the Alabama Small Loan Act (SLA). The minimum amount allowed under the SLA has been \$18 since 2007. Currently, a creditor can charge \$10 or five percent of the scheduled payment, whichever is greater up to a cap of \$100, when a credit payment is 10 days late. Retailers who finance in-house, such as furniture and appliance stores, are most affected by the disparity in late fees allowed under the two code sections governing credit and loans.

Please ask your representative and members of the Senate Banking and Insurance Committee to correct the inequity between the Mini-Code and Small Loan Act by **voting "Yes" on HB 3 and SB 70.**

>> [Read ARA's Late Fee Fairness Issue Brief](#)

---

## DEMOCRATIC LEGISLATIVE AGENDA

### Further Limitations on PSE Products on Demo Agenda

While the state's new Republican majority quickly advanced its "*Handshake with Alabama*" this week, Alabama's Democratic lawmakers enumerated their agenda for the 2011 regular session. If the first two weeks of the session are any indication, however, the success of any Democratic measure is in doubt.

During an Alabama Democratic Party news conference Wednesday, [Sen. Roger Bedford, D-Russellville](#), and [Rep. Napoleon Bracy, D-Prichard](#), said making the



main ingredient in methamphetamines a controlled substance would be part of the Democratic agenda. Bedford has introduced two such bills [SB 36](#), assigned to the Senate Judiciary Committee and [SB 88](#), assigned to the Senate Health Committee. Neither has received a committee hearing. Those are two of four bills introduced in the 2011 regular session, which would make pseudoephedrine and ephedrine products controlled substances.

The issue has bipartisan support, however, as the House Health Committee this week approved [HB 89](#) by [Rep. Mike](#)

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)

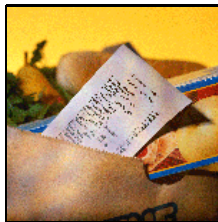
[Millican, R-Hamilton](#), clearing it for consideration by the full House. Only two states currently require consumers to obtain a prescription from their physician for pseudoephedrine and ephedrine products, over-the-counter drugs commonly used to treat cold symptoms prescriptions. **ARA opposes making these products available by prescription only as it would limit their access to cold and allergy sufferers and drive up health costs.**

Since Jan. 1 of this year, Alabama pharmacies have been electronically tracking the sales of over-the-counter products that contain ephedrine and pseudoephedrine as a result of legislation approved just last year. **In the past 30 days alone, the system has made 31,000 stop sales** for consumers attempting to purchase more than the allowed amount of these drugs. This system needs more time to further demonstrate how it can and will slow the use of these legal products for illegal purposes.

---

### **Knight Continues to Push for Removal of Tax on Groceries**

[Rep. John Knight, D-Montgomery](#), for the fourth year, introduced his proposed state constitutional amendment to remove the 4 percent state sales tax from groceries state by reducing the income tax deduction for federal income taxes paid. He's added an exemption for over-the-counter drugs as well to his legislation. [HB 242](#) has been assigned to the House Ways and Means Education Committee. *Capitol Retail Report* will report on other elements of the Democratic agenda in upcoming issues.



---

## **ALCOHOL**

### **House OKs Draft Beer Sales for Daleville and Ozark Northport Sunday Sales Moving**

A range of alcohol-related legislation saw legislative action this week:

- Wednesday, the House passed [HB 72](#) and [HB 73](#), both by [Rep. Steve Clouse, R-Ozark](#), which authorize Daleville and Ozark to call referendums to allow draft beer sales at the next general election and to have a second referendum after a year should the measure not pass the first time voters consider the issue. These bills now go to a Senate local legislation committee for



consideration.

- Thursday, the House Tuscaloosa delegation approved [HB 66](#) by [Rep. Alan Harper, D-Aliceville](#), which calls for a Sunday alcohol sales referendum in Northport. It now awaits action by the full House.
  - [Sen. Bill Holtzclaw, R-Madison](#), this week introduced, [SB 192](#), which would allow licensed brew pubs to sell their products to distributors for retail sale. The bill awaits action by the Senate Small Business Committee. [HB 86](#) by [Rep. Joe Hubbard, D-Montgomery](#), which seeks the same law change, awaits action in the House Economic Development and Tourism Committee.
- 

## TAX INCENTIVES

### Committees Approve Tax Incentive Bills

The Senate Job Creation and Economic Development Committee on Tuesday approved two tax incentive bills intended to encourage economic development, sending them to the full Senate for consideration:

- [SB 152](#) by [Sen. Paul Bussman, R-Cullman](#), which would give businesses that employ fewer than 100 people property tax exemptions to expand or locate in Alabama. The exemptions do not apply to property taxes assessed for educational purposes.
- The committee amended twice and then approved [SB 50](#) by [Sen. Cam Ward, R-Alabaster](#), (identical to [SB 15](#) also by Ward). The bill provides tax credits for qualifying companies for job creation, depending on the amount of jobs, the wages paid and the county in which the jobs are located. The amendments removed giving credits for hiring convicted felons who had not worked for more than a year after release and giving preferences to counties with military installations.

The same committee will get [SB 173](#) introduced this week by [Sen. Arthur Orr, R-Decatur](#). His bill would allow a \$1,000 income tax credit for employers for each job they create that pays more than \$10 an hour. The job would have to last for more than a year to qualify for the credit.

The House County and Municipal Government Committee approved [HB 117](#) by [Rep. Thad McClammy, D-Montgomery](#), which would allow Class 3 municipalities to provide income tax credits for businesses hiring those under the age of 19. The bill now awaits action by the House.

---

## PHARMACY ISSUES

### Lawmakers Introduce Pharmacy Bills

Including Health Care Conscience, Generic Medicaid Drugs

A second bill that would prevent pharmacy and other healthcare employers from disciplining employees for violating company policies or procedures was introduced this week. **HB 178** by [Rep. Mary Sue McClurkin, R-Indian Springs](#), is identical to **SB 46**, introduced last week by [Sen. Cam Ward, R-Alabaster](#). The bill gives healthcare providers, institutions and payers the right to refuse to perform or participate in healthcare services that violate their conscience and would protect them from discrimination based on exercising that right. **Resolving the dilemma of how to make certain a patient has access to appropriate drug therapy as determined by their prescribing practitioner, while allowing pharmacists to follow their conscience, is complex and should be independent of governmental mandates.**

[Rep. Mike Millican, R-Hamilton](#), this week introduced **HB 217**, which would require the Alabama Medicaid Agency to establish a competitive bid process for generic drug manufacturers to assure that generic drugs are furnished to Medicaid recipients at a competitively bid low cost.

In other pharmacy-related actions, the House Health Committee voted Wednesday to authorize the Alabama Board of Pharmacy to establish protocols that would permit retail pharmacies to re-label and store prescription drugs not classified as controlled substances for a patient living in a residential care facility that does not have an on-site pharmacy. **HB 107** by [Rep. Ron Johnson, R-Sylacuaga](#), now awaits consideration by the full House. The Senate companion, **SB 155** by [Sen. Billy Beasley, D-Clayton](#), is assigned to the Senate Health Committee.

---

## FOOD SERVICE ISSUES

### Bills Would Protect Retailers

From Obesity Lawsuits and Local Food Labeling Rules

ARA is monitoring several bills related to food service and will keep you updated of their progress:

**HB 193** by [Rep. Mike Jones, R-Andalusia](#), and **SB 167** by [Sen. Gerald](#)



[Allen, R-Tuscaloosa](#), would protect retailers from civil action by those who claim the products sold by the retailer made the plaintiff obese. The House Judiciary and Senate Health committees will consider the Commonsense Consumption

Act.

Legislation also was introduced in both chambers that would prevent local governments and municipalities from passing regulations to control the labeling of food, reserving that right for the Alabama Legislature. The Health committees in the respective chambers will consider [HB 195](#) by [Rep. Ken Johnson, R-Moulton](#), [SB 166](#), also by Allen.

---

## **NEXT LEGISLATIVE DAY**

The **Alabama House meets at 1 p.m. Tuesday, April 5, 2011**, for the 10th meeting day of the 2011 regular session. The **Senate meets at 3 p.m.**

---

## **FEDERAL**

### **California Congressman Proposes Study**

Could Federalize Workers' Comp Laws

Rep. Joe Baca, D-Calif., has again introduced legislation that would establish a national commission to "*study*" and "*evaluate*" all state workers' compensation laws. ARA is concerned the true nature of the national commission called for under [H.R. 623](#), or the "*National Commission on State Workers' Compensation Laws Act of 2011*," is to reform states' laws at the federal level. The legislation has been assigned to the U.S. House Committee on Education and the Workforce.

Federalization of workers' compensation laws seems to be the probable end result of this commission. States' workers' compensation systems have continued to improve for decades based on the economies, business environments and traditions of each state. A one-size-fits-all federal program would be administratively cumbersome, plus state workers' compensation systems are intricately linked to each state's economy. Federal requirements imposed on the current state-based system would create unnecessary imbalances and unintended consequences.

**Let your congressman know that you have no desire for the federal government to get involved in workers' compensation law.**

---

**Talk to Congressional Delegation This Weekend**

About Needed Swipe Fee Reforms

The banking community's grassroots efforts in Washington, D.C. so far on the issue of debit card swipe fees has outnumbered retailers and other merchants more than 13 to 1. Some 4,000 local credit union officers swamped the Capitol Hill last week, compared to some 300 merchants who buttonholed federal lawmakers this week, according to published reports.



While your congressman is in your district on weekends (usually Friday through Monday) over the next month and during the congressional spring break the week of March 21st, **tell your congressman NOT to vote for repeal, delay or amendments** to interchange reforms achieved last year as part of the Dodd-Frank Wall Street Reform Act. ARA has already sent Alabama's congressional delegation a letter and plans to meet face-to-face with them later this month to support these reforms.

Currently, debit card swipe fees range between 1 percent and 2 percent of each purchase, averaging 44 cents. The Federal Reserve Board has proposed capping those fees at 12 cents. Bankers want lawmakers to delay the change in hopes of eventually killing or toning it down. Unless Congress delays the deadline, the Federal Reserve must issue a final rule by April 21, making it possible for the rules to take effect in July.

---

The *Capitol Retail Report* is another **Benefit from the Value** of **Alabama Retail Association** membership. For more benefits, go to [www.alabamaretail.org](http://www.alabamaretail.org)