

# 2009 STATE LEGISLATIVE AGENDA

At its Jan. 21 meeting, the Alabama Retail Association board of directors approved this legislative agenda for the 2009 regular session of the Alabama Legislature. During the session, which begins Feb. 3 and will end by May 18, ARA also will monitor all bills with the potential to impact retailers.

## The ALABAMA RETAIL ASSOCIATION SUPPORTS:

### GENERAL BUSINESS

☛ legislation to **CREATE PARITY AND FAIRNESS** for retailers **ON LATE FEE CHARGES** for consumer credit transactions. We are asking for an increase in the minimum that can be collected from \$10 to \$18.

☛ legislation to impose **STIFFER PENALTIES** when thieves make their escapes through emergency exits. **THEFT BY EMERGENCY EXIT** would be a crime within the ARA-backed organized retail theft statute, which was enacted in 2006.

☛ an update to the Bad Check Statute to include **WORTHLESS CHECKS WITH ELECTRONIC SIGNATURES OR SIGNATURES ON FILE AS VALID, PROSECUTABLE OFFENSES.**

☛ **AMENDMENT-BY-AMENDMENT CONSTITUTIONAL REFORM** in order to streamline Alabama's constitution, remove archaic and offensive language and provide avenues by which the Alabama Legislature can enact meaningful tax reform.

☛ legislation that allows consumers to place a **SECURITY FREEZE** on their **CONSUMER CREDIT REPORTS.**

ARA supports fairness for retailers on late fee charges for consumer credit transactions.



### TAX

☛ **INCREASING THE TAX DEDUCTION FOR SMALL BUSINESSES** that provide healthcare coverage for their employees from 150 percent to 200 percent.

☛ a **SALES TAX HOLIDAY** for **ENERGY-EFFICIENT PRODUCTS.**

☛ the **STREAMLINED SALES TAX** initiative that levels the playing field for in-state and out-of-state retailers. This will provide a simplified sales tax system that makes the collection of sales taxes more manageable for businesses.

☛ the **ENTERTAINMENT INDUSTRY INCENTIVE ACT**, legislation that provides tax breaks to qualified film and television producers.

☛ creation of the **ALABAMA TAX APPEALS COMMISSION** as an independent state tax court headed by a judge with specific training in the area of state and local taxation. These administrative law judges would be removed from the authority of the Alabama Department of Revenue and placed under the Office of the Attorney General as a separate division.



ARA supports increasing the tax credits for small businesses that provide healthcare for employees.

### PHARMACY/HEALTH

☛ legislation to allow **PSEUDOEPHEDRINE TO BE SOLD IN THE SAME MANNER** it is now and maintain current record-keeping requirements.

☛ maximizing **FEDERAL MATCHING MONEY FOR ALABAMA'S MEDICAID PROGRAM.**

☛ legislation to **PROHIBIT LOCALITIES** from enacting **EMPLOYEE BENEFIT MANDATES.**

☛ Legislation to allow pharmacies to capture a **DIGITAL IMAGE OF A PRESCRIPTION** that will constitute the original prescription.



### FOOD AND BEVERAGE

☛ the **COALITION FOR ECONOMIC PROGRESS** in efforts to allow local governments the option to vote on whether or not to have seven-day sales of alcohol.

For more on these issues, ARA members please go to **Issue Briefs** in the **Political Affairs** section of [www.alabamaretail.org](http://www.alabamaretail.org)

## The ALABAMA RETAIL ASSOCIATION OPPOSES:

### GENERAL BUSINESS

☛ legislation restricting **EXPIRATION DATES ON GIFT CARDS OR CERTIFICATES.**

☛ **"CUSTODIAL TAKING"** legislation that pushes unused gift-card balances to the state treasury when those balances go unclaimed.

☛ legislation to restrict the normal **USE OF CUSTOMER INFORMATION** obtained in the regular course of business.

☛ **MANDATORY EMPLOYEE**

**BENEFITS AND WAGES.**

☛ **TAXING PLASTIC BAGS.**

**LEGAL**

☛ legislation to eliminate or restrict **CONTRACTUAL ARBITRATION AGREEMENTS.**

☛ legislation to change the current **ELECTION PROCESS FOR APPELLATE JUDGES.**



### WORKERS'/UNEMPLOYMENT COMPENSATION

☛ any **ATTEMPTS TO WEAKEN** Alabama's status as a **RIGHT-TO-WORK STATE.**

### TAX

☛ **BAND-AID** or **QUICK-FIX TAX SCHEMES** or singling out one particular industry or segment of business for punitive tax increases. ARA vehemently opposes any patchwork tax efforts.

☛ required **UNITARY COMBINED REPORTING** for corporate taxpayers.

### PHARMACY/HEALTH

☛ **MANDATORY HEALTH CARE BENEFITS** that can further increase the price of healthcare coverage.

☛ **MANDATES ON THE PRICE** for which retailers can **SELL PRESCRIPTION DRUGS.**

☛ **RESTRICTIONS ON** the **SUBSTITUTION OF GENERIC DRUGS.**



### FOOD AND BEVERAGE

☛ legislation requiring mandatory **COUNTRY OF ORIGIN LABELING**, or **COOL**, by retailers or restaurateurs.



ARA opposes mandatory country of origin labeling at the state level on such products as seafood, meat, fruits, vegetables and peanuts. ARA favors a voluntary consumer-driven system.

## The ARA WILL MONITOR:

### ANY LEGISLATION ON THESE SUBJECTS

☛ caps on weekly workers' compensation benefits received by injured workers.

☛ electronics (E-waste) recycling.

☛ changes to Alabama's price-gouging statute.

☛ alterations to taxes paid on groceries

☛ restrictions to the sales of any products, especially:



• tobacco

• alcohol

• printed or recorded materials

• video games

## BENEFIT FROM THE VALUE.



### LEGAL

☛ the **"COMMON SENSE CONSUMPTION ACT,"**

legislation that spells out that those in the chain of distribution are not civilly liable for a consumer's weight gain or obesity.

☛ the Alabama Civil Justice Reform Committee (ACJRC) in **TORT REFORM** efforts, including previously introduced bills concerning post-judgment interest, mental anguish and product liability.

### WORKERS'/UNEMPLOYMENT COMPENSATION

☛ legislation designed to **REDUCE FRAUD** in **WORKERS' COMPENSATION** and **UNEMPLOYMENT COMPENSATION.**



It is wrong to hold food companies liable for obesity-related health problems.