



Friday, March 16, 2007

ARA LEGISLATIVE AGENDA IN ACTION

House OKs Task Force

Will Study Online Business License Renewals/Payments

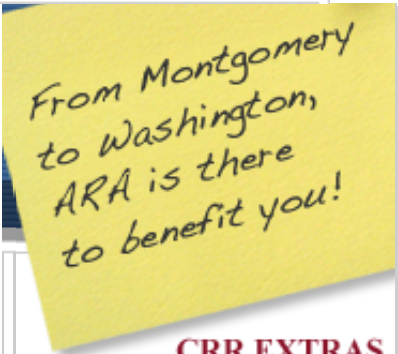
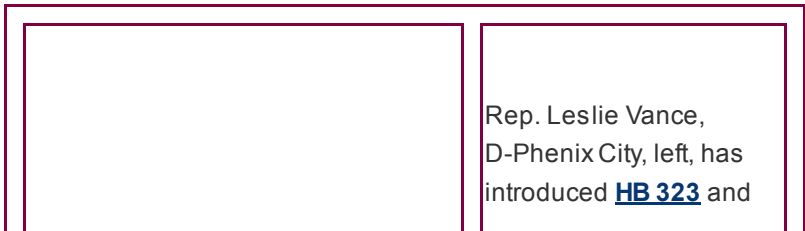
In one of the few actions taken this week by the Alabama Legislature, the House of Representatives agreed Tuesday to create a task force to study the feasibility of and set a timeline for a statewide online filing and payment system for business licenses, **one of the planks of your [ARA 2007 State Legislative Agenda](#)**. **HJR 9** creates a seven-member Municipal Business License Filing Interim Task Force, which is to report its findings to the Legislature no later than the fifth legislative day of the 2008 regular session. Otherwise this week, both the House and the Senate action slowed down or came to a complete stand still as lawmakers tried to work out disagreements over changes in their operating rules and committee assignments that date back to the organizational session.

>> Other News

Lawmakers Introduce ARA-Backed Late Fee Increase

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



CRR EXTRAS

BILLS

- [HJR9](#)
- [HB 3](#)
- [HB 84](#)
- [HB 120](#)
- [HB 125](#)
- [HB 147](#)
- [HB 270](#)
- [HB 303](#)
- [HB 318](#)
- [HB 322](#)
- [HB 323](#)
- [HB 328](#)
- [HB 330](#)
- [HB 331](#)
- [HB 356](#)
- [SB 124](#)
- [SB 155](#)
- [SB 168](#)
- [SB 193](#)
- [SB 205](#)
- [SB 206](#)
- [USHR 800](#)

IN THE NEWS

- [Angry accusations over tornado aid](#)
- [Republicans say they will shut down Senate with filibuster to challenge operating rules](#)
- [GOP puts House in slow motion](#)
- [Riley: Remove over-counter drug taxes](#)
- [Riley urges Legislature to remove sales tax from non-prescription](#)



Sen. Bobby Denton, D-Muscle Shoals, has introduced [SB 168](#) to take care of this needed increase, which was **the first item the ARA board approved as a part of the 2007 legislative agenda.**

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

Collier Reintroduces Country of Origin Labeling Bill

Rep. Spencer Collier, R-Irvington, has again introduced a bill to require food service establishments to label seafood products as imported or domestic. This would affect restaurants, cafeterias, grocery delis and other facilities engaged in the business of selling food to the public.

[HB 328](#) is being pushed by the domestic shrimp and fishing industry to increase sales of their product. They are promoting this protectionist legislation as a food safety issue.

In order to remedy the perceived health threat, this legislation requires that restaurants and delis label all fish as domestic or imported. This requirement can be fulfilled by:

- Declaring the fish imported or domestic on the menu; OR –
- Prominently displaying a placard that lists any fish you sale as domestic or imported.
- In addition to the above, the following disclaimer must be on your menu or placard:
“Under Alabama law, the consumer has the right to know, upon request to the food service establishment, the country of origin of imported farm-raised or wild fish.”

If violated, a food service establishment would be subject to a fine up to \$1,000.

This is the fifth year this legislation has been introduced. **ARA has led the fight to keep this bill from being considered each year and will again in 2007. ARA supports more positive programs such as the “[Eat Alabama Wild Shrimp Campaign](#).”**

MINIMUM WAGE

- [medicine](#)
- [Senators line up to support Riley's ethics reform package](#)
- [PAC-to-PAC transfers ban bill passes unanimously](#)
- [Decatur Daily: Legislature should enact pass-through pork accountability](#)

For more stories concerning legislative action, 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

Williams' Bill Parallels ARA Stand on Minimum Wage and Benefits

Rep. Jack Williams, R-Birmingham, has introduced a bill that would prohibit any local law from setting a minimum wage that is greater than the federal minimum wage or require an employer to provide benefits in excess of what is required by federal law. **ARA supports this position.** [HB 322](#) has been assigned to the House Commerce Committee and has 34 co-sponsors.

Todd Proposes State Minimum Wage

Rep. Patricia Todd, D-Birmingham, this week introduced the Alabama Minimum Wage Act, which would gradually phase in a \$7.25-an-hour minimum wage for Alabama workers. Any employer who violated this act would be subject to a penalty of between \$500 and \$1,000 for each infraction. [HB 331](#) has 16 co-sponsors. **ARA opposes mandated wages other than the minimum set by the federal government.**

SMALL BUSINESS

House Commerce Approves Small Biz Regulatory Flex Act

The House Commerce Committee on Wednesday approved the Small Business Regulatory Flexibility Act, also known as Reg Flex, which is authored by the committee's chairman, Rep. Frank McDaniel, D-Albertville. [HB 84](#) will save on regulatory compliance costs for small business owners and reduce burdensome paperwork. McDaniel and Michael Ciamarra, vice president of the Alabama Policy Institute, wrote in a recent article that a firm with fewer than 20 employees spends, on average \$7,647 per employee to comply with federal regulations, whereas a firm with more than 500 employees spends only \$5,282 per employee. Small businesses spend more than four times as much per employee to comply with environmental regulations and 67 percent more per employee on tax compliance when compared to their larger counterparts, McDaniel and Ciamarra wrote.

McDaniel's bill is based on the successfully implemented federal Small Business Regulatory Flexibility Program, which in 2006 saved small businesses over \$7.2 billion in regulatory compliance costs. More than 30 states have adopted similar legislation to improve their small business climate. It requires state agencies that regulate businesses to consider the impact of proposed rules and regulations on employers with fewer than 100 full-time employees or with gross annual sales of less than \$6 million. Any state agency that proposes a new rule or rule change that affects those small businesses must prepare a small business regulatory flexibility analysis, including a small business economic impact statement.

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](#).

BENEFIT FROM THE VALUE

**Now, Even More Benefits
from ARA**



**Your Business Can Save
Thousands**

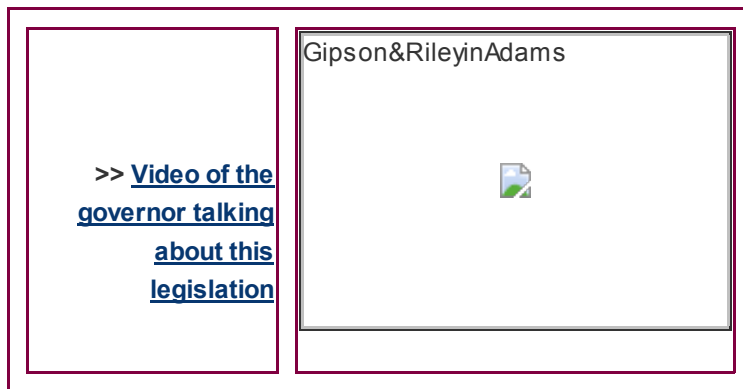
This legislation also would require a five-year review of all state agency rules to determine their effect on small business. **ARA supports this legislation.**

PHARMACY

Governor Wants Tax-Free Over-the-Counter Medications

Takes His Case on the Road

Gov. Bob Riley chose ARA member **Adams Drugs** in Prattville as the backdrop for a news conference this week to make his case for exempting over-the-counter medications from sales and use taxes.



Twelve states already exempt non-prescription, or over-the-counter, medication from state sales taxes: Texas, Florida, Virginia, Illinois, Connecticut, Minnesota, New Jersey, New York, Pennsylvania, Rhode Island, Vermont and Maryland. Riley wants to make Alabama No. 13.

Current law exempts prescription medications from sales and use taxes. Under **HB 270** by Rep. Mac Gipson, R-Prattville, over-the-counter medications are defined as *"a drug that contains a label that identifies the product as drug. The outside container or wrapper of the retail package, or the immediate container label if there is no outside container or wrapper, shall contain the title, headings, subheadings, and related information."* This exemption does not include *"grooming and hygiene products" or "dietary supplements."*

Riley says his proposal will save Alabamians about \$12 million annually and would especially benefit senior citizens on fixed incomes and low-income families. The bill has been assigned to the House Education-Appropriations Committee.

Bill Would Prohibit Anti-Epileptic Generics

On Tuesday, Rep. Ron Johnson, R-Sylacauga, introduced **HB 303** to prohibit the substitution by a pharmacist of any anti-epileptic therapeutic product without the consent of the prescribing physician

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**

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

and patient. Pharmacist substitution of brand name drugs with FDA-approved, generically equivalent drugs saves money for patients, employers and insurance carriers.

Throughout the country, similar legislation is being introduced and creates obstacles to the existing generic substitution practices for prescription drugs used to treat epilepsy. This legislation would prevent pharmacists from substituting drugs prescribed to treat epilepsy with generically equivalent alternatives unless the pharmacist first obtains signed, informed consents from both the prescriber and the patient. Such a mandate would adversely affect the delivery of patient care.

Bill Would Ban Sale of Dietary Supplements to Minors

Rep. Tommy Sherer, D-Jasper, introduced legislation this week to prohibit the sale of certain dietary supplements to those under the age of 18. [HB 356](#) would prohibit selling dietary supplements to those younger than 18 if those supplements contain: an ephedrine group alkaloid; Androstenediol; Androstenedione; Androstenedione; Norandrostenedione; OR Dehydroepiandrosterone.

Under the bill, a seller has to ask for valid identification from any person who attempts to purchase a dietary supplement with one of these ingredients if that person reasonably appears to be under 18 years of age. The crime of selling, transferring, or otherwise furnishing any of these to someone younger than 18 years of age is a Class A misdemeanor.

However, a retail clerk who fails to ask for identification isn't subject to being found guilty of a misdemeanor, subject to any civil penalties, or subject to any disciplinary action or discharge by his or her employer.

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

WORKERS' COMPENSATION

Bill Weakens Burden of Proof

Regarding Termination Related to Workers' Comp Claims

Rep. Marcel Black, D-Tuscumbia, introduced legislation this week that 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 ..."*

Black's bill would change the law to read "*solely or substantially because the employee has instituted or made a claim to recover workers' compensation ...*." [HB 330](#) has been assigned to the House Commerce Committee. **ARA opposes this legislation.**

ALCOHOL

Fortified Wine Bill Heads to the Senate for Debate

Tuesday, the Senate Governmental Affairs Committee approved [SB 124](#), which would allow stronger wines to be sold in grocery and convenience stores. The bill by Sen. E. B. McClain, D-Midfield, now goes to the full Senate for consideration. The companion legislation [HB 147](#) by Rep. Johnny Mack Morrow, D-Red Bay, also would allow fortified wine to be sold by any Alabama Beverage Control Board licensee.

SMOKING

Figures Proposes Statewide Ban on Smoking at Work and in Public

Sen. Vivian Figures, D-Mobile, made true on her promise to introduce legislation to ban smoking in public places and businesses statewide, including restaurants and bars. The only places excluded from [SB 155](#) are private homes, hotel rooms designated as smoking rooms, nursing home rooms requested in writing by smokers, 15 feet outside the entrances, windows and ventilation systems of a business and private clubs used on a function-only basis. Her legislation also specifies that not more than 20 percent of hotel rooms be designated as smoking rooms, that hotel smoking rooms be contiguous and that nonsmoking rooms not be converted to smoking rooms. Violators would be subject to prosecution for a Class C misdemeanor. She has the support of the Alabama Faith United Against Tobacco coalition, a newly formed group of religious leaders, public officials and health advocates. The bill has been assigned to the Senate Education Committee.

ETHICS/CAMPAIGN FINANCE

House Sends PAC-to-PAC Ban to Senate

For the sixth year in a row, the Alabama House approved a ban on the transfer of money from one political action committee to another. The Tuesday vote on [HB 120](#) by Rep. Jeffrey McLaughlin, D-Guntersville, was 103-0.

Committee OKs Bill Limiting Pass-Through Pork

The House Government Appropriations Committee on Wednesday approved [HB 125](#) by Rep. Oliver Robinson, D-Birmingham, that would prevent legislators from hiding money for special projects in state agencies, also known as "pass through pork." This bill also would create a legislative commission that would review spending by the governor. It would require the state's chief executive to give the commission five-day notice before he could transfer appropriated funds from one department to another.

OTHER BILLS OF INTEREST

Bills Call for Committee to Study

Wireless Phone Fees Used to Fund E-911

Companion legislation was introduced this week to rethink the procedures, collection, distribution and governing body for the fees wireless phone users pay to fund the state Enhanced 911 emergency telephone service. [HB 318](#) by Rep. Ron Johnson, R-Sylacauga, and [SB 193](#) by Sen. Ted Little, D-Auburn, would convene a study committee to review the process by which wireless phone services collect the fees and make recommendations to the Legislature by the fifth day of the 2008 regular session. Last week, Rep. Lucy Baker, D-Abbeville, introduced [HB 3](#), which would require E-911 fees on wireless phone service be collected by retailers at the point of sale for pre-paid wireless phones. That bill would allow Commercial Mobile Radio Service (CMRS) providers to collect and remit the CMRS service charge by either:

- using a formula on the amount of revenue for phones sold;
OR
 - the CMRS' provider or **other vendor would collect at the point of sale** a service charge from each customer of prepaid wireless telephone service in the amount of one percent of the purchase price of the service.
-

Final Legislative Day

2007 Regular Session to End Next Week

The Alabama House and Senate meet at 10 a.m. Thursday, June 7, 2007, for the 30th and final legislative day of the 2007 regular session.

FEDERAL

Tell Alabama's Senators You Oppose the Card Check Bill

On March 1, the U.S. House of Representatives passed the Employee Free Choice Act (H.R. 800) by a vote of 241-185. If enacted, this so-called "card check" bill would take away the right to secret ballots in union elections, subjecting workers to intimidation.

Sen. Edward Kennedy, D-Mass., chairman of the Health, Education Labor and Pensions Committee, will soon introduce the Senate companion to [H.R. 800](#) with somewhere near 40 co-sponsors. Kennedy has pledged to move the bill quickly. Senate Minority Leader Mitch McConnell, R-Ky., has promised that the Senate will consider this ill-conceived legislation at length. McConnell needs at least 41 senators to back him and WE NEED TO MAKE SURE HE HAS THAT SUPPORT.

The Alabama Retail Association, the National Retail Federation, the Food Marketing Institute and other business groups strongly oppose this legislation. It denies secret ballot election on the important question of union representation.

If you agree that this legislation is ill-conceived and a threat to employees' rights, contact Alabama's senators TODAY. ARA urges you to ask them to **VOTE 'NO'** on H.R. 800 or any similar measure. Below are Web-site links to the e-mail addresses of Alabama's senators. You also can find their phone numbers there:

- [Richard Shelby](#)
- [Jeff Sessions](#)

>> [Read letter ARA sent today to Alabama's senators](#)

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