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to Washington,
ARA is there
to benefit you!

Friday, March 30, 2007

ARA LEGISLATIVE AGENDA IN ACTION

House Committee Approves ARA-Backed Late Fee Increase

The House Banking and Insurance Committee on Wednesday unanimously approved [HB 323](#) by Rep. Leslie Vance, D-Phenix City. **ARA supports this bill, which calls for a modest \$8 increase in late fees for delinquent consumer credit payments.** It was the **first item the ARA board approved as a part of the ARA's 2007 Legislative Agenda.**

Right now, 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. 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, while the value of the late fee has decreased to \$7.10 based on inflation.

Your association is asking for an increase to \$18, which is still 38 percent to 54 percent of what out-of-state banks and credit-card companies can assess and can assess sooner.

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

The committee also approved a similar bill, [HB 51](#) by Rep. Craig Ford, D-Gadsden, which makes the same increase for late charges on loans made under the Alabama Small Loan Act. Vance's bill concerns transactions under the Alabama Consumer Credit Act, also known as the Mini Code. The Senate companion for Ford's bill is [SB 63](#) by Sen. Pat Lindsey, D-Butler.

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

>> Other News

ALCOHOL

CRR EXTRAS

BILLS

- [HB 51](#)
- [HB 125](#)
- [HB 195](#)
- [HB 198](#)
- [HB 303](#)
- [HB 323](#)
- [HB 358](#)
- [HB 463](#)
- [HB 507](#)
- [HB 535](#)
- [HB 563](#)
- [SB 63](#)
- [SB 160](#)
- [SB 168](#)
- [SB 211](#)
- [SB 238](#)
- [SB 248](#)
- [SB 321](#)
- [SB 330](#)
- [USHR 800](#)
- [USHR 1591](#)

IN THE NEWS

- [House passes bill banning 'pass through pork'](#)
- [A vote for Fat Tuesday: House committee passes bill keeping presidential primary on Mardi Gras](#)
- [Slow-motion protest in progress in state Senate](#)
- [Minimum wage passes U.S. Senate, veto expected](#)
- [Retailers Urge Senators to Reject](#)

ARA Joins Partnership to Support 7-Day Beverage Sales

Thursday, the Senate Tourism and Marketing Committee approved [SB 321](#) by Sen. Bobby Singleton, D-Greensboro. Meanwhile, the House Tourism and Travel Committee will hold a public hearing next week on [HB 507](#) by Rep. Craig Ford, D-Gadsden.

These bills allow the city councils of Tuscaloosa, Gadsden, Anniston, Decatur, Dothan, Florence, Selma, Alexander City, Athens, Enterprise, Ozark, Sheffield, Sylacauga and Talladega to hold a referendum on seven-day beverage sales, allowing local voters to decide this question for their communities. Bessemer, Phenix City, Prichard, Auburn, Center Point, Fairfield, Homewood, Mountain Brook, Opelika and Prattville already have this power. This bill does not expand sales of alcoholic beverages by any municipality not selling beverages at the time of this bill's passage. It also allows cities to decide the hours of sale and the types of licenses that can sell, such as grocery stores, restaurants or bars.

The Alabama Retail Association is part of the Partnership for Economic Progress, which supports this legislation. Others in the partnership are the Alabama Restaurant Association, Alabama Hospitality Association, Alabama Travel Council, Dothan Convention and Visitors Bureau, City of Tuscaloosa, Alabama Wholesale Beer Association and Breweries, Petroleum & Convenience Store Marketers, Chamber of Commerce Association of Alabama and the Alabama Grocers Association.

Seven-day beverage sales increase local jobs, expand payrolls, create economic development and bring tourism to towns and cities throughout Alabama. It benefits the bottom line for retailers and it means more revenue for schools, seniors and health care.

Alcohol Servers, Patrons Would Have to be 21 under Gipson's Bill

After a public hearing, the House Tourism and Travel Committee on Wednesday approved [HB 198](#) by Rep. Mac Gipson, R-Prattville, which would require alcohol servers and lounge patrons to be of legal drinking age. Currently, 19 year olds can serve alcohol and be patrons of drinking establishments, even though the state requires you to be 21 to purchase alcoholic beverages. Gipson's bill would make everyone in a licensed lounge be 21 years old or older. The bill is now on the House calendar.

[Union 'Card-Check' Bill](#)

- [Size, split of school bond issue studied](#)
- [Lawmakers OK \\$32 million for Enterprise schools](#)
- [Payday loan bill introduced](#)
- [House members offering opposing minimum wage bills](#)
- [New schools for Enterprise may be costlier than others](#)
- [Midwives hope state delivers on a new law](#)
- [Electronic verification of auto insurance urged](#)
- [Legislators to consider statewide trauma system](#)
- [State Legislature to consider immigration commission](#)

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

ARA CONTACTS

[Rick Brown](#)
President

[Aison 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

Senate Committee OKs Higher Alcohol Content Beer

House Version of Bill on Calendar for Tuesday

Thursday, the Senate Tourism and Marketing Committee approved [SB 211](#), by Sen. Parker Griffith, D-Huntsville, which would permit the sale of beer with more than double the alcohol content that state law now allows.

Last week, the House Tourism and Travel Committee unanimously approved the companion legislation, [HB 195](#), by Rep. Thomas Jackson, D-Thomasville. The House is expected to consider it Tuesday as it is on the House's special order calendar.

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 legislation is being pushed by a Birmingham area-based group called "Free the Hops."

WORKERS' COMPENSATION

Committee Approves DIR-Requested Workers' Comp Bill

Wednesday, the House Commerce Committee considered [HB 463](#) by Rep. Frank McDaniel, D-Albertville, which eliminates the requirement that corporations file with the Alabama Department of Industrial Relations, corporate officer inclusion and exclusion forms pertaining to workers' compensation coverage. The Alabama Department of Industrial Relations requested this change to the statute. **ARA supports the department's efforts.**

ETHICS

House Sends Senate Pass-Through Pork Ban

The Alabama House on Tuesday voted 103-0 for [HB 125](#) by Rep. Oliver Robinson, D-Birmingham, which 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

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@](mailto:firstname.lastname@alhouse.org)

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](#).

could transfer appropriated funds from one department to another.

BENEFIT FROM THE VALUE

ELECTIONS/CAMPAIGN FINANCE

Early Presidential Voting for Mardi Gras Celebrants Goes to House

Wednesday, the House Constitution and Elections Committee unanimously approved [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.

The bill allows voters in Baldwin and Mobile counties to go to their regular polling places almost a week early. The votes will be counted that night and the results sealed until the night of the primary. For those who want to vote on Election Day, the bill calls for one polling place in each of the two counties to be open on the day of the Feb. 5 primary. Guin said the House could consider the bill as early as next week.

PHARMACY

Senate Health to Consider Prohibition of Anti-Epileptic Generics

On Thursday, April 5, the Senate Health Committee will consider [SB 248](#) by Sen. Linda Coleman, D-Birmingham, which prohibits a pharmacist from substituting any anti-epileptic therapeutic product without the consent of the prescribing physician and patient. **ARA opposes this legislation.** Pharmacist substitution of brand name drugs with FDA-approved, generically equivalent drugs saves money for patients, employers and insurance carriers. The House companion is [HB 303](#) Rep. Ron Johnson, R-Sylacauga.

Throughout the country, this legislation is being introduced and creates obstacles to the existing generic substitution practices for prescription drugs used to treat epilepsy. These bills 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.

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**

Erwin Proposes Adding A New Substance to Controlled List

SB 330 by Sen. Hank Erwin, R-Montevallo, would make salvia divinorum, an herb in the mint family native to Mexico, and Salvinorin A, the active ingredient in the plant, Schedule I controlled substances. The plant is chewed or smoked to induce illusions and hallucinations. According to the DEA, a number of states have placed controls on salvia divinorum and/or salvinorin A. In the past two years, Louisiana, Tennessee and Oklahoma have made it illegal to purchase or distribute salvia divinorum. Both Delaware and Missouri have added salvia divinorum and Salvinorin A into Schedule I of the states' drug regulations. As of January, the DEA reports legislation proposing regulatory controls on Salvinorin A and/or salvia divinorum are pending in Alaska, Illinois, Maine, New Jersey, New York, North Dakota, and Virginia.

EMPLOYMENT ISSUES

House and Senate Now Have Bill to Negate Right-to-Work Law

Rep. Rod Scott, D-Fairfield, has introduced the House companion to **SB 160** by Sen. E.B. McClain, D-Midfield. Both bills essentially would repeal Alabama's Right-to-Work law. Like the Senate bill, **HB 563** 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 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.

Legislation to Protect Military Overlaps with Federal Law

Sen. Del Marsh, R-Anniston, has introduced legislation with a noble purpose – to recognize those who served in the armed forces for their patriotism and sacrifice by providing them with certain protections. The bill would provide business license

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 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](mailto:AlabamaJobsCommission@al.gov)

or join the conversation on Facebook at

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

waivers, driver's license extensions, a death benefit for a beneficiary, certain contract and lease benefits, certain rights regarding civil actions, limitations on interest on certain debt, and residential and cell phone contract benefits. However, **[SB 238](#)** has a number of problems, including requirements that overlap with and/or expand those already provided under federal law, vague and ambiguous provisions, inconsistent and poorly defined terms with internal inconsistencies between provisions. It would especially create a burden for creditors.

There now are two separate federal laws that provide similar rights and protection to military personnel and their dependents: the Servicemembers Civil Relief Act and Section 670 of the John Warner National Defense Authorization Act, which Congress enacted last fall. In 2002, Alabama adopted the Preservation of Rights and Benefits during Military Service Act which, among other provisions, includes a section making the Servicemembers Civil Relief Act applicable to members of the Alabama National Guard called to active duty. **ARA proudly supports our service men and women and their continued protection, but sees this legislation as unnecessary and redundant.**

NEW MANDATES

Retailers to Notify Patrons Where Gas Refined

Specifically if Refined in a Country That Supports Terrorism

[HB 535](#) introduced this week by Rep. Patricia Todd, D-Birmingham, would require all retailers of gasoline and related products to post a sign on gasoline pumps to indicate if the oil from which the gasoline was refined was supplied by a country that exports or finances terrorism. The Alabama Agriculture and Industries commissioner would be responsible for administering this act.

FEDERAL

U.S. Senate Includes Minimum Wage Tax Relief in Iraq Budget Bill

The U.S. Senate on Thursday approved a \$123 billion spending bill (**[HR 1591](#)**) to pay for the wars in Iraq and Afghanistan that also includes language that will increase the federal minimum wage by \$2.10 over the next two years and provide \$12.2 billion in tax breaks for small businesses. The measure passed 51 to 47. Alabama's senators, Richard Shelby and Jeff Sessions, both voted against the measure.

President Bush has vowed to veto the bill that includes orders for the president to begin withdrawing troops within 120 days of its passage while setting a March 31, 2008, goal of ending combat operations. However, his veto does not necessarily mean the end of the minimum wage increase as Democratic lawmakers have pledged to resurrect the legislation as a separate entity if the House and Senate can reach an agreement on the accompanying tax breaks. Memorial Day is being mentioned as a possible goal date to get the stand-alone minimum wage bill out.

Most pertinent among the proposed tax changes for ARA members is language that would allow retailers to depreciate remodeling and other improvements over 15 years rather than 39 years. Owners of stores that are leased can already do so, but the depreciation period will revert to 39 years at the end of 2007 if Congress does not act. The bill would allow improvements made through Dec. 31, 2008, to be depreciated over 15 years. It also would apply the 15-year period to improvements at owned stores for the first time, ending unfair tax discrimination against retailers who own their stores.

“With retailers remodeling their stores every five to seven years to reflect consumer tastes and compete, a 39-year depreciation period hinders their ability to grow regardless of whether their stores are owned or leased,” said [National Retail Federation](#) Senior Vice President for Government Relations Steve Pfister. “Ending the discrimination between owned stores and leased stores is particularly important to independent Main Street retailers, who are already struggling to compete against mall-based national chains and trying to help keep our downtowns viable. Many of these companies are family owned, and they are far more likely to own their stores, sometimes passing them down from generation to generation. Subjecting them to higher tax costs isn’t fair and isn’t good public policy.”

ARA urges Congress to maintain this Senate provision.

The Senate package of tax breaks also:

- extend for a year, through 2008, special deductions for small-business expenses in areas damaged by the 2005 hurricanes Katrina and Rita.
 - Provide new tax breaks for businesses in rural counties with declining population or out-migration, including faster cost recovery for business investment and an expanded work opportunity tax credit for employers who hire low-income workers.
-

U.S. Senate Committee Hears Testimony on “Card Check” Bill

The Senate Health, Education, Labor, and Pensions Committee heard testimony Tuesday on the so-called [Employee Free Choice Act](#), which passed the U.S. House of Representatives last month on a vote of 241-185. Peter J. Hurtgen, a former member of the National Labor Relations Board, who testified before the committee, said the “grossly misnamed Employee Free Choice Act ... more accurately should be described as the Employee Forced Choice Act.”

ARA joins with business groups throughout the country in opposing this legislation that replaces secret ballots in union elections with a card-check process. ARA President Rick Brown has written letters to Alabama’s senators and representatives informing them of our strong opposition to this legislation. The [National Retail Federation](#) wrote to the committee and asked that it hold additional hearings before acting.

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

>> [Read letter ARA sent to Alabama’s representatives](#)

Sen. Edward Kennedy, D-Mass., chairs the Health, Education, Labor, and Pensions Committee and presided over Tuesday’s hearing. “Unions mean the difference between an economy that is fair and an economy where working people are left behind,” he said during the meeting that was heavy on testimony in favor of the legislation.

After the committee hearing, Sen. Hillary Rodham Clinton, D-N.Y., spoke to the Communications Workers of America. She told them, “There’s no debate here. It’s just whether we can get the votes in the Senate to get (the bill) passed. And that’s going to be up to all of you. Those of you from states with Republican senators, let them know this is a voting issue; this goes to the real heart of whether we’re going to be a country that stands on a principle that every person should have the right to join a union, to be part of a bargaining unit that will stand up for your income ...”

However, Hurtgen told the committee what was really at issue is the steady decline in union membership. “Unions today represent only about 7.4 percent of the private sector workforce, about half the rate of 20 years ago,” he testified.

Unions see this legislation as a way to increase their ranks. Instead of establishing unions through secret ballots, under this resolution, a union would be certified as the bargaining agent for workers once it gets a majority of eligible employees

to sign authorization cards. Such cards open endless ways to get workers to sign up for the union membership for reasons other than wanting a union to represent them, opportunities for intimidation and coercion from having close personal friends solicit workers to more heavy-handed tactics.

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](#)

President Bush has threatened to veto the bill if it reaches his desk.

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