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Friday, April 06, 2007

PEACE TALKS

Senate Factions At Least Talking; Still No Action

In an effort to break a stalemate in the Alabama Senate, committees of the two feuding factions have begun to meet in attempt to reconcile differences over the Senate rules. The talks have given senators a "glimmer of hope" that the upper chamber might swing into action sometime soon.

Senate President Pro Tem Hinton Mitchem appointed Sen. Wendell Mitchell, D-Luverne, to chair the committee of Democrats, which also includes Sens. Lowell Barron of Fyffe, Bobby Denton of Muscle Shoals, Parker Griffith of Huntsville, Vivian Figures of Mobile, Ted Little of Auburn, Myron Penn of Union Springs and Hank Sanders of Selma.

Sens. J.T. Waggoner, R-Birmingham, the Senate minority leader; Bradley Byrne, R-Fairhope; Tom Butler, D-Madison; Larry Dixon, R-Montgomery; and Jim Preuit, D-Talladega; represent the Senate minority, which includes Republicans and Democrats.

The changed rules to which the minority object:

- No longer allow any six senators by written notice to the chair to require recorded votes on all actions. Erasing that possibility has made it easier to use voice votes to approve floor motions for adjournment and other actions, and to pass resolutions such as the initial unrecorded legislative pay raise. Recorded votes are required to pass bills. Current rules allow any three senators to request a recorded vote from the floor. It is the chair's discretion to recognize those senators.
- Make it easier for the majority to invoke cloture, or stop debate and force votes, on state budgets, related spending bills and redistricting by lowering from 21 to 18 the number of votes needed. The 21-vote requirement for cloture remains for all other proposed laws.

CRR EXTRAS

BILLS

- [HB 120](#)
- [HB 175](#)
- [HB 178](#)
- [HB 195](#)
- [HB 198](#)
- [HB 278](#)
- [HB 303](#)
- [HB 330](#)
- [HB 420](#)
- [HB 443](#)
- [HB 507](#)
- [HB 555](#)
- [HB 575](#)
- [HB 596](#)
- [HB 614](#)
- [SB 133](#)
- [SB 211](#)
- [SB 226](#)
- [SB 238](#)
- [SB 248](#)
- [SB 250](#)
- [SB 275](#)
- [SB 321](#)
- [SB 376](#)

IN THE NEWS

- [Senate coalition names negotiators](#)
- [Butler, others named to negotiating committee](#)
- [Mitchem names 8 for talks to end Senate stall](#)
- [Partisan feuding, stalling tactics keep Senate stuck in rut](#)
- [Panel to review possible changes in](#)

The minority coalition also is seeking 24 hours advance notice on agenda items for committee meetings. Mitchell said he hopes the committee will report back with a rules recommendation no later than the week of April 23.

This week, the only action taken by the Senate was to codify put the laws enacted by the Legislature last year into the state legal code.

>> Other News

PRIVACY

Substitute Made for Social Security # Removal Bill

Wednesday, the House County and Municipal Government adopted an agreed-upon substitute for [HB 178](#), which would require Social Security numbers and birthdates be removed or covered on documents recorded in a probate office.

As substituted, the exceptions to the bill now include federal and state tax liens and whenever the birth date is required by law in the document.

Access to original, complete versions of state and federal tax liens are necessary to protect the integrity of credit reports. **After the Alabama Retail Association raised this issue**, Rep. Victor Gaston, R-Mobile, two weeks ago asked the House committee to carry over the bill. The substitute exempts those documents from the bill, thus retaining the integrity of credit reports. **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 omission corrected promptly upon learning of it.

The Senate Judiciary Committee had the Senate companion [SB 226](#), by Sen. Kim Benefield, D-Woodland, on its agenda Wednesday but carried the bill over.

House Committee Carries Over Invasive Legislation

Schmitz' Bill Outs Businesses with Employees on Public Health Care

The House Government Operations Committee on Wednesday carried over [HB 420](#) by Rep. Sue Schmitz, D-Toney, which requires applicants for publicly funded health-

- [Senate rules](#)
- [Small companies seek aid](#)
- [House rejects bill to increase alcohol in beer](#)
- [House backs ATV titles bill](#)
- [Legislator says end deduction, food tax](#)
- [Bill could resolve debate over Sunday alcohol sales](#)
- [House OKs early primary in Mobile, Baldwin counties](#)
- [Alabama Senate committee takes no vote on PAC-to-PAC ban](#)
- [Lawmaker renews bid to rewrite constitution](#)
- [Bill would designate source of gasoline as friend or foe](#)
- [Panel OKs bill to allow electronic gambling](#)
- [Senate panel OKs raises for non-school workers](#)
- [Senate takes on hospital billing](#)

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

ARA CONTACTS

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Member Relations Mgr.

LEGISLATIVE CONTACTS

To contact members

care benefits to disclose the names of their employers.

This extremely invasive legislation 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 on public assistance. 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.

ARA opposes this legislation as punitive on small business owners who work hard to provide benefits for their employees. However, **ARA is working with the sponsor on a compromise** to clarify confusing language in the bill, make sure employees are full-time workers before they are disclosed and ensure that any disclosures of franchise employers are specific.

ARA supports more positive methods of encouraging employers to provide health-care benefits such as providing tax incentives or credits as does [HB 278](#) by Rep. Jay Love, R-Montgomery.

Love's bill would provide tax breaks for small businesses that provide employer-sponsored health insurance coverage and for the employees who take advantage of it. Under HB 278, business owners with 25 or fewer employees would be allowed to deduct twice the amount they pay in health-care premiums from their state income taxes. Employees of small businesses who have an adjusted gross income of less than \$50,000 could also deduct twice the amount they contribute towards premium payments. **ARA supports tax credits for small businesses that provide health-care coverage for employees.**

ALCOHOL

House Rejects High Alcohol Imported, Gourmet Beers

Tuesday, the Alabama House of Representatives' didn't support the effort to "Free the Hops."

The vote on [HB 195](#) by Rep. Thomas Jackson, D-Thomasville, came up short of the two-thirds required to bring the measure up for a vote. The measure failed 49-39 to get enough votes to be considered before the state's budgets.

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 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

Jackson's bill would have allowed 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. That is more than double the alcohol content that state law now allows. The bill also would eliminate the current law that limits the size of beer containers to 16 ounces.

The Senate bill is still alive. The Senate Tourism and Marketing Committee approved [SB 211](#), by Sen. Parker Griffith, D-Huntsville, last week. The legislation is being pushed by a Birmingham area-based group called "Free the Hops."

Panel Carries Over 21-Year-Old Alcohol Servers/Patrons Bill

The Senate Judiciary Committee on Wednesday carried over [SB 133](#) by Sen. Quinton Ross, D-Montgomery, 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. Ross' bill would make everyone in a licensed lounge be 21 years old or older. The House companion, [HB 198](#) by Rep. Mac Gipson, R-Prattville, received committee approval last week and is on the House calendar.

Morrow Bill Would Allow Smaller Cities to Go Wet

Currently, any municipality with 7,000 or more people can change its classification from dry to wet or wet to dry in a municipal election. If such a municipality votes to allow the sale of alcoholic beverages within its corporate limits, then every municipality having a population of 4,000 or more located in the same county can hold an election on whether to legalize the sale of alcoholic beverages. Rep. Johnny Mack Morrow, D-Red Bay, this week introduced [HB 575](#), which would lower the population level required hold an election to 4,000 or more and remove the 4,000 population limit for other municipalities within the same county. The Senate companion is [SB 376](#) by Sen. Pat Lindsey, D-Butler.

PHARMACY

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 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

Prohibition of Anti-Epileptic Generics Stalls in Committee

A public hearing on [SB 248](#) by Sen. Linda Coleman, D-Birmingham, will be continued next week. The Senate Health Committee ran out of time before Thursday's legislative day began to finish its discussion of the bill, which prohibits a pharmacist from substituting any anti-epileptic therapeutic product without the consent of the prescribing physician and patient. **ARA opposes this legislation**, and this week the Alabama Medicaid Agency joined ARA in its opposition.

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.

The Senate bill could be voted on in committee next week, but if the chairwoman decides not to have a vote on the same day as the public hearing, the Alabama Legislature will be in recess for its spring break the following week. This legislation could come up for a vote in the Senate committee as late as the week of April 23.

Brand Name Drugs Prescribed to Medicaid Patients to Increase

Bill Would Increase the Number of Allowed Prescriptions by 1

[HB 596](#) by Rep. Mary Sue McClurkin, R-Pelham, would increase the number of outpatient brand-name prescriptions allowed each month for Medicaid recipients from four to five. The bill introduced this week has been assigned to the House Government Appropriations Committee.

TAXES

ATV Owners Must Have Title, Under House-Approved Bill

By a vote of 66-31, the Alabama House of Representatives on Tuesday approved [HB 175](#) by Rep. Ron Johnson, R-Sylacauga, which would make buyers of all-terrain vehicles

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 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

get certificates of title. A certificate of title would cost \$13.75. The bill now goes to the Senate for debate.

Unlike car owners, ATV owners currently do not have to have certificates of title in Alabama.

Under the bill, the Alabama Department of Agriculture and Industries would issue certificates of title for 2009 and later model ATVs. The bill would not apply to owners of 2008 or earlier-model ATVs. An ATV owner could apply for a title through his or her probate judge, revenue commissioner or other county official who now issues car license tags.

Knight Proposes Dropping Sales Tax on Food

Loss Possible by Ending Federal Income Tax Deduction

Rep. John Knight, D-Montgomery, last week introduced [HB 555](#), a proposed constitutional amendment that would eliminate the federal income tax deduction and allow the repeal of the state's 4 percent sales tax on groceries. Knight's plan also would raise Alabama's threshold for paying income taxes.

Knight estimates repealing the deduction will raise \$540 million and the average family will save \$216 annually if the sales tax is dropped from food. Alabama Arise, an advocacy group for the poor, has collaborated with Knight on the plan.

The plan would also raise the dependent deduction from \$500 to \$2,000 per year and raise the standard deduction for married couples from \$4,000 to \$10,700. For an average family of four, the threshold for paying income tax in Alabama would increase from \$12,600 to \$17,600.

EMPLOYMENT ISSUES

Senate F&T Carries Over Redundant Protection for Military

Wednesday, Sen. Del Marsh, R-Anniston, asked the Senate Finance and Taxation - General Fund Committee to carry over [SB 238](#). Marsh's legislation has a noble purpose – to protect those who serve in the armed forces. However, it has a number of problems, which we raised here last week, including requirements that overlap with and/or expand those already provided under federal law as well as vague and poorly defined terms. It especially would create a burden for creditors.

ARA proudly supports our service men and women and their continued protection, but sees this legislation as

unnecessary and redundant. ARA appreciates Sen. Marsh's cooperation.

ECONOMIC DEVELOPMENT

7-Day Beverage Sales to Get House Hearing Next Week

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

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.

ELECTIONS/CAMPAIGN FINANCE

Early Presidential Voting for Mardi Gras Celebrants OK with House

On a 90-7 vote Thursday, the Alabama House passed [HB 358](#) by House Majority Leader Ken Guin, D-Carbon Hill, and House Minority Leader Mike Hubbard, R-Auburn, which 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. The bill now goes to the Senate for debate.

PAC-to-PAC Ban Stalls in Senate Committee

The Senate Government Affairs Committee decided to wait until next week to take a vote on [HB 120](#) by Rep. Jeffrey McLaughlin, D-Guntersville, which would ban on the transfer of money from one political action committee to another.

Senators offered a stack of amendments to the bill, which passed the House without a dissenting vote.

TECHNOLOGY

Electronic Payment Legislation Clears House Committee

Wednesday, the House Government Operations Committee approved [HB 443](#) by Rep. Neal Morrison, D-Cullman, which 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 Senate companion is [SB 275](#) by Sen. Wendell Mitchell, D-Luverne. **ARA supports this legislation** advocated by State Treasurer Kay Ivey as a way to increase efficiency in the treasurer's office.

LEGAL

Work Comp Termination Bill in Line for Senate Consideration

Once the Alabama Senate resolves its differences, it could consider [SB 250](#), which weakens the burden of proof for claimants in cases alleging workers were discharged for filing a workers' compensation claim. The Senate Judiciary Committee approved this bill by its chairman, Rodger Smitherman, D-Birmingham, last week on a 5-2 vote. **ARA**

strongly opposes this legislation.

Under current law, an employee in Alabama cannot be terminated "solely" because he or she has instituted or maintained any action to recover workers' compensation benefits. But SB 250 would change the law to allow an employee to make a "retaliatory discharge" claim merely by maintaining that the termination was "substantially" due to his/her having made a claim for workers' compensation benefits.

The House companion is [HB 330](#) by Rep. Marcel Black, D-Tuscumbia.

Thigpen Introduces Legislation Limiting Mental Anguish Lawsuits

Rep. William Thigpen, D-Fayette, has introduced the Alabama Civil Justice Reform Committee's tort reform measure dealing with mental anguish. [HB 614](#) would establish a minimal evidentiary standard for recovery of damages for mental anguish by requiring the claimant to have sought treatment by a licensed mental health provider or physician prior to recovery for mental anguish or emotional distress.

Under this legislation, damages for emotional distress, pain and suffering, mental anguish and non-pecuniary, non-economic damages, which are sought in an action which is not based on physical injury, may be awarded only in an amount ranging from zero to an amount equal to three times the award of economic damages. Economic damages are the actual, out-of-pocket monetary loss of the injured party. **As a member of ACJRC, ARA supports this tort reform measure**

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.