

*Friday, April 13, 2007*

## ECONOMIC DEVELOPMENT

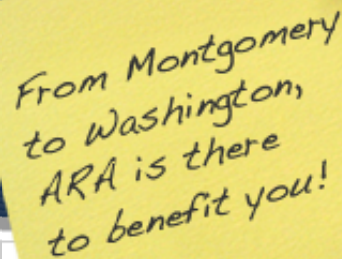
### House & Senate Poised to Consider 7-Day Alcohol Sales

After testimony from an Alabama Retail Association board member, an ARA member and others in support of [HB 507](#) by Rep. Craig Ford, D-Gadsden, the House Tourism and Travel Committee on Wednesday approved the legislation on a voice vote. The bill would 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.

ARA board member Greg Gregerson Jr., president and chief executive officer of **Gregerson's Foods**, which operates a supermarket in Piedmont, a pharmacy in Gadsden and three shopping centers in Etowah County, testified on behalf of **ARA and the Alabama Grocers Association**, which **both are 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, the city of Tuscaloosa, the West Alabama Chamber of Commerce, Alabama Wholesale Beer Association and Breweries and Petroleum and Convenience Store Marketers.

Gregerson told the committee although his stores don't sell alcoholic beverages, he knows the not having seven-day sales has caused his community a hardship in its quest to get a convention center. Hotels want to be able to offer alcoholic beverages to convention visitors, who often begin their stays on Sundays, he told the committee. Not having that option in Gadsden has made attracting a convention style hotel difficult, he said.

"It is also a matter of fairness,"  
Gregerson



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

**CRR EXTRAS**

#### BILLS

- [HB 3](#)
- [HB 172](#)
- [HB 178](#)
- [HB 318](#)
- [HB 331](#)
- [HB 322](#)
- [HB 328](#)
- [HB 507](#)
- [HB 542](#)
- [HB 543](#)
- [HB 648](#)
- [HB 654](#)
- [HB 687](#)
- [HB 694](#)
- [SB 193](#)
- [SB 248](#)
- [SB 321](#)

#### IN THE NEWS

- [Committee approves option for Sunday alcoholic drink sales](#)
- [Panel derails bill to raise minimum wage](#)
- [Raising minimum wage faces key committee vote](#)
- [State legislation seeks higher minimum wage](#)
- [Constitution convention bill clears panel](#)
- [Senate panel rewrites PAC bill](#)
- [Pro-bingo forces delay voting on amendment](#)

testified. "It isn't fair that some communities in Alabama have the option to adopt seven-day sales and others do not."



He cited the example of Gadsden restaurants losing Sunday evening customers to nearby Birmingham because diners in Birmingham can get wine with their meal.

Bessemer, Phenix City, Prichard, Auburn, Center Point, Fairfield, Homewood, Mountain Brook, Opelika and Prattville already have the power sought under this legislation.

The bill allows cities to decide the hours of sale and the types of licenses that can sell, such as grocery stores, restaurants or bars.

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

Bill Lloyd, owner of **Wilhagans** restaurant in Tuscaloosa, an ARA member, serves as chairman of the Partnership and also spoke in favor of the bill as did Patti Culp of the Alabama Travel Council.

A Senate committee already has approved the Senate companion, **SB 321** by Sen. Bobby Singleton, D-Greensboro. The House and Senate bills are now in line to be considered after the Legislature returns from its spring break the week of April 23.



*HB 507 sponsor, Rep. Craig Ford, D-Gadsden*

- [Religious groups at odds over gambling amendment](#)
- [Showdown looms in House over electronic gambling](#)
- [Lawmakers slow to tackle yearly appraisals](#)
- [Senate may soon consider bill using cards to form unions](#)
- [ARA board member Jimmy Smith named Decatur-Morgan County Chamber of Commerce citizen of year](#)
- [ARA Public Safety fight ID theft](#)

*For more stories concerning legislative action and news of interest, 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

**>> Other News**

## MINIMUM WAGE

### Minimum Wage Bills Referred to Subcommittee

The House Commerce Committee on Wednesday referred two minimum wage bills, [HB 331](#) and [HB 322](#), to its Business and Labor Subcommittee for further study.

The committee first amended the Alabama Minimum Wage Act, [HB 331](#) by Rep. Patricia Todd, D-Birmingham, so that it establishes a state minimum wage, but the wage would remain at \$5.15 an hour and increase only if Congress raises the federal minimum wage. Legislation to raise the federal minimum wage is being considered in Congress. Under Todd's original bill, the state gradually would phase in a \$7.25-an-hour minimum wage. Any employer who violated this act would be subject to a penalty of between \$500 and \$1,000 for each infraction. Todd told reporters referring her bill to the subcommittee in essence killed it for this session.

[HB 322](#) by Rep. Jack Williams, R-Birmingham, now takes Todd's amended legislation one step further by prohibiting any local law from setting a minimum wage that is greater than the federal minimum wage or requiring an employer to provide benefits in excess of what is required by federal law.

Alabama and 20 other states use the federal minimum wage, which has been \$5.15 an hour since September 1997.

### **ARA opposes mandated wages other than the minimum set by the federal government, and therefore supports Williams' legislation.**

Even though the bills saw no action, they did attract attention with about 50 supporters representing the poor and union workers rallying on the steps of the Alabama State House Tuesday in support of Todd's original bill.

Most of those at the rally were union members, yet Stewart Burkhalter, president of the Alabama AFL-CIO, told reporters he didn't know of any of his union members who are paid the minimum wage.

Rep. DuWayne Bridges, R-Valley, who owns a travel plaza on Interstate 85 near the Alabama-Georgia line, told the committee almost all of his 72 employees make more than the minimum wage.

Bridges protested a provision in Todd's bill that would allow the Alabama Labor Department to monitor businesses to ensure they are not paying some workers below the minimum wage. "We don't need any more regulations in Alabama," Bridges told the committee, according to the Associated Press.

following format:  
[firstname.lastname@alhouse.org](mailto:firstname.lastname@alhouse.org).

Those without e-mail addresses can be reached through the general e-mail address:

[house3@alhouse.org](mailto: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](http://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**

## House OKs Agreed Upon Social Security # Removal Bill

On Thursday, the Alabama House passed 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. The bill now goes to the Senate for consideration.

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, drafted a substitute that 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.

---

## E-911 FEES

### Wireless Phone Fees Study Committee Will Include ARA Member

The House Governmental Affairs and the Senate Fiscal Responsibility and Accountability committees on Wednesday adopted substitute versions of [HB 318](#) by Rep. Ron Johnson, R-Sylacauga, and [SB 193](#) by Sen. Ted Little, D-Auburn. The substitutes add one seat on study committee to review the process by which wireless phone services collect the fees to fund the state's Enhanced 911 emergency telephone service. That seat will be a retail company selling prepaid wireless telephone service to customers in this state appointed by your Alabama Retail Association.

The legislation calls on the study committee to rethink the procedures, collection, distribution and governing body for the fees wireless phone users pay. The study committee is 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.

Rep. Locy Baker, D-Abbeville, also has 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



### 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

WHAT: **Birmingham Business Leadership Exchange**

WHEN: **6 p.m. Wednesday, April 6**

WHERE: Regions Center Upper Lobby Auditorium, 1900 5th Avenue North

amount of one percent of the purchase price of the service.

---

*Complimentary parking available at Regions Center deck via 19th St. North*

## UNNECESSARY MANDATES

### Collier Asks That Country of Origin Labeling Bill Be Carried Over

The House Agriculture and Forestry Committee on Wednesday carried over [HB 328](#) by Rep. Spencer Collier, R-Irvington, at the request of the sponsor. Rep Collier has maintained an open dialogue this year with ARA on this bill, which requires food service establishments to label seafood products as imported or domestic. He has agreed to work with ARA prior to committee consideration. **ARA greatly appreciates Collier's assistance.** 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 continues to do so in 2007. ARA supports more positive programs such as the "[Eat Alabama Wild Shrimp Campaign](#),"** which promotes domestic shrimp among retailers, wholesalers and consumers. The restaurant and retail industry would rather see positive programs such as this that benefits us all rather than punitive legislation.

Alabama restaurateurs are proud to do whatever they can to promote Alabama or U.S. raised or caught fish or shellfish in their establishments and do regularly on their menus and specials. Laws already exist to prevent retailers and others from mislabeling merchandise. Federal legislation already requires country of origin labeling for grocers and fish markets. This legislation would be burdensome for restaurateurs who already are among the hardest working employers in our society. Besides restaurants, this legislation would affect cafeterias, grocery delis and other facilities engaged in the business of selling food to the public.

---

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

## CONSTITUTIONAL REFORM

### House Rewrites Antiquated Corporation Language

Thursday, the Alabama House of Representatives approved two bills by Rep. Paul DeMarco, R-Homewood, that rewrite articles of Alabama's 1901 constitution. DeMarco is leading an effort to rewrite the state's heavily amended constitution one article at a time. [HB 542](#) rewrites the article concerning corporations; and [HB 543](#) rewrites the banking article of the constitution. The same bills have been introduced in the Senate by Sen. Ben Brooks, R-Mobile. **ARA favors amendment-by-amendment constitutional reform.**

However, a House committee also moved Wednesday toward calling a statewide convention to rewrite the 1901 Constitution. The House Constitution and Elections Committee voted 8-5 in favor of a



bill that would call for Alabama voters to go to the polls to decide if they want to call a statewide convention to rewrite Alabama's constitution, which has been amended almost 800 times. The proposal calls for the referendum to be Feb. 5, 2008, the same day as the state's presidential preference primary.

Under the bill, sponsored by House Speaker Pro Tem Demetrius Newton, D-Birmingham, if voters approve calling the convention, delegates would be elected during the regular primary in June. The delegates would then meet in October at the Alabama State House in Montgomery to begin work on writing a new constitution. During the 2010 General Election, voters would decide whether or not to ratify the new constitution.

---

## **TORT REFORM**

### **Under Bill, Product Liability Doesn't Extend to Retailer**

The final two in the Alabama Civil Justice Reform Committee's three-bill tort reform package were introduced this week. [HB 654](#) by Rep. Steve McMillan, R-Bay Minette, provides that product liability does not extend to the wholesaler, distributor, dealer, retailer or seller of the product unless that entity is also involved in the design, manufacture, labeling or assembly of the product in such a way that is casually related to the alleged defect. The bill defines a "*product liability action*" as an action for personal injury, death, or injury to property caused by the manufacture, construction, design, assembly, testing, instructions, packaging, or labeling of a manufactured product.

The bill provides that product liability actions cannot be brought after 15 years from the date of manufacture of the product, and provides for the recovery of compensatory damages in a product liability wrongful death action. The bill provides that punitive damages may be awarded only upon proof by clear and convincing evidence that the defendant acted intentionally to cause injury or intentionally engaged in conduct that he knew would cause injury.

---

### **Legislation Ties Post-Judgment Interest to Federal Standard**

Under current law, interest on judgments accrues at 12 percent annually.

[HB 694](#) by Rep. Marcel Black, D-Tuscumbia, ties the post-judgment interest rate to the one-year constant maturity Treasury yield, for the calendar week preceding the date of the judgment. This is the interest rate used on judgments entered in federal court and allows for the recovery of post-judgment interest at a fair market rate.

The third bill in the tort reform package dealing with mental anguish was outlined in last week's *Capitol Retail Report*. **As a member of ACJRC, ARA supports these tort reform measures.**

---

## PHARMACY

### Anti-Epileptic Generic Bill Out of Committee

Despite compelling fiscal testimony from Medicaid Commissioner Carol Herrmann-Steckel, the Senate Health Committee on Thursday voted to give [SB 248](#) a favorable report as a courtesy to the bill sponsor and committee chairwoman, Sen. Linda Coleman, D-Birmingham. **ARA opposes this legislation**, which prohibits a pharmacist from substituting any anti-epileptic therapeutic product without the consent of the prescribing physician and patient. Coleman has promised not to move the bill while talks continue with lobbyists for the bill and Medicaid staff to see if common ground can be found.

The commissioner told the committee repeatedly that the bill would cost \$6.5 million in state dollars (\$21 million total). She said that there is no way for her to cut other programs to fund this legislation and that she believed that Medicaid has existing structures in place to protect those that have found a "*stable therapy*" with a certain drug.

Danny Cottrell, owner of **Medical Center Pharmacy** in Brewton, also testified and reiterated to the committee that all a physician has to do is write "*dispense as written*" or "*brand medically necessary*" on prescriptions to avoid the type of problems others testified to having. Pharmacist substitution of brand name drugs with FDA-approved, generically equivalent drugs saves money for patients, employers and insurance carriers.

House sponsor Ron Johnson, R-Sylacauga, has urged groups to continue talking and seek an agreement before he plans to move the bill.

---

### Bill Would Allow Donations to Charitable Pharmacies

Under existing law, legend drugs dispensed to a patient at a hospital, nursing facility, assisted living facility, or hospices may be donated and transferred to charitable clinics to be used by charitable patients without charge if certain conditions are met. [HB 687](#), also by Rep. Johnson, also would authorize the drugs under the same conditions to be donated and transferred to charitable pharmacies and be dispensed to charitable patients. The bill also would authorize charitable clinics and charitable pharmacies to receive samples from physicians.

---

## **Electronic Records Retention Bill a Means to Begin Dialogue**

### **At the request of the Alabama Retail Association Chain Drug**

**Council**, Rep. Jim Barton, R-Mobile, introduced a bill Tuesday to provide that if a computer system in a pharmacy is able to capture an electronic visual image of a prescription drug order, the electronic image shall constitute the original prescription and a written original is not required. [HB 648](#) was introduced to begin the conversation about electronic records retention with other interested parties and regulatory bodies. We do not plan to move the bill this year, but hope to have open dialogue for future passage.

Technology can capture and store a trove of data on patient outcomes, compliance, drug therapy and other important information. As the industry moves to integrate the information internally and among healthcare systems by way of increased use of e-prescribing and electronic medical health records, this proposed statute will allow pharmacies to use this vehicle to populate those records.

---

## **Movement Sought for Peer Review Legislation**

Members of the Alabama State Board of Pharmacy were at the Alabama State House this week working to get [HB 172](#) placed on the House Health Committee agenda for consideration. The bill, also by Johnson, is a priority for the board.

It would grant qualified good faith immunity from damages related to their actions for a committee of licensed pharmacists formed to evaluate the performance of pharmaceutical care or pharmaceutical drug utilization review.

---

## **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**

### **Congressman Visits with Retailers in Birmingham During Recess**





ARA Board Member Mickey Gee, left, questions U.S. Rep. Artur Davis, right, about tax breaks included in bills Congress currently has before it raising the minimum wage. Gee advocated the Senate provision calling for improvements made to owned buildings to be depreciated over 15 years, rather than the current 39 years.

“I just put a new roof on my building,” said Gee, owner of **The Pants Store** in Leeds, “and I won’t be here in 39 years.” Davis vowed to support the 15-year depreciation provision either as a stand-alone measure or as part of the minimum wage package. More than 20 retailers met with Davis on Thursday at the invitation of ARA and the [National Retail Federation](#) over lunch at a Birmingham restaurant. Davis is in Alabama during a congressional recess. Other issues covered included healthcare reform and immigration policy.

---

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)