

Friday, May 04, 2007

ECONOMIC DEVELOPMENT

House OKs 7-Day Alcohol Sales

The Alabama House of Representatives on Wednesday approved [HB 507](#) by Rep. Craig Ford, D-Gadsden, which would allow 14 cities to call referendums on seven-day beverage sales, allowing local voters to decide this question for their communities. The bill now goes to the Senate. The Senate companion, [SB 321](#) by Sen. Bobby Singleton, D-Greensboro, already awaits Senate consideration.

Before the House approved the bill on a 59-28 vote, Rep. Ford amended it to strike a provision that would have allowed voters to petition the cities for a referendum. In its amended form, such referendums will be called through a resolution of a city's governing body.

Thanks to everyone who contacted their representative this week to let them know your views on this **ARA-supported legislation**, which will 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.

>> Other News

Governor Signs Incentive Bill Intended to Lure Mega Steel Plant

Gov. Bob Riley today signed another economic development measure that got caught up for three days in the Senate quagmire. The stalemate finally broke about 10:30 p.m. Thursday with the Senate voting 34-0 for the Alabama Economic Incentive Enhancement Act of 2007 – an incentives package designed to lure German steel maker ThyssenKrupp AG to Alabama.

Tuesday, the Senate Economic Expansion and Trade Committee unanimously approved [HB 664](#), by Rep. Richard Lindsey, D-Centre and 21 other co-sponsors – and then it got tangled up in ongoing dispute in the Senate over its rules.

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

CRR EXTRAS

BILLS

- [HB 3](#)
- [HB 147](#)
- [HB 181](#)
- [HB 318](#)
- [HB 322](#)
- [HB 331](#)
- [HB 441](#)
- [HB 443](#)
- [HB 507](#)
- [HB 664](#)
- [HB 788](#)
- [HB 802](#)
- [HB 805](#)
- [SB 72](#)
- [SB 124](#)
- [SB 193](#)
- [SB 275](#)
- [SB 321](#)
- [USHR 1591](#)

IN THE NEWS

- [House OKs bill letting 14 cities set votes on Sunday liquor sales](#)
- [Roll call vote on Sunday liquor sales bill](#)
- [Sunday liquor-sales bill to be altered](#)
- [Liquor sales subject of hearing on Wednesday](#)
- [Senate OKs steel plant incentives](#)
- [Steel mill bill passed](#)
- [Senate passes tax breaks for steel mill](#)
- [Alabama Senate](#)

Last week, the House voted 102-0 for the bill that would give companies that employ 2,000 or more people and invest \$2.5 billion in capital projects a 10-year break on paying utility taxes, an enhanced 20-year break on property taxes that don't go to education, and an income tax credit for 30 years that would allow large industries to repay the cost of building plants.

The Senate has been effectively shut down since the start of the session because of a fight between the majority and minority caucus over rules. The coalition of Republican and conservative Democratic senators sought Tuesday to bring HB 664 up immediately for a second reading so it could receive final passage this week in the Senate. However, the Democratic majority insisted the Senate complete its work on "sunset bills," a process in which the Legislature decides whether to extend the lives of various state oversight boards. Thursday, the governor twice pleaded with the lawmakers to remember that Alabama is in competition with Louisiana for the \$2.9 billion steel mill. The governor had said the Senate must pass the tax breaks by Tuesday to keep Alabama in the competition.

The ThyssenKrupp AG plant, employing 2,700 people, would be the largest private industrial project ever in Alabama. Executives with the steel giant are expected to decide by Wednesday of next week between a site straddling the line between Mobile and Washington counties and another one in Louisiana and are expected to announce their decision Friday, May 11. The Louisiana Legislature approved \$300 million in infrastructure investments in December. On Monday, Gov. Kathleen Blanco asked lawmakers to add another \$100 million "to match Alabama's commitment."

Alabama voters are scheduled to decide June 5 on whether to ratify a proposed constitutional amendment that authorizes the state to issue an additional \$400 million in industrial development bonds, another piece of Gov. Bob Riley's industrial incentive legislation intended to lure the plant to Mobile.

E-911 FEES

Wireless Phone Fees Study Committee to Have ARA Member House Approves Legislation Tuesday; Ball Now in Senate Court

The Alabama House of Representatives on Tuesday approved **HB 318** by Rep. Ron Johnson, R-Sylacauga. The bill now goes to a Senate committee for consideration. The Senate companion, **SB 193** by Sen. Ted Little, D-Auburn, awaits consideration by the full Senate .

The legislation calls on the study committee to rethink the procedures, collection, distribution and governing body for the fees wireless phone users pay to fund the state's Enhanced 911

- [feud slows down tax breaks for steel mill](#)
- [Riley plea fails to sway Senate on incentive bill](#)
- [Steel mill incentives vote could be today](#)
- [Gov. Riley Makes Surprise Visit to Senate: Chastises Both Sides](#)
- [Riley scolds, soothes Senate](#)
- [Panel approves incentives for steelmaker](#)
- [Political clash in Senate delays 'Mega Incentives' bill](#)
- [Bush Vetoes Bill with Minimum Wage Increase Attached](#)
- [War bill delays minimum wage hike](#)
- [SMALL BIZ: Minimum wage set to increase](#)
- [ALABAMA VOICES: Higher wage eases poverty](#)
- [House passes 7% teacher raise](#)
- [House votes to give teachers 7 percent pay raise](#)
- [Committee OKs budget that gives state employees 3.5 percent raise](#)
- [Sponsor pulls constitutional convention bill](#)
- [Bill to allow vote on constitutional convention likely is dead](#)
- [New state constitution is needed but wording ambiguous](#)
- [Senate panel OKs bill to put end to annual appraisals](#)
- [Senate committee votes to end Alabama's annual reappraisals](#)
- [Other states address taxes on food](#)
- [Sales tax bills could](#)

emergency telephone service. 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.

Under the bill the House approved, one member of the study committee will be appointed by your **Alabama Retail Association** . That seat will be a retail company that sells prepaid wireless telephone service to Alabama customers.

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

SECURITY

House Approves Bill Setting Standards for Security Officers

Tuesday, the Alabama House approved legislation that sets up a mechanism for licensing and training security guards. [HB 441](#) by Speaker Pro-Tem Demetrius Newton, D-Birmingham, creates the Alabama Security Regulatory Board. The legislation sets the membership, powers, and duties of the board; provides for certification of security officers and trainers; sets fees for licensing and certification; outlines training requirements; provides for the carrying of firearms by security officers; establishes uniform and motor vehicle identifying insignia for security officers; provides for a revolving fund; supersedes existing laws or rules regulating contract security companies; and prescribes fines for violations.

Each business engaged in providing contract security officers in Alabama has until Jan. 1, 2008, to apply to the board for a license. Each contract security company requesting a license renewal must pay a \$200 security license fee. Licenses expire on Sept. 30 of each year and an application for renewal is due prior to Oct. 1 and no later than Oct. 31 of each year.

Each security officers also must be licensed and pay a nonrefundable security license fee of \$25. Security officers must apply for certification within 30 days of their initial employment. On or before April 1, 2008, all security officers must have applied to the board for certification.

- [stall in Senate](#)
- [Alabama and Mississippi all alone in food-tax policy](#)
- [Group speaks against immigration bills](#)
- [Food producers want school business](#)
- [Lawmakers puzzled by gill net vote](#)
- [Hearing to discuss farm nuisance bill](#)
- [Jefferson County Commission Asks for Support for Its Occupational Tax](#)
- [Phone campaign targets bingo machine bill](#)
- [Lawmaker seeks to expand seat belt law](#)
- [Both parties need to perform in their jobs](#)
- [Governor pushes for bill banning PAC transfers](#)

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

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LEGISLATIVE CONTACTS

To contact members of the Alabama Legislature:

WRITE:

Alabama State House
11 South Union Street
Montgomery, AL 36130

EMPLOYMENT ISSUES

Minimum Wage Legislation on the Move Again

Referring minimum wage bills to a subcommittee was not necessarily the death knell one of the authors predicted. Wednesday, the House Commerce Committee considered two minimum wage bills, [HB 331](#) and [HB 322](#), based on the recommendations of its Business and Labor Subcommittee.

The House Commerce Committee decided not to act on The Alabama Minimum Wage Act, **HB 331** by Rep. Patricia Todd, D-Birmingham, and instead approved a resolution asking Congress to enact federal legislation that would increase the minimum wage from \$5.15 an hour to \$7.25 an hour. Tuesday, President George Bush vetoed [HR 1591](#), the Iraq funding bill to which the federal minimum wage bill was tied. Democratic Congressional leaders have said they will resubmit the minimum-wage package in separate legislation or as an attachment to the next Iraq war spending bill they intend to get to Bush by Memorial Day.

The federal legislation offers \$4.8 billion in tax cuts while boosting the minimum wage by \$2.10 to \$7.25 an hour over two years. If approved, it would be the first increase in the federal minimum wage in a decade.

Meanwhile back in the Alabama Legislature, House Commerce approved **HB 322** by Rep. Jack Williams, R-Birmingham, which prohibits any state or 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.



Rep. Jack Williams

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

Thirty-three states have minimum wages above the current federal level. Ten of those states have linked future increases to inflation. Alabama and the remainder of the states use the federal minimum wage, which has been \$5.15 an hour since September 1997.

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 contacts for the Alabama Legislature, see [ARA's 2011 Legislative Roster](#).

Williams Introduces Employee Fair Reference Act

This week, Rep. Jack Williams, R- Birmingham, introduced the Employee Fair Reference Act, which would give employers immunity from civil liability for providing good faith information concerning the job performance, conduct or evaluation of a former or current employee to a prospective employer.

HB 802 also would require a prospective employer to provide a prospective employee with copies of any written communications from current or former employers that may affect the employee's possibility of employment with the prospective employer. The request must be received by the prospective employer no later than 30 days after the prospective employee applies for employment.

ARA supports this legislation, which would help employers get more and better information to make hiring decisions. Currently, most employers are advised by their attorneys not to give job references, good or bad, for fear of a lawsuit. Under this bill, a former employer could only be sued if that employer knew the information disclosed to a prospective employer was false or deliberately misleading and that information led to the employee not being hired. If this bill was enacted, employers would be free from the fear of costly lawsuits for giving honest evaluations concerning former employees.

TOBACCO

Extended Sale of Delisted Tobacco Products Ready for Debate Senate or House Could Consider the Bill

The Tobacco Master Settlement Complementary Legislation Act – **SB 72** by Sen. Wendell Mitchell, D-Luverne – received the OK of the Senate Governmental Affairs Committee on Tuesday. Last week, the House Government Operations Committee approved the companion legislation, **HB 181** by Rep. John Knight, D-Montgomery. Either chamber can now take this legislation up for debate.

Under existing law, when the Alabama Revenue Commissioner removes a brand of tobacco products from sale, the wholesaler or distributor has 30 days from receiving the notice of delisting to sell the brand. These bills would allow the sale of the delisted brand for up to 45 days from the date of delistment.

This legislation also would allow the Secretary of State to act as agent for any non-participating manufacturer whose cigarettes are sold in Alabama and who has no appointed agent.

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

**IMPORTANT EVENT
THIS WEEK**

TECHNOLOGY

Electronic Payment Legislation Ready for Final Approval

Tuesday, the Senate Governmental Affairs 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. It now goes to the House for final approval. 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.

ALCOHOL

House to Debate Fortified Wine Bill Next Week

[HB 147](#) by Rep. Johnny Mack Morrow, D-Red Bay, is expected to come before the House for debate next week. The bill would allow fortified wine to be sold by any Alabama Beverage Control Board licensee. The Senate companion, [SB 124](#) by Sen. E. B. McClain, D-Midfield, awaits Senate consideration.

Senate Judy OKs Bill Changing Tobacco Purchases by Minors Law

Thursday, the Senate Judiciary Committee approved [SB 78](#) by Sen. Larry Means, D-Attalla, which would:

- increase the penalties for purchasing tobacco products on behalf of a minor;
- increase the penalties for the unlawful possession of contraband tobacco;
- prohibit the sale of tobacco products through a self-service display (vending machines); and
- require the posting of signs that say the sale of tobacco products to minors is prohibited.

The bill does NOT prevent sales through a vending machine located in an area in which minors are not permitted access or through a vending machine that dispenses tobacco products by use of a device that requires a salesperson to control the dispensation of the product. It now is ready for Senate consideration. The House companion, [HB 191](#) by Rep. Cam Ward, R-Alabaster, has yet to be heard by the House Judiciary Committee.

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

CREDIT CARDS

Banks to Provide Merchants with Credit Card Rules

Fite Bill Not Expected to Move in 2007 Session

Rep. Lea Fite, D-Anniston, this week introduced a bill that would require banks and other entities that issue credit or debit cards to supply merchants with copies of their rules if the issuing entities mandate that merchants be bound by those rules. [HB 788](#), which also sets a **\$10,000 per charge** civil penalty against any issuing bank or credit card company that fails to comply, has been assigned to the Banking and Insurance Committee. The bill is not expected to move during this session.

Under Fite's bill, merchants must have access to a complete paper copy of the rules referenced in the credit or debt card contract, and must be notified when a referenced rule has been changed or a new rule added.

The bill further requires credit card contracts to contain:

- the contracting financial institution's complete schedule of interchange fees, credit card and debit card transaction rates;
- any other fees that the financial institution charges to merchants;
- an explanation of which rates apply to the merchant and the situations in which those rates apply; and
- may not require a merchant to agree not to disclose the contracting financial institution's rules or rates as a condition of receiving access to the rules or rates.

If an issuing bank or credit card company fails to give a merchant access to its rules or rates, then merchants wouldn't be liable for any chargeback or fees associated with its credit card or debit card transactions from the time the contract was executed until the rules and rates are provided. The \$10,000-per-charge civil penalty would kick in prior to the issuing entity providing the rules.

HEALTH

Insurance Companies to Offer Early Prostate Cancer Detection

Boothe Introduces Companion to Smitherman Substitute

A House companion to a Senate bill that encourages insurance companies and self-insured plans to offer policies that include prostate cancer screenings for men older than 40 was introduced this week. [HB 805](#) by Rep. Alan Boothe, D-Troy, mirrors a substitute version of **SB 255** by Sen. Rodger Smitherman, D-Birmingham, which the Senate Health Committee approved on April 12. Like the Senate substitute, Boothe's bill only calls for the companies to "offer" the coverage rather than "mandating" they pay

for it. Virtually all major private health care insurers in Alabama already provide for screening for prostate cancer in their coverage.

ARA opposes mandated health benefits as they drive up the cost of health insurance.

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.

The *Capitol Retail Report* is another **Benefit from the Value** of Alabama Retail Association membership. For more benefits, go to www.albamaretail.org