

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

CRR EXTRAS

Friday, February 06, 2009

First Legislative Week Relatively Peaceful

2009 May Be Kinder, Gentler Legislative Session

Especially if Congress Approves Federal Stimulus

In the first two legislative days of the 2009 regular legislative session, the Alabama Legislature mourned departed colleagues and former officials and elected new Senate leadership. Prior to the session's start, Speaker Seth Hammett, D-Andalusia, set the course for the Alabama House of Representatives' agenda for the early part of the 2009 session:



- Sunset legislation, which determines the fate of certain state agencies, boards and commissions;
- Bills recommended by the Permanent Joint Legislative Committee on Energy;
- Transportation Department and road construction bills;
- Select voting legislation;
- Dropping the state's sales taxes on groceries.



Hammett said the House's two budget committees will not begin working on the state budgets until Congress approves an economic stimulus plan or it becomes evident a plan won't pass.

The original strategy was to work three days in the first week to set a rapid pace for that agenda, but the death of former Gov. Guy Hunt meant lawmakers didn't meet Wednesday in order to attend the former governor's funeral.

In contrast to two years ago, the Alabama Senate elected Sen. Rodger Smitherman, D-Birmingham, as its president pro tem, replacing Sen. Hinton Mitchem, D-Albertville, on an 18-12 vote Thursday minus prolonged bickering. The Senate will operate with three less senators this year, because of

BILLS

- [HB 055](#)
- [HB 069 Sub](#)
- [HB 116](#)
- [HB 126](#)
- [HB 127](#)
- [HB 128](#)
- [HB 154](#)
- [HB 183](#)
- [HB 254](#)
- [HB 373](#)
- [HB 391](#)
- [HB 448](#)
- [HB 482](#)
- [HB 483](#)
- [HB 490](#)
- [HB 496](#)
- [SB 047](#)
- [SB 100](#)
- [SB 113](#)
- [SB 115](#)
- [SB 130](#)
- [SB 132](#)
- [SB 148](#)
- [SB 158](#)
- [SB 203](#)
- [SB 263](#)
- [SB 263 Amendment](#)
- [SB 272](#)
- [SB 272 Amendment](#)
- [HB 18](#)
- [HB 69](#)
- [HB 116](#)
- [HB 134](#)
- [HB 154](#)
- [HB 175](#)
- [HB 183](#)
- [HB 193](#)
- [HB 270](#)

the death of Pat Lindsey, the election of Parker Griffith to Congress and the felony conviction of E.B. McClain. Despite the loss of those three Democrats, the Democratic majority held with 18 of the 19 remaining Senate Democrats voting for Smitherman to serve as the upper chamber's secondary presiding officer as agreed two years ago.

As a result of the changing of the guard, Sen. Myron Penn, D-Union Springs, replaces Smitherman as chairman of the Senate Judiciary Committee. Mitchem replaces Penn as chairman of the Senate Confirmations Committee. Also, Senate Majority Leader Zeb Little, D-Cullman, gave Sen. Tom Butler, D-Madison, his seat on the Senate Finance and Taxation-General Fund Committee.

Prior to the session, Deputy President Pro Tem Wendell Mitchell, D-Luverne, identified a group of almost 90 noncontroversial bills. The Senate reportedly will give those bills priority in an effort to increase productivity.

This is the political situation as the Alabama Retail Association attempts to advance its 2009 State Legislative Agenda.

>> [Read ARA's full 2009 Legislative Agenda](#)

In a legislative session, ARA screens all legislation introduced to determine if it will affect retailers and then monitors any bills that could impact your bottom line. ARA's staff wants to make certain you get the most benefit from the value of your membership.

As always, our legislative action requires your input. If you have a question or insight that you'd like to share, please contact [ARA President Rick Brown](#) or [ARA Vice President Alison Wingate](#).

>> Other News

ARA LEGISLATIVE AGENDA IN ACTION

ARA-Backed Incentives for Film Companies Clears First Hurdle

The House Education Appropriations Committee on Thursday approved [HB 69](#) by Rep. Richard Lindsey, D-Centre, which seeks to increase the number of movies and television shows made in Alabama. **The Entertainment Industry Incentive Act is part of the ARA's 2009 State Legislative Agenda**. The bill has 50 House co-sponsors. The Senate companion is [SB 148](#).

- [HB 330](#)
- [HB 435](#)
- [SB 47](#)
- [SB 130](#)
- [SB 148](#)
- [SB 194](#)
- [SB 203](#)
- [SB 288](#)
- [USHR 1](#)

IN THE NEWS

- [Birmingham's Sen. Rodger Smitherman elected Alabama Senate president pro tem](#)
- [Alabama law makers filed more than 600 bills on the first day of the legislative session](#)
- [Panel votes to give incentives to film companies](#)
- [Energy bills get committee OK; Riley aide says veto possible](#)
- [House panel votes to remove sales tax from food](#)
- [Senator makes 11th try for Alabama smoking ban](#)
- [New lead rules hit Tuesday. Whammo](#) (WSJ subscription required)
- [New lead law worries resale shops](#)
- [Impact of federal economic-stimulus plan on Alabama detailed](#)
- [Stimulus would save state from cuts](#)
- [First Law Signed By Obama Will Increase Employment Discrimination Litigation](#)

ARA CONTACTS

[Rick Brown](#)
President

[Alison Wingate](#)
Vice President

The bill approved on a voice vote provides exemptions on sales, use and lodging taxes for companies that make movies and other productions in Alabama, one of only four states that currently don't offer incentives. Alabama's film industry incentives expired in 2006.

The sponsor said films are no longer being made in Alabama because it's cheaper for production companies to work in states that continue to offer incentives. The state would pay for the incentives by requiring some taxpayers to pay penalties when their tax payments are late.

Love Seeks to Increase Health Insurance Deduction to 200 Percent

One of the legislative victories of 2008 will be back this session in attempt to make the legislation even better. In a 2008 special session, lawmakers gave Alabama businesses with fewer than 25 employees and their employees who earn less than \$50,000 a 150 percent deduction for the health insurance premiums they pay in 2009. Rep. Jay Love, R-Montgomery, has introduced **HB 330** in an attempt to raise that deduction to 200 percent. ARA and the Business Associations' Tax Coalition, a 30-member group of business and trade associations chaired by ARA President Rick Brown, originally sought a 200 percent deduction to be accomplished in phases over a minimum of five years. **ARA again has made the increase of the small business health insurance deduction to 200 percent a featured plank in its 2009 State Legislative Agenda.**



More than 90 percent of ARA members employ fewer than 25 employees and thus would qualify for this deduction if they offer group health insurance to their employees. This legislation does **NOT** require companies to offer health insurance. It gives them a reason to offer it, by making it more affordable.

Sales Tax Holiday for Energy Efficient Products in the Hopper

Rep. Greg Wren, R-Montgomery, once again has introduced ARA-backed legislation to create a sales tax holiday for certain energy efficient products. Under **HB 193**, ENERGY STAR® appliances and products valued at \$1,500 or less purchased for home or personal use would be exempt from state sales and use tax during the state's current sales tax holiday, which is held on the first full weekend of August. ENERGY STAR®

[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 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.

appliances are those that have been designated by the U.S. Environmental Protection Agency and the U.S. Department of Energy as meeting or exceeding each agency's energy-saving efficiency requirements. This bill, which is **part of the ARA's 2009 State Legislative Agenda**, has been assigned to the House Education Appropriations Committee. The Permanent Joint Legislative Committee on Energy has included this legislation in the seven-bill package it will present to lawmakers during the 2009 session.

Sen. Trip Pittman, R-Daphne, has introduced legislation that would give income tax credits, rather than a sales tax holiday, to individual taxpayers who install certain energy efficiency equipment in home or commercial property up to a maximum of \$500 for residences and \$1,000 for commercial property. **SB 288** would include ENERGY STAR® appliances as well as any other additions that increase the energy efficiency of a home or business such as solar power generation or insulation upgrades. The purchase as well as the installation costs would be deductible at various rates based on the nature of the product being installed. Pittman's bill has been assigned to the House Finance and Taxation Education Committee.

ARA Agrees to Security Freeze Compromise

Sen. Lowell Barron, D-Fyffe, has proposed an agreed-on compromise that allows a consumer to place a security freeze on his or her credit report by sending a written request to a consumer credit reporting agency. If approved, Alabama will become one of the last states in the nation to allow security freezes on consumer credit reports. ARA had blocked similar legislation for the past two years because of unintended consequences. Barron's bill resolves those issues. **ARA now has included the bill in its 2009 agenda.**

Under **SB 203**, a consumer can ask that the security freeze be temporarily lifted to allow a third-party to review the record for such purposes as a credit check. The credit reporting agency can charge a consumer up to \$5 for placing, removing or temporarily lifting a freeze. Thirty-two states have higher fee provisions in their security freeze laws. Under this bill, those 65 and older cannot be charged a fee for the initial placing or removing of a freeze. Only 10 other states have such a provision.

If it becomes law, this bill will become effective Jan. 31, 2010. At that time, a reporting agency would have 15 minutes to temporarily lift a freeze if it receives an electronic request from the consumer during normal business hours. Only 19 other



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

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:

states have that provision.

ARA Supports Legislation to Remove Impossible Provision Technology Hasn't Caught Up with Ephedrine/Pseudoephedrine Law

Under existing law, after Oct. 1, the sale of any product containing ephedrine or pseudoephedrine would be prohibited and subject to criminal penalties unless the product is manufactured so that the ephedrine or pseudoephedrine cannot be extracted to be used in the production of methamphetamine. [HB 183](#) by Rep. Frank McDaniel, D-Albertville, and [SB 47](#) by Sen. Lowell Barron, D-Fyffe, would delete that provision. When the law was written, it was thought the technology would exist by now to prevent the extraction of those active ingredients. Such technology has not yet been developed.

This legislation is part of the ARA's 2009 Legislative Agenda, and ARA has been working to get the Senate version into a list of noncontroversial legislation to be given priority by the upper chamber. The Alabama Trial Lawyers Association, however, has indicated it plans to amend the liability language in the bill.

The trial lawyers want to add a phrase such as "absent wantonness, recklessness or intentional misconduct" to the language in the bill that says a retailer is not civilly liable "as a result of any act or omission in carrying out the duties required" by this bill and is "immune from liability to any third party unless the retailer has violated any provision" of the bill. The Trial Lawyers Association has not yet presented its amendment. The Senate bill has been assigned to the Health Committee, and the House version has been assigned to the Judiciary Committee.

ARA Again Will Convince Lawmakers COOL Bills Aren't COOL

For the seventh year, the Alabama Retail Association will work diligently to keep mandated country of origin labeling from being considered.

ARA's opposition to mandatory country of origin labeling, or COOL, at the state level on products such as seafood, meat, fruits, vegetables and peanuts is part of our 2009 Legislative Agenda.



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 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

Despite ARA's years of success in blocking such legislation, Sen. Jim Preuitt, D-Talladega, and Rep. Spencer Collier, R-Irvington, have once again introduced legislation to require food service establishments to label seafood products as imported or domestic. The companion bills affect restaurants, cafeterias, grocery delis and other entities that sell food to the public. A food service establishment in violation would be subject to a fine up to \$1,000.

Collier's bill, [HB 435](#), has 55 co-sponsors. Preuitt's bill is [SB 194](#).

TAXES

Knight Revamps Proposal to Remove Sales Taxes from Groceries

A House committee has approved a revamped version of a proposed state constitutional amendment by Rep. John Knight, D-Montgomery, to remove the 4 percent state sales tax from groceries. The bill now goes to the full House for debate. **ARA is monitoring this legislation** closely and needs any input you can offer as this bill evolves during the legislative process. Knight said he plans to continue to tweak his proposal. If you have concerns or suggested language changes, please let ARA VP Alison Wingate know.

Knight outlined several changes to [HB 116](#) during Thursday's meeting of the House Education Appropriations Committee, most prominently a change in the definition of food.

Under this amendment, anything defined as food under the Federal Food Stamp Act

(7 U.S.C. 2011, et seq.) qualifies for the exemption, regardless of where or by what means the food is sold. A key exception is that **candy and soft drinks will continue to be taxed**. Under the bill:



- **Candy** means a preparation of sugar, honey, or other natural or artificial sweeteners in combination with chocolate, fruit, nuts, or other ingredients or flavorings in the form of bars, drops, or pieces. Any preparation that contains flour and doesn't require refrigeration is excluded from the definition of candy.
- **Soft drinks** mean non-alcoholic beverages that contain natural or artificial sweeteners. Soft drinks do not include beverages that contain milk or milk

products, soy, rice or similar milk substitutes, or are greater than 50 percent of vegetable or fruit juice by volume.

Under Knight's revised plan, higher income taxpayers either could no longer claim a state income tax deduction for federal income taxes paid or could only claim a partial deduction. The 2008 version of the bill denied the full deduction for all Alabama taxpayers.

Under Knight's new proposal, single taxpayers making less than \$50,000 annually and married couples making less than \$100,000 could continue to deduct all of their federal taxes. For those earning more, the percentage of the deduction allowed would decrease gradually based on income until it is eliminated altogether for single taxpayers making more than \$200,000 and married couples making more than \$400,000.

[>> View Proposed Schedule for Federal Income Tax Paid Deduction](#)

The sponsor said that after offsetting the loss of income from the sales tax on food, ending the income tax deduction as outlined would generate about \$60 million more for the state's budget.

The revised legislation also contains a prohibition against localities raising their sales taxes on food, which would negate the benefit of the state exemption.

In 2008, the Alabama House approved Knight's proposal, but the full Senate never debated the issue. Because this legislation is a constitutional amendment, it would have to be approved by Alabama voters if it passes the Legislature.

Dropping Sales Taxes on Over-the-Counter Medications Gipson Introduces Legislation

In an attempt to lower the tax burden on Alabama families, Rep. Mac Gipson, R-Prattville, has introduced [HB 270](#), which would remove the city, county and state sales taxes on over-the-counter-medications. For the purposes of the tax exemption, a product must have a label identifying the product as a drug. The label must contain a "drug facts" panel or a statement of active ingredients. Grooming and hygiene products as well as dietary supplements are explicitly excluded from the tax exemption. This bill has been assigned to the House Committee on Education Appropriations.

Todd Again Proposes Cigarette Tax Increase

Rep. Patricia Todd, D-Birmingham, has proposed tripling the taxes on a pack of cigarettes. [HB 134](#) would raise the state tax on cigarettes from 26 cents per pack to 75 cents per pack. A similar 2008 bill by Todd never moved from committee. **ARA continues to support comprehensive tax reform over patchwork tax policy and will continue to monitor this legislation.**

WORKERS' COMPENSATION

Mitchell Proposes Removing Cap on Workers' Comp Coverage

For the second time in as many years, Rep. Joseph Mitchell, D-Mobile, wants to remove the \$220 weekly cap for partial disabilities and allow an employee to claim that an injury to one part of the body affects another, thus claiming disability on both. [HB 18](#), similar to a bill Mitchell proposed in 2008, never made it out of the House Commerce Committee last year and has been assigned to the same committee this year. **ARA opposes this legislation.**

SMOKING/TOBACCO

Statewide Smoking Ban Up for Debate for 11th Year

For the 11th year in a row, Sen. Vivian Davis Figures, D-Mobile, has introduced a bill to ban smoking in most public places and all indoor workplaces in Alabama. In 2008, Figures' bill got further than ever before, receiving approval from the full Senate and a House committee. [SB 130](#) bans smoking in enclosed workplaces and indoor areas open to the public such as restaurants, bars, stores and other businesses, malls, convention facilities, sports arenas and health-care facilities. Someone smoking in a restricted place would face a \$50 fine per violation. Alabama is one of 20 states without a statewide ban or restrictions on smoking in public places.



ALCOHOL

No Such Thing as a Dual Club/Restaurant Liquor License Anymore

In November, the Alabama Alcoholic Beverage Control Board

issued an opinion that dual club and restaurant liquor licenses cannot be issued for the same establishments, even though the board had issued such dual licenses for the past 13 years. Since that time, the ABC board has been enforcing a prohibition against businesses operating under both.

The ABC Board recently notified 25 restaurants in Shelby County and another 20 restaurants in Dothan operating under a club license that they have until May to tell the board which license they'll choose to operate under when their licenses are renewed after Sept. 30. Those are the only two areas statewide where ABC agents have found restaurants using club licenses. Officials in both Shelby County and Dothan are considering proposing local legislation to allow Sunday alcohol sales for all businesses licensed to sell alcoholic beverages.

[>> Read the ABC board reasoning for the new enforcement policy](#)

Martin Attempts Again to Change Wet-Dry Referendum Law

Rep. Jimmy Martin, D-Clanton, has decided to try again this year to allow any city with more than 500 residents to vote to approve the sale of alcoholic beverages, even if the local government is in a dry county. Martin's legislation died in the Senate on the final day of the 2008 regular session.

[HB 175](#) would give municipalities of more than 500 people the ability to change their classification from dry to wet, or wet to dry, independent of the county designation through a municipal option election. Current law allows cities in dry counties with 7,000 or more residents to call a wet-dry referendum and allows cities with 4,000 or more residents to vote to go wet if there is already a wet city in the county. Martin's bill requires a petition of 25 percent of the voters for a referendum to be called. The bill has been assigned to the House Tourism and Travel Committee.

CAMPAIGN FINANCE AND ELECTIONS

House Committee Passes PAC-to-PAC Transfer Ban

The Alabama House Constitution and Elections Committee on Thursday approved [HB 154](#) by Rep. Jeff McLaughlin, D-Guntersville. This bill would make transfers between political action committees unlawful with the exception of transfers from a PAC to a principal campaign committee. Similar legislation has been proposed in each of the past eight

legislative sessions, making it as far as conference committee, but never passing both chambers. This legislation now moves to the full House for consideration.

RACE FOR DIABETES

ARA Helps Lawmakers Raise Funds for Charity

Alabama Retail Association Vice President Alison Wingate helped organize the inaugural House Leadership Race for Diabetes on Saturday, Jan. 31.

The event, which drew more than 125 runners and sponsorships from many large retailers, raised more than \$30,000 for diabetes research.



Will Rawson of Birmingham took first place in the 5k race while Emma Grace Guin, daughter of Rep. Ken Guin, D-Carbon Hill, (both pictured at right) took first place in the Kid's Fun Run. Guin and Speaker of the House Seth Hammett, D-Andalusia, initiated the annual race.

NEXT LEGISLATIVE DAY

2010 SESSION BEGINS IN JANUARY

Law makers will return for the first legislative meeting day of the 2010 regular session at noon **Tuesday, Jan. 12, 2010**. ARA will keep you informed should the governor call law makers back for a special session between now and then.

FEDERAL

Retailers Not Included in One-Year Children's Products Stay Get Products That Don't Meet Standards Off Shelves by Tuesday

Thursday, the Consumer Product Safety Commission refused to delay Tuesday's deadline for the [Consumer Product Safety Improvement Act of 2008](#), which



deals with lead and phthalates in products intended for children 12 years old and younger as well as a number of other toy standards. Consequently, **retailers should remove from their shelves any children's products if there is a question about not meeting the new safety standards. Retailers also should demand test data from manufacturers and importers to prove that products**

meet the standards.

On Friday, Jan. 30, the commission granted a one-year stay **for manufacturers and importers** in the enforcement of testing and certification requirements under the act. **The stay of the Tuesday, Feb. 10, effective date does NOT apply to retailers**. The stay only offers relief to small manufacturers, home-based businesses and crafters who cannot comply with the law without incurring substantial testing costs. The commission did agree this week to expedite the rules process. An interim final rule should be published in the Federal Register next week.

A legislative solution will be necessary to provide actual relief to the businesses struggling to comply with this new law. Last month's stay only applies to testing and certification, not to the sale of products that do not comply with the mandatory safety standards. Consequently, any children's product not meeting the 600 parts per million lead content standard for accessible components is considered a banned hazardous product and should be pulled from retailers' shelves.

The limited enforcement stay also does not provide relief for thrift shops, resellers and small retailers impacted especially hard by the retroactive effect of the lead ban to existing inventory. While these groups do not have a legal requirement to test their inventory, they must meet all the standards. Thrift shops and other resellers will have to decide whether they will continue to sell children's clothing and other products that have not been tested, even though no one has suggested that they are unsafe.

FOR MORE INFO:

- [Consumer Product Safety Commission Web Page on Consumer Product Safety Improvement Act of 2008](#)
- [Sample General Certification of Conformity and FAQs](#)
- [Acting CPSC Chairman Statement on Consumer Product Safety Improvement Act of 2008 Enforcement](#)

Senate Debate to Continue Until Next Week; House Passes \$819 Billion Stimulus Package

While the U.S. Senate continued to wrangle this week over its \$900 billion version of an economic stimulus package, the U.S. House of Representatives by a vote of 244-188 on Jan. 28 approved [H.R. 1](#), the American Recovery and Reinvestment Act of 2009. The House's \$819 billion package of economic stimulus initiatives includes provisions intended to help retailers and consumers. It includes close to \$550 billion in spending on infrastructure, unemployment benefits,

increased state aid, energy programs and other initiatives along with \$275 billion in personal and business tax cuts.

The House bill also includes a provision that would allow retailers and other businesses to offset current losses against previous profits from as long as five years ago rather than the current two years. The change in "carry back" rules would give companies \$15 billion to \$20 billion in badly needed cash, about a quarter of which would go to retailers struggling to keep stores open and employees on the payroll.

The Senate bill includes the same carry back provision as the House, but would apply it to 100 percent of losses rather than the 90 percent provided in the House measure. In both versions, the longer carry back period would apply to tax years either beginning or ending in 2008 or 2009, ensuring that all retailers can get the full two years of benefit regardless of the anniversary date of their fiscal years.

Both bills include energy tax initiatives and would expand the Work Opportunity Tax Credit while extending 50 percent bonus depreciation and the \$250,000 small business expensing limit for another year through 2009.

Obama Eliminates Deadline for Pay Discrimination Lawsuits

Last Thursday, Jan. 29, President Obama signed the Lilly Ledbetter Fair Pay Act, which eliminates the statute of limitations in pay discrimination claims. U.S. Rep. Artur Davis, D-Birmingham, is the only member of the Alabama congressional delegation who voted for the bill.

Senate Health, Education, Labor and Pensions Committee Ranking Member Michael Enzi, R-Wyo., said the act, dubbed a "stimulus package for trial lawyers," will prompt a plethora of "trivial" litigation.

Federal law requires claims be filed within either 180 or 300 days depending on the state, but Gadsden Goodyear Tire and Rubber Co. worker Lilly Ledbetter filed five years after the alleged incident, claiming she was paid less than men in similar positions and that each subsequent paycheck was a new act of discrimination. The legislation adopts that approach by establishing a "paycheck rule," allowing each paycheck to be considered a new discriminatory act, effectively restarting the 180-day clock every time a worker receives a paycheck.

Besides gender discrimination, the new law applies to religion, race, age, disabilities, national origin and other discrimination whether intentional or unintentional. To ward

off discrimination suits, companies need to meticulously document pay decisions and retain detailed employment records, legal experts say. The Lilly Ledbetter Fair Pay Act is retroactive to May 28, 2007, and applies to all disparate pay claims pending on or after that date.

ICE Delays Revision of I-9 Form Until April 3

On Friday, Jan. 30, the U.S. Citizenship and Immigration Services delayed for 60 days the implementation of the revised I-9 form for employers to use to determine an employee's eligibility to work in the United States. The revised form (with edition date 02/02/09), which was scheduled to go into effect Monday, Feb. 2, has been delayed to April 3. The extension gives the public an additional 30 days, until March 4, to comment on the rule that revises the new form. Until the new form goes into effect, employers may continue to use the [current form I-9](#), with edition date 06/05/07.

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