

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

CRR EXTRAS

Friday, February 27, 2009

ARA LEGISLATIVE AGENDA IN ACTION

House May Debate Pseudoephedrine Law Correction

ARA-Supported Legislation on Tuesday's Special Order Calendar

The Alabama House of Representatives may consider an **ARA-supported correction to state law regulating the sale of ephedrine or pseudoephedrine** when it meets next week for the ninth legislative day of the 2009 regular session. **HB 183** by [Rep. Frank McDaniel, D-Albertville](#), deletes a prohibition in current law against the sale of any product containing ephedrine or pseudoephedrine unless the product is manufactured so that those active ingredients cannot be extracted to be used in the production of methamphetamine. When the law was written, it was thought the technology would exist by the Oct. 1 effective date to prevent the extraction of the ingredients used in methamphetamine production. Such technology has not yet been developed. McDaniel's bill is on the House's special order calendar for Tuesday.



The Senate companion, **SB 47** by [Sen. Lowell Barron, D-Fyffe](#), still has not been considered by the Senate, which took up sunset legislation this week. The bill had been on the Senate's special order calendar last week when a one-senator filibuster prevented it and other legislation from being considered.

This legislation is a part of the ARA 2009 State Legislative Agenda.

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

>> Other News

Legislative Panels to Study Country-of-Origin Labeling

BILLS

- [HB 116](#)
- [HB 183](#)
- [HB 222](#)
- [HB 288](#)
- [HB 362](#)
- [HB 435](#)
- [HB 473](#)
- [HB 484](#)
- [SB 047](#)
- [SB 103](#)
- [SB 115](#)
- [SB 115 FITP Amendment](#)
- [SB 115 Intent Amendment](#)
- [SB 194](#)
- [SB 209](#)
- [SB 210](#)
- [SB 210 Amendment](#)
- [SB 217](#)
- [SB 217 Amendment](#)
- [SB 240](#)
- [SB 359](#)
- [SB 377](#)
- [SB 407](#)

IN THE NEWS

- [Two grocery tax cut plans proposed in Montgomery](#)
- [Rep. John Knight: 'It's Time to Remove the Sales Tax on Food'](#)
- [Alabama Senate committee approves four bills designed](#)

ARA Opposes Bills to Require Labeling of Catfish and Seafood

This week, your Alabama Retail Association went to the mat again for Alabama restaurants, cafeterias, grocery delicatessens and other food service establishments, successfully convincing House and Senate committees not to rush into consideration of country-of-origin labeling legislation.

For seven years, ARA has led the fight to keep similar legislation from being considered. Under this year's ARA State Legislative Agenda, your association once again opposes mandatory country-of-origin labeling, or COOL, at the state level on products such as seafood, meat, fruits, vegetables and peanuts.

The federal government already requires grocers and fish markets to include a country-of-origin label for fish, shellfish, beef, lamb, pork, chicken, goat, perishable agricultural commodities, ginseng, pecans, macadamia nuts and peanuts. **The final rule for the federal requirements goes into effect March 16th.** Restaurants and other food service establishments were excluded from the federal legislation because the logistical nightmare of having to list the country of origin of all the ingredients that go into even one dish served at a restaurant, much less the entire menu

>> [Explanation of the final federal COOL rules](#)

After a public hearing Wednesday, [Rep. Thomas Jackson, D-Thomasville](#), who chairs the House Agriculture and Forestry Committee, referred [HB 473](#)

by [Rep. A.J. McCampbell, D-Linden](#), and [HB 435](#) by [Rep. Spencer Collier, R-Irvington](#), to a subcommittee. [Rep. Ralph Howard, D-Greensboro](#), will serve as the subcommittee chairman. Others on the subcommittee are Jackson, Collier and McCampbell along with [Reps. Randy Davis, R-Daphne](#); [Chad Fincher, R-Semmes](#); [Mike Hubbard, R-Auburn](#); [Steve Hurst, D-Munford](#); and [Jamie Ison, R-Mobile](#).

Photos: Chairman Jackson, left, and Bill Sponsor Collier consult during Wednesday's public hearing, above. Below, Bill Sponsor McCampbell.



[to discourage illegal immigration](#)

- [Senate committee approves illegal-immigration bills](#)
- [AEA eyes cap on capital loss tax deductions](#)
- [Time to say 'action' on movie incentives](#)
- [Riley wants stimulus spending monitored](#)
- [Alabama Gov. Bob Riley rejects \\$66 million in stimulus funds for new unemployment benefits](#)
- [Cash has too many strings, Riley says](#)
- [Alabama Dems to skip Riley, ask feds for stimulus help](#)
- [Skirting governors to get stimulus may not be easy](#)
- [Jobless angry at possibility of no benefits](#)
- [Alabama on course for generous earmarks in U.S. spending bill](#)

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

ARA CONTACTS

[Rick Brown](#)
President

[Aison Wingate](#)
Vice President

[Nancy Dennis](#)
Dir. of Public Relations

[Brett Johnson](#)
Member Relations Mgr.

LEGISLATIVE CONTACTS

To contact members

HB 473 specifically requires all food service establishments to inform consumers whether catfish is:

- Farm-Raised Catfish;
- River or Lake Catfish; as well as tell customers
- the state or country of origin.



Violators would face up to a \$1,000 fine. The Alabama Department of Agriculture and Industries would administer this legislation.

This legislation is an effort by Alabama catfish producers to save their industry from competition from cheaper imports and distinguish their product from imported goods. In fact, during the public hearing, Alabama Agriculture Commissioner Ron Sparks told the committee members, "*Alabama is not going to have a catfish industry if this bill doesn't pass.*"

ARA President Rick Brown testified on behalf of all Alabama retailers at the public hearing and asked the commissioner directly if the Legislature required inspections at the wholesale level to satisfy safety concerns about catfish and other seafood, would his department and the catfish industry continue to push McCampbell's legislation? The commissioner replied, "Yes," confirming that the legislation is more about protecting the catfish industry than consumer safety.



ARA, the Alabama Restaurant Association and the Alabama Grocers Association sent a letter to all of Alabama's lawmakers before the public hearing, to let them know "*it is unrealistic and economically imprudent to shift the burdens of one struggling industry onto the back of another that is equally distressed.*"

HB 435 would require food service establishments to inform customers where they get ALL of the fish they serve. Under this legislation, a food service establishment would be required to place the following disclaimer on its menu or prominently display it on a placard, if the establishment doesn't have a printed menu: "*Under Alabama law, the consumer has the right to know, upon request to the food service establishment, the country of origin of imported farm-raised or wild fish.*" The Alabama Department of Public Health would administer this legislation. Violators would face a \$1,000 fine.

At ARA's request, Sen. Kim Benefield, D-Woodland, chairman of the Senate Agriculture, Conservation and Forestry

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

Committee, this week also carried over the Senate companion to Collier's bill, [SB 194](#) by Sen. Jim Preuitt, D-Talladega. Benefield gave Preuitt two weeks to bring a revised bill before the committee. **A public hearing has been set for 9:30 a.m. Wednesday, March 11, in Room 609-A at the Alabama State House.** "

"If we require that Alabama's food retailers absorb the cost to promote these products and label their origin, what is to stop other industries from rightfully expecting the same special treatment for their products in the future? At what point do we mandate that every restaurant or deli label the country of origin of each component of its dishes? ... These bills set a dangerous precedent for future legislation," your association wrote in its letter to lawmakers this week.

CONTACT YOUR LAWMAKER NOW!

Lawmakers are quicker to act when they hear from constituents in their districts. **Please contact your representative and senator and ask them to vote "No" on HB 435, HB 473 and SB 194!**

TAXES

Senate Panel to Vote Next Week on Dropping Sales Tax

The Senate Finance and Taxation Education Committee will vote Wednesday, March 4, on [SB 377](#) by [Sen. Scott Beason, R-Gardendale](#), which would remove the state sales tax on groceries without raising taxes to replace the lost revenue. After a public hearing on the bill Wednesday, Beason said there is little chance the committee will approve his bill, which would cut the state sales tax on groceries by 1 percentage point after each year Education Trust Fund revenue grows by at least 3 percent.



The same committee last week approved [SB 115](#) by the committee's chairman, [Sen. Hank Sanders, D-Selma](#). Sander's version:

- is a constitutional amendment to remove the 4 percent state sales tax from groceries, **excluding candy and soft drinks**, beginning Jan. 1, 2011, and
- would incrementally reduce the federal income tax paid deduction for single taxpayers with an annual adjusted gross income of more than \$100,000 and married couples making more than \$200,000 until the deduction is eliminated altogether for single taxpayers making more than \$200,000 and married couples

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

making more than \$400,000.

Sanders' bill and its House companion, [HB 116](#) by [Rep. John Knight, D-Montgomery](#), could be considered at anytime by the respective chambers. Unlike the original legislation, which used the same definition of food as used in the food stamp program, these bills exclude candy and soft drinks. **If you have concerns about this provision, please let [ARA Vice President Alison Wingate](#) know**. City and county sales taxes on groceries would remain under any of the pending legislation.

EMPLOYMENT

Bills Would Ban No-Guns-in-Parking-Lot Policy

[Sen. Roger Bedford, D-Russellville](#), and [Rep. Craig Ford, D-Gadsden](#), have introduced National Rifle Association-backed legislation that infringes on a business owner's property and management rights and places limitations on an employer's ability to maintain a safe workplace.

[SB 407](#) and [HB 362](#) would prohibit an employer from establishing any policy that restricts employees and customers with valid concealed weapons permits from storing a firearm in his or her vehicle in a public or private parking area, including any employee parking lot or facility. The restriction would be imposed not only on employers, but also on individuals, property owners, tenants and businesses. This legislation also creates a new cause of action. Under this bill, if someone claims an injury, physical OR OTHERWISE, because a business prohibited its employees from keeping firearms locked in their cars parked in the company lot, the injured party can seek damages in civil court.

Florida, Georgia, Mississippi, Kentucky, Louisiana, Alaska, Kansas, Minnesota and Oklahoma already have similar laws on their books. Besides Alabama, a dozen other states — Arizona, California, Indiana, Montana, New Hampshire, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Virginia, and Wisconsin — are considering or have considered parking lot gun laws.

Florida enacted similar legislation last year and a federal judge ruled that employees with concealed weapons permits can keep firearms locked in their cars at work, but that businesses could prohibit customers and others from bringing firearms onto their property. Florida's statute specifically prohibits employers from asking whether an employee has left a gun in the car, searching that car or taking

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

any adverse employment actions against those employees who choose to leave guns in their cars.

The Senate version of this bill has been assigned to the Senate Judiciary Committee, while the House version rests with the House Commerce Committee.

Senate Committees Move Immigration Legislation

Tuesday, the Senate Governmental Affairs Committee approved several pieces of immigration-related legislation:

- **[SB 210](#)** by [Sen. Arthur Orr, R-Decatur](#), which would require anyone 19 or older to prove legal presence in the United States before receiving public benefits such as public housing and unemployment compensation. A person could present a valid Alabama driver license or sign an affidavit stating he or she was a citizen or otherwise legally present in the country. Lawful presence is not required to be eligible for emergency medical care, noncash emergency disaster relief, and public health immunizations and nutrition programs for infants and children. This legislation is already federal law.
- **[SB 217](#)**, also by Orr, would require companies seeking and receiving economic incentives from the Alabama Development Office to sign an affidavit declaring that they do not and will not hire illegal aliens. An employer that violates that certification could be barred for three years from getting another ADO grant or other incentive.
- **[SB 240](#)** by [Sen. Zeb Little, D-Cullman](#), would require individuals and businesses that contract with the state to certify that they will not knowingly employ any unauthorized alien in performance of a contract. A contractor found in violation would be penalized an amount equal to three percent of the contract.

Last week, the Senate Judiciary Committee gave its approval to another bill by Orr, **[SB 209](#)**, which would make it illegal to transport an unauthorized immigrant into the state for commercial advantage or private financial gain. Violations would be a Class C felony, punishable by up to 10 years in prison and a \$5,000 fine.

Similar bills won approval from Senate committees last year, but the bills did not make it all the way through the Legislature. **[ARA will continue to monitor this legislation.](#)**

ELECTIONS

Include Contributor Occupation, Employer in Campaign Report

House Committee OKs Proposal

Wednesday, the House Constitution and Elections Committee approved [HB 288](#) by [Rep. Mike Ball, R-Madison](#), which would require that campaign finance forms include the occupation and employer of anyone who contributes more than \$100 to a political campaign. The full House can now consider this legislation. ARA will continue to monitor this legislation.

Senate District 7 Primary is Tuesday

Tuesday is the primary election date for the Senate District 7 seat vacated when Parker Griffith was elected to Congress. Six Republicans and two Democrats are seeking their party's nomination. Polls open at 7 a.m. and close at 7 p.m. If you vote in this district, please remember to cast your ballot Tuesday.



>> See a Full [Election Calendar](#)

LEGAL

Legislation Proposes to Overhaul Business Code

Wednesday, the House Judiciary Committee approved [HB 222](#) by [Rep. Marcel Black, D-Tusculum](#), the 818-page Alabama Business and Nonprofit Entities Code. This massive legislation reorganizes eight different business entities into one code. It includes the Alabama Business Corporation Act; Alabama Non-Profit Corporation Act; Alabama Limited Liability Company Act; Alabama Revised Partnership Act; Alabama Revised Limited Partnership Act; Alabama Real Estate Investment Trust Act; Alabama Professional Associations Act; and the Alabama Professional Associations Act. The Senate companion is [SB 103](#) by [Sen. Rodger Smitherman, D-Birmingham](#).

This is model legislation drawn by the Alabama Law Institute.

Black says his bill "*makes no substantive changes in the law.*" According to a summary of the legislation provided by the sponsor, the reorganization is intended to:

- rearrange the business and non-business organizations into a more logical order;

- provide a smooth transition when a business needs to change from one entity to another;
 - provide a numbering system designed to accommodate future expansion of the law;
 - eliminate repealed, duplicative, expired, and other ineffective provisions;
 - and simplify the language of the various acts.
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PHARMACY

Either Chamber Could Allow Physician Assistants to Prescribe

The House Health Committee on Wednesday approved [HB 484](#), by [Rep. Ronald Johnson, R-Sylacauga](#), which would allow physician assistants to prescribe certain schedules of controlled substances. Last week, a Senate committee approved the companion bill, [SB 359](#) by [Sen. Linda Coleman, D-Birmingham](#). This legislation now could be considered by the full House or Senate. The Alabama Board of Pharmacy is reviewing this legislation. **ARA will continue to monitor this legislation** .

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

Riley Says No to Stimulus Unemployment Money Not Worth it if it Means Higher Taxes for Employers, Gov Says

Gov. Bob Riley decided this week not to expand the state's unemployment compensation program to qualify for an extra \$99.5 million in federal economic stimulus funds.

Employers would face a \$28 million increase in unemployment compensation taxes if Alabama accepts the \$99.5 million because the federal money comes with a mandate to expand jobless benefits to those who don't normally qualify, such as those who work part time or who leave their job for a "*compelling family reason*," said Riley.

Riley said he will not recommend lawmakers change state law to receive this portion of the federal stimulus. Several state Democratic lawmakers said they will apply directly to the federal government for any stimulus funds the governor rejects.

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