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CRR EXTRAS

Friday, March 06, 2009

Senator Seeks to Raise Unemployment Taxes

Bill Accepts Stimulus Money That Will Cost Business

Senate Committee to Consider Smitherman Legislation Next Week

Next week, the Senate Business and Labor Committee will consider **SB 460** by Sen. Rodger Smitherman, D-Birmingham, state legislation backed by the Senate Democratic Caucus that would make it possible for Alabama to accept \$99 million, a portion of the unemployment compensation money available from the federal stimulus. The committee will debate the bill two hours before the Senate convenes Thursday, March 12, in Room 610 of the Alabama State House.

Gov. Bob Riley has refused to accept the \$99 million because **it will broaden unemployment compensation and eventually increase ANNUAL unemployment compensation taxes on businesses by at least \$18 million and by as much as \$27 million if Smitherman's legislation is approved**. The federal money will last perhaps four years. After that, the state will have to increase unemployment insurance taxes.

A showdown looms over this legislation, between labor and business and between the governor and the Legislature. Monday, before introducing the legislation, Smitherman told business lobbyists that his bill is "*not the finished product*" and that he is willing to discuss the particulars with business groups. He had said there would need to be "*give and take on both sides*" before the legislation would be ready for consideration.



The Alabama Retail Association board of directors has begun to study the legislation to determine its ramifications for retailers.

A two-step process is necessary for Alabama to accept this \$99 million in stimulus funds. To accept the first \$33 million of the money, the state would have to change the period of

BILLS

- [HB 069](#)
- [HB 116](#)
- [HB 144](#)
- [HB 144 Amendment](#)
- [HB 183](#)
- [HB 193](#)
- [HB 222](#)
- [HB 254](#)
- [HB 288](#)
- [HB 346](#)
- [HB 362 Proposed Committee Sub](#)
- [HB 373](#)
- [HB 435](#)
- [HB 448](#)
- [HB 473](#)
- [HB 548](#)
- [HB 639](#)
- [HB 646](#)
- [HB 682](#)
- [SB 047](#)
- [SB 103](#)
- [SB 115](#)
- [SB 132](#)
- [SB 148](#)
- [SB 158](#)
- [SB 194](#)
- [SB 200](#)
- [SB 202](#)
- [SB 263](#)
- [SB 316](#)
- [SB 388](#)
- [SB 407](#)
- [SB 450](#)
- [SB 460](#)
- [SB 468](#)

time upon which unemployment compensation is based. Smitherman's bill would make the base period to qualify for unemployment benefits more recent, meaning more individuals, especially more recent hires, would qualify. **It is estimated this change would cost business an additional \$10 million annually after the federal funds expire.**

For Alabama to draw down on the remaining \$66 million available, the state would have to implement at least two of four items, which will carry an additional annual cost for business once the federal money runs out:

- Extend unemployment benefits to the unemployed who are actively seeking part-time work. Now, only those seeking full-time work qualify. Currently, a part-time worker is eligible for unemployment benefits, but they can lose those benefits if they turn down a full-time job opportunity. This new provision will allow the part-time worker to continue getting the unemployment benefits even though they turn down the full-time job. **Estimated annual cost to business: \$5 Million**
- Extend benefits to those who quit for compelling family reasons. **Annual cost: \$3.3 Million**
- Extend benefits to the unemployed enrolled in an approved workforce development training program. **Annual cost: \$8.6 Million**
- Increase unemployment benefits by at least \$15 per dependent, per week with a cap of \$50 or 50 percent of the individual's weekly benefit amount. Example: 4 Dependents x \$15 = \$50. **Annual cost: \$29.6 Million**

Smitherman's bill would extend benefits to those seeking part-time jobs; people who left their jobs due to domestic violence; and those who have run out of unemployment benefits but are enrolled in job training programs. Those three elements will mean somewhere around \$27 million more in annual unemployment taxes for business.

Further complicating this issue is the likelihood that Alabama employers will automatically move into a higher rate schedule for state unemployment compensation taxes in January 2010. At the end of February, the balance of the Alabama State Unemployment Compensation Trust Fund was slightly more than \$236 million, according to the Alabama Department of Industrial Relations. The desired fund level based on actuarial calculations is \$700 million. In any year when the fund drops below 70 percent of the desired level by June 30th, employers automatically move to the highest of the state's four unemployment tax rate schedules the following Jan. 1.

IN THE NEWS

- [Labor supporters, business leaders divided on \\$100 million in federal stimulus money that would broaden unemployment compensation for Alabama's jobless](#)
- [Senator fights for unemployment stimulus money Riley rejected](#)
- [ARA pharmacy member launches homegrown economic stimulus with \\$2 bills in Brewton](#)
- [Alabama tax breaks for movie productions near passage](#)
- [Spirited debate over state wine laws](#)
- [Orr proposes bill to drop food tax](#)
- [Anti-smoking policy will pass the Alabama Senate; the House is the question mark](#)
- [Senate approves bill to help homebuyers](#)
- [Tax collections down slightly in Shoals area](#)
- [Randy Roberts, Publix lobbyist, volunteer, put family first](#)

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

ARA CONTACTS

[Rick Brown](#)
President

[Alison Wingate](#)
Vice President

The minimum base tax rate employers currently pay is .5 percent of taxable wages. When employers move into the higher schedule, the rate increases to .65 percent. Employers at the maximum base tax rate currently pay 6.10 percent, which will increase to 6.8 percent in 2010.

Consequently, no matter what lawmakers do with Smitherman's legislation, employers will pay more in unemployment taxes next year.

>> Other News

ARA LEGISLATIVE AGENDA IN ACTION

Country-of-Origin Labeling Bills Back on the Agenda Next Week

The Senate Agriculture, Conservation and Forestry Committee will hold a **public hearing at 9:30 a.m. Wednesday, March 11, in Room 609 at the Alabama State House** on **SB 194** by [Sen. Jim Preuitt, D-Talladega](#), which would require food service establishments to inform customers where they get ALL of the fish they serve.



Please call the committee members and urge them to vote "No" on this punitive legislation against Alabama restaurants, cafeterias, grocery delicatessens and other food service establishments.

>> [Senate Agriculture, Conservation and Forestry Committee members with links to their contact information](#)

Under this legislation, a food service establishment would be required to place the following disclaimer on its menu or, if the establishment doesn't have a printed menu, prominently display it on a placard: *"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.

Meanwhile, a subcommittee of the House Agriculture and Forestry Committee will meet Tuesday once the Alabama House of Representatives adjourns for the day to discuss **HB 473** by Rep. A.J. McCampbell, D-Linden, and **HB 435** by Rep. Spencer Collier, R-Irvington, the companion to Preuitt's bill.

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

[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.

- 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.

For seven years, ARA has led the fight to keep country-of-origin labeling 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 Monday, 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](#)

The subcommittee to consider HBs 435 and 473 includes [Rep. Thomas Jackson, D-Thomasville](#), who chairs the larger committee; [Rep. Ralph Howard, D-Greensboro](#), who is the subcommittee chairman; [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](#).

Please call these members, especially if you own a restaurant or deli, and let them know your feelings on this legislation and how exactly it will impact your business.

>> *Contact information for each of the subcommittee members can be found by clicking on the link for their name above.*

ARA, the Alabama Restaurant Association and the Alabama Grocers Association sent a letter to all of Alabama's lawmakers to let them know *"these bills set a dangerous precedent for future legislation."*

"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



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

origin of each component of its dishes?," your association wrote in its letter to lawmakers.

ARA supports more positive, voluntary customer-driven programs such as the "[Eat Alabama Wild Shrimp Campaign](#)," which promotes domestic shrimp among retailers, wholesalers and consumers. Retailers would rather see positive programs such as this that benefit everyone rather than punitive legislation and has tried to work with the catfish industry for the past year on such a program. The catfish industry opted instead to go forward with their legislation.

House and Senate OK ARA-Backed Correction Pseudoephedrine Law Correction Moving in Both Directions

Both chambers of the Alabama Legislature have now approved **an ARA-supported correction to state law regulating the sale of ephedrine or pseudoephedrine**. Tuesday, the Alabama House of Representatives, on a vote of 98-0, approved [HB 183](#) by [Rep. Frank McDaniel, D-Albertville](#) (pictured right). Thursday, the Senate approved the Senate companion, [SB 47](#) by [Sen. Lowell Barron, D-Fyffe](#). The House bill has been assigned to the Senate Health Committee. Either bill could receive final passage as early as next week.



Both bills delete 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.

"Chemists tell us that any process that puts chemicals together can be reversed," McDaniel told House members.

This legislation is a part of the ARA [2009 State Legislative Agenda](#).

Movie Industry Incentives One Step from Final Passage

Wednesday, the Senate Finance and Taxation-Education Committee voted 15-0 for [HB 69](#) by [Rep. Richard Lindsey, D-Centre](#). Since the Alabama House of Representatives approved the Entertainment Industry Incentive Act of 2009

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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](#)

unanimously last week, the bill is only one step away from final passage. The full Alabama Senate could consider it as early as next week.

This legislation, **which is part of the Alabama Retail Association's 2009 State Legislative Agenda**, seeks to once again bring movie, television and commercial productions to our state. Alabama's film industry incentives expired in 2006. During Wednesday's meeting, [Sen. Roger Bedford, D-Russellville](#), withdrew the Senate companion, SB 148, from consideration since the House bill is headed to the full Senate.

ARA supports this legislation because of the increased sales expected for retailers should Alabama attract movie and TV productions. Alabama is one of only four states that currently don't offer incentives.

The Entertainment Industry Incentive Act of 2009 provides:

- exemptions on sales, use and lodging taxes for production companies operating in Alabama; incentives equal to 25 percent of production expenses, excluding payroll and benefits paid to Alabama residents;
- a 35 percent rebate of all payroll. Rebates would be available to qualified companies when expenses range from a minimum of \$500,000 to a maximum \$10 million;
- incentives for production expenditures related exclusively to soundtracks. Those expenses must be least \$50,000 and not exceed \$300,000;
- total tax exemptions and tax rebates to film production companies that locate in Alabama of up to \$5 million in 2009, \$7.5 million in 2010 and up to \$10 million in 2011 and beyond.

To pay for the incentives, the bill requires that partnerships and limited liability companies file composite returns on behalf of their nonresident partners/members and remit the income tax that would be owed by the nonresident partner on his/her share of the earnings. The Alabama Department of Revenue estimates this change will generate between \$3 million and \$4 million annually. The Legislative Fiscal Office was unable to determine how much would be taken from the state treasury annually because of the incentives offered in this legislation. The sponsors predict the bill will be revenue neutral.

The Alabama Retail Association testified Wednesday before the Senate Finance and Taxation Education Committee on [SB 388](#) by [Sen. Kim Benefield, D-Woodland](#), which would add energy-efficient furnaces,



refrigerators and other energy-efficient appliances to the list of items included in Alabama's annual sales tax holiday. The 2009 holiday will be Aug. 7-9.

The tax exclusion would apply to appliances costing less than \$1,500 dollars for personal, noncommercial use that have been certified as ENERGY STAR® appliances. ENERGY STAR® 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.

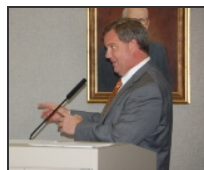


"We need to do everything we can to stimulate the economy," Benefield told the committee, adding 10 states already have an energy efficient sales tax holiday. *"When you motivate consumers, everyone wins,"* she said.

The Alabama Education Association objects to the legislation, which has a fiscal note indicating the bill will reduce sales and use tax receipts to the Education Trust Fund by at least \$147,000 annually, beginning with the fiscal year ending September 30, 2009. AEA representatives said that would mean the loss of two veteran teachers or three new teachers.

However, [Sen. Wendell Mitchell, D-Luverne](#), pointed out that during the three sales tax holidays Alabama has experienced thus far, more money has come into the state and local governments than has been lost through the temporary tax exemption. He questioned why legislation fiscal notes didn't reflect that.

In fact, state sales tax collections for the month of August increased over the previous year by 10.4 percent in 2006, 4.6 percent in 2007 and 7.28 percent in 2008. That amounts to a 24 percent increase in August 2008 sales over the same month sales in 2005, when there wasn't a sales tax holiday. The Alabama Retail Association has contended since the beginning that **a tax holiday actually would increase sales tax collections**, rather than cause a loss of revenue. *"Customers come out the woodwork during sales tax holidays,"* ARA President Rick Brown testified.



The Association of County Commissions indicated that the bill may need to be amended so that cities and counties that already have opted into the current sales tax holiday for school-related items can also decide to opt in to this energy efficient holiday.

The committee did not vote Wednesday, but only listened to the public debate. No schedule for a meeting of the committee for next week had been set at press time.

The House companion, [**HB 193**](#), by [Rep. Greg Wren, R-Montgomery](#), has been assigned to the House Education Appropriations Committee. Both are part of the **ARA's 2009 State Legislative Agenda**.

>> [ARA's Issue Brief on the Energy-Efficient Sales Tax Holiday](#)

EMPLOYMENT

Exemptions Considered for Ban on a No-Guns-in-Parking-Lot Policy

The House sponsor of National Rifle Association-backed legislation that could limit an employer's ability to maintain a safe workplace is considering offering a substitute version to the House Commerce Committee.

[Rep. Craig Ford, D-Gadsden](#), is considering offering a substitute to [**HB 362**](#), which 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 substitute exempts those with secure or temporary parking areas. Under the substitute the bill also would not apply to an employee who as part of a disciplinary measure has been restricted from carrying or possessing a firearm on an employers' property.

>> Please read the [changes highlighted in the substitute](#) and let [ARA VP Alison Wingate](#) know if the changes are acceptable.

The Senate companion, [**SB 407**](#) by Sen. Roger Bedford, D-Russellville, has been assigned to the Senate Judiciary Committee.

ALCOHOL

House Sends Stronger Beers and Wine Legislation to Senate

The Alabama House of Representatives this week approved

bills that would allow stronger beers and wines to be sold in Alabama:

- On a vote of 49-37 Tuesday, the House approved [HB 373](#) by Rep. Thomas Jackson, D-Thomasville, which raises the state alcohol content limitations from 6 percent to 13.9 percent, which clears the way for selling stronger imported and gourmet beers.
- By a vote of 48-32 Thursday, the House approved [HB 448](#) by [Rep. Greg Canfield, R-Vestavia Hills](#), which would raise the threshold for fortified wine to 16.5 percent alcohol by volume, thus allowing more wines to be sold at stores that sell beer and wine but are not licensed to sell liquor. Current law designates any wine with more than 14.9 percent alcohol by volume as a fortified wine and any wine with a lower alcohol content as a table wine.



The Senate Tourism and Marketing Committee will consider both bills when it meets at 9 a.m. Wednesday in Room 610 at the Alabama State House. That committee has already approved the Senate companions: [SB 132](#) by [Sen. Bobby Singleton, D-Greensboro](#), and [SB 263](#), by [Sen. Steve French, R-Birmingham](#).

Meanwhile, the House Tourism and Travel Committee held a public hearing but took no action on [HB 254](#) by [Rep. Johnny Morrow, D-Red Bay](#), which would allow fortified wine to be sold by any Alcoholic Beverage Control Board licensee. Currently, the sale of port, sherry, vermouth and other fortified or "dessert" wines is restricted to licensed liquor stores. Any wine containing not more than 24 percent alcohol by volume would be considered table wine under Morrow's bill. The Senate Tourism and Marketing Committee approved the Senate companion, [SB 158](#) by Singleton on Feb. 12.

The Alabama Retail Association will continue to monitor these bills.

Panel OKs Sunday Sales Referendum for Dothan

Tuesday, the House Local Legislation Committee approved [HB 646](#) by [Rep. Steve Clouse, R-Ozark](#), which would allow voters in the city of Dothan to consider the limited sale of alcohol on Sundays. Recent change in the Alabama Alcoholic Beverage Control board's interpretation of club licenses

means that 17 restaurants in Dothan that now sell alcoholic beverages on Sunday will lose that option as their licenses come up for renewal. Voter approval would allow on-premise consumption of alcohol on Sunday without a club license. Under the bill sponsored by Clouse, who represents Houston County, including Dothan, the voters would decide if they want to allow on-premises consumption on Sundays between 1 p.m. and midnight. If the legislation is approved, a referendum would be held during the next General Election in Dothan.

LABOR

House Version of Child Labor Law Reform Headed to Senate

By a vote of 96-0, the Alabama House of Representatives on Tuesday sent the Senate legislation that would revise Alabama's child labor laws so they align more closely with federal regulations. The House amended the bill to specify that the General Fund appropriation for the child labor division will not exceed the 2009 funding level for two years.

[HB 144](#) by Rep. Frank McDaniel, D-Albertville, was assigned to the Senate Judiciary Committee after Tuesday's House vote. The Senate companion, [SB 200](#) by [Sen. Quinton Ross, D-Montgomery](#), is already ready for consideration by the full Senate.

Under this legislation, businesses would no longer have to apply for a work permit to hire teens. That system would be replaced with a child labor certificate system. Rather than seeking a work permit through the schools, an annual \$15 Child Labor Certificate would be purchased from the Alabama Department of Labor for each location or entity where those age 14 through age 17 work. A Child Labor Certificate will not be required for each minor but rather for the age groups employed. One certificate will be required if 14- and 15-year olds are employed and another certificate is required if the teens employed are 16 and 17.

To be eligible to work, 14- and 15-year-olds would be required to get an "*Eligibility to Work Form*" from their school certifying that they have satisfactory grades and attendance. The teens, not the business, would be required to get this form. No form would be necessary for teen-agers 16 and older.

Other significant proposed changes to the law include:

- maintaining time records and a personnel file on those younger than 19 for three years, which is the federal regulation now;
- verifying a working minor's age using documents

recognized by the Federal Employees Identification Laws. Those are the documents under federal law that an employer may use to verify an employee's age (i.e.- documents listed on the I-9 form); and

- requiring employers to document the already required 30-minute break for 14- and 15-year-olds during a five-hour shift.
-

LEGAL

House Votes to Overhaul Business Code

After amending the already 818-page Alabama Business and Nonprofit Entities Code, the Alabama House of Representatives voted 93-0 to approve the massive legislation that reorganizes eight different business entities into one code.

[HB 222](#) by [Rep. Marcel Black, D-Tusculum](#), 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.

Alabama will be in the forefront if the Legislature adopts this model legislation drawn by the Alabama Law Institute, Black told the House. The bill was amended so that if the Legislature adopts any amendments to the eight previous acts before this consolidated act takes effect on Jan. 1, 2011, those amendments will be folded into the new act as well.

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.
-

TAXES

Orr Bill Would Allow Cities and Counties to Exempt Food

Tuesday, [Sen. Arthur Orr, R-Decatur](#) , introduced [SB 450](#) , which would give county or city officials the authority to exempt food, as defined by food stamp regulations or as defined by the county commission or municipal governing body, from their local sales taxes. In many areas of the state this could reduce sales taxes by as much as 6 percent. The bill awaits action in the Senate Governmental Affairs Committee.



Companion constitutional amendments that would remove the state portion of sales tax and limit the exemption for federal income taxes paid – [HB 116](#) by [Rep. John Knight, D-Montgomery](#) , and [SB 115](#) by [Sen. Hank Sanders, D-Selma](#) – could be considered at anytime by either chamber. The House legislation does not have the 63 votes — or two-thirds of the membership — needed to pass a constitutional amendment, the chambers' leadership said this week.

PHARMACY

Pharmacy Board Changes One Step Away from Final Approval

On a vote of 9-0 Thursday, the Senate Health Committee approved [HB 346](#) by [Rep. Ken Guin, D-Carbon Hill](#) , which would allow the Alabama Board of Pharmacy to:

- adopt rules imposing nondisciplinary administrative penalties for certain violations;
- provide for assistant pharmacist license renewals;
- provide for biennial licenses (every two years) beginning in 2010 for the manufacture or sale of precursor chemicals, rather than the current annual license;
- allow the board to own real property; and
- allow the board to electronically provide each registered pharmacist with a copy of the board's rules and regulations.

Full Senate approval is the only obstacle remaining for this bill to be sent to the governor for his signature. The Senate companion, [SB 316](#) by [Sen. Tom Butler, D-Madison](#) , also is in line for Senate consideration.

Bentley Introduces Health Care Rights of Conscience Act

On Tuesday, [Rep. Robert Bentley, R-Tuscaloosa](#) , introduced [HB 639](#) , which would give healthcare providers, institutions and payers the right to refuse to perform or to participate in healthcare services that violate their conscience and would protect them from discrimination based on exercising this right. This legislation would prevent pharmacy and other healthcare employers from disciplining an employee who deviates from established company policies or procedures. Resolving the dilemma of how to make certain a patient has access to appropriate drug therapy as determined by their prescribing practitioner while allowing pharmacists to follow their conscience is complex and should be independent of governmental mandates. This bill awaits action by the House Health Committee.

Senate Committee Considers Monetary Forfeitures

Tuesday, Sen. Roger Bedford, D- Russellville, introduced [SB 468](#) , which would place a monetary penalty on any pharmaceutical company that defrauds Medicaid in its prescription drug pricing. Forfeitures paid by the drug companies would be no less than \$100 per transaction and no more than \$15,000 per transaction and would go to the State General Fund, under Bedford's bill. This legislation awaits action by the Senate Finance and Taxation General Fund Committee.

MANDATES

Under Bill, Stores, Restaurants Would Have to Have a Defibrillator

For the second year, [Rep. Merika Coleman, D-Birmingham](#) , has introduced legislation that would require all businesses that serve or admit more than 1,000 people over the course of a month to acquire and maintain an automated external defibrillator. Defibrillators often cost in excess of \$1,000 and require expensive training and maintenance. The Alabama Department of Public Health would be responsible for administration and enforcement. [HB 682](#) awaits action in the House Government Operations Committee.

ELECTIONS

Panel OKs Listing Donors' Occupation/Employer in Reports

Thursday, the Senate Constitution, Campaign Finance, Ethics and Elections Committee approved [SB 202](#) by Sen. Arthur Orr, R-Decatur. This bill would require campaigns to list the occupation and employer of any contributor with an aggregate contribution of more than \$100 in any election cycle. Last week, the House Constitution and Elections Committee approved an identical bill, [HB 288](#) by [Rep. Mike Ball, R-Madison](#) .
ARA will continue to monitor this legislation.

House Committee to Consider Nonpartisan Judicial Elections

Wednesday, the House Constitution and Elections Committee will consider [HB 548](#) by [Rep. Jeff McLaughlin, D-Guntersville](#) , which requires the nonpartisan election of state judges. Candidates would pay a filing fee equal to two percent of the annual salary for the judgeship sought to the Secretary of State, who would split the fees between the state's two main political parties. A candidate also could claim indigent status to avoid paying the fee.

McLaughlin's bill is one of several that would change the way Alabama elects its judges. **ARA opposes any legislation that alters the current election process for appellate judges.**

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.

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