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to benefit you!

CRR EXTRAS

Friday, May 01, 2009

Jobless Benefit Expansion Before Senate

Time to Convince Your Senator That SB 460 Will Cost Jobs

Senate GOP, One Democrat Block Tax Increase; For Now

Only one vote in the Alabama Senate kept **a \$22 million annual tax increase on employers** from being considered Thursday, and Senate Democrats say they will try again to have the legislation considered when the Senate returns Tuesday with only five days remaining in 2009 regular session.

The Senate voted 17-13 Thursday to bring [SB 460](#) by [Sen. Rodger Smitherman, D-Birmingham](#), up for debate, one short of the 18 votes needed to actually debate the bill before the budgets. A three-fifths majority is required to debate a bill before the state's education and general operating budgets have passed both legislative chambers. That impediment to debate could be erased as early as Tuesday of next week should the Senate give final approval to the state's General Fund budget. The state's education budget is already on the governor's desk.

The Legislature plans to meet Tuesday, Wednesday and Thursday of next week and Thursday and Friday of the following week, ending the regular session on Friday, May 15th. Under that plan, Thursday, May 7th, would be the 28th legislative day, the final day a bill can move from its originating chamber and still have a chance of passage. If opponents can keep the General Fund budget in the Senate through Thursday and continue to block debate of SB 460, the legislation would be dead for the session. Senate Republicans and one Democrat, [Sen. Larry Means of Attalla](#) (pictured), stood this week with business against this multimillion dollar tax on jobs. The House companion legislation, [HB 688](#), by [Rep. Jack Page, D-Gadsden](#), has yet to be considered by the House Commerce Committee.



Your senator needs to hear from you that **retailers SIMPLY**

TOP ISSUES

- [Tell your representative to vote 'no' on catfish labeling](#)
- [Senate committee strips retailer punitive language from data security bill](#)
- [Governor overrides small town alcohol/dual licensing bill](#)
- [Convince your senator to stop higher unemployment comp taxes](#)
- [Higher alcohol beer and wine bills get debate: no action](#)

BILLS

- [HB 175](#)
- [HB 373](#)
- [HB 373 Amendment](#)
- [HB 435](#)
- [HB 473](#)
- [HB 688](#)
- [HB 746](#)
- [SB 132](#)
- [SB 132 Amendment](#)
- [SB 194](#)
- [SB 263](#)
- [SB 263 Amendment](#)
- [SB 263 Committee Amendment](#)
- [SB 460](#)
- [SB 545](#)

CAN'T AFFORD more unemployment compensation expenses. The expenses called for under SB 460 would kick in with your first quarter tax bill in 2010.

CONTACT YOUR SENATOR NOW,
ESPECIALLY IF HE OR SHE VOTED 'YES' THURSDAY,
AND URGE YOUR SENATOR TO VOTE 'NO' ON SB 460

- [Thursday's 17-13 roll call vote on whether to debate SB 460](#)
- [Talking points for discussing this legislation with your senator](#)
- *Don't know who your senator is?* [Click here](#) and enter your zip code plus 4 to find out

To qualify for \$100 million in federal stimulus money to cover about four years of unemployment benefits, this legislation will make 20,000 more jobless workers eligible for benefits, immediately costing Alabama businesses **\$22 million more in unemployment taxes EVERY YEAR for perpetuity**. **ARA and the other 29 associations in the Business Associations' Tax Coalition continue to stand in unified opposition to accepting temporary funding for permanent expansion of benefits that will cost EVERY employer.**

Stopping this federal government attempt to convince the states to expand their unemployment benefits can be done. The Florida Legislature this week rejected \$444 million offered to expand its unemployment benefits. Key lawmakers there understood that if you make it more expensive for employers to hire employees, they won't hire.

Comments Thursday from Alabama Senate Democrats indicate they do not yet understand that if Alabama extends unemployment benefits to more individuals under this legislation **employer experience ratings will increase, thus increasing the cost for employers for every person they employ. Please make that message clear with your senator.**

>> Other News

COUNTRY OF ORIGIN LABELING

Less Burdensome, Broader Fish Labeling Set for Final Senate OK

House to Take Up Narrow, More Burdensome Catfish Labeling

The Senate Agriculture, Conservation and Forestry Committee this week approved [HB 435](#) by [Rep. Spencer Collier, R-Irvington](#), which requires food service establishments to

- [SB 570](#)

IN THE NEWS

- [Bill to expand jobless benefits stalls in Senate](#)
- [Unemployment bill stalls in Alabama Senate](#)
- [GOP blocks \\$99.5M for jobless benefit expansion](#)
- [Alabama Senate roll call on unemployment debate](#)
- [Florida rejects some jobless funds](#)
- [Keeping jobless rules intact, Florida declines stimulus money](#)
- [House overrides Gov. Bob Riley's decision to veto bill to allow certain restaurants to keep selling alcohol on Sundays](#)
- [Alabama governor vetoes bill allowing small towns to vote on going wet](#)
- [Gov. Bob Riley vetoes bill allowing Sunday alcohol sales in certain restaurants](#)
- [Erwin says Riley has a point on alcohol bill](#)
- [Filibuster halts Free The Hops bill that would allow higher-alcohol beer in Alabama](#)
- [Alabama Senate OKs education budget plan](#)
- [Alabama House of Representatives passes state education budget](#)
- [Alabama Legislature nearing budget wrapup](#)
- [Alabama Senate](#)

inform customers of the country-of-origin for the fish they serve, **if customers ask** . This broad, less burdensome bill is now ready for final consideration by the Senate.

Before it received House approval two weeks ago, **the Alabama Retail Association worked with the Alabama Restaurant Association and the sponsor to make the bill much less burdensome to food service establishments than originally proposed.**



>> [Read the April 17th Capitol Retail Report story for details on the revised bill](#)

The Senate companion, **[SB 194](#)** by [Sen. Jim Preuitt, D-Talladega](#), also has received committee approval and awaits action by the full Senate.

The more narrow, **[HB 473](#)** by [Rep. A.J. McCampbell, D-Linden](#), which would require food service establishments to notify customers of the country of origin of any catfish served, is on the House of Representatives special order calendar for Tuesday.

The catfish-specific legislation requires a restaurant or other food service proprietor to denote country of origin for catfish ONLY on a menu, a sign OR a tabletop display. It has detailed specifications for how a restaurant or a grocery delicatessen is to comply with those three labeling options.

>> [Labeling specifications in April 17th CRR story](#)

Should Collier's and McCampbell's bill both become law, **food service operators would have to operate under two different state labeling requirements related to fish; and grocery stores would operate under three different regulations, as they already have to meet federal country-of-origin labeling requirements for fish.**

Besides mandating how a food service operator must label catfish, HB 473 also requires that if the catfish served was imported from a country other than the United States, any advertising of that catfish also must state the country of origin. And the ultimate penalty under HB 473 is suspension of the business' food safety permit.

This legislation is an effort by Alabama catfish producers, who provided lawmakers with a catfish lunch on Thursday, to save that industry from competition from cheaper imports and distinguish their product from imported goods. It is more about protecting the catfish industry than consumer safety.

- [wins battle of lawmakers](#)
- [State confirms third case of swine flu at Madison County elementary school](#)
- [Montgomery resident likely has swine flu](#)
- [Use antiviral drugs carefully, health officials warn](#)

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

ARA CONTACTS

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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

ARA opposes efforts to shift the burdens of one distressed industry onto the back of another.

Call your representative before the House returns at 1 p.m. Tuesday and ask he/she to vote "NO" on HB 473.

>> Don't know who your representative is?
[Click here](#) and enter your zip code plus 4 to find out

DATA SECURITY

Senate Panel Approves Notification-Only Data Breach Bill

The Senate Finance and Taxation General Fund this week approved **[SB 545](#)** by [Sen. Roger Bedford, D-Russellville](#), after stripping the legislation of all but its notification provisions for credit and debit card data security breaches.

Under this legislation, supported by the state's credit unions, businesses and other organizations would have to notify Alabama residents of any breach of security as soon as reasonably possible by mail or e-mail. If notification involved more than 100,000 people or a cost of \$50,000 or more, the owner of the compromised computerized data could notify the injured parties by e-mail, post the notice conspicuously on their Web site and notify the major statewide media, instead of providing written notice. For all breaches of 1,000 or more people's data, the data holder also would be required to notify all consumer reporting agencies of what the notices said, when they were sent and to how many consumers.



The original bill created new, private causes of actions a financial institution could use against retailers responsible for a security breach. **ARA opposed the original bill** because it created the new cause of action and attempted to bring retailers into disputes that really were between the financial institutions and the credit-card companies. ARA does not oppose timely notification of consumers of data breaches.

Please review the committee substitute for SB 545 and **send any language suggestions to [ARA Vice President Alison Wingate](#) as soon as possible.**

ALCOHOL

House Votes to Override Veto of Small Town Alcohol Referendum

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](#).

BENEFIT FROM THE VALUE

Now, Even More Benefits from ARA



Your Business Can Save Thousands

Grandfathering of Dual Licenses, Also in Bill; Veto Now with Senate

Gov. Bob Riley on Tuesday vetoed [HB 175](#) by [Rep. Jimmy Martin, D-Clanton](#), which allows any city of more than 1,000 residents, except those in Clay, Randolph, and Blount counties, to ask voters if they want to approve the sale of alcoholic beverages, even if the municipality is in a dry county. Supporters would have to collect signatures equaling 30 percent of the voters in the last general election in the municipality to get such a measure on a ballot, under this bill. The legislation also contains an ARA-supported provision that allows existing businesses operating under dual liquor licenses to continue to do so.

Thursday, the Alabama House of Representatives voted 54-19 to override the governor's decision, but the Senate did not respond to the veto before adjourning Thursday. Should the Senate vote to override the governor's veto before the regular session's end, the bill could become law.

The **ARA-supported amendment** added by the sponsor allows businesses currently operating under a dual club or lounge and restaurant liquor license to continue operating under a dual license and be exempt from costly requirements including separate accounting, inventory and entrances.

Late last year, the Alabama Alcoholic Beverage Control Board issued an opinion that dual club and restaurant liquor licenses cannot be issued for the same establishment, even though the board had issued such dual licenses for the previous 13 years. ABC told 25 restaurants in Shelby County and another 20 in Dothan operating under dual licenses that they had to choose whether they would operate under the club or the restaurant liquor license when their licenses are renewed after Sept. 30. No new dual licenses are being issued.

Gourmet Beer and Wine Bills Get Debate, No Action

This week, the Senate debated but took no action on two bills, [SB 132](#) and [SB 263](#), which would increase the allowable alcohol content in beer and wine. Both have been carried over at the call of the chair.

SB 132 by [Sen. Bobby Singleton, D-Greensboro](#), commonly known as the "*Free the Hops*" bill, would increase the allowable alcohol content in beer from 6 percent by volume to 13.9 percent by volume. Alabama's current 6 percent cutoff prevents the state's restaurants and grocers from being able

ARA constantly strives to increase the Value its members received from membership. Many members have been using our low-cost workers' comp program for years, but were asking for more. In January, we announced more savings. ARA members now have access to:

Cost-Saving Credit Card Processing:

Through a partnership with Huntsville-based **CHECKredi**, ARA members get rates normally reserved for only the largest stores.

Discounted Inbound and Outbound Shipping:

Through our arrangement with **PartnerShip** ARA members can save up to 27% on FedEx services and up to 70% on other shipping needs.

Budget Friendly Email Marketing:

Constant Contact brings ARA members cutting edge e-mail marketing technology for as low as \$15 a month; members save up to 25%

Find Out More Today

IMPORTANT EVENT THIS WEEK

WHAT: **Birmingham Business Leadership Exchange**
WHEN: **6 p.m. Wednesday, April 6**
WHERE: Regions Center Upper Lobby Auditorium, 1900 5th Avenue North

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

to sell many gourmet and micro-brew beers.

In an effort to expedite the bill's passage, the Senate substituted SB 132 with [HB 373](#), which already has received House approval. Should the legislation gain Senate approval, it will go directly to the House for concurrence, rather than back through the House committee system. The Senate also added an amendment proposed by Sen. Ben Brooks, R-Mobile, which would prevent convenience stores and groceries that have off-premise licenses from selling beers above the current 6 percent threshold. Brooks intended for only convenience stores to be excluded from the bill. Restaurants and groceries with on-premise licenses would be allowed to sell the higher alcohol content beers, under the amended bill.



SB 263 by [Sen. Steve French, R-Birmingham](#), would increase the allowable alcohol content of table wine from 14.9 percent to 16.5 percent. This bill would increase availability of specialty and desert wines with higher alcohol content. The Senate also amended this bill to exclude convenience stores and groceries that only have off-premise licenses.

[Sen. Hank Erwin, R-Montevallo](#), called both the beer and wine bills "*showstoppers*" and said, "*I've never tasted the stuff (alcoholic beverages) and have no need for it.*" Erwin staged a one-man filibuster on both bills on moral grounds, pledging to hold up all the remaining items on the Senate agenda if debate had continued.

ARA will continue to monitor both of these bills as they could have a significant economic impact by allowing restaurants and groceries to sell more high-end beers and wines.

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

BUDGETS

Education Budget on Governor's Desk

Senate to Take Up General Fund

State school superintendents won't have to send pink slips out in bulk today. The Alabama Legislature has sent the governor a \$6.2 billion Education Trust Fund budget ([SB 570](#)) by [Sen. Hank Sanders, D-Selma](#) for his signature with five days remaining in the 2009 regular legislative session.

Tuesday, the House made small changes to the education budget passed by the Senate last week, then the Senate unanimously approved the House changes Thursday. The House's approval of the budget also was unanimous.

On Wednesday, the Senate Finance and Taxation General Fund Committee voted without dissent for the \$2.2 billion budget version of the General Fund budget ([HB 746](#) by [Rep. John Knight, D-Montgomery](#)), that the House passed last week. The Senate is expected to begin tinkering with the state's general operating budget Tuesday, then send it back to the House later in the week to approve any changes the upper chamber makes.

LEGISLATIVE TIME OUT

Lawmakers Take Battle from State House to Diamond

In the annual House vs. Senate softball game played Tuesday, the Alabama Senate redeemed its losses in the previous two years with a 28-15 win over the House of Representatives. **The**



Alabama Retail Association was one of the event's sponsors.

ARA Vice President Alison Wingate, right, is pictured here during the opening ceremonies as Senate Team Captain Rodger Smitherman, left, and House Captain Greg Wren address the crowd. The game served as a break in debate, achieving its goal of reducing some stresses that develop late in the session. The game's highlights and victories peppered lawmakers' debate comments throughout the remainder of the legislative week.

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