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CRR EXTRAS

Friday, February 19, 2010

Governor, ARA and Other Business Groups:

Time for Lawmakers to Focus on Jobs

House Committee Approves Alternate Job Incentive Legislation

Gov. Bob Riley and the leaders of three state business groups, including your **Alabama Retail Association**, called on lawmakers this week to "focus like a laser" on incentives to encourage job creation as the Alabama Legislature's 2010 regular session nears its midpoint.

"The people want us to focus on jobs," the governor said as he continued this week to promote the three bills included in his Jumpstarting Jobs plan. The plan calls for up to \$1,500 in tax credits for every unemployed worker hired through June of next year, additional assistance for businesses in the most economically depressed areas over the next three years and an increased tax deduction for health insurance costs. "We hope these bills give employers the incentive to go out and hire," the governor said during a Wednesday news conference.

"It's important to keep in mind that when businesses are creating jobs and offering health insurance, that means fewer workers on unemployment rolls and fewer families have to depend on



Gov. Bob Riley greets ARA President Rick Brown during Wednesday's news conference.

Medicaid services," said ARA President Rick Brown, who appeared with the governor at the news conference along with representatives for the National Federation of Independent Business and the Business Council of Alabama.

Any state plan adopted would apply to state income taxes paid and would be in addition to whatever federal credits or tax exemptions Congress enacts. President Obama has

TOP ISSUES

[House Panel to Consider 'Guns-to-Work'](#)

[House Gets Electronic Ephedrine Tracking](#)

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[Bill Would Allow Remote Drug Orders](#)

[Lawmakers Call on Public Health to Enforce Fish Country-of-Origin Notification](#)

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BILLS

- [HB 090](#)
- [HB 163](#)
- [HB 181](#)
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- [HB 364](#)
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- [SB 039 Beason Amendment](#)

called for employers to receive a \$5,000 tax credit for each new employee they hire this year, while U.S. Sens. Charles E. Schumer, D-N.Y., and Orrin G. Hatch, R-Utah, have proposed exempting companies from paying Social Security taxes for the remainder of 2010 on every new worker hired who had been unemployed for at least 60 days.

All three of the state bills supported by the governor await consideration by the House Education Appropriations Committee. They would:

- provide **tax credits** to employers who hire the unemployed on a sliding scale, from \$500 up to \$1,500, based on the salary of the previously unemployed person hired. Under [HB 163](#), the Back to Work Tax Credit of 2010, by [Rep. Duwayne Bridges, R-Valley](#), any qualifying job must be created before June 30, 2011, and the tax credit would apply to the year in which the job is created.
- provide \$1,500 in tax credits over three years (\$500 each year) for employers who create jobs in the 25 Alabama counties with the highest unemployment. ([HB 90](#), also by Bridges.)
- increase from 150 percent to 200 percent, the **deduction** business owners with fewer than 25 employees and their employees can apply to employee health insurance premiums paid on their state income taxes. [HB 181](#) by [Rep. Jay Love, R-Montgomery](#), is a plank in the [ARA's 2010 State Legislative Agenda](#).

The House Education Appropriations Committee's chairman, [Rep. Richard Lindsey, D-Centre](#), told the media the governor's bills haven't come before his committee because he supports legislation by [Rep. Robert Bentley, R-Tuscaloosa](#), which would provide tax deductions for businesses that hire new workers for at least a year. The House Education Appropriations Committee approved Bentley's [HB 260](#) after a Wednesday public hearing. That bill provides for a state income tax deduction equal to 50 percent of the gross wages paid to each such person hired and retained as an employee for a full year. Under the Reemployment Act of 2010, a business cannot claim the deduction until the employee has been continuously employed for 12 months following the hire date. The Senate companion is [SB 405](#) by [Sen. Larry Means, D-Attalla](#), which is pending in the Senate Finance and Taxation Education Committee.

Other legislation that would give employers tax breaks for hiring, includes [SB 424](#), which [Sen. Quentin Ross, D-Montgomery](#), introduced this week, and [HB 285](#), a similar bill by [Rep. Thad McClammy, D-Montgomery](#). Both would give a tax credit for hiring students 18 and younger to work

- [SB 039 Little Amendment](#)
- [SB 039 Marsh Amendment](#)
- [SB 039 Orr Amendment 1](#)
- [SB 039 Orr Amendment 2](#)
- [SB 119](#)
- [SB 175](#)
- [SB 256](#)
- [SB 312](#)
- [SB 360](#)
- [SB 367](#)
- [SB 405](#)
- [SB 407](#)
- [SB 424](#)
- [SB 431](#)
- [SB 66](#)

IN THE NEWS

[Gov. Bob Riley says House panel holding up jobs bills](#)

[White House crafts jobs bill, a year into stimulus effort](#)

[Bills to boost speed limit, ease gun restrictions pass Virginia's Senate](#)

[Bill targets meth ingredients](#)

[Committee passage puts Mitchem immigration bill in line for consideration](#)

[New state House member K.L. Brown takes oath](#)

[K.L. Brown wins handily in District 40 race](#)

[Republican K.L. Brown Wins Special Election: GOP Picks Up 45th Seat in Alabama House](#)

[Alabama Senate may vote on statewide bingo referendum next week](#)

[Alabama House panel OKs voter photo ID bill](#)

[Charter school bill dead for 2010 legislative session](#)

during school breaks, after school and on weekends.

>> [NEWS RELEASE: Business Groups, Lawmakers Join Governor to Urge Passage of 'Jumpstarting Jobs' Plan](#)

>> Other News

WORKPLACE POLICIES

'Guns-To-Work' Debate Moving

House Panel to Consider Wednesday; In Line for Full Senate

A Senate committee has approved and a House committee next week will consider legislation forbidding retailers and other businesses from having policies that prevent employees or customers from keeping licensed firearms locked out of sight in their vehicles in the businesses' parking lots or parking facilities.

The **Alabama Coalition for Safe Workplaces**, which includes the Alabama Retail Association, **opposes this legislation**, which infringes on employers' rights to secure company property.

The House Commerce Committee next week will consider **HB 364** by [Rep. Craig Ford, D-Gadsden](#). **Call or e-mail these committee members before Wednesday to voice your opposition:**

COMMITTEE MEMBER	PHONE	E-MAIL
	334 area	
Gerald Allen	242-7758	ghallen62@yahoo.com
Warren Beck	242-7774	warren.beck@alhouse.gov
DuWayne Bridges	242-7600	duwayne.bridges@alhouse.gov
Bill Dukes	242-7689	info@mocold.com
James Fields	242-7600	james.fields@alhouse.gov
David Grimes	242-7707	repgrimes@birch.net
Alan Harper	242-7732	aharper@nctv.com
Earl Hilliard	242-7684	earl.hilliard@alhouse.gov
A.J. McCampbell	242-7747	artis.mccampbell@alhouse.gov
Frank McDaniel (chairman)	242-7697	legislator@mclo.org
Rod Scott	242-7752	scotthrod@yahoo.com
Lesley Vance	242-7687	lesley.vance@alhouse.gov
Pebblin Warren	242-7734	pwarren@alhouse.gov

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 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

The legislation requires electronic tracking of over-the-counter products containing ephedrine and pseudoephedrine, key ingredients used in the production of



methamphetamine. Alabama's attorney general has worked with ARA and other groups to develop this legislation. ARA has been supportive of the effort as a means of discouraging lawmakers from mandating prescription-only status for these widely used nasal decongestants. The overall goal of the legislation is to permit the legal use of these products, while keeping them from being used in an illegal manner.

The Senate Health Committee will take up the Senate companion, [**SB 407**](#) by [Sen. Lowell Barron, R-Fyffe](#), on Thursday of next week.

Under the bills, beginning Jan. 1, 2011, retailers would have to submit the name, address, date and time of sale as well as the name and quantity of the ephedrine or pseudoephedrine product being purchased to an electronic verification system paid for by the drug manufacturers. There would be no cost to retailers or the state. If the system issues a stop sale alert, the retailer is to discontinue the transaction. Continuing with the sale when notified by the system that the purchaser cannot legally buy the medication would result in increasing misdemeanor charges with each infraction. There is an exception for instances when the retailer fears bodily harm.

Bedford Proposes Companies Pay if Medicaid Overcharged

Tuesday, [Sen. Roger Bedford, D- Russellville](#), introduced [**SB 431**](#), 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.

Senate Panel to Consider Bill to Allow Remote Drug Orders

The Senate Health Committee will consider legislation next week that would change the definition of a pharmacy to allow remote entry of drug orders in facilities that don't actually stock

Cost-Saving Credit Card Processing:

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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

the drugs, such as pharmacy call centers for hospitals and facilities where there are pharmacists and pharmacy technicians on duty but no actual drug inventory. The committee will consider [SB 367](#) by [Sen. Tom Butler, D-Madison](#), on Thursday. The House companion, [HB 453](#) by [Rep. Jim Barton, R-Mobile](#), awaits consideration by the House Health Committee.

Barton introduced a substitute version for his bill this week, [HB 571](#). Butler is expected to substitute the language in his Senate version with the language from Barton's new House bill during next week's committee meeting.

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](#)

Lawmaker Introduces Proposals to Change Definitions

[Rep. Ronald Johnson, R-Sylacauga](#), this week introduced two bills affecting the practice of pharmacy, which both await consideration by the House Health Committee:

- [HB 587](#) defines pharmacy as a "*learned profession*." Employees practicing a learned profession are not subject to many components of the Fair Labor Standards Act, mainly those relating to overtime. Jobs classified as learned professions typically fall into the categories of law, medicine and theology and require "advanced learning" of a scientific nature. This bill stipulates that a pharmacist is such a learned profession. HB 587 will have no affect on a pharmacist's scope of the practice, nor would it in any way restrict the ownership, operation or method of conducting a pharmacy in this state.
- [HB 595](#) would amend the definition of the practice of pharmacy to include "*consultation by a licensed pharmacist concerning prescription legend drugs prescribed for a patient by a health care provider authorized to prescribe*." This language would clear up confusion about whether consultations are a legitimate practice of pharmacy and, therefore, similarly regulated as the other pharmacy practices.

Public Hearing Delayed on Rights of Conscience Act

The Senate Health Committee canceled its meeting this week, so no public hearing was held Thursday for [SB 312](#) by [Sen. Rusty Glover, R-Semmes](#). This legislation would give healthcare providers, institutions and payers the right to refuse to perform or participate in healthcare services that violate their conscience and would protect them from

discrimination based on exercising that right. It also would prevent pharmacy and other healthcare employers from disciplining an employee who deviates from established company policies or procedures and contains a provision that says the act would not shield anyone from liability for denying services based on race or disability. 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. Two other similar bills have been introduced in the Senate. **ARA will continue to monitor this legislation.**

FOOD SERVICE

Legislature Wants Enforcement of COOL Notification

The Alabama House and Senate have passed a joint resolution, [HJR 186](#), by [Rep. Spencer Collier, R-Irvington](#), urging the Alabama Department of Public Health to enforce a law passed last year that requires food service operators to reveal the country of origin of all fish served, if customers ask. Without discussion, the Senate this week approved the resolution the House approved Feb. 2. It now goes to the governor for his signature.

Greg Locklier, the Health Department's assistant general counsel, told lawmakers in a recent committee meeting that the current law makes it difficult, if not impossible, for the department to enforce. Consequently, the department has yet to develop rules for enforcement, even though, the law went into effect Jan. 1.

The new state law requires food service establishments to inform customers of the country of origin for ALL the seafood they sell, if customers ask. The law, however, excludes those who don't have to label country of origin under federal law. There are differing opinions as to whether or not food products delivered to restaurants have to be labeled. The resolution doesn't address the point of confusion, it simply instructs Public Health to enforce the law in its entirety.

IMMIGRATION

Senators Try to Expand Public Benefits Immigration Bill

The Alabama Senate bogged down briefly Thursday for an impromptu immigration debate spurred by the consideration of [SB 39](#) by [Sen. Hinton Mitchem, D-](#)

[Guntersville](#), which would require anyone 19 and older to provide proof of lawfully being in the United States before receiving certain public benefits. The bill inspired amendments mirroring language of other immigration-related bills introduced but not yet receiving floor debate so far this session. The Senate:

- adopted on a vote of 29-0 an [amendment](#) by [Sen. Ted Little, D-Auburn](#), authorizing the Governmental Affairs or Operations Committee of each chamber to request an annual report on the bill's enforcement.
- adopted on a vote of 32-0 an [amendment](#) by [Sen. Arthur Orr, R-Decatur](#), prohibiting the state, city or county from issuing or renewing a business license of anyone who is illegally in the United States. [SB 119](#) by Orr, which awaits action by the Senate Economic Expansion and Trade Committee, contains the same provisions.
- adopted on a vote of 33-0 another [amendment](#) by Orr requiring a business to certify that it does not employ illegal aliens in order to qualify for any economic development incentive awarded by the Alabama Development Office. This amendment mirrors [SB 66](#), legislation by Orr that the Senate Economic Expansion and Trade Committee has yet to consider.
- defeated on a vote of 17-15 an [amendment](#) by [Sen. Del Marsh, R-Anniston](#), requiring businesses to use the federal E-Verify system to verify the immigration status of employees. [SB 175](#) by Marsh would do the same and rests with the same committee as Orr's bills.
- Failed to table an [amendment](#) (vote of 15-15) by [Sen. Scott Beason, R-Gardendale](#), making it illegal to transport an illegal alien within the state. The amendment was one provision of [SB 256](#) by Beason..

Following the failure to table Beason's amendment, the bill was carried over. Mitchem's bill could be considered at anytime at the presiding officer's discretion. If the bill resurfaces, Beason's amendment will be in line for consideration.

ALCOHOL

England Proposes Sunday Sales in Tuscaloosa

[Rep. Chris England, D-Tuscaloosa](#), has introduced legislation to allow the city of Tuscaloosa to hold a referendum on Sunday alcohol sales. Within 30 days after the

passage of [HB 565](#), the Tuscaloosa City Council could schedule a referendum on Sunday alcohol sales. The question on the ballot would be: *"Do you favor the legal sale and distribution of alcoholic beverages within this municipality, on Sunday between 12:00 p.m. (noon), and 9:30 p.m., and on those Sundays on which occurs New Year's Eve (December 31), after 12:00 p.m. (noon)? Yes ___ No ___."* The Tuscaloosa delegation in the House would have to approve the bill before it could move any further in the process.

ELECTIONS

Newest Member of Alabama Legislature Sworn in Thursday

[House Speaker Seth Hammett](#) swore in state [Rep. K.L. Brown, R-Jacksonville](#), a funeral home owner, shortly before the Alabama House of Representatives convened Thursday. Brown was elected Tuesday to fill the seat left vacant by the October death of Rep. Lea Fite, D-Jacksonville. All of the Legislature's vacancies have now been filled. All 140 of Alabama's legislative seats will be on the June and/or November ballots this year, including the House District 40 seat filled by Brown. Brown's term expires in January of 2011.

NEXT LEGISLATIVE DAY

The Alabama Legislature will meet for organizational purposes beginning Jan. 11, 2011. The Alabama Senate and House will meet in regular session for 30 legislative days between March 1 and June 13, 2011.

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