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to benefit you!*

Friday, March 05, 2010

Board to Decide Fee Collection Method

Bill Also Alters Who Sits on the Wireless E-911 Board

ARA: Retailers Shouldn't Collect E-911 Wireless Phone Fees

While the failure of gambling legislation grabbed most of the headlines this week, [Rep. Craig Ford, D-Gadsden](#), introduced legislation that would authorize the Alabama Wireless E-911 Board, currently known as the Commercial Mobile Radio Service Board, to decide how to collect fees from cell phone providers or users to support the state's enhanced 911 emergency telephone service. The legislation calls for the board to develop the collection plan as soon as Jan. 11, 2011.



Past legislative proposals have sought to have retailers collect such fees at the point of sale. Ford's bill does not spell out the method for the fee collection, but instead

develops a timeline for the nine-member board to decide the collection method. Maine, Louisiana and Texas have set up retailer-based processes for collecting the fees from prepaid wireless customers. The prepaid wireless industry, led by TracFone Wireless Inc., is pushing legislation in at least 20 other states that would force retailers to collect these fees, rather than have wireless companies write a check to the states to cover the fees for their customers.

The bill also changes the makeup of the current Commercial Mobile Radio Service Board. The legislation would remove two wireless phone providers, a county commission representative and a state auditor appointee from the board and add three representatives appointed by the Cellular Telephone Industries Association, CTIA, including a prepaid wireless representative. It also would add members to be recommended by the director of the Alabama Department of Homeland Security, the Alabama Public Service Commission chairman and the attorney general.

CRR EXTRAS

TOP ISSUES

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BILLS

- [Act 2010-84](#)
- [HB 181](#)
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- [HB 542](#)
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- [HB 565](#)
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[HB 662](#) awaits consideration by the House Boards and Commissions Committee. **ARA is working with interested parties to amend the bill and will vehemently fight any attempts to use retailers as the collection agency for these fees.**

>> Other News

IMMIGRATION

Punitive Local Immigration Legislation Advances

Contact Senate Panel and Bill Sponsor

While statewide legislation that would penalize Alabama employers for failing to verify their employees are in the country legally languishes in the House Judiciary Committee, two other bills specific to Morgan and Limestone counties have been moving through the legislative process. All three bills by [Rep. Micky Hammon, R-Decatur](#), would force businesses in violation to stop doing business, either temporarily or permanently. **While the [Alabama Retail Association](#) does not condone the hiring of illegal workers, your association does not feel retailers and other businesses should be put out of business for failure to properly perform administrative functions.**

[HB 486](#), which requires Limestone County employers to verify the legal status of new employees, awaits final action in the Alabama Senate. The House gave its consent Feb. 18 to [HB 487](#), also by Hammon, which applies only to Morgan County. That bill awaits action by a Senate local legislation committee.

Call or e-mail the members of the Senate Local Legislation Committee #1 and ask them to stop the progress of HB 487 (If you e-mail, please cc [ARA VP Alison Wingate](#)):

- [Lowell Barron](#), (334) 242-7858
- [Roger Bedford](#), (334) 242-7862 or senbedford@aol.com
- [Tom Butler](#), (334) 242-7854 or senbutler@aol.com
- [Zeb Little](#) (chairman), (334) 242-7855 or [zeb@zeblittlelaw firm.com](mailto:zeb@zeblittlelawfirm.com)
- [Arthur Orr](#), (334) 242-7800 or www.arthurr.com/contact.html
- [Hank Sanders](#), (334) 242-7860
- [Harri Anne Smith](#), (334) 242-7879 or harriannesmith@graceba.net

The statewide legislation, [HB 559](#), also sponsored by Hammon, rests with the House Judiciary Committee. The Senate companion, [SB 175](#), by [Sen. Del Marsh, R-Anniston](#), awaits action by the Senate Economic Expansion and Trade

- [HB 662](#)
- [SB 11](#)
- [SB 153](#)
- [SB 175](#)
- [SB 284](#)

[HR 2847](#)

[Public Law No: 111-144](#)

IN THE NEWS

[Worker identity verification bills considered](#)

[Alabama Senate rejects plan to allow state vote on e-bingo](#)

[Obama looking to give new life to immigration reform](#)

[House panel rejects non-partisan judge elections](#)

[Sunday sales vote may arrive in Tuscaloosa shortly](#)

[Governor, ARA member encourage expansion of health insurance benefit for small businesses](#)

[Barron promises to revive road bill next week](#)

[Appliance rebate cash response overwhelming in Minnesota and Iowa](#)

[Obama seeks additional incentives to make homes more energy efficient](#)

[Senator relents, and jobless bill passes](#)

[Small business loan incentives are back on the table – for now](#)

[House adopts \\$15 billion plan to spur job growth](#)

[FDA warns of salmonella risk from common flavor enhancer](#)

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

Committee.

All of the bills require employers to use the federal E-Verify program ([click on logo](#)



for more on the voluntary federal program) to confirm an employee is either a U.S. citizen or, if not a citizen, has authorization to live and work in this country. Employers who do not verify employee status would face a one- to 30-day suspension of their business license on first offense and total loss of their business licenses with the second violation, under each of these bills.

Alabama Employers for Immigration Reform, a coalition of businesses including your Alabama Retail Association, has been working with a bipartisan coalition of senators to avoid legislation that unduly punishes or burdens business in regard to immigration. **Please contact Hammon – (334) 242-7709, (256) 350-0375 or info@mocold.com – and let him know that his bills go too far in punishing businesses.**

While federal, state and some local governments require employers to use E-Verify on government projects, not many states require its use in the private sector. Bills that apply to only one county also make it difficult for employers who have employees in multiple counties to keep up with the differing regulations in the different entities.

ELECTIONS

House Panel Rejects Nonpartisan Election of Local Judges; Same Panel Yet to Consider Nonpartisan Appellate Elections

By a one-vote margin, the House Constitution and Elections Committee on Wednesday rejected [HB 620](#) by [Rep. Charles Newton, D-Greenville](#), which provides for the nonpartisan election of circuit and district court judges.

Currently, local judicial candidates qualify with a political party, political parties nominate district and circuit court judges in a primary election and those primary nominees appear on the



General Election ballot under their affiliated party banner. Under Newton's proposal, potential judges would have qualified with the Secretary of State, the qualifying fees would have gone to the state's General Fund and judicial candidates would have appeared under a separate ballot column labeled the "Official Nonpartisan Judicial Ballot." All of the Republicans and one Democrat on the committee, Rep. Joseph Mitchell of Mobile, voted against HB 620.

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 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

The same committee has yet to consider [HB 542](#) by [Rep. Jeff McLaughlin, D-Guntersville](#), which would mandate nonpartisan elections of justices for the Alabama Supreme Court, Court of Civil Appeals and Court of Criminal Appeals.

Under McLaughlin's bill, candidates would qualify with the Secretary of State and their qualifying fees would be split between the two political parties. Like the local bill, it also calls for a separate ballot column labeled the "*Official Nonpartisan Judicial Ballot*."

Under HB 542, if a candidate received more than 50 percent of the vote in the primary, only that name would appear on the ballot in the General Election. If no candidate won a majority in the primary, the two top candidates would appear on the General Election ballot.

As part of its [2010 Legislative Agenda](#), ARA opposes any legislation that alters the current election process for appellate judges.

FOOD SERVICE

Country of Origin Debate Continues

The Senate Agriculture, Conservation and Forestry Committee this week approved [SB 284](#) by [Sen. Jim Preuitt, D-Talladega](#), an amendment to the current law, which requires food service operators to reveal the country of origin of all fish served, if customers ask.

The 2009 law mandates food service establishments inform customers of the country-of-origin for ALL the seafood they sell, if customers ask. The state 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.



Greg Locklier, the Health Department's assistant general counsel, said 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.

Preuitt's bill is one of several vehicles lawmakers have offered in an attempt to facilitate enforcement of the country-of-origin notification law. The governor has signed a legislative joint resolution, [Act 2010-84](#), by [Rep. Spencer Collier, R-Irvington](#),

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

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

urging the Alabama Department of Public Health to enforce the 2009 law. The enacted resolution doesn't address the point of confusion, it simply instructs Public Health to enforce the law in its entirety.

In the latest development, Collier this week introduced [HB 659](#), which takes the 2009 law a step further and requires labeling of all fish and shellfish. A 2009 law requires labeling of catfish served. Collier's latest bill has been assigned to the House Agriculture and Forestry Committee.

ALCOHOL

House OKs Sunday Sales in Tuscaloosa

On a vote of 37-0 Tuesday, the Alabama House of Representatives approved [HB 565](#) by [Rep. Chris England, D-Tuscaloosa](#), which would allow the city of Tuscaloosa to hold a referendum on Sunday alcohol sales. If the bill becomes law, the Tuscaloosa City Council would have 30 days in which to set a referendum. Voters would be asked to approve liquor sales between noon and 9:30 p.m. on Sundays; and when Dec. 31 falls on a Sunday, the legal sale time would be between noon and 2 a.m. Monday. The bill is part of the Tuscaloosa council's legislative agenda.

TAXES

ARA Member Advocates for Health Insurance Deduction Riley Visits Montgomery's Square Root Interactive

Gov. Bob Riley's statewide campaign to increase the income tax deduction for health insurance premiums paid for small businesses made a stop this week at Montgomery Web design and development company, [Square Root Interactive](#). [Square Root](#) has been an ARA member since 2006.



*Square Root staff
with Gov. Bob Riley*

[HB 181](#) by [Rep. Jay Love, R-Montgomery](#), would increase the deduction business owners with fewer than 25 employees and their employees can apply to their state income taxes from 150 percent to 200 percent of employee health insurance premiums paid. **The increased deduction also is a plank in the [ARA's 2010 State Legislative Agenda](#).**

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 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 \[Alabama Jobs Commission\]\(#\)](#)

>> [Governor's new s release on his stop at Square Root Interactive](#)

or join the conversation
on Facebook at

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

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.

FEDERAL

Alabama Launches Appliance Rebate Program in April;
State Plans March 16 Webinar to Explain Program to Retailers

The federally funded State Energy Efficient Appliance Rebate Program, being administered by the [Energy Division of the Alabama Department of Economic and Community Affairs](#) **begins Monday, April 19th** in Alabama, coinciding with the week of Earth Day, and lasts for three weeks. The program is scheduled to end at close of business on **Sunday, May 9th**, but could end earlier if the federal funds run out. **Alabama has slightly more than \$4 million available for the federal rebates**, which are funded by the American Recovery and Reinvestment Act of 2009. If funds remain after the initial program, the state may hold a second rebate period in October 2010 during Energy Awareness Month. The rebate program has been so popular with consumers, however, that some states ran out of the federal funds on the first day or first week of the program.

ADECA has scheduled a **Webinar** to explain the rebate process to retailers for **1 p.m. Tuesday, March 16**. ([Register here](#) or under Benefit from the Value at right.) You also can find a link to the online registration for that Webinar on the [ARA home page](#). If you are unable to participate in the Webinar, the contents of the program will be posted on [ADECA's Web site](#) after March 16.

The intent of the rebate program is to improve energy efficiency and stimulate the economy by encouraging consumers to replace old appliances with new [ENERGY STAR](#) appliances. ENERGY STAR appliances meet energy standards set by the federal government and are up to 30 percent more efficient than standard models. Rebate applicants must certify the new ENERGY STAR qualified appliance replaces an existing appliance. Recycling of old appliances being replaced is encouraged, but not required. Customers who recycle their appliances will be asked to provide documentation if possible. The rebates will be paid to

consumers in VISA prepaid cards.

Here are the products covered and the rebates offered in Alabama:

Eligible Appliances	VISA® Pre-Paid Rebate
Refrigerators (standard size)*	\$150
Clothes Washers	\$100
Dishwashers	\$75
Freezers	\$50
Room Air Conditioners	\$25

** Refrigerator purchase must be at least 7.75 cubic feet and priced over \$500 to qualify.*

Congress Grants One Month Extension

For Unemployment, COBRA, Medicaid Payouts

The president signed into law this week legislation that extends for another month federal funding for unemployment insurance benefits for 3,600 Alabamians as well as Consolidated Omnibus Budget Reconciliation Act (COBRA)



benefits. Workers who become involuntarily terminated through March 31, now could be eligible for the COBRA subsidy, which pays 65 percent of health care premiums for up to 15 months. The bill is only a temporary solution while Congress continues to debate extensions that will last until the end of the year.

According to the latest numbers, Alabama's unemployment stands at 11 percent. Revised numbers come out Wednesday of next week. Meanwhile, the level of unemployment continues to put pressure on the state's Unemployment Compensation

Trust Fund, which stood at a negative \$213.7 million as of Feb. 26, requiring the state to continue to borrow money to pay unemployment benefits, according to the Alabama Department of Industrial Relations. Employers have until May 1 to pay their first quarter unemployment compensation taxes with the bulk of that money going to repay what the state has borrowed. Fortunately, the Alabama Senate, occupied with other issues, has not taken up [SB 11](#), which would expand the state's unemployment benefits and increase the unemployment tax burden on Alabama business by another \$42 billion annually.

The federal legislation ([Public Law No: 111-144](#)) adopted this week also will prevent a 21 percent cut in Medicaid disbursements to doctors until the end of March. Legislation know as the "doctors fix" to permanently prevent the Medicaid cuts has been proposed, but its hefty price tag, estimated at \$200 billion to \$300 billion, stands as a sizable obstacle to its passage.

U.S. House Changes \$15 Billion Jobs Bill

Action Sends Bill Back to Senate

Thursday, the U.S. House of Representatives slightly altered the Senate version of the Jobs for Main Street Act of 2010 ([HR 2847](#)), a \$15 billion jobs bill. The House first OK'd a much larger \$154 billion version of the bill in December. The House amended the bill approved by the Senate last week so it complies with "pay-as-you-go" budget rules. The bill now goes back to the Senate for concurrence.

Among the provisions in the bill are:

- a temporary exemption from the 6.2 percent Social Security payroll tax through December for newly hired workers who have been unemployed for 60 days or more.
- an additional \$1,000 credit if the new workers stay on the job a full year.
- tax credits to small businesses for up to \$250,000 in capital expenditures, such as equipment purchases, this year.

The bill also funds highway and transit programs through 2010.

Food Enhancer May Be Contaminated

Thousands of Products Recalled

The U.S. Food and Drug Administration is investigating possible Salmonella Tennessee contamination to hydrolyzed

vegetable protein, or HVP, manufactured by Basic Food Flavors Inc. in Las Vegas, resulting in the recall of thousands of processed foods – including many varieties of soups, chips, frozen dinners, hot dogs and salad dressings.

Here is the basic information issued by FDA:

- Hydrolyzed vegetable protein (HVP) is a flavor enhancer used in processed foods.
- HVP manufactured by Basic Food Flavors has been recalled because of Salmonella.

[>> Consumer Alert](#)

- No illnesses have been reported.
- HVP is used in a wide variety of food products. Only products made with HVP from Basic Food Flavors are being recalled.

[>> Browse and search the list of recalled products](#)

Alabama Department of Agriculture and Industries Food Safety Inspectors are conducting recall investigations to assure the recalled products are removed from store shelves. The Alabama Department of Public Health has [a link](#) to the FDA information on the [home page](#) of its Web site.

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