

# 2011 **ARA** STATE LEGISLATIVE AGENDA

For more on these issues, ARA members can go to [Issue Briefs](#) in the [Political Affairs](#) section of [www.alabamaretail.org](http://www.alabamaretail.org)

At its Feb. 17th meeting, the Alabama Retail Association board of directors approved this legislative agenda for the 2011 regular session of the Alabama Legislature. During the session, which begins Tuesday, March 1, and will end by Monday, June 13, ARA will monitor all bills with the potential to impact retailers.



## THE ALABAMA RETAIL ASSOCIATION SUPPORTS:

### GENERAL BUSINESS

☛ requiring remote retailers to **NOTIFY ALABAMA CONSUMERS** that **A USE TAX IS DUE** and must be paid by the purchaser to the state of Alabama and its localities. The notification should be required on any website, catalog, invoice and receipt generated by a remote retailer regardless of physical nexus to Alabama.

☛ legislation to **CREATE PARITY AND FAIRNESS** for retailers **ON LATE FEE CHARGES** for consumer credit transactions. ARA advocates tying the late fee in the Alabama Mini Code to the late fee allowed under the Alabama Small Loan Act.



ARA supports fairness for retailers on late fee charges for consumer credit transactions.

### LEGAL

☛ the Alabama Civil Justice Reform Committee (ACJRC) in **TORT REFORM** efforts, including previously introduced bills concerning post-judgment interest, mental anguish and product liability.

### WORKERS' UNEMPLOYMENT COMPENSATION

☛ legislation designed to **REDUCE FRAUD** in **WORKERS' COMPENSATION** and **UNEMPLOYMENT COMPENSATION**.

☛ finding solutions to medical-cost issues, including consideration of **CHANGES TO THE WORKERS' COMPENSATION MEDICAL-FEE SCHEDULE** and evaluation of the **NEED FOR AN OUTPATIENT SURGERY FEE SCHEDULE**.

### TAX

☛ **INCREASING THE TAX DEDUCTION FOR SMALL BUSINESSES** that provide healthcare coverage for their employees from 150 percent to 200 percent.

☛ the **STREAMLINED SALES TAX** initiative, which would **EQUALIZE SALES TAXES BETWEEN BRICK-AND-MORTAR RETAILERS** and those that are **CATALOG** and/or **INTERNET-BASED** and thus level the playing field for in-state and out-of-state retailers. It further will provide a simplified sales tax system and make the collection of sales taxes more manageable for businesses.

To facilitate the initiative, ARA supports the establishment of a **STATE-LEVEL ADMINISTRATION COMMISSION**, to prepare Alabama for participation in the proposed federal Streamline Sales Tax Agreement (SSTA) in the event the federal proposal becomes law.

☛ creation of the **ALABAMA TAX APPEALS COMMISSION** as an independent state tax agency headed by a judge with specific training in the area of state and local taxation. This legislation also would abolish the Administrative Law Division of the Alabama Department of Revenue.

☛ **ALABAMA TAXPAYERS' BILL OF RIGHTS II**, an updated expansion of landmark legislation first enacted in 1992, which extends the appeal deadlines for taxpayers.



ARA supports increasing tax credits for small businesses that provide healthcare coverage for their employees.

## THE ARA OPPOSES:

### GENERAL BUSINESS

☛ **EXPANSION OF STATE UNEMPLOYMENT COMPENSATION BENEFITS** that result in increased taxes on Alabama business.

☛ **IMMIGRATION LAWS THAT IMPOSE ADDITIONAL BURDENS** on, or penalize, Alabama employers.



ARA opposes "custodial taking" of unused gift cards balances.

☛ **"CUSTODIAL TAKING"** legislation that pushes unused gift-card balances to the state treasury when those balances go unclaimed.

☛ Restrictions on the normal **USE OF CUSTOMER INFORMATION** obtained in the regular course of business.

☛ **MANDATORY EMPLOYEE BENEFITS AND WAGES.**

☛ **TAXING PLASTIC BAGS.**

### LEGAL

☛ legislation to eliminate or restrict **CONTRACTUAL ARBITRATION AGREEMENTS.**

☛ any changes to the current **ELECTION PROCESS FOR APPELLATE JUDGES.**

☛ **INFRINGING ON EMPLOYERS' RIGHT TO PROVIDE A SAFE WORKPLACE** for employees by restricting firearm possession on company property when appropriate and/or creating any new causes of action against employers because of such policies.

### WORKERS' UNEMPLOYMENT COMPENSATION

☛ any **ATTEMPTS TO WEAKEN** Alabama's status as a **RIGHT-TO-WORK STATE.**

### TAX

☛ **BAND-AID** or **QUICK-FIX TAX SCHEMES** or singling out one particular industry or segment of business for punitive tax increases. ARA vehemently opposes any patchwork tax efforts.

☛ required **UNITARY COMBINED REPORTING** for corporate taxpayers.

### PHARMACY/HEALTH

☛ **MANDATORY HEALTHCARE BENEFITS** that can further increase the price of healthcare coverage.

☛ **MANDATES ON THE PRICE** for which retailers can **SELL PRESCRIPTION DRUGS.**

☛ **RESTRICTIONS ON** the **SUBSTITUTION OF GENERIC DRUGS.**

## THE ARA WILL MONITOR:

### ANY LEGISLATION ON THESE SUBJECTS

☛ changes to the workers' compensation statute.

☛ electronics (E-waste) recycling

☛ changes to Alabama's price-gouging statute

☛ alterations to taxes paid on groceries



☛ restrictions to the sale of any products, especially:

- tobacco
- alcohol
- printed or recorded materials
- video games

## MONITOR AND/OR AMEND:

☛ legislation **REQUIRING RETAILERS TO COLLECT E-911 FEES** associated with prepaid wireless telecommunication service at the point of sale and requiring retailers to then remit the collected fees.

You can view this agenda online under [Legislative Agenda](#) in the [Political Affairs](#) section of [www.alabamaretail.org](http://www.alabamaretail.org)

### 2011 LEGISLATIVE CALENDAR

The Alabama Legislature meets each year for 30 days within 105 calendar days. Within a week, our Legislature usually convenes Tuesdays and Thursdays for "legislative days," reserving Wednesdays for committee meetings.

**Tuesday, March 1st:** 2011 Regular Session Begins

**March 14-18:** Legislative Spring Break (Alabama Legislature recesses.)

**Monday, June 13th:** Sine Die (Last possible day the Legislature can meet in regular session. It may adjourn earlier.)

### TO CONTACT MEMBERS OF THE ALABAMA LEGISLATURE

**WRITE:** Alabama State House, 11 S. Union St., Montgomery, AL 36130

**CALL:** HOUSE: (334) 242-7600 SENATE: (334) 242-7800

**ONLINE:** [alabamaretail.org/FindYourLawmaker/](http://alabamaretail.org/FindYourLawmaker/)

If you wish to visit with your lawmakers at the Alabama State House, remember to call ahead for an appointment.