

March 2, 2012

## First Severe Weather Tax Holiday Could Begin April 27

If Gov. Robert Bentley and his Tornado Recovery Action Council have their way, the state will have its first severe weather sales tax holiday beginning on the first anniversary of last year's devastating tornadoes.

**HB 436** introduced Wednesday by [Rep. Bill Poole, R-Tuscaloosa](#), would institute such a holiday beginning at 12:01 a.m. Friday, April 27, and ending at midnight Sunday, April 29. [Sen. Greg Reed, R-Jasper](#), will handle the legislation once it reaches the Senate. Poole's and Reed's districts were some of the hardest hit by the 30 tornadoes that ripped through our state on April 27, 2011, killing 248 Alabamians.

Under the bills, the subsequent, annual severe weather sales tax holidays would be the last full weekend of February to coincide with Severe Weather Awareness Week.

The governor, Poole, Reed, Emergency Management Director Art Faulkner and ARA President Rick Brown previewed the legislation for reporters Tuesday at a news conference before Bentley's opening address to the Alabama EMA Preparedness Conference.

"Ultimately, this sales tax holiday is going to save lives," Faulkner told reporters.

Common supplies that every home and business might need during and after severe weather are included in the proposed sales tax holiday. All of the items must cost \$60 or less to be tax exempt, except for generators costing \$1,000 or less.

The tax-free items would include almost every kind of battery, battery-powered radios, NOAA weather radios, flashlights, lanterns, emergency glow sticks, first-aid kits, duct tape, plywood, portable generators, gas or diesel fuel containers, tarpaulins and plastic sheeting, any non-electric food storage cooler or water storage container, non-electric can openers, any artificial ice, blue ice, ice packs, or reusable ice, fire extinguishers, smoke and carbon monoxide detectors and ground anchor systems such as cords or rope or tie-down kits.

**ARA thanks Jason Scott, the store manager of Home Depot on Legends Parkway in Prattville for allowing the governor to borrow some of the covered items as props for Tuesday's news conference.**

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"Think of what you would need if your home or business was damaged in a tornado," Brown told reporters. These are the items everyone should have on hand in an emergency, he said.

Under the legislation, the state's four percent sales tax would be waived on the covered items for the three-day tax holiday. A provision also allows counties and municipalities to remove their sales and use taxes from the same items during the same weekend.

For local governments to be able to participate in the first proposed holiday, the Alabama Legislature would have to enact the bill and the governor sign it into law before March 27, which is the local governments' deadline to notify the state they will participate in the tax holiday.



"Make sure your house is ready" for the next natural disaster, Sen. Greg Reed, R-Jasper, says during Tuesday's news conference. Pictured from left are ARA President Rick Brown, Reed, EMA Director Art Faulkner, Gov. Robert Bentley and Rep. Bill Poole, R-Tuscaloosa.

[>> Read the governor's news release](#)

[>> View television coverage of Tuesday's news conference](#)

[>> See more photos from Tuesday's news conference on ARA's facebook page](#)

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## ARA AGENDA IN ACTION

### Ephedrine Compromise Before Health Next Week; Senate Panel Hears Testimony Takes No Vote on RX-Only

The Senate Health Committee this week conducted a public hearing but did not vote on [SB 52](#) by [Sen. Paul Bussman, R-Cullman](#), one of several bills that would make ephedrine available by prescription only, limit access for cold and allergy sufferers to this needed medication and drive up related health costs by as much as 50 percent. **Opposition to this and similar bills are part of [ARA's 2012 Legislative Agenda](#).**

Meanwhile, the House Health Committee is expected to vote next week on compromise legislation, [HB 363](#) by [Rep. Blaine Galliher, R-Rainbow City](#). Galliher's bill and companion legislation, [SB 344](#) by [Sen. Bill Holtzclaw, R-Madison](#), would further restrict the sale of ephedrine products, which are used legally to treat colds and illegally in the production of methamphetamine. Both stop short of requiring a doctor's prescription. **The Alabama Retail Association has worked diligently with the sponsors and other interested parties on this**

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## BILLS

### House

- [HB 20](#)
- [HB 67](#)
- [HB 72](#)
- [HB 89](#)
- [HB 89 Amend. 1](#)
- [HB 89 Amend. 2](#)
- [HB 101](#)
- [HB 132](#)
- [HB 159](#)
- [HB 160](#)
- [HB 237](#)
- [HB 243](#)
- [HB 277](#)
- [HB 290](#)
- [HB 307](#)
- [HB 363](#)
- [HB 383](#)
- [HB 394](#)
- [HB 436](#)
- [HB 471](#)

### Senate

- [SB 52](#)
- [SB 73](#)
- [SB 105](#)
- [SB 137](#)
- [SB 198](#)
- [SB 271](#)
- [SB 290](#)
- [SB 309](#)
- [SB 331](#)
- [SB 337](#)
- [SB 344](#)
- [SB 383](#)

### Federal

- [H.R. 2268](#)

## IN THE NEWS

[Bentley proposes sales tax holiday on severe weather items](#)

[Alabama governor wants](#)

**compromise.**

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## Senate Panel to Consider UC Fraud Bill

The Senate Business and Labor Committee is expected to vote Wednesday on [HB 72](#) by [Rep. Paul DeMarco, R-Homewood](#), which would require anyone convicted of falsely receiving unemployment compensation benefits to fully repay the state. The bill also would disqualify them from receiving benefits for a year. Those punishments would be in addition to criminal penalties and fines that already exist, plus the bill strengthens the existing punishments. The House approved the bill Thursday, Feb. 16. Senate Business and Labor has yet to act on a similar bill, [SB 137](#) by [Sen. Paul Bussman, R-Cullman](#).

Under the legislation, the Alabama Department of Industrial Relations could intercept any federal or state funds due to those convicted of such fraud to recover the state's money. **ARA supports legislation to reduce both unemployment and workers' compensation fraud as part of its 2012 agenda.**

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## POINT OF SALE FEE COLLECTIONS

### Panel OKs Bill to Give Retailers 4% Allowance to Collect E-911 Fees

The House Boards, Agencies and Commissions Committee on Wednesday substituted and amended [HB 89](#) by [Rep. Mike Millican, R-Hamilton](#), which regulates E-911 services and fees. Under this legislation, retailers, rather than carriers, would collect the E-911 fees for prepaid wireless communications services at the point of sale. **ARA negotiated a provision that allows the retailer to deduct and retain four percent of the prepaid wireless 911 charges collected** from consumers to cover the retailer's expenses for collecting and remitting the fees, along with sales taxes, to the Alabama Revenue Department. The committee also added an ARA-negotiated amendment to the bill that would allow retailers to choose not to include the E-911 fee on sales of prepaid wireless devices sold with 10 minutes or less, or \$5 or less of minutes.

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## TAXES

### House Agrees to Tax Cigar Wrappers, Turns Down Cigarette Tax Substitute

On a vote of 60-32-3, the House on Tuesday approved [HB 277](#) by [Rep. Jim Barton, R-Mobile](#), which would impose an excise tax on tobacco leaves, sheets or tubes used to wrap cigars. The tax would not apply to wrappers placed on a finished cigar sold by a retailer. Barton told House members that currently cigar wrappers are regulated as tobacco, but are not taxed as such. [Rep. Joe Hubbard, D-Montgomery](#), tried to substitute a bill that would also increase the excise taxes on cigarettes, but the House tabled the substitute on a vote of 69-14-1, a strong indication that the Alabama House is not willing to increase the tax on cigarettes.

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**Panels OK Bills Making Insulin,**

[Legislature to pass storm-gear sales tax holiday before April 27](#)

[Unemployment assistance for January storm victims](#)

[NPLex system blocks meth production](#)

[We can strengthen meth laws even more without burdening law-abiding citizens](#)

[Bill aims at meth making](#)

[Alabama House votes to expand film incentives](#)

[Film productions spent \\$22.5 million in Alabama last year](#)

[Bill would clear way for outdoor alcohol](#)

[Alabama Senate Health Committee expected to vote on smoking bill](#)

[Bill sets new standards for newspaper legal notice publication](#)

[Shelby County gives vendors til March 15 to comply with Alabama immigration law](#)

[Senate committee passes bill to stop digital crime](#)

[Lawmakers, historian, educator push to give George Washington his birthday back as US holiday](#)

[ARA chairman talks about e-fairness in Birmingham News](#)

[Tax-free Internet sales, exemptions erode state revenue](#)

[Hitting the books: court grants nexus in Tennessee](#)

[Idaho House GOP leaders push for interim committee or task force on Internet sales](#)

## Other Diabetes Products Tax-Exempt

Wednesday, a House and a Senate committee approved bills that would exempt prescribed insulin, insulin syringes, blood or urine testing supplies and related items used to treat diabetes from any state, county, and municipal sales and use taxes. The legislation applies retroactively to open tax periods. The House Ways and Means-Education Committee approved [HB 307](#) by [Rep. Ron Johnson, R-Sylacauga](#), and the Senate Finance and Taxation General Fund Committee approved the Senate companion [SB 309](#) [Sen. Gerald Dial, R-Lineville](#). The bills now go to their respective chambers for consideration.

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## JOB

### House Approves Film Incentives

The House voted 101-0 Tuesday for [HB 243](#) by [Rep. Terri Collins, R-Decatur](#), which increases the incentives offered to companies to film movies and television shows in Alabama. The legislation would expand from \$10 million to \$20 million the amount qualifying film productions can spend in the state. It also incrementally raises the annual amount the state can spend overall on film production incentives from the current \$10 million to \$25 million a year by 2014. It now goes to the Senate for debate. The Senate companion, [SB 290](#) by [Sen. Gerald Dial, R-Lineville](#), awaits consideration by the Senate Finance and Taxation General Fund Committee.

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### Senate Panel Debates, Doesn't Vote on Income Taxes Withheld Incentive

The Senate Finance and Taxation Education Committee heard testimony this week, but did not vote on, the centerpiece of Gov. Robert Bentley's jobs program. [HB 160](#) by [Rep. Barry Mask, R-Wetumpka](#), allows companies in certain instances to use income taxes withheld from full-time employees to build, expand or retain operations in Alabama. The enabling legislation is tied to [HB 159](#), a constitutional amendment that requires the state's voters to approve the provisions of HB 160. The constitutional amendment also has been assigned to the Senate Finance and Taxation Education Committee. The chairman did not indicate when either would be brought before the committee for a vote. The Senate Job Creation and Economic Development Committee has yet to take up [SB 271](#), the companion measure to HB 160 by [Sen. Phil Williams, R-Rainbow City](#).

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## ALCOHOL AND TOBACCO

### House Panel OKs Entertainment Districts

Wednesday, the House Economic Development and Tourism Committee amended and approved [HB 20](#) by [Rep. James Buskey, D-Mobile](#), which would allow cities with populations of more than 25,000 to create up to two entertainment districts where patrons can walk from establishment to establishment. The districts must have a minimum of four establishments with liquor licenses nearby and can be as large as a half mile long and a half mile wide. Legislation creating such districts specifically for Montgomery passed in 2010.

*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 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

[Rep. Terri Collins, R-Decatur](#), amended the bill Wednesday so it would also apply to municipalities with an incorporated arts council, main street program or downtown development entity. The bill now goes to the full House for consideration.

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## Statewide Smoking Ban Expected to Receive Committee Vote Next Week

Proposed statewide smoking bans, [SB 198](#) by [Sen. Vivian Figures, D-Mobile](#), and similar legislation, [HB 383](#) by [Rep. Mary Sue McClurkin, R-Indian Springs Village](#), are both expected to receive committee votes next week.

The Senate Health Committee conducted a public hearing on Figures' bill this week, but took no vote. [Sen. Greg Reed, R-Jasper](#), who chairs the committee, said the panel likely would vote on Figures' bill next week. No opponents spoke at Wednesday's public hearing.

McClurkin's bill is on the House Health Committee's agenda for next Wednesday.

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## Bill Would Define Draft or Keg Beer

[Rep. Alan Boothe, R-Troy](#), is proposing legislation that would define draft or keg beer as beer packaged and distributed in a keg by the manufacturer. It defines a keg as "*a pressurized factory sealed container with a capacity equal to or greater than five U.S. gallons, from which the beer is withdrawn by means of an external tap.*" [HB 67](#) is on the agenda for Wednesday's House Economic Development and Tourism Committee meeting.

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## Bill Would Allow Working for Two Businesses That Sell Alcohol

Next Wednesday, the House Economic Development and Tourism Committee will consider [HB 101](#) by [Rep. Mike Jones, R-Andalusia](#), which would do away with an outdated law that prohibits working at more than one business that sells alcoholic beverages. Last year, the full House and a Senate committee approved similar legislation.

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## Bill Would Designate Portion of Pell City Sunday Beer Sales to Library

The House Economic Development and Tourism Committee will consider a bill next week that would authorize the Pell City Council to call a referendum to allow Sunday beer sales within the Pell City limit and for a portion of the proceeds from those sales to go the Pell City public library. [HB 237](#) is sponsored by [Rep. Randy Wood, R-Anniston](#).

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## HEALTH

### Senate Health OKs Healthcare Rights of Conscience

On a vote of 5-1 Wednesday, the Senate Health Committee substituted and approved [SB 105](#) by [Sen. Cam Ward, R-Alabaster](#),

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](http://alabamaretail.org).

BENEFIT FROM THE VALUE

## Plan to Vote in the Tuesday, March 13, Primary

The 2012 primary is quickly approaching. The presidential preference and statewide primary is Tuesday, March 13.

Today is the deadline for voter [registration](#).

The deadline to submit an absentee ballot [application](#) is Friday, March 9.

Primary absentee ballots are due on Monday, March 12, to the election administrator in your county.

Polls will be open from 7 a.m. to 7 p.m. on Tuesday, March 13.



## Vote for these candidates

The Alabama Retail Association's state political action committee, RetailPAC, recommends these judicial candidates as right for retailers in the March 13 primary.

which would give healthcare providers the right to refuse to perform or participate in healthcare services that violate their conscience. Disagreeing employees would first have to notify their employer in writing of their objection. The bill now moves to the full Senate.

Under this legislation, an employer would not be able to discriminate against or discipline an employee for refusing to perform a service based on conscience if the employee first notified the employer in writing of his/her objection, The bill frees the provider of civil and criminal liability unless the conscientious objection places the life of a patient in immediate danger.

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## LEGAL/JUDICIAL

### Senate Panel to Consider Guns-to-Work Issue

The Senate Business and Labor Committee next week will consider **SB 331** by **Sen. Paul Sanford, R-Huntsville**, which forbids 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 House companion is **HB 471** by **Rep. Craig Ford, D-Gadsden**. **The Alabama Retail Association opposes this legislation, which infringes on employers' rights to secure company property.**

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### Bill to Allow Pistol-Packing in Car Without Concealed Permit Gets Hearing

The Senate Judiciary Committee conducted a public hearing Wednesday, but took no vote on **SB 337** by **Sen. Scott Beason, R-Gardendale**, which would provide that lawfully carrying a firearm under certain conditions does not constitute the crime of disorderly conduct. The bill also authorizes a person to carry a pistol in a vehicle without a concealed pistol permit and repeals a prohibition against carrying a concealed pistol on another's property. A prohibition against carrying a pistol at a public demonstration would be repealed as well. The House companion, **HB 132** by **Rep. Todd Greeson, R-Idler**, awaits consideration by the House Commerce and Small Business Committee. The Alabama Sheriff's Association opposes this legislation. There are provisions in this legislation that could violate the rights of business owners to secure their property. **ARA will monitor these provisions and any others that affect our members.**

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### Senate & House Online Legal Notice Bills Headed to the Full House

The House State Government Committee on Tuesday substituted both the House and Senate versions of legislation that will require legal notices be published both in print and online. **SB 73** by **Sen. Cam Ward, R-Alabaster**, and **HB 290** by **Rep. Mike Hill, R-Columbiana**, require that publications receiving legal notices for print simultaneously upload the notices to the publication's website, if it has one, and a statewide website without an additional charge to whoever originally placed the legal ad in the print publication. Both bills are now ready for consideration by the full House. The Senate unanimously approved SB 73 on Thursday, Feb. 16.

## Alabama Chief Justice



Chief Justice  
Chuck Malone

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## Alabama Supreme Court Place 1



Judge Tommy Bryan

Alabama Retail Association PAC, ARA's new federal political action committee, recommends these three incumbent congressional candidates who face opposition as the best choices for Alabama retailers.

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## 1st Congressional District



U.S. Rep. Jo Bonner

## Beech Introduces Pharmacy Audit Integrity Act

[Rep. Elaine Beech, D-Chatom](#), and [Sen. Paul Bussman, R-Cullman](#), this week introduced legislation that would establish minimum and uniform standards for pharmacy record audits. [HB 394](#) has been assigned to the House Health Committee, while [SB 383](#) has been assigned to the Senate Small Business Committee. **ARA supports this legislation.**

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## NEXT LEGISLATIVE DAY

**The Alabama House of Representatives will meet at 1 p.m. Tuesday, March 6, for the 10th meeting day of the 2012 regular session.**  
**The Alabama Senate will meet at 2 p.m.**

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## FEDERAL

### Subcommittee Favors Giving Washington His Birthday Back

The House Oversight and Government Reform Committee's Subcommittee on Federal Workforce, U.S. Postal Service, and Labor Policy favors moving the federal holiday that honors the first president to his actual birthday.

Wednesday, the subcommittee approved [HR 2268](#) by U.S. Rep. Frank Wolf, R-Va., which would move the date of the holiday back to George Washington's actual birthday, Feb. 22. The holiday has been observed as Presidents Day on the third Monday of February since 1971, when it was combined with the separate federal holiday previously held to honor Abraham Lincoln. A 1968 law that took effect in 1971 changed the nation's holiday lineup by making Memorial Day, Veterans Day and Presidents Day Monday holidays to give Americans three-day weekends. Under the legislation, the new holiday would be referred to as "Washington's Birthday" with no mention of Lincoln. It would be observed on any weekday upon which Feb. 22 falls, but would be observed on a Friday or Monday if the date fell on a weekend.

The annual three-day Presidents Day holiday, which falls on the same weekend each year, has become a popular time for retail sales and has consistently been a big weekend for retailers. **ARA supports honoring our first and 16th presidents and opposes a floating holiday. Contact your congressman to let him/her know that you opposed HR 2268.**

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## 5th Congressional District



**U.S. Rep. Mo Brooks**  
**R-Huntsville**

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## 6th Congressional District



**U.S. Rep. Spencer Bachus**  
**R-Vestavia Hills**

The candidates listed above all face opposition in the election. ARA's political action committees only endorse candidates who are opposed.

For all of the latest election information, visit [Election Information](#) in the [Political Affairs](#) section at [alabamaretail.org](http://alabamaretail.org).