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to Washington,
ARA is there
to benefit you!*

March 12, 2012

ARA-Endorsed Candidates on Tuesday's Ballot**Legislature Won't Meet on Primary Day;
Work Week Starts Wednesday**

Two judicial candidates endorsed by the Alabama Retail Association's political action committee, RetailPAC, drew opposition for Tuesday's March 13 Republican primary.

CHIEF JUSTICE**Charles R. "Chuck" Malone**

Incumbent Alabama Supreme Chief Justice Charles R. "Chuck" Malone faces two opponents in Tuesday's primary and needs your support. If he wins the GOP primary bid Tuesday, he will face a Democratic opponent in the November General Election.

Gov. Robert Bentley appointed Malone as chief justice in August 2011. At the time, he had been the governor's chief of staff since January 2011. Malone practiced law for 20 years before being elected to the bench as a circuit judge in the Sixth Judicial Circuit in 2000. He served two terms as a circuit judge and served as presiding judge for almost eight years.

He also has taught as an adjunct professor at the University of Alabama Law School and the University of Alabama School of Commerce and Business, where he received his undergraduate degree in 1976. He received his juris doctorate from Cumberland School of Law in 1981. He is more than qualified to fill the office of chief justice.

Vote for Chuck Malone for Chief Justice**ALABAMA SUPREME COURT, PLACE 1****CRR EXTRAS**

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Exchange](#)[Health Inspection Score](#)[Guns to Work](#)[Small Biz Startups](#)[UC Fraud](#)[Common Sense
Consumption](#)[Home Brewing](#)[Draft Beer Definition](#)**Previous Issues**

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Tommy Bryan



Alabama Court of Civil Appeals Judge Tommy Bryan also drew Republican Party opposition for the lone open seat on the Alabama Supreme Court. RetailPAC has endorsed Bryan in his two successful races for the Court of Civil Appeals in 2004 and 2010. The Brantley native has served as an Alabama assistant attorney general and as a staff attorney for the Alabama Court of Criminal Appeals.

Vote for Tommy Bryan for Place 1 on the Alabama Supreme Court

To learn more about these two statewide judicial candidates, who are endorsed by ARA and 15 other business groups that are part of the Alabama Civil Justice Reform Committee, download the [ACJRC slate card](#) at alabamaretail.org/vote/

CONGRESSIONAL CANDIDATES

The Alabama Retail Association board of directors also recommends three incumbent congressional candidates involved in primary races as the best choices for Alabama retailers on Tuesday:

1st Congressional District U.S. Rep. Jo Bonner, R-Mobile



5th Congressional District U.S. Rep. Mo Brooks, R-Huntsville

but have never visited alabamaretail.org before, please [register](#) so you can take advantage of all of your members-only benefits.

BILLS

House

- [HB 67](#)
- [HB 72](#)
- [HB 72 Amend.](#)
- [HB 242](#)
- [HB 242 Amend.](#)
- [HB 245](#)
- [HB 268](#)
- [HB 354](#)
- [HB 354 Amend.](#)
- [HB 363](#)
- [HB 363 Amend. 1](#)
- [HB 363 Amend. 2](#)
- [HB 363 Amend. 3](#)
- [HB 363 Amend. 4](#)
- [HB 363 Amend. 5](#)
- [HB 363 Amend. 6](#)
- [HB 383](#)
- [HB 436](#)
- [HB 471](#)
- [HB 480](#)

Senate

- [SB 137](#)
- [SB 174](#)
- [SB 174 Amend.](#)
- [SB 198](#)
- [SB 331](#)
- [SB 344](#)

Federal

- [SJR 36](#)
- [S. 1666](#)
- [H.R. 1070](#)
- [H.R. 2167](#)
- [H.R. 2833](#)
- [H.R. 2854](#)
- [H.R. 2930](#)
- [H.R. 2940](#)
- [H.R. 3606](#)
- [H.R. 4088](#)

IN THE NEWS

[B'ham News: Incumbent](#)



6th Congressional District
U.S. Rep. Spencer Bachus, R-Vestavia Hills



**If you vote in these districts,
please vote for these candidates.**

Please download the [2012 ARA Primary Voter Guide](#) and share these recommendations with your employees. Explain how a favorable legal and legislative climate helps provide a stable retail climate. The polls open Tuesday at 7 a.m. and close at 7 p.m.

Because of Tuesday's primary, the Alabama Legislature will meet Wednesday and Thursday this week.

IMMIGRATION

11th Circuit Extends Immigration Law Injunction; April 1 E-Verify Requirement Remains Intact

Thursday, the U.S. 11th Circuit Court of Appeals extended the existing injunction of Alabama's immigration law to two additional sections of the law. Specifically, the 11th Circuit enjoined:

- Sections 27, which bars Alabama courts from enforcing contracts between businesses and individuals in this country illegally, and:
- Section 30, which prohibits those here illegally from entering into "*business transactions*," interpreted to include licenses and permits, with any level of government in Alabama.

The three-judge panel that has heard challenges to Alabama's immigration law has said it will not issue a final ruling until after the U.S. Supreme Court rules on Arizona's immigration law.

Alabama employers remain subject to the prohibition against hiring or employing workers who are not authorized to be in our country. Employers also still must sign up for and begin using the federal E-

[Chuck Malone best for chief justice; Tommy Bryan choice for associate justice](#)

[Moore and Graddick outraise Malone in last week of chief justice campaign](#)

[Chief justice race features all-star cast](#)

[Former Gov. Bob Riley backs U.S. Rep. Spencer Bachus in Alabama primary](#)

[Bachus, challenger target Obama policies; 6th District hopefuls talk jobs](#)

[6TH Congressional District: Candidates have common ground](#)

[Legislation changing primary date makes state relevant](#)

[In Sweet Home Alabama, GOP presidential candidates get a new battle plan: Beat Obama](#)

[Alabama GOP primary a dead heat, poll says](#)

[11th Circuit Court of Appeals blocks two more sections of Alabama immigration law](#)

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

[Federal Health Care Exchange rules to be set](#)

[Governor details tax breaks on weather items](#)

[Alabama Senate committee OKs smoking ban](#)

[New Surgeon General report: make next generation tobacco free](#)

[Home brewing bill advances in House](#)

Verify system to screen new hires by April 1. No court decision is expected to negate that requirement.

Alabama legislative leaders have indicated they support changes to the state's immigration law that would make it easier to comply with and enforce. With a third of the session complete, however, no comprehensive bill on the subject has been introduced. Nineteen of the 30 legislative days remain in the 2012 regular session.

[>> Visit Federal E-Verify Site](#)



ARA AGENDA IN ACTION

Ephedrine Compromise Legislation Headed to House Floor and Senate Committee

Legislation that would further restrict the sale of ephedrine products rather than making them prescription-only medications is ready for consideration by the Alabama House of Representatives.

"I'm looking forward to seeing [HB 363](#) on the House floor," House Health Committee Chairman Jim McClendon, R-Springville, on right in photo, said after his committee added six amendments to the bill and approved it Wednesday.



Rep. Blaine Galliher, R-Rainbow City, the compromise bill's sponsor, told the committee, "I'm involved in this issue on both a legislative and personal level," explaining that he helped establish Celebrate Recovery, a Christian-based drug recovery program, in his district and

continues to work and worship with the recovering narcotics addicts served by that program.

With the assistance of the Alabama District Attorneys Association, Rep. Mike Millican, R-Hamilton, in photo with McClendon, successfully proposed six amendments to Galliher's bill:

- Two technical amendments, [one related to code section references](#) and the [second that splits the bill's effective date](#) to provide time for the establishment of an electronic drug offender tracking system created by the bill.
- An [amendment to further define the restitution](#) due to law enforcement for the cleanup of illegal methamphetamine labs and add a restitution provision for private property owners who had no knowledge that renters or others on their property were involved in illegal drug activities to recover environmental cleanup costs.

[Update liquor laws to allow bigger bottles](#)

[Legislature should raise Alabama's 16-ounce maximum](#)

[Judge: Government can require union posters at work](#)

[Business groups appeal court ruling on union poster rule](#)

[U.S. House passes jobs bill with wide bipartisan margins](#)

[Streamlined sales tax states and businesses collect record sales taxes in 2011](#)

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

ARA CONTACTS

[Rick Brown](#)
President

[Alison 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:

- [Two amendments to different code sections](#) that make it illegal for people from the states where ephedrine products are available by prescription only to forge a prescription of the precursor chemical in Alabama. Under the bill, residents of states that require prescriptions for ephedrine products (only Mississippi and Oregon) must present a prescription to buy ephedrine-based cold and allergy medications in Alabama.
- An [amendment creating a subcommittee](#) of the Alabama Drug Abuse Task Force to evaluate the effectiveness of this legislation coupled with the current National Precursor Log Exchange, a real-time, stop-sale electronic tracking system for ephedrine products, to reduce the illegal use of these products. The Alabama Department of Public Health will review the findings of the subcommittee and both will report their conclusions to the Legislature by the 10th day of the 2013 regular session.

The Alabama Retail Association supports this compromise as a way to ensure common cold and allergy medications remain available and affordable for patients who need them. The Senate Health Committee is expected to take up the Senate companion, [SB 344](#) by Sen. Bill Holtzclaw, R-Madison, at 11 a.m. Thursday.

Senate Committee Approves House's UC Fraud Bill

Wednesday, the Senate Business and Labor Committee unanimously approved [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. The bill also strengthens the existing punishments. The bill, which the House approved Feb. 16 on a vote of 78-15, now goes to the full Senate. Senate Business and Labor has yet to act on a similar bill, [SB 137](#) by Sen. Paul Bussman, R-Cullman.

ARA supports legislation to reduce both unemployment and workers' compensation fraud as part of its 2012 agenda.

Panel to Consider Guns-to-Work Issue on Thursday

The Senate Business and Labor Committee put off for a week its consideration of [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 committee is expected to discuss the bill at 8:30 a.m. Thursday.

The House companion is [HB 471](#) by Rep. Craig Ford, D-Gadsden.

This issue pits a business owner's property rights against the gun rights of employees and customers. The Alabama Retail Association is committed to protecting employers' rights to secure company property and provide a safe workplace.

House Health to Consider Creating Alabama Health Insurance Exchange

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 work in under [Find Your Lawmaker](#) in the [Political Affairs](#) section of [alabamaretail.org](#).

BENEFIT FROM THE VALUE



The **National Retail Federation** is running a nationwide *This Is Retail* video contest. NRF is giving away \$50,000 in cash prizes for the best retail stories in America. All you need to do to enter is tell your story about why retail matters in a two-minute video. The contest is open to anyone who works in the retail industry.

Your video can highlight how

The House Health Committee will conduct a public hearing Wednesday on legislation that creates the Alabama Health Insurance Exchange as required by federal healthcare reform. [HB 245](#) by Rep. Greg Wren, R-Montgomery, also specifies that if the federal law is repealed, declared unconstitutional or is no longer funded, the Alabama exchange will be disbanded. **Monitoring this legislation is part of ARA's 2012 Legislative Agenda.**

TAXES

Public Hearing Set for Wednesday on Severe Weather Tax Holiday

The House Ways and Means Education Committee will conduct a public hearing at 10:30 a.m. Wednesday on [HB 436](#) by Rep. Bill Poole, R-Tuscaloosa, which would establish a severe weather sales tax holiday for the last weekend in April of this year and an annual tax holiday for last weekend in February starting in 2013.

The goal for the legislation recommended by Gov. Robert Bentley and his Tornado Recovery Action Council is to have it approved in time to begin the first severe weather sales tax holiday on the anniversary of last year's deadly and devastating April 27 tornadoes.

Common supplies, costing \$60 or less, that every home and business might need during and after severe weather are included in the proposed sales tax holiday. Generators costing \$1,000 or less also would qualify for the tax exemption. **ARA supports this legislation.**



LEGAL

Bill Banning Lawsuits That Blame Others for Obesity Heads to House

The House Judiciary Committee last Wednesday amended [HB 242](#) by Rep. Mike Jones, R-Andalusia, to add manufacturers to those who Alabama consumers could not legally blame for their obesity. The committee then approved the ARA-supported Common Sense Consumption Act, which would protect retailers from civil action brought by those who claim the food sold by retailers made them obese. The bill also includes packers, distributors, carriers, holders, marketers, or advertisers among the groups that could not be sued. **ARA supports this legislation.**

CHILD LABOR

Child Labor Revisions Near Final Approval

After amending [SB 174](#) by Sen. Jimmy Holley, R-Elba, to update and

your store positively impacts shoppers or the community, the stores' role in the creation of a new innovative product or technology or how an initiative will generate new jobs to boost the economy. The top three winners will be flown to Washington, D.C. to claim their cash prizes.

Don't let this opportunity pass you by to make the voice of retailing heard and to show the world what amazing retail stories Alabama has to tell!

The deadline to submit a video is this Friday, March 16.

retailmeansjobs.com/contest

Enroll in FREE Retail University

In April, ARA begins a four-part series of free online courses to provide practical tips and new ideas you can implement in your store.

All events start at 7:30 a.m. CT / 8:30 a.m. ET

To Tweet or not to Tweet:

Answers to the most common social media questions in retail

Wednesday, April 25



Presented by **Braden Russom**, Web Marketing Director, Burst Marketing

Facebook, Twitter, YouTube, Google+, check-in applications. This webinar is geared for novices with tips

clarify the state's child labor laws, the House State Government Committee last Wednesday approved the bill, sending it to the full House for consideration. If the House approves the amended bill, the revisions will have to go back to the Senate for concurrence.

The Senate committee amendment requires that employers keep the most recent 60 days of time records for workers younger than 19 at the location where the minor works. Also, all required records must be maintained either where the minor works/worked or at a central location, such as the business' headquarters or home, for at least one year after the minor's employment ends.

Federal law requires the records be kept for three years at a central location. Under the bill, a completed Employee Information Form and proof of age records must be maintained where the minor works as long as they work there.

The bill also clarifies that no one younger than 16 can be employed where alcohol is served on premises, but that 16- and 17-year-olds can be employed as busboys, dishwashers, janitors, cooks or hostesses/seaters where alcohol is served.

The other proposed revisions to current law would prohibit 14 or 15 year olds from working in a warehouse; clarify the acceptable documents needed to verify a minor's age; require employers to post their Child Labor Certificate; prohibit anyone younger than 18 from working in an adult establishment; and allow for a range of civil penalties from \$1,000 to \$5,000.

The committee has yet to vote on the House companion, [HB 268](#) by Rep. Blaine Galliher, R-Gadsden.

ALCOHOL AND TOBACCO

Senate Panel Votes for Statewide Smoking Ban; House Sponsor Carries Over Similar Bill

The Senate Health Committee on a 5-0 vote last Wednesday approved a substitute version of [SB 198](#) by Sen. Vivian Figures, D-Mobile, a statewide smoking ban in any workplace, public building or public place. The bill, which exempts existing private clubs, also requires businesses to post no-smoking signage. The committee substitute exempts cigar bars and retail tobacco stores.



Individuals smoking a cigarette, pipe or cigar in a restricted place would face a fine of as much as \$50 per violation. If the bill becomes law, a business in violation would face a \$100 fine on first offense, \$200 on the second offense and a \$1,000 fine for the third or more offense. After the third offense, a business also could have its license suspended or revoked. The bill now

goes to the full Senate.

At the request of the sponsor of [HB 383](#), Rep. Mary Sue McClurkin, R-Indian Springs, the House Health Committee last Wednesday carried over McClurkin's stricter smoking ban. Her bill does not exempt existing private clubs, cigar bars or retail tobacco stores from the ban's provisions as Figures' does. **ARA will continue to monitor both bills.**

an resources to make your foray into social media easier.

[Register Now!](#)

Give your customers Red Carpet Treatment

Customer service strategies that will make shoppers return.

Wednesday, May 23



Presented by **Nicole Leinbach Reyhle**, Founder Retail-Minded

Learn five steps to exceptional Red Carpet Treatment designed to thrill every customer. Invite your employees to participate in this event.

[Register Now!](#)

To learn more or register for future courses, go to [Calendar](#) under [Awards and Events](#) at alabamaretail.org

Home Brewing Legislation Headed for House Debate

The House Economic Development and Tourism Committee on Wednesday approved a substitute version of a bill that would allow beer, cider and wine to be brewed in homes in limited amounts, but not offered for sale. Under [HB 354](#) Rep. Mac McCutcheon, R-Capshaw, home brewers would be able to make up to 15 gallons of the approved beverages every three months. The legislation would allow the home-brewed alcohol to be transported to festivals and tasting contests.

According to the American Homebrewers Association, Alabama and Mississippi are the only two states that forbid home brewing. This is the third year similar legislation has been proposed. This year's bill significantly lowers the allowable amount of home brew sought and forbids those convicted of a felony from participating in home brewing. **ARA will continue to monitor this legislation.**

Bill Defining Draft or Keg Beer Ready for House

The House Economic Development and Tourism Committee on Wednesday approved [HB 67](#) by Rep. Alan Boothe, R-Troy, which defines 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.*" Bottled beer labeled as draft beer would not fall under that definition. **ARA will continue to monitor this legislation.**

FOOD

Oden Seeks to Require Posting of Health Inspection Scores at Restaurant Drive-Thrus

On March 6, Rep. Jeremy H. Oden, R-Vinemont, introduced [HB 480](#), which would require restaurants with drive-through service to post their latest health department inspection report where it is visible to their drive-through customers in addition to displaying it where their on-premises customers can see it. The bill awaits consideration by the House Agriculture and Forestry Committee.

NEXT LEGISLATIVE DAY:

The Alabama House will convene at 1 p.m. Wednesday, March 14, for the 12th meeting day of the 2012 regular session. The Senate meets at 3 p.m.

FEDERAL

Labor Poster Requirement Upheld; Congressional Efforts Continue to Stop Poster Requirement

In a split decision, a federal judge ruled Friday, March 2, that the National Labor Relations Board can require most private businesses to put up posters telling workers they have a legal right to form a union.

U.S. District Judge Amy Berman Jackson did rule, however, that simply failing to display the new NLRB poster isn't an automatic legal violation without other evidence of anti-union conduct.

The posters, to be displayed effective April 30, explain workers' rights to bargain collectively, distribute union literature and engage in other union activities without fear of reprisal. A number of business groups have appealed the decision.

A Senate bill ([S. 1666](#)) and two House bills ([H.R. 2833](#) and [2854](#)) could still block the requirement to post the 11-by-17 notice of employees' rights under the National Labor Relations Act (NLRA).

U.S. House Overwhelmingly Passes JOBS Act

The U.S. House on Thursday voted 390-23 for the Jumpstart Our Business Startups (JOBS) Act, or [H.R. 3606](#). The JOBS Act is a package of bills designed to make it easier for small businesses to launch initial public offerings, solicit new investors and hire more workers. Similar legislation is expected to be introduced in the U.S. Senate this week.

The six-bill JOBS Act package:

- Gives small businesses a temporary reprieve from costly Securities and Exchange Commission regulations by phasing in certain regulations over a 5-year period, or until the company reaches \$1 billion in revenue ([H.R.3606](#));
- Repeals the ban that prevents small businesses from advertising to solicit investors ([H.R. 2940](#));
- Removes the ban on "crowdfunding," enabling entrepreneurs to pool investments from smaller investors ([H.R. 2930](#));
- Raises the shareholder registration requirement threshold from 500 to 1,000 shareholders ([H.R. 2167](#));
- Makes it easier for small businesses to go public by increasing the offering threshold for companies exempted from SEC registration from \$5 million to \$50 million ([H.R.1070](#)); and
- Increases the number of shareholders allowed to invest in a community bank from 500 to 2,000 ([H.R. 4088](#)).

Four of the bills included in the package had already passed the House by wide margins. The package also has been endorsed by the President.

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