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May 10, 2013

Legislature Clears Major Bills from Calendars

Many Bills Still to Be Considered on Final Day

A busy week in the Alabama Legislature resulted in final approval for the state budgets, Medicaid reform and home brewing.

Still on lawmakers' plate when they return Monday, May 20, for the 2013 regular session's final legislative day is an update to the state's Taxpayer Bill of Rights, tax relief for defunct businesses, far-reaching firearms legislation and many other bills.



There will be no Capitol Retail Report next week. Expect your summary for final day action the week of May 20.

BUDGETS

Governor Has State Budgets on His Desk

The Alabama Legislature approved both of the state's budgets with one day to spare in the 2013 regular session. The Legislature takes a week break before the final legislative day so the governor does not have an opportunity to pocket veto any legislation passed so far. The governor will have the opportunity during that break to consider if he wants to make any executive amendments to the budgets. If he does, the Legislature will have the final day to accept or reject any amendments from the governor.

The House agreed Thursday to Senate changes to a \$5.77 billion education budget ([HB 166](#)), including a 2 percent pay raise for teachers, sending the spending plan to the governor. Both chambers approved a conference committee version of the \$1.74 billion General Fund budget ([SB143](#)) on Thursday evening. The Senate vote was 25-5, while the House voted 74-25 for the general operating budget. Both budgets would be effective Oct. 1.

The conference committee made a couple of changes in the General Fund budget that have implications for retailers:

- **Budget Reduces Bailment Fee Increase:** Wednesday, the

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Alabama Alcoholic Beverage Control Board voted to add 25 cents, an almost 42 percent increase, to the per-case fee the board charges distillers to store their product in the ABC warehouses. The General Fund budget reduces that increase to 12 cents, or 20 percent. Ownership of the liquor remains with the distillery until it is delivered to the local ABC stores. Ostensibly, the fee covers the cost of warehousing and delivery of the liquor to stores. Alabama and North Carolina (\$1.10 per case) are the only Southern states that charge distilleries what is known as a bailment fee. Alabama's fee has been 60 cents per case since 1995, according to the ABC board. The board voted Wednesday to raise that fee to 85 cents per case. The conference committee decided Thursday that the ABC board "should not make such a great leap at one time," said Sen. Arthur Orr, R-Decatur, the General Fund budget committee chairman. The General Fund budget cuts increase to 72 cents per case. A board spokesman said the earliest the fee change could be effective is Aug. 1; the latest is Nov. 1.

- **Pharmacy Benefit Managers Timetable Set:** The General Fund budget also prevents the Alabama Medicaid Agency from seeking a request for a Pharmacy Benefit Manager (PBM) Program proposal prior to July 1, 2014. It also says if the Medicaid agency decides to go the PBM route that any such program won't be operational prior to Jan. 1, 2015. Orr said the intervening time could be used to determine if "*Alabama pharmacies can save us money in the Medicaid system.*" Retired pharmacist Rep. Elaine Beech, D-Chatom, told House members, "*we pharmacists are happy*" with the change.

MEDICAID

Governor Expected to Sign Medicaid Reform into Law

If the governor agrees, the delivery structure for Alabama Medicaid services will change dramatically by the 2017 budget year.

On a 98-0 vote Tuesday, the Alabama House gave final approval to [SB340](#) by Sen. Greg Reed, R-Jasper, which shifts the risks associated with Medicaid services from the state agency to yet-to-be formed community-based managed care groups known as regional care organizations. The governor is expected to sign into law the legislation recommended by his Alabama Medicaid Advisory Commission. Under the timeline outlined in the legislation, Medicaid is to divide the state into an unspecified number of regions by Oct. 1. Actuaries will draw the regions to assure that there are enough Medicaid recipients in each region that each can support at least two risk-bearing regional care organizations, or RCOs. The RCOs will deliver health care to about half of the state's 940,000 Medicaid recipients under a per-person, or capitated, model, rather than the current fee-for-service model. The eventual goal is to have the care of all Alabama Medicaid recipients under the regional organization umbrella. Initially, recipients in nursing homes and dentists who deliver Medicaid services will not be part of the new system.

"It's like shifting (the risk) to a commercial managed care company, except instead of being an out-of-state managed care company, it's an entity that is developed locally and is run locally," State Health Officer Don Williamson (pictured) told reporters in a recent interview.

The regional care organizations are to have their governing boards in

Previous Issues

BILLS

House

- [HB 9](#)
- [HB 90](#)
- [HB 109](#)
- [HB 150](#)
- [HB 166](#)
- [HB 237](#)
- [HB 239](#)
- [HB 276](#)
- [HB 286](#)
- [HB 357](#)
- [HB 454](#)
- [HB 474](#)
- [HB 475](#)
- [HB 531](#)
- [HB 549](#)
- [HB 593](#)
- [HB 671](#)

Senate

- [SB 7](#)
- [SB 143](#)
- [SB 171](#)
- [SB 201](#)
- [SB 230](#)
- [SB 286](#)
- [SB 311](#)
- [SB 340](#)
- [SB 342](#)
- [SB 390](#)
- [SB 425](#)
- [SB 472](#)

Federal

- [S.743](#)
- [H.R. 684](#)
- [H.R. 1406](#)

IN THE NEWS

[Lawmakers approve budgets, Accountability Act revisions in marathon and tumultuous day](#)

[Lawmakers give final approval to General Fund budget, send it to governor](#)

place by Oct. 1, 2014; delivery networks in place by April 1, 2015; and meet financial solvency requirements by Oct. 1, 2015. The regions would move to a capitation model by Oct. 1, 2016, the beginning of the 2017 budget year. Actuaries have estimated the annual savings for the state to be between \$49 million and \$71 million. However, the savings won't be realized in the next two budget years. The goal of the legislation is to control costs while improving patient outcomes.

Rep. Jim McClendon, R-Springville, sponsor of the House companion legislation, [HB454](#), which the House approved on April 23, told his fellow representatives that the legislation does not alter the way pharmacies receive Medicaid reimbursements. However, nothing in this legislation or current law prevents the state or the RCOs from using a pharmacy benefit manager or managers to administer Medicaid's drug programs. The Alabama Retail Association will continue to monitor this new system as it is put into place.



As far as Medicaid patients are concerned, "they'll go to the same doctor. They'll go to the same hospital. They'll go to the same drugstore," Williamson told The Birmingham News.

TAXES

Independent Tax Court Could Be Emerge on Final Day

Like 2012, the last chance for legislation supported by the bulk of Alabama's business community to centralize Alabama's tax appeal process and make that process independent of the taxing authorities will come on the regular session's final day.



Last year, the Legislature gave its final OK to the Alabama Taxpayers' Bill of Rights II, only to have the governor pocket veto the bill. The governor's concerns have been addressed and the agreed-on revision of [HB264](#) by Rep. Paul DeMarco (pictured), R-Homewood, is [part of ARA's 2013 Legislative Agenda](#). Sen. Bryan Taylor, R-Prattville, authored the Senate companion, [SB223](#).

Please contact your senator or any senator you know well enough to speak with and ask them to place HB264 on the Senate calendar for the final legislative day.

This landmark legislation has the support of 25 other members of the Business Associations' Tax Coalition (BATC), a business trade association coalition chaired by Alabama Retail President Rick Brown.

It shifts the appropriation, personnel, equipment and tax appeal functions of the Administrative Law Division of the Revenue Department to the created Alabama Tax Appeals Commission, aligning Alabama with the vast majority of states that have an independent tax appeals process for businesses and individuals. Businesses that cross multiple jurisdictions would be able to use one process for appealing tax assessments rather than having to use a different process for every city and county involved.

[State education budget headed to governor, would spend 3.6 percent more than this year](#)

[Alabama legislators OK \\$5.8 billion school budget](#)

[Alabama lawmakers give final approval to Education Trust Fund budget that gives teachers a 2 percent raise](#)

[Senate passes education spending plan with 2 percent teacher raise](#)

[Budgets priority for Alabama lawmakers](#)

[Medicaid bill goes to Bentley](#)

[Medicaid changes headed to Gov. Robert Bentley](#)

[Medicaid reform bill ushers in managed care](#)

[Legislature gives final approval to Medicaid overhaul](#)

[Nine questions with State Health Officer Don Williamson about the Medicaid overhaul](#)

[Senate approves gun bill](#)

[Alabama lawmakers work on gun bills as session nears end](#)

[Alabama lawyer to lead NRA](#)

[Nullification: More states are pushing back against federal laws and court rulings but it's nothing new in Alabama](#)

[Legislature could limit welfare funds for strip clubs, drugs](#)

[Gov. Robert Bentley signs home brew bill](#)

[Home brewing now legal in Alabama](#)

Revenue Department Sets Date for In-State Nexus Rule Change Hearing

The Alabama Department of Revenue has set a Tuesday, June 11, hearing on a proposed new rule regarding nexus within the state. If a retailer delivers to another county or city's taxing jurisdiction, then the destination jurisdiction's sales taxes would have to be collected and remitted, under this proposal. The department expects this rule to be in place by October when the ONE SPOT sales tax remittance system is in place. Send any comments you have on the new rule by June 11 to Michael D. Gamble, Department Secretary Alabama Department of Revenue, Gordon Persons Building, 50 N. Ripley St., Room 4131, Montgomery, AL 36132. [Please copy Alabama Retail Association President Rick Brown on any comment you make.](#)

[>> Review the full proposed nexus rule](#)

Business Privilege Tax Relief for Dormant Entities Pending on Final Day

Another House bill on the Senate's long list of bills that it could consider on the final day is [HB276](#) by Rep. Jamie Ison, R-Mobile, which forgives business privilege tax obligations for any dormant business, even if the business fails to dissolve or to withdraw its qualification to do business with Alabama's Secretary of State. Similar legislation died due to inaction by the Senate on the final legislative day in 2012. Sen. Slade Blackwell, R-Birmingham, authored the Senate companion, [SB230](#).

FIREARMS

Gun Bill Has to Wait for Final Day

The Alabama Senate late Thursday agreed to mostly technical changes to create the fourth version of Sen. Scott Beason's far-ranging firearms legislation. Early Thursday, the Senate had voted 31-1 to reject the House's changes to the Gardendale Republican's [SB286](#). The House agreed on a voice vote, sending the bill to a conference committee. About 8:30 p.m., the conference committee returned with a slightly changed compromise version of the bill, which the Senate quickly approved on a 25-5 vote despite complaints from one Democrat that the Legislature was "*ramming the gun bill down the state of Alabama's throat.*" The House adjourned without taking up the conference report.

The conferees were Beason, Sen. Roger Bedford, D-Russellville; Sen. Paul Sanford, R-Huntsville; and Reps. Ed Henry, R-Hartselle; Jack Williams, R-Birmingham; and David Colston, D-Hayneville.

The conference committee version leaves key provisions affecting business intact.

The bill still places some requirements and restrictions on employers. Specifically, under the bill, employers:

- can forbid employees to carry firearms while working, either on or off the employer's property.

[Senate gives final passage to homebrew bill](#)

[Alabama Legislature votes to legalize home brewing](#)

[Proposal would set flat rate for 911 fee](#)

[Internet tax vote will be revealing](#)

[House lawmaker vows to end 'slap in the face' of unfair sales tax laws](#)

[Boehner 'probably' won't back internet sales tax measure](#)

[Ecommerce trends point to bright future](#)

[Rep. Spencer Bachus: House won't rush Internet sales tax bill](#)

[Online tax could be state budget windfall](#)

[Fight expected in House on online sales tax](#)

[Internet sales tax bill faces tough sell in House](#)

[Republican governors, Congress split on online tax bill](#)

[Senate passes online sales-tax legislation](#)

[House action on online tax seen less urgent than Senate](#)

[Internet sales tax faces hurdles in GOP House](#)

[Senate passes sales tax fairness bill, fight moves to House](#)

[Colorado on its way to collect online sales tax](#)

[U.S. House passes bill sponsored by Rep. Martha Roby to change overtime pay options](#)

[House approves bill to change overtime pay law](#)

- are banned from having policies that keep lawful gun owners from storing firearms in their parked vehicles on workplace property as long as the firearm stays locked out of sight in their vehicle in the parking lot. The bill specifically forbids employers from having policies against employees with a proper hunting license from having unloaded shotguns in their vehicles during hunting season as long as those gun owners haven't been convicted of a violent crime, committed to a psychiatric hospital or been involved in a documented workplace violence incident.
- can ask an employee if he/she has a firearm in his or her vehicle if the employer believes the employee is at risk of harming himself/herself or others.
- do not have a duty to patrol, inspect, or secure any employee parking facility or any privately owned motor vehicle in the employer's parking facility.
- or property owners can use force to defend himself/herself, an employee or others when the business is closed and the intruder is committing a crime involving physical force.

The bill also retains some protections for employers, including immunity from civil liability. Specifically, an employer, the owner and/or landlord "*shall be absolutely immune from any claim, cause of action or lawsuit that may be brought by any person seeking any form of damages that are alleged to arise, directly or indirectly, as a result of any firearm brought onto the property of the employer, owner or lawful possessor by an employee, including a firearm that is transported in an employee's privately owned motor vehicle,*" the bill states.

Also under the bill, the presence of a firearm or ammunition on an employer's property would not, by itself, constitute the failure by the employer to provide a safe workplace.

PHARMACY

Governor OKs Pharmacist Destruction of Outdated or Unused Drugs

Gov. Robert Bentley this week signed into law legislation to allow pharmacies in Alabama to accept unused or expired dispensed medications for destruction. [Act No. 2013-198 \(HB237\)](#) by Rep. Elaine Beech, D-Chatom, a retired pharmacist. The Senate approved the bill 25-3 on May 2; while the Alabama House unanimously approved it April 10.

Current law forbids pharmacists from paying refunds for unused prescription drugs. Beginning Aug. 1, under the new law, pharmacists can accept unused drugs for the purposes of destruction only.

ALCOHOL

Alabama Legalizes Home Brewing

Alabama beats Mississippi to legalizing home brewing. Thursday, Gov. Robert Bentley signed into law [HB9](#) by Rep. Mac McCutcheon (pictured), R- Huntsville, which legalizes home brewing in Alabama immediately. The Alabama Senate had given final approval to the bill Tuesday on an 18-7 vote. The House of Representatives approved McCutcheon's bill last month on a vote of 57-34-1. A recently passed Mississippi law allowing home brewing doesn't take effect until July 1.

[Comp time bill passes in House](#)

[Comp-time bill reveals partisan divide in workplace](#)

[Overtime pay vs. time off: GOP wants a choice, but Democrats say plan would hurt workers](#)

[Campaign finance law revisions pass Alabama House; headed back to Senate](#)

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:

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

The Alabama law allows home brewers who are 21 and older to make up to 15 gallons of beer, cider and wine every three months as long their homemade spirits are not offered for sale. Home brewing will remain illegal in dry counties or cities. Prohibitions also remain for the home manufacture of distilled liquors or moonshine.



Sen. Bill Holtzclaw, R-Madison, authored the Senate companion, [SB171](#).

Senate Sends Off-Premise Sunday Sales Bill for Dothan to Governor

Legislation that could pave the way for off-premise Sunday alcohol sales in Dothan is on the governor's desk. Dothan already has on-premise Sunday sales.

Thursday on a 26-1 vote, the House gave final approval to [SB425](#) by Sen. Harri Anne Smith, I-Slocomb, sending it to the governor. The House had approved the House companion bill, [HB593](#) by Rep. Dexter Grimsley, D-Newville, on a 31-4 vote April 18.

The legislation would allow a citywide referendum on the issue in August, its next general election. If voters approve the referendum, alcohol could be sold for off-premise consumption on Sundays between 1 p.m. and midnight.

Weaver Sunday Sales Could Get Last Day OK

The House Local Legislation Committee on Thursday approved [SB 311](#) by Sen. Del Marsh, R-Anniston, which would allow the Weaver City Council to decide if it wants to permit seven-day alcohol sales within the Weaver city limits. The Senate approved the bill May 2 on a vote of 20-1. The House could consider the bill on the session's final legislative day.

Wetumpka Draft Beer, Sunday Sales Bills In Line for Final Day

Tuesday, the Senate Local Legislation Committee No. 1 approved bills by Rep. Barry Mask, R-Wetumpka, that would could expand alcohol sales in Wetumpka. [HB474](#) authorizes the Wetumpka City Council to ask voters at the next city or referendum election if they favor draft beer sales. [HB475](#) would give the council 30 days to schedule a referendum to let voters decide if alcohol sales would be permitted between noon and 10 p.m. on Sundays at restaurants, hotels and nightclubs within the city. Both bills could be considered on the final legislative day.

Kepping Community Development Districts Wet Pending May 20

The House Commerce and Small Business Committee on Wednesday approved [SB390](#) by Sen. Marc Keahey, D-Grove Hill, which would allow the state's community development districts such

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.

CONTACT INFO:

Find a list of members of the Alabama House [here](#). A complete list of senators is available [here](#).

You can find out whose legislative district you live or 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 2013 Legislative Roster](#).

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U RETAIL UNIVERSITY

The third course in the 2013 Retail University series of webinars will explore loss prevention for small retailers.

Sign up and mark your

as qualifying golf and marina developments to remain wet. Alcohol sales would be allowed if the district already had the authority to sell alcohol and becomes a municipality, even if the newly incorporated city doesn't have the 1,000 residents required by state law to be a wet municipality. According to earlier testimony, of the seven community development districts in the state, one is considering becoming a municipality.

The Alabama Senate approved the bill on a vote of 21-7-1 Tuesday. It is now in line for possible consideration on the 2013 session's final day. The House never debated the companion legislation, [HB549](#) by Rep. Jim Barton, R-Mobile.

House or Senate Could Consider Jefferson County Wine Supplier/Wholesaler Relationship on Final Day

On a vote of 18-0 Tuesday, the Alabama Senate approved the Jefferson County Wine Franchise Jobs Protection Act, [SB 472](#) by Sen. Linda Coleman, D-Birmingham, and by Thursday, the House Jefferson County delegation had given its approval, setting the bill up for final consideration May 20th in the House. Meanwhile, this week, the Senate Jefferson County approved the House companion, [HB 671](#) by Rep. Rod Scott, D-Fairfield, which the House had agreed to May 2 on 43-0 vote. The House bill still could be considered on the final legislative day in the Senate.

The legislation outlines the parameters for the wine supplier/wholesaler relationship in Jefferson County. It specifically requires suppliers to designate in writing exclusive sales territories for wine wholesalers in the county. It also forbids wholesalers from delivering wine to a retail business outside the designated sales territory. Under the bill, suppliers would be forbidden to offer the same brand or brands of wine in the same territory to more than one wholesaler or to sell directly to any retailer in the state. It also forbids suppliers from requiring a wholesaler to purchase one or more brands of wine or other products in order for the wholesaler to purchase another brand of wine.

Prattville Draft Beer Pending in Senate on Final Day

[HB239](#) by Rep. Paul Beckman, R-Prattville, which would allow the Prattville City Council to authorize the sale of draft beer through retail licenses issued by the Alabama Beverage Control Board, has been waiting for Senate action since April 4. The Senate could still take up the bill on the 2013 session's final day.

UNEMPLOYMENT COMPENSATION

Bill to Permanently Fund Career Centers on Governor's Desk

[HB 90](#) by Rep. Jack Williams, R-Birmingham, which permanently extends the employer assessment of .06 percent of wages subject to contributions under the state Unemployment Compensation program, was transmitted to the governor for his signature Tuesday. The special assessments are deposited into the Employment Security Enhancement Fund, which funds the state's career centers. Previously, the assessment was subject to renewal every couple of

calendar now for:

Shoplifting Awareness: A Practical, Easy Guide for Preventing Loss for Small Retailers



Presented by Kevin M. Plante, Owner and President, KMP Security Consulting

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7:30 a.m. CT / 8:30 ET
and
10:30 CT / 11:30 ET

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for 10:30 a.m. CT webinar

To learn more about and register for other webinars in the Retail University series, go to [Calendar](#) under [Awards and Events](#) at [alabamaretail.org](#).

Nominate a Retailer of Year



Each year, ARA, in conjunction with the [University of Alabama at Birmingham School of Business](#), sponsors the Retailer of the Year program. Help us recognize the top retailers in Alabama and their accomplishments in the retail industry.

DEADLINE FOR NOMINATIONS

LAST DAY

EBT Benefit Limits, Health Care Compact, E-Cigarette Ban, Other Bills Have to Wait for Final Day

Several other bills the Alabama Retail Association has been tracking throughout the 2013 regular session were on either the House or Senate calendars when the chambers adjourned for the 29th legislative day. These bills could resurface on the Legislature's final day for the 2013 session:

- **Bill limiting use of EBT benefits one vote from final passage:** [SB7](#) by Sen. Arthur Orr, R-Decatur, would penalize welfare recipients who use public benefits to buy alcoholic beverages, tobacco products or lottery tickets. The bill awaits final approval in the House.
- **House to get final say on bill to penalize late or inadequate responses to unemployment inquiries:** Under [SB201](#) by Sen. Paul Bussman, R-Cullman, an employer's failure to respond promptly or adequately to the state when questioned about an unemployment claim could result in any consequent overpayment of claims being charged against the employers' account. Employers who have failed to respond in a timely fashion or adequately two or more times could see a decline in their unemployment compensation account, under this bill. The Alabama Senate approved the bill April 10.
- **LLC reform still pending in House:** If enacted, the Alabama Limited Liability Company Law of 2014, [SB342](#) by Sen. Rodger M. Smitherman, D-Birmingham, would replace the current limited liability company law on Jan. 1, 2014. The bill focuses on the contractual nature of LLCs and has few mandatory features. The bill, however, does say the implied contractual covenant of good faith and fair dealing cannot be modified. The bill also acknowledges that LLCs can be used for purposes other than operation of a business. Rep. Paul DeMarco, R-Homewood, authored the House companion, [HB531](#).

[>> Summary of the LLC Law of 2014](#)

- **Health Care Compact pending in Senate:** Alabama could become the fifth state to join the Health Care Compact, which would remove those states from federal health-care oversight. [HB109](#) by Rep. Mike Ball, R-Madison, creates the Interstate Advisory Health Care Commission that with the approval of Congress, would be allowed to spend federal money on health care without having to abide by federal regulations.
- **Senate doesn't get to ban on e-cigarettes for minors;** could return final day. [HB 286](#) by Rep. Mike Jones, R-Andalusia, which would make it illegal for minors to buy, use, possess or transport electronic cigarettes, was on the Senate special order calendar Thursday evening, but the Senate never got to the bill.

Nominees will be asked to complete entry forms, which must be received by Friday, June 24. Winners will be notified before Aug. 1.

HOW TO NOMINATE?

Just complete the [online nomination form](#)

[Learn more](#)

KNOW A RETAILER IN BUSINESS FOR 100 YEARS OR MORE?

Retail businesses that began operating in Alabama in 1913 or earlier are eligible to be recognized as an [Alabama Centennial Retailer](#)

Nominations are due Monday, June 3

Businesses can only be recognized once as a Centennial Retailer. Before making a nomination, check first to see if the business has already been honored. [View those previously honored as Centennial Retailers](#)

[Nominate a Centennial Retailer Now !](#)

AWAITING GOVERNOR'S SIGNATURE

[Weights Inspectors and Drug Database](#)

Bills Await Governor's Signature

At press time, two other bills being tracked by the Alabama Retail Association awaited the governor's signature:

- [HB357](#) by Rep. Paul Lee, R-Dothan, which would allow merchants to use certified inspectors to ensure equipment used to weigh and/or measure is working properly; and
- [HB150](#) by Rep. Jim McClendon, R-Springville, which makes changes to the administration of the Controlled Substances Prescription Database.

NEXT LEGISLATIVE DAY

The Alabama House and Senate will convene at 9 a.m. Monday, May 20, for the 30th and final day of the 2013 regular session.

FEDERAL

U.S. Senate Calls for Sales Tax Collection Fairness; Turn Your Attention to Alabama's House Members

Legislation to level the sales tax collection playing field between brick-and-mortar and online and catalog businesses made its first big step toward becoming reality Monday.

Twenty-one years ago, the U.S. Supreme Court handed off the decision to Congress to decide when to allow states to compel remote sellers to collect sales taxes. For the past decade, since the United States entered the digital age of advanced computer software, lawmakers have been presenting legislation to give states that option. Monday, the U.S. Senate on a bipartisan vote of [69-27](#) finally approved [S. 743](#), the Marketplace Fairness Act.



The legislation requires states to provide retailers with software to simplify tax collection and includes an exemption for businesses with \$1 million or less in remote sales to the 45 states that levy sales taxes. *"This bill exempts 99 percent of all small online sellers and the coalition supporting it includes the smallest of all businesses,"* U.S. Sen. Dick Durbin, D-Illinois, one of the bill's sponsors, said Monday on the Senate floor.

Alabama's Sens. Richard Shelby and Jeff Sessions are among the senators who realize the time has come for all retailers to collect sales taxes, whether those retailers sell in store, online, by catalog or over the phone. Sessions said he recognized the *"disadvantage to local business"* in the current sales tax collection system. [Thank Shelby and Sessions.](#)

The fight for e-fairness now moves to the U.S. House of Representatives. The battle will be tougher there as the bill must move through the House Judiciary Committee before reaching the House floor. The Senate skipped the committee process and went straight to

a floor vote. U.S. House Speaker John Boehner this week said he more than likely will not support the bill, which makes getting a floor debate in the House even harder.

U.S. Rep. Spencer Bachus, R-Birmingham, a Judiciary Committee member and one of the 64 co-sponsors of the House version of the Marketplace Fairness Act ([H.R. 684](#)) has asked for a hearing for the Senate bill before the committee. If you vote in the 6th Congressional District, please [thank Bachus](#) and ask him to continue to talk with the remainder of the Alabama delegation about this issue.

[U.S. Rep. Martha Roby, R-Montgomery](#), indicated this week that she too is supportive of the bill. "*It's money that's already owed to the state, so it's not a tax increase,*" the 2nd District congresswoman told Bloomberg.

Alabama's other House members need encouragement to throw their support behind the legislation. Please contact your congressman and let them know you are tired of the government:

1) giving your out-of-state competitors a competitive advantage by not requiring them to collect sales taxes; and

2) making your store a showroom for those remote competitors.

Contact your congressional representative via e-mail at the links below. You will need your zip code +4.

[1st District U.S. Rep. Jo Bonner, R-Mobile](#)

[3rd District U.S. Rep. Mike Rogers, R-Saks](#)

[4th District U.S. Rep. Robert Aderholt, R- Haleyville](#)

[5th District U.S. Rep. Mo Brooks, R-Huntsville](#)

[7th District U.S. Rep. Terri Sewell, D-Birmingham](#)

In Close Vote, U.S. House OKs Roby's Comp Time Bill

Wednesday, the U.S. House of Representatives on a vote of 223-204 approved legislation that would allow hourly employees who work more than 40 hours a week to bank up to 160 hours of earned time off annually for future use. Current law only allows private sector workers to swap comp time for overtime pay within a single pay period.



Under the Working Families Flexibility Act of 2013, or H.R. 1406, by U.S. Rep. Martha Roby, R-Montgomery(*pictured*), private-sector employers could offer to carry forward the compensatory time in lieu of overtime pay. Federal workers have that option now.

The bill changes the Fair Labor Standards Act, which has been rarely amended or changed since its passage in 1938. All indications are the act will remain unchanged as the Senate leadership opposes Roby's bill and the president has threatened to veto it.

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