

May 31, 2013

Despite Contention, Lawmakers Find Success in 2013 Session

In its third year of legislative control, the Alabama Legislature's Republican majority slowed down somewhat, introducing slightly fewer bills than the prior year and having about 150 fewer become law. The 2013 regular session was more contentious than the first two sessions since the Republicans gained control of the Legislature for the first time in 136 years, applying the brakes slightly to the break-neck pace at which the majority had been operating. The Senate, however, tried to catch up on the final day, passing more than 60 percent of the House bills it approved in the entire session on that one day.

Still, the Legislature successfully fashioned the two state budgets, worked out a plan to pay back more than \$400 million in borrowed funds, completely revamped the delivery system for Medicaid and found time for campaign finance reform, expansion of Alabama's gun laws and legalization of home brewing.



Alabama Retail reported on the progress of about 140 of the 1,176 bills introduced during the 2013 session, some that passed, some that failed and some that will rise again.

An account of how some of those tracked bills fared during the 2013 regular session follows. The June issue of Alabama Retail Quarterly will include an abbreviated 2013 session summary.

LEGISLATION THAT WILL REAPPEAR

Legislation sometimes takes years of introduction and debate before it becomes law. While many pieces of legislation didn't make it across the finish line this year, these are among those with a strong chance of reappearing next year for another try.

Must Convince Legislators of Need for a Central, Independent Tax Appeals Process in Alabama

While the House approved it, the Alabama Senate never considered legislation supported by the bulk of Alabama's business community to

From Montgomery
to Washington,
ARA is there
to benefit you!

CRR EXTRAS

stay connected with ARA 



TOP ISSUES

NEW LAWS

[Red Tape Reduction](#)

[Guns to Work](#)

[Campaign Finance Reform](#)

[Weights/Measures
Inspectors](#)

[Trust Fund Payback](#)

[Medicaid Reform](#)

[Medicaid PBM Delay](#)

[Liquor Warehouse Fee](#)

[Timely UC Claim Response](#)

[Career Center Funding](#)

[Rx Drug Destruction](#)

[No E-Cigarettes for Minors](#)

[Drug Database Reform](#)

[Home Brewing](#)

[Sunday Alcohol Sales](#)

[Draft Beer Sales](#)

[Dallas County Liquor Tax](#)

BACK IN 2014

[Taxpayers' Bill of Rights](#)

[Business License Reform](#)

centralize Alabama's tax appeal process and make that process independent of the taxing authorities. [HB264](#) by Rep. Paul DeMarco, R-Homewood, and [SB223](#) by Sen. Bryan Taylor, R-Prattville, were part of [ARA's 2013 Legislative Agenda](#). 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. Even though the governor's concerns were addressed in this year's revised legislation, and it had the support of 26 members of the Business Associations' Tax Coalition (BATC), a business trade association coalition chaired by Alabama Retail President Rick Brown, the Senate never debated the bill. The landmark legislation creating an independent tax appeals process for businesses and individuals and allowing businesses that cross multiple jurisdictions to use one process for appealing tax assessments may have to be simplified or broken into two or more pieces of legislation to be able to make it through the legislative process. Creating an independent tax appeals commission and updating the 1992 Taxpayers' Bill of Rights will remain a priority for the Alabama Retail Association in the 2014 legislative session.

Business License Reform to Return in 2014

Some progress was made this session toward simplifying and streamlining Alabama's business license system, a major tenet of the Alabama Retail Association's 2013 legislative agenda. Before the 2014 regular session, a Senate Governmental Affairs Committee subcommittee is to study the issue. Alabama Retail pledges to participate and keep members informed about that process. About halfway through this legislative session, Sen. Slade Blackwell, R-Mountain Brook, and Rep. Terri Collins, R-Decatur, introduced [SB397](#) and [HB677](#), which would have eliminated the more than 140 existing state and county business licenses currently required in Alabama and replace them with a single flat-fee license. The legislation also would have created a mechanism for eventually streamlining city business licenses. Another goal was to create an online system where businesses could apply for, purchase and renew all applicable state and local business licenses in one place. **Alabama Retail encourages Blackwell and Collins to continue with their efforts to streamline state, county and city business licenses.**

Marsh to Reprise Workers' Compensation Reform

A Senate committee couldn't reach a consensus on comprehensive workers' compensation reform legislation ([SB453](#)) by Alabama Senate President Pro Tem Del Marsh, R-Anniston, this session, but Marsh is expected to return in 2014 with similar legislation. **Alabama Retail will continue to monitor the progress of this effort to manage workers' compensation costs more effectively.**

Federal Mandate Means EBT Benefits Limits to Return

Because of a federal mandate, [SB7](#) by Sen. Arthur Orr, R-Decatur, which would have penalized welfare recipients who use public benefits to buy alcoholic beverages, tobacco products or lottery tickets, will resurface early in the 2014 session. The legislation would have punished those receiving public benefits if they used their cash benefits in a bar, casino, tattoo facility, for psychic services or adult entertainment. Recent changes to federal regulations prohibit the use of Electronic Benefit Transfer benefits for public and private liquor

[Workers' Comp Reform](#)

[EBT Use Limits](#)

NOT LAWS

[Unitary Reporting](#)

[Jobless Benefit Increase](#)

[After-Fact
Sales Tax Remittal](#)

[Fees Tied to CPI](#)

[Equipment Depreciation](#)

[Tobacco Tax Increase](#)

[Tax-Free Food
& OTC Drugs](#)

[Double Comp
Burial Expenses](#)

[Alcohol License
Fee Increase](#)

[Alcohol Server ID](#)

[False Claims Act](#)

[Eyewear Supplier Change](#)

[Loser Pays](#)

[Innovator Liability
Protection](#)

[Smoking Ban](#)

[Rights of Conscience](#)

[Previous Issues](#)

BILLS

Acts

- [Act No. 2013- 6](#)
- [Act No. 2013-88](#)
- [Act No. 2013- 110](#)
- [Act No. 2013- 166](#)
- [Act No. 2013- 198](#)
- [Act No. 2013- 204](#)
- [Act No. 2013- 208](#)
- [Act No. 2013- 212](#)
- [Act No. 2013- 238](#)
- [Act No. 2013- 256](#)
- [Act No. 2013- 261](#)
- [Act No. 2013- 263](#)

stores, casinos and strip clubs and gives states until 2014 to adopt similar rules. The cash welfare benefit program is small compared with the Supplemental Nutrition Assistance Program, or SNAP (formerly known as food stamps), which already prohibits purchases of non-food items. Both SNAP and Temporary Assistance for Needy Families benefits are loaded on a single EBT card, which works much like a debit card and is used to purchase goods in many Alabama retail stores.

NOW LAW

At press time, 443 bills and resolutions presented during the 2013 regular session had become law. Some of those new laws impact how retailers do business, including these.

RED TAPE REDUCTION

New Law Could Ease Regulatory Burden

State agencies will have to file a business economic impact statement for any challenged regulation prior to its adoption under [Act No. 2013-88](#), or the Red Tape Reduction Act, by Rep. April Weaver, R-Brierfield. All existing rules and regulations also will be reviewed every five years. As of July 1, agencies will be required to post information related to proposed and existing regulation reviews on their websites and to fulfill license or permit requests within 28 calendar days or notify the applicant as to why the license or permit has not been granted.

GUNS TO WORK

Law Expands Where Guns Can Be Carried

Aug. 1 is the effective date of a new law governing firearms usage in our state, [Act No. 2013 - 283](#) by Sen. Scott Beason, R-Gardendale. While the new law gives businesses civil immunity should an employee bring a gun to work and harm someone, it keeps businesses in several instances from prohibiting employees or the general public from carrying guns onto the business property. Employers can no longer prohibit employees who are legal gun owners from bringing their pistols or shotguns to work as long as the weapons are locked out of sight in the employees' vehicle in the company parking lot. Licensed hunters, even if they don't have a concealed carry permit, can also store unloaded shotguns out of sight in their vehicles in the company lot during hunting season as long as the hunter doesn't have a history of violence.



Employers can forbid employees to carry firearms while working, either on or off the employer's property, and businesses with certain security measures and barriers can prohibit even those with permits to carry concealed weapons from bringing their weapons inside the building.

Other more open, less secure businesses, however, won't be able to prevent a concealed permit holder from bringing a concealed gun inside their store or business, under the new law.

- [Act No. 2013- 283](#)
- [Act No. 2013- 297](#)
- [Act No. 2013- 311](#)
- [Act No. 2013- 312](#)
- [Act No. 2013- 313](#)
- [Act No. 2013- 383](#)
- [Act No. 2013- 393](#)
- [Act No. 2013- 417](#)

House

- [HB 15](#)
- [HB 202](#)
- [HB 203](#)
- [HB 258](#)
- [HB 264](#)
- [HB 295](#)
- [HB 354](#)
- [HB 422](#)
- [HB 423](#)
- [HB 461](#)
- [HB 539](#)
- [HB 566](#)
- [HB 617](#)
- [HB 624](#)
- [HB 677](#)

Senate

- [SB 2](#)
- [SB 7](#)
- [SB 78](#)
- [SB 183](#)
- [SB 195](#)
- [SB 223](#)
- [SB 251](#)
- [SB 269](#)
- [SB 279](#)
- [SB 281](#)
- [SB 322](#)
- [SB 397](#)
- [SB 415](#)
- [SB 453](#)

IN THE NEWS

[Alabama Legislature: Both sides consider session historic](#)

[Legislative session was divisive](#)

[Productive legislative session](#)

[Alabama House Republicans release video recap of 2013 session](#)

To learn more about how this new law can impact your business:

[>> Read a Business Guide to the New Firearm Law](#)

The new law may require revisions to your company policy and postings at your business.

CAMPAIGN FINANCE

Corporations Can Give to Campaigns Without Limit as Long as Contributions are Disclosed

In time for most of the 2014 statewide campaign season, corporate campaign donors will no longer have to research how many elections there have been so far in the year to determine how much they can give to political candidates.

As of Aug. 1, [Act No. 2013-311](#) by Sen. Bryan Taylor, R-Prattville, eliminates the campaign contribution cap for corporations. The new law removes the \$500 contribution limit for corporations and treats corporations the same as other business entities and individuals in regards to campaign finances. While Alabama had a corporate limit for campaigns, that limit was multiplied for each election that had occurred in the year the contribution was given, which meant the limit varied greatly, creating an administrative nightmare for the giver, the receiver and the state to make sure the law was followed.

A new computerized campaign filing system went online this week that makes all campaign giving in Alabama more transparent and accessible. Fundraising for the 2014 elections starts next week (Monday, June 3) and donors will use the new system for the first reports due July 1. The corporate campaign limit remains in effect until the first of August, however.

WEIGHTS AND MEASURES

Retailers No Longer Have to Wait on the State to Inspect Weight Equipment



Retailers and other merchants can now use certified inspectors to ensure equipment used to weigh and/or measure is working properly under [Act. No. 2013-212](#) by Rep. Paul Lee, R-Dothan, and Sen. Billy Beasley, D-Clayton. The Alabama Department of Agriculture and Industries will develop rules for inspections and provide decals that the registered service agents must place conspicuously on devices that pass inspection.

Inspectors will submit their results from machines at grocery stores, drug stores, filling stations, pawnshops, farms and other businesses that use weighing and measuring apparatus to a central database accessible to the state agriculture department.

BUDGETS AND FINANCES

As Promised, State to Pay Back Trust Fund by 2026

The first new law of the 2013 regular session came about because of

[Republican legislators laud work done in 2013 session](#)

[Lawmakers reflect on session's wins, loses](#)

[How issues fared in 2013 session](#)

[Wrap-up of Alabama Legislature actions](#)

[A case of deja vu with bills in Alabama Legislature](#)

[Best and worst session labels are political baloney](#)

[Senate pace on final day was a little unsettling](#)

[Gov. Robert Bentley signs sweeping gun bill into law](#)

[Alabama governor signs bill on carrying guns](#)

[Not all bad news on the gun front in Alabama](#)

[Campaign finance reporting: Access to donor info made easier](#)

[State debuts new electronic, searchable campaign finance filing system](#)

[State agency funding: From worse to bad](#)

[Alabama had nation's fastest growth in number of breweries in 2012](#)

[Birmingham Budweiser to sponsor home brewing contest](#)

[Prattville draft beer legislation waits for bill's signature](#)

[First draft beer in Coffee County served](#)

[Huntsville City Council approves entertainment districts](#)

[Dallas County restaurants, liquor stores worry new tax places burden on them](#)

a promise lawmakers made to voters. [Act No. 2013-6](#) by Rep. Jay Love, R-Montgomery, \$437.4 million that the state's voters agreed to transfer from the Alabama Trust Fund will be paid back no later than Sept. 30, 2026, with specific amounts to be repaid by specific dates. The Alabama Retail Association supported the September 2012 referendum that authorized the state to transfer the money from the Trust Fund to the General Fund to balance the state's budget, save jobs and avoid new taxes.

Medicaid Delivery Overhaul to Save Money, Improve Health

[Act No. 2013-261](#) by Sen. Greg Reed, R-Jasper, and Rep. Jim McClendon, R-Springville, could save the state General Fund more than \$70 million annually while improving the health of Alabama's poorest citizens. The new law shifts the risks associated with Medicaid services from the state agency to yet-to-be formed regional care organizations.

Expect the state to have the regions for the new community-based managed care in place by Oct. 1. The new organizations are to have governing boards by Oct. 1, 2014; delivery networks in place by April 1, 2015; and meet financial solvency requirements by Oct. 1, 2015. The regions are to move to a per-person, or capitation model, or by Oct. 1, 2016, the beginning of the 2017 budget year.

The **Alabama Retail Association will continue to monitor this new system** as it is put into place and keep you informed.

General Fund Budget Includes Pharmacy Benefit Manager and Bailment Fee Language

While providing for the continuation of state operating expenses, the \$1.74 billion General Fund budget ([Act. No. 2013-263](#) by Sen. Arthur Orr, R-Decatur) that is now law contains a couple of provisions related to retailers. The budget:

- 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.
- increases the per-case fee the Alabama Alcoholic Beverage Control Board charges distillers to store their product in the ABC warehouses from 60 cents to 72 cents. The board had proposed increasing the fee to 85 cents per case through regulation, rather than law.

UNEMPLOYMENT

Late or Inadequate Responses to Unemployment Inquiries Could Cost You

As of Aug. 1, employers who have failed to respond in a timely fashion or adequately two or more times when questioned by the state about an unemployment claim could see a decline in their unemployment compensation account under [Act. No. 2013-312](#) by Sen. Paul Bussman, R-Cullman. Any consequent overpayment of claims could

[Alabama reps must follow senators' lead on marketplace fairness](#)

[Visa, MasterCard requests court declare fee practices do not violate antitrust laws](#)

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 address:
[house3@alhouse.org](#)

There is no general e-mail address for senators. [Click here](#) for a roster of the state senators with their

be charged against the employers' account.

Assessment and Career Centers Now Permanent

Act. No. 2013-208 by Rep. Jack Williams, R-Birmingham, permanently extends the employer assessment of .06 percent of wages subject to contributions under the state Unemployment Compensation program, giving the state's career centers perpetual funding. Previously, the assessment and subsequent funding had to be renewed every few years, requiring new legislation.

PHARMACY

Pharmacists Can Accept Unused, Expired Drugs for Destruction

Beginning Aug. 1 under **Act No. 2013-198** by Rep. Elaine Beech, D-Chatom, pharmacists can accept unused or expired dispensed medications for the purposes of destruction only. The law continues to forbid pharmacists from paying refunds for unused prescription drugs.

TOBACCO

Start Checking IDs to Sell E-Cigarettes on Aug. 1

As of Aug. 1, minors will no longer be able to buy, use, possess or transport electronic cigarettes under **Act No. 2013-383** by Rep. Mike Jones, R-Andalusia. Battery-powered e-cigarettes are designed to look like real cigarettes, but instead of inhaling tobacco the user breathes in a mist of nicotine that is absorbed in the lungs. As regulations related to this new law are developed, the Alabama Retail Association will share the guidelines with affected retail members. Beginning Aug. 1, retailers should allow only those 19 and older to purchase electronic cigarettes. Also, law enforcement must notify parents or guardians if a minor violates this new law.

PHARMACY

Drug Database Reform Contains Pharmacist Protection

Act. No. 2013-256 by Rep. Jim McClendon, R-Springville, tweaks who has access to the Controlled Substances Prescription Database and adds the method of payment and the third-party payer identification to the information included in the database. At the request of the Alabama Retail Association, this new law protects pharmacists from liability by retaining current law, which states pharmacists are not obligated to check the database every time they fill a prescription for controlled substances.

ALCOHOL

Home Brewing Legal in Alabama

Alabama law now allows home brewers who are 21 and older to make up to 15 gallons of beer, cider and wine every three months as

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](#).

BENEFIT FROM THE VALUE

Enroll in FREE

U RETAIL UNIVERSITY

The final course in the 2013 Retail University series of webinars is an intermediate-level seminar on mobile and social marketing. Sign up and mark your calendar now for:

How to Win Over the Mobile, Connected Shopper

long their homemade spirits are not offered for sale. Home brewing remains illegal in dry counties or cities. Prohibitions also remain for the home manufacture of distilled liquors or moonshine under [Act. No. 2013-204](#) by Rep. Mac McCutcheon, R-Huntsville, and Sen. Bill Holtzclaw, R-Madison.

Three Cities to Add Sunday Sales

At least one of the three cities authorized to move to seven-day alcohol sales under laws adopted in the 2013 legislative session has already done so.

Sunday sales started May 19 in Anniston. The Anniston City Council voted May 14 to allow Sunday alcohol sales in that city following the adoption of [Act No. 2013-166](#) by Sen. Del Marsh, R-Anniston, and Rep. Barbara Boyd, D-Anniston.

Nearby Weaver can also permit seven-day alcohol sales within the Weaver city limits based on [Act. No. 2013-313](#) by Sen. Del Marsh, R-Anniston.

The Dothan City Council can go forward with an August citywide referendum to determine if that city should allow off-premise Sunday alcohol sales in Dothan under [Act. No. 2013-238](#) by Sen. Harri Anne Smith, I-Slocomb, and Rep. Dexter Grimsley, D-Newville. Dothan already has on-premise Sunday sales.

Three Cities to Begin Draft Beer Sales

The first draft beer in New Brockton and in Coffee County was served May 2.

The New Brockton City Council enacted draft beer under [Act. No. 2013-110](#) by Rep. Barry Moore, R-Enterprise, making New Brockton the only municipality in Coffee County to allow draft beer sales.

Prattville in Autauga County and Boaz in Marshall County could soon begin on-premise-only draft beer sales under legislation adopted this session.

[Act. No. 2013-297](#) by Rep. Paul Beckman, R-Prattville, allows the Prattville City Council, which is scheduled to meet next on June 4, to authorize the sale of draft beer. [Act. No. 2013-417](#) by Rep. Kerry Rich, R-Albertville, which was approved in the nick of time on the final night of the legislative session, allows the Boaz City Council to authorize on-premise draft beer sales.

Five Percent Sales Tax Added to Liquor Sales in Dallas County

By Aug. 1, there will be an additional 5 percent sales tax on liquor sold in Dallas County under [Act No. 2013-393](#) by Rep. Darrio Melton, D-Selma. Revenue raised through the law, which received final adoption on the last night of the legislative session, will help fund the Dallas County district attorney office and the Dallas County Drug Court.

NOT LAW



***Presented by Jeff Greer,
Founder and CEO,
Easyfish Marketing***

Thursday, June 27

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

[Register](#)

for 7:30 a.m. CT webinar

[Register](#)

for 10:30 a.m. CT webinar

You can also register for this Retail University webinar in [Calendar](#) under [Awards and Events](#) at alabamaretail.org.



**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](#) !**

More than 1,000 bills and resolutions died when the Alabama Legislature ended its 2013 regular session on May 20. Among those of concern to retailers were:

TAXES AND FEES

Unitary Combined Reporting Goes Nowhere

Legislation that would have required corporations to follow a set of unitary combined reporting rules when calculating their Alabama income taxes, [HB203](#) by Rep. Richard Lindsey, D-Roanoke, died in the House Ways and Means Education Committee without a committee hearing. Opposition to required unitary combined reporting for corporate taxpayers was part of ARA's 2013 Legislative Agenda.

Max Weekly Jobless Benefits Remain at \$265

While the House approved a \$20 increase in the maximum weekly jobless benefit in Alabama, the Alabama Senate never considered [HB539](#) by Rep. Pebbelin Warren, D-Tuskegee. The maximum weekly jobless benefit in Alabama remains at \$265. Warren's bill would have increased that amount to \$275 this year and to \$285 beginning July 5, 2014. The Alabama Department of Labor estimated the increase would have meant a \$3.60 per employee increase in unemployment taxes paid by certain employers.

Small Businesses Continue to Have to Remit Sales Taxes in Advance of Sales

Some 4,000 small businesses would have been able to remit sales taxes after the fact rather than in advance under [HB295](#) by Rep. Alan Boothe, R-Troy, and [SB2](#) by Sen. Bryan Taylor, R-Prattville. The House bill died in committee, while the Senate bill received committee approval but never made it to the Senate floor. The legislation would have raised the average monthly tax liability threshold at which a business must estimate and make monthly sales tax payments to the state by \$1,500. Retailers with monthly sales averaging \$2,500 or less would no longer have had to estimate their sales tax obligation in advance each month. The current threshold of \$1,000 remains. This is the second year Taylor has introduced this legislation. Hopefully, he'll do so again in 2013.

Senators Turn Up Noses at Tying Fees to Consumer Price Index

Senators who objected to [SB78](#) by Sen. Gerald Dial, R-Lineville, as being potentially punitive to business got the sponsor to carry over the bill in the first week of the legislative session, and it never resurfaced. The bill would have allowed state agencies to increase fees by whatever percentage the Consumer Price Index had increased over the previous 10 years or since the last change in the fee, whichever was the shorter period of time, as long as that increase did not exceed two percent for each year.

No Change to Business Property Depreciation

Sen. Shadrack McGill, R-Woodville, more than likely will revisit legislation next year to lessen retailers and other businesses obligations in regards to business personal property. While two bills by McGill to accomplish that goal received committee approval, the Senate never debated the bills.

[SB281](#) would have instructed the Alabama Department of Revenue to recalculate the composite factors for business personal property so that no property tax eventually would be due on business equipment and furniture.



[SB415](#) would have exempted any tangible taxable assets that originally cost \$250 or less from property taxes. [HB624](#) by Rep. Wes Long, R-Guntersville, was the House companion to [SB415](#).

Cigarette Tax Remains As Is

[HB15](#) by Rep. Patricia Todd, D-Birmingham, would have increased cigarette taxes by 32.5 cents per pack from 42.5 cents to 75 cents to benefit the state's General Fund. The bill never moved out of committee.

Tax Remains on Groceries and OTC Drugs

Legislation that would have reduced the sales tax on food to zero while eventually increasing the state sales tax to 5 percent on all items but food, [SB279](#) by Sen. Gerald Dial, R-Lineville, died in the Senate Finance and Taxation Education Committee.



[HB202](#) by Rep. John Knight, D-Montgomery, a state constitutional amendment to remove the 4 percent state sales tax from groceries and over-the-counter drugs, failed to be considered for a sixth year in a row.

Workers' Comp Burial Expenses Stay the Same

The Senate left town without considering [HB461](#) by Rep. Rod Scott, D-Fairfield, which would have more than doubled the possible burial expenses a workers' compensation claim can pay, taking it from \$3,000 to up to \$6,500, an increase of \$3,500.

Alcohol License Fees Falter Again

Just like 2012, two bills by Rep. Lesley Vance, R-Phenix City, that would have altered the alcohol licensing process and meant higher fees for businesses received committee approval but never got a floor vote. [HB422](#) would have doubled the application filing fee for an alcoholic beverage license from \$50 to \$100. The fee, which is only assessed on new applicants, has not been increased since it was first instituted in early 1980s. [HB423](#) would have switched the renewal period for alcohol license renewals from Oct. 1 to between June 1 and July 31, while increasing the fee for late filing from 50 percent to 75 percent of the license fee. The legislation also would have allowed the Alabama Alcoholic Beverage Control Board to set up an online renewal process and charge a "*reasonable fee*" for that service.

No Server ID Required in Alabama

[SB269](#) by Sen. Gerald Dial, R-Lineville, would have required waiters, waitresses and bartenders who serve alcoholic beverages to register with the state and obtain a \$35 server ID card that would be renewable every four years. The identification card was to help track servers who habitually violate laws regarding who can be served. Some lawmakers questioned the ability of small businesses to readily find credentialed servers. The bill never made it out of committee.

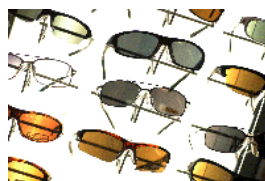
LEGAL

Lawsuit Producing False Claims Legislation Wasn't Advanced

At the urging of the Alabama Civil Justice Reform Committee, of which Alabama Retail is a member, Sen. Arthur Orr, R-Decatur, agreed not to move [SB183](#), or the Alabama False Claims Act, which could have escalated the filing of large, expensive and business-discouraging litigation in our state.

Retailer/Optomtrist Relationship Remains Intact

Legislation by Sen. Greg Reed, R-Jasper, would have altered the retailer and optometrist relationship. [SB322](#) would have prohibited retailers, manufacturers or wholesalers of ophthalmic materials who lease space to an optometrist from controlling or attempting to control the professional judgment or practice of the optometrist. Under the bill, the attorney general could have assessed up to \$1,000 daily in civil penalties for failure to comply. It also would have created a cause of action against retailers, manufacturers or wholesalers of ophthalmic materials.



Unworkable Losers Pay Proposition Doesn't Progress

An untenable but popular idea died in committee in the 2013 session. [HB566](#) by Rep. Ed Henry, R-Hartselle, would have directed the courts in all civil actions to award attorney's fees to the prevailing party. It set no criteria for determining winners and losers in civil litigation and did not address the inability to collect attorneys' fees from unsuccessful plaintiffs in civil litigation. Tort reform activist groups to date have not supported loser pays legislation, such as Henry's bill, since proponents have yet to produce a way to make it meaningful and workable.

Legislative Protection from Innovator Liability Suits Stalls Out in Committee

A House committee held a public hearing but never voted on [HB617](#) by Rep. Jack Williams, R-Birmingham, which sought to prevent brand-name manufacturers from being sued by consumers who use a generic version of their product made by a different company. Williams said the bill was in response to a January court decision that "*sent shockwaves throughout the business community.*" That Alabama Supreme Court decision relates to U.S. Food and Drug Administration

rules that require warning labels for generic drugs to be the same as the brand name equivalents and permits those who take generic drugs to sue the brand name manufacturers. The fear continues to be that the decision could impact products other than drugs. A reconsideration request is pending before the state's highest court.

TOBACCO

Smoking Ban Never Gets Floor Vote



Lawmakers didn't debate bills banning smoking statewide on the House or Senate floor this year. [SB195](#) by Sen. Vivian Figures, D-Mobile, would have banned smoking statewide in any workplace, public building or public place with exemptions for existing private clubs, bars, retail tobacco stores, certain outdoor areas as well as bingo or gaming facilities. Figures' bill received committee approval but never made it to the Senate floor. More stringent legislation, [HB258](#) by Rep. Mary Sue McClurkin, R-Indian Springs, which would have banned smoking statewide in any enclosed workplace, public area or private club, never made it out of committee. In absence of a statewide no smoking policy, health advocates have been pushing for individual cities and workplaces in Alabama to ban smoking. Alabama has more than 40 cities with smoke-free ordinances.

HEALTH

Healthcare Rights of Conscience Stays in Committee

Legislation to give healthcare providers the right to refuse to perform or participate in healthcare services that violate their conscience – [HB354](#) by Rep. April Weaver, R-Brierfield, and [SB251](#) by Sen. Cam Ward, R-Alabaster – never made it out of committee. Similar legislation also has failed to make it through the legislative process in prior sessions.

The *Capitol Retail Report* is another **Benefit from the Value** of [Alabama Retail Association](#) membership. For more benefits,

go to www.alabamaretail.org