

2012 **ARA** STATE LEGISLATIVE AGENDA

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

At its Jan. 19th meeting, the Alabama Retail Association board of directors approved this legislative agenda for the 2012 regular session of the Alabama Legislature. During the session, which begins Tuesday, Feb. 7, and will end by Monday, May 21, ARA will monitor all bills with the potential to impact retailers.



Your ARA Governmental Affairs Team

THE ALABAMA RETAIL ASSOCIATION SUPPORTS:

GENERAL BUSINESS

☛ clarification of the 2011 IMMIGRATION LAW in order to MINIMIZE, REDUCE or ELIMINATE administrative burdens, paperwork and draconian PENALTIES on Alabama retailers.

WORKERS'/UNEMPLOYMENT COMPENSATION

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

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

TAX

☛ legislation to LEVELIZE SALES/USE TAX collection and remittance between BRICK-AND-MORTAR RETAILERS and those that are CATALOG and/or INTERNET-BASED.

ARA supports ending the unfair tax advantage Internet and catalog retailers have over hometown, brick-and-mortar retailers.



☛ requiring remote retailers who do not collect Alabama's use tax to NOTIFY ALABAMA CONSUMERS that A USE TAX IS DUE and must be paid by the purchaser to the state of Alabama and its localities. The notification should be required on any website, catalog, invoice and receipt generated by a remote retailer without physical nexus to Alabama, if the retailer does not collect Alabama's use tax from Alabama consumers.

☛ efforts to STREAMLINE AND SIMPLIFY the ADMINISTRATION and remittance OF SALES AND USE TAXES, especially those that call for a single administrator.

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

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

☛ the Business Associations' Tax Coalition-supported LEGISLATIVE FIX FOR the INEQUITY in the state tax code REGARDING what is considered GROSS INCOME for pass-through entities, such as partnerships, limited partnerships, limited liability companies and S corporations. This legislation should override and be fairer than the current Alabama Revenue Department rule.



ARA supports legislation that streamlines sales and use tax collection and remittance through a single administrator, thus making the process more manageable for retailers.

THE ARA OPPOSES:

GENERAL BUSINESS

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

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



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

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

☛ MANDATORY EMPLOYEE BENEFITS AND WAGES.

☛ TAXING OR BANNING PLASTIC BAGS.

LEGAL

☛ legislation to eliminate or restrict CONTRACTUAL ARBITRATION AGREEMENTS.

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

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

WORKERS'/UNEMPLOYMENT COMPENSATION

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

TAX

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

☛ required UNITARY COMBINED REPORTING for corporate taxpayers.

PHARMACY/HEALTH

☛ making PSEUDOEPHEDRINE available by PRESCRIPTION ONLY.

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

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

☛ RESTRICTIONS ON the SUBSTITUTION OF GENERIC DRUGS.

THE ARA WILL MONITOR AND/OR AMEND:

ANY LEGISLATION ON THESE SUBJECTS

☛ changes to the workers' compensation statute.

☛ electronics (E-waste) recycling.

☛ changes to Alabama's price-gouging statute.

☛ alterations to taxes paid on groceries.



☛ restrictions to the sale of any products, especially:

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

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

☛ legislation CREATING AN ALABAMA HEALTH-CARE INSURANCE EXCHANGE.

2012 LEGISLATIVE CALENDAR

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

Tuesday, February 7th: 2012 Regular Session Begins

March 26-30: Legislative Spring Break (Alabama Legislature recesses.)

Monday, May 21st: Sine Die (Last possible day the Legislature can meet in regular session. It may adjourn earlier.)

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

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