

Capitol Retail Report

Georgia Retail Association

January 18, 2010

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Dear Friend,

The Georgia Legislature began the 2010 Session on January 11th and we are already seeing legislation that we are watching on your behalf.



The fiscal crisis that faces the General Assembly will have a big impact on the process, and taxes, sales tax holidays, employers' rights, and health care are sure to be hot issues as well.

Last year we followed more than 125 bills that might affect your bottom line. This year, in addition to all the bills that remain alive from the last session (Georgia has a two-year session), we will have many challenges.

Please follow the Capitol Retail Report every week to stay on top of issues that may affect your bottom line.

Thank you,

John Heavener
GRA President

"When Retail Works, Georgia Works"

Retailers Make Good Neighbors

Target Donates \$500,000 and More than One Million Meals to Earthquake Victims in Haiti

In response to the 7.0 magnitude earthquake that struck Haiti on Tuesday January 12 which devastated Port-au-Prince, the nation's capitol, Target announced today that it will donate \$500,000 to support Haitian families impacted by the disaster. The donation will be made to the American Red Cross, which is providing desperately needed supplies and disaster-management services to the area through its International Response Fund.

In addition, Target Volunteers are working in partnership with students in Minneapolis to prepare more than one million meals to send to Haitian earthquake victims.

New House Committee Leadership

New House Speaker and Eleven New Committee Chairman

Representative David Ralston was formally elected Monday as Speaker of the House and on Thursday he appointed eight new committee chairmen.

Mr. Ralston got two chairmen to step down because they have declared candidacy for statewide office: Representative Austin Scott, a Republican from Tifton, who is running for governor; and Representative Tom Knox, a Republican from Cumming, who is running for insurance commissioner. Taking Mr. Scott's place as the chairman of Governmental Affairs is Representative Mark Hamilton, a Republican from Cumming, while Mr. Knox's seat heading the Insurance Committee went to Representative John Meadows, a Republican from Calhoun.

The House of Representatives released its roster of committee appointments this afternoon. Changes in chairman positions:

1. Representative Bill Hembree - Rules Chairman (previously Earl Ehrhart)
2. Representative Len Walker - Higher Education Chairman (previously Bill Hembree)
3. Representative John Meadows - Insurance Chairman (previously Tom Knox)
4. Representative Mark Hamilton - Governmental Affairs Chairman (previously Austin Scott)
5. Representative Richard Smith - Budget & Fiscal Affairs Oversight Chairman (previously Penny Houston)
6. Representative Clay Cox - Human Relations Chairman (previously Len Walker)
7. Representative Mark Williams - Game, Fish, & Parks Vice-Chairman (previously Cecily Hill)
8. Representative John Lunsford - Special Committee on Small Business Development Chairman (new committee)

Proposed Sales Tax Legislation

HB 918 - Increasing State Sales Tax Rate to Six Percent

, sponsored by Representative Kidd, (I) 141st, would increase the rate of state sales and use taxation from four to six percent July 1, 2010, and would continue that rate for a period of time 90 days after the end of the fiscal year when sales and use tax revenue again reaches or surpasses state revenue for the fiscal year ending June 30, 2006.

http://www.legis.ga.gov/legis/2009_10/fulltext/hb918.htm

HB 928 and HB 929 - Applying Sales Tax on Lottery Tickets, sponsored by Representative Chuck Sims, (R) 169th, would have sales taxes and use apply to the sale of lottery tickets. The funds received by that tax would be placed in the education trust fund created by the bill.

http://www.legis.ga.gov/legis/2009_10/fulltext/hb928.htm

http://www.legis.ga.gov/legis/2009_10/fulltext/hb929.htm

HB 868 - Sales tax on Mobile Homes, sponsored by Representative Chuck Sims, (R) 169th would impose state sales and use tax on the retail sale from a dealer of a new manufactured single-family structure at the rate 4 percent on 60 percent of the manufacturer's invoice amount. The sale would not be subject to any local sales and use tax levied or imposed at any time and would not apply to the sale or use of a pre-owned manufactured single-family structure."

http://www.legis.ga.gov/legis/2009_10/fulltext/hb868.htm

Proposed Employment Legislation

HB 887 - Immunity For Providing Job References, sponsored by representatives Kevin Levitas, (D) 82nd, John Lunsford, (R) 110th, Sean Jerguson, (R) of the 22nd, Mike Coan, (R) 101st, and Allen Peake, (R) of the 137th, would permit an employer to provide accurate information about a current or former employee's job performance or reasons for separation shall with immunity from civil liability and other consequences of such disclosure unless the employer acts in bad faith. An employer would be guilty of acting in bad faith only if it can be shown by a preponderance of the evidence that the information disclosed was knowingly false and deliberately misleading.

Additionally, any prospective employer who reasonably relies on information pertaining to an employee's job performance or reasons for separation, would be immune from civil liability, including liability for negligent hiring, negligent retention, and other causes of action related to the hiring of such employee, based upon such reasonable reliance, unless further investigation, including, but not limited to, a criminal background check, is required by law.

An employer who conducts a background check of an employee or prospective employee after having obtained written consent from such employee or prospective employee or at the request of the owner or operator of any facility where the employer performs or may perform all or part of its work would be immune from civil liability for any and all claims arising out of the disclosure of the background information obtained. Such limitation of liability shall extend to all claims of the employee or prospective employee based upon a failure to hire, wrongful termination, and invasion of privacy, as well as all claims of any owner, operator, or any third person for claims of negligent hiring or negligent retention.

http://www.legis.ga.gov/legis/2009_10/fulltext/hb887.htm

Proposed Health Care Legislation

SB 309 - Authorizing the Purchase of Out-of-State Health Insurance, sponsored by senators Mitch Seabaugh, (R) 32nd, and Chip Rogers, (R) 21st, would authorize the purchase of health insurance policies from out-of-state insurers.

http://www.legis.ga.gov/legis/2009_10/fulltext/sb309.htm

SR 794 - Health Care Freedom of Choice Constitutional Amendment, sponsored by senators Judson Hill, (R) 32nd, Chip Rogers, (R) 21st, Ralph Hudgens, (R) 47th, Lee Hawkins, (R) 49th, Jim Butterworth, (R) 50th, and John Douglas, (R) 17th would preclude the mandating of any person to participate in any health care system.

http://www.legis.ga.gov/legis/2009_10/fulltext/sr794.htm

Proposed Grocery Legislation

HB 874 - Allowing the Sale of Raw Milk, sponsored by Representative Bobby Franklin, (R) 43rd, would provide for sale of raw whole milk directly to consumers.

http://www.legis.ga.gov/legis/2009_10/fulltext/hb874.htm

HB 883 - Sanitary Activity for Food-Processing Enterprises (SAFE) Act, sponsored by Kevin Levitas, (D) 82nd, Tom McCall, (R) 30th, Terry England, (R) 208th, Jay Roberts, (R) 254th, Jon Burns, (R) 157th, and Ellis Black, (D) 184th, would require that all food processing plants would have to submit a written food safety plan submitted to the State Department of Agriculture. The State Agriculture Commissioner would be able to order any food processing plant to have samples of its foods and ingredients tested for the presence of any poisonous or deleterious substances or other contaminants whenever he determines that there are reasonable grounds to suspect that such foods or ingredients may be injurious to health whenever the Commissioner determines that the written food safety plan does not conform to the rules and regulations promulgated for purposes of this act.

http://www.legis.ga.gov/legis/2009_10/fulltext/hb883.htm

Proposed Gun Legislation

SB 308 - Expanding the Carrying and Possession of Firearms, sponsored by Mitch Seabaugh, (R) 28th, Chip Rogers, (R) 21st, Preston Smith, (R) 52nd, Renee Unterman, (R) 45th, Jeff Mullis, (R) 53rd and John Wiles, (R) 37th, would expand the places where permitted gun owners could carry their weapons, including bars, college campuses, churches, the state Capitol, and parts of airports.

Exceptions are few and include government buildings, courtrooms, jails or prisons, schools and dormitories of public colleges.

http://www.legis.ga.gov/legis/2009_10/fulltext/sb308.htm

Save Twenty Percent on Payroll Processing Services



Georgia Retail Association members **save 20%** with our discounted payroll processing program through E-chx. You could save anywhere from hundreds to thousands per year if you switch to the GRA's payroll processing program today!

When you sign on with E-chx, Inc. you will be getting hassle-free payroll solutions including:

- Phone, fax, e-mail or Web-based payroll input options
- Real-time Internet payroll reporting

- Complete payroll tax preparation and administration
- Direct deposit
- Customized employee home pages that allow access to pay history and W-2s
- Free Web-based reports for CPAs

The new Payroll Processing Program is another great reason to join the Georgia Retail Association! New members to GRA will receive their first year of membership dues free if they process their payroll through E-chx. Since tax law changes constantly and nearly half of all businesses receive a payroll tax penalty, GRA offers this payroll program as another way to help protect our members and save them time and money.

Request a payroll estimate by contacting Staci Graham at (404)242-2645 or by email at sgraham@e-chx.com or visit the E-chx website at www.e-chx.com.

Quote to Ponder

"Authority without wisdom is like a heavy axe without an edge; fitter to bruise than polish."
Anne Bradstreet, American poet

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About GRA: The Georgia Retail Association, with membership that comprises all retail formats and channels of distribution including department stores, specialty shops, discount stores, catalog sales, Internet sales, independent stores, and grocery stores, has been serving the state's business community since 1961. The Georgia Retail Association represents an industry with more than 49,501 retail establishments, and more than 789,000 employees - about one in five of Georgia's workers - with annual sales of more than \$144.52 billion.

John Heavener
Georgia Retail Association