

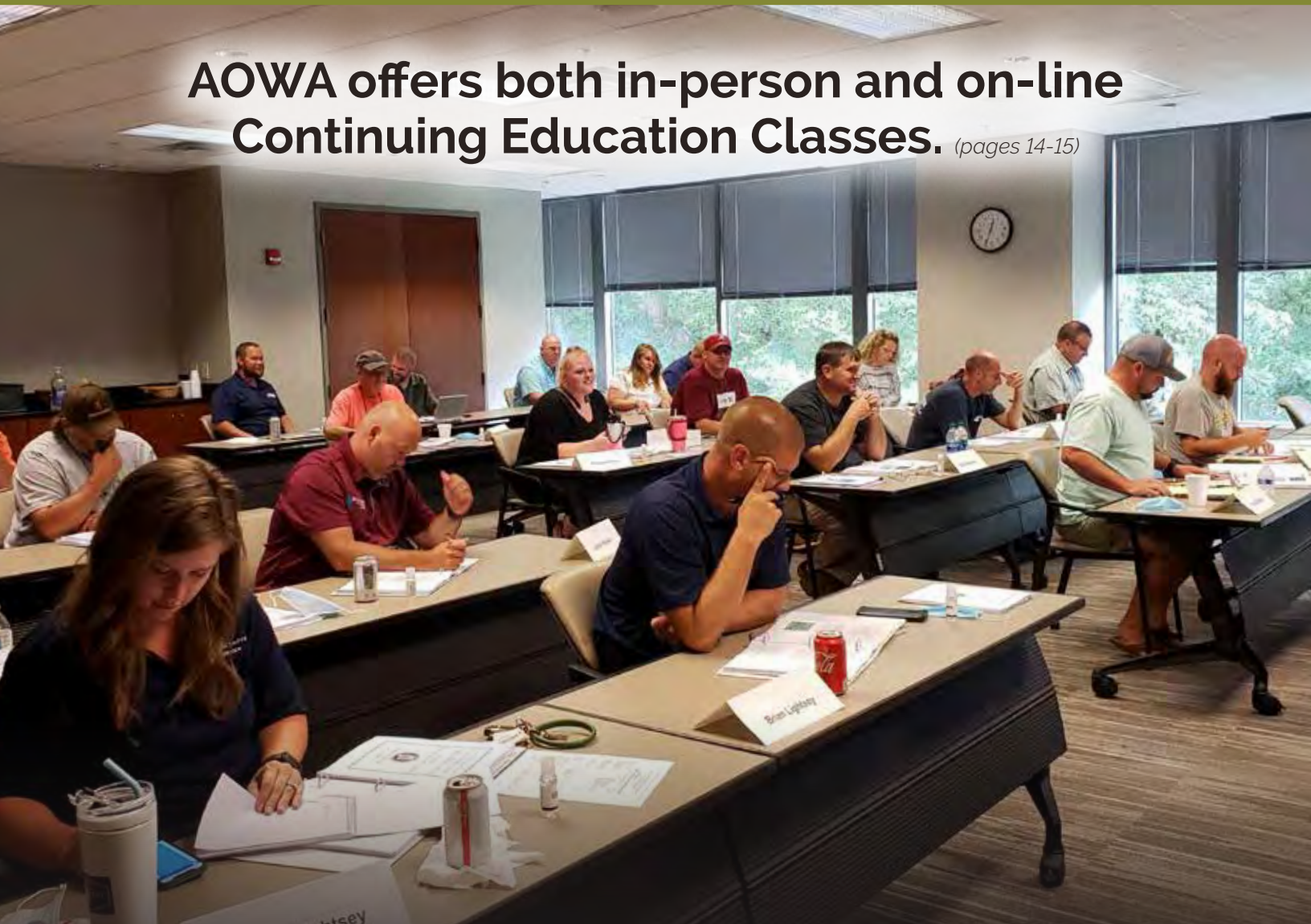
ALABAMA ONSITE WASTEWATER ASSOCIATION

AOWA news

Better Living Through Improved Sanitation

Vol. 27 No. 3 Summer 2021

AOWA offers both in-person and on-line Continuing Education Classes. *(pages 14-15)*



www.aowainfo.org

INSIDE THIS ISSUE:

**AOWA Establishes Advocacy Fund
Member Spotlight - B Clean LLC
2022 Trade Show in Orange Beach, AL
and more.**

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This Quarterly News Magazine is a publication of the Alabama Onsite Wastewater Association (AOWA).

www.aowainfo.org

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On the cover: Continuing Education classes offered, both in-person and on-line beginning on page 12.

From the AOWA President



Greetings AOWA Members & Licensees!

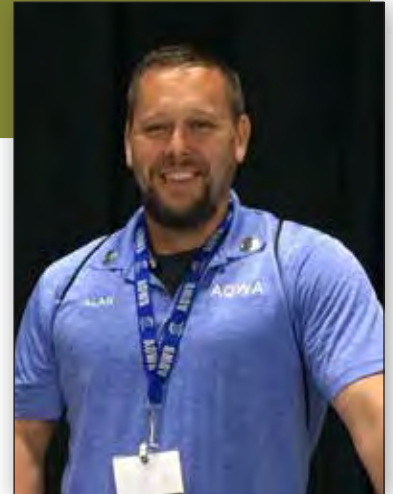
I hope you are doing well and staying cool and hydrated during the dog days of summer.

To start this message, I'd like to encourage you to register for one of our upcoming Continuing Education classes. The AOWA is offering three in-person classes in the coming months. Classes will be held September 16 in Decatur, October 28 in Mobile, and November 18 in Irondale. For those who can't make an in-person class, you can earn your credits by taking one of our online courses, specifically designed for your license level. We know your business comes first and you can't always step away from work to attend an all-day class. The online option allows you the flexibility to take the course at your own pace and in a comfortable environment. Whether you're in the office or the comfort of your home, all you need is a computer and some quiet time to complete this online course. More information on these classes can be found on the AOWA website (www.aowainfo.org) and within this issue.

For the remaining 2021 licensing classes, you can still sign up for an Advanced Installer Level I class October 25-28 and an Advanced Installer Level II class December 6-9. All licensing classes take place at the Home Builders Association office in Montgomery, followed by your test at the AOWB that Friday. As a reminder - Basic Installer, Pumper, and Manufacturer must receive approval from the AOWB **BEFORE** you can take one of these classes. If you have questions about the process for getting into one of these classes, please contact Melissa Hines at the AOWB. All Advanced Installer, Level I & II classes do not require approval from the AOWB; however, there are a few prerequisites you must meet before you can take one of these classes. You can find more information on the approval process and prerequisites on our website or by contacting the AOWB.

Thank you to B Clean LLC and Crumpler Plastic Pipe, Inc. for participating in our Member Spotlight opportunity. We value you as a member of the AOWA and appreciate you sharing a few words about your experience as a member of the association.

Alan Astin
AOWA President



The AOWA would like to again congratulate its 2021 scholarship winners! Stay tuned in 2022 for a chance to apply for one of these scholarships to assist in furthering your education in the industry.

We would love to have you place your ad in one of our magazine issues! What better way to promote your company than to advertise with us? You can purchase a single-issue ad or reserve your space for the year. If you have questions about placing your ad in one of our upcoming issues, please contact the AOWA office at (334) 396-3434.

Are you a current member of the AOWA? Has your membership lapsed? We hope you will consider joining or renewing your membership with us! Don't miss out on all the great member benefits. A membership form can be found on the website.

Are you receiving our e-news? This is a great way to stay up to date on important legislative announcements, advertising deadlines, and upcoming class schedules. If you aren't receiving our e-news, please call the AOWA office to be placed on the distribution list.

And lastly, we hope you will Save the Dates for our 2022 Trade Show and Convention to be held March 17-18 at the Orange Beach Convention Center in Orange Beach, AL.

We know things aren't quite back to normal, but please know the AOWA is here for YOU! Our goal is to provide the best resources and utmost support to our members and other industry professionals.

As always, thank you for your efforts in keeping the AOWA a successful, supportive association for its members and others in the onsite wastewater Industry.

Take Care, Alan



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News from the AOWB



WELCOME SUMMER AOWB LICENSEES!

I hope this finds you all well! As always, please feel free to contact the AOWB for assistance with anything regarding your license. Below you will find some important reminders for the upcoming year!

AOWB It's time to think about 2022 license renewal!



RENEWAL QUESTIONS

Q: When do I renew my license?

A: Renewal season for the upcoming year's license renewal is October 1st through December 31.

****Remember any license renewal received after December 31 is considered late and it will incur a \$100 late fee.*

Q: How do I renew my license?

A: The annual renewal requirements are: Current Bond on file; Required Continuing Education Hours on file; renewal form with payment or renew on our website with credit/debit card.

continued...

Q: I have questions about license renewal.

A: Give our office a call! (334) 353-9250 – talk to Tracy or Abi! We are here to assist our licensees with any questions or concerns as always!

2022 LICENSE RENEWAL FEES

BASIC INSTALLER:

\$300; EACH ADDITIONAL LICENSE \$100

ADVANCED LEVEL I INSTALLER:

\$400; EACH ADDITIONAL LICENSE \$100

ADVANCED LEVEL II INSTALLER:

\$600; EACH ADDITIONAL LICENSE \$100

PUMPER LICENSE: \$300

PORTABLE TOILET LICENSE: \$300

MANUFACTURER LICENSE: \$300

LET US NOW TALK ABOUT CEP'5s!

Code of Alabama 34-21A-21(6) states in part failure to follow the rules and regulations of the State of Alabama department of Public Health or the appropriate Local Health Department or authorities.

The Rules and regulations of the State of Alabama Department of Public Health 420-3-1-.07(2)(d) states in part that you must provide a completed ADPH Form CEP 5 within 3 business days of completion of the system installed. In the case of an intervening holiday, the completed CEP 5 shall be provided to the LHD on the LHD's first regularly scheduled business day following the holiday.

We understand that 3 days is a very short amount of time to complete the CEP 5; however, after 30 days, it should have been completed and turned in. The AOWB is receiving numerous complaints regarding installers not turning in their CEP 5's in a timely fashion.

I have started sending letters to licensees that I have received complaints on regarding this issue, giving them (10) days to submit their delinquent CEP 5's to their LHD. If they are not turned in within 10 days, the complaint will be forwarded to our probable cause committee for review; you could possibly be scheduled for an administrative hearing or fined for each delinquent CEP 5.

We understand how busy you are out in the field; simply take the time at the end of the day or the end of a work week and complete your forms and turn them in to the respective LHD.

Good Luck out there! Stay cool and hydrated!

Kindest Regards,



Melissa Hines
Executive Director
Alabama Onsite Wastewater Board
(334) 353-9250

Employees Not Measuring Up? Do's and Don'ts of Improving Performance

Setting clear expectations for employees is the only way to get the results you want.

By Liz Uram, Pumper Magazine, July 2021

Have you ever dreaded having a conversation with an employee who wasn't meeting performance expectations? If so, you are not alone.

Most managers would agree that one of their least favorite tasks is talking to an employee about poor performance. When performance conversations are ignored, success is left up to interpretation. This can only result in conflict because everyone has different perceptions.

When an employee's failures can no longer be avoided, too many managers say in frustration, "They should have known!" And the good-intentioned employee who thinks they are knocking it out of the park is shocked when they finally find out they are barely getting by.

Addressing performance issues can be unpleasant and stressful. To avoid this discomfort, some managers ignore the issue and hope the situation improves on its own. Avoiding difficult discussions leads down dead-end roads, causing:

1. High stress levels. There are enough things in life to stress out about and discussing performance doesn't need to be one of them.
2. Poor morale. One of the fastest ways to demotivate a team is to ignore poor performers. The rest of the team can see what's going on and they are looking to the manager to address it. When the manager doesn't deal with it, it can result in negative attitudes. Bad attitudes are contagious and soon there are bigger issues to deal with than one person's performance.
3. Low-performing teams. People will perform to the standard that's allowed. A manager who doesn't hold people accountable sends the message that it's OK to deliver less than what's acceptable.

These are dead ends to career growth — for both the employees and manager — and can affect the organization as a whole, so they must be avoided.

Luckily, there is a better way; but first let's look at some things that don't work. At some point, every manager is tempted to take the softer, easier way. Here are some methods that have been tried:

Generic emails

Avoid the temptation to send a generic email to the whole team to address an individual performance issue. The person who caused the problem doesn't know you are talking to them because they aren't intentionally doing anything wrong. Or they know the manager is talking about them, but they aren't going to change because they know they won't be held accountable. It's a no-win situation.

When performance conversations are ignored, success is left up to interpretation. This can only result in conflict because everyone has different perceptions.

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Posting signs

The answer to the question “Can’t you read the sign?” is “No.” Check out the common areas in your facility. You might find a sign similar to “Clean up after yourself, your mother doesn’t work here.” Or, “Put all items back where you found them.” Despite the signs the problems persist.

Signs generally don’t work because no one reads them. No matter how large or bold the font, or how many exclamation points are used.

Employee handbook updates

Another common method some managers try is to update the employee handbook. This method is probably the least effective of the three. The reality is that most employees don’t read the handbook. In fact, one survey revealed that 61% of millennials did not read any or all of the employee handbook.

These methods don’t work. Let’s look at a simple three-step solution that does:

1. **Set clear performance expectations**
2. **Communicate the performance expectations**
3. **Meet regularly to discuss performance progress**

Set clear expectations

You can only hold people accountable when they know what’s expected of them. When performance expectations have been clearly defined it’s easy to measure achievement and give feedback. The key is to define the expectation in black and white so there is no room for ambiguity. A manager needs to understand what is important to measure and how to measure it.

One company improved its order entry accuracy rate from 65% to 99% after the expectations for completion were defined. The low completion rate was a result of the team leaving a field on

the order form blank. They weren’t lazy — they just didn’t understand why the field needed to be completed and the manager had never defined the expectation.

Communicate expectations

Communicating performance expectations before there is a problem is the key to no-stress conversations later on.

Most people want to do a good job and will rise to the expectations when they know what they are. Don’t assume that people know. One survey revealed that 50% of employees don’t know what is expected of them at work.

Document the performance expectations and share them with new employees right away so they are set for success from the start.

Meet regularly

Meeting regularly with people individually to discuss their progress creates a culture of trust. How often you need to meet with people varies but a good rule of thumb is to meet at least once a month. If you defined and communicated the expectations in advance, there won’t be any surprises. The employee will know exactly how they’re doing. If they are falling short you can turn it into a positive coaching conversation to help them get back on track.

When these three simple rules are followed, performance discussions are easy, transparent and positive. The manager earns a good reputation, the team is motivated, and there is less conflict. Those are great benefits that result in successful teams and organizations that are able to fulfill their mission and purpose.



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Disaster Victim Assistance Program

Alabama Onsite Wastewater Association



After the recent tornados demolished parts of Alabama, the AOWA is gearing up their Disaster Victim Assistance Program once again. Individuals needing assistance with the repair or replacement of their septic system due to damage from a disaster can fill out a request application

online at www.aowainfo.org,
call the AOWA office
at (334) 396-3434,
or email aburns@asginfo.net.



Chairman of the DVAP program, Marc Geiger said,

"We need all Alabama licensed installers and members of our industry to support this program. Anyone can help with this effort through a financial contribution to the fund or offer of services. We need contractors to help coordinate the actual repair or replacement of systems. It is heart breaking to see the devastation and destruction our fellow citizens have suffered. We want to help ease the pain just a little."

If you would like to make a contribution, please contact the AOWA office at (334) 396-3434.

Donations can also be sent to the AOWA office directly:

Alabama Onsite Wastewater Association | P.O. Box 10 Lanett, AL 36863

Helping Hands Across Alabama

Helping Hands Across Alabama (HHAA) is an AOWA program that helps those in need repair or replace their septic systems. This program runs off donations - monetary, materials, and volunteer time - as well as a small annual budget. Homeowners are also encouraged to contribute whatever funds possible. In 2020 we were able to install 5 systems for those in need. Due to Covid-19 there are lots more people that need help due to lost jobs or illness. You can sign up to volunteer for HHAA Projects in your area!



DID YOU KNOW?

Did you know that you can receive all of your CEU credits for the year just by volunteering to install at an HHAA project site? You can! If you're interested in helping with an upcoming project, please email Abby Ashley at the AOWA office at aburns@asginfo.net.

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Continuing Education In-Person and On-Line Classes

The AOWA is ready to assist you with your Continuing Education. We have offered very informative classes in the past and will continue to do so through fall of 2021. You can attend two ways, either in-person at one of our designated class sites, which are listed below, or on-line. On-line classes are available for you to complete at your own pace and on your own schedule. All you need is a computer with Internet access.



Take advantage of these opportunities available this fall from AOWA!

~IN-PERSON CLASSES~



September 16 - Decatur

Doubletree Hotel by Hilton,
location: 1101 6th Ave NE, Decatur, AL

October 28 - Mobile

Mobile Convention Center,
location: 1 S Water Street, Mobile, AL

November 18 - Irondale

Associated General Contractors Conference Center,
location: 5000 Grantswood Rd #100, Irondale, AL

~ON-LINE CLASSES~

Hectic schedule? Not quite ready to attend an in-person class? AOWA has the solution for you! Register for one of our online classes, where you can work at your own pace and earn continuing education credits from your home or office.

Learn more and register for one of our ON-LINE classes at:

www.aowainfo.org

Photos from some of our previous continuing education sessions.



AOWA Establishes Advocacy Fund – Support Is Needed from All Installers!

What is it worth to you to have someone at the State Capitol watching out for potential new laws that would hurt your business and our industry?



AOWA's legislative lobbyist provides regular updates and "Call to Action" to alert licensees of upcoming Bills when help is needed to contact your legislator.

As the voice of the Alabama onsite wastewater industry, AOWA has worked hard over the past two legislative sessions to represent the licensed installers, pumpers, manufacturers, and the people of Alabama. Through collective efforts AOWA has been able to pass several legislative bills to support the industry and maintain the quality standards in place through our licensing system. AOWA's legislative efforts have also supported and monitored legislative bills that helped improve business operations and reduce regulatory oversight. For example, this year there was a bill to raise the minimum wage to \$10/hour which we were monitoring. It never came out of committee.

Unfortunately, in the 2021 legislature, as AOWA worked to pass legislation to benefit installers and pumpers, opposition issues arose which required additional resources and legal assistance to address. At one time during the legislative session this year, the industry was on the brink of losing the Advanced Level II license completely. We lost some battles, but fortunately we won the war and saved the Advanced II Level license.

Legislative advocacy is time-consuming and costly as it relates to staff and legal resources needed. AOWA's advocacy efforts in 2021 alone cost over \$20,000. These funds have to come from AOWA's operating budget because there is nowhere else to get them. This has caused AOWA to run a deficit for the past two years.

continued...

The AOWA has daily representation at the State Capitol during the legislative session.



Pictured above is David Mastin (left), Advanced Level II licensee, Stephanie Norell (center) of McMillan and Associates, and Melissa Hines (right), Executive Director of the AOWB.

During the 2021 session six, different AOWA members testified at four committee hearings taking at least a day out of their schedule to go to Montgomery plus time to prepare their comments.



Pictured above is Chris Gulley, AOWA Board member, taking the stand to provide testimony to the House Economic Development & Tourism Committee.



Contribute \$250 – that's less than \$1.00/day to pay for your legislative monitoring. Contribute more if you can!!

At the July 24th meeting, the Board voted to establish an AOWA Advocacy Fund to support our efforts in this legislative area. AOWA has created the Advocacy Fund for the expressed purpose of educating Alabama governmental officials, industry organizations and their respective staffs regarding the issues affecting the onsite wastewater industry.

Each Board member committed to making a \$250 contribution to the fund. Contributions to the Advocacy Fund will only go to support industry efforts related to legislative initiatives. We are asking all AOWB licensees to match the Board members contributions and donate at least \$250 to help us establish this fund.

B Clean LLC - AOWA Member Spotlight

We asked everyone...

1. Please provide a brief description telling the reader a little bit about your company.
2. How long have you been a member of AOWA?
3. What do you enjoy most about being a member of AOWA?
4. What key tip or piece of advice you would provide to other industry professionals?

B Clean LLC

1. B Clean LLC is a service company located in Laurel, MS. We provide a large range of services across the southeastern United States. Our company began in 2000 as a fleet washing service. We washed a wide range of trucks and equipment in MS, AL, & LA. With time we were introduced to industrial needs across this region. The next phase of growth came in 2005 when we bought our first small vacuum truck and truck load of portable toilets. In August of 2005 MS and LA were devastated by hurricane Katrina. This disaster brought with it devastation, loss, and opportunity. Overnight our portable toilet business from a few units to a few hundred units. Our expansion then included sewer jetting and drain work. We started doing municipal and industrial drain cleaning. Today we are offering services in several states across the south. We now have

a transportation division, blending division, environmental division, plumbing division, and portables and vacuum division. Our company employees over 100 trained employees ready to handle many different situations in many different industries across the southern states.

2. We have been a member of the association for approx. 5 years
3. Meeting other CP and CI at the training meetings
4. Never underestimate the power of a follow up, and never be the cheapest guy on the list.



Congratulations

AOWA Scholarship Recipients!

Baylee Madison Yarbrough, *Auburn University*

Kennedy Mullis, *Trenholm State Community College*

Mallory Allen, *University of North Alabama*

Regan Emory Smith, *University of Alabama*

Abbie Morgan, *Southern Union State Community College*

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Secret Funding for Plaintiff Attorneys

Is On Rise, Experts Say By Eric Miller, Transport Topics Magazine, July 2021

A controversial practice of financial firms funding litigation for attorneys who sue trucking companies is putting defense attorneys at a disadvantage — and is on the rise.

The practice involves providing loans — predominantly to plaintiff attorneys — and, in some instances, directly paying doctors up front for treatment of individuals injured in accidents, according to insurance experts and defense attorneys who monitor litigation finance.

Most of the loans are provided by financial firms seeking profit, and are mostly made in secret. The greatest concern for opponents of such litigation financing is the reality that outside financial backers can effectively take control of a case, driving up jury verdicts and settlements in trucking accident litigation.



Faulk

"Allowing investors to turn the civil justice system into a profit-centered commodities market is egregious," the 1,000-member American Property Casualty Insurance Association said in a recent statement. "Third-party litigation financing is surging, with more than \$13 billion of capital invested in the

U.S. This should concern everyone, particularly where that financing occurs away from public view and oversight, designed with rate of return in mind rather than justice and fairness." Page Faulk, senior vice president for the U.S. Chamber Institute for Legal Reform, said litigation funding has the potential to "turn the courthouse into a casino."

Richard Pianka, deputy general counsel for American Trucking Associations, agrees.

"You show up. You have no personal stake in the case. It's just you're putting some money down on black and hoping the ball lands on black," Pianka said, comparing the practice to a game of roulette.

"What we see increasingly is that plaintiffs are unwilling to take a reasonable settlement offer because the funding arrangement doesn't allow them to meet their obligations to their financing company," Pianka said. "We don't think that personal injury trials ought to be profit-making vehicles. Now, suddenly a truck accident looks like a good investment opportunity. It's a perversion of the justice system, plain and simple."

"The only way to know whether a particular litigation funding arrangement is violating core legal and ethical precepts or impeding settlement is to make the practice more transparent," Faulk told Transport Topics.

The Chamber Institute said loans typically come with sky-high interest rates and fees — as much as 200% — that can leave plaintiffs with little to no recovery while fueling questionable litigation driven by lenders looking to cash in.

Federal courts in some states already require that opposing parties in a lawsuit be informed of such outside funding agreements. Not only would that allow defense attorneys to know what they're up against, it also could likely permit them to question the outside funders during the legal discovery process.

Despite efforts by third-party funders to keep their investments secret, in some states there have been disclosure requirements. In June, such a transparency requirement became policy for all federal district courts in New Jersey. The policy will require any litigation funder in a civil lawsuit to disclose their identity and give a brief description of their interest in the case.



Steinitz

An estimated 25 of 94 federal district courts in the U.S. require some sort of disclosure of the identity of litigation funders in a civil case, said Maya Steinitz, a law professor at the University of Iowa College of Law, in a recent law journal article. In the case of federal appellate courts, six U.S. circuit courts of appeal have local rules requiring expanded disclosure of litigation funders, according to Steinitz.

Since 2017, the Chamber Institute and the APCIA have been among a wide-ranging coalition pressuring the Committee on Rules of Practice and Procedure of the Administrative Office of the United States Courts to amend the Federal Rules of Civil Procedure to require disclosure of third-party litigation funding arrangements in any civil action filed in federal court.

In their most recent letter to the committee, in 2019, the coalition addressed what it called 10 unfounded assertions that the third-party litigation funding industry has offered in opposition to the group's disclosure effort.

continued...



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The alleged “unfounded assertions” ranged from notions that a disclosure requirement would unfairly single out litigation funders and “let others off the hook,” to suggestions that funders “do not control or influence the litigation matters they fund.”

In a 2018 study, the Congressional Research Service noted that opponents of litigation funding have said the money “undesirably increases the volume and length of litigation by incentivizing litigants to initiate and prolong lawsuits even where doing so would otherwise not be economically rational.”

The report added that, according to critics, the prolonged litigation engendered by litigation funding hurts defendants, who are forced to divert additional time and money from productive activity to defending litigation.

Critics of litigation funding also argue that, because the third-party funder holds the purse strings to the litigation, the funder may exert control over a party’s litigation strategy in ways that are not in a plaintiff’s best interests.

“Critics similarly assert that when funders are fronting the fees for the claimants’ lawyers, those lawyers will be motivated to place the funder’s interests ahead of those of their clients,” the CRS report said. “Proponents of litigation funding, by contrast, maintain that litigation funding arrangements do not pose any greater risk of ethical conflicts than other capital arrangements that critics of litigation funding find unobjectionable, such as when banks hold security interests in law firms’ fee receivables.”



Whittle

“There are some very prominent examples of incredible interest rates on loans,” said James Whittle, APCIA vice president and counsel. “There’s a variety of regulatory and disclosure obligations that we think are perfectly reasonable and that legitimate financiers shouldn’t want to object to,” he said. Whittle added

that his group considers the trucking industry one of its allies.

An August 2020 report by the American Bar Association’s House of Delegates titled “Best Practices for Third-Party Litigation Funding” noted that the financing practices are largely unregulated by statute in most states.

“Accordingly, litigation funding companies with a national presence must navigate a shifting mosaic of common law, regulator guidance and bar association opinions in order to operate,” the report

said. “Amidst this legal uncertainty, self-policing is necessary to avoid regulatory scrutiny and to dissuade legislators from enacting overly onerous statutory limitations.”

So far, bills introduced in Congress to require transparency by the litigation funders have not been passed.

“We definitely have lobbying reporting rules for engagement with other branches of government. The same rules ought to apply to the judicial system,” said Stef Zielezienski, executive vice president and chief legal counsel of the APCIA.

“The judicial system is designed for licensed professionals — lawyers — to engage in it,” Zielezienski added. “So if you have an overarching financial interest or stake in the outcome of litigation by non-lawyers, that is a little troubling.”

Zach Matthews, a partner with the law firm of McMickle, Kurey & Branch LLP, of Marietta, Ga., has for years investigated medical funding schemes to pay doctors for medical treatments resulting from vehicle accidents, and which typically result in litigation.

Insurance Stories

Matthews said the scheme is “much more nefarious and much more sophisticated” than the standard loan to a plaintiff attorney. Here’s how he said it often works: A doctor treats a plaintiff injured in an accident — perhaps involving a truck. Instead of the doctor sending a bill to the attorney to get paid when the lawsuit is concluded, the doctor is paid up front by a financial firm specializing in medical lending. However, the doctor is paid only a percentage of what his total bill would normally be. The likely inflated total bill, which Matthews calls “a standard litany of questionable medicine,” is then introduced into the lawsuit.

Rob Moseley, a trucking attorney with Greenville, S.C., Moseley Marcinak Law Group LLP, said he recently was involved in a lawsuit in which a funding firm was required to disclose it was paying a doctor. Moseley said he then sent a deposition request for the litigation funder to produce its records.

“Of course, the case settled right after that,” Moseley said. “That’s the way to go at it, to make them disclose all their relationships to the doctors. It puts pressure on the plaintiffs to try to get the case resolved.”



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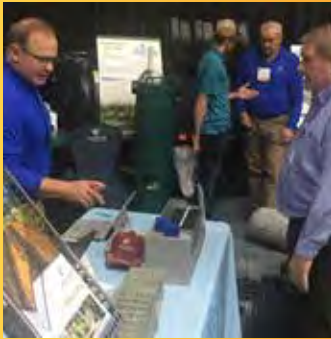
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- AOWA members have daily **Representation during the Alabama Legislative Session** to monitor legislation that may or may not be favorable to our industry.
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