

ALEC EXPOSED

"ALEC" has long been a secretive collaboration between Big Business and "conservative" politicians. Behind closed doors, they ghostwrite "model" bills to be introduced in state capitols across the country. This agenda—underwritten by global corporations—includes major tax loopholes for big industries and the super rich, proposals to offshore U.S. jobs and gut minimum wage, and efforts to weaken public health, safety, and environmental protections. Although many of these bills have become law, until now, their origin has been largely unknown. With **ALEC EXPOSED**, the Center for Media and Democracy hopes more Americans will study the bills to understand the depth and breadth of how big corporations are changing the legal rules and undermining democracy across the nation.

ALEC's Corporate Board —in recent past or present

- AT&T Services, Inc.
- centerpoint360
- UPS
- Bayer Corporation
- GlaxoSmithKline
- Energy Future Holdings
- Johnson & Johnson
- Coca-Cola Company
- PhRMA
- Kraft Foods, Inc.
- Coca-Cola Co.
- Pfizer Inc.
- Reed Elsevier, Inc.
- DIAGEO
- Peabody Energy
- Intuit, Inc.
- Koch Industries, Inc.
- ExxonMobil
- Verizon
- Reynolds American Inc.
- Wal-Mart Stores, Inc.
- Salt River Project
- Altria Client Services, Inc.
- American Bail Coalition
- State Farm Insurance

For more on these corporations, search at www.SourceWatch.org.

& MEETINGS

DID YOU KNOW? Corporations VOTED to adopt this. Through ALEC, global companies work as "equals" in "unison" with politicians to write laws to govern your life. Big Business has "a VOICE and a VOTE," according to newly exposed documents. **DO YOU?**

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Unused Property Market Act

Did you know the NRA--the National Rifle Association--was the corporate co-chair in 2011?

Section 1. {Definitions}

(All definitions used in this Model Bill may be changed to conform to state laws or regulations.)

A. "Unused Property Market" shall mean any event:

1. at which two (2) or more persons offer personal property for sale or exchange, at which a fee is charged for sale or exchange of personal property, or at which a fee is charged to prospective buyers for admission to the area at which personal property is offered or displayed for sale or exchange; or

2. regardless of the number of persons offering or displaying personal property or the absence of fees at which personal property is offered or displayed for sale or exchange if the event is held more than six (6) times in any twelve (12) month period.

B. The term Unused Property Market is interchangeable with and applicable to "Swap Meet", "Indoor Swap Meet", "Flea Market", or other similar terms regardless of whether these events are held inside a building or outside in the open. The primary characteristic is that these activities involve a series of sales sufficient in number, scope, and character to constitute a regular course of business.

C. The term Unused Property Market shall not mean and shall not apply to:

1. an event which is organized for the exclusive benefit of any community chest, fund, foundation, association, or corporation organized and operated for religious, educational, or charitable purposes, provided that no part of any admission fee or parking fee charged vendors or prospective purchasers or the gross receipts or net earnings from the sale or exchange of personal property, whether in the form of a percentage of the receipts or earnings, as salary, or otherwise, inures to the benefit of any private shareholder or person participating in the organization or conduct of the event; or

2. any event at which all of the personal property offered for sale or displayed is new, and all persons selling, exchanging or offering or displaying personal property for sale or exchange, are manufacturers or authorized representatives of manufacturers or distributors.

D. The term "Unused Property Merchant" shall mean any person, other than a vendor or merchant with an established retail store in the county, who transports an inventory of goods to a building, vacant lot or other Unused Property Market location and who, at that location, displays the goods for sale and sells the goods at retail or offers the goods for sale at retail, except a person who offers five or less items of the same new and unused merchandise for sale or exchange at an Unused Property Market.

E. The term "New and Unused Property" shall mean tangible personal property that was acquired by the Unused Property Merchant directly from the producer, manufacturer,

wholesaler or retailer in the ordinary course of business which has never been used since its production or manufacturing or which is in its original and unopened package or container, if such personal property was so packaged when originally produced or manufactured. New and Unused Property does not include property the sale of which is already considered "used" under existing federal or state law or regulation.

F. The term "Baby Food" or "Infant Formula" shall mean any food manufactured, packaged and labeled specifically for sale for consumption by a child under the age of 2.

G. The term "Nonprescription Drug" (may also be referred to as "Over the Counter Drug") shall mean any nonnarcotic medicine or drug that may be sold without a prescription and is prepackaged for use by the consumer, prepared by the manufacturer or producer for use by the consumer, and should be properly labeled and unadulterated in accordance with the requirements of the state food and drug laws and the federal "Food, Drug and Cosmetic Act". The term "Nonprescription Drug" shall not include herbal products, dietary supplements, botanical extracts or vitamins.

H. The term "Medical Device" shall mean any instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent, tool, or other similar or related article, including any component part or accessory, required under federal law to bear the label "Caution: Federal law requires dispensing by or on the order of a physician"; or which is defined by federal law as a medical device and which is intended for use in the diagnosis of disease or other conditions or in the cure, mitigation, treatment or prevention of disease in man or animals or is intended to affect the structure or any function of the body of man or animals, which does not achieve any of its principal intended purposes through chemical action within or on the body of man or animals and which is not dependent upon being metabolized for achievement of any of its principal intended purposes.

Section 2. No Unused Property Merchant shall offer at an Unused Property Market for sale or knowingly permit the sale of Baby Food, Infant Formula, cosmetics or personal care products, or any Nonprescription Drug or Medical Device. This section shall not apply to a person who keeps available for public inspection a written authorization identifying that person as an authorized representative of the manufacturer or distributor of such product, as long as the authorization is not false, fraudulent, or fraudulently obtained.

Section 3.

A. Every Unused Property Merchant shall maintain receipts for the purchase of New and Unused Property, as defined above. Receipts shall contain all of the following information:

1. date of the transaction;
2. name and address of the person, corporation, or entity from whom the New and Unused Property was acquired;
3. an identification and description of the New and Unused Property acquired;
4. the price paid for such New and Unused Property;

B. It is a violation of this Act for an Unused Property Merchant required to maintain receipts under the provisions contained herein to knowingly:

1. falsify, obliterate or destroy such receipts;
2. refuse or fail upon request to make such receipts available for inspection within a period of time which is reasonable under the individual circumstances surrounding such request; provided, however, nothing contained within the provisions of this item shall be construed to require the Unused Property Merchant to possess such receipt on or about his or her person without reasonable notice; or
3. fail to maintain the receipts required by this section for at an appropriate time.

C. The provisions of this Act shall not apply to:

1. the sale of any item regulated by federal, state, or local law, statute, act of legislature, regulation, or ordinance, and sold in compliance with those provisions.
2. the sale of a motor vehicle or trailer that is required to be registered or is subject to the certificate of title laws of this state;
3. the sale of wood for fuel, ice, or livestock;
4. business conducted in any industry or association trade show;
5. property, although never used, whose style, packaging or material, clearly indicates that such property was not produced or manufactured within recent times;
6. anyone who sells by sample, catalog or brochure for future delivery.
7. the sale of arts or crafts or other merchandise by a person who produces such arts or crafts or merchandise or by a person or persons acting on their behalf.
8. persons who make sales presentations pursuant to a prior, individualized invitation issued to the consumer by the owner or legal occupant of the premises.

Section 4.

A. Penalty for violations of this legislation shall be as follows:

1. The first violation shall be a misdemeanor.
2. A second violation shall be a more serious misdemeanor.
3. Any third or subsequent violation shall be a felony.

[This provision is very broad and the type and degree of penalty should be considered by each state.]

This legislation shall apply to all New and Unused Property purchased or acquired on or after January 1, 2001.

Adopted by ALEC's Criminal Justice Task Force at the States and Nation Policy Summit December 9, 2000. Approved by full ALEC Board of Directors January, 2001.

About Us and ALEC EXPOSED. The Center for Media and Democracy reports on corporate spin and government propaganda. We are located in Madison, Wisconsin, and publish www.PRWatch.org, www.SourceWatch.org, and now www.ALECExposed.org. For more information contact: editor@prwatch.org or 608-260-9713.

**Center for Media
and Democracy's
quick summary**

This bill attempts to regulate swap meets and flea markets. It is a departure from ALEC's deregulatory approach and alleged belief in "limited government and free markets," perhaps because flea markets compete to some extent with large retailers such as Wal-Mart (which sits on the ALEC Private Sector board). This bill requires that all vendors of unused products at flea markets keep receipts for those products. It could have an adverse effect on ethnic markets that sell crafts and products from foreign countries, and for which receipts may not be easily obtained.