

Work continues on Redball issues; NAEDA meets with Canadian ag officials



This "Action Alert" icon will be displayed whenever action steps exist to help your voice be heard on topical issues. Dealers can expect to see alerts in all forms of NAEDA communications.

Manufacturer Relations		
ISSUE	ACTION SUMMARY	NAEDA'S POSITION
Redball	NAEDA President/CEO Paul Kindinger and SouthWestern Association CEO Jeff Flora met with Textron officials recently to discuss a "discount offer" available to dealers who have Redball equipment financed with Textron. According to Textron, quite a few dealers are taking advantage of special discounts to move inventory and meet their obligations to payoff equipment that is financed. Also, Textron is working with dealers to transfer inventory to dealerships with customer commitments.	NAEDA appreciates the willingness of Textron to work with Redball dealers as both companies work through organizational issues. Redball dealers who have questions or need more information are encouraged to call their local/regional equipment associations or Chad Corsi at Textron at 314/290-3124.
ECHO/ Shindaiwa merger	NAEDA recently sent a letter to top management at ECHO and Shindaiwa about the merger of the companies' North American operations. Some dealers have expressed concern about the merger and the effect it might have on their agreements with each brand. Plus, concerns have also surfaced over the potential for competition between dealers who previously sold only one brand of the merged companies but may be given the opportunity to sell and service both brands.	NAEDA is concerned about price competition between dealers, which is costly to both dealerships and customers who may not get the sales and service support they expect. In turn, this could be damaging to brands and their reputations. NAEDA encourages any companies that merge to be cognizant of the effect on the combined dealer/distribution network.
AG CONNECT Expo 2010 January 13-15	In this issue is a feature about AG CONNECT Expo 2010, the new trade show owned by the Association of Equipment Manufacturers (AEM). AEM spokesperson Charlie O'Brien answers questions about the show and what attendees can expect. For details, see pages 24-25.	NAEDA's board approved a motion to endorse the show and the association will be involved in planning a special admission day on January 12 for dealers and their customers as well as media and special guests. To learn more about this all-inclusive agricultural showcase, visit www.naeda.com and click on the AG CONNECT logo.

Government Relations		
ISSUE	ACTION SUMMARY	NAEDA'S POSITION
NAEDA meets with Canadian ag officials	John Schmeiser, NAEDA's vice president of legislative affairs for Canada, recently testified in Ottawa, Ontario, before parliament's Standing Committee on Agriculture and Agri-Food. Schmeiser's testimony included comments about the critical need for wholesale finance options for dealers, increased depreciation and U.S. green initiatives, which many Canadian officials seem poised to adopt. About the latter, Schmeiser told committee members that the industry is ready to meet environmental challenges. However, he also cautioned that accelerating the process could have serious implications for dealers who have used equipment assets taken in on trade and for farmers who have older equipment that would need replacement. He suggested that government-supported "financial incentives are needed as we transition to newer, cleaner farm equipment."	NAEDA supports an increase in the depreciation schedule on new farm equipment purchases, which has been a priority for Canadian dealers and their associations. Known as the Capital Cost Allowance (CCA), NAEDA believes the current depreciation rate of 30 percent on Class 10 equipment is not reflective of today's environment. We suggest increasing the CCA rate to 40 percent in the first year for purchases of Class 10 agricultural equipment; that the CCA on Class 8 agricultural equipment be increased to 30 percent from 20 percent the first year.
Card Check	Labor officials and many members of Congress are working to cut deals to keep alive the Employee Free Choice Act (EFCA), also known as Card Check. The two most controversial proposals in the bills – H.R. 1409 and S. 560 – involve instant elections and expanding union access to employees during the work day. Deals to save EFCA are being masked under the guise of "compromise." Allowing instant elections and expanding union access to employees would penalize small businesses and workers by denying workers the opportunity to hear important arguments on each side before a secret ballot election is held.	NAEDA opposes card check and encourages dealers to express their opposition to the Employee Free Choice Act. To send an electronic letter to members of Congress, visit www.naeda.com and click on the Take Action icon.
LIFO	Talk continues in Washington, D.C., about repealing LIFO as an acceptable accounting method. Called a "tax holiday" by its critics, NAEDA continues its aggressive work to prevent LIFO's repeal and it remains a top association legislative priority. In April, a survey of NAEDA-affiliated dealers revealed that nearly 40 percent of U.S. dealers use LIFO.	NAEDA is a member of a national coalition working to prevent repeal of LIFO.
FACTA	Although enforcement of the FACTA's "red flag rules" has been delayed until August 1, NAEDA reminds dealers the law is in effect. NAEDA encourages dealers to prepare plans to protect financial and personal information of customers and employees from identity theft.	An association-prepared summary of the guidelines and a sample plan have been developed for U.S. equipment dealers and is available under Headlines at www.naeda.com .

A companion reference is regularly updated in the Dealer Advocacy Center at www.naeda.com.

NAEDA notes

New ADA regulations due in the fall What you need to know

The following is an excerpt from an article about proposed changes to Title III of the Americans with Disabilities Act (ADA). The article, written by Teresa L. Jakubowski, will be published in the July-August issue of *NAEDA Equipment Dealer*.

The U.S. Department of Justice announced in May that it anticipates issuing its revised regulations under Title III of the Americans with Disabilities Act (ADA) this September. The revised regulations will update the Department's ADA Standards for Accessible Design.

Two issues are being closely watched for the final revised regulation. First, the Department has proposed a "safe harbor" provision for existing facilities. Under this safe harbor, an existing facility would not have to modify elements of the facility that comply with the current ADA Standards unless such elements are otherwise altered after the effective date of the revised standards.

Second, the department also has proposed a "safe harbor" for small businesses. The small business safe harbor would limit the annual expenditures a qualified small business (as defined by regulations issued by the Small Business Administration) would have to spend in order to meet its obligation to remove architectural barriers to access in existing facilities where such removal is readily achievable. The proposed limit is 1 percent of gross revenue. Both safe harbor provisions generated numerous public comments. Accordingly, the parameters of both safe harbors will not be known until the department issues its final regulation.

In the meantime, here are the likely areas of focus in the revised standards:

- increasing accessible parking spaces,
- increasing public entrances,
- reconfiguring sales and service counters,
- modifying reach ranges to self-service shelving, and
- increasing the footprint of restrooms.

Assuming the department meets its targeted timetable, the revised standards would take effect sometime in March 2010.

Teresa L. Jakubowski is a partner in the Washington, D.C., office of Barnes & Thornburg LLP, www.btlaw.com. She has practiced in the area of disability and accessibility law for more than 15 years, counseling and defending clients with respect to requirements under the Americans with Disabilities Act as well as other disability discrimination statutes.