

From Montgomery
to Washington,
ARA is there
to benefit you!

Friday, April 27, 2007

Prison Industries Attempt to Compete with Retailers

Corrections Agrees Not to Expand its Markets

Over the objection of the Alabama Retail Association, the House Governmental Operations Committee on Wednesday approved [HB 618](#) by Rep. Mike Ball, R-Huntsville. The primary purpose of this legislation is to allow private employers access to prison labor housed behind the fences of correctional facilities.

Since the committee vote, ARA reached an agreement with the Alabama Department of Corrections to strike the objectionable secondary purpose of the bill, which was to expand the market for prison industry goods and services to state, county and city employees as well as 501(c) organizations. That provision would have put prison labor in direct competition with retailers.

Alabama Prison Industries manufactures products such as office furniture, clothing, custom furniture, corrugated boxes, mattresses, janitorial products, office cubicles and paint. In addition, Prison Industries offers such services as furniture restoration, auto restoration, printing and data processing.

The agreement ARA reached with DOC would eliminate the expanded market provisions. The sponsor has indicated that he will accept this amendment. Once the agreement is finalized, ARA will withdraw its opposition.

>> Other News

ARA LEGISLATIVE AGENDA IN ACTION

Morrison Introduces 'Common Sense Consumption Act'

Rep. Neal Morrison, D-Cullman, has once again introduced the ARA-supported bill to prevent frivolous lawsuits against manufacturers, distributors, retailers, advertisers and others associated with lawful food products. **This legislation is part**

CRR EXTRAS

BILLS

- [HB 51](#)
- [HB 98](#)
- [HB 147](#)
- [HB 151](#)
- [HB 178](#)
- [HB 181](#)
- [HB 323](#)
- [HB 420](#)
- [HB 474](#)
- [HB 478](#)
- [HB 536](#)
- [HB 605](#)
- [HB 618](#)
- [HB 631](#)
- [HB 664](#)
- [HB 702](#)
- [HB 710](#)
- [HB 718](#)
- [HB 719](#)
- [HB 720](#)
- [HB 721](#)
- [HB 722](#)
- [HB 724](#)
- [HB 731](#)
- [HB 735](#)
- [HB 743](#)
- [HB 773](#)
- [HB 778](#)
- [SB 63](#)
- [SB 72](#)
- [SB 99](#)
- [SB 124](#)
- [SB 155](#)
- [SB 168](#)
- [SB 357](#)
- [SB 398](#)
- [SB 439](#)

IN THE NEWS

- [Meetings to address](#)

of [ARA's 2007 Legislative Agenda](#).

[HB 731](#) provides that no manufacturer, distributor, or seller of certain food or beverages is subject to civil liability for the personal injury to a consumer that is based on obesity or weight gain. The Common Sense Consumption Act protects retailers from civil liability for any claim arising out of weight gain, obesity, a health condition associated with weight gain or obesity, or other generally known condition allegedly caused by or allegedly likely to result from long-term consumption of food.

Twenty-two states passed similar legislation following a New York lawsuit filed by two overweight teens who blamed McDonald's for their obesity, even though the teens dined on burgers and fries at the establishment several times a week. The

"McDonald's-made-me-fat" lawsuit is now viewed as the poster child of frivolous litigation. A bill is pending in Congress on the same subject

With restaurant profit margins averaging around four percent, a single frivolous lawsuit is enough to put a small restaurant out of business. That is why ARA included this legislation to stop this type of lawsuit in its legislative agenda.

>> [Read ARA's Issue Brief on this topic](#)

Schmitz, Thigpen Seek to Add to Sales Tax Holiday

Two Bills Would Add Energy-Efficient Products to August Holiday

Rep. Sue Schmitz, D-Toney, this week introduced [HB 743](#), which would include certain energy efficient products in the August sales tax holiday.

Schmitz' bill adds energy efficient products with a sales price of \$1,500 or less per product purchased for noncommercial home or

personal use to the products exempted from sales and use tax during the holiday.

Under this legislation, **which is also on the ARA's 2007 legislative agenda**, certain ENERGY STAR® appliances will be exempt from sales taxes including dishwashers, clothes washers, ceiling fans, refrigerators, room air conditioning units, central air conditioners, dehumidifiers, programmable thermostats, lighting fixtures compact fluorescent light bulbs and computer monitors.

- [sales tax holiday](#)
- [A smoke-free Alabama?](#)
- [Proposal would limit smoking](#)
- [Smoking ban bill garners advocates](#)
- [House passes big tax break for German steelmaker](#)
- [Legislators sweeten the pot for steelmaker](#)
- [House committee OKs incentives package](#)
- [ThyssenKrupp bill to come before House panel](#)
- [Little accomplished in first half of Alabama legislative session](#)
- [Priority bills will likely pass, Senate wrangling may hinder others](#)
- [ABA judge election bill to be introduced](#)
- [House may set Feb. 5 for vote](#)
- [Convention bill could come to vote next week, speaker pro tem says](#)
- [College students rally for constitution reform](#)
- [Students push for constitutional reform](#)
- [Students rally at Capitol for a new constitution](#)
- [Agriculture Dept. bans Chinese catfish in Alabama](#)
- [Alabama Bans Chinese Catfish After Finding Banned Antibiotic](#)
- [Partisan spat on illegals bill](#)
- [Bill would force dry counties to give back TVA money](#)
- [Gill netters catch break with bill](#)
- [Plan to ban yearly reappraisals may prompt suit, lawyer warns](#)

ENERGY STAR® appliances are those the U.S. Environmental Protection Agency and the U.S. Department of Energy have designated as meeting or exceeding each agency's energy saving efficiency requirements.

Adding energy-efficient products to the sales tax holiday is also part of [HB 773](#), known as the Alternative and Renewal Energy Act of 2007, which Rep. William Thigpen, D-Fayette, introduced Thursday.

Alabama's second sales tax holiday begins at 12:01 a.m. Friday, Aug. 3, and ends at midnight Sunday, Aug. 5.

During that three-day period, the state's four percent sales tax currently is waived on:

- Clothing priced at \$100 or less;
- School supplies priced at \$50 or less;
- Books valued at \$30 or less; textbooks valued at \$50 or less;
- and computers and computer equipment with a selling price of \$750 or less

Retailers are required to participate and cannot charge tax on items that are legally tax-exempt during the sales tax holiday.

>> [Retailer primer on the holiday](#)

>> [Learn all you need to prepare for the Sales Tax Holiday](#)

The Alabama Retail Association and the Alabama Department of Revenue in cooperation with the Chamber of Commerce Association of Alabama have **organized a series of meetings throughout the state from May through July to help businesses better understand how the sales tax holiday works**. The series opens next week with an 8 a.m. Thursday meeting in Foley in the Council Chambers of Foley City Hall at 407E. Laurel Ave.

>> [Full schedule for the Sales Tax Holiday Seminars](#)

PRIVACY

House OKs Agreed Upon Social Security # Removal Bill

On Thursday, the Alabama House passed an agreed-upon substitute for [HB 178](#), which would require Social Security numbers and birthdates be removed or covered on documents recorded in a probate office. The bill now goes to the Senate for consideration.

As substituted, the exceptions to the bill now include federal and state tax liens and whenever the birth date is required by law in the document. Access to original, complete versions of

- [Riley's 'double-dipping' bill near death](#)
- [House committee approves record \\$6.7 billion budget](#)
- [ALABAMA VOICES: Place lenders under Small Loan Act](#)
- [Bill would give C-SPAN-like program to state Legislature](#)
- [Legislature will get a crack at rival tax-cut plans](#)
- [Riley prepares to plug tax cuts](#)
- [Senator touts trauma plan for hospitals](#)
- [Five immigration bills come up for debate in state Legislature](#)
- [State pressed for film industry incentives](#)
- [Mitchell helps push campaign reform bills](#)

For more stories concerning legislative action and news of interest, go to [In the News](#)

ARA CONTACTS

[Rick Brown](#)
President

[Alison Wingate](#)
Vice President

[Nancy Dennis](#)
Dir. of Public Relations

[Brett Johnson](#)
Member Relations Mgr.

LEGISLATIVE CONTACTS

To contact members of the Alabama Legislature:

WRITE:
Alabama State House
11 South Union Street

state and federal tax liens are necessary to protect the integrity of credit reports. **After the Alabama Retail Association raised this issue**, Rep. Victor Gaston, R-Mobile, drafted a substitute that exempts those documents from the bill, thus retaining the integrity of credit reports. **ARA appreciates Rep. Gaston's cooperation.**

The bill also gives the probate judge personal immunity for failure to comply through mistake or error. However, the probate judge is responsible for having any error, mistake or omission corrected promptly upon learning of it.

House Government Operations Delays Consideration Again Bill Outs Businesses with Employees on Public Health Care

The House Government Operations Committee again carried over **HB 420** by Rep. Sue Schmitz, D-Toney, which requires applicants for publicly funded health-care benefits to disclose the names of their employers.

ARA continues to work with the sponsor on a compromise to clarify confusing language in the bill, make sure employees are full-time workers before they are disclosed and ensure that any disclosures of franchise employers are specific.

This legislation would require any potential beneficiary of such programs as the Children's Health Insurance Program, Medicaid and the Alabama All Kids program to identify his or her employer, if that employer has 50 or more employees on public assistance. No later than Feb. 1 of each year, Medicaid and the Alabama Department of Public Health would report each employer's name, business address and total number of employees and dependents enrolled in each publicly funded health-care program to the Legislature. The Legislature then could make that report available to the media.

SMOKING/TOBACCO

Statewide Smoking Ban Clears Senate Education Committee

The Senate Education Committee on Wednesday approved **SB 155** by the committee's chairwoman, Sen. Vivian Figures, D-Mobile. The legislation bans smoking in public places and businesses statewide, including restaurants and bars. The committee vote was 7-0.

The only places excluded from the legislation are private homes, hotel rooms designated as smoking rooms, nursing

Montgomery, AL 36130

CALL:

HOUSE: (334) 242-7600

SENATE: (334) 242-7800

E-MAIL:

Most representatives can be reached through the House e-mail system by using the following format:

firstname.lastname@alhouse.org.

Those without e-mail addresses can be reached through the general e-mail address:

house3@alhouse.org

There is no general e-mail address for senators. [Click here](#) for a roster of the state senators with their complete contact information.

LINKS GO TO CONTACT INFO:

The link to each lawmaker mentioned in this publication goes to their individual websites, which have contact information. You can also find out whose legislative district you live or work in under [Find Your Lawmaker](#) in the [Political Affairs](#) section of alabamaretail.org.



For committee assignments and clerk contacts for the Alabama Legislature, see [ARA's 2011 Legislative Roster](#).

home rooms requested in writing by smokers, 15 feet outside the entrances, windows and ventilation systems of a business and private clubs used on a function-only basis, tobacco stores and cigar bars.

Sen. Rusty Glover, R-Semmes, offered an amendment that would exclude bars from the ban, but it died because no other members supported it.

Figures' legislation would supersede local smoking ordinances. Companion legislation, [HB 478](#) by Rep. Charles Newton, D-Greenville, is before the House's Government Operations Committee. Eighteen other states have passed similar bans, Figures told the Education Committee.

Committee Extends Sale of Delisted Tobacco Products

Under existing law, when the Alabama Revenue Commissioner removes a brand of tobacco products from sale, the wholesaler or distributor has 30 days from receiving the notice of delisting to sell the brand. The Tobacco Master Settlement Complementary Legislation Act – [HB 181](#) by Rep. John Knight, D-Montgomery – would allow the sale of the delisted brand for up to 45 days from the date of delistment.

The House Government Operations Committee approved Knight's bill Wednesday. The Senate companion legislation is [SB 72](#) by Sen. Wendell Mitchell, D-Luverne.

This legislation also would allow the Secretary of State to act as agent for any non-participating manufacturer whose cigarettes are sold in Alabama and who has no appointed agent.

Atria Group, the parent company of Philip Morris International, Philip Morris USA and Philip Morris Capital Corp., is pushing for the change to allow retailers to continue to sell any delisted brand 45 days from its delisting, rather than 30 days from "receiving notice of the delisting." This language allowed for varying days of termination of sale if the "receipt" date varied or was questionable among wholesalers and retailers.

ECONOMIC DEVELOPMENT

House OKs Incentive Bill Intended to Lure Mega Steel Plant

Thursday, the Alabama House of Representatives passed the Alabama Economic Incentive Enhancement Act of 2007 – [HB 664](#), by Rep. Richard Lindsey, D-Centre and 21 other co-

BENEFIT FROM THE VALUE

Now, Even More Benefits from ARA



Your Business Can Save Thousands

ARA constantly strives to increase the Value its members received from membership. Many members have been using our low-cost workers' comp program for years, but were asking for more. In January, we announced more savings. ARA members now have access to:

Cost-Saving Credit Card Processing:

Through a partnership with Huntsville-based **CHECKredi**, ARA members get rates normally reserved for only the largest stores.

Discounted Inbound and Outbound Shipping:

Through our arrangement with **PartnerShip** ARA members can save up to 27% on FedEx services and up to 70% on other shipping needs.

Budget Friendly Email Marketing:

Constant Contact brings ARA members cutting edge e-mail marketing technology for as low as \$15 a month; members save up to 25%

Find Out More Today

**IMPORTANT EVENT
THIS WEEK**

WHAT: **Birmingham**

sponsors – an incentives package designed to lure German steel maker ThyssenKrupp AG to Alabama.

The House voted 102-0 for the bill that would give companies that employ 2,000 or more people and invest \$2.5 billion in capital projects a 10-year break on paying utility taxes, an enhanced 20-year break on property taxes that don't go to education, and an income tax credit for 30 years that would allow large industries to repay the cost of building plants.

The bill also requires that all employers with workers who earn wages in Alabama withhold state income tax, whether the worker is an Alabama resident or nonresident. In addition, the bill provides more assurances that nonresident construction companies will withhold state income tax from the wages of their employees who work on Alabama construction projects. Such companies with more than 50 employees with no history with the Alabama Department of Revenue would have to post a bond, Revenue Commissioner Tom Surtees said.

On a vote of 91-5, the House added an amendment by Rep. Laura Hall, D-Huntsville, to require that industries receiving these incentives hire full-time employees, who receive benefits such as health insurance. The bill now goes to the Senate. The Senate companion bill is [SB 398](#) by Sen. Pat Lindsey, D-Butler.

House Speaker Seth Hammett, D-Andalusia, said he is confident the bill will be considered by the Senate next week, despite an ongoing fight over rules that has resulted in only three pieces of legislation making their way to the governor's desk even though the 2007 session is at its midway point.

The \$2.9 billion ThyssenKrupp AG plant, employing 2,700 people, would be the largest private industrial project ever in Alabama.

Alabama voters are scheduled to decide June 5 on whether to ratify a proposed constitutional amendment that authorizes the state to issue an additional \$400 million in industrial development bonds, another piece of Gov. Bob Riley's industrial incentive legislation intended to lure the plant to Mobile.

MEDICAID

Bill Mandating Medicaid Pay for Prosthetics Gets Committee OK

Wednesday, the House Government Appropriations Committee OK'd [HB 151](#) by Rep. Neal Morrison, D-Cullman,

Business Leadership Exchange

WHEN: **6 p.m. Wednesday, April 6**

WHERE: Regions Center
Upper Lobby Auditorium,
1900 5th Avenue North

Complimentary parking available at Regions Center deck via 19th St. North

The Speaker's Commission on Job Creation is partnering with the Birmingham Business Alliance to invite business owners of companies across the industrial spectrum to attend a "Business Leadership Exchange," and share their ideas about how to improve the business climate in the state. If you have any questions, please **contact the office of House Speaker Mike Hubbard at 334-242-7668**. If you are unable to come to the Birmingham exchange but would like to submit ideas and recommendations, you may [email them to Alabama Jobs Commission](#)

or join the conversation on Facebook at

[facebook.com/speakersjobscommission](https://www.facebook.com/speakersjobscommission)

which would require the Medicaid Agency to pay for orthotic, prosthetic, and pedorthic services for all legal residents and eligible beneficiaries regardless of age. Medicaid Commissioner Carol Herrmann-Steckel opposes this legislation, which will drain \$1.9 million from the state's already strapped General Fund, according to the bill's fiscal note.

Medicaid to Recoup Lawsuit-Related Medical Expenses Under Bills

Johnson Introduces Four Bills This Week

Rep. Ronald Johnson, R-Sylacauga, introduced four bills this week that allow the Alabama Medicaid Agency to collect money spent on health care if a lawsuit is filed and someone is found responsible for causing the illness. Here's a brief synopsis of Johnson's bills:

- **[HB 719](#)** would give the Medicaid and health benefit plans first priority for the recovery of damages from third parties for payments for medical expenses paid to tort victims.
 - **[HB 720](#)** requires each health insurer and health benefit plan to provide information to the Medicaid Agency concerning each insured and dependent covered by the insurer or health benefit plan. The bill would require the insurer or health benefit plan to accept the right of the Medicaid Agency to recover from the insurer or health benefit plan for the payment of any benefits to a person covered by Medicaid. The bill would also authorize civil penalties for violations.
 - **[HB 721](#)** provides that the types of third-party payments required to be assigned to Medicaid include payments from tort actions. It also places all types of health benefit plans under the term "third party."
 - **[HB 722](#)** adds the requirement that any attorney who represents a Medicaid recipient in a cause of action notify the Medicaid Agency of the representation prior to the settlement of any claim where payment is to be made to the recipient. This bill also would require the notification be provided in a timely manner that would allow the state of Alabama a reasonable opportunity to assert its subrogation rights.
-

Bipartisan Effort Would Expand Medicaid Contract Period

Bipartisan companion legislation was introduced this week to expand the allowable contract period with Medicaid by two

years.

[HB 735](#) by Reps. Ken Guin, D-Carbon Hill, and Mike Hubbard, R-Auburn, and SB 419 by Sens. Steve French, R-Birmingham and Wendell Mitchell, D-Luverne, would authorize the Alabama Medicaid Agency to enter into contracts with fiscal intermediaries for up to seven years and allow the extension of any existing contract for two years through Sept. 30, 2011.

FINANCE

Small Loan Act Fee Increase Clears House

Thursday, the Alabama House of Representatives approved [HB 51](#) by Rep. Craig Ford, D-Gadsden, which increases late charges on loans smaller than \$1,000 made under the Alabama Small Loan Act to \$18. The bill now goes to the Senate. The Senate companion for Ford's bill is [SB 63](#) by Sen. Pat Lindsey, D-Butler.

Action is expected in the next few weeks on similar ARA-supported legislation, [HB 323](#) by Rep. Leslie Vance, D-Phenix City, which calls for the same modest \$8 increase in late fees for delinquent consumer credit payments. It concerns transactions under the Alabama Consumer Credit Act, also known as the Mini Code. **Vance's bill is included in ARA's 2007 Legislative Agenda**. The Senate companion is [SB 168](#) by Sen. Bobby Denton, D-Muscle Shoals.

ELECTIONS

Judicial Elections Face Challenge from Multiple Fronts

Another in a line of bills that would revamp how Alabama selects its appellate judges has been introduced. [HB 710](#) by Rep. Charles Newton, D-Greenville, provides for the merit selection of candidates for state appellate judicial office and would establish a Judicial Nominating Commission for state judicial candidates. This is the legislation being pushed by the Alabama Bar Association.

The bill would provide that a person appointed to a state appellate judicial office would stand for re-election at the end of his or her term in the form of a retention election. The bill also establishes a Judicial Evaluation Commission to evaluate performance of a state appellate judicial officer standing for re-election in a retention election. It also would allow this group to submit three names to the governor in the event of a vacancy on any of the three appellate courts. Another provision of this bill would remove the maximum age

restriction concerning being elected or appointed to a judicial office.

Other legislation challenging how Alabamians select their judges includes:

- **[HB 536](#)** by Rep. Marcel Black, D-Tuscumbia, and **[SB 357](#)** by Sen. Rodger Smitherman, D-Birmingham, which call for a constitutional amendment to allow vacancies in any trial or appeals court to be filled by appointment. A nominating commission would interview candidates and recommend three finalists for the governor to choose. The appointee would face voters and any challengers in the next general election. Unlike HB 710, these bills don't set up a retention system and they apply to the appeals court as well as circuit and district courts. These identical bills are pending in their respective Judiciary Committees.
- **[HB 605](#)**, also by Newton, which would make elections nonpartisan for district and circuit court judges. It only would require approval by the Legislature and governor.
- As an alternative to HB605, **[HB 474](#)** by Rep. Jeff McLaughlin, D-Guntersville, would allow nonpartisan elections for all judges at the trial and appellate levels. It also only would require approval by the Legislature and governor.

The Alabama Retail Association, as member of the Alabama Civil Justice Reform Committee, opposes these bills and any other measure that would strip Alabama voters of their right to elect judges or change the current judicial election system.

MANDATES

Committee Carries Over Mandated Diabetes Treatment Bill

Wednesday, the House Banking and Insurance Committee carried over **[HB 702](#)** by Rep. Thomas Jackson, D-Thomasville, which mandates coverage of diabetes treatment by insurance groups.

ARA has had a longstanding policy against mandatory health coverage as it drives up health-care costs for employees.

This bill requires each health benefit plan to provide coverage for the equipment, supplies, medications approved by the U.S. Food and Drug Administration. It also includes coverage

of outpatient self-management training and education, including nutrition

therapy, for the treatment of all types of diabetes, including insulin-dependent diabetes, insulin-treated diabetes, gestational diabetes and non-insulin using diabetes.

Under Bill, Stores, Restaurants Would Have to Have a Defibrillator

Rep. Merika Coleman, D-Birmingham, this week introduced [HB 724](#), which would require any person who owns or operates a public establishment that serves or admits more than 1,000 people in a one-month period to have an automated external defibrillator. The Alabama Department of Public Health would be responsible for administration and enforcement.

ECONOMIC DEVELOPMENT

McDaniel Proposes Revising the Child Labor Act

Rep. Frank McDaniel, D-Albertville, introduced legislation Thursday to revise the state's child labor law.

[HB 778](#) would:

- prohibit a person younger than 16 from selling fireworks.
- require a person, company, or corporation excluding agricultural businesses, to obtain a child labor certificate from the Alabama Department of Labor in order to employ a minor that is 14 to 17 years of age, including minors employed as actors, performers, or models.
- raise the employee posting requirement from age 18 to 19. Under this bill, employers must post the maximum number of hours a person under 19 may work each day, maintain time records on persons under the age of 19 for three years, rather than the current one year, and limit continuous hours of work to four hours, rather than the current five hours.
- raise the minimum age for newspaper delivers from 12 to 14.
- remove the requirement of a work permit to distribute, sell, expose, or offer for sale newspapers, magazines, or candy.
- establish the Child Labor Administrative Trust Fund with the Commissioner of the Department of Labor

designated as trustee and provide for the payment of certain assessments into the fund, disbursements from the fund, and management of the fund.

- repeal certain sections relating to the issuance, regulation, and enforcement of work permits, as these procedures have been replaced with a child labor certificate process.
-

Hall Introduces Equal Pay Act

Rep. Laura Hall, D-Huntsville, this week introduced the Equal Pay Remedies and Enforcement Act.

HB 718 would create an Equal Pay Commission to study wage disparities and report its findings and recommendations to the Labor Commissioner, who would then bring those recommendations to the governor and Legislature. According to the legislation, the purpose of the bill also is to improve the overall labor environment by correcting and deterring discriminatory wage practices based on sex, race, or national origin; developing reliable data about the extent of such wage discrimination; and providing greater understanding about its causes.

ALCOHOL

Fortified and Higher Alcohol Wine Bills Ready for House Debate

The House Tourism and Travel Committee this week approved two bills that would allow the sale of stronger wines.

- **HB 147** by Rep. Johnny Mack Morrow, D-Red Bay, would allow fortified wine to be sold by any Alabama Beverage Control Board licensee. The bill is now ready for House consideration. The Senate companion, **SB 124** by Sen. E. B. McClain, D-Midfield, already received committee approval and awaits Senate consideration.
 - **HB 631** by Reps. Thad McClammy, D-Montgomery, and Rod Scott, D-Fairfield, increases alcohol content in table wine from 14.9 percent to 15 percent by volume.
-

CONSTITUTIONAL REFORM

Constitutional Convention Clears Senate Committee

Inspired by a Wednesday rally of 120 students from nine Alabama colleges, the Senate Constitution, Campaign Finance, Ethics, and Elections Committee by a vote of 6-2

Thursday approved [SB 99](#) by Sen. Ted Little, D-Auburn, calling for a referendum on whether to have a constitutional convention.

The bill calls for Alabama voters to go to the polls Feb. 5, 2008, the same day as the state's presidential preference primary, to decide if they want to call a statewide convention of 210 delegates to rewrite Alabama's 1901 constitution, which has been amended almost 800 times.

If voters approve calling the convention, the bill calls for delegates to be elected June 3, 2008, during the regular primary. The delegates would then meet in October at the Alabama State House in Montgomery to begin work on writing a new constitution. During the 2010 General Election, voters would decide whether or not to ratify the new constitution.

The House Constitution and Elections Committee approved the House companion, [HB 98](#), sponsored by House Speaker Pro Tem Demetrius

Newton, D-Birmingham, on an 8-5 vote April 11. Newton, the second-ranking House member, said his bill likely will come up for debate in the House and possible approval Tuesday or Wednesday of next week.

ARA favors amendment-by-amendment constitutional reform, rather than the more politically charged constitutional convention method of revision.

TAX EXEMPTIONS

College Texts Would be Exempt from Sales Tax, Under Bill

The Alabama Retail Association needs your input on legislation introduced this week by Sen. Roger Bedford, D-Russellville.

[SB 439](#) would exempt textbooks used in colleges and universities from the payment of any state, county, and municipal sales and use taxes. No other provisions are spelled out in the bill.

REGULATIONS

Alabama Bans Chinese Catfish

Wednesday, Alabama Agriculture Commissioner Ron Sparks announced a ban on the sale of catfish from China after antibiotics prohibited in the United States were found in the product.

Sparks said 14 of 20 samples of catfish from China tested positive for the antibiotic fluoroquinolones, which the U.S. Food and Drug Administration banned from use in food-producing animals in 1997. The samples that tested positive represent about 214,260 pounds of fish that will not be sold. About 300,000 pounds of fish also have been suspended pending further analysis.

One major retailer removed the frozen fish fillets from its shelves nationwide in response to the Alabama ban.

Agriculture department chemists also tested 13 samples of basa fish from Indonesia, Thailand, Vietnam and Malaysia, with five of the samples testing positive for antibiotics. Sparks said additional testing is required before a decision is made to ban basa fish.

Antibiotics do not present an immediate health danger, but they allow harmful bacteria to build up resistance to antibiotics in farmed animals. That stronger bacteria can then become a greater threat to humans.

Final Legislative Day

2007 Regular Session to End Next Week

The Alabama House and Senate meet at 10 a.m. Thursday, June 7, 2007, for the 30th and final legislative day of the 2007 regular session.

The *Capitol Retail Report* is another **Benefit from the Value** of Alabama Retail Association membership. For more benefits, go to www.alabamaretail.org