

# Express Line

The official newsletter of the  
Carolinas Food Industry Council (CFIC)



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September 15, 2011

## 2011 North Carolina Legislative Wrap-Up *Part 3*

The primary purpose of the North Carolina General Assembly's Long Session is to set the state's two-year budget and introduce legislation that may remain eligible for the two-year legislative cycle. The 2011 - 2012 session is significant not only because it is the first time since 1870 that Republicans control both the House and Senate, but also because of the added responsibility of redistricting the Congressional and Legislative Districts in North Carolina for the next decade.

In this issue we will conclude the **Tax Issues and continue on with Tax Incentives and Store Operations Issues.**

### TAX ISSUES (con't)

#### Parity in Tax Paid by Small Businesses

HB 899: Representative John Torbett (R-Gaston)

**CFIC Position: Monitor**

**Outcome: Did Not Pass, Fiscal Impact/Eligible in 2012**

HB 899 adjusts personal income tax rates in North Carolina and requires that a taxpayer's net business income from a small business not to exceed the rate

imposed on a corporation. (A small business is defined as one whose cumulative gross receipts from all business activity in a taxable year does not exceed \$850,000.)



#### Tax Reform Committee

HB 902: Representative Bert Jones (U-Rockingham), Jeff Collins (R-Nash), Tom Murry (R-Wake)

**CFIC Position: Monitor**

**Outcome: Did Not Make Crossover, Study/Eligible in 2012**

HB 902 studies the state tax system in order to possibly eliminate and replace the income tax.

#### Equalize Income Tax Paid by Small Businesses

SB 719: Senator Eric Mansfield (D-Cumberland)

**CFIC Position: Monitor**

**Outcome: Did Not Pass, Fiscal Impact/Eligible in 2012**

SB 719 would equalize income taxes paid by small businesses and large corporations.

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North Carolina's  
legislative summary  
for the 2011  
Legislative Session  
Part Three

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## NC Legislative Wrap-up

*Continued from cover story*

### Roanoke Rapids 1 Cent Sales Tax Option

HB 369: Representative Angela Bryant (D-Halifax)

**CFIC Position: Monitor**

**Outcome: Did Not Pass/**

**Fiscal Impact/Eligible in 2012**

HB 369 authorizes the city of Roanoke Rapids to levy a **1¢ local sales and use tax** for the purpose of repaying tax increment financing bonds used to finance the Randy Parton Theatre.

## TAX INCENTIVES ISSUES

### Encourage Investment to Retain Bill Lee Tax Credits

HB 751 (initially SB 345):

Senator Linda Garrou (D-Forsyth) and Senator Austin Allran (R-Catawba)

**CFIC Position: Support**

**Outcome: Passed**

**Effective Date: Taxable years on or after January 1, 2009**

HB 751 amends the expiration provision for substantial investment in property and provides that the credit expires at the property if:

- The total number of employees is less than 200 at the property for which the credit is claimed, or
- The taxpayer has failed to maintain at least 125 employees at the property and, within two years of the date the employment fell below 200, to invest at the property the greater of five million dollars or at least twice the value of the remaining installments of the credit.

Additionally, the taxpayer may take the portion of an installment that accrued in a previous year and carry it forward to the extent permitted by statute; effective for taxable years beginning on/after January 1, 2009.

### Balanced Budget Act of 2011/ Economic Development Fund

#### Transfers

SB 13: Senators Richard Stevens (R-Wake), Pete Brunstetter (R-Forsyth) and Neal Hunt (R-Wake)

**CFIC Position: Monitor**

**Outcome: Vetoed**

Governor Perdue and Senate Democrats sparred with Republican Senate leaders over portions of **SB 13** that would have **transferred dollars from economic development funds** as part of a larger effort **aimed at saving \$800 Million** in the current fiscal year. SB 13 called for **generating \$400 Million in reversions** by having the governor hold back money from state agencies, with another **\$237 Million coming from a year-end credit balance**. Another \$142.4 Million would come by tapping various unspent reserves in state government, with more than half of the total coming from economic development-related funds.

**SB 13 received Governor Perdue's first veto** of the new Republican legislative majority. Perdue said she **would be able to capture \$400 Million in savings without the legislation** and added that the remaining sections "were not necessary."

### Small Business New Job Incentive

HB 479: Representative Ken Goodman (D-Rockingham)

**CFIC Position: Support**

**Outcome: Did Not Pass,**

**Fiscal Impact/Eligible in 2012**

This bill creates a **tax credit for a small business (no more than 50 employees)** that hires additional **full-time employees**.

### Small Business Tax Relief and Stimulus

HB 919: Representatives Michael Wray (D-Northampton), Jim Crawford (D-Granville), Bill Owens (D-Pasquotank)

**CFIC Position: Monitor**

**Outcome: Did Not Pass,**

**Fiscal Impact/Eligible in 2012**

HB 919 provides tax and other economic incentives and relief to small businesses.

### Small Business Tax Relief and Recruitment

HB 920: Representatives Michael Wray (D-Northampton), Jim Crawford (D-Granville), Bill Owens (D-Pasquotank)

**CFIC Position: Monitor**

**Outcome: Did Not Pass,**

**Fiscal Impact/Eligible in 2012**

This bill reduces the corporate income tax rate from 6.9% to 4.9%.

### Exempt Pallets for Ag Use from Sales Tax

SB 211, SB 445: Senator Bill Rabon (R-Brunswick) and Senator Buck Newton (R-Wilson)

**CFIC Position: Monitor**

**Outcome: Did Not Pass,**

**Fiscal Impact/Eligible in 2012**

These bills **exempt pallets from the North Carolina sales and use tax when used for agricultural purposes**. This bill is most likely in violation of the Streamlined Sales Tax Agreement.

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**CFIC**  
Has the  
Answers to Your  
Legislative Needs!

**The Retailer's Handbook**  
Although no retail store owner or manager can be expected to know every aspect of retail and personnel law, he can and should be expected to know where to find the answers. That is why CFIC created *The Retailer's Handbook*.

Available to members for \$25.00 and to non-NCRMA members for \$50.00. Call today!

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## NC Legislative Wrap-up

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### Remove Cap on Energy Credits

SB 645: Senator Dan Clodfelter (D-Mecklenburg)

**CFIC Position: Monitor**

**Outcome: Did Not Pass,**

**Fiscal Impact/Eligible in 2012**

SB 645 removes the cap on energy tax credits.

### Energy Independence and Job Creation in North Carolina

SB 694: Senators Josh Stein (D-Wake),

Tom Apodaca (R-Henderson)

**CFIC Position: Monitor**

**Outcome: Did Not Pass,**

**Fiscal Impact/Eligible in 2012**

SB 694 establishes third-party sales from renewable energy facilities.

## STORE OPERATIONS

### Check Cashing Changes

SB 144: Senator Wesley Meredith (R-Cumberland)

**CFIC Position: Support**

**Outcome: Passed**

**Effective Date: December 1, 2011**

CFIC provided draft language to Senator David Rouzer (R-Johnston) and Representative Jonathan Rhyne (R-Lincoln) to **address a slight change in the check cashing statute** requested by some small retailers who cash checks for customers. Both legislators worked to help relieve the additional regulation on small retailers who are essentially providing a customer service.



Currently, regulations are in place for businesses who cash checks for customers. The **intent of the law was targeted at payday lenders** who were cashing checks, not necessarily businesses that cashed checks as a customer service and charged a fee for it. However, **once the law is**

**triggered (when more than \$2 is charged for the service), that business is required to have a license, maintain a separate bank account of \$50,000 for each entity, and separate books for the payroll portion of the business. The North Carolina Banking Commission, who has authority over licensed Check Cashers, has recently audited some of these small retailers and “red-flagged” some due to the lack of a separate bank account for these transactions.**

In working with these legislators, CFIC was able to **insert language** so that a **retailer who derives less than 20% of gross annual revenues from check cashing will not be required to maintain separate accounts and records.**

### Require Labels for Ethanol-Blended Gasoline

HB 187: Representatives Pat Hurley (R-Randolph), John Faircloth (R-Guilford) and Shirley Randleman (R-Wilkes)

**CFIC Position: Support**

**Outcome: Passed**

**Effective Date: March 31, 2011**

HB 187 directs the Gasoline and Oil Inspection Board to **adopt rules for labeling dispensing pumps / devices that offer ethanol-blended gasoline for sale** in North Carolina. At a minimum, the labels must indicate whether the gasoline is less or greater than 10% ethanol by volume.

### Required Signage on Charitable Collection Receptacles

SB 556: Senator Floyd McKissick (D-Durham)

**CFIC Position: Monitor**

**Outcome: Passed**

**Effective Date: October 1, 2011**

SB 556 requires that collection bins used to **solicit donated items for resale must provide on all sides (via permanent sign or label) the charitable organization or sponsor’s contact phone number or e-mail address.** This legislation does **not** apply to solicitations where the **contributions will be donated.**

### Service Agreements / Allow Reserve Account

HB 575: Representative Jerry Dockham (R-Davidson); Senator Don Vaughan (D-Guilford)

**CFIC Position: Monitor**

**Outcome: Passed**

**Effective Date: July 1, 2011**

**HB 575** allows that in lieu of contractual liability insurance, a service contract provider may maintain a funded reserve account to meet its contracted financial obligations.

### Require Intrastate Motor Carriers Markings

HB 261: Representative Danny McComas (R-New Hanover)

**CFIC Position: Amended**

**Outcome: Made Crossover,**

**Eligible in 2012**

**HB 261** requires extra **identification on trucks used in intrastate commerce** (i.e. only in North Carolina). The motor carrier's identification number would be required to be printed on each side of the vehicle (in letters not less than three inches in height) preceded by the letters ‘USDOT’ and followed by the letters ‘NC.’ The **original draft (which is incorrect)** sets a standard of a motor vehicle with a gross vehicle weight rating of **more than 10,000 lbs**; however, the intent is to set that weight at **26,000 lbs**. The State Highway Patrol is pushing this legislation as a safety initiative.

Passage would require motor carriers operating solely in North Carolina and weighing over 26,000 lbs. to register (free of charge) with the Federal Motor Carrier Safety Administration. The majority of states already require registrants of commercial motor vehicles (even intrastate and non-Motor Carrier registrants) to obtain a USDOT Number as a necessary condition for commercial vehicle registration.

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# NC Legislative Wrap-up

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## Firearm in Locked Motor Vehicle/ Parking Lot

HB 63: Representatives Mark Hilton (R-Catawba), Phil Shepard (R-Onslow), George Cleveland (R-Onslow) and Jeff Barnhart (R-Cabarrus)

**CFIC Position: Amend**

**Outcome: Did Not Pass, Dead**

HB 63 would prohibit **employers** from banning **firearms** on their property out of sight in locked cars, and **provide for civil action** against employers who violate the law.

Under the measure, **someone fired for storing a gun in a locked car could sue for lost wages, benefits and legal costs.** Someone injured or the survivors of someone killed (as a result of workplace violence) could **bring civil action** against an employer who did not allow for the storage of firearms on the premises.



## Amend Various Gun Laws/Castle Doctrine

HB 650: Representative Mark Hilton (R-Catawba)

**CFIC Position: Amended**

**Outcome: Passed** (Employer provision removed)

**Effective Date: December 1, 2011**

HB 650 is Representative Hilton's omnibus bill on gun laws related to school campuses, state property, and courthouses, among many other changes. The main provision of **HB 650, the Castle Doctrine, provides protection from criminal and civil liability for defending oneself or others with the use of deadly force against an unlawful intruder in the home, car or workplace.**

**CFIC and the business community proposed compromise language for immunity from civil liability and OSHA violation.** Representative Hilton **redrafted the bill** to limit the exception for storing firearms in a closed container within

a locked vehicle to someone with a **concealed carry permit** and added our language **providing civil liability and OSHA protections** to businesses in the event someone is harmed by a firearm on their property.

Provisions that remain in the final legislation include: **accepting all states' concealed handgun permits**, cutting the amount of time sheriffs have to process concealed carry permit applications, **reducing the penalty for knowingly carrying a gun on school property from a low-level felony to a misdemeanor**, among others.

## Handgun Permit Valid in Parks & Restaurants

HB 111: Representatives Mark Hilton (R-Catawba), Jeff Barnhart (R-Cabarrus), Fred Steen (R-Rowan), Kelly Hastings (R-Gaston)

**CFIC Position: Monitor**

**Outcome: Made Crossover, Eligible in 2012**

HB 111 passed the House and will be eligible for the 2012 Short Session. The bill **allows persons with valid concealed weapons permits to carry a gun, rifle or pistol on the premises of a park or restaurant.** Current concealed carry law does not allow guns carried into establishments where alcohol is sold. HB 111 adds an exception to allow concealed carry into restaurants. It **maintains the prohibition against anyone carrying a concealed weapon while consuming alcohol. Restaurants can post notice that concealed weapons are prohibited on their property.**



## Ban Mobile Phones While Driving

SB 36: Senator Charlie Dannelly (D-Mecklenburg)  
HB 31: Representative Garland Pierce (D-Scotland)

**CFIC Position: Monitor**

**Outcome: Did Not Make Crossover, Dead**

On the heels of North Carolina's "no texting while driving" law taking effect on December 1, 2010, **SB 36 and HB 31 would ban the use of all mobile phone technology (including hands-free wireless)** while operating a moving motor vehicle. The only exception allowed is for communicating to an emergency response operator (ambulance, fire, law enforcement agency, etc.). A violation is an infraction subject to a \$100 fine.

## Prohibit Mobile Phone Use/ Hands-Free Only

HB 44: Representative Garland Pierce (D-Scotland)

**CFIC Position: Monitor**

**Outcome: Did Not Make Crossover, Dead**

HB 44 would prohibit a person to use a phone while driving unless using "hands-free technology."

## License Plate Covers Unlawful

HB 499: Representative Frank McGuirt (D-Union)

**CFIC Position: Monitor**

**Outcome: Did Not Make Crossover, Dead**

This bill would make it illegal to affix a clear or color-tinted license plate cover on a motor vehicle's license plate.

## Prohibit Automatic Renewal of Credit Card Contracts/Study

HB 773, Section 2.14 (Originally in HB 450)  
Representative Edgar Starnes (R-Caldwell)

**CFIC Position: Monitor**

**Outcome: Did Not Pass, Dead**

The bill **only pertains to contracts between a company and their credit card processing vendor.** On average, contracts between companies and their processors run for three years and are set to automatically renew, unless the company terminates the contract. HB 450 would **require a signature in order to continue the contract.** It would not prohibit contract renewals following a 60-day notice of expiration and acceptance of the renewal signed by the merchant.

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## NC Legislative Wrap-up

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### **Prohibit Surcharge for Use of Credit or Debit Card**

HB 626: Representative Hugh Blackwell (R-Burke)

**CFIC Position: Oppose**

**Outcome: Did Not Make Crossover, Dead**

This bill would **prohibit imposing a surcharge on credit card, charge card, or debit card** purchases for goods or services in lieu of payment by cash, check or similar means.

**CFIC met with the bill sponsor expressing concerns** about the bill's implications for retailers.

### **Software Piracy**

**(i.e. The Microsoft Initiative)**

HB 672: Representative Fred Steen (R-Rowan),

Tim Moore (R-Cleveland),

Winkie Wilkins (D-Person)

**CFIC Position: Oppose**

**Outcome: Did Not Pass, Dead**

**Microsoft** pushed for the introduction of HB 672 which is similar to legislation they have introduced in several states. Microsoft's **intention is to address computer hardware and software theft**. Microsoft says this legislation is specifically leveled at manufacturers that steal IT and use that technology to **gain a competitive price advantage** over their competition (who purchased the legally obtained software). Microsoft believes the only way to address this situation is to go after the products produced with the illegally obtained software.



## **Consumer Marketing Promotion vs. Video Poker**

An attempt by legislators in **2006** to **ban server-based video poker** has

been snarled in court challenges, with appeals pending. The result of this judicial quagmire is a proliferation of new internet sweepstakes cafes across the Tarheel State.

In **2009**, legislation was filed with the intention of closing a **perceived loophole** in the **Video Poker Ban**, but that legislation inadvertently included **legitimate electronic sweepstakes offerings**.

In **2010** the North Carolina General Assembly passed legislation (HB 80) to close the **loophole on video poker and prohibit Internet Sweepstakes Cafes**. CFIC took the lead role in protecting its retail and supplier members by drafting language to ensure their continued ability to offer **legitimate consumer marketing sweepstakes**. Because North Carolina has **two conflicting court decisions** that allow video poker sweepstakes, the difficulty lay in finding a way to **differentiate** between legitimate consumer marketing promotions and video poker. In 2010, **CFIC worked countless hours drafting language** to ensure retail and manufacturer sweepstakes entered **online** through a **website** at a **home computer** or **texted** through a cell phone **remained legal** and to ensure that retail and manufacturer sweepstakes entered by a customer swiping a store **loyalty card** were **exempt**.

### **Simulated Gaming Allowed / Certain ABC Outlets**

SB 621: Senator Stan Bingham (R-Stanly)

**CFIC Position: Monitor**

**Outcome: Did Not Make Crossover, Dead**

SB 621 would allow certain restaurants and hotels to host simulated gaming (such as a "Casino Night") if the event is a sponsored event and the permittee has registered the event with the ABC Commission.

### **Broaden Sweepstakes Law - Update**

SB 3: Senator Don Vaughan (D-Guilford)

**CFIC Position: Amend**

**Outcome: Did Not Make Crossover, Dead**

**On the opening day of the 2011 North Carolina General Assembly Senator Don Vaughan (D-Guilford) filed SB 3 that would prohibit "any person to operate, or place into operation, an electronic machine or device to conduct or promote a sweepstakes."** This legislation would effectively outlaw any customary promotional marketing that requires a card swipe, or entry into an electronic system (including point-of-sale) to enter into a sweepstakes. Within **24 hours**, your **CFIC lobbying team met with Senator Vaughan** and his staff expressing concerns that this **bill loops in legitimate consumer marketing tools**.

### **Sweepstakes Ban**

HB 226: Representatives Ray Rapp (D-Madison),

Norm Sanderson (R-Craven),

Rick Glazier (D-Cumberland), Skip Stam (R-Wake)

**CFIC Position: Amend**

**Outcome: Did Not Make Crossover, Dead**

Representative Rapp again introduced legislation in an attempt to close a loophole on internet sweepstakes in North Carolina. The bill did not move as the General Assembly decided to defer to the courts.

### **Legalizing Video Poker**

HB 228: Representative Bill Owens (D-Pasquotank)

SB 209 & SB 523: Senator Clark Jenkins (D-Edgecombe)

**CFIC Position: Monitor**

**Outcome: Did Not Pass,**

**Fiscal Impact/Eligible in 2012**

These bills **legalize video poker**, creating a centrally operated video terminal system offering casino-style games. In early 2011, Governor Perdue announced that she was considering legalizing and taxing **Video Poker**. However, the Governor's budget did not include such a proposal. Currently, North Carolina's video gambling industry consists of small businesses operating "**Internet Sweepstakes Cafes**." The General Assembly has tried many different legislative approaches to eliminating these entities, but following the passage of each bill the operators have quickly

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## NC Legislative Wrap-up

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adapted their processes and have remained in operation.

**One option** is for the state to approve these operations and impose and **collect taxes** from them. The **second option** is to **legalize** Video Poker, **exclude** current private operators, **award a contract to one national gambling entity** (a state monopoly), and place the operation under the **North Carolina Lottery Commission**.

## ENVIRONMENTAL ISSUES

### Suspend Plastic Bag Ban/Supply Disruption

SB 146: Senator Harry Brown (R-Onslow)

**CFIC Position: Support**

**Outcome: Passed**

**Effective Date: April 20, 2011 – June 30, 2011**

On April 19, SB 146 was used as a legislative vehicle to be gutted and replaced with new language to **suspend the Outer Banks Plastic Bag Ban UNTIL June 30, 2011**.

The legislation was passed in response to a request from Food Lion who lost all of their paper bags for the Outer Banks (formerly stored at their Dunn Distribution Center) in the tornadoes that devastated many areas in North Carolina. The legislation was passed to allow Food Lion time to replace their supply of plastic bags that were lost in the storm, but all other retailers impacted have also benefited from this **temporary reprieve**.

The legislation does not repeal the plastic bag ban which was **back in force on July 1, 2011**; but did provide a small relief period.

### Outer Banks Plastic Bag Ban Repeal

SB 318: Senators Buck Newton (R-Wilson) and Thom Goolsby (R-New Hanover)

**CFIC Position: Support**

**Outcome: Did Not Make Crossover, Dead**



**Senate Bill 318 would repeal the plastic bag ban on the barrier islands of the Outer Banks.**

As you recall in 2009, then Senate President Pro Tem Marc Basnight (D-Dare) successfully pushed through legislation establishing a **ban on plastic bags** in small portions of three North Carolina counties located on the **Outer Banks**. Effective **September 1, 2009**, the legislation required chain retailers to provide paper bags made of **100% recycled material** and to reward any customer (by use of a credit, refund or coupon for the value of each bag not distributed) who utilized a reusable bag. Senator Basnight's legislation has proven to be **very costly to retailers** operating in these three counties. Effective **September 1, 2010**, Senator Basnight expanded the plastic bag ban to **all retailers** in the impacted area of the Outer Banks.

**CFIC provided Senators Newton and Goolsby with a great deal of information detailing how this ban is operationally difficult, very costly, and not changing consumer behavior.** The voluntary consumer education program, *A Bag's Life*, launched in March by CFIC provides a **proactive industry effort to reduce the use of plastic bags** in North Carolina.

The bill faced a tough road as the legacy of Senator Basnight still holds a great deal of respect among Democrats and many of the established Republicans that served with the Senator as well. The bill was held in the Senate Rules Committee for the duration of the session.

### Bottle Bill

HB 671: Representatives Susi Hamilton (D-New Hanover), Phil Haire (D-Jackson), Larry Hall (D-Durham), and Pricey Harrison (D-Guilford)

**CFIC Position: Oppose**

**Outcome: Did Not Pass, Dead**

**Effective January 1, 2012**

**House Bill 671 would implement a bottle deposit/refund law that would require any bottle, can, jar, or other beverage container made of glass, metal, or plastic include a 5¢ deposit for milk, juice, water, wine and soft drinks and a 10¢ deposit for beer and distilled spirit containers greater than 50 milliliters.** The legislation would also require that the **NC Department of Environment and Natural Resources (DENR)** determine every **five years the percentages of each category of beverage containers that are being returned**. If DENR finds that the return rate for any category is **less than 75%**, DENR could increase the deposit amount of that category by an **additional 5¢**.

Every beverage container sold or offered for sale in NC would indicate by **embossing** or **imprinting** on the label in **1/4<sup>th</sup> inch size type** or (in the case of metal beverage containers) **on the top of the container** the words 'North Carolina' (or the initials 'N.C.')

as well as the **refund value of the container**.

Retailers would be required to **accept at their store any empty beverage container of any kind, size, and brand sold by that retailer**. The retailer would then **pay to the consumer the refund value in cash**. Retailers would be permitted to limit the total number of beverage containers they would accept from any one person in any one business day to **24 containers** (or an amount of their choice greater than 24). A retailer, or any other person could **seek DENR's approval** to operate a private redemption center to serve several retailers in a specific community.

**Retailers would not be required to take:**

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## NC Legislative Wrap-up

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- **An empty beverage container without the proper label;**
- **A beverage container that is not empty and not free of materials foreign to the original contents of the container; or,**
- **A glass beverage container that is broken.**

Beverage distributors would be required to accept from any retailer or any private redemption center any empty beverage container of any kind, size, and brand sold by that distributor. The distributor would then be required to pay the retailer or redemption center the refund value plus a handling fee equal to 5¢ for each empty beverage container accepted.

### **Littering Offenses**

SB 635: Senator David Rouzer (R-Johnston)

**CFIC Position: Monitor**

**Outcome: Made Crossover, Eligible in 2012**

SB 635 increases fines for littering from a range of \$250 - \$100 to a range of **\$1,000 - \$4,000**, depending on the weight. A **second violation** would warrant fines of **\$2,000 - \$8,000** (previously \$500 - \$2,000).

### **Promote Electricity Demand Reduction**

SB 75: Senator Fletcher Hartsell (R-Cabarrus)

**CFIC Position: Monitor**

**Outcome: Passed**

**Effective Date: April 28, 2011**

SB 75 adds options for electric public utilities, membership corporations or municipalities to meet renewable energy / energy-efficiency standards to include energy demand reduction. Energy demand reduction is defined as *“a measurable reduction in the electricity demand of a retail electric customer that is voluntary, under the real-time control of the electric public utility and the customer, and measured in real time using two-way communications devices that communicate on the basis of standards.”*

### **Restrict Products Containing BPA**

SB 573: Senator Gladys Robinson (D-Guilford),  
Senator Eric Mansfield (D-Cumberland)

**CFIC Position: Oppose**

**Outcome: Did Not Make Crossover, Dead**

SB 573 would prohibit the manufacturing, sale, or distribution of reusable food or beverage containers containing bisphenol A.

### **Study Consolidated Environmental Commission**

SB 428: Senator Dan Clodfelter (D-Mecklenburg)

**CFIC Position: Support**

**Outcome: Made Crossover (Rolled into HB 773, Studies Bill), Eligible in 2012**

SB 428 directs the Environmental Review Commission to study the desirability and the feasibility of consolidating North Carolina's environmental policy-making, rulemaking and quasi-judicial functions into one comprehensive full-time Environmental Commission. The bill passed the Senate, and then was rolled into the Studies bill which did not gain passage prior to the General Assembly adjourning in June.

### **Promote Green Roofs**

HB 349: Representative Kelly Alexander (D-Mecklenburg)

**CFIC Position: Support**

**Outcome: Did Not Pass, Fiscal Impact/Eligible in 2012**

HB 349 provides credits against stormwater fees if a property has a green roof and defines qualifying green roof improvements as a special class of property. Owners of property with qualifying green roof improvements are entitled to a partial exclusion of 10% of the improvement's appraised value during the first five taxable years after the completion of the improvement.

□

**Coming Up in our Next Issue...  
2011 Legislative Wrap-up — Part 4**

- **Environmental (con't)**
- **ABC Issues**



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