

WE WILL SAY “YES”

By Bryan Wachter

“THIS IS RECORDING, I’LL PLAY IT BACK IF YOU

don’t say ‘yes’ eventually,” Jon Ralston quipped after Mary Lau stated on his T.V. show, *Ralston Live*, that the Retail Association of Nevada (RAN) would offer its support to a revenue increase in the 2015 Legislature.

This shouldn’t come as a shock to anyone that has been paying attention to the revenue discussions that have happened constantly since 2003. In fact, the Retail Association of Nevada has agreed with every revenue increase that the Nevada Legislature has implemented since, and including, 2003. RAN is nothing if not consistent. The association recognizes the importance of funding government, within reason; RAN agrees with what the Governor has proposed and where the Legislative conversation is moving in terms of new spending.

That same consistency regarding our tax policy has also marked RAN as the founding member of the Caucus of “No.” Many argue that because the Retail Association of Nevada was against gross receipts in 2003, against the margin tax-light in 2011, against the margin

tax-most awful in 2013, and now against gross receipts-light in 2015, that we’re uninterested and unwilling to allow new revenue into the Nevada General Fund — nothing could be farther from the truth.

All of the previously mentioned tax plans are based on taxing corporate revenue, which is bad tax policy. Revenue taxes are some of the most volatile tax systems to-date. In fact, during the economic depression the country was faced with some years ago, no state was immune from the dramatic decrease in government spending that resulted. When faced with this decrease in spending, states that rely on corporate revenue taxes cannot simply raise the rate of taxation. After all, you can’t squeeze money from a tax that taxes people who have no money.

Nevada is unique in lots of ways and we have kept that tradition alive within our tax code. Nevada taxes corporations but Nevada taxes a specific line item — payroll. Through the Modified Business Tax (MBT), we allow companies to make their own economic decisions regarding expenses and hiring. There has been no evidence provided to date that would

suggest that the Modified Business Tax is an economic hurdle to hiring. So when Nevada faced our shortfall, due to the economic decline, we raised the rates of the MBT, and it produced. In fact, and much to the Governor’s credit, the MBT has remained elevated during the decline of the state unemployment numbers, suggesting that companies are willing to hire, even when they are not in good economic times, despite the MBT.

RAN has been against eliminating the MBT, narrowing the MBT, and increasing the exemptions on

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WE WILL SAY “YES”

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the MBT since its inception in 2003. That hasn't stopped the Governor from narrowing the tax base through increasing the floor deduction in 2013. In fact, the Governor has argued that only 2-4% of the companies in Nevada pay the MBT. And he's right, but it has been through his actions that the number is so low. What they won't tell you is that most companies in Nevada have no payroll. If taxes are supposed to have some nexus to what they are funding, this remains good economic policy for the most part.

Companies who have no payroll have a very limited use of government services compared to companies with very large payrolls—think big box stores and casinos. It's only fair that those companies that use services should have to pay more. What they also won't tell you is that those 2-4% of companies that do pay the MBT reflect the vast majority (about 80%) of



Cathleen Allison/Nevada Photo Source.

Assembly Minority Leader Marilyn Kirkpatrick (D-NLV) and Assembly Majority Leader John Hambrick (R-LV) listen to the presentation of the Governor's tax plan.

the economic activity in Nevada, meaning that those companies who provide most of the jobs, and most of the economic input into our economy are the exact companies who do pay the MBT.

The MBT can't be all that bad. The Governor still uses the 800 million dollars the MBT brings in to balance his biannual budget. RAN and many others believe we should

revise the MBT to make it more inclusive and look at a rate change after the Economic Forum has determined how much money the state has to spend in May.

RAN will say yes to a revenue plan that doesn't rely on corporate revenue and instead makes our current tax structure expand to meet the needs of the New Nevada. How quickly we say "Yes" is up to

the Legislature. They, after all, have to move beyond a tax proposal that has been defeated, with good measure, every time in the last ten years.

To view Mary Lau on *Ralston Live* go to: <http://www.rgj.com/story/news/2015/03/19/ralston-live-sandoval-nevada-budget-horsford/25047881/> ■

2015 LEGISLATIVE SESSION UPDATE

By Lea Tauchen

TORT REFORM MEASURES

Senate Majority Leader Michael Roberson has sponsored a number of tort reform measures this legislative session.

In last month's issue of *Nevada News*, there was a description of three of those bills: SB134 on bond caps, SB160 on trespassers, and SB161 on product liability. This month, four more bills have been

drafted:
SB291 — Provides for the determination of damage awards in certain civil actions.
SB292 — Revises provisions relating to certain civil actions

involving negligence.
SB296 — Revises provisions relating to exemplary or punitive damages in certain civil actions.
SB300 — Revises

Continued on page 3



2015 LEGISLATIVE SESSION UPDATE *Continued from page 2*

provisions related to comparative negligence.

More information about these bills will be provided next month. However, with Republicans controlling the Assembly and the Senate, the environment is friendly for the pursuit of civil justice reform, so these bills will most likely move quickly through the process.

VARIOUS EMPLOYMENT PROVISIONS

SB224 — Independent Contractors

Sponsored by the Senate Committee on Commerce, Labor, and Energy

Senate Bill 224 proposes to define the term "independent contractor." This bill also prohibits a person from recovering unpaid wages in regard to the payment of a minimum wage unless the person consents in writing to become a plaintiff in such a case.

This bill was heard in the Senate Committee on Commerce, Labor, and Energy on March 9. RAN testified in support of this bill, along with many other sectors of the business community. Opposition was presented by various labor unions and trial lawyers. No action was taken. However, the Chairman of the Committee is working with

stakeholders to amend the bill to make it more favorable to all parties and find bipartisan support for an independent contractor definition. Read the bill language at: <http://www.leg.state.nv.us/Session/78th2015/Bills/SB/SB224.pdf>

SB259 — Paid Sick Leave

Sponsored by Senator Aaron Ford

Senate Bill 259 proposes to require an employer to provide paid sick leave to employees at a rate of not less than one hour per 30 hours worked and may be used by an employee on their 90th day of employment. The employer may limit the usage of sick leave to 24 hours per year and may limit the accrual of paid sick leave to 48 hours per year. This bill has been referred to the Senate Committee on Commerce, Labor, and Energy, but has not yet been scheduled for a hearing. Read the bill language at: <http://www.leg.state.nv.us/Session/78th2015/Bills/SB/SB259.pdf>

AB173 — Information Security Professionals

Sponsored by Assemblyman Pat Hickey

Assembly Bill 173 proposes to define the term "information

security professional" and exempts them from being licensed as private investigators to work in Nevada. This provision would repeal current law that unnecessarily captures this group of professionals in the private investigator licensing requirements.

This bill was heard in the Assembly Committee on Commerce and Labor on February 25. RAN testified in support of this bill. No action was taken. Read the bill language at: <http://www.leg.state.nv.us/Session/78th2015/Bills/AB/AB173.pdf>

AB235 — Paid Sick Leave

Sponsored by Assemblywoman Dina Neal

Assembly Bill 235 proposes to require an employer to provide paid sick leave to employees at a rate of not less than one hour per 40 hours worked and may be used by an employee after working 168 hours. The employer may limit the accrual of leave to 40 hours per year and must allow 40 hours of accrued and unused paid sick leave to carry over between years. This bill has been referred to the Assembly Committee on Commerce and Labor, but has not yet been scheduled for a hearing. Read the bill

language at: <http://www.leg.state.nv.us/Session/78th2015/Bills/AB/AB235.pdf>

AB306 — Break Time for Nursing Mothers

Sponsored by Assemblywoman Ellen Spiegel

Assembly Bill 306 proposes to require an employer to provide an employee who is the mother of a child under one year of age with a reasonable break time, with or without compensation, to express breast milk. The employer must also provide such employees with a clean, private place, other than a bathroom, to take such breaks. Employers with less than 25 employees would be exempt from the requirements. This bill has been referred to the Assembly Committee on Health and Human Services, but has not yet been scheduled for a hearing. Read the bill language at: <http://www.leg.state.nv.us/Session/78th2015/Bills/AB/AB306.pdf>

If you have any questions or would like additional information about these bills, please contact Lea Tauchen at lea@rannv.org. ■



PHARMACY AND HEALTH CARE LEGISLATION

By Liz MacMenamin

SB 219

SB 219 requires policies of health insurance and health care plans to treat an abuse-deterrent opioid analgesic drug in the same manner as a nonabuse deterrent opioid analgesic drug; the language also requires policies of health insurance and health care plans to disclose certain incentives paid to providers.

RAN initially was in opposition to the language because of the insurance mandates and the other requirements to treat a name brand drug the same as a generic or lower price medication. RAN will continue to work with the bill sponsor to determine the best policy for Nevada.

This legislation has been

presented in other states and RAN members sent the Florida language as one consideration. This bill was heard in Senate Committee on Commerce and Labor on March 18.

The Chairman of the committee requested that all of the interested parties continue to work on language. There was also a request from the committee for information on the cost differential on the two types of opioids.

For information and updates on this legislation, please access our website or review our *Express Lane* that is sent out weekly during the legislative session.

SB 250

SB 250 is the Medication Synchronization legislation that will require certain policies of health insurance and health care plans to apply a prorated daily cost-sharing rate for certain prescriptions dispensed for a supply of less than 30 days, prohibiting certain policies of health insurance and health care plans from denying coverage for those prescriptions and from prorating any pharmacy dispensing fees for those prescriptions.

Community pharmacies provide health and wellness services, immunizations, medication therapy management, and other evidence-based service. They are an important participant

in the health care system in Nevada and nationwide. Studies have shown that adherence to medication therapies and interventions by the pharmacists equates to better patient outcomes in the long run. This is a new approach to improve patient medication adherence.

RAN, in conjunction with Senator Hardy, the bill's sponsor, presented SB 250 to the Senate Committee on Commerce and Labor on March 20, 2015. No action was taken.

For information and updates on this legislation, please access our website or review our *Express Lane* that is sent out weekly during the legislative session. ■

WASHOE COUNTY—NEW FOOD REGULATIONS PROPOSED

By Lea Tauchen

THE WASHOE COUNTY HEALTH DISTRICT HAS PROPOSED

new regulations for food establishments. Current regulations were adopted over 20 years ago, so these provisions reflect modern changes in science, technology, and food handling techniques. The language is based mostly on the 2005 FDA Food Code and will closely mirror existing regulations in the Nevada State Health District, which

covers 15 counties in the state (everywhere except Clark County and Washoe County) and the Southern Nevada Health District. This will provide more uniform application of food laws throughout the state.

Some of the changes that are of particular interest to the retail industry are the Food Protection Manager Certification requirements on page 72, a prohibition on bare hand food contact under ready-to-eat food handling on page 102, and HACCP and

Operational Plans on page 193. The proposed regulations can be reviewed at: <http://www.washoecounty.us/health/files/regulations/ehs/Proposed-Food-Regs-Feb-2015.pdf>.

The Washoe County Health District held two public workshops in March to collect feedback from stakeholders. Representatives from the food industry, such as retailers, restaurants, farmers markets, food trucks, cottage food vendors, and various other sectors were

in attendance. The next step is for Health District officials to present their recommendations to the Washoe County District Board of Health at their meeting on April 23. A public hearing and vote of approval will then be held at their meeting on May 28.

If you have any questions or would like additional information about these regulations, please contact Lea Tauchen at lea@rannv.org. ■

Got drugs?

Turn in your unused or
expired medication
for safe disposal



Prescription Drug Round Up Saturday April 25th

10:00 AM - 2:00 PM

Drop Off Locations

Incline Village Community Hospital - 880 Alder Ave., Incline Village

Raleys - 18144 Wedge Parkway, Reno

Walgreens - 10370 N. McCarran Blvd., Reno

Walmart - 4855 Kietzke Ln., Reno

CVS - 5151 Sparks Blvd., Sparks

Acceptable Items: Unused or expired prescription drugs (in original containers with the patient name marked out, over the counter pills, prescription liquids, pet medications, and sharps.

Unable to drop by on April 25th?

Dispose of unused drugs by crushing them in a seal-tight plastic bag, add kitty litter or coffee grounds, seal the bag and dispose in the trash.

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LEGISLATIVE CHAIARMEN

Editor's Note: It's been almost 20 years since Assembly Republicans have had an opportunity to chair a legislative committee. While it's been a shorter time for Senate members, due to term limits, none of the current Senate leadership has previously chaired a legislative committee.

This is a third in a series of profiles on the new legislative chairmen/women.

SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES (HHS)

Meets M & W at 3:30 p.m.
in Room 2149

Chairman: Joe Hardy
R-SD 12 Clark County
(President Pro Tempore,
Vice Chair Government
Affairs Committee,
Member of Commerce,
Labor and Energy
Committee; Revenue and
Economic Development
Committee.)

Senator Joe Hardy is an M.D. with a family practice in Boulder City and the surrounding area. After serving on the Boulder City Council, he successfully ran for the Assembly in 2002. In 2010, he was elected to the State Senate and re-elected in 2014.

When asked if, during his many years in the Assembly and Senate, there was a chairman he had admired, or what kind of chairman he wanted to be, he gave a thoughtful answer:

"I've been blessed with many good chairmen and the goal of the chairman is to get as much information as you can from as many parties as you can, and keep it open enough so that you will decrease the unintended consequences; decrease negative feelings, and just



Senator Joe Hardy, Chairman Health & Human Services

make it more fair and more equitable, so the chairs that are solicitous of others feelings make the best chairs. Chairmen can be intimidating, not because they are, but because of the trappings, the raised chair, the gavel, the microphone, all the trappings. That's why I like to meet at this table instead of the desk. It's less intimidating.

"So as chairmen we have to be aware that people have tender feelings; they don't want to look foolish and they're worried about the right thing to say, so when we as legislators pick on them—lobbyists are sort of fair game, they know the process—but the public, they're trying to express something that's close to their hearts or to their souls and we shouldn't pick on them.

"The best thing about the public is that generally they're right. We can learn from them,

they have a concern and they let us know. And when they do, the press reports it and then others who also had the same concern will come forward and we have new information."

He smiled, "So who was my favorite chairman in the past? I won't name anyone, it would be a disservice to all the good chairmen I've had," he said.

On the wall opposite Hardy's desk is a large white board with columns of issues written in black and notes written in red on various items. He discussed some of the more important issues, depending upon your point of view.

"Important issues? That depends on whom you're talking to. Each thinks his issue is the most important. Mental health, we certainly have an obligation to help then and the helpers for those people. I sit on the board of Easter Seals, and we've learned that people who are newly disabled, and blind people, are given a hard time when they want to bring someone in to help them vote.

"Bills that affect the most people are important such as prescription addiction. Doctors get defensive; the pharmacy knows who the big users of narcotics are

and they have a problem conveying that to the doctors, so this is something we do something about. There are confidentiality issues right now that prevent them from talking to each other. So we allow them to speak to each other and convey that information confidentially. Educate everyone.

"Alzheimer's is getting more important as the baby boomers age and we see more cases.

"We need more doctors in Nevada. If they come to train, then they might stay... raise the Graduate Medical Education (GME) ... I'm connected to Roseman University of Health Sciences which is allopathic, and I'm an associate professor at Touro University." He chuckled and explained, "I'm an M.D. in an osteopathic medical school and a Mormon in a Jewish medical school. My brother-in-law calls me an O.D.—odd duck."

"So this is my breakout session when I get to do medical stuff. My first year, (Former Congressman from Boulder City) Jon Porter said, "Don't do medical stuff; do other stuff to show you're a rational guy."

"I like people. And most of the people I know have problems. As a family practitioner I'm blessed to



LEGISLATIVE CHAIRMEN

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have the opportunity to help people...being a legislator is much like being a doctor. You talk to someone, find out the problem, you research for information, and then you make a diagnosis and come up with an answer," he concluded.

ASSEMBLY COMMITTEE ON HEALTH AND HUMAN SERVICES (HHS)

Meets M, W, F at 1:30 p.m.
in Room 3138

Chairman: James Oscarson R-AD 36 Clark, Lincoln, Nye Counties (Member of Natural Resources, Agriculture and Mining Committee; Ways and Means Committee.)

James Oscarson knew exactly what kind of chairman he wanted to be.

"Certainly I admired the (former) Speaker, Marilyn Kirkpatrick. She set a good example for people to follow -- always fair, as a freshman, she made me feel like I had a voice. And I think that's important to do with the committee. We have a very engaged committee that asks good questions that sometimes surprise the presenters. The committee members have done their reading and studied and their questions are based on good solid data."

"They have diverse backgrounds. They are people who do their homework. Dr. Titus is very sharp and lends that medical credibility

to the group especially on physician issues. I have the nursing, insurance and hospital perspective. Amber Joiner has a health-related background and it's great to have the Speaker (Hambrick) on the committee because he's involved in the trafficking issues," he enthusiastically explained.

Oscarson was re-elected to his second term without opposition. He represents a large rural district and works hard to ensure that the rurals are not forgotten in any legislation.

His background makes him uniquely qualified for the variety of HHS issues. Trained as a nurse, Oscarson owned a small business before working for health care organizations. Presently he's the Director of Community Relations at Desert View Hospital in Pahrump.

Inheriting a quick wit, Oscarson has found it handy to sometimes lighten the heavy load of touching, and occasionally heart-breaking, testimony from presenters. "Sometimes the testimony will have you rethink something. We all read the material and are pretty well ready for the presentations, but some of them do touch us deeply. It may not change your mind, but the perspective could change," he said.

Oscarson also sits on the Ways and Means HHS subcommittee where they look at the needs across the



*Assemblyman James Oscarson,
Chairman Health & Human Services*

state and the money available to cover the costs.

"There are many needs and only so much money, so we're faced with trying to do the most good and impact as many people as possible, but we also have to look to the future."

As chairman of Assembly HHS, Oscarson works closely with the Senate Chairman, Joe Hardy, M.D.

"He's a great man who I admire. We're working closely on the prescription drug addiction problem and I hope we're making some progress. Senator Hardy and I are working closely with physician and pharmacy groups. I've gotten good information from Larry Pinson from the Pharmacy Board and I've met with a group from Walgreen's to discuss these issues."

"We're making progress; there are now boxes in hospital emergency rooms to dispose of prescription drugs so they not stolen and become street drugs. People

have learned not to flush the drugs and put them in our water system. Nye (County) got a grant and put two big steel boxes for disposal of unused drugs. The Sheriff's office empties it regularly and it's full of drugs from people who have passed away or old prescriptions. Now people can take drugs to these places instead of having them in their homes.

"We're also working hard on telemedicine. Telemedicine will be a huge issue for network adequacy, para-medicine, we have telehealth by United Health and Anthem Blue Cross/Blue shield have a great system for the rural areas. There are great distances between physicians, primary care doctors. There's a gambit of things that need to take place to make networks more available and telemedicine is one of the tools," he explained.

Clearly James Oscarson enjoys being HHS Chairman, but his passion for healthcare existed even as just a member of the committee.

"If you want to know what I'm really about, look at the picture on the wall. It's the first thing you see when come into my office. It's from the Mayo Clinic ... that's what I'm about," he concluded.

The photo reads: "The best interest of the patient is the only interest to be considered." ■



Nevada Notes

GOV. SANDOVAL STARTS PUSH FOR BUDGET

Governor Brian Sandoval is headed to the Legislature looking for Republican votes for his controversial budget that aims to increase fees and taxes to pay for a big bump in education funding.

Bryan Wachter with the Nevada Retail Association told KNPR's State of Nevada that although his group agrees with the governor's goals, his plans to get there are a problem.

"We congratulate the governor on his leadership for the budget itself in terms of where he wants to spend state resources," Wachter said. "The question we have is: is a gross receipts tax the best vehicle to get that money? We disagree."

Wachter believes the proposal puts an undue burden on businesses because of the structure. He believes changes to the modified business tax, the sales tax and the live entertainment tax are better ways to generate more revenue.

"We need to do things to our existing revenue streams to make them better, more efficient and would actually bring in more dollars before we look at something that is incredibly new, incredibly unpredictable," Wachter said.

KNPR

TOURISM PANEL OKS METHOD TO PAY FOR 1,200-SPACE GARAGE

Las Vegas leaders may never land a soccer stadium downtown, but it looks as if they will get a parking garage.

Nevada Tourism Commission members approved the means to pay for the 1,200-space garage on 61 acres of former Union Pacific railroad yard in Symphony Park.

A city-commissioned tourism improvement district study reviewed by Brian Ayala and fellow tourism board members projects that Symphony Park will see the completion of three casinos, 1,800 residential units and 257,000 square feet of retail space by the start of 2016 — growth projections some City Council members have called "absurd."

None of Symphony Park's three major developers is contractually obligated to build in the area by 2016, according to the city Economic and Urban Development Director.

Some didn't see why The Smith Center parking deal ought to be subsidized by other municipalities' sales tax dollars, but said their hands were tied by a poorly written state law that asks tourism commissioners to consider only the narrow question of whether tourists

are expected to shell out the majority of new sales taxes collected in a proposed tourism district.

County leaders have called into question the newly approved tourism district's borders, calling them "gerrymandered" — drawn up by connecting parcels that aren't contiguous, using a road's right of way to connect to an outlet mall expansion already in the works.

LVRJ

RETAIL SHOPPING IS SO LAST SEASON

Because of a labor conflict, stores are playing catch-up with their merchandise.

Perusing the racks at Macy's, wool sweaters and ankle boots crowd the racks where floral dresses and sandals should be.

Furnishing wholesaler Softline Home Fashions Inc. reported \$80,000 worth of backlogged curtains, pillows and home decor meant for Wal-Mart. Shipments of microwaves, computer components and other small electronics have been delayed, and even some pharmacies lag in restocking medication.

A nine-month labor conflict between dockworkers and West Coast ports ended late last month with a tentative agreement, but the ripple effect of the stalemate will be felt for

months to come.

The backup is the worst in recent history and is expected to cost retailers as much as \$7 billion in lost revenue this year.

Many retailers planned ahead for delays and a possible strike by stocking up on winter offerings. The result is a patchwork inventory that has left many shoppers confused.

"Fourth quarter is retail's bread and butter," said Bryan Wachter, director of public and government affairs at the Retail Association of Nevada. "It's when people are spending more and gifting more, and they want the latest fashions."

If people can't find what they want in local stores, they shop online, Wachter said. In Nevada, that has translated into a financial hit in lost sales tax revenue.

"Regardless of whether a store is in a strip mall, a high-end mall or on its own, it's all affected the same way," Wachter said. "You're struggling to provide the product and service the consumer has come to expect and want from you."

L.V. Sun

ATTORNEY GENERAL LAXALT OFFERS TIPS

Nevada Attorney General Adam Paul Laxalt offers tips of recovery for victims of data breaches. Recently, many consumers

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National Notes

NSC POLL:

Nearly 70 percent of prescription painkiller users don't know opioid sharing is a felony. In most states, sharing narcotic opioid painkillers is equivalent to selling heroin

The National Safety Council released a national public opinion poll showing nearly 70 percent of those who take opioid prescription painkillers do not believe sharing the medications is a felony. In reality, most states consider sharing narcotic opioid painkillers, such as hydrocodone or oxycodone, to be the legal equivalent of selling heroin — punishable by as many as seven years in prison.

"Forty-five people die every day from overdosing on prescription painkillers," said Deborah A.P. Hersman, president and CEO of the National Safety Council.

"These medications are federally controlled substances and gateway drugs to heroin. Sharing drugs is never worth the risk, especially when non-addictive, over-the-counter pain relievers are often better options."

Other key findings from the public opinion poll include:

- Nine in 10 opioid painkiller users are not concerned about addiction as a side effect, though 60 percent of users have at least one addiction risk factor

- 69 percent of opioid painkiller users feel opioids are the most effective medications to treat pain, though research shows this is not true

- Americans mistakenly believe gun violence, severe weather and commercial airline travel are more significant threats to their safety than opioid painkillers
- Many Americans do not realize they have taken opioids

National Safety Council

BOOMERS STILL HAVE LOTS TO SPEND, STUDY SAYS

Aging Baby Boomers still represent a major marketing opportunity but one that is generally being underserved, according to a study by Fung Business Intelligence Centre, New York.

"Blame a youth-obsessed culture and outmoded attitudes about aging," Deborah Weinswig executive director of global retail and research for FBIC, said in a report entitled, "A Booming Opportunity: Profiting from a Graying America."

"Boomers are redefining what it means to be old," she wrote. "They are healthier, richer and more active than previous generations of older Americans ... [and] will remain healthy spenders as they age."

"Given its sheer size and economic clout, the 50-and-older demographic will

- remain the dominant and most influential consumer group for years to come.

Forward-minded companies are rethinking their tired presumptions about older customers and finding new and lucrative ways to reach them.

"We see an unprecedented competitive and profit-growth opportunity for companies that can provide the products, services and shopping experiences that meet this cohort's changing life-stage needs.

"In terms of grocery spending, Weinswig cited research that indicates Boomers will control more than half the dollars spent on food in the U.S. this year.

Among Weinswig's other observations on the strength of Boomers:

- They dominate 119 of 123 CPG categories and account for close to half of CPG spending, "[yet] older Americans feel invisible to most marketers."

- People age 55 and older control more than 75% of America's household net worth of \$81.5 trillion.

- Boomers between 55 and 64 outspend Millennials — by nearly \$8,000 on average in 2013.

"Yet consumer-centric companies have been slow to respond to the demands of this powerful new consumer force," Weinswig said.

- Aging Boomers "don't want to be approached in ways that remind them of their age," she added. "Products that are overtly marketed to older Boomers risk alienating younger ones."

However, because Boomers vary in health, personal finances and lifestyles, "a one-size-fits-all approach won't work," Weinswig said.

Supermarket News

CONGRESS MUST RESOLVE ONLINE SALES TAX DISPARITY

The National Retail Federation issued the following statement from Senior Vice President for Government Relations David French on introduction of the Marketplace Fairness Act by Senators Mike Enzi, R-Wyo. and Dick Durbin, D-Ill.:

"We welcome this effort to level the sales tax playing field between Main Street merchants and online retailers. For far too long, brick-and-mortar retailers have faced a competitive disadvantage solely because of Congress' inability to resolve the online sales tax disparity."

"Retailers should be allowed to compete for customers and sales on price, service and selection and not forced to compete on whether or not they collect state and local sales tax."

"The introduction of this

Continued on page 11



Important Information for SIG Members

NRS requires all existing members of a self-insured group to be notified of all new members.
NRNSIG new members are listed below.

Andrew Head LLC dba Dutch Bros. Coffee
 Art in Stone Designs LLC
 Cable Factory, LLC
 Distortion Plastics, LLC
 EARH Inc. dba The Nugget
 Eye-Fi Inc
 JAKS Inc. dba JAKS Installations
 JP3 Management
 North State Drug and Alcohol Testing Facility LLC
 Slot Juice Studios
 Slot Wood LLC
 SOSU Corporation dba SOSU TV
 The Sheet Metal Shop LLC
 Yellowfish Graphics LLC

NRNSIG members who wish to register a negative vote on a new group member, please write NRNSIG at 575 S. Saliman Road, Carson City, NV 89701, indicating which member and the reason(s) for the negative vote.

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MEMBERSHIP INFORMATION: Find out more about RAN's self insured group. Call Mike Olson, **800-859-3177**,

10 ♦ or the RAN office at **775-882-1700** (toll free in Nevada 800-690-5959). Don't forget to check out our website, www.RANNV.org.



NEVADA NOTES *Continued from page 8*

have received notifications from several major companies about hackers acquiring their personal information. While it may not always be possible to avoid keeping all of your personal information safe from a data breach, consumers can take steps to mitigate damages after the fact.

In the short term, if you are concerned that your identity has been stolen, consider taking these actions to prevent harm to

your personal and financial information:

● **Place a fraud alert on your account.** The alert will require any business to verify your identity before issuing credit in your name. To place a fraud alert, contact Experian, TransUnion and Equifax to let them know you are a victim of identity theft and would like a fraud alert on your credit file. The alert is free and will stay on your credit report for 90 days.

● **Order your credit**

report. If you placed an initial fraud alert, you may obtain a copy of your credit report for free. If you did not set a fraud alert, you can order one free copy per year from Annualcreditreport.com. Once you have a copy, dispute any errors you find with the credit reporting agency and fraud department of each business.

● **Set up a credit freeze if you are worried about damage to your credit.** A credit freeze limits

access to your credit and makes it more difficult for a hacker to open an account in your name. A credit freeze will last until you choose to remove it. Keep in mind that a credit freeze will require a fee of approximately \$10. Whether you place a fraud alert or a credit freeze on your account, you should still monitor your credit for potential fraud.

AG Press Release

NATIONAL NOTES *Continued from page 9*

legislation is a welcome sign that lawmakers may finally act on this retail industry priority, and builds upon ongoing activity in the House and Senate. It also comes on the heels of Supreme Court Justice Anthony Kennedy's admission last week that the Court got it wrong on sales tax collection two decades ago and should revisit its decision.

"It is Congress' responsibility to lay out a legislative framework on online sales tax collection and we hope that the introduction of this bill will spur congressional action to remedy this problem this year."

A similar version of the Marketplace Fairness Act passed the U.S. Senate on May 6, 2013 with a broad, bipartisan vote of 69 to 27.

NRF Press Release

IMPORTS STILL RISING AS WEST COAST PORTS WORK ON BACKLOG

Import cargo volume at the nation's major retail container ports is expected to rise an unusually high 16.9 percent this month over the same time last year as West Coast ports begin to dig out from a backlog of cargo that built up during just-concluded contract negotiations with dockworkers, according to the monthly Global Port Tracker report released by the National Retail Federation and Hackett Associates.

"The contract talks are over, but the tentative agreement still has to be ratified and it's going to take months to get back to normal on the West Coast," NRF Vice President for Supply Chain and Customs Policy Jonathan Gold said. "Retailers'

immediate priority is to make sure spring merchandise reaches store shelves in time. Going forward, we want labor, management and Washington to work together to see that we never again have a situation like what we went through these past several months."

Following negotiations that began last spring, the contract between the Pacific Maritime Association and the International Longshore and Warehouse Union expired on July 1.

Despite ongoing talks, the lack of a contract and other operational issues led to crisis-level congestion at the ports, and retailers and other businesses asked President Obama in December to encourage the use of a federal mediator. A mediator joined the talks in January but a tentative

agreement was not reached until February 20, after Labor Secretary Tom Perez sat down to personally broker a deal.

Congestion at West Coast ports has prompted many importers to shift their cargo elsewhere, prompting speculation on how long the shift might last. West Coast ports handled 55 percent of cargo this January, down from 64 percent during the same month in 2014, while East Coast ports handled 45 percent, up from 36 percent.

Hackett said sending ships from Asia to the East Coast is more expensive than the West Coast, takes longer, and results in higher expenses to move the cargo to Midwest distribution centers by rail.

NRF Press Release



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WASHINGTON RETAIL INSIGHT

RETAILERS URGE CONGRESS TO OVERTURN 'AMBUSH ELECTION' RULE NRF CALLS NLRB RULE 'NAKED ATTEMPT' TO FAVOR UNIONS

WASHINGTON: THE NATIONAL RETAIL FEDERATION

(NRF) has asked the House to approve legislation that would overturn a National Labor Relations Board regulation allowing "ambush" union organizing elections, saying the rule infringes on employee and employer rights and is an attempt to favor union organizing. The Senate approved the legislation earlier this month by a vote of 53–46, and the House is expected to take it up later this week.

"The rule grossly shortens the timeframe for union representation elections, trampling employer due process rights while also limiting employee access to essential information and violating employer free speech rights," NRF Senior Vice President for Government Relations David French wrote in a letter to members of the House. "The rule also violates worker privacy rights and will harm retail and restaurant employees and employers and threaten our economy."

The NLRB issued the regulation in December and it is scheduled to take effect on April 14. Under the new rule, union-organizing elections could take place in as little as 14 days after a petition is filed, down from the current median of 38 days. Employers would also be required to turn over workers' personal contact information to union organizers.

"The NLRB's rule is not about efficiency but rather a naked attempt by the board to tip the scales in favor of union organizing

by holding representation elections before employers can communicate with their employees," French said. "This is particularly problematic as the law allows unions to secretly campaign for months or years prior to the election." NRF will include consideration of the legislation, S.J.Res. 8, as a 'key vote' in its annual voting scorecard. NRF is also challenging the 'ambush election' rule in court, saying it violates the National Labor Relations Act. ■