

THE 2017 LEGISLATIVE MATRIX

By Bryan Wachter

OBJECTIVITY IN POLITICS IS OFTEN THE GOAL, BUT VERY INFREQUENTLY

achieved. Following the 2003 Legislative Session, RAN's Board tasked the association with developing a metric that could be used to gauge how willing state legislators would be to support Nevada's retail community specifically, and it's business community generally. What resulted from that exercise was RAN's Legislative Matrix.

Published after every regular session of the Nevada Legislature, RAN's matrix gives a detailed look at how state lawmakers voted on key legislation affecting the retail community.

The matrix however, goes beyond just vote tallying. It takes more than voting one way or another to be an effective supporter of the retail community. From bill introductions to lending support during committee hearings, legislators have the ability to effect real change during the legislative process before a bill even comes up for vote. RAN's matrix allows for those other legislative activities to play a role in a legislator's final score, giving our members a more accurate reflection of which lawmakers support retail and those lawmakers who don't.

The 2017 Legislative Matrix marks a considerable improvement in scores from last session's Legislative Matrix. In 2015, none of the members of the Senate Democrat Caucus scored the requisite 65% needed to support an incumbent in their next election.

This year only four of the eleven members of the SDC did not meet that benchmark. Senator Kelvin Atkinson (D-Clark County) was the highest scoring democrat in both houses with a score of 77%. Two members of the Assembly Democrat Caucus met the 65% threshold this session; Assemblywomen Carlton (D-Clark County) and Neal (D-Clark County).

Even Republican scores increased this session. In 2015 more than half of the Assembly Republican Caucus failed to meet a passing score compared to all of their members receiving above 65% this cycle. The Senate Republican Caucus continues to be the strongest of the four legislative groups with none of their members scoring below 100%. (Extra credit is given to legislators for support RAN receives during committee hearings leading to possible scores above 100%).

As we have reported in past editions of Nevada News, the

2017 Legislative Session was less anti-business than we feared in February. Given the rhetoric leading up to the session, RAN and our business allies were very concerned with proposals that were made at the beginning of the legislative calendar.

However, and as the Matrix substantiates, Democrat leadership showed they were willing to work together with RAN to reach a number of compromises on a cornucopia of issues. We look forward to continuing that relationship for sessions to come, and we look forward to supporting those candidates who support Nevada's retail community. ■

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WHY DO THE “EXPERTS” KEEP SAYING “RETAIL IS DYING?”

By Mary Lau, RAN CEO

MARK TWAIN HAS BEEN MISQUOTED THROUGHOUT

history regarding the rumors of his demise. His actual note to his cousin was, “... the rumors of my death was an exaggeration.” I applaud his effort to clear up the exaggeration with his cousin and I hope the buying public will also understand that brick and mortar retail is still here and not going anywhere. There will always be a buyer and

a responding seller and, while the Internet has taken a share of the market the much-touted “Amazon effect” is not as dangerous as it appears.

One of RAN’s Legislative Committee members is a representative from the International Council of Shopping Centers and his company recently hosted a conference for their members. In talking with one of these members, the discussion focused on the fear factor that is being

carried through media and trade journals about said “Amazon effect” and its relevance.

Now, not for a moment would anyone ever assume Amazon to be irrelevant, but there is a curiosity about the Wall Street concerns versus hard evidence. It makes one ponder when Amazon is returning to a brick and mortar model for its bookstores and has also recently purchased Whole Foods, again a brick and

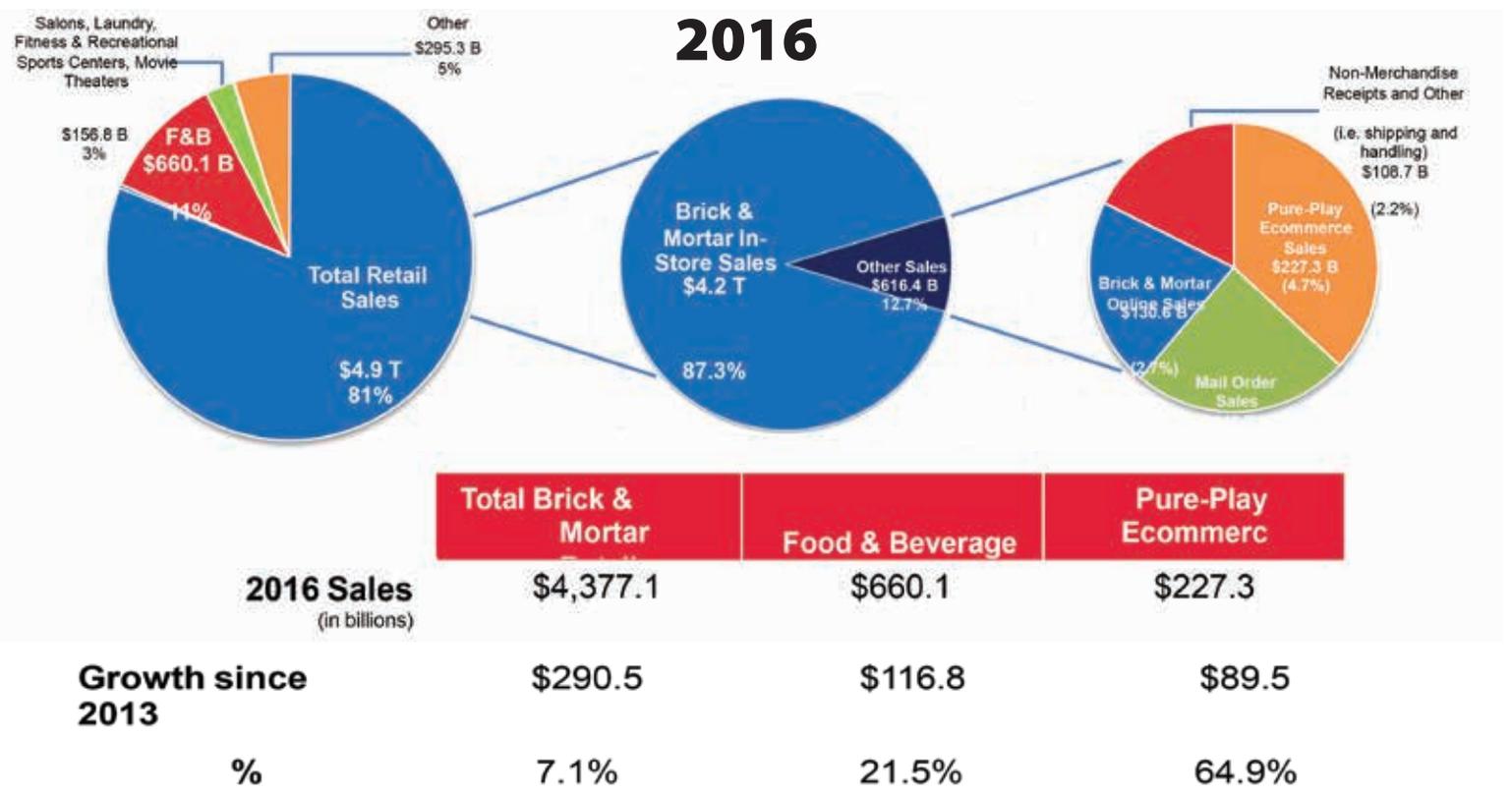
mortar model.

The following chart, which was part of a presentation by ICSC’s CEO Tom McGee, clearly shows that (stealing from the slide title) “Retail real estate is becoming consumer real estate”. When you review this chart, retail brick and mortar stores still maintain 87.3% of the market place and also maintain 2.7% of the 12.7% of on-line and other sales.

The point is, brick and

Continued on page 3

Retail Real Estate is Becoming Consumer Real Estate





CHANGES TO NEVADA LAW FOR CONTROLLED SUBSTANCES

By Liz Macmenamin

NEW LAWS REGARDING THE PRESCRIBING

of controlled substances, were statutorily changed in Assembly Bill 474, and will be taking effect January 1, 2018.

Practitioners licensed to prescribe controlled substances should be aware of the new law. Patients receiving controlled substance prescriptions should also be aware of what a "valid" prescription for these

substances must include. Prescribers will have to issue prescriptions containing new information. It will now be mandatory for the prescription to include the patient's date of birth and the International Classification of Disease, tenth edition, (ICD-10) diagnosis code for the disease being treated. The prescriber must have a bona fide relationship with the patient and establish a diagnosis and treatment plan.

These changes that will take effect are part of an ongoing discussion in regard to the opioid crisis in the state of Nevada with discussions being led by Governor Sandoval and the First Lady. The governor and his staff have worked with the community to bring forth a common-sense approach to addressing this issue, while still protecting Nevada patients. The prescribers and pharmacists have been part of the discussion and have agreed that

this approach may well address some of the major problems of prescription overdoses seen in the community. These are just a few of the changes that will be seen in Nevada. RAN will furnish information provided by the State Board of Pharmacy in next month's edition of the newsletter. This will be important for the provider and as well as the patient. ■

"EXPERTS" *Continued from page 2*

mortar is alive and well but changes are needed and they are occurring. When you look at the reports from media covering retail, you will see where Walmart has taken steps to streamline operations, some say in response to Amazon. Target and Macy's have instituted fashion campaigns that increase opportunities and advance their private label sales.

Many of the larger retailers are partnering with other retailers, again using Macy's as an example with Men's Warehouse coming into their stores.

In an interview with

Motley Fool, which is a financial services company, Sarah Priestly, a partner with Sherman and Sterling (Wall Street) is quoted as saying "Retail spending as a whole, according to the Census Bureau, is up 5% year over year, and up 18% in the last five years."

Main Street retailers may struggle with re-inventing themselves a bit, but with the advance of technology new entrepreneurs are being introduced every day. Interestingly enough, Millennial Shoppers actually have proven to like Brick-and-Mortar stores.

There's an old adage that is either credited to General Patton by some and Laurence J. Peter by others that goes – lead, follow or get out of the way. That adage is, in my humble opinion, where Main Street has it over Internet shopping.

Shopping is nuanced and multi-staged and to stay complacent would be a mistake—be it malls, so called big-box, multi-state, multi-national or mom and pop. The opportunities to expand or start and grow are there for the current and future retailers.

The "boogiemán" in the

closet doesn't have to be the Internet for retailers any more than on-line gaming will put gamers out of business or any other scenario you can imagine. Watch for change, nuanced growth and new customer segments.

Millennials and Gen Z shoppers are looking for contact and a new kind of experience. They care about their communities and their environment. Think of all the potential customers and their needs and a retailer can always get excited about change. ■



NEW LAWS TO TAKE EFFECT

This is a brief review of several bills that passed during the 2017 Legislative Session that may affect the retail industry. For more information on these bills and all other 2017 legislation, please refer to the Nevada Legislature's website at www.leg.state.nv.us.

BILLS THAT TAKE EFFECT ON OCTOBER 1

Pregnant Workers' Fairness Act – Senate Bill 253 provides female employees and applicants for employment with protections similar to those in the federal Pregnancy Discrimination Act.

This bill requires employers to provide reasonable accommodations, upon request, to female employees and applicants for employment for a condition of the employee or applicant relating to pregnancy, childbirth, or related medical conditions unless it would impose an undue hardship on the employer. Employers are required to provide a written or electronic notice of this law to a new employee upon commencement of employment and again within 10 days after an employee notifies the employee's immediate supervisor that the employee is pregnant.

The notice is also required to be posted in a conspicuous place that is accessible to all employees. Please note that this bill authorizes an employer to require a

female employee to provide an explanatory statement from her physician should she make a request for an accommodation. Employers with less than 15 employees are exempt.

Please read all the details of Senate Bill 253 at: https://www.leg.state.nv.us/Session/79th2017/Bills/SB/SB253_EN.pdf.

Internet Privacy Notifications – Senate Bill 538 requires owners and operators of websites used for commercial purposes that collect personally identifiable information to provide certain notices relating to the privacy of that information. Websites will need to contain a notice that can easily be accessed by customers to inform them of the categories of covered information collected when they visit the site.

Websites will also need a description of the process for an individual consumer to review and make changes to the covered information that has been collected. Additionally, websites must have the effective date of the notice and describe the process by which customers will be notified of any material changes

that are made to the notice. This requirement is waived for operators located in Nevada that derive their revenue primarily from a source other than online sales and have fewer than 20,000 unique visitors on their website each year.

Please read all the details of Senate Bill 538 at: https://www.leg.state.nv.us/Session/79th2017/Bills/SB/SB538_EN.pdf.

Baby Changing Tables in Public Restrooms – Assembly Bill 241 requires that every permanent building or facility used by the public (includes businesses such as retailers and restaurants) and constructed on or after October 1, 2017 be equipped with one or more baby changing tables accessible to men and women. Buildings and facilities are exempt if they do not have a public restroom or if they have a license which restricts children on the basis of age.

Please read all the details of Assembly Bill 241 at: https://www.leg.state.nv.us/Session/79th2017/Bills/AB/AB241_EN.pdf.

BILLS THAT TAKE EFFECT ON JANUARY 1

Prohibited Sale of Products Derived from Certain Animal Species – Senate Bill 194 prohibits the purchase, sale, or possession with intent to sell any item that is, wholly or partially, made of an animal part from a shark fin, a lion of the species *Panthera leo*, or any species of elephant, rhinoceros, tiger, leopard, cheetah, jaguar, pangolin, sea turtle, ray, mammoth, narwhal, walrus, or hippopotamus.

Law enforcement, antiques, musical instruments, knives and firearms, scientific or educational institutions, and sport-hunted items legally obtained are exempt from these provisions.

Please read all the details of Senate Bill 194: https://www.leg.state.nv.us/Session/79th2017/Bills/SB/SB194_EN.pdf.

Leave for Victims of Domestic Violence – Senate Bill 361 requires an employer to provide up to 160 hours of leave during

Continued on page 7



FORMULA FOR CALCULATING MATRIX SCORES

RAN HAS PUBLISHED A LEGISLATIVE VOTING

matrix following each legislative session since 2005. This is a valuable tool that we use to evaluate what happened this session and how it compares to past sessions, as well as how to prepare for the upcoming election cycle and future legislative sessions.

Each session begins with a clean slate. Matrix scores are not carried forward from session to session. This allows legislators an opportunity to become more familiar with business issues and vote their conscience.

We do not select the bills that will be assessed on the matrix until after sine die. At that time, the RAN Government Affairs team determines the bills that most impact the retail industry as identified by our Legislative Committee's list of priorities.

The matrix reflects a broad range of business issues that presented a clear choice for legislators to protect the business climate or not.

Industry Bill Votes

— This category accounts

for 88% of a legislator's total matrix score. The bills that appear on the matrix represent a cross section of our member issues, with general business, general merchandise, grocery and pharmacy issues all taken into account.

For each bill, the scores are based on the final floor vote in either chamber, and not based on votes taken in committee. A score of "5" indicates a pro-business position on a bill while a "0" indicates an anti-business position on a bill. A perfect pro-business voting record score is 75 points for the Senate or 65 points for the Assembly.

Primary Sponsor Bill Introductions — This category accounts for six percent of a legislator's total matrix score.

The Bill Introductions category scores a legislator on the potential business impact of the bills that they requested as a primary sponsor, regardless of whether those bills received a hearing or a vote.

Bill Introduction scores range from the lowest possible score of "-5" to the highest possible score of "5", with "0" being a neutral score.

Accessibility — This

INDUSTRY BILL VOTES

- + PRIMARY SPONSOR BILL INTRODUCTIONS
- + ACCESSIBILITY

SUB-TOTAL POINTS

- + COMMITTEE ASSISTANCE (EXTRA CREDIT)

2017 LEGISLATIVE SESSION MATRIX SCORE

category accounts for the remaining six percent of a legislator's total matrix score. The Accessibility category scores a legislator on the work that happens between committee hearings and floor sessions.

Having the opportunity to discuss business issues with legislators is crucial to the legislative process. Accessibility scores range from the lowest possible score of "-5" to the highest possible score of "5", with "0" being a neutral score.

Committee Assistance (Extra Credit) — This category provides an opportunity for legislators to earn extra credit.

The Committee Assistance category scores a legislator on their ability to advance pro-business legislation by asking pertinent questions during committee hearings, speaking publicly in favor of such issues, lobbying their colleagues, or providing other assistance.

Committee Assistance scores range from the lowest possible

score of "0" to the highest possible score of "5".

RAN has determined that an individual legislator's total matrix score of 65% or greater is necessary for us to consider making a campaign contribution for the 2017-2018 election cycle.

Please note that all legislative votes are public record and are available through the Legislative Council Bureau website at www.leg.state.nv.us.

We encourage our members to research votes on bills of particular interest to them. And to contact their legislators to thank them for their support or urge them to do better next session.

Overall, here are the average scores calculated from the matrix:

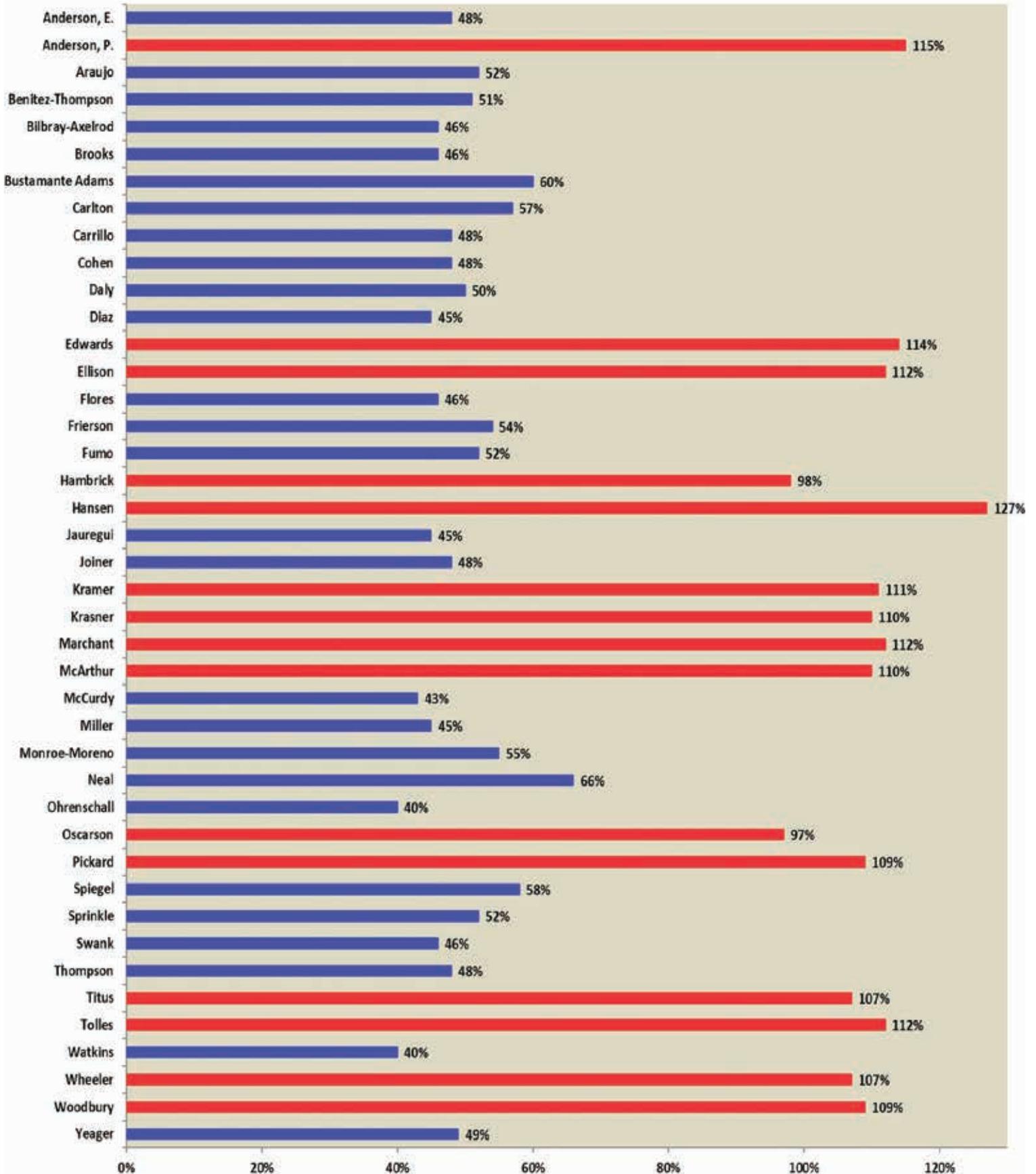
Assembly Average Score 71%
Democrats 50%
Republicans..... 110%

Senate Average Score 85%
Democrats: 65%
Republicans:..... 111%

See the Matrix on Pages 6/7; Additional information on Page 8. ■

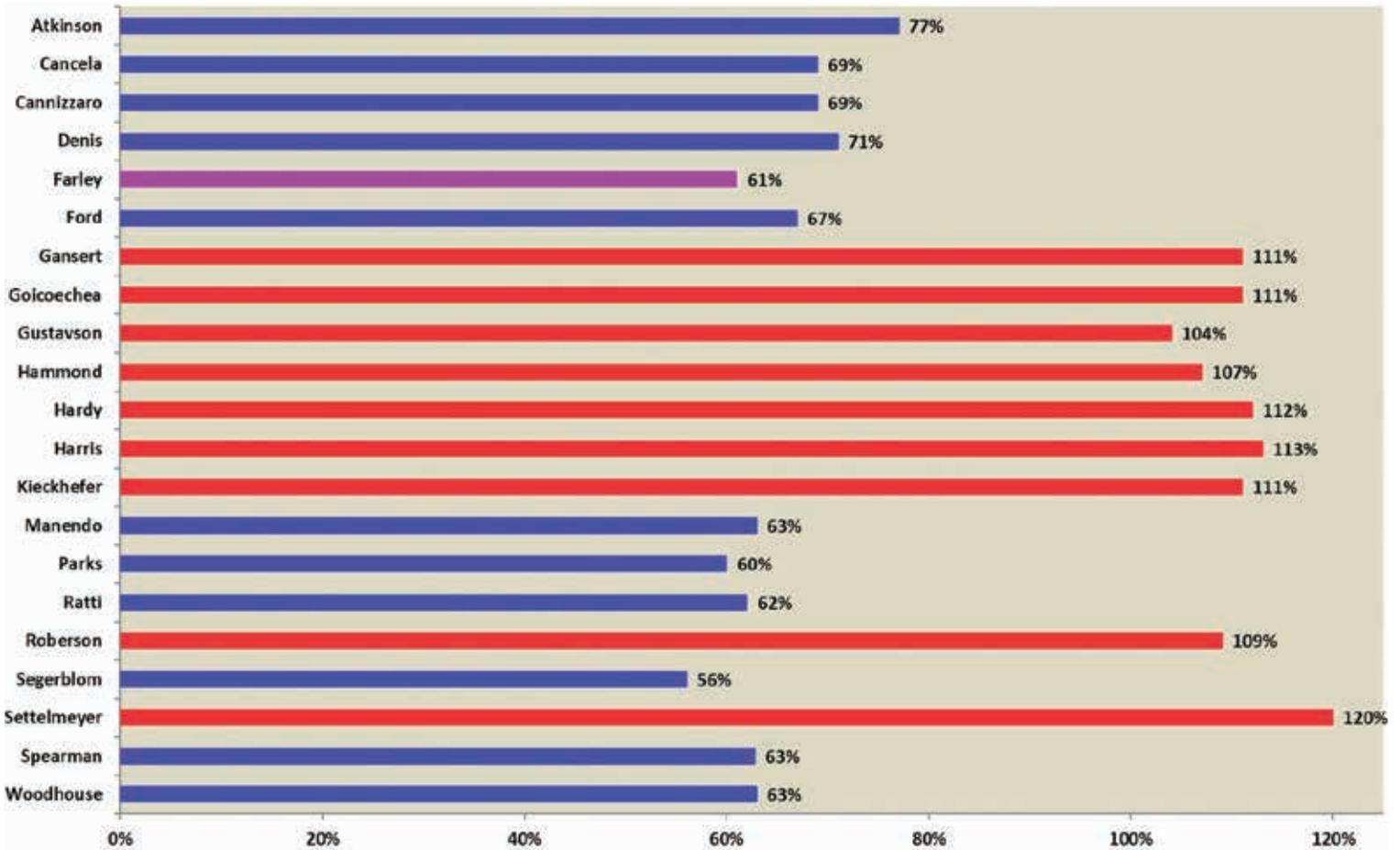


2017 MATRIX SCORE – ASSEMBLY





2017 MATRIX SCORE – SENATE



NEW LAWS

Continued from page 4

a 12-month period to an employee who has been employed for at least 90 days and who is a victim of domestic violence.

The leave may be paid or unpaid; must be used within 12 months immediately following the date on which the domestic violence act occurred; may be used consecutively or intermittently; and under certain circumstances must be deducted from leave permitted by the Family and Medical Leave Act.

- The leave may only be taken for the uses specified in the bill and the employee must provide the employer with not less than 48 hours advanced notice.

- The employer may require the employee to provide documentation that confirms or support the reason the employee is taking leave.

- This bill also requires the employer to maintain a record of the use of the hours of leave for a 2-year period and to make

- those records available for inspection by the Labor Commissioner.

- Please read all the details of Senate Bill 361 at: https://www.leg.state.nv.us/Session/79th2017/Bills/SB/SB361_EN.pdf.

- **Report on Full-time Employees on Medicaid** – Senate Bill 366 requires an annual report which lists all employers with 50 or more employees and the number of their full-time employees who

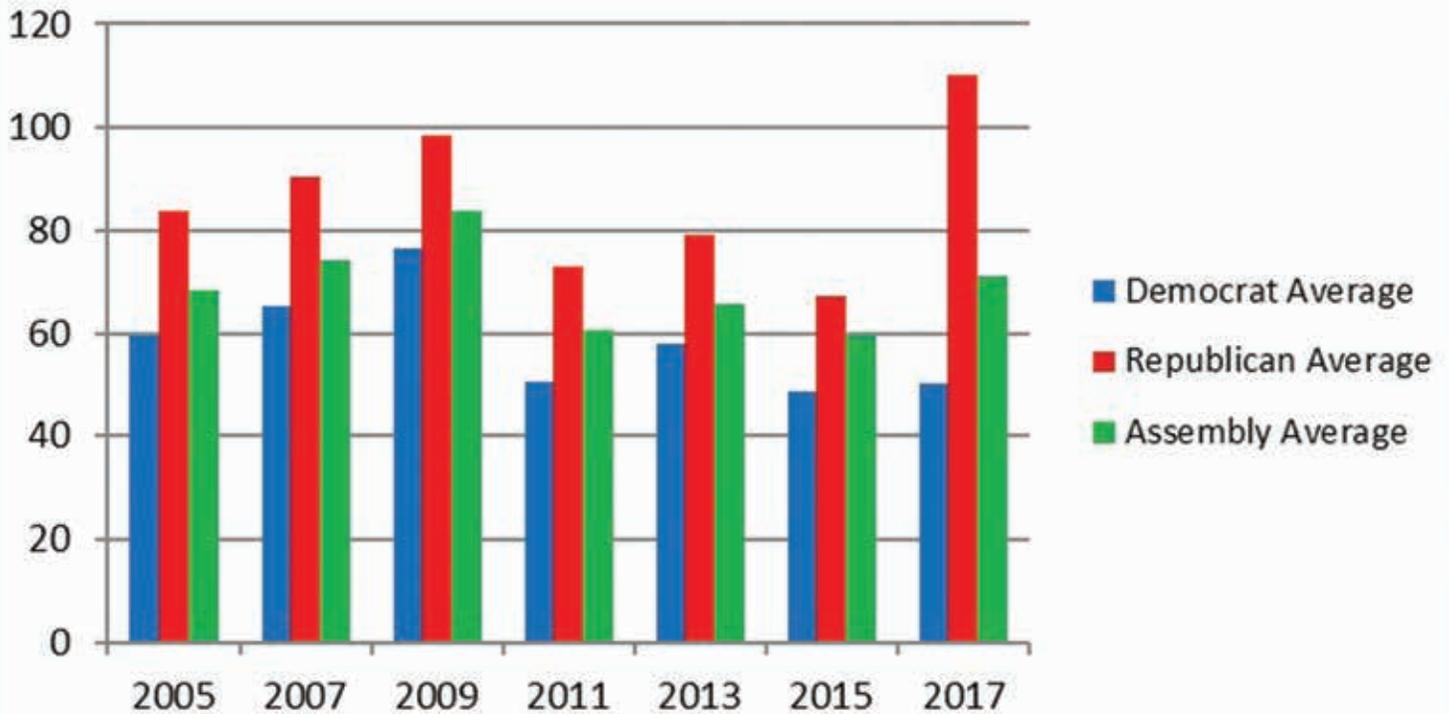
- are enrolled in Medicaid, as well as whether those employees have access to an employer-based health care plan.

- This report will be submitted to the Governor, the Legislature, and the Advisory Committee on Medicaid Innovation.

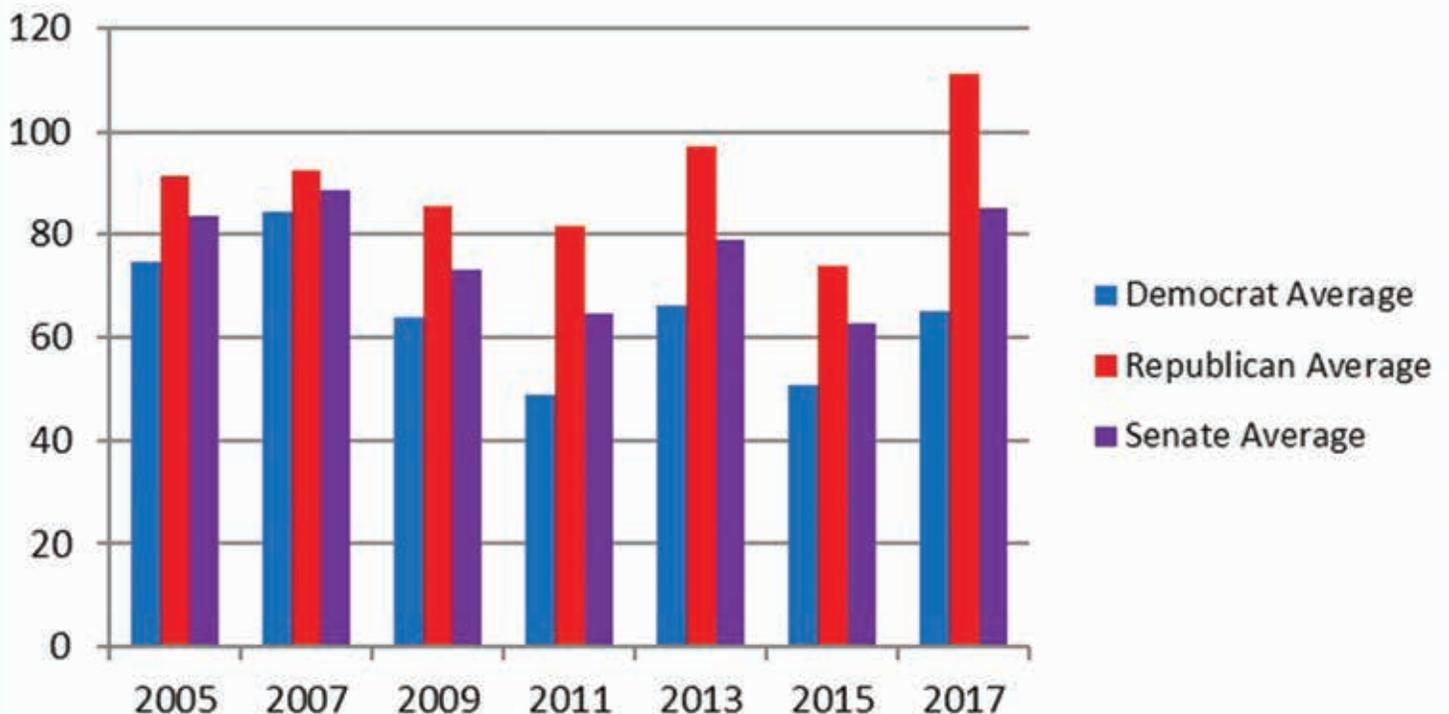
- Please read all the details of Senate Bill 361 at: https://www.leg.state.nv.us/Session/79th2017/Bills/SB/SB366_EN.pdf ■



Assembly Matrix Scores Over Time



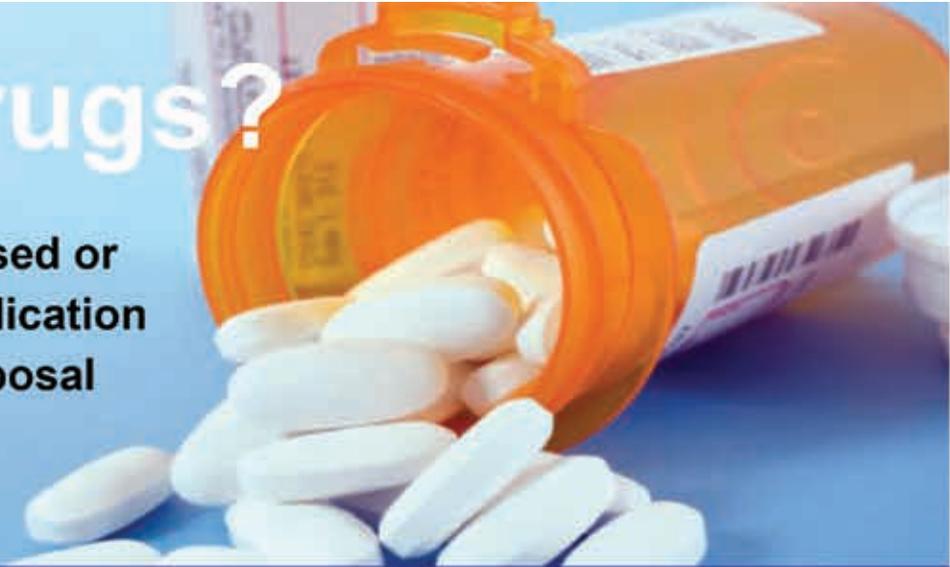
Senate Matrix Scores Over Time





Got drugs?

Turn in unused or expired medication for safe disposal



Prescription Drug Round Up Saturday, October 21

10:00 AM - 2:00 PM

Drop Off Locations

Reno: CVS - 55 Damonte Ranch Parkway
Raleys - 18144 Wedge Parkway
SaveMart - 10500 N. McCarran Blvd.
Scolari's - 4788 Caughlin Parkway
Smith's - 175 Lemmon Drive
UNR Student Health Center - 1664 N. Virginia St.

Sparks: CVS - 680 N. McCarran Blvd.
Walgreens - 3000 Vista Blvd.

Acceptable Items:

- unneeded prescription drugs (in original containers with patient name marked out)
- prescription liquids
- pet medications

OTHER OPTIONS FOR DISPOSAL

- Dispose in permanent drop boxes located in the lobbies of Reno Police Department, Sparks Police Department, and the Washoe County Sheriff's Office.
- Crush prescription drugs in a seal-tight plastic bag. Add kitty litter or wet coffee grounds. Seal the bag and dispose in the trash.

Sponsors





NEW WASHOE COUNTY NEWSLETTER

The Washoe County District Attorney has initiated a new newsletter in Washoe County. As District Attorney Chris Hicks wrote:

“As part of a continuing effort to inform the citizens of Washoe County about the meaningful of your District Attorney’s Office, I am proud to release this first of its kind biannual newsletter.”

To be added to the mailing list, please email:

Districtattorney@da.washoecounty.us

https://gallery.mailchimp.com/51696101cfa707dee464f1891/files/ed399468-a5eb-42d0-87a6-5ebe0084439f/DA_Newsletter.pdf

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.

- C. Edward Yee MD PC dba Las Vegas Ophthalmology**
- CalNeva Organics LLC**
- Children at Large LLC dba Hot Springs Spas of Lake Tahoe**
- Chomp LLC dba Chomp**
- CVSM LLC dba Centerfolds Cabaret Las Vegas**
- Jazmine Enterprises LLC dba Covenant Hospice Care**
- KC Investigations LLC**
- Mitchell Chiropractic dba Meadows Chiropractic**
- Ponderosa Property Maintenance 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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(800) 480-1846 or (702) 740-4380

Elko Office
557 W. Silver Street, #206, Elko, NV 89801
(775) 753-7771



MEMBERSHIP INFORMATION: Find out more about RAN’s self insured group. Call Pro Group, **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**.



MEMBERS OF RAN TAKE ACTION ACROSS THE NATION

By Liz MacMenamin

AS STORMS ACROSS THE SOUTH HAVE DEVASTATED COMMUNITIES

in the southern parts of the United States, members of RAN have organized to help assist the communities impacted by both Hurricane Harvey and Hurricane Irma.

Examples of the member's responses to these disasters:

● **CVS Pharmacy and CVS Caremark** have activated a process that allows pharmacists to provide one-time

emergency refills of a 10-day supply of medication. CVS has also set up a mobile unit outside of the NRG Center stadium and conference facility in Houston, allowing people to pick up prescriptions, get vaccines and buy over-the-counter medications.

● **Walgreens** is donating food items, first aid and medical equipment to the American Red Cross emergency shelter at the George R. Brown Convention Center in Houston and working with

United Airlines to transport the first aid and medical items from Chicago to Houston on a flight with relief supplies.

More than \$10 million was raised by Walgreens and Duane Reade customers nationwide for American Red Cross Hurricane Harvey relief efforts through donations at store checkouts.

● **Walmart** is committing up to \$10 million in additional support for 2017 U.S. hurricane relief efforts. This will bring the total committed by Walmart to hurricane relief efforts this year to \$30 million, building on the support provided in response to Hurricane Harvey.

Walmart will match customer donations two-to-one with cash and product donations of up to \$10 million to support American Red Cross disaster-response efforts.

The company has also activated its Emergency Operations Center, which operates 24 hours a day, tracking storm impacts and supporting their employees' needs and well being.

In addition, Walmart has shipped more than 1,700 truckloads of emergency merchandise and water to

customers in need.

● **Target Corporation** announced that the company is committing up to \$1 million in cash and in-kind donations to support communities impacted by Hurricane Irma. Target committed to \$3 million to aid in Hurricane Harvey relief efforts on Sept. 5, in addition to the \$500,000 the company donated on Aug. 28 to national disaster relief organizations.

Additionally, Target provided \$100 Target gift cards to more than 10,000 of its team members in the impacted areas to help them get the supplies that they need to take care of themselves and their families.

Lastly, an additional \$500,000 in cash and products will be donated across several different organizations that provide community support, including a food donation to Feeding America and additional funds to Target stores to use for supporting local nonprofits.

The efforts of these healthcare providers to lend assistance to those in need are just a small part of their community involvement. ■

We Card TRAINING AWARENESS MONTH

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2018 E-VAPOR KIT (Now available)

Order your 2018 E-Vapor Kit today.
Easy online ordering at wecard.org or call 1-800-934-3968

The We Card Program is a national non-profit organization focused on ensuring that age restricted product retailers are fully educated, trained and prepared to reject underage age-restricted product sales, including e-vapor and e-cigarette products.

Minimum Age Law
 18 yr most states
 19 yr in AL, AK, NJ & UT
 21 yr in CA, HI, NY, some cities



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 Carson City, Nevada 89703-4272

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RETAILERS CITE EQUIFAX AS NEED FOR UNIFORM DATA BREACH LAW

WASHINGTON: THE NATIONAL RETAIL

Federation (NRF) and other industry associations are telling Congress that any new federal law on data breach notification should apply to all industries that handle consumer data, citing the recent breach at the Equifax credit reporting agency.

“The fact is that hackers do not discriminate as to the type of business they attack,” NRF and the other groups said in a letter to House and Senate leadership of both parties. “Every industry sector – whether consumer-facing or

business-to-business – faces data security threats that may put consumer data at risk.

“To protect customers and ensure effective public policy, Congress should ensure that any federal breach notification law applies to all affected sectors and leaves no holes in our system for some industries that criminals can exploit,” the letter said.

Citing the 2017 Verizon Data Breach Investigations Report, the letter noted that the financial services industry accounts for 24.3 percent of all data breaches while retail represents only 4.8 percent. More than 80 percent of all breaches take place in

industries other than those signing the letter.

The letter asked for a uniform national law to replace existing state laws, reasonable data security standards, Federal Trade Commission enforcement, and a requirement that all breached entities be obligated to notify consumers when they suffer a breach of sensitive information that creates a risk of identity theft or financial harm.

NRF has long called for a uniform federal data breach law to replace separate and often-conflicting laws in 48 states and the District of Columbia that are confusing

for consumers and create compliance challenges for multi-state retailers. NRF has argued that the new federal law should cover banks, card processors, telecommunications companies and all other entities that handle sensitive consumer data, not just retailers.

By contrast, banks and other industries have pushed for breach notification legislation that would subject retailers to stringent bank-style security rules while banks themselves would be subject only to discretionary guidance. ■