



PRIMARY FOCUS

By Bryan Wachter

FILING FOR LEGISLATIVE OFFICE IN NEVADA ENDED ON FRIDAY,

March 16th, 2018, at 5:00 p.m. At 5:01 p.m., ten members of the Nevada Assembly were elected without contest. Assembly members Titus, Edwards, Thompson, Sprinkle, Monroe-Moreno, Swank, Carlton, Neal, Flores, and McCurdy represent twenty-four percent of the Assembly and are guaranteed to return as they face no challenger in either the primary or general elections. An even greater number of Assembly seats will be determined in the June 12th primary for a variety of reasons.

Twenty-one more members of the Assembly will be essentially elected during the primary election, mostly given the lopsided voter registration in these districts. Only two of those twenty-one districts have a party registration advantage of less than thirteen percent; Assembly District 25 that is currently held by a Republican and has a GOP advantage of 9.9%, and Assembly District 13, which doesn't have a Democratic challenger but has a GOP advantage of 8%. The end

result of which, is one half of the state Assembly will be elected during the primary election. Add to that total the ten members who had no opponent and thirty-one of forty-two Assembly seats (74%) will be decided before any voter, not a member of the same party as the candidate, will have a chance to let their view point be heard.

The outcome of the elections for state Assembly almost seems a forgone conclusion—of the thirty-one members elected by June 12th, eleven of them will be represented by Republicans. Assembly Speaker Frierson will be one member shy after the June primary of securing his speakership for the 2019 Session.

The story in the State Senate is roughly the same. With eleven of twenty-one seats up for election in 2018 there is even less room for change. While none of the Senate seats up for election are immediately elected as in the Assembly, four of the eleven seats have voter registration advantages for their incumbent parties between 10.2% and 44.19%. Four more of the Senate seats will be essentially decided

during the June 12th primary. Senate District 10 has no general election candidate; Senate Districts 14 and 16 are currently held by Republican Senators and have Republican primary elections but each enjoy a 15% GOP advantage in the general election. Senate District 21 has a 22.5% Democratic advantage that should give the winner of that primary a smooth victory over the Republican general election challenger.

All totaled, by June of 2018, eighteen members of the State Senate will likely already be identified. Of

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BALLOT QUESTION NUMBER 3

By Lucas Foletta

THIS NOVEMBER VOTERS WILL BE ASKED

whether they approve of a constitutional amendment to restructure Nevada's electricity market. The initiative, entitled the Energy Choice Initiative (ECI), proposes to amend Nevada's constitution to provide for a right of all persons and entities to purchase electricity from a competitive retail electricity market.

As such, ECI proposes significant changes to the structure of Nevada's electricity

system—changes that would transform the way businesses and individuals purchase electricity.

The proponents of ECI argue that transitioning to retail competition in our electricity market is necessary to unlock Nevada's full potential as a producer of renewable energy.

They also argue that a competitive market structure will speed the integration of transformative technology in the electric system—technologies like rooftop solar, battery storage, electric

vehicles and the like. The opponents on the other hand argue that retail competition breeds instability in electric rates, will likely result in rate increases for the average consumer, and won't do any more to advance the development of renewable energy that the incumbent utility.

The arguments being advanced by both sides appear likely to dominate the airwaves this fall. The main proponents of ECI, Switch and Las Vegas Sands, have contributed approximately \$4m between them to support passage of the



Lucas Foletta, Attorney
McDonald Carano Law Firm

initiative, and it seems likely both companies will spent more than that before the race is over.

A group opposing

Continued on next page

PRIMARY FOCUS *Continued from page 1*

the ten Senators that do not face re-election until 2020, seven are held by Democrats and three by Republicans. When those totals are added to the anticipated primary victors, Democrats will have secured their eleven-member majority to the Republican's seven members by June.

Given that forty-nine of the sixty-three total legislators will be selected by the primary election, it's imperative that Nevada

voters are engaged in this first round of voting. History though, paints a different picture. In the 2016-midterm elections, primary election voter turnout was 16.6%. It was worse in 2014 when only 15% of Nevada voters showed up to the primary polls. More so than at any other time in our election history, decisions on thousands of legislative proposals, tens of billions of dollars, and the fate of all Nevadans will be

chosen, if participation rates hold steady, by nearly 162,000 Nevadans or just 5.4% of our three million Silver State residents.

Often times business owners and others choose to sit out primary elections in an effort to not hurt feelings or risk alienating those with whom they disagree, but with more than seventy-five percent of the legislature pre-selected before November, the business community

cannot afford to "wait and see" what happens in June before gearing up for elections that are already over by November.

The general election certainly cannot be ignored, with high stakes races such as the U.S. Senate and Governor up for grabs, a lot is on the line in the 2018 election cycle. However, when it comes to the legislature—the primary election must be our primary focus. ■



BALLOT QUESTION NUMBER 3 *Continued from page 2*

the question, which includes NV Energy, has pledged to spend as much as \$30m on the race. The same group recently announced it has reserved \$12m in advertising time between September and the November election. If both sides spend what they have indicated they will spend to support their respective positions, ECI will likely be one of the most expensive ballot question races in the history of the state.

The prospect of restructuring the state's electricity market has not only generated campaign contributions but has dominated the interim policy development process as well.

ECI requires that competition begin in July 2023.

The legislature will have three legislative sessions to establish the policy framework necessary to provide for competition.

This framework will likely include market entry requirements for new providers, consumer protections and wholesale and retail market structures. One

hot topic of discussion is whether the state should join an independent system operator to provide retail providers with access to a liquid wholesale energy market.

In light of the complexity of transitioning to retail competition and to address some of the questions regarding establishing appropriate market structures, the Governor created the Governor's Committee on Energy Choice. That group is tasked with evaluating a number of specific policy issues relating to energy choice articulated by the Governor and producing

"One hot topic of discussion is whether the state should join an independent system operator to provide retail providers with access to a liquid wholesale energy market."

a report with its findings and recommendations.

The Committee on Energy Choice held its first meeting a year ago and is expected to release its recommendations in the next several months—before the election. The Public Utilities Commission also

initiated an investigation into issues associated with providing for retail competition and is similarly expected to release a report in the next several months. For its part, the legislature is also evaluating policy questions related to energy choice, tasking its interim legislative committee on energy with performing an inquiry into the matter and producing recommendations.

With all this interim work being done, it seems the legislature will spend a significant amount of time in the 2019 legislative session dealing with

implementation of ECI if the question passes.

The prospects of passage are a little murky. ECI was approved by more than 72% of voters in the last cycle. (Amendments to the state constitution must be approved by a vote of the people in two successive elections.)

Many insiders have cited the overwhelming approval of ECI in 2016 as evidence that it is likely to be approved again. That said, the level of financial commitment the opponents of ECI have announced suggests that they see a path to victory.

What we can say is that it appears there is going to be a full-throated campaign both in support of and against ECI in this cycle, with well-funded campaigns on both sides.

This will likely sharpen the debate. Indeed, we have already seen some of the impacts of the campaign this cycle, with two Democratic candidates for Governor announcing they are opposed to the question even though they both voted for it in 2016.

With all that is happening in this space, it will be interesting to watch things unfold this summer. ■

Editor's Note: Lucas Foletta is an attorney with McDonald Carano Law Firm. Energy is one of his areas of specialization. He works with Josh Hicks, a McDonald Carano partner and RAN's General Counsel.



SNAP FEDERAL TASK FORCE RECOMMENDATIONS

By Liz MacMenamin

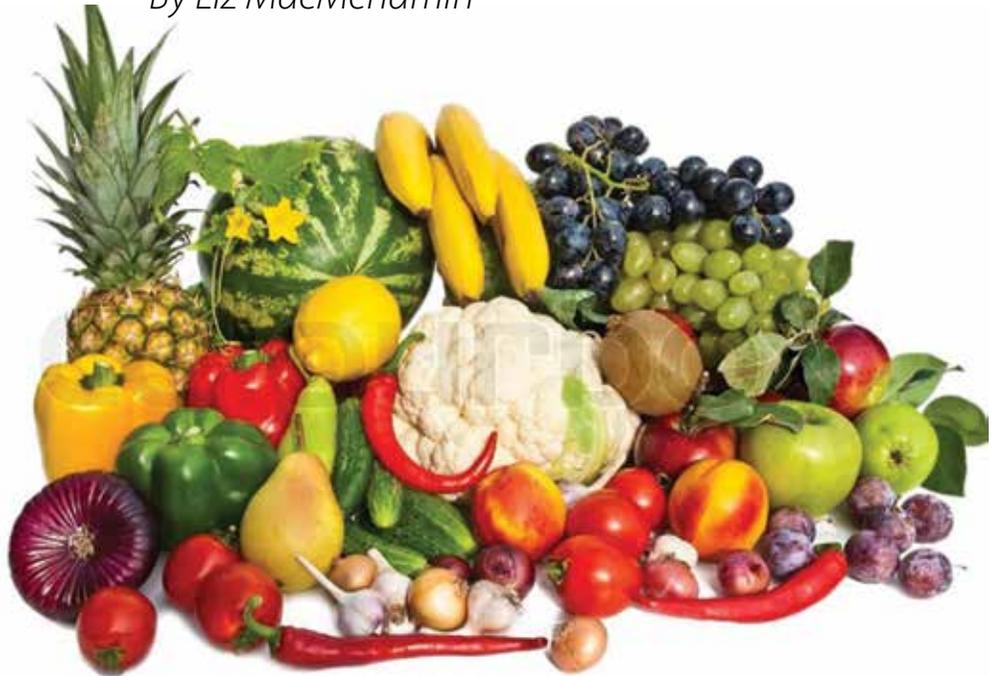
THE BIPARTISAN POLICY CENTER CONVENED A 13-MEMBER

task force in 2017, to discuss strategies that would promote health nutrition through public programs and policies.

The focus of this task force was the Supplemental Nutrition Program (SNAP) that was originally the Food Stamp program. This service provides assistance to over 40 million Americans on a monthly basis with an annual cost of \$68 billion.

Leading with Nutrition: Leveraging Federal Programs for Better Health outlines the specific recommendations of this task force. These recommendations are divided into four distinct areas. The following recommendations are just a few that have caught the grocery industry's attention. The entire report can be accessed at <https://bipartisanpolicy.org/library/leading-with-nutrition-leveraging-federal-programs-for-better-health>.

PRIORITIZE NUTRITION IN SNAP



1. Congressionally mandate a focus on diet quality and healthy nutrition.
2. Eliminate sugar-sweetened beverages from list of items that can be purchased with SNAP benefits.
3. Support health purchases by strengthening incentives for purchasing fruits and vegetables.
4. USDA should implement new stocking rules that increase the availability of health foods at SNAP retailers and study evidence-based product placement strategies and restrictions on marketing of unhealthy products in SNAP retailers standards.

STRENGTHEN SNAP-EDUCATION:

1. Enhance technical assistance from USDA regional offices, reducing planning and reporting burdens and restricting reports to the programs impacts, and sharing of best practices.

ALIGN SNAP AND MEDICAID:

1. Coordinate SNAP and Medicaid to improve nutrition and diet related health outcomes.

COORDINATE FEDERAL AND STATE AGENCIES AND PROGRAMS:

1. Align programs and data collection related to food and nutrition across

USDA and other federal agencies.

2. Reduce barriers to sharing data and coordinating outreach across state administered federal programs.
3. Instead of states and the federal government paying the processing fees, SNAP retailers would pay transaction processors directly.

These are just a few of the recommendations from this task force. SNAP retailers are encouraged to read this study and understand the changes that this task force is recommending along with federal regulations. ■



NEVADA BOARD OF PHARMACY UPDATE

By Liz MacMenamin

THE BOARD OF PHARMACY HELD ITS MEETING IN

Las Vegas on April 11–12th, 2018, at the Las Vegas Hilton Garden Inn.

The board staff gave an update of their activities for the previous month, which included meetings with other health boards, continued participation in education and inclusion in subcommittees regarding regulations for SB 474 (Opioid legislation).

Board staff also participates on the Attorney General's Opioid Taskforce and the Attorney General's Opioid Antagonist training. (Naloxone and naltrexone are commonly used opioid antagonist drugs, which are competitive antagonists that bind to the opioid receptors with higher affinity than agonists but do not activate the receptors. This effectively blocks the receptor, preventing the body from

responding to opioids and endorphins.)

The board staff discussed with the board changes to the delivery of their board book. Staff is working to implement electronic board books, which will contain the agenda and all supporting material. This will require board members to be provided with laptop computers or electronic notebooks.

Staff assured the board that this project will ultimately be revenue neutral due to the high cost of printing and the cost of labor to generate the current board books.

The public hearing was held on Thursday morning and the following proposed regulations were on the agenda:

LCB File R131-17 Prescription readers for the visually impaired.

This language is a result of Senator Mo Denis' bill, SB 131, which requires a pharmacy

to assist or advise a visually impaired patient on obtaining a prescription reader.

This language was pulled from the agenda to give LCB an opportunity to modify the regulation to mirror the agreed format that Senator Denis passed in 2017.

There has been a misunderstanding amongst some in the visually impaired community that a pharmacy is "required" to supply these readers. That was not the agreed language in the bill. There are pharmacies that do provide, free of charge, these readers but they will only be readable on that pharmacy's labels.

This does not mean that the small pharmacy down the street is required to provide this free of charge, but they must at least tell a customer how to obtain such a reader.

LCB File No. R015-16

This regulation establishes the requirements

for a licensed veterinarian to obtain a certificate of registration from the State Board of Pharmacy to dispense controlled substances or dangerous drugs; revising the fees for a licensed veterinarian to dispense controlled substances or dangerous drugs.

The board staff had a change that needed to be added to Section 1, subsection 2 (a) to allow at least one veterinarian in a facility to register and maintain a registration with the DEA for facilities that possess, administer, prescribe or dispense controlled substance.

The veterinarian license for dispensing controlled substances in Nevada was reduced from \$300 biennially to \$150 biennially. If any members have questions please call Liz MacMenamin at **775-720-2528**. ■



FALK IS THE WINNER OF AN NCET'S 2018 TECHNOLOGY AWARD

TYSON K. FALK, POLICY ANALYST WITH MCDONALD CARANO LAW FIRM, was awarded the 2018 Technology Advocate for Professional Services Award by Nevada's Center for Entrepreneurship and Technology (NCET).

Falk was recognized for his work on "...blockchain the technology that underpins cryptocurrencies like Bitcoin." (See RAN Nevada News, March 2018)

The 2018 NCET Tech Awards were announced during an awards dinner on April 5 at the Atlantis Casino Resort Spa in Reno. ■



Tyson K. Falk



Nevada Notes

NEVADA OPIOID TASK FORCE UPDATED ON EFFORTS TO DEAL WITH EPIDEMIC

Gov. Brian Sandoval's opioid task force got an update on progress in dealing with the epidemic including a first look at a website providing public information on the situation, efforts to distribute the life-saving naloxone that can reverse an overdose and a boost in disposing of old drugs offered free by Walmart.

The meeting chaired by Chief of Staff Mike Willden was told the website containing a lot of data about opioid abuse, overdoses and where they are occurring is now up and running. The opioid reporting website is at <https://opioid.snhd.org>

One of the thorny problems for the task force is how to get rid of unused, out-of-date opioid and other prescriptions.

Officials say the most common way teens get those dangerous drugs is from their family members and friends, taking them out of the medicine cabinet.

But Anna Carr, Walmart's Pharmacy Clinical Services Manager, told the task force Walmart is making DisposeRx, a powder that can destroy opioids or any other drugs

safely, available for free to anyone who comes into one of their 4,700 pharmacies nationwide.

DisposeRx is a powder people simply add to the pill bottle along with some water and, in 30 seconds, it completely encases the pills in a non-toxic plastic-like polymer and renders it completely inactive.

The pill bottle can then be simply thrown away and. She said both the EPA and Drug Enforcement Administration approve it.

Carr said customers with chronic opioid prescriptions will be offered DisposeRx every six months and that anyone can walk into a Walmart and ask for a free packet.

She said it works not only on pills but capsules and even skin patches and on all types of drugs.

Nevada Appeal
(Editor's Note: Liz MacMenamin follows these issues and attends all task force meetings.)

RENO SEARS CLOSING ITS DOORS AT MEADOWOOD MALL

The Sears store anchoring the east side of Meadowood Mall will be closing, according to reports by Business Insider.

Employees at other locations received letters from Sears human resources that stores will

close on or around July 29. The list includes 10 other Sears and two more Kmart stores.

A planning application with the city of Reno shows the Sears and the Sears Auto Center being split up into three separate tenants. A sales flyer also shows the entire store up for lease.

RGJ

REPORT: INITIATIVE WOULD RAISE MOST ELECTRICITY BILLS

The Energy Choice Initiative on the ballot in November promises to bring cheaper energy options to Nevadans by opening the state up as a competitive market.

But according to a new report from state utility regulators, most Nevadans would see higher monthly energy bills for roughly a decade before seeing any cost savings.

That's in large part because NV Energy, by far the state's largest electricity supplier, would likely have to divest many of its power plants and power generating assets across the state, leaving ratepayers on the hook for between \$4 billion and \$6 billion in any financial losses incurred by the company as part of implementing Question 3, according to the report

from the Public Utilities Commission published Wednesday.

But the campaign supporting the Energy Choice Initiative is crying foul on the report, calling it "one sided" and saying the PUC's conclusions lack any kind of supporting evidence.

LVRJ

NEVADA ADDS 3,500 JOBS IN MARCH

According to the Department of Employment, Training and Rehabilitation's (DETR) March 2018 economic report, Nevada added 3,500 jobs bringing employment in the state of Nevada to a record high of 1,373,700. Unemployment in March remained constant at 4.9%.

"With 3,500 jobs added in March, Nevada continues to experience a healthy labor market and an upward trend in a range of other measures including ongoing job gains, continued accelerated growth in the private sector and strong business employment," Governor Brian Sandoval said.

"Additionally, this month's report indicates relatively low unemployment rates and unemployment insurance

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National Notes

NATIONAL RETAIL FEDERATION CEOS MEET WITH TRUMP AT WHITE HOUSE

The National Retail Federation (NRF) took CEOs from some of the nation's largest and best-known retail companies to the White House in April to meet with President Trump on tax reform, regulatory reform, the economy and other issues.

NRF President and CEO Matthew Shay said. "This meeting showed that President Trump appreciates and understands the important role retail plays in the nation's economy and wants to help our businesses continue to grow."

"Retail is more than just an industry unto itself – it is a barometer of the nation's economy," said BJ's Wholesale Club President and CEO Christopher Baldwin, who is chairman of the NRF Board of Directors.

"The continuing year-over-year increases in retail sales seen over the past several months are clear evidence of economic policy that is working. Tax reform has helped boost consumer confidence and we expect it to continue to yield significant benefits going forward.

NRF Release

KROGER SWEETENS EMPLOYEE BENEFITS AS IT MOVES TO RAMP UP HIRING

Kroger is introducing a program to support continuing education for all part-time and full-time associates following six months of employment.

It is also increasing the company match for its 401(k) program to 5 percent, up from 4 percent previously.

It is investing \$5 million more into a program that aids associates during times of hardship. *CNBC*

WALMART IS MAKING ITS WEBSITE A LITTLE LESS LIKE WALMART

The retailer plans to redesign the site next month by decluttering the product listings, de-emphasizing the Walmart name and using a lot less bright blue. Executives say the goal is to make a site that appeals to higher-end brands and encourages shoppers to browse for products.

Walmart has spent heavily to ramp up its e-commerce business, which accounts for 3.6% of its U.S. sales. Its website has about 100 million unique monthly visitors, compared with 180 million at rival Amazon.com Inc., according to comScore Inc.

Instead of stretching the Walmart name, logo and bright blue color across the top of the website, the new home page will highlight only a small yellow "spark," the internal name for Walmart's star logo.

Instead of seeing a hodgepodge of products, shoppers will more often see which products are selling best in their city or past purchases that can be reordered quickly, shown with high-quality photos of people using products.

WSJ

FACING HISTORIC LABOR SHORTAGES, COMPANIES SNAP UP TEENAGERS

The U.S. is facing a severe worker shortage, forcing employers big and small to explore the labor market's youngest echelon, which is piling into the workforce.

The president of Avionics Specialists LLC, needed to produce an airplane instrument panel last fall, but had only two employees able to complete the task quickly.

One was out sick. The other was in high school. He called the high schooler, who starts his days drinking chocolate milk and blasting indie rock, and works part time operating mechanical-

drawing software for aircraft parts. He came in to do the project and still had time for homework.

Avionics had bought a computer-controlled machine that produces custom-designed instrument panels in 30 minutes, versus the eight hours it takes to do manually. Last summer, the employee who worked the machine left, and Mr. Baker, 61, said the technology eclipsed his computer skills. "I can do everything to that machine but run it."

The high schooler had watched and learned at Avionics and had used a similar machine in high school. He studied the manual, he said, and "halfway through the second day, I had it running."

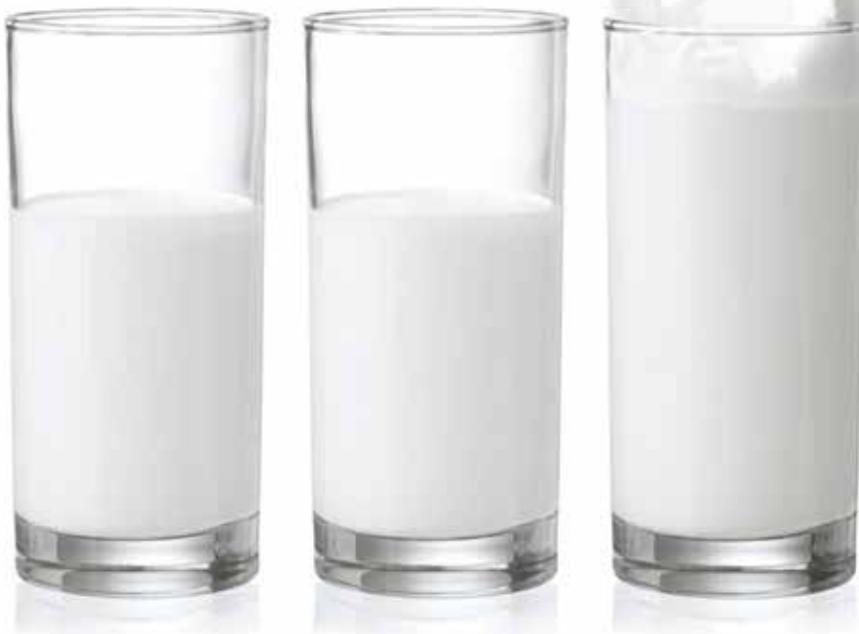
The student, who earns \$10.50 an hour, trained Avionics co-workers on the machine. The 12-month average unemployment rate for teens in March was 13.9%, the lowest year-round average since 2001 and about half that in 2010. In July 2017, the month the most teens work, unemployment for 16-through-19-year-olds fell to 13.3%, the lowest midsummer rate since 1969, when the U.S. was embroiled in the Vietnam War.

Continued on page 11



Three Servings of Milk Delivers A Unique Nutrient Package

The Dietary Guidelines for Americans recommends 3 servings of milk or milk products each day.*



Milk's essential nutrients can be difficult to replace in a healthy dietary pattern. Three 8-ounce cups provides as much of each nutrient as:

PROTEIN 50% DV	
	4 hardboiled eggs
CALCIUM 90% DV	
	36 1/2 cups of raw kale (about 7 bunches)
PHOSPHORUS 70% DV	
	2 1/2 cups kidney beans
POTASSIUM 29% DV	
	3 small bananas
VITAMIN D 90% DV	
	6.6 oz. of sardines (about 15 sardines)
RIBOFLAVIN 80% DV	
	1 cup of almonds
VITAMIN B12 60% DV	
	1 lb. pork chops, broiled (about 3, 6-oz. chops)
VITAMIN A 30% DV	
	2 cups of cooked green beans

*The 2010 Dietary Guidelines for Americans (DGA) recommends 3 servings of low-fat or fat-free dairy products for Americans 9 years and older.

Source: US Department of Agriculture, Agricultural Research Service, Nutrient Data Laboratory. USDA National Nutrient Database for Standard Reference, Release 28. Version Current: September 2015. Internet: <http://www.ars.usda.gov/nea/tlnrc/hdl>



CREDIT CARD PAYMENTS

The Retail Association of Nevada is happy to announce that you can now pay your annual membership dues by credit card on the new website: www.rannv.org.

Please contact Piper Brown if you have any questions, 775-882-1700.





MARCH RETAIL SALES INCREASED 5 PERCENT OVER LAST YEAR

WASHINGTON: MARCH RETAIL SALES INCREASED

0.3 percent seasonally adjusted over February and 5 percent year-over-year as the economy continued to grow, the National Retail Federation said today.

The numbers exclude automobiles, gasoline stations and restaurants.

"This is a healthy spending report despite market volatility, unseasonable weather and uncertain economic policies," NRF Chief Economist Jack Kleinhenz said.

"Consumers continue to show resiliency in spending, and these numbers reflect how the economy is performing with a strong job market, gains in wages, improvements in confidence, rising home value and judicious use of credit.

The biggest risk to spending is in market fluctuations that could affect confidence, but we expect these basic improvements in economic fundamentals

to continue."

The three-month moving average was up 4.8 percent over the same period a year ago, and the results come as NRF is forecasting that 2018 retail sales will grow between 3.8 percent and 4.4 percent over 2017.

The March results build on improvement seen in February, which was up 0.2 percent over January and 4.3 percent year over year.

NRF's numbers are based on data from the U.S. Census Bureau, which said overall March sales – including automobiles, gasoline and restaurants – were up 0.6 percent seasonally adjusted from February and up 4.5 percent year-over-year.

Specifics from key retail sectors during March include:

● **Online and other non-store sales** were up 7.6 percent year-over-year and up 0.8 percent over February seasonally adjusted.

● **General merchandise stores** were up 6.3 percent



year-over-year and up 0.3 percent from February seasonally adjusted.

● **Clothing and clothing accessory stores** were up 6.1 percent year-over-year but down 0.8 percent from February seasonally adjusted.

● **Grocery and beverage stores** were up 5.9 percent year-over-year and up 0.2 percent from February.

● **Furniture and home furnishings stores** were up 4.1 percent year-over-year and up 0.7 percent from February seasonally adjusted.

● **Building materials and garden supply stores** were up

3.8 percent year-over-year but down 0.6 percent from February seasonally adjusted.

● **Electronics and appliance stores** were up 1.6 percent year-over-year and up 0.5 percent from February seasonally adjusted.

● **Health and personal care stores** were up 0.4 percent year-over-year and up 1.4 percent from February seasonally adjusted.

● **Sporting goods stores** were down 0.9 percent year-over-year and down 1.8 percent from February seasonally adjusted.



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.

- | | |
|--|---|
| AICross LLC dba Maid Brigade | LV.Net LLC dba LV.Net & LasVegas.Net |
| ANH Holding LLC dba Carson City Tire Pro | NAMI Southern Nevada |
| Best Priced Auto LLC | Nevada Auto Diagnostics |
| Choice Pressure Washing Systems LLC | Red Moon 88 LLC |
| Dina S. Burke, MD LLC | T&D Machine Products Inc |
| Gaming Ventures of Las Vegas Inc | Timely Testing LTD |
| High Desert Tires Inc dba Big O Tires | Solace Enterprises LLLP dba Aether Gardens |
| High Sierra Holistics LLC | Solace Holding LLLP |
| How Ya Bean LLC dba Blind Dog Coffee Roasters | Solace Properties LLLP |
| Karen's Party Supplies 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 Pro Group, **800-859-3177**,



NEVADA NOTES *Continued from page 6*

claims. While this reflects our state's healthy employment status, we must keep working to ensure the continued success of the new Nevada."

DETR's report also notes that in the fourth quarter of 2017, personal income in Nevada reached \$136 billion, up 6.4% from a year ago. This increase has been ongoing in 30

of the past 31 quarters. Additionally, Nevada's average personal income growth has exceeded that for the U.S. over 14 of the past 16 quarters, with income gains in the state averaging 5.1 percent, compared to 3.5 percent in the U.S.

Visit <http://www.nevadaworkforce.com>
DETR Release

KILLER SALSA STILL GOING STRONG 25 YEARS LATER

Fran Pritchard's first day of business was Super Bowl Sunday 1993. And 25 years later Pritchard's product is widely known around western Nevada and has been distributed through various grocery outlets around the West Coast.

The efforts of

Pritchard and her small staff of workers was acknowledged recently when Killer Salsa received the "Swimming Upstream" award from Nevada Business Magazine. The award was presented on March 8 at the Nevada Art Museum in Reno. You can learn more about Killer Salsa: <http://killersalsa.com>

The Record-Courier

NATIONAL NOTES *Continued from page 7*

In the late 1970s and '80s, about half of teens worked, commonly bagging groceries, pumping gas, doing yard work and other jobs. After that period, teens focused more on college and by 2010, barely a quarter worked. *WSJ*

ENDING ONLINE SALES TAX BAN

South Dakota Attorney General Marty Jackley came to the U.S. Supreme Court, backed by the attorneys general in 42 other states, on a mission to overturn a 26-year-old decision that prevents states from collecting taxes on online sales.

But the court's nine justices quickly made clear

that it would not be an easy sell. Jackley had barely begun explaining that states were losing massive amounts of money and small businesses were being harmed by the 1992 case *Quill Corp. v. North Dakota* before Justice Sonia Sotomayor interrupted.

"I'm concerned about the many unanswered questions that overturning precedents will create a massive amount of lawsuits about," she said.

The justices spent much of the hour-long arguments focusing on the practical fallout for suddenly allowing states to impose online sales taxes. In particular, they

worried that the new tax scheme would harm small businesses that sell goods on the internet.

They also raised concerns about whether states other than South Dakota would try to retroactively charge online retailers for the sales tax they didn't impose in the past. Jackley said that 38 other states (of the 45 with sales taxes) have already asserted that they wouldn't apply the taxes retroactively.

And several justices wondered whether Congress would be better equipped to deal with the issue, rather than the high court, because the federal lawmakers could better craft a nationwide scheme

that would address many of the judges' lingering concerns.

By some estimates, states are collectively missing out on more than \$23 billion annually in potential online sales tax. A recent study from the Government Accounting Office pegged the annual revenue potential at somewhere between \$8.4 billion and \$13.5 billion.

The tough questioning isn't necessarily a bad omen for South Dakota's chances. Justices often use oral arguments to explore the consequences of the decisions they ultimately make. And it was clear that at least some of the justices were still wrestling with the case.

Governing Magazine



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RETAILERS AWAIT SCOTUS DECISION

Retailers Called on Supreme Court to Overturn 'Antiquated' Online Sales Tax Ruling

WASHINGTON:
ON APRIL 17,
2018, THE
SUPREME

Court of the U.S. heard oral arguments on a 2016 South Dakota law that requires online merchants with more than \$100,000 in sales to state residents, or 200 transactions with state residents, to collect sales tax.

NRF argued in a friend-of-the-court brief that technology has made the court's concern obsolete, citing a wide variety of software available to automatically collect the sales tax owed, much of it

available free or at a low cost. Many online sellers today already collect sales tax from customers in multiple states, either voluntarily or because they have the physical presence that requires them to do so, NRF said.

But other online sellers do not collect, and NRF said in a second brief filed with other retail groups last month that lack of uniform collection is "inflicting extreme harm and unfairness" on local retailers by "distorting the retail market in favor of absentee ecommerce."

"This case is largely

about whether collecting sales tax is an undue burden on interstate commerce," NRF President and CEO Matthew Shay said. "That might have been the case in 1992 but technology has eliminated that concern just as it has transformed the retail business and so much of the rest of our world. Today, there's an app for that."

"Representing retailers both large and small, NRF has been working with policymakers to rectify this disparity for nearly two decades," Shay said. "Online sellers who don't have to

collect sales tax have held an unfair price advantage over local retailers for far too long." ■

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