

THE SYSTEM WORKS

By Mary Lau, President, CEO, RAN

MANY RAN MEMBERS HAVE COMMENTED

about the recent events at the legislature regarding abuse of office situations from two prominent legislators that resulted in their respective resignations.

Jon Ralston, a highly respected political commentator over the years and current editor of The Nevada Independent (an on-line newspaper that is non-profit and donation-driven) has also maintained his own "Ralston Reports." (I still remember subscribing to the report when it was a black and white, folded piece that was as large as an open newspaper but only four sides. It is now on-line too.)

Anyway, Jon has a Sunday Report-edition that is poised around a series of questions he asks his anonymous "Insiders." The questions in a recent publication, to paraphrase, included the fall-out from the resignations, the damage if any to the legislature as a whole and how (if) the system gets fixed. This is the essence of the inquiries.

First of all, I should explain that there were two separate incidences—one in the Senate and one in

the Assembly. The Senate endured the shock of Kelvin Atkinson. Kelvin has served in both houses of the legislature and had assumed the mantle of Majority Leader following the election of Aaron Ford to Nevada Attorney General.

Former Senator Atkinson was highlighted in our March edition of Nevada News and long-time readers have read many of his former interviews. He admitted and has pled guilty to misuse of campaign funds (\$250,000) and federal wire-fraud. The Assembly suffered in a similar manner when Sparks Assemblyman Mike Sprinkle resigned amid sexual harassment charges.

The easy one first, in 2017, then-Majority Leader Ford was tasked with "handling" the issue of then-Senator Mark Manendo, who had many accusers of alleged incidents over many years. A system was put in place to handle these complaints and Manendo did not attempt to run for office again.

Kelvin Atkinson was a different situation; however, the system worked. Anomalies were noticed at the Secretary of States office quite a while ago and, unlike the situations in Washington DC, there were no leaks. Investigations were completed by various law-

enforcement agencies and the result was noted on the front page of many statewide and out-of-state newspapers.

There have been rushing to judgments, pious comments and a willingness to pass more laws to make the system better. But why? To what means? Governor Sisolak came out strongly opposed to these acts, demanded immediate steps and it is assumed that leadership and he will continue the process of reviewing the "how" but you can't legislate, regulate, or even figure out the "why". That rests in the limbic brain of these two men. One

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HEALTH CARE

By Liz MacMenamin

The 80th Legislative Session's first deadline of health care bills:

AB 94 – This legislation requires the Board of Pharmacy to educate and disseminate information regarding requirements for prescribing controlled substance for pain. This information will also contain procedures for imposing discipline action for violations of these requirements.

RAN has been involved with community and public officials regarding the crisis Nevada has been addressing regarding opioid abuse in our state.

The Board of Pharmacy has been educating prescribers for quite a while and this legislation

codifies what licensing boards have been doing.

RAN will support this legislation.

AB 310 - This legislation was introduced by Speaker Frierson and will require the electronic submission of a prescription to a pharmacy. The language includes certain situations and circumstances where this is not possible or may be prohibited.

RAN is working with members and the Board of Pharmacy to determine what these waivers may look like. This bill was heard in Assembly Commerce and Labor on Wednesday,

March 27, 2019.

AB 239 – This bill sponsor is Majority Leader Teresa Benítez-Thompson and RAN will be working with her and the stakeholders to support legislation that clarifies the language passed in the previous session regarding prescribing of controlled substance. Existing law imposes certain limitations on an initial prescription of a controlled substance listed in schedule II, III or IV for the treatment of acute pain.

RAN is in support of this bill as written and will keep members apprised of

any potential changes in this language.

If you have any questions or want to have input on this language, or any other bill listed, please contact Liz MacMenamin at **775-720-2528**.

These bills are an example of what RAN is following this legislative session. There will be a more extensive list sent to RAN Legislative Committee and Board members.

As a RAN member if you have any questions regarding the legislative session or any bills you have concern with, please contact our office. ■

THE SYSTEM WORKS *Continued from page 1*

should remember that this Governor also was tasked with repairing the reputation of the Clark County Commission in another time.

It is often said that you can't legislate morality, and you can't! There are some suggested tweaks that could be done, perhaps. Things like immediate reporting of contributions, PAC usage changes to curtail legislators from using PACs to circumvent the \$10,000 limitation

rule, lobbyist reporting so cross-comparisons can be made. But those that look to circumvent the law will continue to do so. One of the insiders said that bad people do bad things, OK, but that's a label not an answer. Another said that you have to respect the process. I believe you do, but as I stated on "Nevada Newsmakers," the process has worked. Not as fast as some would like, maybe not as forcefully as others assumed, but it worked.

There will be placeholders filling those seats for now and Nicole Cannizzaro, the new (and first female) Senate Majority Leader, along with Jason Frierson, Speaker of the Assembly, will work with their committee chairs, members of the body and Governor Sisolak and get back to work on what is commonly called the People's Business.

Nobody can tell you if another shoe will drop, but if it does – keep in

mind the system and the process is at work. ■

Mary Lau





UPDATE ON EMPLOYMENT BILLS AND EMPLOYMENT BILL DRAFT REQUESTS

By Andy Peterson

S TATUS OF BILL DRAFT REQUESTS AND BILLS: BY THIS TIME IN THE SESSION,

most bill draft requests that are going to be introduced have been delivered to the appropriate lawmaker. It's then up to the legislator to turn the bill in for introduction on the Floor of the appropriate house.

Due to an abnormally slow release of bills to lawmakers, the deadline has been extended.

Following are a few highlights of several bills that are important and some pending bill draft requests. As more information becomes available RAN will do its best to get that information out to you.

MINIMUM WAGE: There are numerous ways for a minimum wage bill to become a reality this legislative session. First, SJR-6, an initiative to change the Nevada constitution to increase the minimum wage first passed in the 2017 Legislative Session, could be brought for a second successful vote in the Legislature and then be referred to Nevada's voters in the next general election for approval.

If approved by Nevada's voters, the minimum wage would gradually increase to \$14 dollars per hour by 2022. Nevada's constitution puts a limit on how much

the minimum wage can be increased in one year.

Because Democrats now control the governor's office, and both houses of the legislature, and because they indicated support for raising the minimum wage during the campaign season, they now have the means to bring legislation to fruition by enacting Assembly Committee Bill Draft Request-1104 (BDR-1104).

Because the committee has until March 25th to have the bill introduced and heard, no details regarding BDR-1104 are available at this time. However, the BDR description leaves little doubt regarding the intent.

The last method to raise the minimum wage is to have the Assembly or Senate leader drop a bill to raise the wage. Neither leader is bound by a deadline so either could bring a bill at any time during the legislative session.

Based upon statements by the governor indicating he would welcome a bill to raise the wage to approximately \$12 dollars per hour RAN continues to anticipate a bill which does just that before the session is over.

EMPLOYEE SICK TIME: RAN has supported several bills supporting employee sick time. The first bill is AB90 that

requires private employers to allow employees who have accumulated sick time to be able use it for illness, injury, medical appointment, or other authorized medical need of an immediate family member.

This bill authorizes an employer to limit the amount of sick time an employee might use for this purpose. An employer must post a bulletin notifying employees of the provision. AB90 has already received a "Do Pass" recommendation from the Assembly Committee on Commerce and Labor.

The second employee sick time bill RAN supported was AB181 sponsored by Assemblyman Alexander Assefa, District 42. This bill makes it a misdemeanor to require an employee to physically show up at work in order to report in as "sick." In the interest of the health of other employees coming to work to prove one is sick is less than advantageous.

If an employee is sick you don't want other employees getting sick. In addition, this bill specifically allows an employer to require an employee to: (1) notify the employer that the employee is sick or injured and cannot work; and (2) provide documentation of the illness or injury from a clinic, physician's office or other medical facility.

This bill has been heard in

the Assembly Committee on Commerce and Labor.

PAID SICK LEAVE: SB312 Requires employers who have 25 workers or more offer paid sick time leave at a rate no less than 1 hour per 30 hours worked. This bill is sponsored by Senators Woodhouse (District 5); Cannizzaro (District 6); Ratti (District 13); Parks (District 7); and Orenschall (District 21). The bill is waiting for its first hearing.

EMPLOYMENT PRESCREENING FOR MARIJUANA: AB132 prohibits denial of employment due to positive confirmation of marijuana in pre-employment screening. This bill is sponsored by Assemblywoman Neal (District 7), Assemblyman McCurdy (District 6), and Assemblyman Flores (District 28). The bill has had its first hearing. RAN opposed this bill.

There remain Bill Draft Requests of concern. Once a bill is drafted, it's returned to the legislator who requested it. It's then up to the legislator to either introduce it, or hold onto it. However, both the Senate and the Assembly passed resolutions allowing extra time for the first reading of bill drafts. This means RAN only has an

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THE NEVADA ENERGY PICTURE

By Lucas Foletta, McDonald Carano Law Firm



I N RECENT MONTHS THERE HAVE BEEN A NUMBER OF NEW

applications from large utility customers seeking to leave NV Energy's system. Even government entities are evaluating the process with it being reported that the City of Las Vegas is considering departing and the Las Vegas Convention and Visitors Authority filing an application to leave.

The increased numbers of customers proposing to leave has prompted NV Energy to identify additional perceived impacts of the customers departing. For example, in Northern Nevada, NV Energy has asserted that there is diminishing energy import capacity, making it impossible for new applicants to exit the system unless new transmission resources are built.

In Southern Nevada, NV Energy argues that the impending departures justify even higher impact fees than have been previously ordered by the Public Utilities Commission. The utility has also argued for the

imposition of impact fees on applicants that have never been customers of the utility, including the Raiders Stadium.

The Nevada Public Utilities Commission has yet to accept any of the utility's arguments, in particular rejecting the idea of imposing impact fees on applicants that have never contracted with NV Energy for service. That said, the utility continues to put pressure on the Commission to do so.

The Bureau of Consumer Protection, for its part, has also not supported many of the utility's arguments. The disparate positions on what is appropriate in any particular case makes them some of the more difficult cases the Commission considers.

The contentiousness of the cases led many to believe there could be an effort to clarify the impact methodology through legislation. And Senator Chris Brooks initially indicated he might propose legislation on the topic. That said, to date no legislation has been introduced. And with the

session moving towards April, it is unclear whether there is time to consider consequential legislation in this area.

NV Energy has pursued other options for attracting their customers to stay in the system, seeking approval of the so-called NGR 2.0 tariff. The tariff would allow 704B eligible customers to contract for an electric rate that reflects, in part, the new low cost solar projects NV Energy received approval to integrate into the state's electric mix.

The Commission is currently considering the application, and is scheduled to make a decision approving, denying or modifying the tariff by early June. The tariff represents a potential competitive option for NV Energy to attract its largest customers to stay in the system. So it will be interesting to see whether any of the parties participating in the case develop a position critical of the tariff.

Although no NRS 704B legislation has been introduced, legislation has been introduced to double Nevada's



Lucas Foletta

portfolio standard, impose an earnings sharing mechanism on the utility to limit its ability to over earn, establish community solar and address a variety of other energy related issues. Suffice it to say, it is a dynamic time in Nevada's electric system.

The next two and half months of the legislative session will tell us much about what the coming years will look like, as will the Commission's handling of the cases before it. ■

(Editor's Note: Lucas Foletta is a partner with McDonald Carano. Josh Hicks, also a partner at McDonald Carano is General Counsel for RAN.)



HOME DEPOT FOUNDATION HONORED AT VAMDAL EVENT

NOT MANY
PEOPLE
KNOW THAT
BY LAW,

Veterans and Military Day takes place the third Wednesday in March to honor Nevada's military and veteran communities.

And when the Legislature is in session, it takes place in conjunction with them while the Governor honors the Veteran of the Month and the Veteran Supporter of the Month – The Home Depot Foundation. Kat

Miller, Director of the Nevada Department of Veterans Services, opened the event.

The Home Depot Foundation was nominated by the Northern Nevada State Veterans Home and

selected by the Veteran Service Commission to be the Veteran Supporters of the Month.

Over 600 people showed up for the all day event despite the wet weather. ■



*Governor Steve Sisolak preparing to give awards.
(photo courtesy of the NV Dept. of Veterans Services)*

Editor's Note: RAN VP's Liz MacMenamin and Andy Peterson assisted in gathering information for this story.



*L-R – Governor Steve Sisolak; Deanna Whiting, Store Manager; Robert Osborne, Store Manager; Gregg Flick, District Executive Manager; David Slater, Store Manager; Peggy Koniak, Associate Support Department Supervisor.
(Photo courtesy of the NV Dept. of Veterans Services)*



*L-R; David Slater, Store Manager; Peggy Koniak, Associate Support Department Supervisor; Deanna Whiting, Store Manager
(Photo courtesy of the NV Dept of Veterans Services)*





Nevada Notes

GOED INTERIM HEAD NAMED

Gov. Steve Sisolak has named veteran GOED executive Kristopher Sanchez as interim executive director of the agency.

Sanchez has been with the Governor's Office of Economic Development six years including as director of international trade and Southern Nevada regional director.

Sisolak said the national search for a permanent director would continue.

Nevada Appeal

NEVADA'S FRANCHISE EXPLOSION

Nevada appears on course to build on its record as one of the nation's hot spots for franchise businesses, though some observers warn that more business regulation could dim the fortunes of the state's "formula entrepreneurs."

A 2018 report from the International Franchise

Association (IFA) predicted Nevada would have the fastest franchise growth in the nation.

Nevada has also been among the states with the fastest-growing populations in recent years, according to the U.S. Census Bureau. That Nevada also has a relatively young population makes it a good fit for expansion of franchise businesses.

Randi Thompson, state director of the National Federation of Independent Business-Nevada, agreed that Nevada elected officials could choke off business growth, including manufacturing, franchises and other kinds of enterprises.

"Most of the job growth we're seeing is companies moving from other states," Thompson said, "with about 40 percent of the people moving from California."

Cara Clarke, spokeswoman for the Las Vegas Metro Chamber of

Commerce, said the chamber doesn't track the numbers of franchise businesses in the region, but the effects of the state's pro-business climate have been visible.

More national-brand outlets have been opening in the Las Vegas region as the population passed the 2 million mark.

Watchdog.org

SMITH'S TO VISA: CARD DECLINED

Smith's stores in several states, including Nevada, stopped accepting Visa credit cards April 3.

Kroger banned Visa credit cards to save on fees paid to process the credit card purchases.

At Smith's, Visa's credit card fees are higher than any other credit card brand accepted. Smith's stores will continue to accept Visa debit cards as well as MasterCard, American Express and Discover credit cards.

Kroger operates 45 Smith's stores in Nevada.

LVRJ

HOME DEPOT TO HIRE 300 WORKERS ACROSS LAS VEGAS VALLEY

With spring just around the corner, Home Depot is gearing up to hire 300 associates at its 13 locations across the valley to prepare for its busiest selling season.

The home improvement retailer is looking to hire a range of employees, from sales and cashiers to operations and online order fulfillment.

There are openings for both permanent part-time and seasonal positions. The company has already started the hiring process and will continue hiring through early summer.

Home Depot is looking for employees with a "passion for customer service" and "positive communication" skills.

LVRJ



Lt. Governor Kate Marshall visited the Home Depot annual store managers' meeting and held a Q&A session with all 24 of the store managers and senior leaders.



National Notes

3 THEMES TO TAKE FROM RETAIL'S BIG SHOW INTO 2019

Once again, this year's NRF 2019: Retail's Big Show event held by the National Retail Federation brought tens-of-thousands of retailers and industry stakeholders to New York City to talk about what's happening in retail and what's next.

From keynote addresses, to educational sessions, to the EXPO floor, here are three important takeaways from this year's show that are sure to come up again and again in the retail industry in the coming year:

● Tech innovation, but with a purpose

Walmart's Chief Technology Officer Jeremy King talked about the retailer's efforts to use technology to remove customer pain points and smooth out the shopping journey. And he said the company also uses virtual

reality in its employee training and robotics to help get products onto shelves more quickly. But at Walmart, the company's scale is always considered when King and his team assess new tech tools because the tools have to be useful across its thousands of stores.

● Retail still needs a human touch

Best Buy CEO Hubert Joly discussed the importance of fostering a hands-on workforce and focusing on customer service to keep shoppers happy and coming back for more. Executives from Samsung and The Home Depot talked about the importance of combining tech and the human touch in the form of the "connected associate" who fulfills the demands of today's digital consumers while also facilitating meaningful interactions and fostering loyalty.

● The customer -- at the

center of it all

And at the center of where technology and human touch meet is the customer -- the true driver of the retail industry -- which was illustrated throughout Retail's Big Show.

Executives talked about how customer-centricity will truly go mainstream in 2019 and that a focus on the customer must be the basis for merchandising strategies. Representatives discussed thinking like a "selfless retailer" to draw customer loyalty, which entails listening to and learning from customers, sharing and integrating data with an eye on collaboration and giving customers a selection of products they actually want to buy.

NRF

BIG-BOX, OFF-PRICE CHAINS POST HEALTHY SALES FIGURES

Ken Perkins, president of research firm Retail Metrics,

said big-box stores like Best Buy can handle a downturn. "They have the capital to pick up market share as others struggle."

Retailers like Walmart, Target and Best Buy that have been responding faster to a more competitive landscape with expanded delivery services and spruced up stores are enjoying strong sales.

The off-price concept has been a bright spot at Macy's. Macy's is expanding its Backstage off-price concept, and CEO Jeff Gennette said its 120 stores with Backstage features are enjoying a sales lift of more than 5 percent.

Lowe's and Home Depot saw sales slow down in the fourth quarter amid an overall housing slowdown. But home improvement chains can weather a slowing housing market because people will stay and renovate.

AP

UPDATE *Continued from page 3*

intent or descriptions from which to gather information. We will follow these BDRs:

ASSEMBLY BILL DRAFT REQUEST 53-869; Relating to employment practices. This BDR is sponsored by Assemblyman McCurdy (District 6).

ASSEMBLY BILL DRAFT REQUEST 1120; Relating to provisions regarding employment practices. This BDR is sponsored by Assemblywoman Benitez-Thompson (District 27).

SENATE BILL DRAFT 1162; Revises provisions relating to

employment practices. This BDR is sponsored by the Senate Majority Leader (Cannizzarro).

ASSEMBLY BILL DRAFT 1104; Revises provisions relating to minimum wage. This BDR is sponsored by the Assembly Committee on Commerce and Labor.

For further information on workforce issues contact Andy Peterson at **775-220-1577**, or **andy@rannv.org**. ■

Got drugs?

**Turn in unused or
expired medication
for safe disposal**

*In conjunction with the DEA's
National Take Back Day*

Prescription Drug Round Up **Saturday, April 27th** 10:00 AM - 2:00 PM

Drop Off Locations

Reno: **CVS** - 3360 South McCarran Blvd. (Mira Loma)
 Raley's - 18144 Wedge Parkway
 SaveMart - 4995 Kietzke Lane
 Smith's - 750 South Meadows Parkway
 Smith's - 175 Lemmon Drive
 Walmart - 5260 West 7th Street (MaeAnne)

Sparks: **Smith's** - 1255 Baring Boulevard

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 the Reno Police Department, Sparks Police Department, Washoe County Sheriff's Office, and UNR Police Services.
- 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





SNAP BENEFITS IN NEVADA

By Liz MacMenamin

EFFECTIVE JULY 1ST, 2019, HOUSEHOLDS IN NEVADA

will begin receiving Supplemental Nutrition Assistance Program

benefits on a staggered issuance cycle. Prior to this date, these beneficiaries received SNAP benefits on the first day of each month. SNAP benefits will now be issued during the first 10 days of the month. The date a family will receive SNAP benefit is based on the year of birth of the Head of Household. This change will reduce stress for the consumers as well as retailers. It will also allow for consistent delivery of goods to the consumers. This was a best practice recommendation by the USDA, which RAN appreciated. ■

BENEFIT ISSUANCE SCHEDULE

SNAP Benefits – Day of issuance is based on last digit of the Head of Household's year of birth.

BENEFITS ARE ISSUED BASED ON THE FOLLOWING SCHEDULE:

LAST DIGIT OF BIRTH YEAR

SNAP ISSUED ON THIS DAY OF THE MONTH

1	1st
2	2nd
3	3rd
4	4th
5	5th
6	6th
7	7th
8	8th
9	9th
0	10th

The Division of Welfare and Supportive Services has a customer service call center.

Live representatives are available Monday through Friday, between the hours of 8:00 am to 5:00 pm at:

Northern Nevada 775-684-7200

Southern Nevada 702-486-1646



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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.*

374 Labs LLC

Beautiful Life

Great Basin Water Network Inc

NLVVETCO LLC dba Ann Road Animal Hospital

Richard Kniefel dba Eureka Supply

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 our website: www.rannv.org.*

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



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**,

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.



SMITH'S ASSISTS LOCAL USO

S MITH'S FOOD AND DRUG HOSTED A COMMUNITY service project on Wednesday, March 13 to benefit USO Las Vegas and

local military men, women and their families. 270 store managers from eight districts across Southern and Northern Nevada, Utah, New Mexico, Montana,

Wyoming and Idaho participated in a care package assembly line to build, package and seal 1,500 care packages filled with various Smith's and Kroger brand items.

Completed in 30 minutes, the group's efforts created 24,000 meals, with each care package providing 16 servings. ■

Smith's

FOOD & DRUG STORES





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RETAILERS WELCOME BIPARTISAN LEGISLATION TO ADDRESS TAX BILL TYPO

WASHINGTON — THE NATIONAL RETAIL FEDERATION

welcomed bipartisan legislation introduced in the Senate that would fix a drafting error in the tax reform law that took effect in 2018. The error relating to depreciation rules is delaying job-creating investments in stores and restaurants across the country.

"It's hard to imagine that an unintended typo in a tax law has created so much uncertainty, but that's exactly what many American retailers have been dealing with for over

a year now," NRF Senior Vice President for Government Relations David French said. "This error might seem small, but it's having a large impact on companies that have been forced to delay or cancel improvement projects to stores and restaurants, costing new jobs as a result. Congress has allowed this issue and the economic fallout to fester for too long.

We applaud the bipartisan effort of Senators Toomey and Jones to restore investments in our communities, and we urge Congress to move quickly in fixing this tax code typo before more jobs are lost."

Under the Tax Cuts and Jobs Act, remodeling and other improvements to stores or buildings were supposed to be fully depreciated in the first year the work is done. Instead, a mistake in the legislative language requires that depreciation be done over 39 years. As a result, companies can only deduct 2.5 percent of costs in the year the investment is made and deduct the remaining 97.5 percent over the following 38 years.

If not for the typo, the critical tax provision could be creating jobs for construction workers, boosting orders for

materials and supplies, helping the real estate industry, revitalizing troubled shopping malls and struggling downtowns and creating long-term employment for countless retail and restaurant workers. ■

UPCOMING
National
Association of
Chain Drug Stores
Annual Meeting
April 27-30, 2019
Palm Beach,
Florida