

## THE RAN LEGISLATIVE MATRIX *By Bryan Wachter*

**I T HAS OFTEN BEEN SAID, "IT'S NOT ONLY WHAT WE DO, BUT ALSO WHAT WE DO NOT DO, FOR**

which we are accountable."

As an association, we take our responsibility to represent our industry very seriously—after all there's a lot at stake. For the 2012-2013 Nevada State Budget, sales and use tax accounts for the largest single revenue stream at \$1.7 billion dollars, and today in Nevada, the Retail Industry accounts for one in every ten jobs. In 2008 \$2.2 billion was contributed to the State General Fund from sales and use tax. There is no doubt the "Great Recession" has had a negative effect on retail, but we must also examine the policies of Nevada that have made it harder for retail to bounce back.

RAN's members needed a tool to measure those policies and the elected officials who introduced the bills that would eventually come to hurt businesses. Our members felt that not only should that tool be objective and easy to understand but also that it should mean something. RAN felt Nevada's Assemblymen and Senators should be accountable for their most important responsibility—voting.

Following the 2003 Legislative Session, RAN's board members created the Retail Association of Nevada Legislative Matrix. At the end

of each Legislative Session RAN staff would choose the bills that were most important to RAN's membership and give points to legislators that voted to help business. The board decided to allow staff to take into account whether legislators were open to hearing from the retail industry (Accessibility), whether or not legislators were helpful to the industry during committee hearings (Committee Assistance) and, new to the 2011 Matrix, whether or not legislators introduced good or bad legislation (Bill Introduction). To make the matrix meaningful, RAN's board voted that a legislator who wanted support from the association had to have a passing score or RAN would look for a more business-friendly candidate in the next election. The matrix doesn't take into account the previous session, party affiliation, party leadership, or friendship but rather is an objective measurement of an elected official's view on business.

The Nevada Legislature has met twice since the economic downturn and the scores on RAN's Legislative Matrix don't tell a story of government helping. The 2007 Nevada Senate scored a collective average of 79% on RAN's matrix; in 2011 that number was 65% up from 57% in 2009. As Nevada businesses continued to fight for survival, their elected representatives

chose to pass new laws that hurt those businesses. However, the blame for those anti-business policies cannot fall on the legislature as a collective. Each individual legislator must be held accountable and, much to the consternation of those that consistently vote against business, RAN uses our matrix to hold their feet to the fire.

The 2012 Nevada Primary is a few months away and it's RAN's responsibility to our members that we must adhere to our principles. Our matrix means something to our members and it should mean something to those legislators that represent them. ■

### INSIDE

Elect To Make a Difference.....	2
2012 Election Calendar .....	2
Tax Season Scam.....	3
Walgreens VIP Reception.....	4
BBB: A Valuable Resource For Business.....	4
Prescription Drug Round-Up.....	5
Walmart Unveils "Great For You" Icon .....	6
Governor Sandoval: Elimination of Unnecessary Regulations Will Help Business .....	7
National Retail Federation Policy Council Recap .....	7
Bath Salt Legislation Approved by the Legislature..	11



# ELECT TO MAKE A DIFFERENCE *By Bryan Wachter*

## **A** S THE 2012 ELECTION LOOMS NEARER, IT'S IMPORTANT

to focus on how business will play a pivotal role in not only the National races, but the races for local offices as well. According to the Business Industry Political Action Committee (BIPAC), an organization that has done quite a bit of research on why communicating with your employees about elections is a good idea, in recent election exit polls, seventy-one percent of voters identified themselves as 'investors'. This majority investor-class understands the relationship between their livelihood, retirement funds and the success of the company for which they work. This may help explain why employees consider

their employers to be the single most credible source of information on issues, candidates and elections. In fact, nearly eighty percent of employees polled say they want their employer to provide them with issue information.

However, it's not as easy as just talking to your employees. Below we've provided some helpful tips to follow to ensure both you and your employees are protected.

- One important distinction is whether you talk about candidates or issues. Generally, speaking with your employees about why a candidate is good or bad is not allowed.

- What is allowed is speaking to your employees about issues that are important to your

organization. It is also acceptable to use past voting records and statements made by candidates to let your employees know where all candidates stand on specific issues.

- The Retail Association of Nevada offers such a voting record matrix at **[www.rannv.org](http://www.rannv.org)**.

- Another option is to invite candidates down to your place of business. Be sure to invite all candidates for a specific office, and have them speak to your employees about issues that concern the livelihood of your business. It's a very memorable experience for both employees and candidates and helps to educate all on which candidates are good for business, and those that aren't.

- Posters make wonderful education items and are great to hang around the office provided they don't endorse a candidate. As an example, take two or three issues important to your business and list how candidates feel about those issues so your employees will know where the candidates stand.

Good, pro-business candidates can be elected, but it takes the hard work and the focus of business owners and employees who depend on those businesses to make it happen. For more information regarding the 2012 election, and a business toolkit to assist your employees with their voter registration, visit the Nevada Secretary of State's website at **[www.nvsos.gov](http://www.nvsos.gov)**. ■

## 2012 ELECTION CALENDAR

*By Lea Tauchen*

In addition to the election of the President of the United States this November, Nevada residents will be voting for all 42 state assembly seats, 10 of the 21 state senate seats, one U.S. senate seat and all four congressional seats. Make sure that these dates are on your calendar and that you are communicating with your employees about the importance of registering and voting in the 2012 election cycle. For additional election information, please visit the Nevada Secretary of State's website at **[www.nvsos.gov](http://www.nvsos.gov)**. ■

May 12 .....	Last day to register to vote by mail for the Primary Election
May 22 .....	Last day to register to vote in person for the Primary Election
May 26–June 8 .....	Early voting for the Primary Election
June 5 .....	Absentee ballots are due for the Primary Election
June 12 .....	Primary Election (polls are open from 7am to 7pm)
October 7 .....	Last day to register to vote by mail for the General Election
October 16 .....	Last day to register to vote in person for the General Election
October 20–November 2 .....	Early voting for the General Election
November 2 .....	Absentee ballots are due for the General Election
November 6 .....	General Election (polls are open from 7am to 7pm)



# TAX SEASON SCAMS

By Lea Tauchen

**L**AST MONTH, RAN ATTENDED A SMALL BUSINESS FORUM HOSTED by the Internal Revenue Service (IRS) to discuss tax scams and identity theft. With the tax season upon us, scams to defraud taxpayers or attain their personal information are flourishing. Education and awareness are the keys to prevention. Below are details provided by **www.IRS.gov** regarding common tax scams, how to spot them, and what to do.

The IRS has noted an increase in tax-return-related scams, frequently involving unsuspecting taxpayers who normally do not have a filing requirement in the first place.

Taxpayers should be wary of any of the following:

- Fictitious claims for refunds or rebates based on excess or withheld Social Security benefits.
- Claims that Treasury Form 1080 can be used to transfer funds from the Social

Security Administration to the IRS enabling a payout from the IRS.

- Unfamiliar for-profit tax services teaming up with local churches.
- Home-made flyers and brochures implying credits or refunds are available without proof of eligibility.
- Offers of free money with no documentation required.
- Promises of refunds for "Low Income — No Documents Tax Returns."
- Claims for the expired Economic Recovery Credit Program or Recovery Rebate Credit.

● Advice on claiming the Earned Income Tax Credit based on exaggerated reports of self-employment income. In some cases non-existent Social Security refunds or rebates have been the bait used by the con artists. In other situations, taxpayers deserve the tax credits they are promised but the preparer uses fictitious or inflated information on the return which results in a fraudulent return.

Flyers and advertisements for free money from the IRS, suggesting that the taxpayer can file with little or no documentation, have been appearing in community churches around the country. These schemes are also often spread by word of mouth among unsuspecting and well-intentioned people telling their friends and

relatives. Promoters of these scams often prey upon low-income individuals and the elderly. In the end, the victims discover their money and the promoters are long gone.

## HOW TO SPOT A SCAM

There are signs to watch for, such as an e-mail that:

- Requests detailed or an unusual amount of personal and/or financial information, such as name, SSN, bank or credit card account numbers or security-related information, such as mother's maiden name, either in the e-mail itself or on another site to which a link in the e-mail sends the recipient.
- Dangles bait to get the recipient to respond to the e-mail, such as mentioning a tax refund or offering to pay the recipient to participate in an IRS survey.
- Threatens a consequence for not responding to the e-mail, such as additional taxes or blocking access to the recipient's funds.
- Gets the Internal Revenue Service or other federal agency names wrong.
- Uses incorrect grammar or odd phrasing (many of the e-mail scams originate overseas and are written by non-native English speakers).
- Uses a really long address in any link contained in the e-mail message or one that does not start with the actual IRS website address (**www.irs.gov**).



## WHAT TO DO

The IRS does not initiate taxpayer contact via unsolicited e-mail or ask for personal identifying or financial information via e-mail. If you receive a suspicious e-mail claiming to come from the IRS, take the following steps:

- Do not open any attachments to the e-mail, in case they contain malicious code that will infect your computer.
- Do not click on any links, for the same reason. Also, be aware that the links often connect to a phony IRS website that appears authentic and then prompts the victim for personal identifiers, bank or credit card account numbers or PINs. The phony websites appear legitimate because the appearance and much of the content are directly copied from an actual page on the IRS website and then modified by the scammers for their own purposes.
- Contact the IRS at **1-800-829-1040** to determine whether the IRS is trying to contact you.
- Forward the suspicious e-mail or URL address to the IRS mailbox **phishing@irs.gov**, then delete the e-mail from your inbox. ■

## UPCOMING EVENTS

April 22–25, 2012  
**RILA Retail Industry Leaders Assn.**  
**Loss Prevention Audit and Safety Conference**  
 Gaylord Texan, Dallas TX

April 30–May 3, 2012  
**Food Marketing Institute FMI 2012**  
**The Food Retail Show**  
**www.FMI2012.com**  
 Dallas Convention Center  
 Dallas, TX



# WALGREENS VIP RECEPTION

By Liz MacMenamin

## ON FEBRUARY 2ND WALGREENS HOSTED A

VIP opening and reception for the new "Look Boutique" located at 3917 South Las Vegas Boulevard. This store means 100 new jobs in this one location which is a needed boost to the Nevada economy. These new stores will reflect the concept of the pharmacy of the future.

The reception was attended by Matt Morris, Regional Representative with U.S. Senator Dean Heller's office; State Senator Michael Roberson; State Senator Mo Denis; Assemblyman Pat Hickey; Kam Gandhi a member of the Nevada State Board of Pharmacy; and



representatives from RAN. Mindy Baker, Corporate Manager, State Government Relations for Walgreens, was also in attendance and able to give tours to the elected officials. ■

## INTERIM COMMITTEE UPDATE ADVISORY COMMISSION ON THE ADMINISTRATION OF JUSTICE

By Lea Tauchen

### THE ADVISORY COMMISSION ON THE ADMINISTRATION

of Justice held their first meeting of the interim on January 24. Assemblyman William Horne was re-elected as Chair and Justice James Hardesty was re-elected as Vice Chair. Chair Horne anticipates holding three or four regular meetings and one workshop throughout the year to determine their bill draft requests for the 2013 Legislative Session. Commission members provided input for those potential issues.

In addition, the Commission reviewed their statutory responsibilities and authority. They also reviewed the results of legislation that they proposed during the 2011 session and examined the status of those bills as either passed, failed, or vetoed.

Furthermore, presentations were provided by the Nevada Department of Corrections, State Board of Parole Commissioners, and Division of Parole and Probation of the Department of Public Safety. They each discussed their duties, caseloads, facilities, staffing issues, and budgetary issues. ■

# BBB: A VALUABLE RESOURCE FOR BUSINESS

By Lea Tauchen

IN ADDITION TO THE TAX SCAMS HIGHLIGHTED IN THE ARTICLE ON page 3, there are always a plethora of frauds being perpetrated on small business owners. An excellent resource for information on these marketplace scams is the Better Business Bureau (BBB). They offer businesses up-

to-date fraud/scam alerts ([www.bbb.org/scam](http://www.bbb.org/scam)), tips on various topics such as protecting customer data or researching merchant processing services, and toolkits designed to make challenging issues simpler such as managing security and privacy or understanding the use of copyrighted music.

A network of 116 BBBs assist businesses and consumers across the United States and Canada by setting standards for ethical marketplace behavior. There are two locations in Nevada, serving the northern and the southern parts of the state. The BBB is considered an objective, unbiased source of information on

businesses and charities to help consumers make educated purchasing and donating decisions. They are also a recognized leader in the design, development, and implementation of dispute resolution programs and can provide professional arbitration services. They use a "Code of Business Practices" to accredit businesses that meet their standards. However, BBB accreditation must be initiated by the business owner through application, and once a member, a fee is assessed to help support BBB services to the public.

To access BBB resources or to seek BBB accreditation, please visit [www.bbb.org](http://www.bbb.org). ■





# Prescription Drug Round Up

## April 28, 2012

### 10:00 AM - 2:00 PM



**Acceptable items:** *Unused or expired prescription drugs (in original containers with the patient's name marked out), over-the-counter pills, prescription liquids, and pet medications.*

### Drop-off locations

- Raleys** - 18144 Wedge Parkway, Reno
- Save Mart** - 9750 Pyramid Lakes Highway, Sparks
- Save Mart** - 565 East Prater Way, Sparks
- Scolari's** - 1300 Disc Drive, Sparks
- Scolari's** - 8165 S. Virginia St., Reno
- Walgreens** - 10370 N. McCarran Blvd., Reno
- Walmart** - 4855 Kietzke Lane, Reno



**Proper disposal of medications protects teens, children, pets and the environment.  
For more information visit [www.jtnn.org](http://www.jtnn.org)**

### Sponsors

**Unable to drop by on April 28?**  
Dispose of unused drugs by crushing them in a seal-tight plastic bag, add kitty litter or wet coffee grounds, seal the bag and dispose in the trash.





## WALMART UNVEILS “GREAT FOR YOU” ICON

**A YEAR AFTER PLEDGING TO DEVELOP A FRONT-** of-pack label that would give its customers an easier way to identify healthier food, Walmart, the nation’s largest food retailer, unveiled the “Great For You” icon at an event in Washington, D.C.

The icon, part of the company’s healthier food initiative, is an effort to implement a transparent, summary icon for its private label brand products backed by rigorous nutrition criteria. “Great For You” will initially appear on select Walmart Great Value and Marketside items, as well as on fresh and packaged fruits and vegetables at Walmart U.S. stores nationwide this spring. By extending “Great For You” to fruits and vegetables and nutritious food options the company will make it easier for its customers to build healthier diets.

“Walmart moms are telling us they want to make healthier choices for their families, but need

help deciphering all the claims and information already displayed on products,” said Andrea Thomas, senior vice president of sustainability at Walmart. “Our ‘Great For You’ icon provides customers with an easy way to quickly identify healthier food choices. As they continue to balance busy schedules and tight budgets, this simple tool encourages families to have a healthier diet.

“You’ll recall that our healthy food initiative includes several goals and over the past year, we have been working with private label brand and national brand suppliers to make progress. To date, some of the highlights include:

- Reformulating thousands of everyday packaged food items by 2015: we have been working to reduce sodium and added sugars in 165 food items; some examples include:
  - 15 percent sodium reduction in Great Value ketchup;
  - An average of 15 percent sodium reduction

in Great Value canned vegetables;

- More than 70 percent sodium reduction in fresh steaks, roasts and other muscle cuts of beef;

● Making healthier food choices more affordable: we surpassed this goal by helping customers save \$1.1 billion in their cost of fruits and vegetables. Additionally, we’re reducing or eliminating the price premium on more than 350 better-for-you items, such as low-sodium lunchmeat, reduced-fat peanut butter and fat-free salad dressing.

● Providing solutions to address food deserts by building stores: last July, we said we’d open between 275 and 300 stores in areas serving food deserts by 2016. Since then, we’ve already opened 23 stores in these areas and anticipate opening between 50 to 60 more in 2012.

● Increasing support for nutrition education programs: in the past year alone, we have provided more than \$13 million



in grants to nutrition education programs. Local organizations that have received funding include Share Our Strength and Hunger Free Colorado along with national grants to organizations like the National 4-H Council and Action for Healthy Kids, to name a few.

“We believe we have a responsibility to respond to what our customers tell us they want and need. In the coming months and years, we will continue to work with our partners and apply what we learn in our stores, in ways that make a real difference for our customers and their families.”

For more information on “Great For You” and nutrition criteria, visit: [www.walmartgreatforyou.com](http://www.walmartgreatforyou.com). ■

## 10 KEY TRENDS FOR CHOCOLATE PRODUCTS

**L**u Anne Williams, head of research at Innova Market Insights, has indentified 10 key trends for chocolate products at ‘T for Trends’. Among the list, Williams notes that forty is the New Twenty. The analyst said that women in their forties were looking for ways to stay younger for longer, adding that dark chocolate with its high antioxidant content offers a health halo. She gave examples of Hershey’s Kisses and Nestlé’s Mousse Delicate, products that came in small portion sizes for health conscious consumers.

To read all ten key trends go to: <http://www.confectionerynews.com/Formulation/10-key-trends-for-chocolate-products> ■



# GOVERNOR SANDOVAL: ELIMINATION OF UNNECESSARY REGULATIONS WILL HELP BUSINESS

By Sean Whaley, Nevada News Bureau

## **R**ENO — GOV. BRIAN SANDOVAL ANNOUNCED

his plan to repeal 654 unnecessary regulations that will assist in the state's efforts at economic diversification and job creation by making Nevada more business friendly.

In addition to the repeal of more than 600 rules, another 1,100 will be updated as a result of an executive order he issued in January 2011 imposing a one-year freeze, and calling for his cabinet to thoroughly review the entire regulatory framework of the state.

Most regulations that will be repealed come from agencies that impact businesses and individuals directly — 137 regulations in the Department of Business and Industry, 120 in the Department of Motor Vehicles and 95 in the Department of Taxation.

Sandoval said a less burdensome regulatory system would help Nevada attract jobs.

"My goal is to make Nevada the most business-friendly state in the country," he said. "I think that sent an incredible message that we in Nevada are going to have important regulations that are business friendly, and we think that it's going to have a large impact and complements what this plan does today.

"Over-regulation in other states has suffocated business and we think that that is going to be a very attractive component of our ability to attract those businesses to come to our state," Sandoval said.

At the Department of Motor Vehicles, the regulation that requires schools for training drivers to establish a place of business located in Nevada is being repealed. Repeal was recommended

because requiring internet based schools to establish a place of business in the state constitutes an unnecessary burden with little to no increased consumer protection (NAC 483.766(1)(a)).

In the Manufactured Housing Division (MHD), NAC 461.125 is being repealed. The regulation requires that every manufactured building in the state equipped with a toilet have a label affixed to it indicating the maximum amount of water the toilet uses for each flush. The MHD states that this regulation is duplicative and unnecessary.

During the freeze, all regulations were reviewed to determine if they were still necessary, to identify any adverse impact on business, to clarify language and address duplication or inconsistencies, and to determine if the public value outweighed the cost of the regulation itself.

"With my executive order, I established a set of regulatory priorities for this administration — namely, to protect the health and welfare of the people of Nevada without discouraging economic growth," Sandoval said.

Additionally, Sandoval has given his cabinet specific directions to refocus their approach to rule-making. Regulations will not be frozen, but every regulatory body will be required to notify the governor's office of proposed actions and include notice of how the proposed regulation is consistent with Sandoval's priority to keep Nevada's economy moving.

"My office will provide a thorough review of the rule-making process to ensure government doesn't get in the way of job growth," Sandoval said. ■

*Editor's note: A list of the regulations will be posted on the RAN website as soon as it's available*

## NATIONAL RETAIL FEDERATION POLICY COUNCIL RECAP *By Bryan Wachter*

**I**N FEBRUARY THE NATIONAL RETAIL FEDERATION (NRF) HELD ITS QUARTERLY Policy Council Meeting in Washington D.C. NRF's Policy Council determines the federation's federal legislative priorities for the next quarter

and gives direction, input, and help to further the group's goals.

During this February's meeting the council had a chance to sit and talk with Representative Mark Amodei (R-NV2).

Most of the council's time

was spent reviewing and collaborating on E-fairness, the movement to make sales and use tax equitable. Several bills have been introduced in Congress and there is optimism that the Federal Government will finally allow states to make changes

to their sales and use tax provisions according to their own needs.

The final function was an opportunity to hold conversations with various members of the U.S. Senate and the U.S. House of Representatives on Capitol Hill. ■



# Nevada Notes

## NEVADA TAXABLE SALES UP 9.6 PERCENT IN NOVEMBER

Nevada's taxable sales rose 9.6 percent in November over the same month a year ago, driven in large part by car sales and improved business at bars and restaurants, the state Department of Taxation reported today. Taxable sales totaled nearly \$3.4 billion for the month.

For the fiscal year that began July 1, 2011, taxable sales are up 8.5 percent through November.

Bryan Wachter, director of government affairs for the Retail Association of Nevada, said the report is great news for the state economy.

"This validates that we saw a healthy Black Friday leading into holiday spending," he said. "...It's very encouraging to see other parts of the economy showing improvement," Wachter said.

*Nevada News Bureau*

## NEVADA SAID TO HAVE NATION'S NO. 3 TAX CLIMATE FOR BUSINESS

Nevada has the nation's third-best tax climate for businesses, according to a recent study.

In its 2012 State Business Tax Climate Index, the Tax Foundation, a nonpartisan tax research group based in Washington, D.C., gave the Silver State the nod for its lack of corporate and personal income taxes.

However, the report also noted that Nevada has the

eighth-highest sales taxes and eighth-highest workers' compensation levies in the nation. Nevada ranked No. 16 for its property taxes.

Only Wyoming and South Dakota ranked ahead of Nevada in the overall ratings. Alaska and Florida rounded out the top five.

*LVRJ*

## NEVADA SMALL BUSINESS OWNERS CITE PROBLEMS HURTING JOB GROWTH

Members of the Nevada chapter of a small business organization say the state's minimum wage and construction defects laws are hampering job growth in the state.

The state's prevailing wage law was also cited as a drag on economic development in the survey of its members by the Nevada chapter of the National Federation of Independent Business.

Randi Thompson, Nevada state director of NFIB, said about 50 of the 1,800 members statewide responded to the survey, which was conducted in December and delivered to Steve Hill, executive director of the Governor's Office of Economic Development.

Respondents to the NFIB survey said they wanted to entirely revoke the construction defects law contained in Nevada Revised Statutes Chapter 40, which Thompson said opens the door to class action lawsuits against any contractor or subcontractor

involved in building homes, apartments, or condominiums — regardless of responsibility for the defect.

*NNB*

## NATION'S BEST BAGGERS GO FOR GROCERY GLORY IN LAS VEGAS

Speed was just one of the categories 24 competitors were judged on as they took their marks at mock grocery store check stands.

It's about speed, accuracy, and distribution of weight. Judges also took into consideration attitude, appearance and bag-building technique as contestants rushed to pack three canvas bags with more than 30 products.

The championship was designed to promote the grocery industry's customer service. The first place winner received a \$10,000 check, while the second place winner won \$5,000.

*Las Vegas Sun*

*Editor's Note: Many years ago, Bryan Wachter's father won this contest. Wachter is Director of Government Affairs and Communications Director for RAN.*

## RETAIL MARKET IMPROVING SLIGHTLY IN LAS VEGAS VALLEY

### Small-business owners are now driving demand for space in sector

The retail market ended last year on a positive note with the vacancy rate dropping slightly to 10.6 percent, but more improvements are needed to

qualify as any sign of recovery, Applied Analysis principal Brian Gordon said in his fourth-quarter report.

Net absorption, or the amount of retail space taken vs. space vacated, was a positive 196,000 square feet during the quarter, bringing the vacancy rate down by 0.3 percentage points from the third quarter. Vacancy is still up from 10.3 percent a year ago.

It's small-business owners that are driving demand for retail space.

High vacancies continue to drive down average monthly asking rents, which slipped to \$1.51 a square foot in the fourth quarter, a 5-cent decrease year over year, according to Applied Analysis.

The retail market is still one of the most volatile segments of commercial real estate in Las Vegas. The question is whether any positive net absorption is from new business lifeblood coming into the market or from cannibalization taking place among retail survivors.

Average asking rent among all retail categories has lingered within a relatively narrow range over the last 12 months, Applied Analysis reported. Rents were highest in power centers at \$1.72 a square foot, compared with \$1.77 in fourth quarter 2010. Community center rents were \$1.51, down from \$1.58, and neighborhood center rents were \$1.41, down from \$1.47.

*Las Vegas Business Press*



# National Notes

## POSITIVE JANUARY RETAIL SALES PROVIDE STRONG START TO NEW YEAR, SALES RISE 4.0 PERCENT YEAR-OVER-YEAR

Building on the momentum of a strong holiday shopping season and propelled by gift card redemptions and warm weather, retailers' January sales saw solid growth across the board. According to the National Retail Federation, January retail industry sales (excluding automobiles, gas stations and restaurants) increased 0.9 percent seasonally adjusted from December and 4.0 percent unadjusted year-over-year.

"Thanks to a combination of unseasonably warm weather across much of the country and millions of shoppers with gift cards burning holes in their pockets, retailers are still riding the tailwinds of consumers' spending power," said National Retail Federation President and CEO Matthew Shay. "As a traditionally slower sales month for the industry, it's encouraging to see such sustained growth in consumer spending and sentiment."

NRF

## DRUG COSTS POSE SMALLER FINANCIAL BURDEN AMID GENERIC BOOM

Thanks to greater use of generic drugs, the financial burden of prescription costs has become less of an issue for families in the United States, according to a new study by the RAND Corporation.

The study shows that the

number of Americans living in a family that spent more than 10 percent of its income out of pocket on prescription drugs decreased from 2003 to 2008. The decrease in costs to families is in contrast to the preceding five-year period, from 1999 to 2003, when drug costs rose year after year and were a financial burden for an increasing number of families.

Since 2003, the percentage of people living with a high cost burden fell to 3.1 percent of the population, or 8.3 million people, in 2008, the study showed.

The study, which used data from the 1998 to 2008 Medical Expenditure Panel Surveys of the federal Agency for Healthcare Research and Quality, said drug costs slowed as employers and health plans began to provide incentives for choosing generics. For example, many health plans placed more expensive brand-name drugs into higher tiers on their preferred list of drugs, known as a formulary. Drugs in higher tiers have higher co-payments or deductibles, pushing consumers and their doctors to consider less expensive generic alternatives.

In addition, it remains unclear what kind of drug coverage will be offered by private health plans expected to participate in state-regulated insurance exchanges, which will be the primary choice for uninsured Americans as they look to purchase health benefits under federal health legislation.

NYT

## FDA BUDGET FY 2013 REQUEST REFLECTS A 17 PERCENT INCREASE FROM FY 2012 BUDGET

The U.S. Food and Drug Administration is requesting a budget of \$4.5 billion to protect and promote the public health as part of the President's fiscal year (FY) 2013 budget — a 17 percent increase over the FDA enacted budget for FY 2012. Industry user fees would fund 98 percent of the proposed budget increase. The FY 2013 request covers the period from Oct. 1, 2012 through Sept 30, 2013.

Highlights of the FDA FY 2013 budget include:

- Protecting Patients Initiative (+\$364 million) recommends new user fees to support FDA generic drug activities and to support development and review of biosimilar biological products.
- Transforming Food Safety Initiative (+\$253 million) will bolster FDA's efforts to build a strong, reliable food safety system — as envisioned in the landmark Food Safety Modernization Act (FSMA). With the support of new user fees, FDA will foster a prevention-focused domestic and import food safety system to protect the health of American consumers. Under this initiative, FDA is also proposing new user fees to support its cosmetic and food contact substance programs.
- Food and Drug Inspections in China: The Transforming Food Safety and Protecting Patients Initiatives

include \$10 million in new resources. This investment will strengthen the safety of the food and drugs produced in China for export to the United States.

- Medical Countermeasures (MCM) Initiative (+\$3.5 million) will help meet America's national security and public health requirements for MCM readiness. Congress provided new resources in FY 2012 to support FDA's role in protecting the United States from chemical, biological, radiological and nuclear threats, and from emerging infectious diseases such as pandemic influenza.
- Data Consolidation and IT Savings (-\$20 million) initiative will produce savings to meet the requirements of recent executive orders that promote government efficiency and assure environmental, energy and economic performance. FDA will also reduce redundant computer equipment and achieve other IT savings.

FDA Press Release

## NRF CEO OUTLINES RETAIL PUBLIC POLICY AGENDA

President and CEO Matthew Shay outlined NRF's public policy agenda and Retail Means Jobs campaign for business, civic and government leaders, emphasizing the significant role the retail industry plays in powering the economy.

Continued on page 11



### Important Information for SIG Members

The NRS governing self insured groups requires notifying members of all new members to the Nevada Retail Network Self Insured Group. New members for NRNSIG from Feb. 1, 2012 to Feb. 29, 2012 are listed below.

A Gentle Touch Home Health Care

A&C Russell dba Glass Doctor

Adaven Children's Dentistry

Betera, Inc. dba I Love Yogurt

Big Poppa's LLC dba Privilege Men's Club

Capstone Management Group LLC

Endodontic Associates, LLC

Gabel Distributors, LLC

Humboldt Volunteer Hospice

James E. Nave Family Trust & Hog Creek dba Sunridge Animal Hospital

Jeff J. Rife & Associates

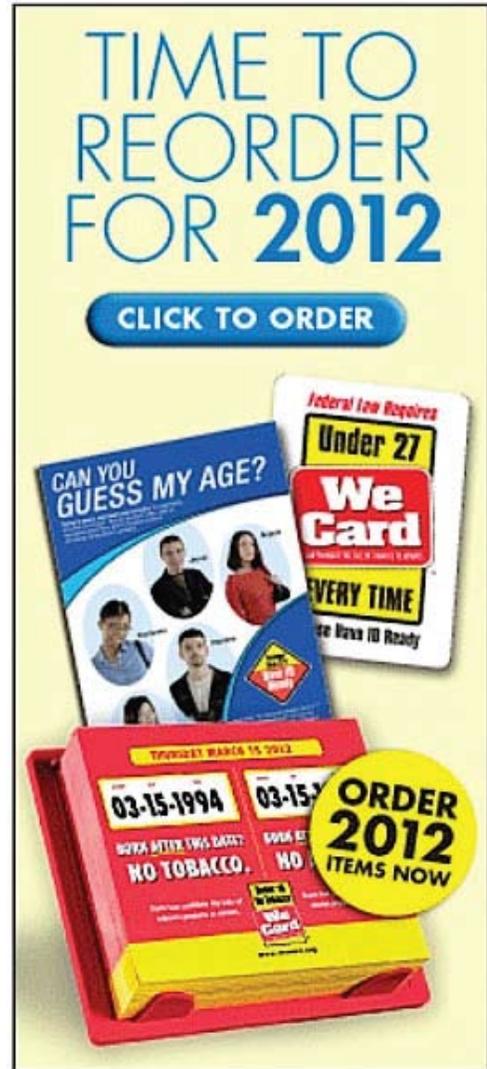
LCS Services, LLC

Nine Twenty Five Bryant, LLC

Nonos Home Décor, LLC dba Nono's Sweet Repeats

Russell Road Food & Beverage LLC dba Crazy Horse III

**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.



Go to: <http://www.search4gear.com/wecard/> to place your order.

## TAKE CONTROL OF YOUR WORKERS' COMP COST

**Be Part of...**  
**The Nevada Retail Network**  
Certificate #5004



• **Self Insured Group** •  
• Membership in RAN Required •

- Greater management control that cuts overhead costs
- Pre-employment screening at a small co-pay for NRN members only
- Team Safety/Loss Control Program for all members
- Investigation and defense of claims
- Direct savings that give members greater incentive to control losses

**Take Control Today...**

**Call Mike Olson**  
800-859-3177

**Sponsored by:**

**The Retail Association of Nevada**

410 South Minnesota Street  
Carson City, NV 89703-4272

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



# “BATH SALT” REGULATION APPROVED BY THE LEGISLATURE

By Liz MacMenamin

**O** N FEBRUARY 15TH, THE LEGISLATIVE COMMISSION

approved the “Bath Salt” regulation adopted by the Board of Pharmacy. The so called “designer drugs” continue to be a problem and law enforcement has been working diligently to secure a regulation making a synthetic drug that mirrors cocaine and marijuana known as “bath salts” a scheduled substance. They got a step closer when the Nevada

State Board of Pharmacy adopted a regulation in January 2012, which made this compound a controlled substance.

Legislators that serve on the Legislative Committee on Health Care expressed concern about the use of these drugs that currently can be purchased legally at stores. There have been reported cases of deaths, at least one in Nevada, in connection with the use of this drug. In October of last year the DEA exercised its emergency scheduling

authority to control three of the synthetic stimulants, making it illegal to possess or sell these chemicals, or any product that contains them. There were a number of bills introduced in Nevada during the 2011 Legislative Session with no action taken. At the time, legislators were told it was unnecessary since this would be accomplished through the regulatory process at the Board of Pharmacy.

The final version of the regulation can be found on the Board of Pharmacy

website, **www.bop.nv.gov**.

The Board voted to move forward on the scheduling of these drugs over a year ago but the staff attorney was working with interested parties to overcome several obstacles that slowed the process of crafting and bringing forth language the board could approve. The final vote was unanimous with no opposition from the public. ■

## THE FOCUS GROUP *By Barbara Wold*

**R** ESEARCH GIVES A BUSINESS THE COMPETITIVE EDGE. A FOCUS

group is one excellent way to collect data and fresh new ideas from customers and staff.

1. Gather 10 to 12 people to “brainstorm on specific areas of your business.” To attain that number, you’ll need to invite 20 to 24.
2. Keep the objective

- of the group specific, not general.
- 3. Appoint an outsider—not a company employee—to be your moderator: he or she will be more objective and therefore effective.
- 4. Provide a discussion outline and/or worksheet as a guide during the session.
- 5. Hire someone to take notes.
- 6. Keep the session to two hours or less.

- 7. Hold the focus group session in a private room at a local restaurant.
- 8. Offer compensation of a gift or a store gift certificate worth \$75 to \$100.
- 9. Write thank you notes to all participants.
- 10. Promise the attendees anonymity. You’ll get more honest responses and results.
- 11. Do not videotape or have an observation “window”

overlooking the group. Remember, people—not profits—run your company. Show your customers and staff they are appreciated by opening lines of communication and inviting suggestions. ■

*Barbara Wold*  
International Speaker, Author and Business Strategist  
Global Retail & Consumer Expert  
**bwold@ix.netcom.com**

## National Notes *Continued from page 9*

Priorities in the campaign’s Jobs, Innovation and Consumer Value Agenda include:

- Sales Tax Fairness: Shut down the \$24 billion online sales tax loophole to ensure a

- level and fair playing field for Main Street merchants and online retailers.
- Corporate Tax Reform: Revise the antiquated tax code by eliminating deductions,

- broadening the base, and lowering the corporate tax rate so more American industries can compete in the global marketplace.
- Trade: Pursue and

expand free trade agreements and partnerships like the Trans-Pacific Partnership and open new markets for American goods and services. NRF



Retail Association of Nevada  
 410 South Minnesota Street  
 Carson City, Nevada 89703-4272

PRESORTED  
 STANDARD  
 U.S. POSTAGE PAID  
 RENO, NV  
 PERMIT NO. 931

## NEVADA NEWS

Nevada News is published by the Retail Association of Nevada, a nonpartisan, nonprofit corporation founded in 1969 representing the Retail Community, the Chain Drug Council and the Grocery Industry Council.

Mary F. Lau  
*President/CEO*

Elizabeth MacMenamin  
*Vice President of Government Affairs*

Lea Tauchen  
*Senior Director of Government Affairs*

Bryan Wachter  
*Director of Government Affairs*

Piper Brown  
*Office Manager*

Mike Olson  
*Account Executive / Workers' Comp*

Ande Engleman  
*Newsletter Editor*

Sue Arzillo, Alphabet Soup Inc.  
*Newsletter Design & Layout*

### WASHINGTON RETAIL INSIGHT

# NRF WELCOMES LEGISLATION TO OVERTURN “AMBUSH” UNION ELECTIONS

## THE NATIONAL RETAIL FEDERATION URGES CONGRESS

to move quickly on legislation expected to be introduced today that would overturn new National Labor Relations Board regulations that allow unions to hold “ambush” organizing elections with little notice to employers.

“The ambush election rules approved by the NLRB give unions the ability to quietly rally workers for months, then spring an election on employers without allowing them equal time to make their case,” NRF President and CEO Matthew Shay said. “This legislation would restore a level playing field to ensure that employees can make

an informed decision about joining a union. It would also help rein in a federal agency that is quickly getting out of control — the very purpose of the Congressional Review Act.”

A joint resolution was introduced in both chambers of Congress that would use the Congressional Review Act to overturn election rules adopted by the NLRB on a 2-1 party-line vote in December. Unlike typical bills that require 60 votes to clear procedural hurdles in the Senate, the Congressional Review Act would require only a simple 51-vote majority to pass and would be considered under expedited procedures. The measure would then require House approval before the NLRB regulations could

be overturned. Passed in 1996 to allow Congress to review regulations issued by government agencies, the law has been successfully used only once before, to overturn Labor Department ergonomics regulations in 2001.

Under the December regulations, union organizing elections can be held in as little as 14 days after a union files a petition, down from a current median of 37 days for most elections and an average 101 days for those where legal challenges are filed. The regulations are scheduled to take effect April 30.

In addition to the ambush elections regulations, the NLRB last year handed down a ruling allowing the

creation of micro-unions where a union could cherry pick certain departments or employees within a company. A pending proposal would require companies to give workers’ telephone numbers and personal e-mail addresses to union organizers. The moves are related to key elements of the Employee Free Choice Act, or “card check” bill, that was defeated in Congress in 2007. Unions have sought to have the bill’s advantageous union organizing procedures implemented through administrative procedures since then.

NRF’s position on card check and related issues is outlined at [www.retailmeansjobs.com/cardcheck](http://www.retailmeansjobs.com/cardcheck). ■