



RAN

Retail Association of Nevada

JUNE, JULY 2013

LOOKING OUT FOR BUSINESS

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NEVADA NEWS

SESSION 77—A NEW HOPE

IT ISN'T EVERY DAY, EVERY YEAR, OR EVEN EVERY DECADE, THAT ONE WITNESSES A

dramatic paradigm shift in the attitudes and behavior of a branch of state government. In fact, even when experiencing such a change in models, there is no confirmation whether or not such a change is permanent, or more a creation of wishful thinking.

The 2013 Legislative Session should go down as a turning point in Nevada history. In perhaps an example of why term limits can be a good thing, the Legislature was led by four legislators new to leadership roles. Far from being plagued with mishaps and confusion, these leaders engaged in serious and in-depth debate, and, while some resolutions were out of reach, conversations about healthcare, gun rights, the general role of government, and taxation can sometimes be more important than a quick and partisan outcome.

For instance, at the beginning of the session, a very frank and prolonged conversation regarding the Teachers Union Margin Tax was held in a joint meeting of the Assembly Committee on Taxation and the Senate

Committee on Revenue and Economic Development. The Union and the business community were given ample time to discuss, debate, and explain their experiences, facts, and opinions; in the end, the Legislature chose not to pass the tax increase.

Sometimes the conversation doesn't always happen in committee hearings or at the table during testimony, but rather springs from real conversations that stretch late into the night and early into the morning. RAN was present for many of these conversations, and leadership from the Assembly (Speaker Kirkpatrick and Minority Leader Hickey) and the Senate (Majority Leader Denis and Minority Leader Roberson) required thoughtful debate reliant more on facts and less on emotions. Leadership from both parties wanted to know how bills would legitimately affect our industry, other industries, and the future of Nevada.

Recently, Nevadans have been used to a Legislature that viewed lawmaking as a zero-sum game, a game to be won or lost; not usually based on the interests of Nevadans overall. RAN believes that mindset has been transformed.

From Speaker Kirkpatrick's in-depth look into the Live Entertainment Tax, Senator Roberson's investigation of the net proceeds of mines, Assemblyman Hickey's construction defect legislation, or to Majority Leader Denis' examination into drivers' privilege cards, honest and open discussions were more prevalent than partisan bickering.

We hope this transformation is structural, and not temporary. We have hope that the interests of Nevada's citizens and businesses can continue to rely on a legislative body that values congeniality and solutions, rather than one marred in partisan name-calling. We hope. ■

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2013 LEGISLATIVE BILL OVERVIEW

THIS IS A BRIEF REVIEW OF KEY BILLS THAT PASSED DURING

the 2013 Legislative Session and may affect the retail industry. You will receive a more detailed analysis of these bills and more in our publication of "It's the Law" which will be sent to you later this year. In the meantime, for more information on these bills and all other 2013 legislation, please refer to the Nevada Legislature's website at www.leg.state.nv.us.

GROCERY AND GENERAL MERCHANDISE ISSUES

By Lea Tauchen

BILLS THAT TAKE EFFECT IMMEDIATELY

Senate Bill 123: This bill will require NV Energy to retire at least 800 megawatts of coal-fired electric generating capacity before 2020 and replace it with at least 350 megawatts of electric generating capacity from renewable energy facilities and at least 550 megawatts of electric generating capacity from other electric generating plants. However, this bill allows for NV Energy to recover, from ratepayers, the costs incurred to carry out this plan. Position: Opposed

BILLS THAT TAKE EFFECT ON JULY 1

Senate Bill 80: Section 29 of this bill will allow

retailers to discount dairy products two days before their expiration date. This section also modifies the cost determination process to more accurately reflect how the Commission determines costs during an audit. Position: Supported

Senate Bill 206: This bill will exclude a "cottage food operation" from the current definition of food establishment. This will allow an individual to manufacture or prepare food items in their private home and sell them without having to comply with inspection requirements. However, cottage food operations must register with the local health authority. Cottage food products include nuts, candies, jams, jellies, vinegar, dry herbs, dried fruit, and baked goods like cakes, cookies, and pies. Cottage food products must be sold directly to the consumer. Sales cannot be conducted through the Internet or mail order. Additionally, cottage food items must be labeled as such. Position: Neutral

BILLS THAT TAKE EFFECT ON OCTOBER 1

Senate Bill 127: This bill will limit the use of consumer credit reports by employers in hiring, discharging, disciplining, or promoting employees, except in certain circumstances. These circumstances include: when required by law, when there is suspicion of an unlawful

activity, or when the position has duties related to handling money, trade secrets, confidential information, personal information, managerial responsibility, etc. Position: Supported

Assembly Bill 102: This bill will replace the existing law that defines the "crime of participation in an organized retail theft ring" with the "crime of organized retail theft." Such a crime may be committed by one or more (rather than three or more) persons who intentionally conduct a series of thefts of retail merchandise at one or more merchants with the intent to return, trade, barter, or resell the merchandise. Penalties will remain the same. Position: Supported

Assembly Bill 181: This bill will prohibit employers from requesting an applicant or employee's user name and password to their personal social media accounts. It will also limit the use of consumer credit reports by employers in hiring, discharging, disciplining, or promoting employees, except in certain circumstances. These circumstances include: when required by law, when there is suspicion of an unlawful activity, or when the position has duties related to handling money, trade secrets, confidential information, personal information, managerial responsibility, etc. (Language is identical to

Senate Bill 127, as described above.) Position: Supported

BILLS THAT TAKE EFFECT ON JANUARY 1

Assembly Bill 89: This bill will allow a new class of corporation, a Benefit Corporation (B-Corp), that creates a material positive impact on society and the environment while still generating profit and shareholder return. B-Corps will be required to meet higher standards of accountability and transparency in reporting their performance than traditional corporations. Position: Supported

Assembly Bill 354: This bill will prohibit the manufacture, sale, or distribution of bottles, cups, and baby food or infant formula containers that contain intentionally added BPA and are intended for use by children under four years of age. Position: Supported

BAD BILLS THAT DIED

This is a brief review of bills that did not survive the 2013 Legislative Session, but would have had a negative impact on the retail industry had they made it into law. We are always mindful of these issues as we may see similar bills drafted next legislative session.

Senate Bill 70: This bill would have prohibited discriminatory employment practices based upon a person's status as

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a family caregiver. "Family caregiver" would have been defined as someone who "cares for another person" related by marriage, blood, or other familial relationship. This bill would have added family caregiver to the list of protected categories of discrimination, such as age, race, and religion. Position: Opposed

Senate Bill 111: This bill would have required owners of the premises on which an injury or death occurred to produce copies of their visual evidence of the incident if requested in writing by the claimant or claimant's attorney prior to them filing suit. Position: Opposed

Senate Bill 180: This bill would have provided that if a court found an employee had been injured as a result of certain unlawful employment practices, the court would have been required to award the employee with legal or equitable relief plus damages plus lost wages and benefits plus costs and attorney's fees. Position: Opposed

Senate Bill 183: This bill would have provided for the recycling of covered electronic devices sold in Nevada. Electronics manufacturers would have been responsible for registering with the state, paying an annual fee, and maintaining a program to collect and recycle electronic devices. Electronics retailers

would have been responsible for selling electronics only from manufacturers who were registered with the state or they would have faced administrative fines. Position: Opposed

Assembly Bill 126: This bill would have required the owner of any restaurant or similar retail food establishment with 15 or more locations in Nevada to disclose the same nutritional information that the Affordable Care Act requires federally for chains with 20 or more locations nationwide. Position: Opposed

Assembly Bill 219: This bill would have provided that any damages for which a person or corporation is liable must not be reduced by any amount payable or otherwise applied as a benefit to the person injured. This would have codified the collateral source rule, which is current practice under case law and rules of evidence. Position: Opposed

Assembly Bill 220: This bill would have prohibited merchants from applying a surcharge to any purchase made by credit card. Position: Opposed

Assembly Bill 240: This bill would have revised the existing law regarding liability in actions to recover damages for death or injury. Currently, several liability

applies if defendants assert a comparative negligence defense, which ensures that the negligent defendants liability is limited to their proportionate share of fault. This bill would have required that comparative negligence only be applied to actions in which negligence was a "bona fide issue." Position: Opposed

Assembly Bill 330: This bill would have deemed genetically engineered food produced in Nevada as misbranded, unless it was labeled "Genetically Engineered" in a clear and conspicuous manner. Position: Opposed

TAXATION

By Bryan Wachter

BILLS THAT TAKE EFFECT IMMEDIATELY

Assembly Bill 68: This bill makes necessary changes to the apportionment formula for the consolidated tax account, which provides operating expenses for county, city, and special districts. Position: Support

Senate Bill 7: This bill will require the Executive Director of the Department of Taxation to publish technical bulletins to educate the public on issues related to their businesses and the taxes administered by the Department, written opinions that the Executive Director receives from the Attorney General, and any other

information determined by the Executive Director or Nevada Tax Commission to be beneficial to the public. Position: Supported

Senate Bill 152: This bill allows a retailer who assigns a debt to an entity, which is part of an affiliated group that includes the retailer, to claim any deduction or refund the retailer would otherwise be entitled to. Position: Supported

Senate Bill 509: This bill amends Section 6.6 of chapter 432 in NRS to remove the expiration by limitation date of the tax. Position: None

Assembly Bill 482: This bill creates a special assessment on employers that enables the State to pay the interest on its loan from the Federal Government for unemployment compensation. Position: Supported

Assembly Bill 491: This bill is part of the "sunset" tax agreement. It continues to redirect the funds raised by the GST on vehicle registration from the State Highway Fund to the State General Fund. Position: Neutral

Senate Bill 165: This bill gives a transferable tax credit to movie production companies who meet several criteria, including length of production in Nevada,



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number of Nevada employees hired, and total number of dollars spent in Nevada, among others. The bill caps the total amount of credits available to \$60 million over the next three years, and limits an individual production company's credit allowance to 15% of their liability. Position: Opposed

Assembly Bill 466: This bill would require the Executive Director of the Department of Taxation to submit a report to the Governor and the Legislature regarding abatements, credits, and exemptions to the various taxes levied by the State of Nevada. Position: Supported

Senate Bill 475: This bill extends the taxes known as the "sunset taxes" that were first created in 2009, extended in 2011, and extended again in 2013. Among these taxes include a payroll tax rate of 1.17 percent on revenue over \$85,000 per quarter on all non-financial businesses and 2 percent on all financial businesses, an increase in the business license fee from \$100 to \$200, and an adjustment on the appreciation schedule applied to the GST on vehicle registration. Position: None

BILLS THAT TAKE EFFECT ON JULY 1

Senate Bill 8: In accordance with NRS 370.440, the definition of "wholesale price" is amended to include those tobacco products that are

also sold to a wholesale dealer before any discount or other reduction is made. Position: Supported

Senate Bill 406: This bill removed the local school support tax from the list of taxes that can be abated for businesses located in a TID. Position: Supported

Assembly Bill 66: Revises the manner in which the State Board of Equalization must provide certain notices concerning increases in the valuation of property. Position: No position

BILLS THAT TAKE EFFECT ON OCTOBER 1

Assembly Bill 413/Senate Bill 1 (2013 Special Session): This bill, upon two-thirds majority vote of the Clark County Commission, allows for an additional tax on fuels, which percentage would be based on the historical increase in the costs of construction-related projects. The increase on average would likely be 3 cents per gallon per year. The vote would have to occur by October 1, 2013, and can only be extended by a vote in 2016. Position: No position

PHARMACY/HEALTH CARE/BOARDS AND COMMISSIONS

By Liz MacMenamin

BILLS THAT TAKE EFFECT IMMEDIATELY

Assembly Bill 95: This

bill was sponsored by Assemblywoman Ellen Spiegel and requires the brand name of a drug when substituting with a generic brand. Existing law authorizes a pharmacist or practitioner to indicate on the label of a prescription that a generic drug has been substituted for a drug prescribed by brand name unless the indication is prohibited by the practitioner who prescribed the drug. (NRS 639.2587) This bill requires such an indication in every circumstance where a generic drug is substituted for a drug prescribed by brand name. The sponsor of this bill worked closely with RAN to ensure that compliance issues were addressed before final passage of her bill. Position: Supported

Assembly Bill 170:

Assemblywoman Maggie Carlton was the sponsor of this legislation. The language makes changes to the scope of practice advanced nurse practitioners. Existing law authorizes the State Board of Nursing to grant certain registered nurses a certificate of recognition as an advanced practitioner of nursing and sets forth the requirements for obtaining such certification. (NRS 632.237) This bill instead authorizes the Board to issue a license as an advanced practice registered nurse to certain registered nurses.

The bill also authorizes the Board to require an advanced practice registered nurse to maintain a policy

of professional liability insurance in accordance with regulations adopted by the Board. Existing law authorizes, under certain circumstances, an advanced practice registered nurse to prescribe controlled substances. (NRS 632.237, 639.235)

This bill prohibits an advanced practice registered nurse from prescribing a controlled substance listed in schedule II unless: (1) the nurse has at least 2 years or 2,000 hours of clinical experience; or (2) the controlled substance is prescribed pursuant to a protocol approved by a collaborating physician.

This bill provides that a registered nurse who possesses a valid certificate of recognition as an advanced practitioner of nursing on the effective date of this bill shall be deemed to possess a license as an advanced practice registered nurse. Position: Supported

Assembly Bill 252: Bill sponsors Assemblyman Ira Hansen and Speaker Marilyn Kirkpatrick proposed these changes in the noticing requirements under the open meeting law (NRS 241) and/or the administrative procedures act (NRS 233) regarding boards and commissions.

This bill requires an agency to submit a notice of any meeting or workshop relating to the adoption of a regulation to the Director



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of the Legislative Counsel Bureau at the same time that the agency posts notice of the meeting or workshop for posting on the Internet website maintained by the Legislative Counsel Bureau. It further provides that a regulation will be deemed withdrawn if the agency has not adopted the regulation within 2 years after submitting the regulation to the Legislative Counsel, unless the agency has petitioned and received approval for an extension from the Legislative Commission. AB 252 revises the requirements for the informational statement which is submitted under existing law with the adopted regulation by requiring the agency to include an explanation of the need for the regulation and allows an objection to be made to a regulation if the agency did not provide a satisfactory explanation of the need for the regulation or if the informational statement is insufficient or incomplete.

This bill is applicable retroactively to any regulation which has been proposed but not adopted before July 1, 2013, and to any regulation adopted on or after July 1, 2013. Position: Supported

Senate Bill 327: Freshman Senator Justin Jones introduced this legislation that makes changes to the practice of medicine and the practice of pharmacy. This bill revises the definition of “practice

of medicine” to include acts performed without regard to whether the practitioner is physically located in this State. The bill also revises provisions relating to the procedure for refills and will now allow electronic signatures for the purpose of recordkeeping on refills. It will also allow 90 day refills under certain criteria. Please call if you have any questions on this legislation. Position: Supported

BILLS THAT TAKE EFFECT ON OCTOBER 1

Assembly Bill 39: This bill was sponsored by the attorney general and establishes an electronic reporting mechanism for ephedrine and pseudoephedrine products sold in pharmacies. The enabling language will be the guideline in adopting a statewide system for reporting sales of ephedrine and pseudoephedrine. In their March 2013 board meeting the Board of Pharmacy officially endorsed this legislation and testified in support. This legislation passed unanimously. The board will now promulgate regulations on this and RAN will continue to stay involved during the process. Position: Supported

Assembly Bill 362: Assemblyman Lynn Stewart sponsored this language, which will expand the drug donation programs in Nevada to include HIV/AIDS

medications. The legislation establishes a program for the donation of unsealed drugs to include those prescribed for HIV/AIDS patients and provides immunity from liability to certain persons. Position: Supported

Senate Bill 81: The Committee on Health and Human Services sponsored this bill on behalf of the American Cancer Society. This bill will allow physicians to participate in the Cancer Drug Donation Program. The language sets the parameters that will allow certain licensed physicians to dispense cancer drugs donated for use in the Cancer Drug Donation Program. Position: Supported

BILLS THAT TAKE EFFECT AT A LATER DATE

Assembly Bill 40: This bill was introduced as a committee bill in Senate Committee on Commerce, Labor and Energy. The language was proposed by the State Health Division and specifically addresses the certification process of assistants in a “medical laboratory”. The bill increases the penalties for violating regulations to \$10,000 per violation.

The bill also authorizes the Health Division to require any person or medical laboratory that violates the provisions governing medical laboratories to take any action necessary to correct the violation. The implementation

date is January 1, 2014. Position: Neutral

BILLS THAT DIED THAT ARE WORTHY OF MENTION

Senate Bill 126: Senator Kelvin Atkinson sponsored this legislation. RAN’s analysis indicated that this bill would have restricted the pharmacists’ ability to provide lower cost drugs to their patients. Existing law provides for the substitution by a pharmacist of a generic drug for a prescribed drug if the generic drug is biologically equivalent to and has the same active ingredients as the prescribed drug. (NRS 639.2583)

This language would have restricted a pharmacist’s ability to dispense a therapeutically equivalent drug in place of a prescribed drug. The substitution of a generic drug differs from a therapeutic interchange authorized by section 1 in that the therapeutically equivalent drug that is being dispensed is not biologically equivalent to the prescribed drug. This bill would have amended existing laws that reference the substitution of generic drugs to also reference therapeutic interchanges.

This bill was requested by a pharmaceutical manufacturer and mirrors language being seen in other states. The manufacturer was hoping to limit the use of generics.

The sponsor worked with



2013 LEGISLATIVE BILL OVERVIEW *Continued from page 5*

RAN members to discuss concerns regarding the overall impact to RAN members. The legislation was pulled before a hearing was held in Senate Committee on Commerce, Labor, and Energy. Position: Opposed

Assembly Bill 369 and Assembly Bill 375:

These bills, sponsored by Assemblyman Ohrenschaal and Assemblywomen Marilyn Dondero Loop and Melissa Woodbury, are clearly insurance mandates. RAN

has always opposed such mandates because it increases that cost of health care for small businesses in Nevada, which already has more insurance mandates than most other states.

These bills would have required certain policies of health insurance and health care plans to provide coverage or provide an option of coverage for autism spectrum disorders. It also would have changed current requirements for certified autism behavior interventionists and would

have included social communication disorder as a disorder covered by the Autism Treatment Assistance Program, and required certain policies of health insurance and health care plans to provide coverage for social communication disorder on the same basis as autism. Position: Opposed

Senate Bill 352: Senator Mark Hutchison introduced this legislation requiring the addition of a representative from the insurance industry to

the board of the Silver State Health Insurance Exchange. It would have lifted the prohibition of anyone affiliated with the insurance industry from serving on the board for the Silver State Health Insurance Exchange. Other boards in Nevada require industry representatives on the different boards and this change to the board made sense. The bill, while passing unanimously in the senate, did not even get a hearing in Assembly Commerce and Labor. Position: Supported

NRF RECOGNIZES “HEROES OF MAIN STREET” ANNUAL AWARDS ACKNOWLEDGES MEMBERS OF CONGRESS FOR SUPPORTING THE MARKETPLACE FAIRNESS ACT

THE NATIONAL RETAIL FEDERATION IN CONJUNCTION

with National Small Business Week, recognized a bipartisan group of 136 Members of Congress — 69 Senators and 67 Representatives — as ‘Heroes of Main Street’ for their support of the American retail industry, the nation’s largest private sector employer.

This year’s inaugural

award recipients were recognized by NRF for their support and sponsorship of the Marketplace Fairness Act (S.336, S.743, H.R.684), which seeks to level the playing field between online and local retailers so sellers and merchants can compete fairly in the marketplace, no matter their distribution channel. Sales tax fairness, or efairness, is a top priority for NRF, NRF members and the broader

retail community. “Today we salute a dedicated group of public servants and advocates for their outstanding support of the retail industry,” NRF President and CEO Matthew Shay said. “These ‘heroes’ have all demonstrated a unique understanding and commitment to policies that will ensure a growing and thriving Main Street. NRF is pleased to acknowledge

these specific Members of Congress for their unmatched leadership on the Marketplace Fairness Act.”

Nevada

*Senator Harry Reid
Representative Mark E. Amodei
Representative Steven Horsford*

Future awards will be announced annually during National Small Business Week. ■

WALGREEN’S SETS GOALS TO BUILD NATION’S FIRST NET ZERO ENERGY RETAIL STORE IN EVANSTON, IL.

WALGREEN’S ANNOUNCED PLANS TO BUILD WHAT

the company believes will be the nation’s first net zero

energy retail store, which engineers predict will produce energy equal to or greater than it consumes. Walgreens plans to achieve that by utilizing solar panels,

wind turbines, geothermal technology, energy-efficient building materials, LED lighting and ultra-high-efficiency refrigeration. “We are committed to

reducing our carbon footprint and leading the retail industry in use of green technology,” said Thomas Connolly, Walgreens vice president of

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COMMITTEE TO PROTECT NEVADA JOBS

Business Coalition to Oppose the Margin Tax

What is the Margin Tax?

The Margin Tax Initiative is a ballot measure created by the Nevada Teachers Union that will be on Nevada's 2014 statewide ballot. It would impose a new 2% tax on the revenues of Nevada businesses.

Who would pay the tax?

Every business whose total GROSS revenue exceeds \$1,000,000 per year—regardless of whether any of that revenue is actually a profit.

For example, if your revenue is only one dollar above the one million dollar threshold, you would pay the tax on all of your revenue (the first million is not a deduction).

Although the Initiative sets the initial tax rate at 2% and sets the threshold for payment at \$1 million in revenue, the State Legislature would have authority, after three years, to increase the rate or reduce the threshold, as they have done on other state taxes in the past. Thus, if the Margin Tax is passed, the Legislature could later increase the tax rate to 3%, or reduce the revenue threshold to \$500,000 as a way of increasing state revenues, without any additional vote of the people.

How would the tax be calculated?

The ballot initiative is long and complicated, and many aspects would have to be clarified with state regulations. For example, if a company's total revenue is \$10 million and they chose the standard deduction, the 2% rate would be applied to \$7,000,000, giving that company a tax liability of \$140,000.

Simply put, on average, for every million dollars in total revenue, your tax liability would be: \$14,000.

As noted, this tax liability would be based on GROSS revenue, not true NET revenue in the form of an actual profit. In fact, **even an unprofitable business could have to pay the tax.** For instance, a business whose total revenue is \$2,000,000 could have a combination of total expenses (such as rent, utilities, inventory, payroll, healthcare, county, city, state and federal taxes, franchise fees, etc.) that leave it with little or no profit—but it would still be forced to pay the State nearly \$30,000 in new taxes.

Where would the money go?

The promoters claim their proposed Margin Tax would generate about \$800 million per year in new taxes. This new tax money would be put into a subaccount of the State's General Fund called the "Distributive School Account," which is used to fund education.

Currently, the State puts more than \$2 billion, or a third of the State's budget, into this account every two years. The promoters claim that the State would simply continue to put \$2 billion into the fund, in addition to the new \$1.6 billion generated by the Margin Tax. However, there is no guarantee that the State Legislature would do that. And, if the Legislature decided to use this new tax as the primary revenue source for education, funding for schools in Nevada could actually DECREASE by as much as \$400 million.

Why and how we're going to fight this new tax...

We all want adequate funding for our schools. But, the proposed Margin Tax is a job-killing approach that would hurt thousands of Nevada businesses. By damaging our state's economy and job market, it could actually reduce the revenue available for education in Nevada, and the jobs available to our students when they graduate. The promoters are planning to spend millions of dollars on a campaign to sell the initiative to voters by making them think it only affects big businesses and will guarantee more funds for schools. We need to develop a comprehensive and well-funded grassroots, earned media and paid media campaign to make sure Nevada voters understand the potentially devastating impacts the Margin Tax would have on Nevada employers, their employees, our economy, and ultimately, on education funding and future job opportunities for our children.

Here's how you and your business can help:

- 1) Become a member of our coalition by going to the website below and joining.
- 2) Make a financial contribution to our campaign fund.
- 3) Help us spread the word by providing information to your employees, customers, friends, and neighbors.

To join or for more information, visit www.ProtectingNevadaJobs.com or contact:
Danielle Cherry: dcherry@nvfundraiser.com, Tel: 775-410-0358, Cell: 775-857-7226

Paid for by the Committee to Protect Nevada Jobs



MOOD-ALTERING SUPERVISION

By James Larsen, Ph.D.

HAVE YOU EVER BECOME IMPATIENT

with another person's "blue" mood and thought to yourself "Why don't you just cheer up?" After all, when an employee has a blue mood, it may be impacting others, even customers, and it could be hurting your business.

Negative emotional experiences slam into people. Funny thing, though, positive emotional experiences are more common. According to Nathan Lambert, from Brigham Young University, they're a resource, and if they were more effectively utilized, people's lives might be happier. But Professor Lambert went beyond merely calling attention to this; he conducted experiments demonstrating how to improve people's moods. He experimented with two techniques. The first I call a double attaboys. The second was a one-month journaling assignment.

With the first technique, Lambert tested people and then took the person's

completed work out of the room for "scoring." When he returned, he said, "Congratulations! You did extremely well on your test! You got in the top 10%! Hardly anyone gets that high of a score. I was so impressed when I saw the results that I told your partner (who was in the next room) how well you did. I hope you don't mind." Shortly thereafter, subjects received an email from their partners. It read "Great job!!!! I heard you got in the top 10%. I'm so proud of you. The guy told me your task was a good measure of logic skills, and it sounds like it's pretty hard to do as well as you did. Bet you'll do just as well on your next one!!!"

The reaction in the moods of those who received these messages was striking. Lambert's measures doubled compared to those who received other messages. The improvement was immediate, and it demonstrates that anyone can improve the blue mood of another person merely by following this example. Take a sample of performance. React

enthusiastically to it. Tell the person that someone else has been informed, and then have this second person supply a similar enthusiastic response.

The second technique was an assignment, a month-long task of writing daily journals describing grateful experiences. It could be events of the day, events from earlier in their lives, or conditions of their lives, i.e. good health. Twice a week, subjects were to sit down with a partner and describe what they had written. Lambert measured happiness, satisfaction with life, positive affect, and vitality, and all the measures showed significant improvement. As with the first technique, it was crucial that a second person become involved. If people write gratitude journals, they must share these feelings regularly with someone important.

These techniques work, but why? Lambert sees three reasons.

First, a shared event becomes more vivid when another person knows about it. The event takes on validity and social reality. It is a

memory that people agree is important.

Second, when another person seems pleased with what we do, it strikes at the heart of why we do a good job in the first place: to please the supervisor. It also leads to a revised self-appraisal and a boost in self-esteem.

Finally, it does occur to people that doing well and being noticed may lead to future, positive outcomes.

Lambert believes that a sharp, positive kick in a person's mood can trigger a spiraling, positive, self-feeding chain reaction that leads to long-term, positive mood changes. Positive affect, broad-minded coping, interpersonal trust, and social support feed each other and lead to broad, long-lasting changes in vitality and satisfaction with life. Like putting a match into kindling at the base of a pile of timber, before long, warmth begins to climb into the cold branches and creates something new. Double attaboys and journaling are your matches. ■

Reference: www.businesspsych.org

WALGREEN'S *Continued from page 6*

facilities development. "We are investing in developing a net-zero store so we can learn the best way to bring these features to our other stores. Because we operate 8,000 stores, we believe our pursuit

of green technology can have a significant positive impact on the nation's environment."

Walgreens plans to generate electricity and reduce its usage by more than 40 percent through several

technologies in the store.

To follow the new store's two-year journey to achieve net zero status and the company's other green initiatives, visit the Net Zero Facebook page at <http://>

www.facebook.com/pages/Walgreens-Net-Zero-Community/141953242640364?ref=ts ■



STATE BOARD OF PHARMACY UPDATE

JUNE 2013 MEETING *By Liz MacMenamin*

THE NEVADA STATE BOARD OF PHARMACY MET ON JUNE 12-13,

2013, at the Hyatt Place in Reno, Nevada. The Thursday meeting was dedicated to workshops and public hearings.

Amended language for NAC 639.753 (Declination regulation) was heard during the Thursday meeting. There were concerns raised regarding subsection 4, which requires the pharmacist to keep a prescription if it does not meet standards set out in subsection 3. Dan Luce, with Walgreens, testified that the main concern is the safety of the pharmacists for refusing to return a prescription to a "dangerous individual". The board staff stated that they were not going to punish a pharmacist who is simply protecting his or her safety

and those in the pharmacy. This passed unanimously and will now be scheduled for the next Legislative Commission hearing.

During the workshop portion of the meeting, the board heard an amendment to NAC 639.050, which would allow a pharmacy to waste (or destroy) a controlled substance without an agent of the board present. Current regulation mandates that the pharmacy wait until such time as the board agent could be present before wasting controlled substances. NAC 639.498 clearly provides guidance to the industry on safe and allowed practices for destroying these substances. The board agreed to go forward with these changes, which will now go to the legal division of the Legislative Counsel Bureau for approval. Such changes require a

second public hearing prior to adoption by the board.

The board also took into consideration a proposed amendment to NAC 639.710 (delivery of prescription drugs). This amendment would "clarify" who could engage in delivering prescriptions from a pharmacy to a patient. Current regulations restrict who could qualify as an "authorized" person to make deliveries and this amendment appeared to further restrict the practice. Members of RAN testified that they discontinued the practice of delivery to patients after the board's previous discussion on this matter.

A pharmacist manager, testifying for Safeway/Von's, stated that they had quite a few customers who required their medication be delivered, but they discontinued the service because of concerns

that they were breaking the law. There was also testimony that no other state has these types of regulations in place for prescription deliveries and that this language complicated the issue even more. After much discussion from the public, the board determined that NAC 639.710 can be vacated entirely. Action to vacate the regulation will be scheduled for the July meeting.

The board attorney, Paul Edwards, gave an update on legislation enacted during the 77th Legislative Session that would impact the board or the industry. The board will now begin the process of adopting regulations as required by legislation. ■

NOTE: The next board meeting will be held in Las Vegas on July 24-25, 2013 at the Hilton Garden Inn 7830 Las Vegas Boulevard. **This is a location change.*

EMPLOYERS TO PAY INTEREST ON UNEMPLOYMENT INSURANCE LOAN

THE NEVADA LEGISLATURE RECENTLY PASSED

Assembly Bill 482, which was supported by RAN, created a temporary assessment on employers, to pay the interest on the advances received from the United States Treasury Department

to pay regular unemployment insurance benefits.

The interest on Title XII loans is about \$17 million and is due by September 30, 2013. The current outstanding loan balance is approximately \$560 million.

The Employment Security Division is in the process of sending employers a bill

itemizing their proportionate share of the temporary assessment on or before June 30, 2013.

The amount will be based upon each employer's total taxable wages paid during the 2012 calendar year. The average employer will pay about \$25 per employee. Due by July 31, 2013, the

temporary assessment payment must be kept separate from quarterly unemployment contributions for accounting purposes and can only be used for the interest payment.

More information is available at https://uitax.nvdetr.org/crphhtml/whats_new.htm. ■



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 are listed below.

All American Pawn, Inc. dba
All American Jewelry & Loan

Animal Kindness Veterinary Hospital dba
Animal Kindness Pet Clinic

Axis Security Group, Inc.

Churchill Council on Alcohol & Other Drugs

DHSLV LLC dba Don Antonio's Pizzeria

Fairgrounds Animal Hospital

Friends of Roos-N-More

Total Oil USA

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.

NOTE FOR MEMBERS

If you would like us to profile your business in our newsletter, or have any questions about RAN or the NRF Partnership, please contact Piper at Piper@rannv.org or call the business office at 775-882-1700.

TAKE CONTROL OF YOUR WORKERS' COMP COST

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410 South Minnesota Street
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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**.



Nevada Notes

GROWTH IN FOOD RETAIL MARKETS SPROUTS FROM OTHER CHANNELS

While traditional grocery stores are holding their share of the food retail market for now, the most growth in the industry is coming from other channels.

According to the Food Institute and consulting firm Willard Bishop, a study on the Future of Food Retailing found that overall traditional grocery sales increased 3.4 percent to \$517.7 billion in 2012. Market share remained steady at 46.5 percent.

Traditional grocers are those where foods or consumable products represent two-thirds or

more of sales. The majority will see slow growth ahead. Traditional grocery is now less than 50 percent and will continue to be that way, as the growth sectors create thinner slices of the overall pie for everyone.

Nontraditional retailers, however, will continue to benefit from their strong value proposition, and as a result are seeing the biggest growth. Supercenter sales, for instance, grew 4.5 percent in 2012 to \$192.6 billion, while store count increased 2.8 percent to more than 3,700 stores.

LVRJ

NEWLY INSURED TO DEEPEN PRIMARY-CARE DOCTOR GAP

A shortage of primary care physicians in some parts of the country is expected to worsen as millions of newly insured Americans gain coverage under the federal health care law next year.

Attempts to address the provider gap have taken on increased urgency ahead of the law's full implementation Jan. 1, but many of the potential solutions face a backlash from influential groups or will take years to bear fruit.

In some areas of rural Nevada, patients typically wait seven to 10 days to see a doctor.

"Many, many people

are not taking new patients," said Kerry Ann Aguirre, director of business development at Northeastern Nevada Regional Hospital, a 45-bed facility in Elko. The town of 18,500 is a four-hour drive from Reno, the nearest sizable city.

Nevada is one of the states with the lowest rate per capita of active primary care physicians, along with Mississippi, Utah, Texas and Idaho, according to the Association of American Medical Colleges.

The problem will become more acute nationally when 30 million uninsured people gain coverage under the Affordable Care Act.

RGJ

National Notes

WAL-MART TACKLES THE WEB

For more efficient shipping, Wal-Mart is creating a system that uses workers in stores to pack items and send them to customers. Wal-Mart is creating a vast new logistics system that includes building new warehouses for Web orders, but also uses workers in stores to pack and mail items to customers, because

Wal-Mart has determined it is faster and cheaper to send some shipments from its more than 4,000 U.S. stores.

Wal-Mart said it expects \$10 billion in online sales this year, which would amount to about 2% of its \$469 billion in annual revenue. The company says e-commerce is now a top priority.

WSJ

L.A. CITY COUNCIL OKS BAN ON PLASTIC GROCERY AND CARRYOUT BAGS

Los Angeles became the largest city in the nation to move toward a ban on plastic grocery bags, with the City Council barring them in supermarkets, convenience stores and any big retailer that sells groceries.

L.A.'s ordinance will be phased in over the next year, reaching large stores

on Jan. 1 and smaller ones on July 1, 2014. Customers who want paper bags will have to pay 10 cents for each one, according to the ordinance.

Businesses that fail to comply with the law would face a fine of \$100 for the first violation, \$200 after the second and \$500 after the third. Fines would be imposed for each day the violation continues.

L.A. Times



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WASHINGTON RETAIL INSIGHT

NRF CALLS IRS ACCOUNTING RULE CHANGE “HIDDEN TAX INCREASE”

THE NATIONAL RETAIL FEDERATION WELCOMED a

letter from lawmakers urging the Internal Revenue Service to back off a proposed accounting rule change that could cost many retailers millions of dollars a year.

“Retailers already have one of the highest effective tax rates of any U.S. industry,” NRF Vice-President and Tax Counsel Rachelle Bernstein said. “This move by the IRS would make that tax burden even higher and amount to a hidden tax increase. With the economy still recovering and retailers trying to create jobs, this is not the time to change a policy that has been in

place for half a century.” Several members of the House Ways and Means Committee wrote to Treasury Secretary Jacob Lew asking that the IRS reconsider plans to modify regulations governing the retail inventory method of accounting. Used by many merchants, the method allows retailers to average out the cost of merchandise in inventory rather than tracking specific items. The committee members said the proposed changes would require creation of “costly new inventory tracking systems” and would cost retailers millions of dollars. “Both effects would divert scarce resources from

investments that could otherwise be made in additional jobs and economic growth for constituents in our districts,” the letter said. “We urge you to reconsider the disproportionate tax burden on smaller retailers that will result if the regulations are enacted as proposed.” The letter particularly noted that a small business regulatory analysis has not been performed as required by the Regulatory Flexibility Act. As the world’s largest retail trade association and the voice of retail worldwide, NRF represents retailers of all types and sizes, including chain restaurants and industry partners, from the United

States and more than 45 countries abroad. ■

UPCOMING EVENTS

NACDS TOTAL STORE EXPO
 LV Sands Hotel and Expo
 Aug. 10–13

FOOD MARKETING INSTITUTE SUSTAINABILITY SUMMIT W/GMA
 Seattle, WA
 Aug. 14–16

NRF SHOP.ORG ANNUAL SUMMIT
 Chicago, IL
 Sep 30–Oct 02, 2013

CHAIN RESTAURANT CEO POLICY SUMMIT
 Washington, DC
 Oct 02–03, 2013