

# SPOTLIGHT ON THE COMMERCE, LABOR AND ENERGY COMMITTEES

*(Editor's note: During the Legislative Session, the RAN Newsletter will take an in-depth look at those committees that hear and process the bills that affect the RAN membership.)*

**I**N THE BEGINNING, THERE WERE NO COMMITTEES ON COMMERCE AND energy. The Legislature created committees as the need arose; the Labor Committee came into being early on, but businesses were treated individually such as mining and railroads.

By 1925 the Assembly had committees on labor; corporations and railroads; banks and banking; trades and manufactures; livestock; irrigation; and others including military and Indian Affairs. The Senate, with a smaller number of members, had fewer committees. Labor was there along with corporations; banks and banking; live stock; mines and mining; and a variety of government-related committees including the military and Indian Affairs.

1953 saw a legislature looking at the technological progress of the country as the Senate added aviation to the transportation committee. Banks and banking was combined with corporations; the military and Indian Affairs committee was still there but now there was Veterans Affairs Committee. The Assembly added insurance to its banks, banking and corporations committee. They also added a committee to study the functions of a Public Service Commission.

So the committees evolved. In the 1970's as corporate gaming came into being, regulation of corporations was moved into the Judiciary Committees, which had always dealt with gaming laws. By 1993, the Senate had combined Commerce and Labor into one committee while the Assembly maintained two committees: Commerce, and Labor & Management. It wasn't until 1999 that the Assembly combined the two committees into Commerce and Labor. The present committees of Commerce, Labor and Energy came into existence in 2011.

The Chairman of the Senate Commerce, Labor and Energy Committee is Senator Kelvin Atkinson (D-Clark). Although this is his first year in the Senate, he chaired the Commerce and Labor Committee in the Assembly in 2011, and prior to that, he chaired the Transportation Committee.

"Jobs are among my top concerns," he explained in a recent interview. "And that's renewable energy. There's going to be some exiting things happening that will create more jobs. We're getting some assistance from (U.S.) Senator Reid (D-Nev.) and I expect we'll see some progress in the renewable area, including manufacturing. I know that renewable energy is a little more expensive right now, but it's an investment in the

future. Later on, costs and bills will drop and people will recoup the difference."

Along with renewable energy, the committee is assigned all the bills dealing with the Public Utilities Commission and those from the utility companies and consumer advocate's office.

"It's possible that this year, our committee will out-number the Government Affairs and Judiciary Committees for the amount of bills assigned to us," said Atkinson as we discussed the wide-range of issues to be heard this session.

Equally important to the Chairman is the classification of employees, (see story on page 4) especially the difference between independent contractors and

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# COMMERCE, LABOR AND ENERGY COMMITTEES

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Senator Kelvin Atkinson, Chairman of the Senate Commerce, Labor and Energy Committee

employees.

"Labor plays a big role in our state, I care about the workforce and fair-play. Let me be clear about this: I am not anti-business! It is, after all, the businesses that create the jobs. I recognize that and we shouldn't make it difficult for businesses to come into the state and expand. We have to also look out for consumers. But I don't think balancing all three concerns means that one is more important than the other," he stressed.

Housing is another issue of concern.

"My district in North Las Vegas has been hard hit by the foreclosures. I think we're going to see some proposals this session that will fix some of the

problems. I would like to see us move faster, but in some cases, we can only do so much," he said frowning.

This committee also gets all the regulatory board bills, along with medical issues as far as sales and labeling and, of course, the boards\*. Business bills including banking, insurance, real estate, and related fees will also be heard this session.

"I'm really looking forward to working with the Assembly Commerce Committee and Chairman David Bobzien (D-AD 24). Since our committees are meeting at the same time, we can hold some joint committee hearings and be more efficient. He (David Bobzien) and I see eye-to-eye on a number of issues," he explained.

As a chairman, Kelvin Atkinson prefers parties to work with one another prior to a bill's hearing. He greets surprise attacks on a bill with disdain. He maintains the dignity of the Senate while using his ready wit to ease tension, and he's well organized.

Equally well organized is his counterpart in the Assembly, Chairman David Bobzien. Unlike Senator Atkinson, Mr. Bobzien

is new to the Committee on Commerce and Labor but feels it's a benefit and not a negative. "I have the opportunity to view legislation and topics that have always come before this committee with fresh eyes and I think that's important."

While Chairman Bobzien agrees with the Senator he knows other issues will be before the committee, "Energy issues are always important; but we are going to see a lot of bills pertaining to economic development."

Economic development has the potential to diversify our economy, provide jobs, and stabilize our tax base. "We have a situation where things are starting to turn around and move in the right direction. This gives us the opening to make changes we can build on for the better," he described.

The Committees on Commerce and Labor in both houses see more than their fair share of bills under their jurisdiction but Chairman Bobzien sees the committee as less in the public eye than others, "We have a huge mix of bills but they tend to be tremendously complex which makes it hard to present the



Assemblyman David Bobzien, Chairman of the Assembly Commerce, Labor and Energy Committee

nuance so everyone can understand."

Since Chairman Bobzien is from the Northern part of Nevada and Chairman Atkinson represents the south Mr. Bobzien feels that the whole state will benefit from the balanced perspective, "We both make it a point to understand the whole state and travel to all parts to understand the differences and commonalities our communities face." ■

*\*Editor's Note: On February 18th, Senator Atkinson introduced SB 126 — AN ACT relating to the practice of pharmacy; establishing provisions governing the dispensing of a therapeutically equivalent drug in place of a drug that is prescribed by a practitioner; providing a penalty; and providing other matters properly relating thereto.*

**The penalty is a possible jail sentence.**

## C-TAX SEES CHANGES *By Bryan Wachter*

### TO GENERATE ENOUGH REVENUE FOR LOCAL GOVERNMENTS

including cities and counties, school districts, and special entities, Nevada created a Local Government Finance

Account that is funded by the "Consolidated Taxes" or "C-Tax".

Six taxes make up the C-Tax including sales taxes, cigarette taxes, and liquor taxes. The formula that distributes this tax revenue to the individual political subdivisions is archaic and largely deemed unfair

by many entities. As we've reported in *Nevada News* in previous issues, Speaker Marilyn Kirkpatrick (D-NLV) had led a year's long interim study on the C-Tax distribution formula which included bringing in economic experts and anecdotes from C-Tax receivers.

Since there is a finite amount of money in the fund, if any county or city receives additional tax revenue another entity must lose some. This formula was felt during last month's hearing on the proposed changes

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# MARGIN TAX MOVES ON

By Bryan Wachter

## SINCE THE TEACHERS' UNION (NEVADA STATE EDUCATION ASSOCIATION-NSEA)

first introduced their margins tax initiative petition, designed to pull \$1.6 Billion from the private sector to the State General Fund's Distributive School Account, Nevada News has kept you abreast of the many victories of the legal team for the Committee to Protect Nevada Jobs, the coalition that came together to fight the

union tax grab. After having defeated the Union not once but twice in Nevada's First District Court, the Committee to Protect Nevada Jobs had to just pass one more hurdle — The Nevada Supreme Court — to protect the many businesses that simply can't afford to be taxed when they're losing money. At the end of January the Nevada Supreme Court overturned the decision of the District Court and ordered that the Union Tax

Petition should be sent to the Legislature for a vote within the first 40 days of the Legislative Session. If the petition fails to pass the legislature, the tax question would go to the voters in November of 2014. Taxes are complex, and even after spending 120 days debating with experts, often the legislature can't foresee every consequence of a new tax system. The Retail Association

opposed this margins tax. RAN was a founding member of the Committee to Protect Nevada Jobs, and has been front and center in the fight against this unfair and destructive tax. Creating tax policy at the ballot box is problematic; selling that tax package as something for the children, even when the union has admitted that the money doesn't have to be used for education, is deceitful. ■

## 77TH LEGISLATIVE UPDATE PHARMACY, HEALTH CARE, BOARDS AND COMMISSIONS

By Liz MacMenamin

## THE FIRST DAYS OF THE 2013 SESSION WERE MOSTLY PRESENTATIONS

and updates from department heads and agencies.

AB39, the real time tracking of pseudoephedrine bill, earned a mention in a presentation by the First Assistant Attorney General Keith Munro, in which he gave the Assembly Judiciary Committee an overview of the Attorney General's office, and previewed some of the legislation they will be proffering. He said AB39 was part of the Office's ongoing efforts to track methamphetamine use, and

was a proposal out of the Substance Abuse Working Group, which he called "a great benefit to the people of Nevada." The Committee Chair, Assemblyman Jason Frierson (D-AD 8) asked for elaboration on the AG's work on methamphetamine. Attorney General Munro said 28 other states have developed real time tracking of PSE purchases, and that the AG's office is trying to bring that same capability to Nevada to give law enforcement "better tools." He also cited the great work by the committee to develop a logbook, and said, "now that

we have increased technology," that they want to continue that work. Vice-Chair James Ohrenschall (D-AD 12) asked the Attorney General's office about whether they are finding a reduction in meth labs in Nevada, or finding that meth is being imported from elsewhere. Keith Munro said "this is ever-changing," then said "what we want to do is track what is happening in the pharmacies, and we are working with the Retail Association to address that here in Nevada." The first draft of the language would have required

the Department of Public Safety to manage the system but after reviewing what has been done in other states, the stakeholders contacted the State Board of Pharmacy to determine if this agency would be the best solution to regulate the tracking system. Stakeholders met with staff of the pharmacy board on February 12th to propose this solution and Larry Pinson, executive director of the State Board of Pharmacy, committed to bringing this proposal to the March 7th board meeting as an action item. ■

## C-TAX Continued from page 2

to the C-Tax in the Assembly Commerce and Labor Committee. North Las Vegas, feeling that they had been

taken advantage of, requested a surprise amendment that would have increased that city's base allocation. In the

end the Commerce and Labor Committee passed the bill, AB68, out of committee with no amendment.

At press time the bill had been sent to the Assembly Floor for final action. ■



# AB102: ORGANIZED RETAIL CRIME

By Lea Tauchen

## ORGANIZED RETAIL CRIME (ORC) CONTINUES

to be the most important security issue facing the retail industry. In 2011, Las Vegas was added to the "Top 10" list of cities for ORC. Throughout the state, approximately \$345 million worth of merchandise is stolen annually. That means a loss of about \$22 million in sales tax revenue that could be used to fund education and social programs in Nevada. Furthermore, retailers have been forced to allocate resources to increase security personnel and invest in surveillance equipment and other technology to combat this crime.

In 2007, Nevada legislators passed an "organized retail theft ring" law that defined that crime, aggregated the thefts of ORC thieves, and enhanced law enforcement's ability to prosecute offenders with increased penalties.

This session, Assemblyman Richard Carrillo (D-AD 18) will attempt to improve this statute. Assemblyman Carrillo, chairman of the Assembly Committee on Transportation and a member of the Judiciary and the Natural Resources, Agriculture & Mining Committees, was prompted to author this legislation after witnessing an organized retail theft while touring

a retail establishment in southern Nevada. The brazen thief strolled down an aisle, filled a shopping cart with Tide detergent, and walked right out the front door, clearly with the intent of committing that crime. Assemblyman Carrillo worked closely with the Southern Nevada Organized Retail Crime Association to determine the necessary changes to enhance Nevada law to better battle ORC.

Assembly Bill 102 proposes to revise the current provisions of Nevada Revised Statute (NRS) 205.08345. If passed, this bill will replace the crime of "participation in an organized retail theft ring" with the crime of "organized retail theft".

Organized retail theft will be defined as a crime that may be committed by one or more persons who intentionally conduct a series of thefts of retail merchandise at one or more merchants in Nevada.

In February, the Assembly Committee on Judiciary held a hearing to discuss Assembly Bill 102. The Retail Association of Nevada delivered testimony in support of this bill, as did several retail members. Currently, the issue is still pending and an update will be provided as it becomes available. If you have questions or would like additional information, please contact Lea Tauchen at [lea@rannv.org](mailto:lea@rannv.org) or (775) 882-1700. ■

# EMPLOYEE MISCLASSIFICATION

By Lea Tauchen

## THE SENATE COMMITTEE ON COMMERCE, LABOR, AND

Energy will examine the issue of employee misclassification again this session. Employee classification — exempt, non-exempt, or independent contractor status — can affect the rights and benefits that an employee is entitled to under labor laws. However,

employers sometimes may, intentionally or mistakenly, misclassify an employee. Often times, it can be difficult for an employer to make the proper decision in classifying a worker. But misclassification can pose legal problems for the employee and the employer. So the federal government and the state government want to crack down on how companies classify their workers.

In Nevada, several bills regarding various aspects of this issue are being drafted for review by the legislature. Two of those bills are Senate Bill 95 and Senate Bill 96. Senate Bill 95 would define "employee", "employee misclassification", "employer", and "independent contractor". It would also require state agencies to share information amongst

their offices regarding suspected employee misclassification. And it would establish a 10-member Task Force to evaluate policies, practices, and penalties of employee misclassification and develop recommendations to reduce the incidence of misclassification.

Senate Bill 96 proposes to provide the Labor Commissioner the

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# PROPOSED REGULATIONS

By Liz MacMenamin

## THE RETAIL ASSOCIATION OF NEVADA TESTIFIED

at the Board of Medical Examiners in favor of LCB File No. R182-12. This regulation will increase the number of physician assistants (PA) and advanced practitioners (AP) of nursing that a physician may simultaneously supervise.

Nine states have eliminated ratio restrictions and have permitted supervisory ratios to be determined at the practice level by the supervising

physician. The proposal before the board is moderate in comparison, but the Retail Association of Nevada (RAN) believes it is a step in the right direction, and this step may assist in bringing more providers to Nevada and better utilize the existing workforce already here.

The Association believes that the increase of these health care providers will greatly benefit the citizens of Nevada as the state moves forward with the implementation of the healthcare reform act. Nevada

is sadly lacking in providers at this time and the influx of new patients will continue to put a strain on doctors in Nevada. This ratio increase will remove some of the barriers that exist and will help to expand access to healthcare.

The clarification of “simultaneously” in this regulation helps to remove the ambiguity of the existing language and will address the needs of the workforce and shift scheduling. Further, the proposal to require PA’s and NP’s to document each patient encounter for

the supervising physician, alleviates any confusion regarding who is the supervising physician, and is considered part of best practice. While this is current practice, and is routinely done as part of good documentation, the language in this regulation will ensure that everyone involved in patient care follows through.

This regulation will be heard again on March 8th at the Board of Medical Examiners office. RAN will again testify on this regulation. ■

# WALGREENS SPECIALIZED PHARMACY

By Liz MacMenamin

## INDIVIDUALS LIVING WITH HIV/AIDS AND IN TREATMENT

may not know that one pharmacy may be different from the next when it comes to addressing their needs. Walgreens, a national pharmacy chain, wants

them to know that HIV-sensitive support exists in a safe environment — free-of-charge, discreet and confidential, and without having to make an appointment.

Across this country and in Puerto Rico, more than 700 Walgreens’ HIV-

specialized pharmacies have created vital links among patients, healthcare providers, and community-based organizations and local health departments, thanks to the dedication of more than 2,000 Walgreens pharmacists. Each pharmacist has at least twenty-five hours of extensive

training a year through HIV/AIDS-accredited programs that cover medical as well as social and cultural issues. Other pharmacy employees receive special HIV sensitivity training, as well.

Walgreens has eight of these specialized pharmacies in Las Vegas. ■

## EMPLOYEE MISCLASSIFICATION *Continued from page 4*

authority to impose an administrative penalty, of up to \$25,000 or business license revocation, against an employer who misclassifies an employee as an independent contractor. It would also require the employer

to prominently display the definitions of the terms “employee” and “independent contractor” along with the mandatory labor law posters at the workplace. And this bill would subject a person to liability in a civil action for

an amount that is three times the total amount of any reasonable expenses incurred by the State in enforcing the provisions of this law.

These bills are still pending as they have not yet been scheduled for

a hearing and an update will be provided as it becomes available. If you have questions or would like additional information, please contact Lea Tauchen at [lea@rannv.org](mailto:lea@rannv.org) or (775) 882-1700. ■



# MINIMUM WAGE HIKE DRAWS OPPOSITION FROM HOUSE SPEAKER

By J. Craig Shearman, National Retail Federation (NRF)

## RESIDENT OBAMA'S STATE OF THE UNION PROPOSAL FOR

an increase in the federal minimum wage is already getting pushback on Capitol Hill.

"When you raise the price of employment, guess what happens? You get less of it," House Speaker John Boehner said. "At a time when the

American people are still asking the question, 'Where are the jobs?' why would we want to make it harder for small employers to hire people?"

Obama asked Congress during his State of the Nation address to increase the current \$7.25 hourly federal minimum wage to \$9 by 2015 and index it to inflation after that. The increase would be the first since 2009.

Obama contended that the increase would help retailers and other businesses because "it would mean customers with more money in

their pockets." But NRF Senior Vice President for Government Relations David French said it would be "one more factor driving up costs for employers and creating headwinds for job creation," especially small businesses.

"Before we debate the federal minimum wage, we need a broad, comprehensive plan from Washington that

related issue, Obama called for passage of the Paycheck Fairness Act, which would allow workers who claim they are victims of gender-based wage discrimination to sue for unlimited compensatory and punitive damages. NRF is on record opposing the legislation, telling lawmakers last year it isn't necessary because gender discrimination in wages

and salaries is already prohibited under the Equal Pay

Act of 1963 and that the bill would "give trial lawyers an incentive pursue unlimited litigation against American employers."

The bill would allow businesses to be sued even if wage differentials were due to legitimate reasons such as local market rates, revenue production or profitability rather than discrimination. Retailers would be effectively blocked from considering store locations and local economic conditions in setting wages. ■

encourages businesses to plan, invest and grow this economy," French said. "So far, all we have are interim steps and uncertainty, none of which inspire confidence or create an environment that leads to economic growth, investment and job security."

Eighteen states and the District of Columbia have minimum wages above the federal level, and most retailers already pay most workers more than minimum wage.

In another wage-

***"When you raise the price of employment, guess what happens? You get less of it."***

—HOUSE SPEAKER JOHN BOEHNER

***"Nearly all men can stand adversity, but if you want to test a man's character, give him power."***

—ABRAHAM LINCOLN, 16TH U.S. PRESIDENT

## UPCOMING EVENTS

### NACDS ANNUAL MEETING

April 20–23, 2013  
The Breakers  
Palm Beach, Florida

### NRF GLOBAL SUPPLY CHAIN SUMMIT

May 19–21, 2013  
Adolphus Hotel  
Dallas, TX

### NRF LOSS PREVENTION CONFERENCE & EXPO

June 12–14, 2013  
San Diego  
Convention Center  
San Diego, CA

### JIM COLLINS TO KEYNOTE 2013 NACDS TOTAL STORE EXPO

The National Association of Chain Drug Stores (NACDS) announced author and business consultant Jim Collins as the keynote speaker for the 2013 NACDS Total Store Expo, which will debut August 10–13, 2013.



# NEVADA RETAIL SALES EXPECTED TO INCREASE 5.2 PERCENT IN 2013

## NEVADA PREDICTIONS SLIGHTLY LESS OPTIMISTIC

By J. Craig Shearman, National Retail Federation

### THE RETAIL ASSOCIATION OF NEVADA (RAN)

forecasts retail sales in the state will increase 5.2 percent in 2013. The expected growth is slightly more modest than the preliminary 7.3 percent increase witnessed in 2012. However, it is more optimistic than the 3.4 percent forecasted nationally by the National Retail Federation.\*

RAN President Mary Lau noted, "We witnessed strong growth in retail sales throughout the state in

2012, with the preliminary growth rate coming in 3.1-percentage-points higher than 2011's 4.2 percent increase. Many economic indicators affecting retail sales have shown significant improvements in the last year, and we expect these trends to continue in 2013."

The state unemployment rate fell to 10.2 percent by the end of the year (seasonally adjusted), the lowest it has been in four years. Initial unemployment insurance claims for the state also declined, falling

6.2 percent to 218,800. In addition, the state is witnessing increased visitor spending, with Las Vegas reporting record visitation of approximately 39.6 million; it will most likely report record visitor spending in 2012. Total taxable sales (including all taxable sales categories, not just traditional consumer retail) for the state increased 6.4 percent compared to last year and have witnessed year-over-year increases for 29 consecutive months.

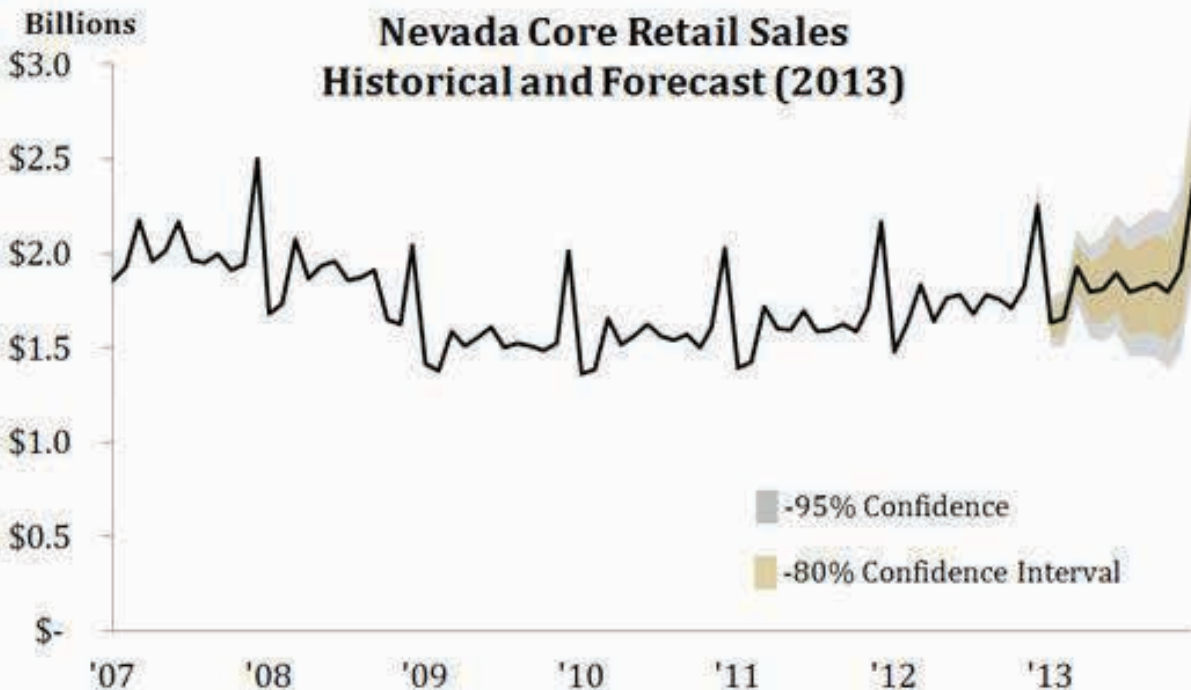
Lau continued, "Consumers are seeing

these positive signs and increasing their willingness to spend as a result. The Consumer Confidence Index reported year-over-year increases for ten consecutive months last year and even reported an increase of 78.9 percent in October (73.1 versus 40.9 in the same month in 2011). However, with so much uncertainty surrounding the fiscal situation, consumer confidence lost a significant amount of momentum by December 2012, reporting only a 0.5 percent increase

year-over-year (65.1 versus 64.8 in December 2011). Consumers may have been reacting to the prospect of lower take-home pay going forward and thus lower disposable income as a result of the increase in payroll taxes."

It is important to note that according to the Bureau of Economic Analysis, gross domestic product (GDP) reported an annual

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# Nevada Notes

## NEVADA ACHIEVES FOOD, AGRICULTURE EXPORTS MILESTONE

Nevada has achieved an important business milestone, according to the state Agriculture Department. For the first time in state history, Nevada agriculture and food exports have surpassed the \$100 million mark.

The agency reported total agriculture and food exports of \$114.3 million in 2012, up 11.8 percent from 2011. Total Nevada exports of \$10.2 billion last year broke the state record of \$10 billion and represented a 27.7 percent increase over 2011. Food and agriculture products are Nevada's eighth largest export category.

AP

## HOME DEPOT TO HIRE 600 SEASONAL WORKERS

The Home Depot has to plans to hire an estimated 600 people in the Las Vegas area, effective immediately.

The hiring effort is part of a company-wide need to fill more than 80,000 seasonal positions to assist customers during the company's busiest selling season — spring. Because of anticipated sales growth in 2013, Home Depot is hiring 10,000 more

associates this spring than last.

For returning military and veterans who are interested in a position, The Home Depot recently launched its Online Military Skills Translator, a tool designed to help translate and match an applicant's unique military skills with positions that might offer the best fit. The store has also partnered with military-focused career fairs and will be participating in events throughout 2013. Both the skills translator and 2013 events calendar can be found at **careers.homedepot.com/military**. LVRJ

## VALENTINE'S DAY KEEPS JEWELERS' HEARTS THROBBING

Valentine's Day is a day for lovers, and a pretty sweet day for jewelers, too. Sales can increase up to 50 percent at jewelry stores during the Valentine's Day rush.

In February 2012, U.S. jewelry stores sold \$2.66 billion in merchandise, according to the U.S. Census Bureau.

The 2013 Valentine's Day spending survey conducted by BIGinsight for the National Retail Federation showed only a slight increase in expected sales. The average person planned to spend \$130.97,

up from \$126.03 in 2012. Total spending reached \$18.6 billion.

A senior industry analyst with the Gemological Institute of America, said most jewelry sales for the special day are not megadiamonds in the 5-karat range. No, most of the sales are centered on heart-shaped gemstones surrounded by small diamonds that cost "a few hundred bucks."

Men also spend more than women do on Valentine's Day. The average male spent \$175.61 while women spent \$88.78, according to the BIGinsight survey.

The Gemological Institute also recommends having the diamond, whether set or not, appraised and insured. LVRJ

## MERCHANTS: AMAZON ABUSES US

Seattle-based Amazon.com, which has a Nevada facility in Fernley, is the target of numerous complaints for its treatment of small merchants who use the website to sell merchandise.

These consignment sellers make up about 40 percent of the complaints filed against the online giant with the Washington attorney general's office,

the Seattle Times reported on Nov. 17, 2012.

The Times story can be read at <http://tinyurl.com/cfyhyyu>.

RNR

## LAS VEGAS GOVERNMENT GETS LOW MARKS ON TRANSPARENCY

The city of Las Vegas received low grades for its transparency when it comes to posting details of its spending online, according to a new study released Wednesday by the United States Public Interest Research Group Education Fund.

The nonprofit group awarded Las Vegas a "D" grade for its transparency, ranking the city 20th out of the 30 largest cities in the country, three spots below Los Angeles and one spot below Phoenix.

The report evaluated cities based on how easily public records, like expenditures, vendor contracts and tax subsidies, can be found online. Las Vegas provides basic budget documents such as its Comprehensive Annual Financial Report to the public through its website, but fails to provide "check book" level accounting that provides information on individual budget items, the report found. LV Sun





# National Notes

## E-COMMERCE SALES TAX BILL GETS SUPPORT FROM RETAIL GROUPS

Federal legislation that would let states collect sales tax from online vendors has earned support from the Food Marketing Institute (FMI) and other retail associations.

"Inequities in Internet commerce are already taking a big bite out of neighborhood supermarkets, state coffers and employment in local communities because online retailers aren't required to collect sales tax," said Jennifer Hatcher, FMI's senior vice president of government and public affairs.

*Supermarket News*

## STUDY SAYS MOST APPAREL JOBS ARE IN U.S.

A new study conducted for NRF and other members of a major international trade coalition says American workers hold the majority of jobs behind apparel sold in the United States even if the product is manufactured overseas.

"This study shatters several widespread myths about imports and trade," NRF President and CEO Matthew Shay said. "Labels identifying clothing or any other product as made outside the U.S. are largely meaningless. Regardless of

where the factory might be located, these products support a huge number of good blue-collar and white-collar American jobs in retail and many other industries."

The study, conducted by Seattle economist Susan Hester for the Trans-Pacific Partnership Apparel Coalition, found an average 70 percent of the final selling price of garments examined went to U.S. workers. While clothing might be manufactured in an overseas factory, it is often designed and developed by American workers, and is transported, marketed and sold by U.S. workers once it arrives on U.S. soil, the study said. Only the lowest-skill, lowest-wage jobs in the "value chain" of a garment are typically done overseas.

*NRF*

## RETAILERS PRESS FOR INNOVATION OVER REGULATION

Food retailers are challenging Washington to recognize that regulations aren't the best way to make progress on a host of business issues.

A panel of retailers at the Food Marketing Institute's (FMI) Midwinter meeting emphasized the need to lighten up on regulations on a number of fronts.

One CEO said that

food safety is a priority in their business, and they are proactive without having to have it legislated to them.

Another CEO said that regulations have had a negative impact in his company's markets, which are concentrated in mining areas. He said that for a big part of his customer base, unemployment has gone from 5% four years ago to more than 10% today and that a lot of it is due to regulations because people can't get permits to mine or even drill for natural gas in some cases.

Steve Burd, chairman and CEO, Safeway, said retailers are making big strides in reducing health care costs among their employees and lifting the well being of these associates, and these are best practices that government can learn from. He said Safeway has sharply reduced obesity rates among its employees, for example.

However, he added, government has yet to catch up to industry when it comes to creating progressive policies.

*Supermarket News*

## CHAINS MAY AVOID SURCHARGES ON CREDIT-CARD PURCHASES

U.S. retailers may shy away from charging

consumers extra to use credit cards, even though they are free to do so under a proposed legal settlement, because of intense competition in the industry.

Wal-Mart Stores Inc., Target Corp. and Macy's Inc. are among chains that have said they don't plan to place fees on purchases made with credit cards using the Visa Inc. (V) and MasterCard Inc. (MA) payment networks.

Surcharging became an option for merchants that use those networks on Jan. 27 as part of a proposed lawsuit settlement that Visa, MasterCard and some of the biggest U.S. banks reached with retailers in July.

Smaller, independent stores may be more willing to levy the fees because they pay higher charges to banks for credit card transactions and don't have the bargaining power to negotiate lower ones.

A hearing on final approval of the settlement is scheduled for Sept. 12, 2013.

The case is *In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation*, 05-md-01720, U.S. District Court, Eastern District of New York (Brooklyn).

*Bloomberg*



## 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 February 1, 2013 to February 28, 2013 are listed below.

- 955 South Virginia South, LLC
- American Power Solutions, LLC
- Company Kitchen of Nevada LLC
- Don Antonio's Pizzeria
- Gesselman's Garage LLC
- Image's Portrait Studio
- Masters Way, Inc.
- Precision Metal Solutions
- Taitel's Turf dba AKD Lawn & Landscape
- The Charleston 2121, LLC
- Tignanello dba Hagen's Carpet & Tile Care
- Unlimited Design & Fabrication LLC

**NRNSIG** members who wish to register a negative vote on a new group member, please write NRNSIG at 575 S. Saliman Road, Carson City, NV 89701, indicating which member and the reason(s) for the negative vote.

## 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](mailto: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](http://www.RANNV.org)**.



# SCAM ALERTS!

## NV ENERGY SAYS STOLEN UNIFORMS BEING USED IN ROBBERY ATTEMPTS

Stolen uniforms from NV Energy are being used in Clark County to enter residences and rob people.

The same scam could be used on your business.

NV Energy says that if an NV Energy person enters your business without an appointment and asks to access areas not usually entered by customers, get his or her identification number, and call NV Energy Corporate Security at **(702) 402-5007** to verify the employee. Be certain your employees know about this.

## US TELECOM SCAM

There's a potential scam from US Telecom, an Ontario, Calif.-based company that has allegedly been sending what look like invoices to local governments and businesses.

While not stamped with the word "invoice," the paperwork has resulted in companies and government entities being duped into paying US Telecom \$425 for what they later complain is little or nothing in return.

A check of the Better Business Bureau's website indicates US Telecom, 305 N. Sacramento Ave., Ontario, CA, 91764, receives an F rating. This rating is based on more than 800 complaints, the majority of which are based on the company's

potentially misleading solicitation.

Both the New York and North Dakota attorney generals have issued cease and desist letters to US Telecom, which is not the same as USTELECOM the Broadband Association.

● Look out for solicitations disguised as bills or invoices. Sometimes fake invoices are marked with the notice "This is not a bill," but not always.

● Keep a list of, and know, your vendors, and be wary of any bill or invoice from an unknown vendor.

● Have effective internal controls in place for the payment of bills or invoices, and verify all bills or invoices with the person who authorized the purchase.

● Check with the BBB Business Review on any business that has contacted you before signing anything or giving any payment or payment information.

## BEST OF RENO CAUTION

The Better Business Bureau is warning local businesses about a "Best of Reno Award" program that the BBB believes to be a deceptive marketing tactic designed to get businesses to pay for vanity awards of little to no value. The program notifies businesses via email that they have been selected to receive a Best of Reno Award for their "exceptional marketing success."

## NEVADA RETAIL SALES *Continued from page 7*

growth rate of negative 0.1 percent for the fourth quarter of 2012. While not expected, if the United States were to enter another recession due to continued uncertainty about the fiscal situation, it would negatively impact consumer confidence and retail sales growth.

\*Note that generally, both nationally and in Nevada, retail sales forecasts include traditional consumer retail categories such as department stores, general merchandise stores, furniture, grocery and clothing sales (and exclude other types of taxable sales

that comprise "total taxable retail sales" in Nevada, such as those reported in the construction or manufacturing sectors, as well as restaurants and bars, Nevada's largest single category). There are slight differences between categories included in the NRF forecast compared

to RAN's forecast, such as automobile sales, which are excluded from NRF's forecast but included in RAN's. ■

*Source: Applied Analysis, historical data obtained from the Nevada Department of Taxation*



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

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## NEVADA NEWS

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### WASHINGTON RETAIL INSIGHT

# LAWMAKERS HOPE NEW BILL WILL BRING VICTORY IN FIGHT FOR SALES TAX FAIRNESS

**A BIPARTISAN GROUP OF MORE THAN 50** lawmakers introduced legislation in the House and Senate that could help retailers finally win their years-long battle to require online merchants to collect sales tax the same as brick-and-mortar stores.

"For over a decade, congressional inaction has created one of the largest tax loopholes of our lifetime," said Senator Michael Enzi, R-Wyo., the lead Senate sponsor of the Marketplace Fairness Act of 2013. "It's time to stop discriminating through

the tax code and put local and Main Street retailers on a level playing field with their out-of-state and online counterparts."

"Small businesses and states alike are suffering from the inability to collect... taxes from purchases made online," said Representative Steve Womack, R-Ark., the lead House sponsor. "The Marketplace Fairness Act is the bipartisan, bicameral, common-sense solution that promotes states' rights and levels the playing field for our Main Street businesses rather than continuing to allow the government to pick

marketplace winners and losers."

The legislation would give states that agree to simplify their sales tax laws authority to require out-of-state sellers to collect tax on sales to their residents the same as local stores. Under a 1992 U.S. Supreme Court ruling, sellers are currently required to collect sales tax only in states where they have a physical presence such as their headquarters, a store or distribution center. The court said sales tax laws across the country were too complicated for retailers not doing business in a state to know

what to charge.

Under this proposed legislation, states would have a choice of adopting the comprehensive Streamlined Sales and Use Tax Agreement originally required or an alternative set of simplification requirements as proposed in recent versions. Small businesses with less than \$1 million in annual sales would be exempted, up from \$500,000, and states, not retailers, would pay for software that would tell online retailers how much sales tax to collect and route it to the appropriate tax agency. ■