



TEXAS RETAILERS
ASSOCIATION

TRA NEWSLETTER

News affecting Retailers & Grocers in Texas Industry

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Letter from the President

Hello Texas Retailers!

It's March and spring is right around the corner. It's also Spring Break for many schools across the state, so I hope you are all seeing some uptick in your sales. This year especially, March is a big month politically, since on March 6th the Texas primaries took place, and later this month the TRA Advocacy Summit will take place. More details on primary results and the summit are included in this newsletter. Although there is no state legislative session this year, the Texas Legislature's interim hearing season is in full swing and TRA is fully engaged in support of our fight against the Inventory Tax, as well as on pushing back against the very misguided Paid Sick Leave ordinance which the City of Austin recently passed. Additionally, on the federal level we continue to remain very active in support of TRA members on issues ranging from reauthorization of the Farm Bill,



pharmacy issues, and NAFTA.

On Tuesday, March 6th Texans went to the polls to vote in primary elections for all state level offices, as well as for almost all of Texas' Congressional delegation. As we have mentioned since the beginning of the year, the 2018 elections will be one of the most impactful in Texas in almost two decades, and the primaries essentially proved to be the first act. As expected, most of the top statewide elected officials were re-nominated by the Republican Party and are now primed to likely win reelection in November. However, there were a few surprise results at all levels,

which is already ensuring a significant turnover in the state legislature (including a new Speaker of the House), as well as within our Congressional delegation that we expected after the candidate filing deadline in mid-December. Specific details are included in the government affairs update in this newsletter.

It goes without saying that in such an important election year, the need for TRA to be active politically is equally as important. We need your help, through your support of TRA's PACs at the state and federal levels (TRAPAC and TRA Fed-PAC), our general advocacy fund, and the Retail Advocates Fund (RAF). Your support of these important political tools helps TRA support those candidates for state or federal elective office who understand the importance of the Texas retail industry. TRA events such as the [Advocacy Summit](#), March 23-25, will be a great opportunity for members of TRA and the retail industry in Texas to spend valuable time with key lawmakers from our state. Specifically, to discuss the most topical advocacy issues facing the retail industry and network with Texas's most retail-friendly members of the Texas Legislature and Members of Congress. It's not too late, so if you'd like to attend, contact [Justin Williamson](#) ASAP.

The [Texas Retailers Forum](#), which will be in Corpus Christi this year, and will take place at the Omni Corpus Christi Hotel, July 23-24. Our annual educational Forum, hosted by the Texas Retailers Association and the Texas Retail Education Foundation, will provide retailers with timely, topical and quality program sessions and speakers. Attendees will have the opportunity to meet with retail industry leaders from across the state and country at networking functions such as our Awards Dinner, networking breaks, and our popular closing night casino party. Registration is open and sponsorship opportunities are available. Details and information are inside this newsletter. Make plans now to secure your company's spot at this can't miss annual industry event.

As always, thank you for supporting TRA and please feel free to reach out to the TRA team anytime.

Sincerely,

A handwritten signature in black ink that reads "A.F. Klumb, Jr." The signature is written in a cursive, slightly slanted style.

President/CEO
Texas Retailers Association

2018 Texas Retailers Advocacy Summit



TRA's Advocacy Summit is a great opportunity to spend a weekend networking with Texas's most retail-friendly Members of the Texas Legislature and Members of Congress. Registration includes access to all panels, speakers, and attendees, all receptions, meals/breaks, and networking opportunities.

On Saturday, March 24, 2018 at 2PM, the Texas Retailers Association will host a TRAPAC Golf Outing at the Horseshoe Bay Resort. To learn more about the golf outing, email Justin Williamson at jwilliamson@txretailers.org.

Register for the Texas Retailers Advocacy Summit!

Legislative Update



The 2018 election cycle began as Texas held its March 6th primary elections, which is the earliest primary date in the country. Candidates and campaigns from across the nation look to Texas for trends in party turn out and shifts in political affiliations. While news coverage and early voting statistics indicated a swell in Democratic voter's participation that was slowly surpassed by the much-anticipated Republican party voters who continue to eclipse the other party. Overall, Democrats accounted for a little more than 1 million votes while Republicans, cast just over 1.5

million votes. Of those, nearly 700,000 came on Primary Day.

On the Federal level, Republican Senator Ted Cruz and his Democratic opponent Beto O'Rourke both dominated their primary races and will meet up in a highly publicized and watched November 6th general election. Texas Congressional races were also heated as 8 seats opened up after current members decisions not to return to Washington DC. Due to crowded primary ballots, a total 10 Democratic and 6 Republican races will continue on to a May 22nd runoff election to determine who will represent their party in November.

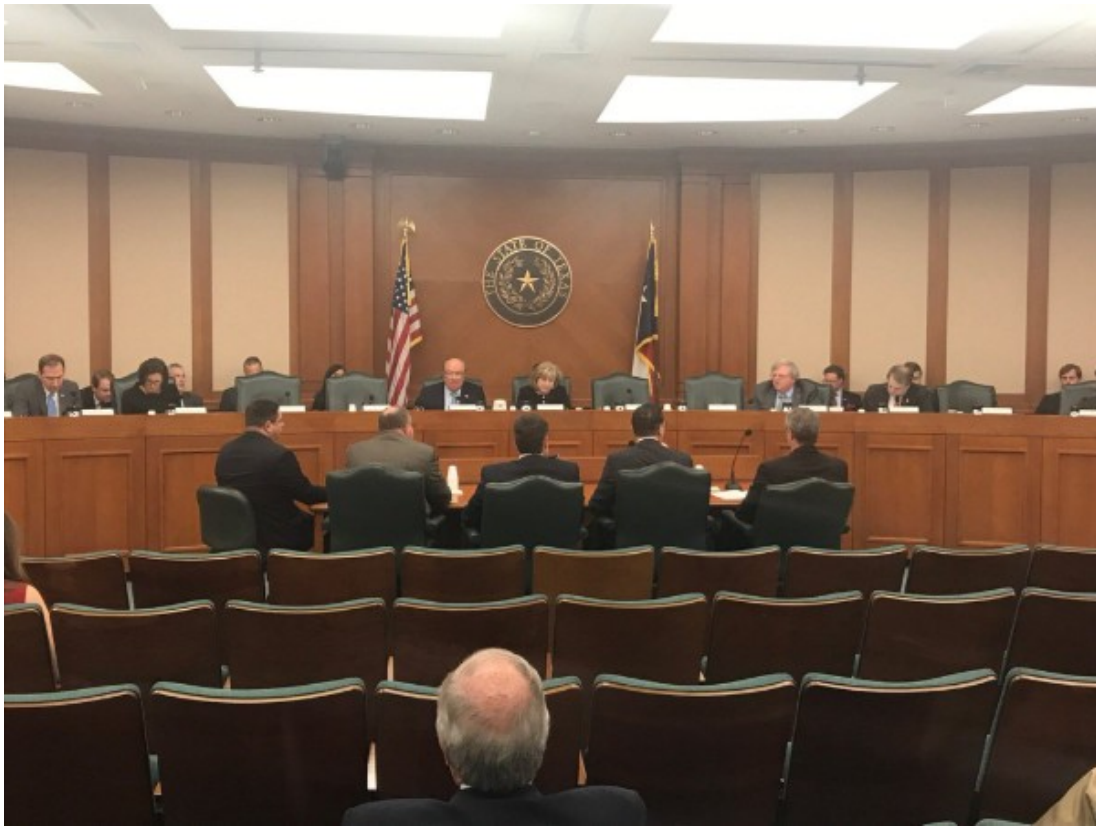
No significant changes were observed in the state level election results. Governor Abbott continued to lead the Republican ballot and will face either Democrat Lupe Valdez or Andrew White in November. Lieutenant Governor Dan Patrick, Comptroller Glenn Hegar, and General Land Office Commissioner George P. Bush all led successful primary campaigns and are equally expected to return to their office after the general election. TRA endorsed challenger Trey Blocker ultimately fell short in his challenge to unseat current Agriculture Commissioner, Sid Miller who will face off with Democratic candidate Kim Olsen for control of the Agriculture agency.

While there will be some new faces in the Texas House and Senate, not much changed in the overall make up of each chamber. Noteworthy to TRA membership, we were extremely glad to see that our endorsement of TRA Board Member, Representative John Raney, helped him avoid a runoff in a 4-way primary race. We were also excited to have Rep. Paul Workman, who has been a leader on a number of retailer issues, also avoid a runoff. The biggest election impacting the Texas Capitol was not on the ballot however and will not be decided until the Legislature returns to Austin in January 2019. With the retirement of House Speaker Joe Straus, three candidates for the Speaker's office have already emerged with more likely to fill in as the date gets closer. Currently, House Appropriations Chair, John Zerwas, Homeland Security and Public Safety Chair, Phil King were joined by Investments and Financial Services Chair, Tan Parker who filed for the Speaker's race just after the primary election.

You can see a full list of Texas Primary Election Results [here](#).

TRA continues to be engaged on developments surrounding the recently passed Mandatory Paid Sick Leave ordinance for the City of Austin. While the final language of the ordinance just became available last week, we are already working with TRA endorsed providers, Fisher & Phillips, on guidance and implementation documents to assist any of your companies who have operations in Austin. Expect those documents to start arriving in your inbox in the next couple of weeks. Two employment law developments we also want to make you aware of are the announcement of Dallas City Councilman Philip Kingston's intentions to pursue a paid sick leave ordinance in Dallas and rumors of an effort in Austin to take on predictive scheduling. TRA has already began working on both of these issues and will keep you up to date on any developments. If you have concerns or would like to share experiences and information on these topics please contact us at your convenience.

Texas Senate Finance Committee and the Inventory Tax



[Watch: George Kelemen, Texas Retailers Association President and CEO, testifying on inventory property tax and its impact on the retail industry in front of the Texas Senate Finance Committee. Kelemen's testimony begins at 3:15:00.](#)

The Senate Finance Committee held a very important hearing earlier this month to discuss inventory property tax and asked George to provide testimony. This hearing and invitation signified positive progress for TRA and all of our work on inventory tax over the past years. Most importantly, our efforts to educate lawmakers on the impacts of inventory tax have paid off and George's testimony drove home how significant the issue is to the retail industry. Outlining not only the financial burden the tax places on retailers but also the administrative and legal challenges, TRA's testimony was met with broad understating and finally an acknowledgement that this is a top priority to address for the legislature. The caveat of this conversation was how to fill in the decreased revenue to the local taxing entities when a reform package is implemented. While the state's economy is strong, there continue to be strains on our budgets, ranging from increased needs from public education to disaster recovery expenses related to the past year's hurricanes. We believe Texas has a willing legislature who knows the importance of providing businesses in our state meaningful property tax reform, now those businesses need to continue to grow the economy to support those efforts.

New Tax Law Affects Retailers

There is a drafting error in Section 168 of the new Tax Code that prevents retailers from being eligible for full and immediate expensing of qualified improvement property provided in Section 179. The error occurred when tax writers combined three categories of improvement property (leasehold improvement property, retail improvement property, and restaurant improvement property) in the old law into one category called "qualified improvement property." Previously, the

three categories were assigned a 15-year recovery period, meaning property depreciated over 15 years. When tax writers combined the three categories, they accidentally omitted the 15-year recovery period from the text, making it default to 39 years. This omission is a serious mistake because there must be a recovery period of 20 years or less for retailers to benefit from 100% bonus depreciation. Without the inclusion of the 15-year recovery period, depreciation not only increased from 15 years to 39 years, but retailers also no longer qualify for any bonus depreciation—whereas they qualified for 50% bonus depreciation in the old law. The intended benefit of full and immediate expensing applies to qualified improvement property acquired and placed in service after September 27, 2017. Once a fix is adopted, the benefit will be retroactive.

The conference agreement reveals tax writers' true intent, as it explicitly states the new category would be assigned a 15-year recovery period. TRA and our national partners are part of a coalition that are working to get this issue corrected, possibly in the March omnibus. The fix is considered truly technical in nature, and there will be no cost associated with it.

The FCC's Vote Repealing Net Neutrality Rules is Finally Official - What Happens Now?

The FCC's net neutrality vote has finally been published in the Federal Register, the government's official record of all administrative actions. The moment is key, because it kicks off the next phase of the fight over the future of the Internet. Here's what to expect.

In December, the Federal Communications Commission [voted to repeal](#) its net neutrality rules for Internet providers — a move aimed to deregulate the industry and allow internet providers legally slow down websites, block apps and even charge content companies extra fees for priority access to consumers' screens. TRA is part of an industry task force, being coordinated by NGA, on this issue. If your company, has specific thoughts or concerns regarding net neutrality please contact George Kelemen at gkelemen@txretailers.org. To read the article published by The Washington Post on February 22, 2018, please [click here](#).

Americans with Disabilities Act (ADA) Legislation Passes House

Recently, the House voted to pass H.R. 620 (sponsor Ted Poe-R-TX-2), the ADA Education and Reform Act. The legislation requires those wishing to bring a lawsuit against a company for violation of the American with Disabilities Act (ADA) to provide written notice of the violation and identify an injured party. This bill was based on a Texas law which TRA supported during the last state legislative session. The legislation is aimed at curtailing demand letters from lawyers who abuse ADA and seek payouts in exchange for not pursuing litigation. TRA supported passage of H.R. 620 in the House and we are working with our national partners on legislation in the Senate. To review the text of H.R.620, please [click here](#). To check out the ADA website, please log on at www.ada.gov.

Independent Grocers Urge White House to Bag "Harvest Box" SNAP Proposal

Numerous retailers and associations, including TRA, spoke out against President Donald Trump's

SNAP proposal following its announcement last month. The NGA sent a letter on behalf of the independent supermarket industry to Capitol Hill urging opposition to the White House's "harvest box" proposal, which aims to replace 40% of SNAP benefits that are currently redeemable at grocery stores and other eligible retailers with a government-funded food delivery box that would include only nonperishable items.

[The letter](#)—which calls the proposal a "major step backward" that could potentially exacerbate both nutritional food access and the food desert problem as supermarkets would struggle to survive in underserved communities—was signed by nearly 900 independent grocers from all 50 states, as well as by TRA, and illustrates our industry's "*extreme concern*" following the initial announcement. To read the article published March 5th by Winsight's Grocery Business, please [click here](#).



Member Spotlight: Avangard Innovative

Proud Member of the Texas Retailers Association President's Circle since 2009 and the S.T.O.P.P.- Texas Plastic Container Theft Task Force

At Avangard Innovative, we pride ourselves in providing our partners the tools they need to play a proactive role in the circular economy while driving real value that impacts their bottom line. Through our waste and recycling programs, our partners can optimize resources with masterful efficiency to turn sustainability programs into transparent, productive, and predictable profit generators.

Did you know...

- Avangard Innovative introduced its state of the art Natura PCR (Post Consumer Resin) plant, located in Houston, TX, in 2017 which uses the latest technology in extrusion, filtration, optical sorting, odor, and volatiles removal to process various PE film scrap such as Returns Bags, Stretch Film, Overwrap and PE foam.
- AI now offers a full line of organics management programs that specifically targets back of store concerns addressing odor, safety, security, and labor efficiencies for our partners. The combination of reverse logistics, proprietary bins, and intellectual back-end processes allows Avangard Innovative Organics (AIO) to be more efficient at a lower cost resulting in

up to 40% savings when compared to other grocery store organics solutions on the market.

- AI's exclusive Sustayn™ Analytics platform utilizes cutting edge monitoring technology to assist retailers, and our other partners, in identifying their Hidden Green Assets™. It's the most powerful data visualization platform in the recycling and waste industry that provides real time visualization and tracking of every piece of recyclable and waste material.
- AI Cares: Avangard Innovative spent several years on the Board of Directors for Quilts for Kids helping to provide love and support to families in need by repurposing discarded furniture fabric into quilts for sick children.

To find out how AI can help you accomplish your zero waste goals while creating more value, visit us at: <http://www.avaicg.com/> or contact TRA Board of Directors member Joe Stalnak at jstalnak@avaicg.com.



NEW TREF Website Page



The Texas Retailers Association is currently building a new website page for the Texas Retailers Education Foundation. This new page will include a "Retail Job Center" for high school and college students to find retail jobs in their area. Members interested in having their job website pages linked should email Justin Williamson at jwilliamson@txretailers.org.

2018 Texas Retailers Education Foundation (TREF) Golf Tournament



Texas Retailers Golf Tournament

Benefiting the Texas Retailers Education Foundation

Eagle Pointe Golf Club
12440 Eagle Pointe Dr.
Mont Belvieu, Texas 77535

Friday, April 20, 2018
7:00AM Breakfast & Driving Range Opens
7:15 Registration
8:30AM Shotgun Start

Individual Fee: \$175 | Golf Foursome: \$700 | Sponsorships Available!

Donations Welcome!

Donations of premium quality items for this year's tournament are welcome!

Examples include:

- Gift Certificates
- Golf Balls
- Golf Tees
- Golf Towels
- Prizes

Contact Information

Justin Williamson
jwilliamson@txretailers.org
(512) 472-8261 X 106

Learn More About the 2018 TREF Golf Tournament!

2018 Texas Retailers Forum



The Texas Retailers Forum is at the Omni Corpus Christi Hotel July 22-23, 2018. Our 2018 educational Forum, hosted by the Texas Retailers Association and the Texas Retail Education Foundation, provides retailers with timely, topical and quality program sessions and speakers. Attendees will have the opportunity to meet with hundreds of retail industry leaders from across the state at networking functions such as our Awards Dinner, networking breaks, and a closing night party - aboard the U.S.S. Lexington.

Register for the Texas Retailers Forum!

Book Your Hotel Room for the Texas Retailers Forum!



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NRF PROTECT Conference



Gaylord Texan Resort | Dallas, Texas | June 11–13, 2018

Texas Retailer Association Members receive NRF retail member rates to NRF PROTECT! Hear from top loss prevention leaders, network with peers and find solutions to your largest LP challenges. Retailers, register today and save up to \$425 by April 6. As always, the retailer EXPO pass is FREE!

Register for NRF PROTECT!

97th Annual WAFC Convention



It is my pleasure to invite you and your colleagues to the 97th Annual WAFC Convention, May 5-9, 2018 at the JW Marriott San Antonio Hill Country in San Antonio, Texas.

The WAFC's mission is "Advancing the Food Industry Through Education and Leadership" and we look forward to bringing that mission to life in San Antonio. The WAFC convention, widely anticipated as the best industry event of the year, brings together top executives from companies of all sectors of the food industry. I do hope that you will attend and take advantage of the opportunity to learn, network and conduct business, while enjoying all that the Texas Hill Country has to offer.

Special thanks to our convention partners, the Illuminators, led by Headlite, Mark Olejnik, who promises to greet and serve our delegates in a manner "second to none." Renee and I look forward to seeing you in May in San Antonio!

Sincerely,

Mike Stigers
President & Chairman, WAFC

Learn More about the 97th Annual WAFC Convention!

Training for Retailers on Hazardous Waste Management Requirements

Macy's is sponsoring the following free training sessions conducted by Stericycle to provide guidance for retailers regarding how to properly manage hazardous waste from their operations. Did you know that certain products such as cleaners, aerosols, personal care items & cosmetics could become hazardous wastes, and that batteries & fluorescent bulbs require special handling & disposal?

Retailers of all sizes and types are invited to attend to learn more about how to comply with these laws and responsibly handle their waste streams. You will learn about:

- How to determine if a product is hazardous or otherwise regulated
- What hazardous wastes are common to retailers
- How to properly store hazardous wastes

- Requirements for transporting and disposing of hazardous waste
- How to determine your generator size
- How to obtain an EPA ID number

The following two training sessions will be held:

Tues, March 20
8am-12pm
Sheraton Houston Airport
15700 JFK Blvd.
Houston, TX

Thurs, March 22
8am-12pm
Sheraton Dallas
400 Olive St.
Dallas, TX

If you cannot attend in person, you may also attend online webinars presented on the following dates:

- Tues, April 3 at 9:30 am CST
- Thurs, April 5 at 9:30am CST
- Tues, April 10 at 9:30 am CST
- Thurs, April 12 at 9:30am CST

To register for in-person or online training sessions, go to:
training.stericycleenvironmental.com/macys-retail-training/

FedEx Small Business Grant

Here's your chance at a \$25,000 grant for your small business!

The FedEx Small Business Grant Contest is accepting entries from February 20 to March 28. Is your entry ready? This is a great chance to win one of 10 grants that could change the future of your business.

Start thinking about how you want to tell your story: What do you want to share about your business? And what could a grant help you accomplish? Submit your story for a chance to win one of these prize packages:

- Grand prize: One winner of \$25,000, plus \$7,500 in FedEx Office® print and business services
- Silver prize: One winner of \$15,000, plus \$5,000 in FedEx Office print and business services
- Bronze prize: Eight winners of \$7,500, plus \$1,000 in FedEx Office print and business services

Enter in 4 Easy Steps

1. **Write a short profile.** Include why you started your business, a description of your product or service, and what makes your business stand out.
2. **Gather photos and a logo.** Highlight the best parts of your business through photos.
3. **Create a one-minute “elevator pitch” video** that describes your business.
4. **Share your profile with fans** during the voting period from February 28 to April 4. Their votes may help get you noticed and are only one of the many factors considered when choosing finalists and winners.

Voting rules alert: Buying votes from anyone, or giving discounts or gifts in exchange for votes, is strictly prohibited. Any entrant in violation of these rules will be disqualified.

[Learn More!](#)

See How FedEx Helps Small Businesses Every Day

You don't have to enter a contest to enjoy savings of up to 27%* on FedEx® shipping: Just sign up for the TRA Shipping Program, managed by PartnerShip®. It's simple to enroll, and there's no cost and no minimum shipping requirement. [Sign up here](#) or call PartnerShip at 800-599-2902.

*Includes a bonus 5% online processing discount. Full details available at www.PartnerShip.com/01tra/FedExdiscounts.

Grocers Corner - In the Cart



Beware Solicitations on Interchange Litigation

National Grocers Association (NGA) has reported that several of their members who had opted out of the class settlement in 2013 have received a solicitation from an investment firm that is offering to purchase their claim in the Interchange antitrust litigation. The firm is apparently offering to purchase the claim based on information from SEC filings that supposedly shows that

some other merchants have settled their claims. NGA states that their legal counsel believes the claims by this firm to be misleading and inaccurate, and recommend that grocers ignore this solicitation. NGA also stated that the litigation in the case remains active and that discovery is still ongoing.

Summer Nutrition Card



Texas WIC has once again secured a grant from FNS (Food Nutrition Service) to host a pilot program called the SEBTC (Summer Electronic Benefit Transfer for Children) Program. It is designed to deliver nutritious foods to those children that qualify for Free and Reduced Lunches under The Child Nutrition Program administered by USDA/FNS. To review the different programs for Child Nutrition, please [click here](#). It is exciting to see FNS once again start to look at the WIC Program to deliver nutritious foods to qualified students during the summer time. Several studies indicate that obesity rates are rising amongst children and especially those in lower incomes during the summer months when nutritious foods aren't always accessible. Texas WIC had tremendous success over three summers a few years back with a pilot held in El Paso region and with approximately 4,000 students participating each summer. The redemption rates of products available via the WIC Card averaged approximately 95% which is about 10% higher than normal redemption rates for normal WIC participates.

This coming summers pilot program will take place in Bastrop (Elgin ISD) and Williamson (Georgetown ISD) Counties and participation is being offered to 5,470 students from 3,654 households in those two school districts. The food package offered to each participant per month will average about \$30 a student and is as follows.

Food Group	Quantity
Milk - fat-free, 1/2%, or 1%	3 gallons
Cheese	1 pound
Eggs - A or AA large, medium, small	1 dozen
Cereal	18 ounces
Dry or canned beans	1 pound
Peanut butter	18 ounces
Bread, tortillas, rice or oatmeal	1 pound

Fruit and/or vegetables

\$8.00

Just a reminder, stores outside of Elgin and Georgetown will probably see one of these cards presented for payment on a transaction. Please make sure your cashiers are aware that even though the graphics are different, it is still a WIC transaction and should be processed as such. It is only the graphics that are different, not the system or process.

To give you an idea of the potential of delivering Child Nutrition benefits thru the TX WIC Program, the number of students that qualify for Free or Reduced meals in Texas have averaged 3.3 million children since 2013. The participation rate during the summer months from those 3.3 million students was little over 180,000 in 2013, but has steadily dropped each year since in the summer of 2017, the number of participants was little over 115,000. Also note, that in the summer time, they don't check eligibility of the students and that anyone of school age is allowed to get the free breakfast or lunches. Delivery of these benefits by TX WIC is to the students that qualify and need the nutritious items. Please watch for results from the pilot and support efforts to expand the pilot to other areas of Texas as well as to more students that could benefit from access to nutritious products during the summer months.

SNAP Program Statistics Update

SNAP benefits continue to decrease slightly since the high points from September/October due to Hurricane Harvey. Quite honestly, I thought we would have kept higher numbers because we still see businesses closed and folks still not in their houses from Harvey. You can see the impact on the higher Twelve Month Rolling Average and the impact from September/October but even this time last year, participation was on a small but steady decline until Harvey hit the Texas coastline. We are holding slight increase over last year (approximately .01%), but as mentioned earlier, trending down month to month. Unfortunately the number of SNAP Vendors continues to be about the same with just slight increase. Texas now has 20,257 authorized SNAP Vendors while the Texas WIC Program only has approximately 2,100 WIC Vendors. You have to question the differences in vendor requirements between the two programs with such a large disparity.

Please contact Joe Williams: jwilliams@txretailers.org or 936-258-3414 if you have any questions regarding the statistics update.

<u>Month</u>	<u>Cases</u>	<u>Participates</u>	<u>Dollars</u>	<u>Ave per Case</u>
Jan 18	1,712,663	4,021,517	\$459,304,225.00	\$268.00
Feb 18	1,647,205	3,855,035	\$436,536,478.00	\$265.00

Twelve Month Rolling Average

	1,672,447	3,947,160	\$453,470,077.00	\$271.00
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Look Back To Last Year (2017) at This Time

Feb 17	1,630,846	3,847,537	\$442,386,110.00	\$271.00
Mar 17	1,623,926	3,831,926	\$437,666,684.00	\$270.00
April 17	1,614,563	3,807,266	\$436,122,969.00	\$270.00

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About the Texas Retailers Association

The Texas Retailers Association (TRA) is a 501(c) 6 non-profit organization dedicated to keeping Texas “retail friendly” for business owners through legislative advocacy. Since 1926, our diverse membership has represented every segment of the retail industry throughout Texas – from the smallest neighborhood store to the largest corporate chain. Recognized as the Voice of Texas Retail, TRA effectively advocates for Texas retailers at the State and Federal level while providing value-added services and partner programs for its members. Visit www.txretailers.org and join today!

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