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of the Nebraska Grocery Industry
Summer 2023

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U.S. SENATOR DEB FISCHER TOURS THE GROCERY KART IN BROKEN BOW

See Page 10

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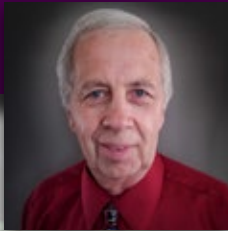
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Update from the Executive Director



Ansley Fellers
Executive Director

With another challenging, but generally successful, legislative session in the books, and the Sandbagger Annual Golf Tournament behind us, NGIA is looking forward to an eventful remainder of summer and plenty of opportunities this fall.

First, we're so grateful to U.S. Senator Deb Fischer for taking time to tour the Grocery Kart in

Broken Bow (See cover story, P. 10). Sen. Fischer and her husband, Bruce, toured the store with Store Manager Steve Fowler. They were able to discuss challenges like credit card fees, rising costs, and supply chain issues, and opportunities in areas like local products, the meat counter, and customer service.

We encourage members to invite our Nebraska delegation to tour their stores or operations. These are great opportunities! Shoot me an email at afellers@nebgrocery.com if you're interested.

On a less thrilling note, you might have seen on your local – or even national – news, the general tenor of the Legislature this year was divisive and resulted in a session-long filibuster. The filibuster slowed the process so much it prompted a change to the rules of debate halfway through the session. Another result of the slowdown was a greater reliance on the “Christmas tree” strategy, which is a way for the body to consolidate a bunch of separate bills into one package.

This strategy is not new, but historically is used on a very limited basis, in part because the Nebraska constitution mandates that legislative bills contain only a single subject. Though the lawmakers put into law 291 separate pieces of legislation, about average for a 90-day session, those 291 bills were part of only 31 packages sent to the governor for his signature. The Speaker instituted several rules for cramming a bill into one of these packages, one of them being that it could not be “controversial.”

Though we supported a number of other initiatives, the NGIA priority this session was to elevate the impacts of the minimum wage increase and pass a bill to freeze the youth and training wage at \$10.50 per hour, while also capping the scheduled CPI increase. We overcame early obstacles including securing a “priority” designation from Sen. Jane Raybould of Lincoln and lobbying the Committee to move the bill to General File (the first round of debate).

Our priority, though straightforward and seemingly commonsense, proved controversial – even to those who agreed with our position. Legislators, including those considered mostly “business-friendly” did not want to be seen as “overturning” the will of the voters. Therefore, though we were confident that we had the votes to pass the bill, it was not included in any of the packages, and ran out of time to consider it as a standalone bill.

We are now mounting a defense to an effort to get mandatory paid sick leave on the 2024 ballot. Rest assured, we are not giving up on our commitment to bring some amount of commonsense changes to the minimum wage initiative and will continue to fight asinine ideas that only continue to drive up costs and make it harder for you to stay in business and serve your community.

On a more positive note, the Legislature this year passed record-setting amounts of property and income tax relief, kept the increased income limit for SNAP eligibility, made positive changes for our retail pharmacies, and set us up for helpful changes on workers compensation next year. We were also able to defeat another cigarette tax increase, kill a tax on new amusement devices, and whittle down an ethanol mandate which would have otherwise been damaging to our fuel members. See P. 13 for a summary of bills we supported and defeated this spring.

We are so grateful to the number of members who show up to hearings, came to our “Day at the Capitol,” make phone calls, and send emails to keep the drumbeat going.

Another area where we need to maintain momentum, is in support of the Credit Card Competition Act, the bill recently reintroduced in Congress which would require the largest U.S. banks issuing Visa or Mastercard credit cards to process transactions over at least two unaffiliated payment networks. If passed, this bill could reduce swipe fees by \$11 billion or more annually.

Did you know, there is actually more choice in the debit processing space, thanks in part to a great deal of lobbying from the retail industry? See P. 20 for details about how NGIA Platinum Sponsor and a grocery industry-partner, Shazam, has supported merchant choice in routing.

Other policy priorities include keeping damaging changes to SNAP and EBT card processing out of the Farm Bill, working on reasonable changes to EPA's phasedown of refrigerants, fighting unfair (and illegal) trade practices, primarily from dollar stores, and addressing ongoing workforce and supply chain challenges.

Register here for the **Rural Grocery Summit in Kearney on August 24th** (See P. 17 for details), and plan on joining us for Volleyball Day in Nebraska, August 30th, as well as Husker football home game tailgates at the Governor’s residence with the new Governor and First Lady. (See P. 22 for details).

Thanks once again to all our generous sponsors, scholarship raffle donors, teams, and to NGIA staff who make our golf outings an incredible success. These outings wouldn’t be the same without each of you. Be sure to mark your calendars for our next event: the Hackers & Snacker golf outing **Tuesday, October 2nd at Tiburon Golf Club, where we’ll also be hosting our first (in a few years) annual Best Bagger Competition!** Register here or go to nebgrocery.com.

As always, we thank you and hope you find your NGIA membership valuable. We appreciate your support and value your commitment to your employees and communities. Please be on the lookout for ways to stay connected and engaged and reach out to afellers@nebgrocery.com if ever I can be of assistance.

All the best



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Annual Golf Extravaganza”**

at

Tiburon Golf Club

10:00am Shotgun

Tuesday, October 3, 2023



- 9:15 a.m. Registration**
- 10:00 a.m. Shotgun Start**
- Boxed Lunch on the Course**
- 3:00 p.m. Best Bagger Competition**
- 3:15 p.m. Meal at Clubhouse**
- 3:30 p.m. Pin Prizes, and Raffle Prizes Awarded**

10:00 a.m. shotgun start. The tournament is a Scramble format. Two flights will be established after scores are turned in. Prizes include a \$50 Pro Shop Gift Certificate for each Flag Prize Winner and each Flight Winner. Fees include the driving range, green fees, cart fees, 2 beverages on the course, box lunch and dinner. Each team sets their own foursome. Those players without a full group will be combined with other players.



This tournament is included in the annual sponsorship package.

Sponsorships are still available:

- Pre-event publicity, hole signage, and recognition in The Voice **\$500**
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Fischer Tours Grocery Kart in Broken Bow

In April, U.S. Senator Deb Fischer took time on her way through Broken Bow to visit the Grocery Kart. Store manager, Steve Fowler, showed the Senator and her husband Bruce around the store, discussing grocery-specific issues as well as broader federal and state issues impacting independent businesses.

While several key issues including the Farm Bill, credit card fees, minimum wage, inflation, and supply chain issues were top of mind, much of the discussion revolved around local products and the meat department. Steve indicated the store welcomes local vendors, and that folks are often surprised how many local products you can find on grocery store shelves.

Steve also said, while labor and workforce issues are always a consideration, the store in Broken Bow, which has been around for 40 years, is lucky to have a loyal, hardworking staff and dedicated customer base in-town and from surrounding communities.

NGIA encourages our members to host store tours with state and federal policymakers. Reach out to afellers@nebgrocery.com if you're interested.



Steve Fowler, Store Manager, gives Senator Deb Fischer and her husband, Bruce, a tour of the Grocery Kart – Broken Bow.

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NGIA 2023 Legislative Summary

In 2023, NGIA:

Supported Tax Relief and the State and Local Tax (SALT) workaround, which will result in \$6 billion in tax relief over the next six years and impose state tax at the pass-through entity level, while individual owners receive a credit/deduction on personal returns.

Ensured retail pharmacies could continue using pharmacy technicians to administer certain vaccines, instead of pulling other healthcare professionals away from critical posts.

Killed a whopping 20% proposed tax increase on mechanical amusement devices, which are now fully regulated and helping bring passive revenue to independent retailers across the state.

Fought a huge per-pack cigarette tax increase, even though it was cleverly tied to a property tax reduction, and negotiated a sensible, industry-accepted tax on vapor products.

Whittled down an ethanol mandate which would have been harmful to our fuel retail members.

Defeated a union-backed productivity tracking prohibition which would have impacted more than 300 warehouses across the state and driven wholesale costs even higher.

Maintained the increased income eligibility limit for SNAP, keeping more than 10,000 individuals in Nebraska on the program.

Lobbied for Department of Revenue update to GovDelivery tobacco notifications to provide specific information on brands being affected to assist industry compliance.

Assisted in clarifying sales tax exemption for meals sold to the elderly, handicapped, and recipients of Supplemental Security Income, resulting in updated official state guidance.

NGIA continues to:

- Bring commonsense to the minimum wage increase by creating a youth wage and capping the CPI increase.
- Explore state-level changes to youth worker rules.
- Seek funding for rural grocery and food innovation, employer benefits, and a tax credit for food donation.
- Support passage of the Credit Card Competition Act to lower swipe fees.
- Fight damaging changes to SNAP and EBT card processing in the Farm Bill.
- Address problems with EPA's reckless phasedown of certain types of refrigerants.
- Fight unlawful trade practices, primarily from dollar stores, damaging independent retailers.
- Tackle ongoing workforce and supply chain challenges which drive up wholesale costs and fuel inflation.
- Prevent tax increases on sweetened beverages, candy, alcohol, and tobacco.
- Boost oversight of and competition in the infant formula market, especially as it relates to state WIC contracts and retailer obligations.



Scan for Full list of legislative bills that NGIA worked in '23

Nebraska Food News...People...Places...Things

Grand Central Foods in York has been sold to Ben and Kerri Dishman of Gering. The Dishmans currently own a store in Gering, three stores in Colorado and one in Wyoming. They plan on continuing to do business in York as Grand Central Foods and Chris Regier will stay on as the local manager.

Rotella's Italian Bakery in La Vista has two generations recognized. Both Louis Rotella Sr. and Louis Rotella Jr. have earned a spot in the American Society of Baking's Baking Hall of Fame. Their passion for the craft has elevated Rotella's Italian Bakery into a supplier of specialty bread and rolls throughout the United States.

Fareway Stores, Inc. hosted a ribbon cutting ceremony on May 15, for its 135th Midwest location at 16035 Hickman Road in Clive, IA. The 24,000 square foot store opens as the company celebrates its 85th anniversary this month.

Mason's Market, located in Minden has been acquired by B&R Stores Inc. "We are proud to have the opportunity to serve the customers of Minden," said Mark Griffin, president of B&R Stores, in a statement. "We look forward to working with the current

employees of the store." Mason's Market, originally established by Tom and Edda Mason, has been a cornerstone of the Minden community since the 1950s.

Nick Kelso Promoted to Vice President - Store Operations for B&R Stores, Inc. In this new role, Nick will be responsible for overseeing the operations of the company's 33 stores across Nebraska, Iowa, and Missouri.

Hy-Vee Hy-Vee opened a new store in Gretna in June. The 135,000-square-foot store is Hy-Vee's largest and most innovative to date.

Ginny Ward of Hy-Vee named Influential Women by Mass Market Retailers. Ginny Ward has been an influential leader for Hy-Vee in the Omaha market for more than a decade. First moving to the area in 2011 as a district store director, Ward managed two retail stores prior to being elevated to her current position in 2020. As the regional vice president of the Omaha market, Ward oversees 19 locations and works closely with local store leaders to guide their decisions and help them overcome retail challenges.



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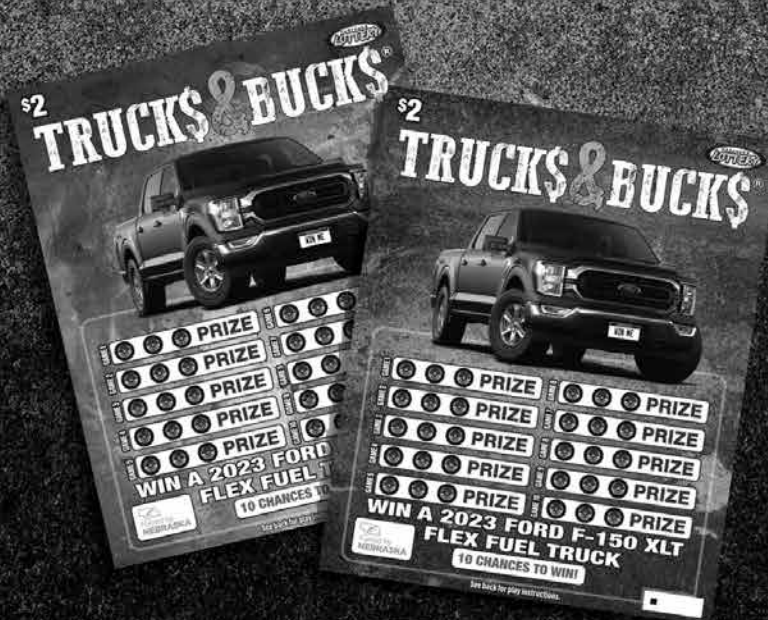
Ginny Ward, Hy-Vee Regional Vice President





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NGIA, Nebraska Cooperative Development Center to host Grocery Industry Summit in Kearney, August 24th

You're invited to join NGIA along with the Nebraska Cooperative Development Center in Kearney on August 24th for our inaugural "Grocery Industry Summit."

This summit is designed to be an opportunity for grocers, wholesalers, vendors, policymakers, and others to learn about, discuss, and seek to address the many challenges facing the industry today.

We look forward to bringing everyone together for a half-day highlight of the work being done to advance the industry and what opportunities might be available for grocers and the communities they serve.

Additionally, it's important for elected officials and other stakeholders to hear directly from local businesses what certain policy changes coming down the pike (e.g., minimum wage increases, mandatory paid leave, refrigerant phasedown, etc.) mean for your business.

See the full agenda and RSVP by following this QR code. Feel free to reach out to afellers@nebgrocery.com with questions or for more information.





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Sponsor Spotlight

1) Can you give readers a little history of your brand/organization?

In the 1920s, Nathan Friedell migrated from Russia and started Nathan's Produce Company. In the '30s, Julius Rosenberg also came to America from Russia and started his own egg business. The two merged in the 1970s – selling eggs, cheese, and other dairy products under the Crystal Farms brand.

In 1950 Milton Waldbaum established an egg products company in Nebraska. Both of these companies were acquired by Michael Foods in 1988. In 2014 Michael Foods was acquired by Post Holdings, Inc., a diversified food product holding company. In 2018, Post Holdings, Inc. acquired Bob Evans Farms, which took on the retail egg and potato business while Crystal Farms was spun off as a wholly owned, independent operating company, specializing in retail cheese.

2) What do you find most valuable about being part of the Nebraska Grocery Industry Association?

Being part of an organization that combines resources to fight for and protect the grocery industry in Nebraska.



3) What sets your product apart?

Crystal Farms not only offers premium Wisconsin cheese, we are a purpose-driven organization that is 100% Midwest sourced. We also are involved in programs that support US farmers and Midwest agriculture. When you buy Crystal Farms, your dollars are staying in the Midwest to support the food industry.

4) Where can customers find your products?

Fareway, Hy-Vee, Russ's Markets, Super Saver, and numerous independent retailers throughout Nebraska.

5) What excites you most about the industry this year?

The opportunity to network and share knowledge with other members

6) Who should grocers contact if they're interested in carrying your product?

Jeff Holling at Jeff.Holling@CrystalFarms.com





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Anytime a customer makes a purchase with a debit or credit card, the merchant is charged an interchange and acquirer switch fee, or “swipe,” fee. The fee covers the costs associated with accepting, processing, and authorizing card transactions for the merchant.

Unlike credit, debit card routing is regulated by a law which went into effect in 2011, known as the “Durbin Amendment.” The Durbin Amendment required card issuers to enable at least two unaffiliated payment card networks to accept their debit transactions, which created some amount of competition in this space and made debit transactions more reasonably priced.

Unfortunately for many years the global card brands, which dominated the payment processing space, interpreted the Durbin Amendment very narrowly, so that it did not apply to many online transactions. This interpretation became obvious and painful for many during the COVID-19 pandemic, when online transactions skyrocketed.

In Oct. 2022, the Federal Reserve (Fed), the agency responsible for the implementation of the Durbin Amendment, made clarifications to address this situation. Effective July 1, 2023, the final rule clarifies the competing network requirement includes “card-not-present” transactions, such as online payments. The Fed’s clarification creates an opportunity for routing between the global and national networks, such as SHAZAM, allowing retailers to route transactions with more competitive payment acceptance costs.

As a national, member-owned debit network and an NGIA Platinum Sponsor, SHAZAM actively takes part and advocates for their customers’ best interests to drive positive change in the payments industry. The approach delivers a stable, secure and trusted partnership to help merchants achieve the best economic outcome. The SHAZAM Payments Network supports common everyday PIN and PIN-less purchases customers make when buying everyday essentials at grocery stores, convenience stores and more.



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Sat, Sep 23	Louisiana Tech	Lincoln, NE	TBA
Sat, Sep 30	Michigan	Lincoln, NE	TBA
Sat, Oct 21	Northwestern	Lincoln, NE	TBA
Sat, Oct 28	Purdue	Lincoln, NE	TBA
Sat, Nov 11	Maryland	Lincoln, NE	TBA



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Nebraska Child Labor Law Issues

Child Labor Law: 14 & 15 Years of Age, Employment Certificate Required

Child Labor Regulations limit both the time of day and number of hours this age group may work, as well as the types of jobs they may perform in non-agricultural occupations. In Nebraska, employers hiring 14- and 15-year-olds must keep on file a complete list of all such children employed.

Employers must also request an Employment Certificate for each worker, signed by their school's issuing officer and post a notice (Form 110) stating the hours of work of the child in the room where the child works (both forms can be found by visiting the Nebraska Department of Labor, Labor Standards website). The employer must return the Employment Certificate to the issuing officer when the child leaves employment.

All documentation must be readily available should the Department of Labor inquire.

If a child apparently under the age of sixteen years appears to be working without an employment certificate, employers must either furnish within ten days satisfactory evidence that such child is in fact over sixteen years of age or cease to employ the child.

In case such employer fails to produce evidence of the age of any child and continues to employ such child, this and the presence of the child apparently at work serves as prima facie evidence in any prosecution that such child is under sixteen years of age and is unlawfully employed.

Federal hours and time-of-day standards for the employment of 14- and 15-year-olds:

- No more than 3 hours on a school day
- No more than 18 hours in a school week
- No more than 8 hours on a non-school day
- No more than 40 hours in non-school week
- Not before 7 a.m. nor after 7 p.m. (9 p.m. from June 1 - Labor Day)

Please note, state rules are less restrictive than federal, but most employers are required to follow the more limiting regulation. If you do not believe federal restrictions apply, please visit the Nebraska Department of Labor website.

Occupation standards for the employment of 14- and 15-year-olds:

They may:

- Perform cashiering, shelf stocking, and the bagging and carrying out of customer orders.
- Help with some clean-up work, including the use of vacuum cleaners and floor waxers.
- Handle some limited cooking duties involving electric or gas grills that do not entail cooking over an open flame. They may also cook with deep fat fryers that are equipped with and utilize devices that automatically raise and lower the "baskets" into and out of the hot grease of oil.

They may not:

- Cook with NEICO broilers, rotisseries, pressure cookers, fryolators, high-speed ovens, or rapid toasters.
- Perform any duties associated with baking.
- Work in warehousing or load or unload goods to or from trucks or conveyors.
- Operate, clean, set up, adjust, repair or oil power driven machines including food slicers, grinders, processors, or mixers.
- Clean kitchen surfaces and non-power-driven equipment, and filter, transport and dispose of cooking oil, but only when the temperature of the surface and oils do not exceed 100° F.
- Operate power-driven lawn mowers or cutters, or load or unload goods to or from trucks or conveyors.
- Work in freezers or meat coolers, but they may occasionally enter a freezer momentarily to retrieve items.
- Work in any occupation declared hazardous for 16- and 17-year-olds, discussed below.

16 & 17 Years of Age

Sixteen- and 17-year-olds may be employed for unlimited hours in any occupation other than those declared hazardous by the Secretary of Labor.

Hazardous equipment includes:

Power-driven meat and poultry processing machines. This includes meat slicers, meat saws, patty forming machines, meat grinders, and meat choppers,

commercial mixers, and certain power-driven bakery machines. Employees under 18 years of age are not permitted to operate, feed, setup, adjust, repair, or clean any of these machines or their disassembled parts.

Balers and Compactors. Minors under 18 years of age may not load, operate, or unload balers or compactors. Sixteen- and 17-year-olds may load, but not operate or unload, certain scrap paper balers and paper box compactors under certain specific circumstances.

Motor Vehicles. Generally, no employee under 18 years of age may drive on the job or serve as an outside helper on a motor vehicle on a public road, but 17-year-olds who meet certain specific requirements may drive automobiles and trucks that do not exceed 6,000 pounds gross vehicle weight for limited amounts of time as part of their job. Such minors are, however, prohibited from making time sensitive deliveries (such as pizza deliveries or other trips where time is of the essence) and from driving at night.

Children under 14 years of age may not, generally speaking, be employed in retail establishments unless the business is owned entirely by their parents.

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Nebraska's Best Bagger



NGIA to Host 2023 Best Bagger Competition

When: 3:00PM; October 3, 2023

Where: Tiburon Golf Course
10302 S 168th St.
Omaha, NE 68136

The Nebraska Grocery Industry Association (NGIA) is pleased to announce we're bringing back our statewide Best Bagger competition.

We are asking store owners and managers to reserve your Best Bagger spot by August 11, 2023!

Scan the QR code to tell us how many spots you'd like at the Best Bagger Competition. Only one contestant per location, please! We do not need the names of your competitors until September 22nd. At this point, we only the number of individuals you'll be sending.

The winner of the NGIA competition will be eligible to compete in the National Grocers Association Best Bagger competition at the NGA Show in March 2024 in Las Vegas.

To be eligible, a bagger:

1. Must have primary duties as front-end staff and must spend at least 40% or more of their time at work bagging groceries.
2. Must not have a managerial title, role, or set of responsibilities.
3. Must be employed in Nebraska and of legal working age.

PLEASE NOTE: *Due to the location of the National Best Bagger Championship (Las Vegas), baggers 20 years-old or younger must be accompanied by a chaperone who is at least 21 years of age.*

4. Must not be a former National Best Bagger Champion!


Contestants are judged on speed, bag-building technique, weight distribution between bags, style, attitude, and appearance.

Additional Background


The NGA Best Bagger competition is a yearlong contest in which the top grocery baggers in the country compete to be crowned the National Best Bagger Champion at NGA's annual convention, The NGA Show.



Reserve your Best Bagger Spot(s) Now!
Register at nebgrocery.com



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