LOUISIANA RETAILERS ASSOCIATION ANNUAL REVIEW THE VOICE

OF OUR

INDUSTRY



WHO WE ARE

INTRODUCTION

Since 1946, department stores, specialty shops, pharmacies, grocery stores, discount stores, hardware stores, jewelry shops and many other retailers, wholesalers, suppliers, and manufacturers have counted on Louisiana Retailers Association to be the voice of the retail industry in Louisiana. With a focus on results, Louisiana Retailers Association provides its membership with a constant and vigilant eye on legislative and regulatory activity, as well as access to discounts on business resources. Membership is a value-driven and proven method of ensuring that retail interests remain a top priority in Louisiana. Today, the Louisiana Retailers Association remains the only trade association solely focused on representing retailers in Louisiana.

MISSION

The mission of the Louisiana Retailers Association is to represent the legislative, regulatory, and political interests of the retail industry at the local, state, and federal level; to stimulate and enhance competitive enterprise with community responsibility; to provide programs of service and action that enhance the position of members; and to secure cooperation with and among other organizations and government agencies in the furtherance of those objectives.



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OUR LRA TEAM

JESSICA ELLIOTT EXECUTIVE DIRECTOR

BRANDI ARMAND DIRECTOR OF OPERATIONS

SHELLY DUPRE' GOVERNMENTAL AFFAIRS CONSULTANT

Shelly advises the LRA team in leveraging public affairs and government relations strategies to achieve legislative and regulatory goals. Shelly also directly engages with elected and appointed policymakers to inform the decision-making process.

PAUL GRETHEL EDUCATIONAL CONSULTANT

Paul works directly with high school teachers who apply for LRA administered grants and acts as a liaison between those teachers and the LRA to achieve grant compliance.

DENISE THEVENOT MEMBERSHIP DEVELOPMENT COORDINATOR

Denise develops and implements strategies to recruit new members and works to promote positive membership experiences.



CHAIRMAN OF THE BOARD

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 - Jim Odom, Feliciana Supermarket | Jackson, LA
 - Cristal Cole, Amazon | Hialeah, FL

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LRA is seeking nominees for the organization's board of directorsboth self-nominations and nominations of your colleagues are enthusiastically welcomed. Nominees must be a regular member in good standing in order to be considered. If you would like to nominate a fellow retailer or yourself, please contact Ira@laretail.org to request a nomination form.

SAVE THE DATE!

OCTOBER 23, 2023



Fall Forum Co-Hosted by Louisiana Retailers Association and Louisiana Beverage Association



LRA and LBA Board Meetings



Election Update, Elected Officials, and Panel Discussions



Reception and Dinner

Casino Night (For Entertainment Only)

OCTOBER 24, 2023



Scholarship Golf Tournament

Regular Legislative Session

March 11, 2024 - June 3, 2024

Irc

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Louisiana Retailers Association

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A MESSAGE FROM THE CHAIR

I am thrilled to address you in my capacity as the Chairman of the Louisiana Retailers Association. As we navigate the dynamic landscape of the retail industry, I am honored to serve alongside of you and our incredible staff of this resilient organization. First and foremost, I want to express my sincere gratitude to each member for your support and commitment to our association. The passion for retailing in Louisiana runs deep and is reflected in our industry's success despite the challenges of an everevolving marketplace.

The past several years have been a testament to the strength of both our industry and our Association. We faced unprecedented challenges, adapting to shifts in consumer behavior, embracing technology, and finding innovative ways to meet the needs of our customers. Through it all, our Association remained a pillar of strength, providing vital resources, insights, and a platform for collaboration.

Looking ahead, I am excited about the opportunities that lie before us. We will continue to focus on advocating for policies that promote a favorable business environment, ensuring that our members can operate with efficiency and confidence. Moreover, we will enhance our efforts to foster education and professional development, equipping our members and our association staff with the skills needed to excel in a rapidly changing retail landscape.

Engagement is the heart of your LRA membership. I encourage all members to actively engage in our events, Education Foundation, Advocacy, and networking opportunities. By sharing our experiences and insights, we can collectively tackle challenges and uncover innovative solutions that will propel Louisiana retailing forward.

As we continue this journey together, I want to assure you that I am always available to our members. I welcome your feedback, suggestions, and concerns; feel free to reach out to me, to any member of our Board, or to our dedicated staff at any time.

We are better together, and I am confident that we can build a stronger, more vibrant retail industry that thrives in the face of change. Thank you once again for your commitment to the LRA. I am grateful for the past year, and genuinely excited about what we can achieve together. I look forward to a successful and productive year ahead.

KEVAN D. FENDERSON

Chairman, Louisiana Retailers Association Director Government Relations Brookshire Grocery Company





This year, the Louisiana Retailers Education Foundation awarded scholarships to twelve deserving Louisiana students. The Foundation awards college scholarships to students who are either employees or children of employees of member companies of the Louisiana Retailers Association. Congratulations to the recipients!



Edwin Berrios Westwego, LA Eligible through his employment with Best Buy Co. Inc.



Shantavia Comeaux New Orleans, LA Eligible through her employment with Zatarain's.



Savannah Cucinello Gretna, LA Eligible through her parent's employment with Breaux Mart.



Ella Goings New Orleans, LA Eligible through her parent's employment with Zatarain's.



Aidan Nugent Monroe, LA Eligible through his parent's employment with Mac's Fresh Market.



Samauria Paddio Rayne, LA Eligible through her employment with Piggly Wiggly



Olivia Restel Shreveport, LA Eligible through her parent's employment with Ivan Smith Furniture.



Marie Sierra Baton Rouge, LA Eligible through her parent's mployment with Associated Grocers



Andrew Thiels Pineville, LA Eligible through his parent's employment with Coca Cola United.



Kristen Thiels Pineville, LA Eligible through her parent's employment with Coca Cola United.



Anna Zweig Mandeville, LA Eligible through her parent's employment with Associated Wholesale Grocers.



Abby Zweig Mandeville, LA Eligible through her parent's employment with Associated Wholesale Grocers.

THANK YOU!

Thank you to the sponsors of the 25th Annual Scholarship Golf Tournament. The generous support from sponsors supports the Education Foundation's mission to raise funds for <u>student scholarships.</u>

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LRA SCHOLARSHIP GOLF TOURNAMENT

Join us for the 26th Annual Scholarship Golf Tournament on October 24th at Carter Plantation in Springfield, LA. Register at www.laretail.org/events or by calling 225.344.9481. All event proceeds benefit the Louisiana Retailers Association Education Foundation, which is a 501 (c) (3) nonprofit organization and contributions are tax deductible to the extent provided under law.



2023 Scholarship Golf Tournament



LOUISIANA ALLIANCE OF RETAIL PHARMACIES 89.9%

The Louisiana Alliance of Retail Pharmacies (LARP) was established in 2020 as a division of the Louisiana Retailers Association. LARP members operate over three hundred pharmacies in Louisiana. LARP's mission is for members to work collectively to provide the highest standards of pharmaceutical care for the citizens of Louisiana by increasing access to both prescriptions and clinical and cognitive services while working collaboratively with the Pharmacy Board, other pharmacy organizations, educational institutions, and the local and state health departments. Membership is open to "Retail Pharmacies" defined as being pharmacies with four (4) or more locations each regularly employing a registered pharmacist who dispenses prescriptions and provides professional counsel.

"The nature of patientpharmacist encounters has recently evolved from its traditional focus on medication dispensing to the provision of patient-centered, medication management services, including vaccinations, point-of-care testing, and chronic disease state management."

> UNIVERSITY OF PITTSBURGH SCHOOL OF PHARMACY RESEARCHERS

of the US population lives within 5 miles of a community pharmacy, according to the Journal of the American Pharmacists Association.

LARP is actively involved in legislative and regulatory advocacy efforts to further advance the practice of pharmacy in Louisiana. LARP supports initiatives that will provide better outcomes for pharmacies and patients, including:

- Policies that allow community pharmacies to offer services that improve health outcomes for patients and close gaps in care.
- Meaningful reforms to address the abusive practices of pharmacy benefit managers (PBM's).





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\$47.5 billion TOTAL IMPACT ON GDP

\$22.1 billion DIRECT IMPACT ON GDP

> **\$26.3 billion** TOTAL LABOR INCOME

\$13.4 billion DIRECT LABOR INCOME

> **705.9K** Total Retail Employment

> **467.5K** Direct retail Employment

Retail is the nation's largest private-sector employer, driving the U.S. economy and creating jobs in the communities around the country. The National Retail Federation (NRF) forecasts that retail sales during 2023 will grow between 4% and 6% over 2022 to between \$5.13 trillion and \$5.23 trillion.

As the role of brick-and-mortar stores has evolved in recent years, they remain the primary point of purchase for consumers, accounting for approximately 70% of total retail sales.

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ADVOCACY

Crucial to the Louisiana Retailers Association's mission is providing powerful advocacy - in both the legislative and regulatory arenas – to influence policy outcomes to serve and support our members' businesses and the broader community of retail in Louisiana. The LRA Team devotes considerable resources to advocating before lawmakers and regulators on issues of importance to retailers and helping these policymakers understand our industry's crucial importance to their communities and Louisiana's economy. It is imperative for businesses to maintain LRA membership to ensure that they are connected to the legislative and regulatory process and are aware of proposals that will affect the bottom line.

Legislative Advocacy

As the leading voice for retailers and our industry's trading partners, the LRA actively engages with policymakers to promote the importance of the retail industry, to support the passage of positive laws and regulations and, importantly, we are there working to stop proposals that could negatively impact your business through over burdensome regulations, taxes, or fees. We continue our efforts to highlight the burdens of onesize-fits-all regulation on small businesses and the cumulative impact of regulations on all businesses.

2023 Regular Legislative Session

The 2023 Regular Session began on April 10 and adjourned on June 8.

Many legislators filed bills in the 2023 legislative session to accomplish various forms of tax reform, including repealing corporate and personal income tax. No major tax reforms were enacted likely due to the political dynamics of an election year in Louisiana. All statewide offices and the 144 legislative seats are up for election in Fall 2023.

AT A GLANCE:

894 Total Bills Filed during the 2023 Regular Legislative Session: 661 House & 233 Senate. 723 total resolutions & study requests filed.

Many legislators filed bills to accomplish various forms of tax reform, including repealing corporate and personal income tax. No major tax reforms were enacted.

Several efforts to eliminate or phase out a portion of the temporary .45-cent state sales tax failed. The .45- cent sales tax is slated to expire in mid 2025. The tax generates \$460 million per year, according to the Legislative Fiscal Office.

Several proposals to set a minimum wage in Louisiana failed. Louisiana requires employers to pay the federal minimum wage of \$7.25 an hour. All minimum wage proposals were rejected.

In response to ongoing concerns from Louisiana shrimpers and fisherman, legislators considered many bills applicable to seafood and imported seafood.





Notable 2023 Legislative Activity

While a significant number of bills have been introduced to address the complicated sales tax collection system in Louisiana, centralized sales tax collection has not become a reality. There are many improvements that can be made to streamline sales tax collection and remittance in Louisiana. In the 2023 Regular Legislative Session, Representative Beaullieu took a creative approach to the problem with HB 558:

<u>HB 558 by Beaullieu (Act 375)</u> - Act 375 transfers the design, implementation, maintenance and supervision of a more functional online tax collection system to replace the Parish E-file system, from LDR to the Uniform Local Sales Tax Board. The new uniform return and remittance system must be available for use no later than January 1, 2026. The system must be a single remittance system whereby each taxpayer can remit state and local sales and use taxes through a single transaction. LRA will appoint one taxpayer to the committee that will oversee the development of the system. Act 375 is effective January 1, 2024.

Other sales and excise tax bills included:

<u>HB 171 by Beaullieu (Act 15)</u> - The previous threshold to trigger the requirement for a remote seller or marketplace facilitator to collect sales tax was gross revenue for sales delivered into Louisiana in excess of \$100,000 or more than 200 transactions. Act 15 repeals the 200 transaction threshold. Act 15 was effective August 1, 2023.

<u>SB 8 by Luneau (Act 249)</u> - Act 249 repeals the requirement for a taxpayer to pay interest on sales/ use taxes paid under protest in a lawsuit where a collector prevails against the taxpayer. Act 249 was effective August 1, 2023.

<u>SB 224 by R. Mills</u> - Proposed law would have reduced the cigar tax from 20% to 8% for cigars invoiced at more than \$120 per thousand by the manufacturer. SB 224 was rejected by Senate Revenue and Fiscal Affairs Committee. <u>HB 635 by Hollis (Act 414)</u> - Act 414 increases the tax levied on vapor products and electronic cigarettes from \$0.05 per milliliter to \$0.15 per milliliter. Act 414 also mandates that all vaping products sold in the state must be purchased from a Louisiana wholesaler and limits nicotine products sold in the state to those associated with an application for an FDA marketing order. The ATC must create a directory of products eligible for sale in the state. Act 414 was effective July 1, 2023.

<u>HB 256 by Miller (Act 21)</u> - Act 21 provides for extension of the local sales tax filing and remittance deadline to the next business day after a state or federal holiday on which banks are closed. Interest and penalties will not accrue during the extension provided that returns and payments are received by the extended deadline. Act 21 was effective May 30, 2023.

<u>SB 118 by Harris (Act 255)</u> - Act 255 extends the sunset date for the Louisiana Tax Free Shopping Program until July 1, 2024. The Tax Free Shopping Program provides sales tax refunds to international visitors on items that are bought in Louisiana at eligible stores. Act 255 was effective June 12, 2023.

How Can I be More Involusors

Join the Policy and Government Affairs Committee (PGAC). The purpose of the Policy and Government Affairs Committee is to assist the staff and the Board of Directors in formulating and implementing LRA legislative and regulatory policy and positions. Generally, PGAC meetings are conducted remotely by conference call or a web-based application. Each member company participating on the PGAC will have one vote. If you are interested in learning more about the Policy and Government Affairs Committee, please contact Ira@laretail.org.



<u>SB 56 by Cathey (Act 288)</u> - Act 288 reinstates the state portion of the Second Amendment sales tax holiday, which provides a sales tax exemption for firearms and hunting supplies during the first weekend of September. Act 288 was effective July 1, 2023.

<u>HB 642 by Jenkins</u> - Proposed law would have taxed certain digital goods, including sounds, images, software, use or subscription charges, among others. Rep. Jenkins voluntarily deferred HB 642.

Labor Initiatives

<u>HB 313 by Larvadain</u> - The proposed law required businesses to post signage regarding workplace violence and to establish workplace violence prevention plans. Also, businesses were required to complete a workplace violence incident form for each workplace violence incident and submit to LWC annually a report indicating the number of workplace violence incidents that have occurred on the commercial entity's premises. HB 313 was scheduled for a hearing in the House Labor Committee, but the bill author elected to voluntarily defer the legislation.

HB 283 by LaFleur - Wage Transparency Legislation- The proposed law prohibited an employer from screening a job applicant based on the applicant's current or prior wages, benefits or other compensation, or salary history; relying on the applicant's wage history in deciding whether to offer employment to an applicant or to determine the applicant's salary, benefits, or other compensation; or, refusing to hire or otherwise disfavor, injure, or retaliate against an applicant for not disclosing his wage history. Proposed law also prohibited an employer from discriminating, retaliating, or taking any adverse employment action against an employee, who inquires, discloses, compares, or otherwise discusses his wages, another employee's wages, or aids or encourages any other employee to exercise the same actions. The House Labor Committee rejected HB 283 by a vote of 9-5.

<u>HB 596 by Freeman</u> - The proposed law created the Louisiana Family and Medical Leave Benefits Act. HB 596 required contributions to be divided between employers and employees, with the employers paying 45% of the contribution and employees paying 55%. The House Labor Committee considered HB 596, but the bill author elected to voluntarily defer the legislation.

<u>HB 340 by Romero</u> - Proposed law decreased the maximum number of weekly unemployment benefits in a benefit year from 26 weeks to a number of weeks between 12 and 20 depending on the state unemployment rate. The House finally passed HB 340 by a vote of 66-37, but the bill did not receive a hearing in the Senate.

<u>HB 40 by Boyd</u> - Proposed law would have added protections for gender identity and sexual orientation to Louisiana's employment discrimination law. The House Labor Committee rejected HB 40.

Corporate Franchise Tax (CFT) is imposed on a business's net worth rather than net profits. The CFT discourages capital investment in the state and requires businesses to pay the tax regardless of profitability. Senator Allain proposed Senate Bill 1 to phase out the corporate franchise tax.

<u>SB 1 by Allain</u> - SB 1 would have phased out the Corporate franchise tax (CFT). Under SB 1, the phase-out would have begun in the 2025 and CFT would have been reduced by 25% for each year in which overall corporate tax collections exceed \$600 million. The first 25% reduction was expected to occur within the next two years. SB 1 passed the House and the Senate but was vetoed by Governor Edwards. Gov. Edwards said in his veto message that the fiscal impacts from previous tax policy changes are not yet fully known, and with many moving and intertwined pieces, it is unwise to create a franchise tax reduction trigger at this time.

ADVOCACY

In response to ongoing concerns from Louisiana shrimpers and fisherman, legislators considered many bills applicable to seafood and imported seafood:

<u>HB 528 by Cormier</u> - Proposed law would have increased the fines for failing to post the required notice to patrons that crawfish or shrimp being served is imported. A first offense would be subject to a \$1000 fine under HB 528. HB 528 was voluntarily deferred by the House Natural Resources Committee.

HCR 134 by Kerner - HCR 134 establishes the Imported Seafood Safety Task Force to study and make recommendations regarding funding for the testing of imported seafood, what a fair fee would be for commercial distributors of imported seafood in Louisiana, and what enforcement mechanisms should be in place. LRA will nominate a representative to serve on the task force.

<u>SR 159 by F. Mills</u> - SR 159 directs LDH to take any and all action necessary to enforce the many provisions of Louisiana law relative to seafood safety.

<u>HCR 105 by Garofalo</u> - HCR 105 urges and requests the La. Dept. of Health and the U.S. Food and Drug Administration to expand testing of imported shrimp products and to increase public awareness of health risks associated with imported shrimp. Other noteworthy 2023 legislative proposals:

<u>HB 70 by Schlegel (Act 463)</u> - Act 463 reduces the credit for "good behavior" in reducing sentences for offenders convicted a fourth or subsequent time of a nonviolent felony offense. HB 70 also increases the amount of time served for these offenders in order for them to be eligible for parole. Many "professional boosters" and others engaged in organized retail crime are repeat offenders. Act 463 was effective August 1, 2023.

<u>SB 54 by Morris (Act 438)</u> - Act 438 repeals the requirement to just issue a summons for certain theft offenses and permits law enforcement officers to exercise discretion to either make an arrest or issue a summons. Act 438 was effective August 1, 2023.

<u>HR 210 by Knox</u> - HR 210 creates a task force to study and make recommendations on the impact of dollar stores and to submit a written report of its findings and recommendations to the House of Representatives no later than February 1, 2024.

The 2024 Regular Legislative Session will begin on March 11, 2024 and must adjourn by June 3, 2024. The 2024 Regular Session subject matter can be general in nature; however, no measure levying or authorizing a new state tax, increasing an existing state tax, or legislating with regard to state tax exemptions, exclusions, deductions, or credits shall be introduced or enacted.





ADVOCACY NEWS FROM CAPITOL HILL

Retail advocates on Capitol Hill identified two priorities in 2023:

Organized Retail Crime and Swipe Fees.

Organized Retail Crime (ORC): The

federal INFORM Consumers Act, passed at the end of 2022 and was signed into law in January, 2023. The measure will help bring transparency to online marketplaces by requiring them to verify the identities of high-volume third-party sellers. Doing so would help curb the fencing of stolen merchandise and address the sale of counterfeit goods. While market transparency is important in the fight against ORC, it is also imperative for Congress to pass the Combating Organized Retail Crime Act. It would establish a new Organized Retail Crime Coordination Center to align counter-ORC activities nationally and internationally by developing national-level ORC intelligence, facilitating information sharing and cross-agency investigations, and serving as a center of expertise for training and technical assistance.

Swipe Fees: When consumers use a credit or debit card to make a purchase, banks and card networks like Visa and Mastercard charge retailers a hidden "swipe fee" to process the transaction. For credit cards, the fees average about 2% of the transaction but can be as much as 4% for some premium rewards cards. Together, credit and debit card swipe fees cost retailers and their customers more than *LRA Annual Review* | **17**

Organized Retail Crime (ORC) - INFORM Consumers Act & Combating Retail Crime Act

Swipe Fees - Credit Card Competition Act (CCCA)

\$160 billion a year. Swipe fees are most retailers' highest operating cost after labor. As a percentage of the transaction, swipe fees go up automatically as prices increase, creating a multiplier effect for today's rampant inflation. The Credit Card Competition Act (CCCA) was reintroduced in June 2023. The CCCA would enhance competition and choice in the credit card network market, which is currently dominated by the Visa-Mastercard duopoly. Building off of debit card competition reforms enacted by Congress in 2010, the bill would direct the Federal Reserve to ensure that giant credit card-issuing banks offer a choice of at least two networks over which an electronic credit transaction may be processed. This legislation, which builds upon pro-competition reforms Congress enacted in 2010, would give small businesses a meaningful choice when it comes to card networks, and it would enable innovators to gain a foothold in the credit card market. Bringing real competition to credit card networks will help reduce swipe fees and hold down costs for retailers and their customers.



LRA was pleased to support the creation of the Louisiana Arkansas Mississippi Alabama Organized Retail Crime Alliance (LAMA-ORCA), which officially launched on July 19, 2023 in New Orleans. The multi-state organization was created to fight organized retail crime in the partner states. Organized retail crime (ORC) refers to professional shoplifting or other theft occurring in retail stores. Small and large stores alike are feeling the negative effects of the escalation of ORC. Organized retail crime differs from shoplifting in that it is not the result of a single individual breaking the law, but rather part of a scheme to defraud retailers or to steal products for resale elsewhere. LAMA-ORCA will assist law enforcement, retail investigators, and

- prosecutors with the identification, investigation, and prosecution of those involved in organized retail crime. Visit https://www.laretail.org/lama-orca to learn more.
- According to the National Retail Federation's (NRF) 2022 National Retail Security Survey (NRSS):

8 in 10

retailers surveyed report that the violence and aggression associated with ORC incidents increased in the past year. Retailers, on average, saw a 26.5% increase in ORC incidents in 2021. Retailers favor increased penalties for theft, and a reduction in felony thresholds;



of survey respondents reported increases in ORC in areas where felony thresholds have increased.



Louisiana – Arkansas – Mississippi – Alabama Organized Retail Crime Alliance "Bridging the Gap in Public and Private Investigations" 81.2%

of participating retailers reported that ORC offenders are somewhat more or much more violent when compared with one year ago.

When taken as a percentage of total retail sales, retail shrink represented \$94.5 billion in losses in 2021.



Associated Wholesale Grocers, Inc., 5000 Kansas Avenue, Kansas City, KS 66106

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