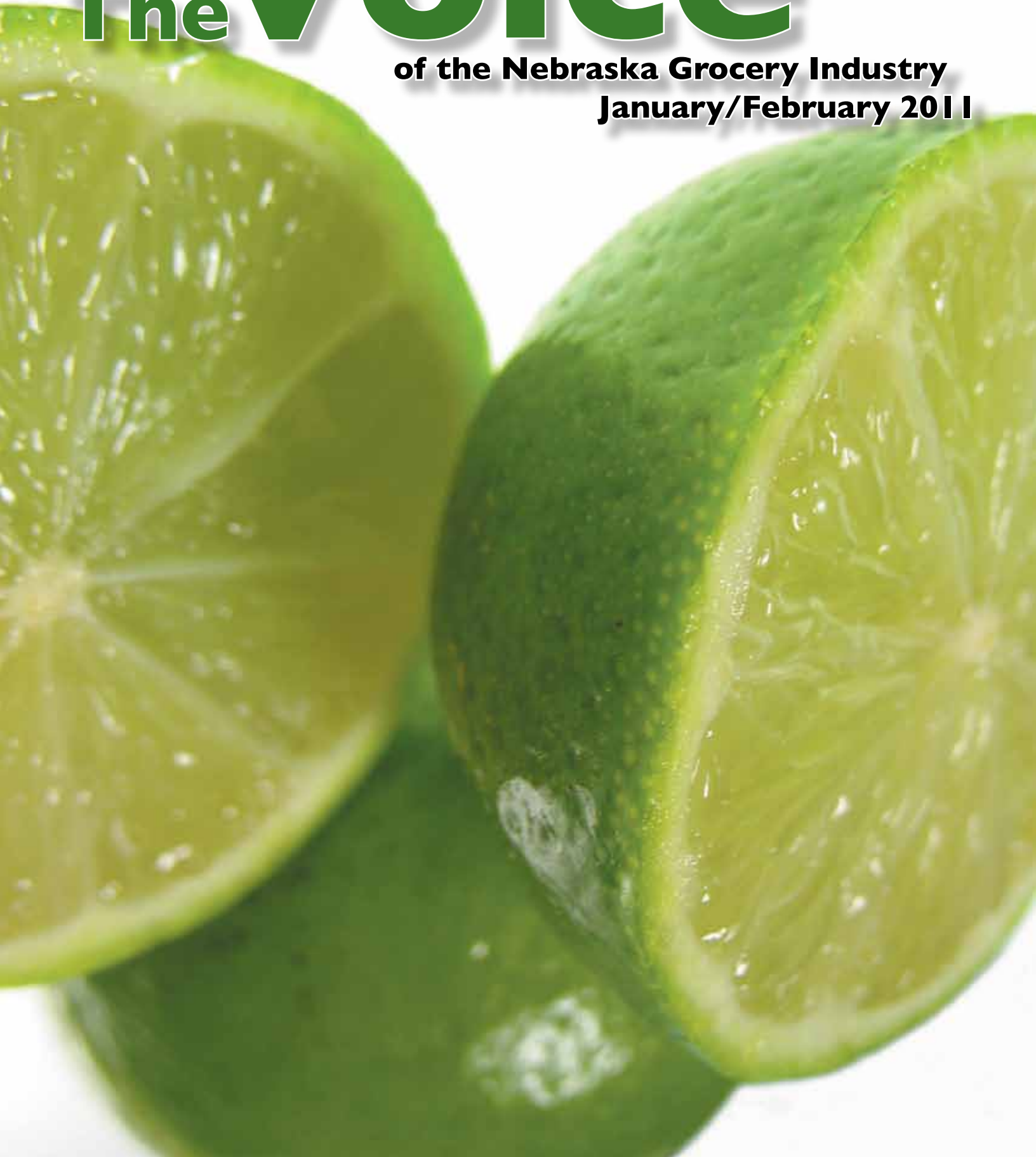


The Voice

of the Nebraska Grocery Industry

January/February 2011





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

This section of the magazine is dedicated to announcing the changes, additions, promotions, etc., regarding members of the grocery industry in Nebraska. We invite members to submit information that can be included in this section.

Moore's Market in Clarkson has recently been sold. It was operated by the Moore family for 107 years. John Moore, former owner has decided it is time to pursue other interests. Monica Harney, a long-time Clarkson resident, was looking for a career change so when the store went up for sale she and her husband, Mike purchased the store. Support from the community has been good and John's assistance has provided for a smooth transition. The store's new name is M&M Market.

Hy-Vee plans to upgrade its Heartland Pantry store at 48th and Leighton in Lincoln. Ruth Corner, a Hy-Vee spokeswoman, said the company plans to add a small

kitchen with a dining area that will serve breakfast, lunch and dinner, as well as a service meat counter. Plans also call for an enlarged natural and organic foods department and an expansion of the store's inventory of brand-name products. Work started in mid-January and will take about three months to complete.

In December, Joe and Katie Rieken purchased the Dalton Market from Lucille Cooper. Cooper had owned and operated the business with her late husband, since 1983. When the Rieken's heard Lucille was looking to sell the business and retire they realized they didn't want to stand by and watch another small business disappear, and also they realized that the store could be the perfect family-related business. The Rieken's are planning some changes to the store such as an expanded meat and deli department.



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To learn more about how to drive growth in your store, contact your ConAgra Foods representative.



Clint Didier is the Winner! Nebraska Grocery Industry Association PAC Fundraiser



Official Drawing for the NGIA PAC drawing by CPA's at Grafton & Associates took place in The NGIA Office



Jeff Didier accepts the tickets won by son Clint, to the big 12 Championship Game in Texas.

NGIA held a PAC Fundraiser by providing members with an opportunity to win a trip for two to the BIG 12 Championship Game on December 4, in Arlington, Texas. The prize included two tickets to the Big 12 Championship Game; two airline tickets to Dallas, Texas, and two nights at the Wingate, located about a mile from the stadium. Only Members of NGIA and their employees were eligible to participate.

Clint was thrilled to win the prize! He and his dad, Jeff, attended the game. Jeff reported that they had a great time!

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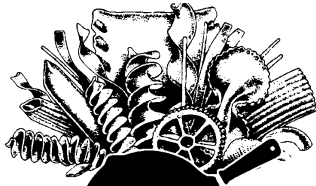
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Questions and Answers on Store Gift Card Regulations Compliance

REVISED

December 15, 2010

On May 22, 2009, the Credit Card Accountability Responsibility and Disclosure Act of 2009 (the CARD Act) was signed into law.¹ The CARD Act contains provisions affecting fees, expiration dates and related disclosures on store gift cards among other things. The CARD Act was modified by a law signed on July 27, 2010,² to give retailers more time to comply. Retailers have had a number of questions regarding compliance with the CARD Act. This document addresses the key questions retailers have posed to FMI on the CARD Act. For additional information please contact FMI's regulatory counsel, Erik Lieberman at elieberman@fmi.org or (202) 220-0614.

The regulations implementing the CARD Act are found in 12 CFR §205.20.

What are the inactivity fee restrictions?

- An inactivity fee cannot be imposed before one year has elapsed without activity.
- Inactivity fees cannot be imposed more than once a month.
- Inactivity fees cannot be imposed retroactively, only going forward after the one year period in which there has been no activity.

What are the inactivity fee disclosure requirements?

The following inactivity fee³ disclosures must be on the card itself:^{4 5}

- The amount of the inactivity fee that may be charged.
- How often the fee is charged.
- That such fee may be charged for inactivity.
- Not more than one inactivity fee is imposed in any given calendar month.
- A toll-free telephone number⁶ that a consumer may use to obtain information about inactivity fees.

¹ P.L. 111-24.

² P.L. 111-209.

³ The term "inactivity fee" in this document includes service fee and dormancy fee.

⁴ If the card does not charge an inactivity fee, the below disclosures are not required.

⁵ Disclosures made on: packaging surrounding a card, a label affixed to the card or an accompanying terms and conditions document do not meet this requirement.

⁶ And website, if one is maintained.

Food Marketing Institute
Store Gift Card Regulations Compliance
December 15, 2010
Page 2 of 2

What are the expiration date restrictions?

- Store gift cards may not expire sooner than 5 years after purchase by a consumer.⁷
- The funds underlying the store gift card must be valid for at least 5 years, funds that have been loaded or reloaded onto the card after it has been purchased must be valid for at least 5 years.

What are the expiration date disclosure requirements?

The following expiration date disclosures must be on the card itself:⁸

- The expiration date for the underlying funds, or if the underlying funds do not expire, a statement of that fact.⁹
- A toll-free number¹⁰ that a consumer may use to obtain a replacement card after the card expires.¹¹
- If applicable, a statement near the expiration date that the card expires but the underlying funds do not expire, or expire later than the card, and; that the consumer may contact the issuer for a replacement card.¹²

What are the compliance dates?

- Store gift cards must comply with these requirements as of August 22, 2010. Store gift cards produced prior to April 1, 2010 may continue to be sold until January 31, 2011.¹³

Disclaimer: This guidance is provided by the Food Marketing Institute as a service to its members and does not constitute legal advice. It is general information and is not guaranteed to be correct, complete or up-to-date. As legal advice must be tailored to the specific circumstances of each case and laws and regulations are frequently changing, nothing provided herein should be used as a substitute for the advice of competent counsel.

⁷ Technically consumers must have a “reasonable opportunity” to purchase a card with at least five years remaining before the expiration date.

⁸ If the card and underlying funds do not expire, the below disclosures are not required.

⁹ Id. If there is no expiration date there is not a need to state that underlying funds do not expire.

¹⁰ And website, if one is maintained.

¹¹ If underlying funds may be available.

¹² These statements are not required if the card is not reloadable and the expiration date is at least seven years from the date of manufacture.

¹³ Provided the store gift card: (1) does not have an expiration date for the underlying funds; (2) is replaced free of charge at the consumer's request (if it has funds remaining); (3) disclosures are given to consumers through in-store signage that: (a) the underlying funds of the card do not expire; (b) consumers holding the card have a right to a free replacement certificate or card; and, (c) any inactivity fee will not be charged if such fee does not comply with Section 915 of the Electronic Fund Transfer Act; and complies with certain other provisions of 12 C.F.R. § 205.20.

NGIA Legislative Dinner held in January 18 in Lincoln



Russ Stevens and Dan Staples of Arctic Glacier set up the ice sculpture Arctic donated, before they assisted with the silent auction



Jim Haynes, Director of Lottery & Charitable Gaming, Algis Valancuinas, Steve & Tammy Dolezal visit during the Reception



Larry Elias, Steve Williams, Rick Carlson and Don Ehly touch base



Kathy McKinney poses with Football Players Keith Williams, Zac Lee, and Dreu Young



Jeff Grier, Zac Lee and Ken Hraben enjoy the evening



Pat Raybould, Mike Gray and Steve Dillard take time to chat



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Emma Finder's voice as she sang the Anthem!



The Huskers sign photos and items for the crowd



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Nebraska Grocery Industry Association 2011 Calendar of Events

- | | |
|-------------|--|
| Feb. 13-16: | National Grocers Association Synergy Showcase |
| Feb. 23-24: | Nash Finch Spring Trade Show in Minneapolis |
| Mar. 25-26: | Affiliated Foods Midwest Trade Show in Omaha |
| Mar. 30-31: | Washington Public Policy Conference |
| April 13: | AWG Trade Show in Springfield |
| April 27: | AWG Trade Show in Kansas City |
| May 10-12: | FMI's Future Connect - Hilton Anatole Dallas, Dallas, TX |
| July 19: | NGIA Annual Conference at the Henry Doorly Zoo in Omaha
(Make it a Family Day! Zoo passes for the kids are included with your registration) |
| July 20: | NGIA Sand Bagger Golf Outing at Quarry Oaks Golf Club |
| Aug. 10-11: | Nash Finch Fall Trade Show in Minneapolis |
| Aug. 24: | AWG Trade Show in Kansas City |
| Sept. 9-10: | Affiliated Foods Midwest Fall Trade Show in Omaha |
| Sept. 14: | AWG Trade Show in Springfield |
| Late Sept. | NGIA Golf Outing TBD |



2011-A Day in WASHINGTON



March 30-31, 2011
Hyatt Regency Washington
On Capitol Hill

400 New Jersey Avenue, NW
Washington, DC



SCHEDULE AT A GLANCE

Wednesday, March 30

- 11:00 a.m. – 6:00 p.m. Registration Open
- 3:30 p.m. – 5:30 p.m. General Session
Presentation of Awards
- Issues Briefing
- 6:00 p.m. – 7:00 p.m. Reception
- (for all registrants)*

Thursday, March 31

- 8:15 a.m. – 9:15 a.m. Breakfast
Viewpoints from the Senate
- 9:45 a.m. – 5:00 p.m. Congressional Office Visits
- 11:00 a.m. – 4:00 p.m. Hill Appointments Room
- 11:30 a.m. – 1:30 p.m. Lunch



2011 - A Day In Washington

March 30-31, 2011

Hyatt Regency Washington, Washington, D.C.

Sponsored by N.G.A., FMI and FIAE

Registration / Housing Form



REGISTRATION

(Please type or print.)

COMPANY _____
 ADDRESS _____
 CITY/STATE/ZIP _____
 BUSINESS PHONE (_____) _____ FAX (_____) _____
 Cell Phone: _____ E-mail: _____
 Congressional Representative _____ Congressional District _____

NAME _____
 NICKNAME _____
 POSITION/TITLE _____
 SPOUSE _____
 NICKNAME _____
 CHILD(REN) /AGES _____

REGISTRATION FEES

(Check appropriate fees and member type. Registration fees are deductible as ordinary and necessary business expenses.)

For Retailers, Wholesalers or State Associations that register 5 or more Retail and/or Wholesale Executives the registration fee is \$100 each.

- Retailer/Wholesaler \$150
- Spouse \$ 75
- Youth FREE

I will be participating in the Capitol Hill visits on Thursday, March 31st.

FOR RETAILERS ONLY: Please identify your wholesaler: _____

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Hyatt Regency Washington
 400 New Jersey Avenue, N.W., Washington, D.C. 20001
 tel: (202) 737-1234

Hotel accommodations are available through N.G.A. until March 7, 2011. After this date, please contact the hotel directly. Rooms subject to availability.

Hotel cancellation: 24 hours prior to arrival to avoid a one-night cancellation assessment.

One night deposit required: King Bed 2 Double Beds
 \$299 Single/Double Occupancy \$374 Quadruple Occupancy
 \$349 Triple Occupancy

Hotel is Non-Smoking

Other Requests: _____

ARRIVAL DATE _____ DEPARTURE DATE _____ DEPARTURE TIME _____ a.m./p.m.

SHARING ROOM WITH _____

NO THANK YOU, I do not require hotel accommodations.

Enclosed is my check for \$ _____ Made Payable to **National Grocers Association** in U.S. currency to cover.

OR Registration and Hotel Deposit Registration only Hotel Deposit only

Please charge my credit card for: \$ _____ VISA MasterCard Discover Card AMEX

Registration and Hotel Deposit Registration only Hotel Deposit only

No. _____ Exp. Date _____

Cardholder Name is: _____ Signature _____

All room rates subject to 14.5% District tax which includes the occupancy tax per room per night.

CANCELLATION POLICY: All cancelled registrations are subject to a \$50 processing fee. A refund will be issued if **WRITTEN** notification is received no later than March 16, 2011. No refunds will be issued after March 16, 2011.

Please check here if you require any special assistance to fully participate.



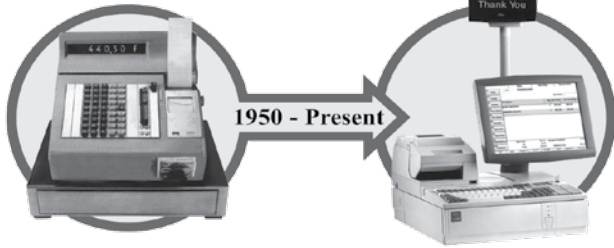


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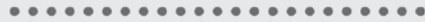
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FOOD SAFETY: Nebraska Rules & Regs

Why Gels Can't Replace Handwashing

Alcohol-based hand gels can't replace hand washing for retail and food service workers, according to the Centers for Disease Control and Prevention.

There are several reasons for this. Gels don't work very well against bacterial spores and certain viruses, for example. Also, retail food and food service work can involve working with wet hands and with various proteins. But the alcohol gels don't work well on moist hands or hands contaminated with proteins, such as tiny pieces of meat.

According to the FDA model Food Code, approved hand sanitizers may be used after proper handwashing.

Keeping Food Samples Safe

If your establishment sets out food samples for customers, it's important to make sure those samples are safe to eat. Here are some things to keep in mind when you are planning to set out samples:

- Keep all potentially hazardous foods at an internal temperature of 41 degrees F. (5 degrees C.) or below. This may be done using ice, refreezable ice packs, or refrigeration.
- Limit the quantity of samples you put out at any one time.
- If samples are to be held hot, the internal temperature should be maintained at or above 135 degrees F. (57 degrees C.), according to the 2009 FDA model Food Code (Check the required holding temperature in your jurisdiction). Hot holding may be done using a portable steam table, electric fry pan, or similar hot holding device.
- Keep samples covered to avoid potential contamination by customers. Samples may be covered with plastic wrap, foil, or a plastic dome cover of the kind used to display cakes.
- Have toothpicks, single service plates, utensils, and napkins available for use by samplers. If they are available, your customers will use them instead of their hands to serve themselves, avoiding another source of potential contamination.
- Keep your samples within your view and watch how customers handle the food when taking a sample. Young children may need your help.

Shedding Light on the Situation

Improper lighting in food storage and work areas can contribute to accidents or physical contamination of foods. Poor lighting conditions can reduce an employee's ability to see clearly, resulting in cuts, falls, or mishandled food. Poor lighting might also result in a lack of attention to cleaning, increasing the risk for rodent and insect problems. In general, you must keep work and storage areas well lit. If you think the area might not be bright enough, it isn't. Improper or

unprotected lights can break, allowing glass and other debris to fall into food.

Light intensity is rated by lumens or lux. The units below are given in lux which is a measurement of the amount of light in a certain area at a certain distance from the light source. The boxes or containers in which lights come should contain this information. Your supplier can also help you determine the best lights for your needs.

The Nebraska Food Code, 6-303.11, requires that light must have an intensity of at least 108 lux at a distance of 30 inches above the floor in walk-in coolers and dry food storage areas. Light must be at least 215 lux at a surface where food is provided for consumer service, inside equipment (such as a reach-in refrigerator), or at a distance of 30 inches above the floor in areas of hand or ware washing. Light must be at least 540 lux at a surface where food employees work with food or utensils (such as at a food preparation table). If it is difficult to read a label at arm's length, you probably need more light.

The Nebraska Food Code, 6-202.11, indicates that lights in food preparation areas and in storage areas in which there are exposed food or equipment or linens must be shielded, coated, or otherwise shatter resistant. Lights in storage areas where there are no unopened packages need not fit that requirement.

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2011 Legislative Bills

M = Monitor S = Support O = Oppose

<u>NGIA Position</u>	<u>Bill #</u>	<u>One Liner – Description</u>	<u>Introduced By</u>	<u>Committee</u>
M	19	Pharmacy – any cannabis derivative will be added to statute as a controlled substance	McCoy	Judiciary
S	20	Pharmacy – establishes the use of an electronic log in the pharmacy for all methamphetamine precursors. Drug companies are picking up the cost associated with the website. Pharmacies should be able to simply connect to the website for data entry. We were able to offer an amendment to include the option to scan a license.	McCoy	Judiciary
M	42	Adoption of the 2009 Uniform Plumbing Code by reference as the plumbing code for all areas within the State	Hadley	Urban Affairs
M	46CA	Any legislation that establishes or increases taxes or fees must be passed by a 2/3 vote of all members of the Legislature	Pirsch	
M	56	Adoption of the 2011 National Electrical Code by reference as the electrical code for all areas within the State	Mello	General Affairs
S	60	Liquor – compliance checks – Officials and minors cannot consume alcohol during a comp check. Minors must answer all questions regarding age truthfully during a check	Krist	General Affairs
M	61	Loss Prevention – electronic recording – any electronically recorded event in a place of solitude cannot be shared. Penalty is Class IV Felony	Heidemann	Judiciary
S	81	Tax – Prohibits cities from charging a tax to a non resident of that city (Omaha Wheel Tax)	Cornett	Revenue
O	113	Labor – credit checks are prohibited for use when determining either hiring or retaining employees. If the job relates to financial duties it can be used	Dubas	Business & Labor
O	126	Health – Prohibits promotion or discount of unhealthy food to children.	Avery	Agriculture
M	152	Work comp – changes effective date of the new medical fee schedule from Jan 1, 2012 to immediate	Lathrop	Business & Labor
O	153	Work comp – removes “cosmetic surgery” exemption from coverage and changes the language to “all reasonable medical, surgical and hospital services which are required by the nature of a compensable injury and which will relieve pain or promote the employee’s restoration to health and employment”	Lathrop	Business & Labor
S	179	Pharmacy – removes requirement that a pharmacist date and sign a filed script; defines a sample and requires labeling “Sample, not for sale, professional sample”, or words of similar import. Removes requirement of approval by the board within the last 3 years and adds that a pharmacist who is licensed in some other state under like conditions can be granted a license without examination, in Nebraska.	Krist	HHSS
O	193	Liquor – requires all hearing costs be paid by the applicant or licensee regardless of innocence	Howard	General Affairs
M	194	Liquor – eliminate compensation to Commissioners	Howard	General Affairs
M	200	Healthy Food Financing Initiative establishes a financing program to increase access to health foods. The program would cover new construction, renovation, first time inventory and farmer’s markets. Establishes a fund with \$100,000.	Council	Agriculture
Not Ours	219	Health Care – Federal Health Care Freedom Act that allows Nebraska to opt out of the federal Health Care program. Disallows penalties.		HHSS
S	231	Banking – removes the reason for writing a bad check. All check writers, regardless of the reason for writing the check, are guilty of issuing a bad check if there are not sufficient funds in the account	Christensen	Judiciary

<u>NGIA Position</u>	<u>Bill #</u>	<u>One Liner – Description</u>	<u>Introduced By</u>	<u>Committee</u>
M	237	Pharmacy – creates a Prescription Drug Monitoring System to prevent the misuse of prescription drugs and allows doctors to follow patient drug use. HHS with Nebraska Health Information Initiative shall enhance or establish technology for prescription drug monitoring. Costs not really addressed	Howard	HHSS
M/O	238	Work comp – Removes the requirement that 3 judges review disputed claims. Extends filing notice of appeal from 14 to 30 days	Conrad	Business & labor
Not Ours-Report to Members	240	Health Care: Establishes a committee to develop a program to meet the requirements of the Federal Health Care Program	Nordquist, Campbell, Cook, Hadley, Mello	Banking, Commerce & Ins. Committee
S	245	Work comp – requires employee filing a claim to provide a patient’s waiver upon request, allowing the employee’s employer, compensation insurer, risk management pool, or self-insurer the ability to obtain ALL medical records regarding employee’s treatment with ANY doctor or hospital	Carlson, Fulton, Smith	Business & Labor
S	249	Liquor – allows non-public colleges to sell alcohol. Allows for a waiver of the 300’ rule. Affects retail close to college campus	Karpisek	General Affairs
O	267	SNAP – requires the Nebraska Legislature to request a waiver from USDA for eligible beverages under the federal SNAP program to be limited to milk, water, and 100% juice	Howard	HHSS
S	268	Banking – bad checks: Requires the bank that returns a check for any reason, to provide a complete, legible copy to the payee. \$500 civil penalty for a violation	Howard	Banking
S	274	Pharmacy – return of drugs can only be made if they are recalled or defective. Cannot be returned to saleable inventory. Drugs from a long term care facility can be returned and relabeled and re-dispensed. Immunity from civil or criminal liability to the pharmacist.	Gloor, Bloomfield, Campbell, Dubas, Fulton, Hadley, Krist, Schumacher, Wallman	HHSS
M	279	Liquor – Beer wholesalers and manufacturers cannot cross the 3 Tier system.	Karpisek	General Affairs
M w/Amd	294	Liquor – extend legal age to 21 + 2 hours for on-sale only	Karpisek	General Affairs
S	348	Work comp – establishes that the accident or occupational disease was the prevailing factor of the personal injury	Lautenbaugh	Business & Labor
M/S	354	Weights & Measures: transfers \$200,000 from Petroleum Release Remedial Action Fund to the Weights & Measures Administrative Fund \$1.5 M will no longer go to the Ethanol Incentive Fund from the LUST Fund. Wts./Msrs. will use this money to pay for testing calibration rather than increase fees.	Carlson, Dubas, Karpisek, Larson, Schilz, Wallman	Ag
M	407	Liquor – farm winery: allows for electronic delivery of licenses		General Affairs
O	411	Liquor – SDL: fee increase from \$40 to \$75	Karpisek	General Affairs
M	429	Tax – Fuel: reduce collection commission for the collection of taxes by producers, suppliers, distributors, wholesalers or importers from 5% on the 1 st \$5000 then 2.5% on amounts above that to 1% not to exceed \$5000	Cornett	Revenue
O	436	Tax – Tobacco: increase the per pack tax from 64.¢to \$1.99 with \$1.46 to the General Fund; 37.5¢to the Health Care Fund; \$486,000 to Tobacco Prevention	Gloor, Campbell, Dubas, Howard	Revenue
S	437	State Building Code: Removes language to adopt the State Bldg. Code by reference – sprinkler systems in residential	Urban Affairs Committee	Urban Affairs
O	443	Fire Inspection: Increase inspection fee from \$25-\$150 to \$30-\$175	Avery	Gov. Military
O	469	Novelty Lighters: sales prohibited	Karpisek	Judiciary
O	504	Tax – Fuel: Increase from 7.5¢to 11.3¢per gallon in Oct. 1, 2011 then to 15.1¢per gallon on Oct. 1, 2012	Campbell	Revenue
O	506	Work comp – Adds a death benefit when an employer is found liable for an occupational disease	Wallman	Business & Labor

<u>NGIA Position</u>	<u>Bill #</u>	<u>One Liner – Description</u>	<u>Introduced By</u>	<u>Committee</u>
M	511	Tobacco – defines a blunt wrap tobacco wrapper as drug paraphernalia resulting in a ban on selling this product	Christensen	Judiciary
Not Ours-report to members	515	Health Care – Prohibits the adoption of the Federal Health Care Act	Christensen	Judiciary
M	543	SNAP – development of an outreach plan by the State of Nebraska, to promote access to eligible individuals	Cook	HHSS
S	562	Tax – Occupation: a council will be allowed to raise revenue by collecting a license or occupation tax except no such tax can be levied on nonresidents of such city and the rate of any such tax shall not exceed XX percent of the tax base of the occupation subject to such tax, including gross receipts of a restaurant, tax cannot be based on the number of seats in a theater, spaces in a drive in theater, parking spaces, units of merchandise sold through a vending machines. An amendment will be offered to require that occupation tax increases must be approved by a vote of the people.	Cornett	Revenue
M	567	Liquor – comp checks: violations in a state patrol conducted compliance check shall not be considered a violation when assessing a penalty	Schumacher	General Affairs
M	569	Immigration - All employers in Nebraska would have to use E-Verify to make sure the people they hire are in the country legally	Coash	Judiciary
O	574	Pharmacy – Electronic Prescription Transmission Act established	Price	HHSS
M/S	590	Tax – tobacco: Defines importer who is liable for escrow deposits due from nonparticipating manufacturers; posting of a bond, etc. this came from the AG’s office and it closes loopholes nonparticipating manufacturers are using to avoid paying taxes	Gloor	HHSS
M	593	Boiler Inspection Act – Defines special inspectors; requires reporting within 15 days if insurance is cancelled; reduces government by eliminating state inspectors – uninsured boilers (1200 of the 10,000 in the state) would be inspected by private inspectors.	Carlson	Business & Labor
M	626	Recycling – Electronic Recycling & Job Creation Act: establishes a system to recycle electronics. Mfg. pay a fee via registration. The Fee will be reduced by 50% if the manufacturer participates.	Mello	Natural Resources
M/O	632	Tax - Depreciation: disallows the federal bonus depreciation. This is a way for Nebraska to raise money without a tax increase	Avery	Revenue
M	641	Liquor – law enforcement: Must report any illegal activity regarding liquor laws to the LCC within 30 days	Cornett	General Affairs
O	652	Felony redefined: Class III Felony would be changed from \$1500 to \$5000; Class IV Felony would be changed from \$500 to \$1000; Class I Misdemeanor would be changed from \$200-\$500 to \$500 - \$1000; Class II Misdemeanor would be changed from \$200 to \$500	Christensen	Judiciary
M	663	SNAP – requires the State of Nebraska to apply for all available funds and maximize use of the program	Nordquist, Cook, McGill, Mello	HHS
M	667	Liquor – DUI and penalties. Substantially increases penalties related to any DUI or DWI charges	Flood	Judiciary
O	674	Loss Prevention – electronic monitoring: Notices must be given to all employees of any electronic monitoring. Exemption from notice if illegal activity is suspected	Harr	Business & Labor
M/O	682 683	Storm Water – funding through sales tax; Does not include a tax on impervious surfaces.	Mello, Ashford, Cook, Council, Krist, Lathrop, Nordquist	Revenue
O	693	Dram Shop – retailer who sold “by the drink” could be held liable for damages if the person was intoxicated	Carlson	Judiciary

2010 Scholarships Awarded to Eight High School Seniors

The Nebraska Grocery Industry Association established the Nebraska Grocery Industry Association Scholarship award Program in 1996. This program recognizes and aids deserving students who are related to Nebraska's food industry by virtue of parents' employment or their own part-time employment by firms who are members of the Nebraska Grocery Industry Association (NGIA). This scholarship program was established as an expression of appreciation to the members of NGIA and as a service to its members. In 2010 eight \$1000 scholarships were awarded to the following high school seniors.



Rachel Schnoor
5th Street IGA



Taylor Fischer
Burnell's Foodtown



Lucile Herbolsheimer
Burnell's Foodtown



Joel Cedar
Fritz's Market



Lauren Bahle
Kraft Foods



Kerra Cissne
Lincoln Grocery



Natasha Mueller
Pac 'N' Save



Leann Osten
Super Saver

NGIA OFFERS SCHOLARSHIP PROGRAM FOR DUES PAYING MEMBERS

Purpose/Philosophy

The Nebraska Grocery Industry Association has established the Nebraska Grocery Industry Association Scholarship Program to achieve a number of highly desirable objectives. It recognizes and aids deserving students who are related to Nebraska's food industry by virtue of their parents' employment or their own part-time employment by businesses which are **dues paying members of the Nebraska Grocery Industry Association (NGIA)**. This scholarship program was established as an expression of appreciation to the members of NGIA and as a service to its members.

Eligibility

1. Employees or children of employees of **businesses which pay dues to Nebraska Grocery Industry** are eligible to apply for a scholarship.
2. Employees must have been employed for at least one year as of the scholarship deadline in the year in which the scholarship is awarded. They must also still be employed at the time the scholarship is awarded.
3. Applicants must be **high school seniors** that have a minimum 2.5 GPA on a 4.0 scale who plan to enroll in a full-time undergraduate course of study at an accredited two or four year college, university, or vocational-technical school.

Scholarship Award

1. The scholarship award will be a one-time, non-renewable grant of \$1,000 which must be use in the year following graduation from high school.
2. The NGIA scholarship must be applied toward tuition and fees to be tax free.

Application Procedure

1. Members are asked to make copies of this request for application form available to their employees.
2. Applicants should mail this form to NGIA. NGIA will then mail a scholarship application to them **or** you can visit our **website at www.nebgrocery.com**.
3. Completed applications must be received in the NGIA office by April 1. Applications received after this date will not be considered.

Selection of Winners

1. An impartial Selection Committee composed of educators will meet in April to select the winner(s).
2. In evaluating the applicants, the committee will consider each applicant's academic record, test scores, extracurricular or workplace activities, recommendations, and a personal essay.
3. All applicants are notified of the results of the competition by May 1.

Responsibilities of Recipients

1. Scholarship recipients must enroll as a full-time student in the fall of the year in which the scholarship is awarded.
2. Recipient is responsible for having an Enrollment Certificate completed at the beginning of the term.
3. Enrollment Certificates are used to verify enrollment and to trigger payment.

Payment of Scholarship Funds

Payment is made directly to the student at the beginning of the academic term upon receipt of an Enrollment Certificate. Any refund of scholarship funds will be made to NGIA and placed back into the fund for re-distribution.

Scholarship Application Request Form

Please send an application for a NGIA Scholarship to the address below or you can download a form on our website www.nebgrocery.com. **Note: application must be completed and returned to NGIA before April 1 to be considered.**

Applicant's name _____
First MI Last

Home address _____

City, State, and Zip _____

Home phone number () _____

Name of person employed by NGIA member company _____

Employed by (Company Name) _____

Please complete and return to: NGIA 5935 S 56th Street Suite B, Lincoln, NE 68516-3307

OR go to our website at www.nebgrocery.com to download application.

Business Owners Face New Challenge: Certificates of Insurance

By William J. Unger, CPCU, ARM

On December 7, 2010 the State of Nebraska Department of Insurance sent a bulletin to insurance carriers entitled Issuance of Certificates of Insurance. The purpose of this bulletin was “to advise insurers and insurance producers that certificates are not the proper method by which to amend a policy”. Nebraska law, specifically **Neb.Rev. Stat. 44-4059(1)(e)**, prohibits an insurance producer from “intentionally misrepresenting the terms of an actual or proposed insurance contract.” Thus an “insurance producer may not execute a certificate of insurance that includes any statements that purport to amend, extend, or alter coverage or indicate that a certificate holder has a right to notice of cancellation, nonrenewal, or any similar notice not contained in the underlying policy.” A certificate is not an insurance policy, nor does it endorse, extend, amend, or alter any of the terms of the policies shown on the certificate. The ACORD 25 Certificate is only a snapshot of the coverage the insured has on the day the certificate was issued.

Here’s the significant change for businesses relying on certificates of insurance.....the previous ACORD 25 edition certificate indicated in the lower right side of the form that the insurance company would “endeavor” to send the certificate holder a notice in case of cancellation. The insurance underwriters, however, have only followed the minimum specific state cancellation and nonrenewal laws, as stated in the policy. Because insurance law only

requires the insurer to provide notice to the first named insured, insurance companies have never had a duty to provide notice of cancellation to certificate holders. The new ACORD 24 & 25 certificates have adopted the position that no notice will be provided to any certificate holder.

This change may not be accepted well by some attorneys and risk managers who write standard contracts with insurance specifications that include cancellation notice provisions. Many such contracts may require 30 days or more written notice in case of cancellation, nonrenewal, material change, or reduction in the insured’s coverages. However, use of the new certificate forms are required by state laws governing insurance, and insurance agencies must comply by using the form. Producers who violate the law are subject to suspension or revocation of their license, as well as administrative penalties and fines.

We recommend that business owners revisit their strategy regarding certificates of insurance. Those who currently rely on certificates of insurance from their subcontractors, vendors, suppliers, or lease holders should place a stronger emphasis on making certain proper contractual protection is in place. Please visit with your legal counsel and insurance professional, who can assist you with your total risk management plan.

William J. Unger is a First Vice President at The Harry A. Koch Co. Contact him at bill.unger@hakco.com.

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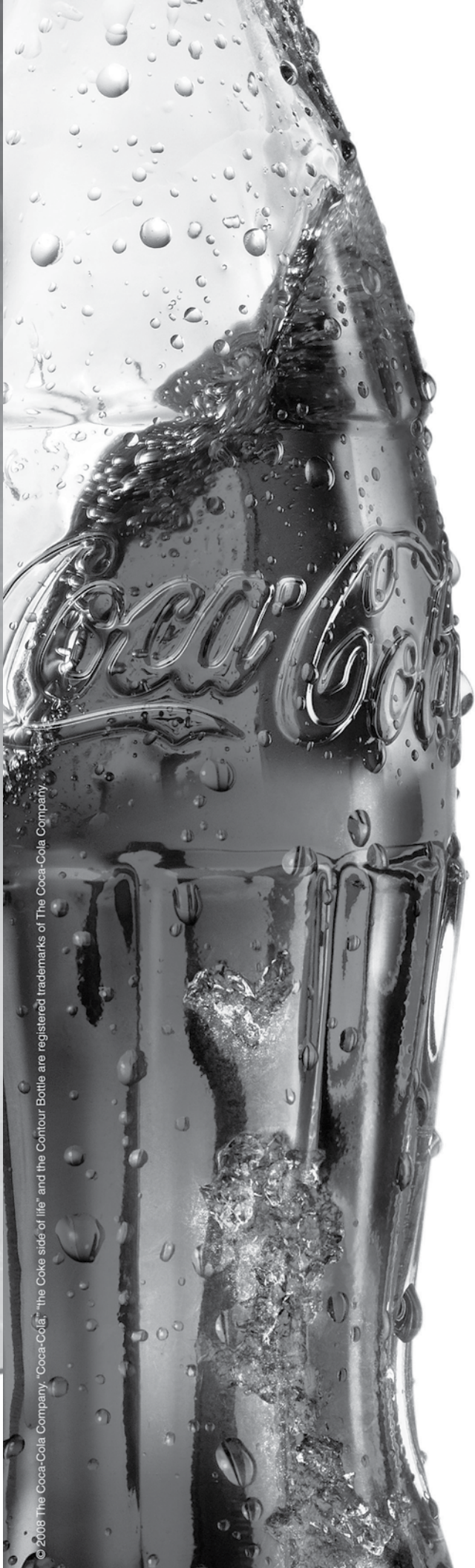
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