Tax Relief’s Future
Owners see benefits of cuts and work to make them permanent

PAGE 20

How to find qualified workers
PAGE 10

Federal, state, and legal priorities in 2019
PAGE 40
Dear NFIB member,

Great things are happening in the economy, and you’ve played a critical role in making them a reality.

NFIB is the voice of small business, and that means we are your voice—in your statehouse, in Washington, D.C., and in the courts. At NFIB, our members tell us what to think, not the other way around. The victories we’ve seen this year speak to the strength of our voice.

Those small-business-friendly tax cuts you may have noticed when filing this year didn’t just happen by accident.

As we’ll discuss in this Small Business Voice magazine, initial versions of the tax bill neglected small business entirely. Thanks to the grassroots strength of the NFIB membership and a lot of hard work, Congress and the president listened. But more needs to be done to keep key provisions from expiring in 2026.

On the pages that follow, we’ll also look at the states where entrepreneurs are flourishing and where they’re struggling. Each state’s policy choices matter, impacting the cost of starting a business, how much workers are compensated, the tax burden, and so on. This is why NFIB tirelessly fights for you in all 50 state capitals.

NFIB represents the trailblazers who embrace risks to serve their customers. These pages celebrate their contributions to a vibrant economy and show how their NFIB membership makes a difference.

In addition to this magazine, there are other ways to stay informed. If you haven’t tried it yet, be sure to download the NFIB Engage app from the app store on your iPhone or Android device. With it, you can get in touch with elected officials and cast your state and federal member ballots to shape NFIB’s direction.

NFIB’s one-member, one-vote balloting process has kept us on the right path for more than 75 years. That’s not only good for you and your business, but it also keeps the economy thriving.

So thank you for participating in the NFIB community and lending your voice to the success of small business.

Sincerely,

Juanita D. Duggan, NFIB President
LOOK AHEAD
40 What’s Next
Find out what key issues drive small business priorities in federal and state governments, in the courts, and in NFIB’s grassroots, research, and legal efforts.

CONTENTS
2019 Small Business Voice

UP FRONT
1 Welcome
NFIB President Juanita D. Duggan highlights how members have shaped a thriving economy.

4 Small Business Solutions
Improve your business with updates on workers’ compensation, cybersecurity, avoiding costly lawsuits, finding qualified workers, and more.

12 Scorecard
Six recent noteworthy wins for small business in courts, federal agencies, and Congress.

FEATURES

20 Tax Relief: Now Is the Time to Protect It
Small business owners are seeing real results thanks to the Tax Cuts and Jobs Act. With several provisions scheduled to expire after 2025, it’s crucial to protect these reforms.

26 What Makes a State Attractive for Small Business?
A look behind the curtain at the state policy choices that allow small businesses to soar—or struggle.

30 The Small Advantage
These NFIB members prove that smaller size and independence come with their own power.

34 Standing Up for Small Business
From leading their states as governors to serving in their state legislatures and the U.S. Congress, newly elected NFIB members to public office are drawing on their small business experience to work for better policies nationwide.

36 Save
Member benefits from NFIB partners.

16 My Business
From powdered cheese to river rafting, the small business movement is full of variety.

40 What’s Next
Find out what key issues drive small business priorities in federal and state governments, in the courts, and in NFIB’s grassroots, research, and legal efforts.
What Small Business Owners Need to Know About Workers’ Compensation

From understanding what workers’ comp covers to operating in multiple states, here are a few things to consider as you search for the best insurance policy.

All states require small businesses to provide workers’ compensation coverage in case an employee gets injured or becomes ill in the course of employment. There are limited exceptions.

Created more than a century ago, workers’ compensation was designed to help employers avoid costly lawsuits when employees were injured or became ill on the job. Workers’ compensation creates a no-fault system under which employees are eligible to receive medical care and wage replacement while they are unable to work. In return for coverage of employees and no-fault protections, employees agree not to sue their employers outside of the workers’ compensation law—the “exclusive remedy” protection for employers.

“That enables employers to reduce liability and treat workers’ compensation as a business expense, something for which employers can plan and budget,” says Douglas Holmes, president of UWC-Strategic Services, an association that represents business interests on workers’ compensation and other public policy issues.

In most states, private insurers primarily handle workers’ compensation. In four states (Ohio, Washington, North Dakota, and Wyoming), workers’ compensation is a state system in which the state maintains the workers’ compensation fund, sets rates, and determines awards. Some states combine the use of a state fund with private insurance carriers to assure that individuals are covered. In most states, employers may also self-insure under specific conditions approved by the state.

Workers’ compensation insurance covers employees for injuries and illnesses that occur in the course of employment and arise from employment. For example, if a warehouse employee breaks his arm while moving merchandise, workers’ compensation would cover his medical treatment. In cases where employees miss work over a number of days due to the on-the-job injury or illness, employees also receive payments that cover a portion of lost wages. Policies also cover death and survivor benefits.

However, non-work-related injuries and illnesses should not be compensated under the workers’ compensation law. For example, if an employee sprains her ankle playing basketball at home, her medical care would not be compensated under that law.

If your business operates in more than one state, it’s important to understand the laws in each state. “There are heavy penalties if you do not meet the requirements of the workers’ compensation law,” Holmes says. A careful review of the state workers’ compensation law will keep you from the potential of an extremely expensive audit, fines, criminal penalties, and the potential that you may be ordered to cease business operations for noncompliance.

To help keep premiums affordable for business owners, Holmes recommends researching exactly what state law requires as minimum coverage. “If it is a state where you can choose private insurance, look for the best deal you can find from a reputable company to provide you with a policy that fits your needs,” Holmes says. Online tools can help you compare prices. Also, in many states, business owners can get a lower rate if they demonstrate that they meet certain safety standards. How can you evaluate whether an insurer is reputable? Check with the state insurance regulatory agency or the agency administering workers’ compensation.

For more information on your state’s workers’ compensation laws, visit NFIB.com/WorkersComp for a state-by-state comparison.
Data breaches reported on the news are usually large, household name companies experiencing breaches that expose millions of customers’ information. But the threat to small businesses is more serious than you might expect: More than 1 in 5 businesses reported being the target of a cyberattack, and approximately 1 in 10 reported being a target in the last 12 months, according to the Better Business Bureau’s 2017 State of Cybersecurity study.

A breach can cost a small business time and money in lost customers, lost data, and downed systems. Cybersecurity expert Dillon Behr of Risk Placement Services Inc. shares advice on how small businesses should address cybersecurity.

What are the biggest cybersecurity risks that small businesses face?

One of the biggest risks is data protection—the ability to protect records like health information or your clients’ credit card or other personal information. Hackers and criminal organizations are constantly trying to get a hold of this information, and losing it can make you liable to your customers. Then there’s funds transfer and money. Here are five key points to help keep your company out of court.

1. Keep Up With Taxes
   Keep an accurate and detailed record of tax-related documents, transactions, and business receipts to avoid issues with the IRS and state taxing authorities.

2. Hire Smart and Manage Wisely
   Before you bring someone on board, do your due diligence. Conduct a background check, avoid discriminatory questions during an interview, and fill out an I-9 form to avoid trouble.

3. Understand Wage Requirements and State Laws
   Become familiar with wage and hour laws, including overtime requirements. From knowing your state’s minimum wage rate to understanding whether your employees are exempt or nonexempt workers, understanding how to properly classify and what to pay your employees can help you avoid costly lawsuits.

5. Be Proactive
   Avoid misidentifying independent contractors by requiring documentation confirming that they are independent workers, such as a license, business card, and insurance. Put your work agreement in writing so that it’s legally recognizable.

Facing a lawsuit can cost small businesses significant time and money. Here are five key points to help keep your company out of court.

Don’t wait until it’s too late. Learn how to avoid costly lawsuits.

The bottom line: No matter how small your business is, you’re big enough to be concerned about cybersecurity.
What You Need to Know About Selling Across State Lines

Luke Wake, Senior Staff Attorney at NFIB’s Legal Center, explains how the U.S. Supreme Court’s Wayfair decision affects small business and what owners can do to comply with the ruling.

For decades, selling online was relatively simple. If you didn’t have an employee or a brick-and-mortar facility (like a warehouse) in the state where you made the sale, you didn’t collect sales tax. That changed in June 2018 with the U.S. Supreme Court’s South Dakota v. Wayfair Inc. decision. Overturning a 1992 precedent, the new ruling decided that states can require out-of-state companies to collect sales tax from their customers in that state—even if they don’t have a physical presence there.

In the wake of the Wayfair decision, most states have followed South Dakota’s lead in requiring businesses to collect and remit sales tax if they have 200 transactions or collect $100,000 in sales from that state in a calendar year.

“This was a complicated case because it really pitted the interests of the online retailers against more traditional businesses, which is why NFIB stayed neutral. But the Supreme Court concluded that the rules preventing states from imposing regulatory burdens on online shops were really unfair to the brick-and-mortar companies,” says Luke Wake, Senior Staff Attorney at NFIB’s Legal Center.

Naturally, the Wayfair decision raised questions among small business owners who sell online. Wake says, “They’re suddenly facing the prospect of having to collect sales tax from customers in many different jurisdictions.”

More than 30 states and Washington, D.C., now have laws that require out-of-state sellers to collect sales tax. A few more states will join the ranks this year and more are expected to follow. But five states—New Hampshire, Delaware, Montana, Oregon, and Alaska—don’t collect sales tax at all.

Not every state is following South Dakota’s parameters, but most are. As always, it’s important to check the laws in your state and for any state where you are making sales. This is crucial, because once you make enough sales into any given state, you may need to begin collecting and remitting sales tax. And the thresholds may differ from one jurisdiction to the next.

Wayfair also suggests finding software that will help you collect sales tax from multiple states. Some can even handle submitting sales tax payments and forms for you.

If you think your business might be affected, talk to a tax attorney or a CPA, or hire a consultant.

Finding Flexible Health Insurance

Learn about health insurance options for your small business.

Whether you’re purchasing health insurance for yourself or for your employees, finding affordable health insurance can be challenging. NFIB members have ranked the cost of health insurance as a top problem for more than 30 years.

Options for finding insurance plans include contacting the insurance companies directly, working with an insurance broker, hiring a professional employer organization to manage your plan, or joining a private health exchange with other businesses.

Options under the Affordable Care Act (ACA) will often not be the cheapest ones, says NFIB member Todd Page, senior vice president of sales at JLBG Health, which offers plans through the NFIB Health Insurance Exchange. “If you’re really a mom-and-pop shop, you may find non-ACA products to be attractive options,” Page says. “Some of those can be 60 to 70 percent less. Non-ACA plans tend to have stronger medical networks than ACA plans.”

Page notes these plans are not for everyone, since they may not cover medical services related to preexisting conditions and do not tend to completely address the minimum essential coverage under the ACA. “But for about 70 percent of the population, they seem to be a good fit,” Page says.

On the group health insurance side, one option is a high deductible health plan, which incentivizes employees to shop for low-cost healthcare services. If your business doesn’t fall under the ACA’s employer mandate that requires you to purchase group health insurance for employees, you could consider offering limited medical plans, Page says. These plans offer basic coverage capped at certain amounts, but they don’t cap out-of-pocket expenses.

For more traditional plans, consider an HMO or PPO. The HMO premiums are usually much lower than PPUs. To figure out which one makes more financial sense, think about whether your doctor or hospital is in network and the size of the copays and deductibles.

Find additional information about health insurance options available to you and your employees on p. 53.
What Is Your Small Business Doing to Find Qualified Workers?

Finding the right talent takes time and consideration.

In the April 2019 Small Business Economic Trends report, 38 percent of all owners reported job openings they could not fill. But some small businesses are successfully attracting qualified talent despite the tight labor market. Here are a few ways NFIB member Jason Dozier of IR Staffing in Zephyrhills, Florida, handles finding qualified employees—from before the application process to making an official offer.

Selling Your Business
The first challenge is getting qualified candidates to apply, and attracting them to your job posting is the first hurdle. One way to hook potential candidates is to make sure your posting stands out online. The job posting is your first chance to make a strong impression. “Treat your company description like an elevator pitch,” says Dozier. He recommends crafting your job description carefully instead of just throwing something together.

Making this description unique doesn’t have to be difficult. For example, Dozier makes sure to mention that he’s hiring for a family business. Putting extra time into writing the description will help attract qualified talent that’s a match for your business.

Considering the Competition
Once you’ve decided you’re hiring, research what your competitors are offering. Workers know that competition for talent despite the tight labor market.

Considering the Competition
Once you’ve decided you’re hiring, research what your competitors are offering. Workers know that competition for top-scale talent in your direction. Think about what makes your company a great place to work, especially if it’s something unique. For many small businesses, that’s a good working environment. The culture of a business is getting increasingly easier for potential employees to research, thanks to the rise of sites like Glassdoor, which includes company reviews by current and former workers. “As things become more equal, it really comes down to work environment,” Dozier says. He emphasizes creating a culture where employees feel valued and necessary. “People want to feel like they’re adding something,” he says.

Setting Realistic Expectations
Dozier also suggests having an honest conversation during the hiring process about what it means to work for a small business. Underlining the differences between a corporate job and your small business can help set expectations before the offer is made, so both you and the candidate are on the same page. Workers who have only had experience in corporate jobs might be pleasantly surprised. “We say, ‘This isn’t a corporate job; we do need you every day, but we understand needing to take time for family or whatever comes up,’” he says. “As a smaller business, we can absorb that, but lots of people who have only worked in a corporate environment aren’t used to it.”

Finally, even businesses that aren’t hiring should keep up to date on benefits and compensation to maximize the chances that employees will stick around long term. “I think that any time we have low unemployment like this, people are putting their resumes out there. If you don’t have anything to retain your employees right now, then I would say you’re at risk of losing talent,” Dozier says. Finding qualified workers can be a challenge and costs time and money, so be sure to take care of the employees you already have as well as the ones to come.

Tax Relief: Myths Versus Facts

Small businesses and U.S. workers are seeing real relief thanks to the Tax Cuts and Jobs Act (TCJA).

With 2018 marking the first year of the tax law, there are various misconceptions and myths surrounding what the TCJA does and doesn’t do. Here are some tax myths, debunked, and the facts about how the tax law helps small business owners.

Myth: Tax relief benefits only a select group of people

Fact: The majority of small businesses benefit from the tax law when the first draft of the bill didn’t do enough to support small businesses, NFIB and its members did not support it. So NFIB and its members worked with Congress to add the Small Business Deduction to the final version of the bill. Small businesses organized as pass-throughs (S corporations, LLCs, sole proprietorships, or partnerships) to deduct 20 percent from their net business income up to $157,500 individual or $315,000 joint for tax year 2018. The Joint Committee on Taxation estimates 95.1 percent of small businesses owners who claim the Small Business Deduction will be under the thresholds.

Myth: The Small Business Deduction is complex.

Fact: The Small Business Deduction is simple. If your net taxable income is under the $157,500 individual or $315,000 joint thresholds, you can take the full 20 percent deduction. Businesses over the thresholds can still qualify for the deduction; however, additional considerations come into play. For the 2018 tax filing season, see how much you can save using line 9 on the 1040 tax form.

Myth: Tax relief benefits only a select group of people

Fact: The law contains provisions that help people across the board. In addition to the Small Business Deduction, business owners and their employees benefit from lower individual tax rates, changes to the alternative minimum tax (AMT), and an expanded child tax credit. NFIB members report that their new tax savings allow them to invest more in their businesses, hire more employees, and increase employee compensation.

Myth: The tax law doesn’t help households in high-tax states because it limits deductions on state and local taxes.

Fact: The benefits of the tax law—including the Small Business Deduction and lower individual tax rates—apply no matter where you live. The tax law includes many provisions to help offset the loss of deducting state and local taxes. Before the TCJA was enacted, millions of households were ensnared in the AMT, and they were unable to deduct state and local taxes. Now, thanks to the TCJA, far fewer American families will be subject to the AMT. As a result, they will be allowed to deduct up to $10,000 for state and local taxes. Contact your tax adviser to learn more about how the TCJA affects your business.

Advocate for Permanent Tax Relief

NFIB is working to make tax relief permanent. Abant congressional action, tax relief for small business owners is set to expire at the end of 2025. Visit NFIB’s tax relief hub to learn more at NFIB.com/Taxes and to write to members of Congress.

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Six recent noteworthy wins for small business in courts, federal agencies, and Congress.

1. **Janus v. American Federation of State, County, and Municipal Employees Council 31**
   This U.S. Supreme Court ruling found compulsory public employee union fees unconstitutional.

2. **Mayo v. Wisconsin Injured Patients and Families Compensation Fund**
   The Wisconsin Supreme Court upheld a cap on medical malpractice awards.

3. **Federal Trade Commission v. LabMD**
   A federal court ruled the Federal Trade Commission (FTC) can't require businesses to follow the FTC's preferred data security practices.

4. **Department of Labor Persuader Rule**
   Repeal of this rule preserves business owners' First Amendment rights.

5. **Small Business Deduction**
   The Small Business Deduction in the Tax Cuts and Jobs Act means big savings for pass-through businesses organized as S corporations, LLCs, sole proprietorships, or partnerships.

6. **H.R.216/S.1149**
   The introduction of H.R.216/S.1149, the Main Street Tax Certainty Act, would make the Small Business Deduction permanent.
Federal Trade Commission v. LabMD

When the company LabMD was hacked, the Federal Trade Commission (FTC) brought an action against it, citing that it had failed to maintain proper data security measures. However, not only had no one been harmed in the security breach, but the FTC also has never issued a regulation dictating what measures a business should or should not implement to comply with proper data security standards. NFIB filed an amicus brief in the case, arguing that it’s unfair to expect businesses to comply with a constantly evolving and unarticulated regulatory standard. The 11th U.S. Circuit Court of Appeals seemed to embrace this perspective, as it ruled in June 2018 that the FTC does not have the authority to require businesses to implement its preferred data security practices.

U.S. Department of Labor Rescinds 2016 Persuader Rule

In 2016, the U.S. Department of Labor (DOL) issued a new interpretation of the persuader rule, which required business owners to publicly report to the DOL any communication they had with outside consultants or legal counsel about employee relations or union organizing. Before this, business owners were only required to report direct communications between outside counsel and employees. This meant that small businesses—which often do not have the resources to employ in-house lawyers or compliance officers—were put at a disadvantage in terms of dealing with union elections and employee relations. However, NFIB filed a lawsuit against the DOL, arguing that this new rule violated the First Amendment’s guarantee of freedom of speech and right of association. The DOL decided to rescind the rule in July 2018.

Small Business Deduction Regulations Finalized

While the creation of the Small Business Deduction in the Tax Cuts and Jobs Act (TCJA) of 2017 was one of the biggest triumphs of the relief law, the final regulations on this measure, released by the IRS in January 2019, provide even more certainty for small businesses. This new guidance makes it clear that the majority of small businesses will benefit from the full 20 percent deduction. Until Dec. 31, 2025, pass-through businesses—those organized as an S corporation, LLC, sole proprietorship, or partnership—are eligible for a 20 percent deduction on qualified business income up to $157,500 for individual filers and $315,000 for joint filers. (These thresholds apply to tax year 2018 and are indexed for inflation in future years.) The tax savings created by this deduction have helped small business owners boost the U.S. economy by reinvesting in their companies, expanding operations, and hiring new workers.

Introduction of H.R.216/S.1149

If lawmakers don’t act, the Small Business Deduction implemented by the TCJA will expire after 2025. This would not only eliminate an important portion of the tax reform bill, but also it would undercut small businesses’ ability to thrive by creating long-term uncertainty and making it difficult to plan. However, H.R.216/S.1149, the bipartisan Main Street Tax Certainty Act introduced in January 2019 by Reps. Jason Smith and Henry Cuellar, would make this deduction permanent.
A look at the depth and breadth of NFIB members’ companies.

Commercial Creamery Co.

The next time you lick powdered cheese off your fingers after polishing off a bag of cheddar popcorn, think of the Commercial Creamery Co. Along with powdered cheese, the Spokane, Washington, company makes cream and cheese sauces used for pasta night or party dip.

The Commercial Creamery Co. is 111 years old, and it has been family run since the 1940s when Mike Gilmartin’s grandfather bought the company. Today, the business is more complicated with more rules and regulations on the food industry. But the business has transformed from its days as a traditional creamery to the people who put the powdered cheese in your mac and cheese mix.

Gilmartin considers himself a steward of the business. “It’s not my business to do anything I want with it,” he says. “It’s my business to develop it, build it, and turn it over to the next generation.”
Canyoneers

Sometimes the call of adventure can’t be denied.

In 1978, a 31-year-old woman named Joy Iris, vice president and branch manager of Coldwell Banker Escrow in Beverly Hills, California, booked a seven-day whitewater rafting trip down the Colorado River. She sparked a connection with Gaylord Staveley, the owner of the company, who was on the trip. On the third day of the trip, Staveley told her he was going to marry her. A month later, the declaration came true.

Fast-forward 40 years, and the Staveleys are still partners in life and business as owners of the Canyoneers, the longest-running commercial river tour company on the Colorado River through the Grand Canyon—family owned and operated since 1938. The early days of the business, based in Flagstaff, Arizona, were tough. Each winter the Staveleys took out a bridge loan to make it through another season. The couple worked seven days a week, 15 hours a day. Little by little, as river rafting grew more popular, they raised their rates and were able to get out of debt and buy new equipment. But despite better times, sometimes Joy Iris Staveley thinks nostalgically of those lean times.

“When you’re young and suffering, you’re growing the business, you’re improving it,” she says. “When you’re a small business owner, that is part of the fun—to make something from nothing and create a wonderful experience that people truly love.”

Rock Point Oyster Co.

Dave Steele is the third-generation owner of the Rock Point Oyster Co. in Quilcene, Washington. And now, with his children and grandchildren, there are fourth and fifth generations in the mix too. The company is a wholesale distributor that sells shellfish to nationwide distributors.

As Steele nears retirement age, his mind often turns to the future. He started managing the business full time in 2013 and ramped up shellfish farming production 600 percent to keep the business strong in the future. With a booming economy, it’s been tough to keep employees long term, especially since the business changes with the tides—literally. “During the winter, the tides are at night,” he says. “If we get new employees that start that time of year, they often think they’re rugged until they’re working in the middle of a storm in the dark with a headlamp.”

Regulations are tougher, too, but technology helps keep the company profitable. “Working with high-quality food product in a natural environment is very rewarding,” Steele says. “Having a business operate successfully is also very rewarding.”

NFIB member Dave Steele ramped up shellfish farming production 600 percent to ensure the future success of his business.

NFIB member Joy Iris Staveley operated the longest-running commercial river tour company on the Colorado River through the Grand Canyon.
NFIB member Lana K. Pol says the Small Business Deduction allowed her to give her employees a raise.

Tax Relief: Now Is the Time to Protect It

Small business owners are seeing real results thanks to the Tax Cuts and Jobs Act. With several provisions scheduled to expire after 2025, it's crucial to protect these reforms.
With the enactment of the Tax Cuts and Jobs Act (TCJA) in December 2017, NFIB and our members got closer to reaching a goal we had been working toward for decades. Congress finally made tax relief a priority, and NFIB’s efforts ensured that small business owners benefited from the new law.

Along the way, NFIB used every available avenue to advocate for tax relief. When the initial version of the bill left out millions of small business owners, NFIB made sure small business wouldn’t be left behind. We worked extensively with congressional leadership and key representatives and senators to ensure small businesses received long-overdue tax relief. NFIB members wrote, called, visited lawmakers, and provided testimony before Congress to share how tax savings would help them grow their businesses.

“This law provides substantial tax relief for the majority of small business owners,” says Kevin Kuhlman, NFIB Senior Director of Federal Government Relations. “It’s an acknowledgment that small business owners, who employ nearly half of the private sector workforce and produce nearly half of the country’s GDP, needed tax relief.”

Early Signs of Strength
One of the best wins from the tax law was the creation of the Small Business Deduction in the final version of the law, or Section 199A. The Small Business Deduction allows companies that are organized as pass-throughs—a corporation, LLC, sole proprietorship, or partnership—to deduct up to 20 percent on their share of the business’ income up to $315,000 in 2019 for those filing jointly. Small business owners whose taxable income exceeds the threshold still qualify for the deduction (subject to some limitations).

More than 90 percent of small businesses are organized as pass-throughs, according to the Tax Foundation. The new deduction benefits the majority of NFIB members. In NFIB’s 2018 tax survey, 84 percent of respondents say the deduction is important.

The TCJA helps small businesses in other ways as well. The law lowers individual rates, lowers the top corporate tax rate to 21 percent, doubles the federal estate tax exemption, doubles Section 179 expensing, significantly increases the alternative minimum tax thresholds, and repeals the individual mandate penalty for people who did not purchase health insurance.

After President Donald Trump signed the bill into law, NFIB members immediately began to see the benefits of a better economic climate and higher business confidence. According to the NFIB survey, 87 percent of small business owners say the law will have a positive effect on the general economy, and 75 percent believe it will help their businesses. The NFIB Small Business Optimism Index has reached historically high since enactment of the TCJA.

Last year, U.S. businesses reported record levels of job openings, business investment, and employee compensation increases. “This tax relief helps contribute to a vibrant economy that is fueling small business optimism,” Kuhlman says. “Small business owners will further realize the benefits as they go through the tax filing season for 2019.”

Member Success Stories
NFIB member Lana K. Pol owns four businesses in Pella, Iowa: Mowbility Sales & Service LLC; G.I. Warehouse Corp.; Creative Inspirations LLC; and Geetings Inc., a sub-S corporation and diversified company that primarily operates in trucking. The small business deduction allowed her to give her 54 employees an immediate raise. “That was huge for us,” Pol says.

In addition to the immediate raise, Pol discovered that the increased expensing thresholds incentivized Geetings to invest $1 million in new trucks last year. Perhaps even more important was the boost in confidence that Pol saw in her customers. “We’re seeing people feeling much more positive, going out and spending money, and that’s helped the trucking industry in bringing our rates up,” she says.

With customers spending more, Pol was able to build a new warehouse for Geetings’ distribution operations. Pol says the facility is starting to fill up with merchandise from companies that had previously held back on inventory.

David Cranston, president of Cranston Material Handling Equipment Corp. in McKees Rocks, Pennsylvania, also used the tax savings to invest in his business. “My optimism that the economy has a real opportunity to

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### How Small Business Owners Plan to Use Their Tax Savings

Business owners who expect to pay less in taxes plan to invest in these goals:
- **47%** increase business investments
- **44%** increase employee compensation
- **40%** pay down debt obligations
- **32%** retain funds as higher earnings available to support growth
- **27%** hire an additional employee

**SOURCE:** NFIB Small Business Owners Plan to Use Their Tax Savings 2018

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### Tax Bill Timeline

- **2016**
  - NFIB pushes for small businesses to be treated fairly in any tax bill during the 2016 presidential campaigns.
  - **Nov. 7, 2017** The House introduces an amendment to address NFIB’s concerns. The tax bill clears the House Ways and Means panel with NFIB’s support.

- **2017**
  - **Nov. 2, 2017** H.R.1 is introduced in the House of Representatives. NFIB comes out as the only major business group that doesn’t support the bill because it leaves too many small businesses behind.
  - **Dec. 2, 2017** The Senate passes its tax bill that includes the Small Business Deduction. NFIB’s repeated engagement with Senate leadership ensured small businesses would be able to receive tax relief.
  - **Dec. 19-20, 2017** The House and Senate pass final versions of the bill.
  - **Dec. 22, 2017** President Donald Trump signs the TCJA into law.

- **2018**
  - **Jan. 1, 2018** Most tax changes in the bill go into effect.

- **2019**
  - **Jan. 3, 2019** H.R. 216, the Main Street Tax Certainty Act, is introduced in the House.
  - **Jan. 18, 2019** IRS issues final regulations implementing the Small Business Deduction.

- **2026**
  - **Jan. 1, 2026** The Small Business Deduction, along with other wins from the TCJA, will expire. Congress must act to make these important small business provisions permanent.
“These savings will allow me, and the millions of other American small businesses like mine, to be in a better position to take advantage of opportunities to grow or improve our operations,” he says.

Making Tax Relief Permanent
Challenges lie ahead in preserving the tax relief changes. Several of these important provisions, including the Small Business Deduction, are scheduled to expire after 2025. Congress must act to make tax relief permanent for small business owners. NFIB is continually sharing its story, and advocating for permanent relief. Holly Wade, NFIB’s Director of Research and Policy Analysis, testified before the House Committee on Energy and Commerce last year, explaining that the potential expiration of parts of the law creates “looming uncertainties” for small business owners.

“Tax reform is a never-ending battle and it will continue to present challenges for small business owners,” Wade said in her testimony. “The new tax law will help ease some of these problems for the millions of other small businesses.”

On the same day that Wade spoke to members of Congress, more than 300 NFIB members visited Capitol Hill to explain how tax relief has helped their businesses and to urge lawmakers to permanently extend the small business provisions of the TCJA.

What Makes a State Attractive for Small Business? A look behind the curtain at the state policy choices that allow small businesses to soar—or struggle.

For NFIB member Erin Calvo-Bacci, navigating Massachusetts’ endless array of regulations and ever-growing business costs has been a constant challenge and frustration. From 2003 to 2015, Calvo-Bacci ran the brick-and-mortar shop The Chocolate Truffle before selling the business and restructuring the manufacturing division, Bacci Chocolate Design, into CB Stuffer, a wholesale and online-only company. Her first experience with the state’s non-business-friendly policies had to do with the requirement that commercial businesses use copper or non-PVC pipes for plumbing, despite the fact that residential properties didn’t face the same restriction.

“Massachusetts has a list of health regulations, and it is up to the local health inspectors to enforce them,” Calvo-Bacci says. “The reality is some policies are enforced and some aren’t. Having had three different businesses in different communities, I was frustrated with what one inspector would choose to enforce or ignore. It wasn’t streamlined, it was frustrating, and it always came back to money.”

Across the country, small business owners like Calvo-Bacci are faced with state policy decisions that either help or harm their livelihood, and that of their employees. In some states, lawmakers have implemented policies that support small businesses, while others have gone the route of more taxes, labor mandates, and regulations.

Each year, a wide array of publications and organizations—from Forbes and CNBC to WalletHub to the Tax Foundation and the American Legislative Exchange Council—release analyses and rankings of which states are performing well and are best for business. Some of the metrics studied include:

- Tax climate (including individual, corporate, sales, property, and unemployment insurance tax rates and systems).
- State minimum wage.
- Workers’ compensation costs.
- Right-to-work status.
- Regulatory climate.
- Infrastructure.
- Access to capital.
- Quality of life.
- Infrastructure.

While specific results may vary, each study focuses on the same questions: Which states are flourishing, and which are floundering? And, in turn, what are the factors that make a state—and its businesses—thrive or not?

When comparing state policies, one thing is clear: When small and independent businesses have the freedom to reinvest in their businesses, expand their operations, hire more people, and create new jobs, their state economy thrives.

When Policies Help Businesses Thrive States that foster a positive business environment tend to remove barriers for growth: The tax burden is low, and the regulatory burden is light. Indiana is a great example of a state that’s good for business now. But it was only 15 years ago that the Hoosier state was consistently ranked in the middle or back of the pack, says NFIB State Director Barbara Quandt.

In 2005, Gov. Mitch Daniels, along with partners in the General Assembly, kick-started the Indiana comeback by tackling initiatives that improved the state’s infrastructure, lowered costs for taxpayers and business owners, boosted the state’s business-friendliness, and revitalized the economy. The initiatives included:

- An executive order eliminating collective bargaining for state employees.
- “Major Moves,” a 10-year transportation plan to improve and expand Indiana’s highway infrastructure by, in part, leasing the Indiana Toll Road without incurring new state debt or taxpayer cost increases.
- Reducing the number of state employees by 18 percent.
- Implementing a sales and use tax exemption on research and development spending.

Vice President Mike Pence is given a tour of the Engineered Plastics USA facility, an NFIB member business, in Springdale, Ohio. Pence visited Ohio to discuss healthcare and other issues during a listening session with small business owners.
Despite the high marks, NFIB State Director Annie Spilman notes that the state's property tax on businesses is high, and the franchise tax is onerous for employers. While it's not perfect, Texas has largely fostered an environment where small businesses can succeed. Additionally, Texas's unemployment rate of 3.7 percent is at a historic low—below the current national average of 4.0 percent.

"Texas is a good state for small business because of our low regulatory environment, free-market landscape, and no state income tax," Spilman says. "Keeping California-style policies out of Texas has leveled the playing field and made Texas a great business-friendly state with a thriving economy. I would also say that our state agencies here are very responsive in general, and legislators have kept them at bay by making sure they streamline their processes and aren't heavy-handed in the rulemaking process."

Mixed Results Lead to Uncertainty
In many states, policymakers engage in a constant tug of war between pro-business and anti-business measures. This is especially true when different parties hold power in separate branches of state government. After all, it takes one bad mandate to hinder business growth.

In such states, a mixed bag of policy measures leaves small business owners with uncertainty. That makes it challenging to plan for the future: Small business owners need certainty to make decisions that grow and expand their companies.

On the other hand, small business owners need certainty to make decisions that grow and expand their companies. On one hand, Gov. Larry Hogan of Maryland says he would like to boost minimum wage to $10.10 per hour, but he is concerned about the impact on small businesses. In response to Hogan's proposal, the Maryland General Assembly overrode Hogan's veto of House Bill 110 to implement mandated paid leave. The measure took effect just 30 days later, and all Maryland employers with 15 or more workers who work for at least 12 hours per week are now required to allow those workers to take up to five days of paid leave each year for sickness or family crises.

Maryland Political Action Committee (MPAC) of the Maryland Chamber of Commerce has been one of the most successful in its transformation is that we have many small business owners serving in the General Assembly. Nearly half the legislators in the House and Senate are small business owners." —NFIB State Director Barbara Quandt

“I contend that one of the reasons Indiana has been so successful in its transformation is that we have many small business owners serving in the General Assembly. Nearly half the legislators in the House and Senate are small business owners.” —NFIB State Director Barbara Quandt
The Small Advantage

These NFIB members prove that smaller size and independence come with their own power.

Our years. That’s the average amount of time an employee spends in a job, according to the Bureau of Labor Statistics. But many small business owners have earned their employees’ loyalty for much longer periods of time.

“My inventory guy knows their tastes and that if the book can be found anywhere in the world, he’ll find it for them,” she says.

Much has been written about the advantages of running a large organization: deep budgets, extensive staff, and dedicated research and development teams, to name a few. But small business owners know a far less-cited fact: Being small and independent has big advantages. Small business owners can innovate quickly, make important decisions immediately, and build meaningful relationships with customers and employees. With all that comes a deep sense of pride and purpose in building something with meaning.

“I remember the day my brother and I both quit our full-time jobs to work on our business,” says Brayden Fleece, who started Fleece Performance Engineering in 2008 with his brother Chase. “We started working out of a barn on the family farm, installing aftermarket performance parts on trucks. From the beginning, we saw opportunities to improve upon what others had developed, as well as start developing our own products. Since day one, we’ve been continually innovating and reinvesting back into the business and into our employees.”

Quick to Adapt

The Avid Reader has withstood significant tumult in the bookstore retail space over the past three decades. It not only survived the big-box bookstore boom and bust, but it’s also thriving in the Amazon era of e-books and online sales.

Knickerbocker not only attributes that to her deep relationships with customers and employees but also to her ability to adapt and diversify. In 2012, Knickerbocker expanded into a second shop, a few doors down, called Avid Reader Active, which focuses on toys and games beloved by grown-ups and kids alike.

“I didn’t have any buying experience for toys, but a toy store and a card shop had both closed, and I thought those were big losses for our community,” Knickerbocker says. “So I opened that store, and the toy store and bookstore work very well together.”

Business-saving moves like these can often only happen in a small and independent business, where owners don’t need to get permission from investors or a board of directors. “Our size means we’re able to adjust on the fly,” says Jason Reimer, president of The Vineyard & Brewery at Hershey in Middletown, Pennsylvania. The vineyard makes its own wine and beer and also hosts events for the community.

Furthermore, small business owners are entrenched in their company. The expertise they develop spans every inch of operations and product offerings, allowing them to make informed business decisions in a moment’s notice. “We eat, sleep, and breathe our numbers and are constantly watching what is going on around us,” Reimer says. “It’s not like we need to wait for several layers of corporate approval or go through a lengthy bureaucratic process to make a change.”

Since 2008, Fleece Performance Engineering has grown from just Brayden and Chase to a 50-employee company with a lean-manufacturing-focused leadership team and employees who are passionate about quality, customer service, and innovation. “There are five people on the company’s leadership team, and each of those people is intimately involved in the day-to-day operations overseeing product development, finance, manufacturing, sales, and marketing. Today, the company manufactures a broad portfolio of diesel parts for the automotive after-market, including turbochargers, fuel injection pumps, lift pumps, engine cylinder heads, and other performance-related parts. But the brothers haven’t strayed far from what got them started: They still provide general truck-shop services at their manufacturing headquarters.

At Fleece Performance Engineering, growth has been fast and furious in just the first 10 years, and Fleece is planning for its next 10 years with a new 75,000-square-foot facility in Pittsboro, Indiana, that will open in June. “A lot of our growth has been because we’re small enough to be fluid and make quick decisions and quick changes,” says Chase. “When an opportunity comes up, we can get everyone together to hash out the decision right then. We’ve got an amazing team that can really run with a concept and bring it to the market. From calculating the ROI to designing the floor plan, to having our operations manager handle the finances, we’re able to make the reinvestment decisions very quickly.”

If You Build It, They Will Stay

Small business owners point to another advantage: creating and nurturing a team that feels like it’s integral to the company’s operations.

“Employees feel like they’re part of the family, and they’re helping to build something and be part of something meaningful,” says Reimer. Rather than micromanage every decision, Reimer has embraced a management style that empowers employees. The benefit is twofold: There’s less fear on his part that things are slipping through the
cracks as employees take more initiative. And employees are fully engaged in the vineyard’s mission and purpose: It regularly partners with nonprofits through events that help support local causes in the community.

At Fleece Performance Engineering, the company’s 50 employees range in age from 17 to 79. “Our business is very broad and so we naturally have a wide range of talent on our team to make everything come together,” says Brayden. “Here, we’ve grown so rapidly because we let our employees take ownership of the business and of the brand.”

Chase agrees the smaller company size allows for more highly engaged employees who fuel the growth. “When they’re fired up about the job, it absolutely means better productivity,” he says.

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To get started with Vital, call 800.619.5301 or visit tsysassociation.com/nfib.

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Source: NFIB/Morning Consult Research

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72% purchase goods and services from small businesses often.

SOURCE: NFIB/MORNING CONSULT RESEARCH

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Standing Up for Small Business

From leading their states as governors to serving in their state legislatures and the U.S. Congress, newly elected NFIB members are drawing on their small business experience to work for better policies nationwide.
Small business owners who serve as elected officials bring a unique perspective to the table. Not only do they know the ins and outs of running a business, but they also have a proven record of leadership. They understand the issues that need to be prioritized because they live them day in and day out, and they know firsthand how legislation affects business and the economy.

Across the country, hundreds of NFIB members currently serve in public office at all different levels of government—in the U.S. Congress, state legislatures, and as governors.

Small and independent business owners have experienced the effect of taxes, regulations, and other policies passed by lawmakers from afar. Bringing this perspective to the local, state, and federal levels of government is a vital step in the process of implementing good business policy and stimulating the economy.

Here, we profile some of the NFIB members in public office who were recently elected and are standing up for small business.

Putting Business First
NFIB member George Lang is now serving his second term in the Ohio House of Representatives after being appointed in September 2017, and he has used his time in office to zero in on the state’s business climate.

“My entire laser focus for being in the state House is to make the state of Ohio the most business-friendly state in the nation,” Lang says. “With that in mind, I have launched the Business First Caucus.”

The members of this working group believe a state cannot thrive without a strong business presence, and their mission is to promote, advance, and protect business interests by eliminating barriers for expansion and job creation. They’re focused on advancing policies and initiatives that foster business growth and entrepreneurship, based on four pillars: tax reform and simplification, regulatory reform, smaller government, and workforce development. Lang and the other caucus members have worked closely with NFIB to draft their strategy and get organized.

“We have a strong core group of legislators who understand the powerful and positive impact that small businesses have, not only in our state but in our individual communities,” he said. “I can’t imagine how anyone could go into this job without being a small business owner. As small business owners, we see the impact that legislation has on us, specifically the unintended consequences of legislation.”

Adapting in the Face of Challenges
Nevada Assemblywoman Alexis Hansen was elected to office on Nov. 6, 2018. Although this is her first foray into legislative office, she says public service is in her blood. Not only did Hansen’s great-grandfather, grandfather, and father serve in various roles in public service, but she also succeeds her husband of 38 years, Ira, in the District 32 Assembly seat. He left the seat to run for, and win, an open state Senate seat. This means the Hansens have experience running a business together and now are the first married couple to serve in the state legislature at the same time in both Nevada and the U.S.

“My business background, which comes from owning and running a plumbing company for over 30 years, gives me ample experience that helps to inform my decisions and philosophy about business, government intersecting, and how well-intended policies have negative effects on small business,” she says. Hansen and her husband own Ira Hansen and Sons Plumbing in Sparks, Nevada.

“They have learned what it takes to evolve as a small business. When the economy came crashing down in 2008, they streamlined processes, eliminated
ful. That's why I'm here."

"That kind of business sense and ability to adapt and make tough decisions serves me well in my new role as a state legislator," Hansen says.

She says her goals and priorities are to advocate for rural issues, families, education, and small business owners, many of whom are not able to make the financial sacrifice to serve in the legislature and be a voice for other businesses.

**Focusing on Regulatory Reform and Fiscal Responsibility**

U.S. Rep. Kevin Hern, who now serves Oklahoma's 1st Congressional District after getting elected in 2018, brings a lifetime of business experience to the table. From ventures in real estate and technology to a McDonald's franchise ownership, Hern has experienced the obstacles that small business owners routinely face.

"Small businesses are being crushed by government regulations," he says. "Small businesses need someone in office who understands their needs and will work with them to make our local economy successful. That's why I'm here."

Hern emphasized that his top goals and priorities for his time in office are regulatory reform and fiscal responsibility.

"The first step is cutting through the red tape," he says. "These burdensome regulations were put in place by government leaders who have never been on the other side of their legislation. With a businessman in the White House, we've already seen a lift in the economy. Thanks to tax cuts and trade policies that prioritize our middle class, small businesses have the room to grow and succeed. Congress needs to build on those policies and continue to strengthen our middle class."

As a businessman, Hern says he understands the importance of fiscal responsibility. "The federal government could use a lot more of that, and I plan to be a fierce advocate for a balanced budget as we move forward with budget talks in Congress," he says.

**Helping Small Businesses Prosper**

U.S. Rep. Pete Stauber, from Minnesota's 8th Congressional District, is another new addition to Congress. His business experience opened his eyes to the many roadblocks that prevent other small business owners from succeeding—and it motivated him to do something about that.

"My background as a small business owner is a big part of what inspired me to run for Congress, since much of what is decided here in our nation's capital affects small business owners' ability to create local jobs and opportunities," he says. "I believe that if small businesses on Main Street are to succeed, there needs to be more people in Congress who have signed the front of the checks, not just the back."

Stauber plans to prioritize small business concerns in Congress by addressing the regulatory burden and the cost of healthcare—the top two problems facing small business owners, according to NFIB's 2016 Small Businesses Problems & Priorities report.

"Right now, I think that one of the best things we can do to help small businesses prosper is roll back the many burdensome and arbitrary federal regulations that are currently holding many of them back, or even preventing many entrepreneurs from getting their businesses off the ground in the first place," he says. "High health insurance costs are also taking a massive toll on small businesses across the country."

**Creating a Limited and Accountable Government**

In Tennessee, NFIB member Bill Lee was elected governor on Nov. 6, 2018. Although he stepped down from Lee Company and placed holdings in a blind trust, his experience helping build the business into a successful one will be instructive in his new role, as will his involvement in Triple L Ranch, the family farm founded by his parents in 1963.

"Small business owners know better than anyone how closely a budget must be managed and each decision handled with care," he said. "This was instilled early in my career and will be an important part of how I plan to govern."

As for his goals while in office, Lee plans to build on the message that he shared during the campaign: that Tennessee can be a leader in the nation when it comes to supporting business.

"As we work through the budget process, it's important to me that we keep Tennessee a low-tax state and ensure an environment for businesses to flourish, including our small businesses," he said. "I believe in a limited, accountable government that works for Tennesseans."
Here’s a roundup of key issues NFIB is tracking and acting upon on behalf of members this year.

- **Association health plans (AHP):** AHPs expand healthcare choices by allowing businesses in certain associations to band together, based on geography or industry, to gain access to lower-cost health plans. The Department of Labor issued a final rule in June 2018 that expanded access to AHPs by allowing self-employed workers with no other employees to participate. A federal district court overturned portions of the regulation.

- **Overtime Changes:** In March 2019, the Trump administration released a new proposed rule about the salary threshold at which employees will be exempt from earning overtime pay. NFIB and other business groups previously challenged the Obama administration’s version of the rule, which was scheduled to take effect in December 2016. In 2017, NFIB earned a victory for small business owners when a Texas federal judge struck down the mandate. The original rule would have more than doubled the salary threshold for exempt employees. The rule would have imposed higher costs on small businesses, making it harder for them to grow their businesses and create jobs. The new proposed threshold of $35,308 is lower than the Obama-era proposal, but it’s higher than the current threshold of $23,660. The expected effective date is early 2020. NFIB continues to review the proposed rule.

- **Making Tax Relief Permanent:** In December 2017, President Donald Trump signed into law the Tax Cuts and Jobs Act, which included a crucial provision for NFIB members: the Small Business Deduction. (See p. 20 for more information.) In 2019, NFIB has been working to advance lawmakers’ efforts to make the deduction permanent. The bicameral Main Street Tax Certainty Act (H.R.216/S.1149) would eliminate the expiration date for the deduction. It’s scheduled to expire after 2025 absent further congressional action.

- **Expanding Healthcare Options:** The employer mandate of the Affordable Care Act, which requires employers with 50 or more full-time or full-time-equivalent employees to offer adequate and affordable health insurance, will continue to be enforced in 2019. However, federal agencies are responding to Trump’s October 2017 executive order promoting greater choice and competition in the U.S. healthcare system. NFIB is following three options that could benefit small business owners:
  - **Short-term limited-duration insurance (STLDI):** Short-term insurance coverage can be much more affordable than health insurance policies that must comply with the Affordable Care Act’s requirements. In August 2018, the departments of Health and Human Services, Labor, and Treasury issued a final rule allowing insurers to renew or extend health insurance coverage under STLDI plans for three to 12 months, and potentially up to 36 months.
  - **Health reimbursement arrangements (HRA):** An HRA allows employers to contribute to employees’ medical care on a pretax basis. A proposed rule in October 2018 would allow employers to reimburse employees for health insurance premiums and qualified medical expenses if the company doesn’t provide a group health insurance plan beginning in 2020. Previously, many employers could not use an HRA to reimburse employees for individual premiums. Final regulations are expected in summer 2019.
Tracking State Legislative Trends

As state legislatures convened in 2019, NFIB followed major issues and tracked proposals that could have increased expenses for small business owners or limited their flexibility to run their businesses.

Tax Conformity
After the Tax Cuts and Jobs Act (TCJA) became law in 2017, many states adjusted their tax code to account for changes in federal deductions, which many states include before calculating taxpayers’ gross tax burden. Gary Selvy, NFIB’s Executive Director of State Government Relations, says there have been state-level challenges in conforming to the TCJA since last year’s federal tax reforms. In some states, without making further cuts in tax rates, the state will see a windfall increase in tax receipts. NFIB supports state tax legislation that conforms to the federal tax changes so that small businesses can realize the benefits of lower taxes immediately.

Labor Issues
Several states have introduced labor policies that would harm small business.

“The strategy of pro-labor groups is to create the impression that the majority of states are passing pro-labor legislation to put pressure on Congress to pass the same pro-labor legislation at the federal level,” says Tim Goodrich, NFIB’s Executive Director of State Government Relations.

• Minimum wage increases: NFIB research shows that increasing the minimum wage eliminates entry-level jobs and limits opportunity for young workers. Illinois and Maryland recently increased minimum wage to $15 an hour by 2025. (In Maryland, businesses with more than 15 employees must pay $15 per hour by 2025. Those with fewer than 15 employees will start paying $15 per hour in 2026.) New Mexico increased minimum wage to $12 by 2023. North Dakota, however, passed legislation to prohibit local units of government from passing living wage mandates.

• Paid family leave requirements: While most employers already offer paid or unpaid time off, state and local governments seek to mandate how small business owners set their policies.

This year, NFIB is tracking legislation on paid family leave in Hawaii, Colorado, Connecticut, Vermont, Oregon, and Texas. After an NFIB legal filing, however, a preliminary injunction is in place to halt a mandatory leave provision in Austin, Texas.

• Prohibitions on salary questions: Connecticut and Hawaii have new laws that put a ban on asking salary history questions of job applicants. These laws take effect in 2019, while a new law in Oregon becomes operative in January 2024. NFIB is opposed to measures that dictate the hiring practices of small business owners. More state legislatures are expected to expand laws on this topic.

• Predictive scheduling: State legislatures are attempting to place restrictions on scheduling employee work hours. In Washington state, NFIB testified against a predictive scheduling bill that would require food service, retail, and hospitality businesses with more than 100 employees statewide to provide 14 days’ notice of their schedules. Small business owners have less flexibility when unexpected issues arise to change their staffing needs.

Medicaid Expansion
Voters in several states last year approved expanding Medicaid, the joint federal-state healthcare program—but not how to pay for the expanded programs. Now, legislatures in states such as Nebraska and Idaho are sorting out where to find funding.

Rising Medicaid budgets could pose a challenge to state governments, and small business owners have raised concerns that the federal government will not fulfill its commitments to pay its promised Medicaid contributions.

Share Your Perspective
Tell NFIB about issues that affect your small business:

• Contact NFIB by visiting NFIB.com/About-NFIB/Contact.

• Visit your state page at NFIB.com/Advocacy/Choose-Your-State to learn about small business news and issues in your state and find out more ways to get involved.
Legal Watch

The NFIB Small Business Legal Center is the voice for small business in the nation’s courts and the legal resource for small businesses nationwide. Among other things, the Legal Center holds federal and state agencies accountable when they try to impose rules that go beyond what the law allows. Below are key wins and legal issues NFIB is tracking.

Legal Center Efforts on Deregulation

At the federal level, NFIB is advocating for small business owners on these issues:

Waters of the U.S. (WOTUS) Rule: In December 2018, the U.S. Environmental Protection Agency (EPA) and the Department of the Army released a proposed revision to the WOTUS rule definition. The new proposal for regulating interstate waters gives small business owners more certainty about what is a federally protected waterway that requires a permit. NFIB submitted a formal comment letter to the agency, generally in support of the new proposal.

Clean Power Plan: The Clean Power Plan, a 2015 rule setting very aggressive limits on carbon pollution from U.S. power plants, was set to make electricity rates skyrocket. The EPA has issued a proposed new rule, and NFIB has commented on it, emphasizing the importance of keeping electricity rates affordable for small business owners.

At the state level, NFIB is a plaintiff in two lawsuits on behalf of small business owners:

In Montana, NFIB is fighting an effort by the state legislature to take money out of the state workers’ compensation fund to fill budget shortfalls. Many NFIB members in the state purchase workers’ compensation insurance through that fund, and using that money for other purposes raises business owners’ costs.

In Colorado, the state Supreme Court is considering Griswold v. NFIB. The state constitution has a provision called the Taxpayer Bill of Rights (TABOR), which requires a two-thirds majority in the legislature to pass any tax increase. But Colorado has raised its business-licensing fee in recent years without a vote, using 60 percent of those fees to fund state and county elections. NFIB argues that the fee increase is a tax increase that violates TABOR.

Supreme Court Win

On Nov. 27, 2018, NFIB achieved a major victory for small business property rights with the Supreme Court decision Weyerhaeuser Company v. United States Fish and Wildlife Service.

In Louisiana, the federal agency had designated 1,544 acres of private land as critical habitat for the endangered dusky gopher frog. The frog had not lived on this land for decades. Weyerhaeuser and three other landowners challenged the designation and wanted to develop the land for residential and commercial use. NFIB filed an amicus brief supporting the landowners in the case.

The court ruled in an 8-0 opinion that to be designated a critical habitat under the Endangered Species Act, the land must currently be habitat for the species. The court also held that landowners have a legal right to challenge a critical habitat designation in court.

“Before this decision, environmental groups were able to challenge whenever they didn’t like a nondesignation of critical habitat,” says Karen Harned, Executive Director of NFIB’s Small Business Legal Center. “But the business owner didn’t have the same right to say, ‘We don’t agree with this designation because we think the costs outweigh the benefits.’”

For more updates on NFIB’s legal efforts, visit NFIB.com/LegalCenter.
Take Action

Here are eight ways you can help NFIB serve as your voice on issues that matter to you.

1. Visit NFIB’s Small Business Advocacy Center, an online training resource on how to be an advocate. Learn seven effective ways to communicate with legislators, amplify your voice through the media, and more at NFIB.com/Advocacy-Center.

2. Complete your member profile to provide updated information about your business and get involved on the issues that matter most to you at Engage. NFIB.org/Account/Preferences.

3. Download the NFIB Engage app. Use it to contact your legislators, register for NFIB events, and receive action alerts about state and federal legislation affecting small businesses. Get the app at NFIB.com/App.

4. Vote your state and federal member ballots to help direct NFIB’s advocacy efforts by giving your perspective on important policy issues. For more information on federal ballot questions, contact Caitlin Lanzara at Caitlin.Lanzara@NFIB.org.

5. Attend your annual state Small Business Day at your state capitol. Talk directly with policymakers about your business interests and concerns. Contact your NFIB state team to learn more at NFIB.com/Advocacy/Choose-Your-State.

6. Host a legislator for a Small Business Challenge event. Legislators take on the challenge of being a small business owner and do hands-on work at a business. Work with your NFIB state team for this opportunity at NFIB.com/SmallBusinessChallenge.

7. Use NFIB Action Alerts to communicate with elected officials. Visit NFIB’s federal alert page to take action on pending legislation that may impact your business at NFIB.com/Advocacy/Now.

8. Share your opinion with NFIB on key issues that affect your business by completing a brief survey on taxes, healthcare, regulations, and other topics at NFIB.com/ShareYourStory.

WHAT’S NEXT: GRASSROOTS

The Value of D.C. Fly-In Events

Our annual D.C. Fly-In events offer a unique opportunity for NFIB members to talk to members of Congress on key small business issues.

NFIB members have influenced legislation during past Fly-Ins. For example, members urged lawmakers to repeal the IRS penalty for individuals who did not purchase health insurance.

A few months later, Congress revoked the penalty. NFIB members also successfully urged members of Congress at a Fly-In to make permanent a small business expense limit of $500,000.

In 2018, hundreds of NFIB members visited the Hill to encourage lawmakers to make permanent the Small Business Deduction in the Tax Cuts and Jobs Act. The 2018 Fly-In was a Reed Award winner for “Best Lobby Day” by Campaigns & Elections magazine.
Crafting strong policy requires facts and data. Up-to-date, proprietary research helps NFIB and its members advocate effectively for small business owners. NFIB’s research quantifies important business issues, showing how members may be affected by pending legislation at the federal and state levels. NFIB’s state-specific research provides data to policymakers on how proposed legislation would affect small businesses on a state level.

NFIB’s research team recently analyzed the harm that business owners and their employees would experience if Congress enacts an increase in the federal minimum wage. The Raise the Wage Act, introduced in the House on Jan. 16, would more than double the federal minimum wage to $15 an hour by 2024. The current federal minimum wage is $7.25 an hour.

The bill would link future increases in the minimum wage to increases in the U.S. median hourly wage. It also would eliminate the tip credit for employees by gradually raising the mandatory cash wage paid to tipped workers.

NFIB ran an economic model that demonstrated the bill would hurt economic output and jobs. “We estimate that if this bill were implemented, over 1.6 million U.S. jobs would be lost,” says Michael Chow, NFIB’s Lead Data Analyst and Economist. Small businesses have a lot to lose. NFIB forecasts that businesses with fewer than 100 employees would lose nearly 700,000 jobs, about 43 percent of the total, if the bill were implemented.

The research also shows how business owners in some states would be affected. The report points out that the cost of living varies widely among states, making a federal minimum wage increase “a blunt instrument.” For example, the cost of living in Hawaii is 35 percent higher than in Mississippi, yet both would be subject to the same increase. That would particularly hurt business owners in states with a low cost of living by dramatically raising their expenses.

The federal Raise the Wage Act follows recent actions in Illinois and New Jersey to eventually raise their state minimum wage to $15 an hour. Lawmakers in other states are advancing similar proposals.

NFIB will monitor this issue.
Save

$5,000+
Amount NFIB members may save on services they may already use

Member-only deals that will help your small business succeed—and help you save money. Visit NFIB.com/benefitspb for more details.
A MESSAGE FROM
L I B E R T Y M U T U A L I N S U R A N C E
Liberty Mutual has teamed up with NFIB to help members save $782 on auto and home insurance. Call or visit the website to learn more or get a free quote. Be sure to mention that you are an NFIB member.

Funding That Fits Your Business—
Ongoing access. Immediate impact.

WHY YOU’LL LOVE IT:
◆ Qualify for a business line of credit of up to $250,0001 and get an exclusive NFIB member benefit offer.
◆ Safe and secure online application allows you to link your latest information to be approved quickly1.
◆ Simple 6-, 12- and 18-month terms1.
◆ Start using your funds right away through your computer, the mobile app, or the Kabbage Card1.
◆ No fees to apply or establish your line—pay simple, monthly fees only on the funds you use.

1. Kabbage® can approve you in minutes for up to $200,000 when they are able to automatically obtain your business data and verify your bank account. Lines of credit over $100,000 require manual review. In some situations, errors may occur during the sign-up process, or Kabbage may need to send micro-deposits to confirm your bank account for security purposes. If this is the case, it may take up to several days to provide you access to funding. Credit lines and pricing are subject to periodic review and change, including line and pricing reductions, line and pricing increases, or line eliminations. Individual requests for capital are separate installment loans. All Kabbage business loans are issued by Celtic Bank, a Utah-Chartered Industrial Bank, Member FDIC.

A MESSAGE FROM
KABBAGE®

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Start earning rewards for you and your business with the NFIB® Business Edition® Mastercard® with Maximum Rewards® issued by First Bankcard®, a division of First National Bank of Omaha. NFIB members get low introductory rates and earn points on purchases to redeem for a variety of reward options. Plus, the card offers many other benefits. Please see the website for full details. First Bankcard is a sixth-generation, family-owned business and an NFIB member.

NFIB.com/kabbagepb
888-556-7264
2 After loan qualification, you may be presented with either a 6-month loan term or a choice between 6-, 12- and 18-month loan terms. Eligibility for 12- and 18-month loan terms is subject to availability and can change based on underwriting criteria: Changes in future term availability do not affect outstanding loans.
3 The Kabbage Card is issued by Republic Bank & Trust Co., member FDIC, pursuant to license by Visa U.S.A. Inc. See the Cardholder Agreement for Terms & Conditions including fee schedule details. See Kabbage Card Program Agreement for details and conditions.
4 The provider of the NFIB Health Insurance Exchange is an entity separate and independent from the National Federation of Independent Business (NFIB). Members can access Non-Obamacare/Non-ACA plans (for savings) as well as Obamacare/ACA plans (online only).
5 Members get free, personalized advice from licensed professionals on healthcare options for themselves and their employees.
6 Shop, compare, get a quote, and then enroll in just minutes—not hours.

The provider of the NFIB Health Insurance Exchange is an NFIB member business.

NFIB Health Insurance Exchange

4 REASONS TO USE THE NFIB HEALTH INSURANCE EXCHANGE
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* NFIB membership does not guarantee coverage.

ACCESS COMMERCIAL INSURANCE PRODUCTS SUCH AS WORKERS’ COMPENSATION, BUSINESS OWNER’S POLICY, GENERAL LIABILITY, COMMERCIAL AUTO, CYBER LIABILITY, AND ADDITIONAL KEY BUSINESS INSURANCE COVERAGES THAT CAN HELP REDUCE RISK AND KEEP YOUR BUSINESS AND EMPLOYEES SAFE.

BIG PERKS:
◆ Receive multiple quotes from different carriers including Markel, NFIB’s preferred provider for workers’ compensation and business owner’s policy insurance.
◆ Review your current insurance coverage with a licensed representative to determine the best coverage options for your business.
◆ Access more options. If your business is considered to be “higher risk” by most carriers, Patra Select has access to more than 100 insurance carriers nationwide and will likely be able to match you with a carrier that can provide coverage for your business.

There is far more to payroll than simply calculating hours and signing checks at the end of the week. Business owners have to deal with ever-changing tax requirements, quarterly tax payments, and employee deductions. NFIB Payroll, powered by BenefitMall, allows business owners to save 10% on payroll services so they can focus on their business and not have to worry about payroll and tax laws. NFIB members also receive waived fees for setup, installation, and training.

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Preferred member pricing includes discounts up to 65% off 1,025 “Best Value” items. Save on essentials, cleaning and break room solutions, technology, furniture, and more. Additional benefits include: 10% off the officedepot.com everyday regular low price on thousands of items, fast and free delivery, and access to around-the-clock, dedicated Account Management support. Available to NFIB members and employees.

“We have shopped Office Depot for years, but we were excited to be able to generate even more savings through the NFIB collaboration.” —Quick Prints

Save on Sprint’s Unlimited Plans plus up to 25% on applicable solutions and accessories. Special offers for business and personal accounts for NFIB members and member employees. Access Sprint’s latest technology and devices with out-of-the-box ways to make them work for your business and save money.

“We saved over $100 a month by switching from U.S. Cellular to Sprint. We appreciate the discount and helping out the company!”—J.P. Trucking LLC

NFIB Texas members in eligible industry classes can join the NFIB/Texas Mutual Construction, Retail, or Manufacturing Safety Groups and save up to 12.4% on workers’ compensation premiums. Those who choose quality care for injured workers through the WorkWell, TX, healthcare network also save up to an additional 12% on premiums. Members can also potentially earn dividends* (if declared) by controlling workplace accidents and get an industry-specific safety plan with other free safety resources.

For over 18 years, TSYS has earned the trust of more than 11,000 NFIB members nationwide by successfully managing their payment processing transactions securely and reliably. Their innovative and efficient payment processing solutions are designed to grow your business and boost your bottom line. TSYS provides a variety of payment solutions including traditional countertop terminals, mobile options, wireless payment processing, and internet-based payment gateways. In addition, TSYS will perform a free, no obligation analysis and savings comparison for NFIB members. Join the 80% of NFIB members who have taken advantage of the free analysis and found savings.

In 2018, NFIB members who switched to TSYS saved an average of $1,607. Today, more customers than ever are using credit and debit cards for payments. Choose TSYS, a payment processor you can trust.

Save up to 15% on fuel management expenses by using tools to track, monitor, and control spending for your vehicles. NFIB members can also save at least 5 cents per gallon with fuel rebates through brands such as Exxon Mobil, Phillips 66®, Conoco®, 76®, Sunoco, and Circle K.

“The value was exactly what was presented, and Exxon-Mobil has bettered my expectations. We are very satisfied to be saving $200 per month with the NFIB discount program.” —Power Component Systems Inc.

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“In our family business, there were four siblings working in my generation—the third generation. We shared a dream to spend our careers building the family business and to leave a strong, profitable company for the fourth generation to continue. Watching the two youngest in my generation retire, knowing that the company is well positioned for the future, feels like we have really accomplished something.”

—Mike Gilmartin, president, Commercial Creamery Co., Spokane, Washington

“Our greatest moment was hosting a recent military benefit concert for a local combat veterans nonprofit. There were 5,000 people in attendance. We did a tribute before the headliner with the National Guard’s color guard that included the national anthem, God Bless America, and a moment of remembrance for those who made the ultimate sacrifice. All of our partners have military families, so we are deeply committed to demonstrating our appreciation for those who fought for and protect the freedoms we enjoy each day. We are truly living the American dream.”

—Jason Reimer, president, The Vineyard & Brewery at Hershey, Middletown, Pennsylvania

“After spending 26 years in corporate America, my greatest moment was when I opened my doors to ‘my office.’ My thoughts were that I was one generation away from the tomato fields that my grandmother worked in for 46 years—that this could have only happened in America. Now I would have something to give to the next generation.”

—Tim Dozier, president, IR Staffing, Zephyrhills, Florida