



## LEGISLATIVE & REGULATORY TRACK RECORD 2002 – 2022

*IPM&CSA members benefit directly when our association engages in regulatory and legislative processes locally & nationally. Your membership in IPM&CSA improves your bottom line, controls the cost of doing business, and defends against unnecessary regulatory burdens. Here are some examples of how IPM&CSA helps your business, advocates for your interests, and saves you money!*

### THE BOTTOM LINE: HERE'S HOW YOU BENEFIT FROM MEMBERSHIP

- **PREVAILED** Against Unfair Price-Gouging claims by the Idaho Attorney General (2020-21). We quickly assembled a robust legal, legislative & communications team to defend the industry & change the Idaho Consumer Protection Act on price-gouging (S1041/2021). We generated favorable statewide media coverage by focusing on the “essential services” we provide during an emergency.
- **PROVIDED** critical information and resources during the COVID-19 pandemic (2020-21). When the crisis threw the world into a panic, we worked with state, regional and national officials to stay in business to provide food and fuel while others were in lockdown. Supported legislation to protect businesses from COVID liability (H6/2020, H149/2021 & H444/2022)
- **PASSED/SUPPORTED** legislation to ensure statewide uniformity on e-cigarettes & tobacco (S1285 & S1284/2022, S1087/2021), minimum wage (H463/2016), hand-held devices (H614/2020), and product bans (H372/2016), and to prevent local governments from creating a patchwork of laws that impose costly burdens on business.
- **ALIGNED** e-cigarette & tobacco restrictions statewide (S1285/2022, H538/2020). **KILLED** Tobacco use age restrictions (Tobacco 21) in 2017 (S1106), 2018 (S1255) and 2019. **KILLED** \$100 fee on tobacco retail outlets (H314 / 2018). **PREVENTED** a \$1.25/pack increase in cigarette tax in Idaho.
- **CREATED** a State UST program (H33/2007) to implement the 2005 Federal Energy Bill. Worked with DEQ to ensure that Idaho, not EPA, regulates USTs (S1028/2017 & S1244/2016). Capped UST fees at \$100 per tank, and ensured the program has sideboards to protect the industry, while advocating for flexibility and compliance rather than punishment. In 2019 (H26) we won an extension to 2021 for compliance with new federal rules.
- **PROTECTED** the financial solvency of the Petroleum Clean Water Trust Fund from legislative raids (2015, 2009) and changed the trigger points implementing the one-cent transfer fee (H99/2007). The trust fund insures 90% of USTs in Idaho and is critical to the industry. CREATED a Petroleum Storage Tank Fund (PSTF) Board in 2003 to manage policy, provide industry input, and advocate for this insurance program to meet EPA’s financial assurance requirements. PROTECTED against the diversion of funds from a proposed 10% ethanol mandate (2005 & 2006). PROTECTED the board against personal liability for serving, addressed conflict of interest, and board operations (2004). Restructured the PSTF board in 2018 (S1209) to allow more marketers to serve on the board.
- **DEFENDED** Idaho’s fuel tax structure against new administrative burdens and excessive taxation. In 2017 and 2015 we **DEFEATED** costly fuel tax proposals including a floor tax, sales tax on fuel, and indexing the fuel tax rate to inflation (H312/2015) and to a benchmark (2017). **KILLED** a proposed 7% sales tax on fuel (2008) which would have doubled reporting requirements and undone the tribal fuel tax agreements.
- **PASSED** H132 (2015) requiring LNG/CNG fueled vehicles to pay fuel tax and level the playing field for “alternative fuel vehicles.” H132 repealed the decal, converted LNG & CNG to an energy equivalent, and made alternative fuels subject to fuel tax. Opposed H516 (2018) which would have given LNG/CNG/E-vehicles a competitive edge through a state sales tax break.

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## THE BOTTOM LINE: HERE'S HOW YOU BENEFIT FROM MEMBERSHIP continued

- **PASSED law to increase elimination of personal property tax to \$250,000 (H389/2021)**, from \$100,000 (H315, 2013) on tools and equipment, exempt individual purchases of \$3000 or less and create a uniform application process, eliminating the tax for 90% of businesses.
- **KILLED a proposed 247% Tax Increase on Beer and Wine (H140)** which would have also changed how beer and wine are taxed from a “per unit” basis to an “ad valorem” or percentage basis.
- **WON Swipe Fee Reform on Debit Cards**. For years IPM&CSA, EMA & NACS have fought to limit unfair swipe credit/debit card swipe fees. We sent 25,000 customer signatures to Idaho’s Congressional delegation! We lobbied on Capitol Hill in the face of Wall Street and big banks to pass the Durbin Amendment (2010) and defended it in 2011 and 2017 as part of federal financial reform. The legal battle continues today in the courts, and our national groups are engaged!
- **WON significant changes in the outdated “Cash on Delivery” Law** for sale of beer and wine in Idaho. A coalition of retail interests improved COD requirements by providing five business days for payment in the 2011 legislative session (S1187) and eliminating ambiguous language in 2013 (H257).
- **KILLED a proposed fuel export tax (2022, 2010 & 2009) from Washington to Idaho**. IPM&CSA worked with Idaho lawmakers, the Governor and AG to oppose the proposed tax by Washington State. Our efforts, along with Montana and Oregon, helped kill several very bad bills!
- **PASSED H151, increasing Penalties and enhancing Enforcement (S1379/2020) on illegal use of Dyed Diesel** including penalties of up to \$1000 for violations. Use of red diesel in Idaho grows as a portion of fuel volumes in Idaho, and we continue to work the issue (2015, 2016 & 2017).
- **PASSED Tax Fairness on Tribal Fuel Tax (H249)**. Provided for tax equity with Idaho tribes (2007 & 2008) by passing H249, aligning Idaho statutes with the U.S. Supreme Court and returning Idaho law to tax at “first receiver.” In 2008, ratified the state’s fuel tax agreements with four tribes.
- **PASSED new financial incentives for Biofuel Infrastructure** – through grants (H150/2007) and enhanced investment tax credit (H177/2007). DEFENDED marketers’ interests in legislative negotiations prohibiting “exclusivity” in supplier contracts (2007).
- **DEFEATED bad legislation on price gouging, fuel mandates, minimum wage, and workers comp**. Taken together or separately, these proposals, if passed, would have been bad for business, difficult to implement and incredibly costly.
- **SUPPORTED legislative candidates who support our industry**. The IPM&CSA state PAC has contributed **\$192,750** to statewide and legislative candidates since 2003. Thanks to our state & federal (EMA) PACs, we are also able to support our friends & allies.
- **PREVENTED costly new State and Federal mandates: Temperature Compensation (2007-2015 federal), UST Spill Clean Up Standards (2007-2011), and Phase One Vapor Recovery in the Treasure Valley (2006-2010)**. Also overtime rules, placarding, menu labeling, SPCC/UST, Fuel blends and RFS requirements, Homeland Security, Transportation, Clean Air, and more.
- **KILLED Rules doubling Weights & Measures Fees on devices (2019-2020) & in 2006 on Scanners & Limited Licensing Fees** – IPM&CSA advocated for a fee schedule that aligns costs with workload. Fees require legislative approval (2003) and must be reasonable (2009).
- **PASSED & ENHANCED Tort Reform (H582/2020) & Worker’s Comp (S1321) Protections** & KILLED bills that would have increased liability costs and court cases –In 2017, H97 clarified “loser pays” attorney fees. In 2006 & 2007 we helped defeat bills that would have driven up court costs. Idaho passed model tort reform in 2003, and a bill barring obesity-related lawsuits (2004).