

February 9, 2018

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ANNOUNCING NEW 2018 WPMAEXPO KEYNOTE SPEAKER!



WPMA is pleased to announce our new Keynote Speaker for the 2018 WPMAEXPO is Chris Christie, governor of New Jersey from January 2010 to January 2018. During his time as Governor, Christie became a leader among his fellow Governors and in his party at the national level. He served as Chairman of the Republican Governors Association (RGA) in 2014 and led the organization to a fundraising record and the election of a record number of Republican Governors. He was the keynote speaker at the 2012 Republican National Convention and was Chairman of the Trump transition from May-November of 2016, after his own campaign for the Republican nomination for President.

We are disappointed that Mitt Romney was unable to honor his commitment to speak at the WPMAEXPO. We look forward to hearing from Mr. Christie.

CONGRESS PASSES GOVERNMENT SPENDING BILL

Includes Tax Extenders Package

Earlier this morning, Congress passed a 2-year, bipartisan budget deal to reopen the government which had partially shut down for a few hours overnight. President Trump quickly signed the bill into law.

The budget bill includes a temporary funding measure, known as a Continuing Resolution (CR), which funds the government until March 23, possibly giving Congress enough time to reach an agreement on a long-term funding deal. The bill also lifts the federal debt limit until March 2019. Furthermore, it raises spending caps on domestic and military spending in fiscal years 2018 and 2019 by \$300 billion and will provide \$90 billion in disaster relief funding in response to last year's hurricanes and wildfires.

Also included in the bill is a tax extenders package. **One tax provision important to petroleum marketers is a prospective renewal of the Oil Spill Liability Tax (OSLT) effective on March 1, 2018 through Dec. 31, 2018.** The 9 cents per barrel OSLT tax is imposed on crude oil at the refinery gate. Proceeds from the OSLT go into a trust fund used by the Coast Guard to pay for clean-up after accidents like oil spills. PMAA has been fighting against the tax being applied retroactively so this is welcome news to petroleum marketers. This is also good news because suppliers who continued to charge the tax even when it expired have indicated they will reimburse jobbers if the tax isn't applied retroactively. Click [here](http://www.pmaa.org/weeklyreview/attachments/OIL_SPILL_LIABILITY_TAX0218.pdf) (http://www.pmaa.org/weeklyreview/attachments/OIL_SPILL_LIABILITY_TAX0218.pdf) to view a PMAA issue brief on the OSLT issue.

A second tax provision important to petroleum marketers includes a renewal of the \$1 per gallon biodiesel blenders tax credit for tax year 2017 only. PMAA will have information on reimbursement specifics at a later date. Other credits of importance that were extended retroactively for 2017 are the tax credit for the installation of qualified alternative fuel vehicle refueling property in a home or business; the Alternative Fuels Excise Tax Credit for the use of propane as a transportation fuel, known as the "propane autogas tax credit,"; and the Section 25C tax credit for the installation of qualified high-efficiency residential HVAC systems and certain energy-saving home retrofits.

The bill's passage is a good sign for programs like the Low-Income Home Energy Assistance Program (LIHEAP) that PMAA has advocated for because there will likely not be as many cuts to domestic programs like LIHEAP. LIHEAP is important because it is vital in serving low income consumers of home heating fuel. Congress reinstated LIHEAP and Weatherization Assistance Program (WAP) funding in the FY 2018 budget and PMAA has been pushing for these programs to be funded in the FY 2019 budget as well. The Trump Administration's budget request for FY 2019 is expected to be released next Monday, in which LIHEAP could be proposed for elimination as it was in 2018.

Part of the budget deal requires the Department of Energy (DOE) to sell 100 million barrels of oil from the Strategic Petroleum Reserve. Specifically, 30 million barrels are to be sold between fiscal 2022 and 2025, 35 million barrels in 2026, and another 35 million in 2027. Furthermore, DOE is required to sale \$350 million worth of crude oil in fiscal 2018 to pay for modernizing the reserve fund.

HOUSE PASSES MENU LABELING LEGISLATION AGAIN

On Tuesday, the House passed via a 266-157 bipartisan vote, the "Common Sense Nutrition Disclosure Act." The legislation, introduced by Rep. Cathy McMorris Rogers (R-WA) and Congressman Tony Cardenas (D-CA) also passed the House in 2016. Click [here](http://clerk.house.gov/evs/2018/roll056.xml) (<http://clerk.house.gov/evs/2018/roll056.xml>) to see how your lawmakers voted.

This legislation, H.R. 772, modifies the Menu Labeling language in Obamacare to allow retailers to identify a single primary menu while not having to include nutrition labeling in other areas of the store. Furthermore, the bill clarifies that advertisements and posters do not need to be labeled and provides flexibility in disclosing the caloric content for variable menu items that come in different flavors or varieties, and for combination meals. Lastly, the bill ensures that retailers acting in good faith are not penalized for inadvertent errors in complying with the rule and stipulates that individual store locations are not required to have an employee "certify" that the establishment has taken reasonable steps to comply with the requirements.

This legislation is important because it gives retailers the flexibility needed to comply with the menu labeling regulations which will be enforced by the FDA beginning May 7, 2018. Advocacy efforts will now shift to the Senate to encourage passage of companion legislation (S. 261) introduced by Senators Roy Blunt (R-MO) and Angus King (I-ME).

A strong thanks to all PMAA members who notified your representatives and urged their support for the "Common Sense Nutrition Disclosure Act."

HOUSE TO VOTE ON BILL TO DETER "DRIVE BY" LITIGATION

The House of Representatives will vote on H.R. 620, the "ADA Education and Reform Act," next week. The bill would put teeth back into the rules to deter harmful litigation. The strain of litigation on the parties involved has created an opportunity for those who wish to make a quick buck, particularly in the small business sphere. The mere threat of a lawsuit, even one unsupported by the facts, can force a small business owner to quickly settle a claim. In 2015, 60 Minutes highlighted the rise of "drive by" litigation under the Americans with Disabilities Act (ADA). In some cases, lawyers simply drive down the street, or use Google Maps, to look for any technical violation of the ADA by local businesses. This is quickly followed up by a demand letter to the business.

Business owners should have the confidence to challenge a bogus claim, knowing that they will be compensated for their time and resources spent fighting back. Unfortunately, current litigation rules don't provide much help. Under current law, even if a lawsuit is found to be frivolous, a judge can decide against sanctioning the offending party.

PMAA strongly supports the ADA Education and Reform Act to put a stop to these outrageous lawsuits. Send this [letter](http://www.congressweb.com/PMAA/17/) (<http://www.congressweb.com/PMAA/17/>) to encourage your representative to support the bill.

PMAA OPPOSES BURDENS TO SMALL BUSINESSES VIA TITLE ACT

On Tuesday, the Senate Judiciary Committee held a hearing on the True Incorporation Transparency for Law Enforcement (TITLE) Act. The goal of the bill is to prevent terrorists and criminals from accessing capital but would also impose serious and extremely burdensome reporting requirements on small businesses.

Prior to the hearing on ways to prevent the increasing flow of illegal money through our financial system, PMAA and the Small Business Legislative Council (SBLC) sent a letter in opposition of the burdensome reporting requirements to Senators Chuck Grassley (R-IA) and Diane Feinstein (D-CA). PMAA will continue to monitor this legislation and work to minimize the onerous burdens for small businesses.

NATSO STUDY SHOWS MORE PROBLEMS WITH COMMERCIALIZED REST AREAS

On Tuesday, the National Association of Truck Stop Operators (NATSO) released the findings of a report stating that there are 69 percent more commercial truck parking spaces per mile along Interstate highways where the private sector runs businesses as opposed to government-run commercialized rest areas. The report titled, Rest Area Commercialization and Truck Parking Capacity 2018, provides updated findings of a 2010 report comparing the relationship between government-run commercialized rest areas, which are located along the Interstate right-of-way, and total truck parking capacity.

PMAA is a member of the Rest Area Commercialization Coalition that has been meeting with lawmakers to oppose the commercialization of rest areas. Commercializing rest areas could jeopardize private businesses that have operated under the current law for the past 50 years at established locations at highway exits. Due to their convenient locations for motorists, state-owned commercial rest areas have established virtual monopolies on the sale of services to highway travelers. The ban on the commercialization of rest areas has resulted in a strong, competitive economic environment with over 60,000 businesses developing along U.S. interstate highways. Prohibiting publicly-run rest areas from competing with private sector businesses has been an undeniable success, resulting in industries that provide valuable services such as gas stations, travel plazas, truck stops, restaurants, and hotels.

KYMBRLEE MARIE (BAILEY) SMITH, DAUGHTER OF MIKE AND JUNE BAILEY, PASSES AWAY



WPMA expresses condolences to the family of Kymbrlee Marie (Bailey) Smith who was killed in a car accident on February 1st. Kymbrlee is the daughter of Mike Bailey, former PMAA Chairman, and June Bailey, Bailey Oil, Riverton, Wyoming. Kymbrlee, 30, of Green River, was the mother to three children that were also in the accident, and fortunately only suffered bruises and being cold. Kymbrlee's husband, Samuel Smith, remains in critical but stable condition in a Salt Lake City, Utah hospital.

Funeral Services will be conducted at 2:00 P.M. Saturday, February 10, 2018 at the Hilltop Baptist Church, 405 Faith Drive, Green River, Wyoming. Friends may call one hour prior to funeral services.

The family of Kymbrlee Marie Smith respectfully requests donations in her memory be made to the Smith Children's memorial fund at any Wells Fargo Bank. Condolences may be left at www.vasefuneralhomes.com

PLAN TO ATTEND THE 2018 WPMAEXPO

WPMAEXPO

Mark your calendars for February 20-22, 2018. Make plans now to attend the 2018 WPMAEXPO. It will be held once again at the Mirage in Las Vegas, Nevada.

#wpmaexpo18

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MARK YOUR CALENDARS FOR UPCOMING EVENTS

February 20-22, 2018 – WPMA Convention & Expo – Mirage Hotel– Las Vegas, Nevada

May 3-4, 2018 – NPM&CSA Big Dogs – Red Rock Casino – Las Vegas, Nevada

June 5-7, 2018 – MPMCSA Convention & Expo – Fairmont, MT

June 18-21, 2018 – Washington (WOMA) Convention – Suncadia Resort – Cle Elum, Washington

August 8-10, 2018 – Idaho (IPM&CSA) Convention – Coeur d'Alene Resort – Coeur d'Alene, Idaho

August 20-22, 2018 – New Mexico (NMPMA) Convention – Sandia Resort & Casino, Albuquerque, NM

September 12-14, 2018 – Utah (UPMRA) Convention – Doubletree by Hilton, Park City, UT

WPMA MEMBER SERVICES



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Petro Pete: *"Why do I keep paying the bills? It just encourages them to send more."*

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