

April 22, 2016

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WP-04-22-16

**HOUSE COMMITTEE PASSES AMENDMENT TO BLOCK FUNDING FOR PROPOSED SNAP RULE IMPLEMENTATION**

On Tuesday, the House Appropriations Committee approved the Fiscal Year 2017 Agriculture Appropriations bill. An amendment was included in the bill that would prohibit the Food and Nutrition Service (FNS) from using any of its funds to enact regulations that would go much further in changing the retailer SNAP participation requirements than Congress intended in the statutory requirements of the 2014 Farm Bill.

The SNAP proposed rule would greatly extend the Congressional intent in the Farm Bill in that in order for retailers to participate in the SNAP program, "multiple ingredient" items (cold pizza) would not be counted in any staple food category and would not count toward meeting a retailer's "depth of stock" requirements. Currently, multiple ingredient foods can be counted under the category of the main ingredient. The proposal would require that retailers always have six different units of any food item that are in the store and are counted under the four mandated categories (requiring seven different options in each category) of eligibility for SNAP participation, i.e. 7x4=28, 28x6=168. Stores would be required to publicly display 168 units of single-ingredient food items at all times. FNS estimates that the costs for stocking additional items would be \$140 on average. Also the FNS proposes that stores that do not have 85 percent or more of their "total food sales" in items that are not cooked or heated on site, before or after purchase, that those stores would be ineligible for the program.

**MERCHANTS PAYMENTS COALITION FINDS ERRORS IN HARVARD SWIPE FEE STUDY**

Two Harvard researchers recently completed a study claiming that the debit reform raised bank fees on consumers. The study, known as "Out of Reach: Regressive Trends in Credit Card Access," is deeply flawed according to a Georgetown professor as well as members of the Merchants Payments Coalition. According to Georgetown law professor, Adam J. Levitin, the claim put forward in the study that debit reform raised bank fees on consumers is completely false. He says the study is based on faulty statistics the banks and their advocates hand-picked to make their argument.

The move to EMV (Europay, MasterCard, and Visa) is fraught with liabilities and delays for retailers. Retailers are receiving more chargebacks since October 1, 2015, when nine of the largest U.S. payment networks enacted a financial liability shift burdening the party who uses the lesser technology, yet the networks are far behind in certifying new machines that would help retailers protect against fraud.

PMAA and other members of the Merchants Payment Coalition will continue to fight for reasonable debit card interchange fees.

**SENATE FINALLY PASSES MUCH ANTICIPATED ENERGY BILL**

On Wednesday, the Senate passed the first comprehensive energy bill in a decade. The bill was at a standstill for over two months due to holds by Senators who disagreed over how to handle the water crisis in Flint, Michigan. There was eventually an agreement to lift the holds and the bill passed easily by a vote of 85-12.

S. 2012, the "Energy Policy Modernization Act of 2015," would require the Department of Energy to approve or deny the use and operation of an LNG export facility no later than 45 days after an environmental review conducted by the Federal Energy Regulatory Commission (FERC). It would also require the Department of Energy to gather and distribute data on the destinations of LNG exports.

The bill, sponsored by Chairwoman Senator Lisa Murkowski (R-AK) and Ranking Member Maria Cantwell (D-WA), had broad bipartisan support once controversial amendments were removed. The House approved its own energy bill, H.R. 8, in early December 2015 by a vote of 249-174. The House must now craft a compromise bill with Senate negotiators that can pass both the House and the Senate. It is unclear whether Congress will have time to actually pass the bill before the November elections. Action might have to wait during the lame duck session and even then the chances of success are uncertain.

**VAST OUTREACH IN SUPPORT OF MINIMIZING 2015 OZONE STANDARD**

This week, PMAA joined over 200 associations, companies and state groups in a letter of support for H.R. 4775, the "Ozone Standards Implementation Act of 2016," and related appropriations language. H.R. 4775 was recently introduced by House Majority Leader Kevin McCarthy (R-CA) and Majority Whip Steve Scalise (R-LA) and it would delay the EPA's implementation of its ozone standard in some states and completely exempt other areas from having to comply.

The [letter](#) to the Senate and House Leadership and the [letter](#) to the House Appropriations Subcommittee of Interior, Environment and Related Agencies Chairman Calvert (R-CA) and Ranking Member McCollum (D-MN) support legislative

efforts that build upon the work completed by multiple committees of jurisdiction, leadership, and other members of Congress to develop solutions that will provide states more time and flexibility to implement the 2008 and 2015 ozone standards. The letter also addresses technical implementation issues facing states under the National Ambient Air Quality Standards Program. The letters not only shows our support for these critical initiatives, but also reinforce that this remains a priority issue for a broad range of groups that are impacted by the onerous ozone standards.

PMAA has argued before the EPA, the White House and Congress that the EPA's 2015 ozone standard is unattainable and will result in more boutique fuels and higher prices at the pump.

### **EPA SENDS 2017 PROPOSED RFS MANDATES TO WHITE HOUSE FOR REVIEW**

Late last Friday, the EPA sent its proposed 2017 RFS mandates as well as the 2018 proposed biodiesel mandate to the White House Office of Management and Budget (OMB) for review. Generally OMB uses 90 days to review a proposed rule but sometimes OMB will review for a longer period.

If OMB sticks to the standard 90 day review then the EPA proposed levels will be public in July which will allow the EPA to finalize the rules by the statutory November 30 deadline.

When marketers are in town for their annual [Washington Conference and Day on the Hill](#) on May 19, they will urge members of Congress to press EPA not to exceed 9.7 percent ethanol in the gasoline supply for 2017 and to recognize the real world lack of demand for E85. PMAA and marketers will continue to educate policy makers/EPA to allow marketers to continue to sell E0. PMAA also plans to meet with OMB and EPA next month to highlight these concerns.

### **IT'S TIME TO REGISTER FOR PMAA'S WASHINGTON CONFERENCE AND DAY ON THE HILL**

PMAA's 2016 annual Washington Conference and Day on the Hill will be held in Washington, DC from May 18-20. Please make your plans now to attend this important and productive forum to meet with your members of Congress to openly discuss all the issues facing the petroleum marketing industry and to network with other marketers from across the country!

The meeting will commence with an Opening Session / Issues Briefing and Region meetings in the afternoon of May 18 followed by a welcome reception including our PAC silent auction fundraiser. In addition, PMAA will hear from Adam Sieminski, Administrator of the Energy Information Administration (EIA), on the 18th. On the morning of May 19, there will be another issues briefing for those who were not able to attend the opening session. Marketers and association executives will then head to Capitol Hill for visits with their Congressional delegations. Please be sure to make these appointments as soon as possible. There will be a hospitality suite and luncheon on the Hill. On the evening of May 19, we will honor our new PMAA Chair Mike Bailey. Our conference will conclude after the PMAA Board of Directors meet on May 20 following a buffet breakfast and committee meetings.

Please click [here](http://www.cvent.com/d/2fq23h) (<http://www.cvent.com/d/2fq23h>) for our beautiful new event website which includes dynamic online event registration with secure event payment processing through Cvent. It is very user friendly and we are confident you will find it more effective, professional and easy to use. We want to make your conference experience smooth and easy.

If you plan on attending PMAA's annual Washington Conference and Day on the Hill, please take the time now to make your room reservation through A Room with A View (our overflow hotel company) at 800.780.4343. They serve as our waitlist so when rooms become available, members will be moved to Washington Marriott at Metro Center.

Please make your plans to attend this important and productive forum to meet with your members of Congress and network with other marketers from across the country! See you in DC next month!

### **ATTENTION: NEVADA WHOLESALERS & RETAILERS SELLING FUEL IN NEVADA**

The Tax Commission on April 11th approved the Commerce Tax regulations. The Nevada Petroleum Marketers & Convenience Store Association (NPM&CSA) has been working with the Department of Taxation throughout the regulatory process to ensure that the regulations to implement the tax are easy to understand and recognize real world industry practices.

The Commerce Tax is based on gross revenue inside Nevada, there are 26 industry specific rates based on your NAICS code you file with the Secretary of State.

The Commerce Tax has a revenue threshold of 4 million dollars. If you're gross revenue in Nevada is over 4 million you will be subjected to this Tax. If you are under the \$4M threshold a short form will still need to be filed with Dept. of Taxation.

Those companies that are vertically integrated with multiple revenue generating sources will pay the rate that generated the most gross revenue.

If you want to change your NAICS code, you must submit to the department a written request for a change in your NAICS code on or before the date on which the Commerce Tax return for the taxable year. If you do not hear back from the department within the 60 day period the request is deemed approved.

Petroleum retailer may not deduct the amount of any federal, state or local fuel excise taxes paid to their supplier. Fuel excise taxes paid directly to the taxing authority are deductible from your gross.

Rates that are most relevant to petroleum marketers and C-Store owners are highlighted below. The applicable sections of Senate Bill 483 with a hyperlink: <http://tax.nv.gov/uploadedFiles/taxnvgov/Content/FAQs/SB483.pdf>

The Commerce Tax on Petroleum Wholesale (NAICS 42) is imposed at a rate of 0.101 % on revenue from sales inside Nevada - Section 29

The Commerce Tax on retail which includes C-Stores and Retail Gasoline sales (NAICS 44) is imposed at a rate of .111% on revenue sold inside Nevada. - Section 30

The Commerce Tax on petroleum transportation (NAICS 484) is imposed at a rate of .202% on revenue for movements with BOTH an origin AND destination inside Nevada. - Section 32

The tax is applicable from July 1, 2015 through June 30, 2016 and will be due by August 15, 2016.

You can find more information at:

[NV DEPT. of TAX Commerce TAX](#)

If you have questions regarding the application of Nevada Commerce Tax please email me at [peter@fuelingnevada.com](mailto:peter@fuelingnevada.com)

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### 2017 WPMAEXPO - LAS VEGAS, NEVADA



Mark your calendars for February 21-23, 2017. Make plans now to attend the 2017 WPMAEXPO. It will be held once again at the Mirage in Las Vegas, Nevada.

#### MARK YOUR CALENDARS FOR UPCOMING EVENTS

**May 3, 2016** - Idaho (IPM&CSA) Boise Ranch GC PAC Golf Outing – Boise, Idaho  
**May 19-20, 2016** – Nevada (NPM&CSA) Big Dogs Shootout – Red Rock Resort & Casino – Las Vegas, Nevada  
**June 7-9, 2016** – Montana (MPMCSA) Convention – Fairmont Hot Springs Resort – Butte, Montana  
**June 20-23, 2016** - Washington (WOMA) Convention - Suncadia Resort - Cle Elum, Washington  
**June 23, 2016** – Utah (UPMRA) Summer Golf Classic – Mountain Dell Golf Course, Salt Lake City, Utah  
**June 29, 2016** – Idaho (IPM&CSA) Magic Valley PAC Golf Outing – Blue Lakes Country Club, Twin Falls, Idaho  
**August 3, 2016** – Idaho (IPM&CSA) Circling Raven GC PAC Golf Outing - Coeur d'Alene, Idaho  
**August 3 – 5, 2016** - Idaho (IPM&CSA) Convention - Coeur d'Alene Resort - Coeur d'Alene, Idaho  
**August 22-24, 2016** – New Mexico (NMPMA) Convention – Sandia Resort & Casino – Albuquerque, New Mexico  
**August 26, 2016** – Hawaii (HPMA) Golf Tournament – Honolulu Country Club – Honolulu, Hawaii  
**September 8, 2016** – Idaho (IPM&CSA) Teton Valley PAC Golf Outing – Huntsman Springs GC, Driggs, Idaho  
**September 14-16, 2016** - Utah (UPMRA) Convention - DoubleTree Hotel by Hilton - Park City, Utah  
**February 21 – 23, 2017** - WPMA Convention & Expo – Mirage Hotel, Las Vegas, Nevada  
**June 18-22, 2017** – Washington (WOMA) Convention – Suncadia Resort – Cle Elum, Washington  
**August 2-4, 2017** - Idaho (IPM&CSA) Convention – Sun Valley Resort, Sun Valley, Idaho  
**June 17-21, 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

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Register Now: <https://associations.mynpp.com/myNPP/memberSavings.xhtml?guid=RB3WUOFG>

## WPMA MEMBER SERVICES



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## Classified Ads

### **HIRING – Executive Director for the MT Petroleum Marketers & C-Store Association**

The MPMCSA is conducting a search for an Executive Director to manage the affairs of the State Association.

Position is as an independent contractor answering to the Board. Please go to the Montana home page, [www.wpma.com/montana](http://www.wpma.com/montana) to download the job prospectus.

### **For Sale**

Have taken a PetroVend C/OPT Card lock and 4 mechanical dispensers down, all in good condition  
2 Terminals , all the hardware, punch for making your own optic cards, ETC  
Lots of miscellaneous parts, 406/580-7630