

April 27, 2012

Visit us online at www.wpma.com

WP-04-27-12

CONFERENCE COMMITTEE FORMED TO CONSIDER HIGHWAY BILL

Members of the House and Senate will begin deliberation of the Highway bill conference the week of May 8. The 47 policymakers who are to serve as conferees are as follows: The Senate Democrats are Barbara Boxer (CA), Max Baucus (MT), John D. Rockefeller IV (WV), Richard Durbin (IL), Tim Johnson (SD), Charles Schumer (NY), Bill Nelson (FL), and Robert Menendez (NJ). The Senate Republicans are James Inhofe (OK), David Vitter (LA), Orrin Hatch (UT), Richard Shelby (AL), Kay Bailey Hutchison (TX), and John Hoeven (ND).

The House Republicans are: John Mica (FL), Don Young (AK), John Duncan (TN), Bill Shuster (PA), Shelley Moore Capito (WV), Rick Crawford (AR), Jaime Herrera-Beutler (WA), Larry Bucshon (IN), Richard Hanna (NY), Steve Southerland (FL), James Lankford (OK), and Reid Ribble (WI). The House Democrats are Nick Rahall (WV), Peter DeFazio (OR), Jerry Costello (IL), Eleanor Holmes Norton (DC), Jerry Nadler (NY), Corrine Brown (FL), Elijah Cummings (MD), Leonard Boswell (IA), Tim Bishop (NY), Fred Upton (MI), Ed Whitfield (KY), Henry Waxman (CA), Doc Hastings (WA), Rob Bishop (UT), Ed Markey (MA), Ralph Hall (TX), Chip Cravaack (MN), Eddie Bernice Johnson (TX), Dave Camp (MI), Patrick Tiberi (OH) and Earl Blumenauer (OR).

The Keystone XL pipeline is expected to be a focal point of the conference. PMAA continues to urge congress to include wetlines language which would bar the Department of Transportation from moving forward with its proposed rule until a thorough cost-benefit analysis was completed (which is in the House authorization bill H.R. 7 that was not passed. You will recall that the House simply passed an extension bill to take to conference with the Senate.) H.R. 7 also included a section which would require an Hours-of-Service (HOS) study to be completed by March 31, 2013. Until the study is completed, the 2008 HOS rule would remain in effect which would void the recent HOS rule from December 27, 2011 that requires a thirty minute break period for drivers, restricts and limits the 34-hour restart provision, and imposes new fines for violations.

PMAA is urging conferees to oppose the language in the Senate bill which would transfer three billion dollars from the Leaking Underground Storage Tank (LUST) trust fund to pay into the Highway Fund and it would also change the allocation of the \$.001 LUST tax. The change will permanently dedicate one-third of the existing \$.001 LUST tax to the Highway Trust Fund and two-thirds to the LUST Trust Fund. PMAA adamantly opposes this change and believes this is bad public policy. If the money is not being used for the LUST program, the LUST tax should be reduced or eliminated. PMAA's strong grassroots have communicated opposition to this language since it was first proposed earlier this year and we continue to do so.

FEDERAL COURT BLOCKS NLRB EMPLOYEE UNION RIGHTS POSTING RULE

A federal appeals court has issued a temporary injunction blocking the National Labor Relations Board's (NLRB) new rule set to take effect April 30th requiring employers to display a poster in the workplace describing employees' right to unionize [see 8/30/11 PMAA Regulatory Report](#). The DC Circuit Court of Appeals issued the injunction after two federal district courts reached different opinions on whether the NLRB has the authority to require employers to post the notice. Until the appeals court makes a final ruling on the case, private employers, including petroleum marketers, are not required to display the NLRB poster.

The NLRB rule would require most private employers to display an 11-by-17-inch poster in a prominent place, explaining employees' rights to join a union and take part in collective bargaining. The posters would also state that union officials can't coerce workers into joining a union, and that workers have a right to not join a union. The NLRB posters are similar to other government agency-issued posters (OSHA, DOL, etc) that describe anti-discrimination laws and workplace safety rules. In March, a DC District Court upheld the poster rule in a lawsuit brought by the manufacturing groups. However, a federal judge in South Carolina ruled last week that the NLRB exceeded its authority in approving the union poster requirement. The DC Circuit Court of Appeals final ruling on whether the NLRB may move forward with the poster rule is not expected until September.

IMPORTANT: Petroleum Marketers will likely continue to receive solicitations from vendors selling the NLRB posters despite the temporary injunction delaying the April 30 compliance date. Often these solicitations imply that marketers will be in violation of federal law if they do not purchase and display a poster by April 30, 2012. At this time, there is no requirement to post the NLRB poster. If the court lifts the injunction and the rule is once again in effect, then marketers can download the poster for free at <https://www.nlr.gov/poster>.

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

PMAA's annual Washington Conference and Day on the Hill will be held in our Nation's Capitol of Washington, DC from May 16-18. This forum unites marketers, state association executives and suppliers from across the country to openly discuss all the issues facing the petroleum marketing industry with members of Congress and to find solutions together.

The meeting will begin with a welcome reception including a PAC silent auction on the evening of May 16. On the morning of May 17, marketers will head to Capitol Hill for visits with their Congressional delegations. The PMAA Board of Directors will meet on May 18.

For those planning to attend this informative conference, please be sure to complete the appropriate Registration Form soon! Forms and instructions can be found at <http://www.pmaa.org/pmaameetings/upcomingmeetings.asp>.

For complete Conference Schedule go to:

<http://www.pmaa.org/userfiles/file/Washington%20Conference/2012/Conference%20Schedule.pdf>

For Hotel Information go to:

[http://www.pmaa.org/userfiles/file/Washington%20Conference/2012/Hotel%20Information%20\(1\).](http://www.pmaa.org/userfiles/file/Washington%20Conference/2012/Hotel%20Information%20(1).)

Please contact Susan Isard at 703.351.8000 with any additional questions.

WPMA MEMBER SERVICES



2013 WESTERN PETROLEUM MARKETERS CONVENTION & CONVENIENCE STORE EXPO LAS VEGAS, NEVADA

Start planning now to attend the 2013 WPMA Convention and Convenience Store Expo. It will be held at the Mirage in Las Vegas, Nevada. Mark your calendars for February 19-21, 2013.

MARK YOUR CALENDARS FOR UPCOMING EVENTS IN 2012

May 10-11, 2012– Nevada - NPM&CSA Big Dogs Event – Las Vegas, Nevada

June 5-7, 2012 – Montana - MPMCSA Convention – Billings Hotel and Convention Center – Billings, Montana

June 18-21, 2012 – Washington - WOMA Convention – Suncadia Lodge – Cle Elum, Washington

June 19, 2012 – Idaho-IPM&CSA 1:30 pm Annual DEQ/UST Compliance and Informational Meeting with DEQ staff at DEQ

June 21, 2012 – Utah - UPMRA Summer Golf Classic – Stonebridge Golf Course – West Valley City, UT

August 1-3, 2012 – Idaho - IPM&CSA Convention – Coeur d'Alene Resort, Coeur d'Alene, Idaho

August 15-16, 2012 – Utah - UPMRA Convention – Zermatt Resort (tentative), Midway, UT

August 27-29, 2012 – New Mexico - NMPMA Convention and Trade Show – Embassy Suites – Albuquerque, New Mexico

Petro Pete: ***“This year I used deductive reasoning to do my taxes. If I could find a reason, I deducted it.”***

© 2011 Western Petroleum Marketers Association - All rights reserved. No part of this work may be reproduced or copied in any form or by any means - graphic, electronic, or mechanical, including photocopying, recording, or otherwise. The information herein is also intended for the sole purpose of members of the Western Petroleum Marketers Association (WPMA). Any other use is strictly prohibited without the express written consent of the WPMA.

If you do not wish to receive information via fax or e-mail, please contact WPMA at: (801) 263-9762, Fax: (801) 262-9413, or e-mail: janr@wpma.com. Thanks.