

May 14, 2021

Visit us online at www.wpma.com

WP-05-14-21



NPM&CSA: PAUL ANDERSON RECOGNIZED FOR 12 YEARS OF SERVICE

On behalf of NPM&CSA President Christi Carano Case, Peter Krueger presents Nevada State Board of Agriculture Chairman Paul Anderson, Pilot Thomas Logistics, a Petro Proclamation for 12 years of service to Nevada's petroleum marketers and c-store owners.

MODERATE DEMOCRATS BALK AT BIDEN'S PROPOSED CAPITAL GAINS TAX ON INHERITED ASSETS

Moderate Congressional Democrats are expressing concern over the Biden Administrations proposed tax proposals including a plan to eliminate the stepped-up basis for unrealized gains at death that would impose a tax capital gains over \$1 million on inherited assets. In a letter to House Speaker Nancy Pelosi (D- CA) and other House leaders, thirteen Democratic lawmakers said the requirement to recognize capital gains at death runs the risk of forcing small businesses and family farms to sell off assets rather than pass them down to the next generation. The letter, authored by Representatives Cindy Axne (D-IA) and Jim Costa (D-CA) went on to say, "We strongly urge you to provide full exemptions for these family farms and small businesses that are critical to our community."

Democrats hold a narrow majority in the House and a 50-50 split in the Senate with Vice President Kamala Harris having the tie-breaking vote. Republicans are unified in resisting tax increases. If the Democrats use a parliamentary maneuver to avoid a Republican filibuster in the Senate, they will need to maintain the support of all 50 democrats to get the President's tax proposals through Congress. The recent letter from House Democrats shows that could be a challenge when it comes to tax proposals needed to fund the \$1.8 trillion American Families Plan which would expand childcare, nutrition, education and health care and other programs. A summary of the American Families Plan indicates that high capital gains taxes would not apply to family farms and small businesses that are bequeathed to heirs who continue to run them, but critics say the carve-out could be difficult to execute given the details of inheritance. In addition to ending stepped-up basis, Biden's tax proposals include raising the highest income tax rate for families making more than \$400,000 annually and adjusting the capital gains rate to that level as well as a health care surcharge for families making more than \$1 million annually.

LAWMAKERS CONCERNED OVER ENHANCED UNEMPLOYMENT BENEFITS

For many Marketers, concerns over whether enhanced unemployment benefits are making it more difficult for businesses to get employees back to work are nothing new. This week, the issue gained fresh attention following the Bureau of Labor Statistics' release of the April jobs report which reflected surprisingly disappointing job growth numbers.

On Tuesday, a coalition of nine GOP Senators, led by Senator Roger Marshall (R-KS), introduced the Get Americans Back to Work Act. Identical legislation was also introduced in the House on the same day. Spanning just two pages, the Get Americans Back to Work Act is as straight forward as legislative proposals come. Starting on May 31, 2021, it would decrease the amount that an individual can receive in additional federal unemployment benefits from \$300 per week to \$150 per week. It would then completely eliminate the enhanced benefits as of June 30, 2021. As things currently stand after the passage of the last COVID relief package, the \$300 per week federal enhanced unemployment benefits are set to continue through September 6, 2021 though eleven states have announced that they will stop participating in the federal program before that date.

Also, this week, Senator Ben Sasse (R-NE), introduced the National Signing Bonus Act. Under Senator Sasse's proposal, individuals who start a new job by July 4 and continue in that position would be eligible for a federally funded signing

bonus (paid out across multiple payments) equal to roughly two months of what they would have gotten through expanded unemployment benefits had they remained unemployed. The idea behind this proposal is to replace the last two months of enhanced unemployment benefits with a signing bonus for workers who might be financially unmotivated to return to work before the program ends in September.

While the White House has denied that enhanced unemployment benefits are the driving force behind the poor April jobs numbers, the data and developments on Capitol Hill did prompt a series of actions from the Administration. On Monday, the White House issued a Fact Sheet announcing, "Additional Steps to Help Americans Return to Work." Of note, as part of these initiatives, the President directed the Secretary of Labor to work with states to reinstate their work search requirements. As a matter of background, the federal enhanced unemployment benefits were first introduced as part of the Families First Coronavirus Response Act (FFCRA) which President Trump signed into law on March 18, 2020.

Under the FFCRA, in order to participate in the federal program to receive these enhanced benefits, states were required to waive their standard unemployment rules that would have required individuals to be actively searching for work in order to qualify for benefits. This federal condition has since been lifted and more than half of the states (29 to be exact) have reinstated their work search requirements. The idea behind the Administration's push for all states to follow suit is that this will eliminate a worker's ability to choose between taking a job that is available to them and continuing to receive enhanced unemployment benefits. With work search requirements, only those employees who genuinely cannot find suitable employment would be eligible for any unemployment benefits, including the enhanced federal benefits.

HOUSE POISED TO PASS PREGNANT WORKERS FAIRNESS ACT

Today, the House is expected to pass the Pregnant Workers Fairness Act (H.R. 1065). The bill is co-sponsored in the House by 208 Democrats and 20 Republicans.

If it becomes law, the Pregnant Workers Fairness Act would apply to all public employers and private employers with 15 or more employees. These employers would be required to provide reasonable accommodations to any employee or job applicant who might need an accommodation due to pregnancy, childbirth or a related medical condition. Under the new law, employers would be prohibited from requiring employees to take leave (paid or unpaid) instead of being provided with an accommodation. Employers would only be excused from providing an accommodation if they can establish that doing so would impose an undue hardship (as defined by law). The Pregnant Workers Fairness Act would also prohibit employers from refusing to hire or otherwise denying opportunities to any individuals because they may need a pregnancy or childbirth related accommodation. For businesses that operate in jurisdictions with more rigorous state and local employment laws – the provisions of the Pregnant Workers Fairness Act may sound familiar as many states and localities have already enacted similar statutes.

The level of support for the bill in the Senate is not entirely clear. However, a Senate version of the Pregnant Workers Fairness Act was recently introduced by Senators Bob Casey (D-PA), Bill Cassidy (R-LA), Jeanne Shaheen (D-NH), Tina Smith (D-MN), Shelley Moore Capito (R-WV) and Lisa Murkowski (R-AK). Assuming that Senators Cassidy, Capito and Murkowski support the House version of the bill and no Democrats defect, the bill is already close to having the votes it would need for passage in the Senate. President Biden supports the bill.

CONGRESSIONAL UPDATE

On Wednesday, President Biden and Vice President Harris held infrastructure discussions with the "big four" Congressional leaders: Speaker Nancy Pelosi (D-CA), Senate Majority Leader Chuck Schumer (D-NY), House Minority Leader Kevin McCarthy (R-CA), and Senate Minority Leader Mitch McConnell (R-KY). Republican leadership reiterated their opposition to using tax increases to pay for infrastructure, and also pushed back on the \$170 billion the White House has proposed to support the EV industry. The Congressional leaders and the White House agreed to keep talking, though President Biden's goal of seeing "progress" on infrastructure before Memorial Day seems unlikely at this point.

The bipartisan conversations continued on Thursday, when President Biden and Vice President Harris held infrastructure discussions with Commerce Secretary Gina Raimondo, Transportation Secretary Pete Buttigieg, and Sens. Shelley Moore Capito (R-WV), John Barrasso (R-WY), Roy Blunt (R-MO), Mike Crapo (R-ID), Pat Toomey (R-PA), and Roger Wicker (R-MS).

Meanwhile in the House, Transportation and Infrastructure Chairman Peter DeFazio (D-OR) said that his draft surface transportation reauthorization legislation would be similar to legislation introduced in the 116th Congress and would be released soon. House Republicans are also planning to release a draft infrastructure framework in the next few weeks. In the Senate, Finance Committee Chairman Ron Wyden (D-OR) said his committee would soon consider legislation that would simplify the tax code by consolidating energy tax credits.

REGULATORY ALERT: IRS DYED FUEL WAIVER IN RESPONSE TO COLONIAL PIPELINE CLOSURE

The Internal Revenue Service announced this week that it will not impose a penalty when dyed diesel fuel is sold for use or used on the highway in the States of Alabama, Delaware, Georgia, Florida, Louisiana, Maryland, Mississippi, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and the District of Columbia. The IRS is issuing the waiver in response to the Colonial Pipeline closure.

This relief is retroactive to May 7, 2021 and will remain in effect through May 21, 2021.

This penalty relief is available to any person that sells or uses dyed diesel fuel for highway use. In the case of the operator of the vehicle in which the dyed diesel fuel is used, the relief is available only if the operator or the person selling such fuel pays the tax of 24.4 cents per gallon that is normally applied to diesel fuel for highway use.

The IRS will not impose penalties for failure to make semimonthly deposits of this tax. [IRS Publication 510](#), Excise Taxes, has information on the proper method for reporting and paying the tax.

Ordinarily, dyed diesel fuel is not taxed, because it is sold for uses exempt from excise tax, such as to farmers for farming purposes, for home heating use, and to local governments.

The IRS is closely monitoring the situation and will provide additional relief, as necessary.

EMA Contact: Mark S. Morgan, Regulatory Counsel mmorgan@emamerica.org.

EMLI (PMLI) REGISTRATION IS OPEN NOW

We are excited to announce that registration is open for the Energy Marketers Leadership Institute (EMLI)!

EMLI is new and improved and is designed to make it easier and more affordable for WPMA members to attend. The EMLI programs will be delivered online via Zoom video conference and will include breakout rooms so that the leaders who are attending can interact and learn together.

Special thanks to Lea McCullough for her leadership in working with Meridian to design and deliver the EMLI programs. For more information on how to register go to: <https://emamasters.com/energy-marketers-leadership-institute/>

WPMA COVID-19 - CRITICAL REFERENCES FOR MEMBERS

Please visit our web site for up-to-date information related to your business and the COVID-19 pandemic. You will find the link on our home page at www.wpma.com.

MEMBERS AND ASSOCIATES - YOU CAN CONTRIBUTE!

WPMA welcomes industry-related articles for publication in the WPMA News magazine. All members and associate members of WPMA are eligible to submit items for publication. Articles will be included as space allows, and no self-promoting articles or editorials will be accepted. WPMA reserves the right to edit and make adaption of such contributions to accommodate the magazine's space and style. Please submit articles or content to Jan Roothoff, WPMA Administration/IT Director at janr@wpma.com, or mail to Jan Roothoff, Western Petroleum Marketers Association, PO Box 571500, Murray, UT 84157-1500. Submissions for the Winter edition of WPMA News magazine are due before November 1st. Later submissions will be considered for the Spring issue.

MARK YOUR CALENDARS FOR UPCOMING EVENTS

June 7-9, 2021 - Montana (MPMCSA) Convention -Fairmont Hot Springs Resort - Fairmont, MT

June 21-24, 2021 - Washington (WIED) Convention - Suncadia Resort - Cle Elum, WA

June 24, 2021 - Utah (UPMRA) Summer Golf Classic - Bountiful Ridge GC - Bountiful, UT

July 25-27, 2021 - Oregon (OFA) Annual Conference - Sunriver Resort - Sunriver, OR

August 4-6, 2021 - Idaho (IPM&CSA) Convention - Sun Valley Resort - Sun Valley, ID

August 23-25, 2021 - New Mexico (NMPMA) Convention - Sandia Resort & Casino - Albuquerque, NM

September 15-17, 2021 - Utah (UPMRA) Convention - Sheraton Park City Hotel - Park City, UT

February 22-24, 2022 – WPMA Convention & Expo – Mirage Hotel– Las Vegas, NV

Be sure to subscribe to all of our social channels for great tips, industry trends, and insider information about association activities and upcoming events!



Petro Pete: "I've only been wrong once, and that's when I thought I was wrong."

© 2021 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.

Classified Ads

EMPLOYMENT OPPORTUNITY

Controller / Accounting Manager, Burley, ID

Lynch Energy is looking for a driven, strategic leader to oversee general accounting operations and processes to ensure timely financial reporting. The Controller performs a critical function for our company, reconciling account balances and bank statements, processing payroll, maintaining general ledger, and preparing month-end close procedures, and reports directly to the CFO. A successful Controller combines excellent analytical skills with a thorough knowledge of accounting principles to analyze financial reports and forecasts, collaborating closely with senior management and office staff to accomplish company objectives.

Must Have Bachelor's Degree or higher in Accounting, Finance, or other relevant field, and 5+ years of experience in a position of leadership in Accounting. Salary \$75k-\$100k, commensurate with experience.

Contact Paul Cundick, HR Director for more information (Paul@lynchoilinc.com) or apply directly at LynchEnergyInc.com

EMPLOYMENT OPPORTUNITIES

Manufactures Rep Sales Agents Wanted

Southwest (California, Arizona, Nevada) and Rocky Mountain (Wyoming, Colorado, Utah, New Mexico) territories

Wilson/Rogers & Associates (www.WilsonRogers.com) is seeking **two** entrepreneurial-minded **Independent Agent / Manufacturers Representatives** to join our team! Agents will be responsible for promoting and supporting contractual manufacturers within the Petroleum Equipment Industry in the Southwestern US and Rocky Mountain regions. Agents will be responsible for maintaining existing clients while developing new relationships with key Distributors, Contractors, Engineers and End Users of equipment used for the safe storage, transfer, monitoring and dispensing of petroleum products and related fluids, as well as lighting solutions for such applications.

Ability to work independently out of a home-based office is required, as is the ability to travel approximately 50% of the time.

If you are an aggressive entrepreneur with a positive attitude and excellent social skills, consider joining our team today!

Please contact or submit resume to:

Steve Latimer

President

Wilson/Rogers & Associates

(206) 743-4592

Steve@WilsonRogers.com