

September 7, 2018

Visit us online at www.wpma.com

WP-09-07-18

ATTENTION NPM&CSA MEMBERS: FREE WEBINAR-FEDERAL UST UPGRADE DEADLINE

Are you ready for the October 13th Federal UST upgrade deadline? The Nevada Petroleum Marketers and Convenience Store Association is sponsoring a free webinar on Wednesday, September 19th from 10:00 a.m. to 11:00 a.m. PST to help prepare you for this.

To register go to: <https://register.gotowebinar.com/register/6515931699235033858>

For questions please call 775-622-9205

HOUSE REPUBLICANS RELEASE TAX REFORM 2.0 OUTLINE

Yesterday, House Republicans released a tax reform outline for the second round of tax cuts they plan to pass later this month. House Ways and Means Committee Chairman Kevin Brady (R-TX) released papers explaining the three central points of the new tax bill which are: to protect family tax cuts from last year's "Tax Cuts and Jobs Act," promote family savings, and grow brand new entrepreneurs. The new plan would make individual tax cuts and the \$10,000 cap on state and local tax (SALT) deductions permanent, while also expanding retirement savings options for small businesses and allowing start-ups to deduct more costs. Furthermore, tax reform 2.0 would eliminate the alternative minimum tax (AMT). Finally, the plan would include a new Universal Savings Account for families and a provision that would allow families to tap into their own retirement accounts without penalty after having or adopting a child.

There have been fierce debates on the bill between Republicans who want to pass the bill to campaign on tax cuts and Republicans from districts in liberal states who say the SALT write-off limit is unpopular with their voters. Despite the disagreement, Chairman Brady has said his panel will meet next week to discuss and potentially approve the new plan. House Speaker Paul Ryan (R-WI) has said the legislation will get a vote on the House floor before the end of September. If the legislation passes the House, it is unlikely to pass the Senate because supporters of the bill will need at least nine Senate Democrats to support the measure.

JOINT EMPLOYER TRADEMARK PROTECTION BILL INTRODUCED

On Tuesday, Rep. Steve Chabot (R-OH) and Rep. Henry Cuellar (D-TX) introduced H.R. 6695, the "Trademark Licensing Protection Act of 2018," legislation that would bar franchisers from being classified as a joint employer if its actions enforce trademark protection standards. This change would shield franchisers from certain joint-employment lawsuits.

The bill would update the Trademark Act of 1946, clarifying that enforcing trademark standards is not establishing an employment relationship between the owner of the trademark and the related company.

PMAA and other business groups have been pushing Congress to rewrite the National Labor Relations Board (NLRB) standard for joint employment. Under President Obama, the Board ruled that franchisers need exercise only indirect control over franchisees to be held liable.

In March, the NLRB voted to vacate a December 2017 decision, Hy-Brand Industrial Contractors, Ltd. and Brandt Construction Co., which overturned the 2015 ruling that made it easier to hold companies liable for labor violations committed by their franchisees or contractors.

The December determination found that to be classified a "joint employer," a business must have a direct and immediate control over the employees in question. Browning-Ferris, issued under President Obama, said a business could be classified a joint employer even if its relationship to the employees in question were indirect.

Now the Browning-Ferris standard is back in place, making it easier for employers to be found jointly liable over a particular employee. The reason the ruling was vacated is because NLRB Board member William Emanuel's former law firm had represented a party to the original Browning-Ferris decision and William should have recused himself from the case.

Late last year, the House passed the "Save Local Business Act," which would reverse the NLRB 2015 Browning-Ferris decision by narrowing the circumstances under which businesses can be classified a joint employer. Under Browning-Ferris, companies that exert only "indirect" control over franchisees may still be joint employers. The bill would revert to a standard of "direct" control. Following last year's finding, the legislation was not considered necessary except to prevent a future Democratic NLRB from switching the ruling back sometime in the future.

FERC EXPEDITES REVIEWS OF LNG EXPORT PROJECTS

House Passes Bill to Expedite Approval for LNG Applications

Last Friday, the Federal Energy Regulatory Commission (FERC) issued updated schedules for the environmental review of twelve liquified natural gas (LNG) export projects, six of which are in the state of Texas. Many of these environmental reviews can take several months to complete, which has drawn criticism. FERC has been facing a backlog of permit applications, with some project approvals being delayed up to a year and a half.

FERC says it has sped up the timeline for environmental review by making several bureaucratic changes, including the hiring of an outside contractor to assist FERC staff, and reaching an agreement with the Pipeline and Hazardous Materials Safety Administration (PHMSA) to work together on the review of LNG projects. In a statement, FERC Chairman Kevin McIntyre said that the "commission has made significant strides in streamlining our regulatory processes to adapt to the increasing number, and greater complexity, of the LNG applications we have received," McIntyre further stated that "these process improvements have shortened projected environmental schedules in some cases by 9 to 12 months."

Additionally, on Thursday, the House passed H.R. 4606, the "Ensuring Small Scale LNG Certainty and Access Act," by a vote of 260-146. 223 Republicans and 37 Democrats voted for the bill, while 3 Republicans and 143 Democrats voted against the bill.

Introduced by Rep. Bill Johnson (R-OH) in December of last year, H.R. 4606 expedites the approval process for applications to import and export small quantities of natural gas that qualify for a categorical exclusion under the National Environmental Policy Act (NEPA). Specifically, the legislation would require the Department of Energy (DOE) to approve any application to export or import less than 0.14 billion cubic feet of natural gas per day to or from any country with which the U.S. does not have an applicable free trade agreement.

PLAN TO ATTEND THE 2019 WPMAEXPO

WPMAEXPO

Mark your calendars for February 19-21, 2019. Make plans now to attend the 2019 WPMAEXPO. It will be held once again at the Mirage in Las Vegas, Nevada.

MARK YOUR CALENDARS FOR UPCOMING EVENTS

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

October 25, 2018 – Hawaii (HPMA) Golf Tournament – Hapuna Beach GC, Kamuela, HI

February 19-21, 2019 – WPMA Convention & Expo – Mirage Hotel– Las Vegas, NV

May 2-3, 2019 – Nevada (NPM&CSA) – Big Dogs – Las Vegas, NV

June 4-6, 2019 – Montana (MPMCSA) Convention – Location - TBA

June 17-20, 2019 – Washington (WOMA) Convention – Suncadia Resort, Cle Elum, WA

August 5-7, 2019 – Idaho (IPM&CSA) Convention – Sun Valley Resort, Sun Valley, ID

August 19-21, 2019 – New Mexico (NMPMA) Convention – Sandia Resort & Casino, Albuquerque, NM

September 11-13, 2019 – Utah (UPMRA) – Convention – Zermatt Resort, Midway, UT

WPMA MEMBER SERVICES



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: “*The trouble with doing something right the first time is that nobody appreciates how difficult it was.*”

© 2018 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.