

**BUSY LEGISLATIVE CALENDAR TO CONTINUE THIS FALL**

While this summer was one of the busiest legislative periods, especially for energy issues, in recent years, this fall is expected to be even busier. The 2015 fiscal year ends on September 30, meaning that if Congress does not pass a full appropriations bill or a short-term continuing resolution ("CR") by the end of the fiscal year, it will have another government shutdown on its hands. Congress also has a limited amount of time on the agenda given the Pope's visit in a few weeks and handling the Iranian nuclear deal.

Senate Majority Leader Mitch McConnell (R-KY) has stated that there will be no government shutdown; however, McConnell may face challenges from inside his own party in seeing this promise through. The funding (or defunding) of Planned Parenthood will continue to be a big issue in the appropriations debates.

Also looming on the horizon this fall are estimates from the Treasury Department that the country will hit the debt ceiling somewhere late in October or early November. There has yet to be much discussion about how Congress will handle this issue. As with the budget, McConnell has stated that Congress will act and the U.S. will not default on its debt. However, the partisan nature of debate around the debt ceiling will certainly line this up as another challenging issue for Congress to face this fall.

Regarding highway funding, it remains to be seen whether, amongst the many other high profile and partisan issues it will be facing, Congress will be able to come together on a long term highway plan or whether another short term patch will be in the works. (see article below on the highway trust fund).

Members of both parties have expressed an interest in passing a tax extenders package to create some semblance of tax certainty before the end of the year; however, it is not clear where the extender bill will be placed in the pecking order of issues for Congress to address this fall.

**HIGHWAY TRUST FUND TO STAY AFLOAT UNTIL JUNE 2016**

The Department of Transportation (DOT) indicated this week that the federal government is projected to run out of money for the Highway Trust Fund (HTF) in June 2016, six months later than previously projected. Congress will still have to pass a transportation spending bill by October 29 but this alleviates pressure to complete a long term funding bill right away.

Lawmakers cast the last extension in July as a stopgap on the road to a multiyear highway bill this fall, but the update from the DOT could lure lawmakers back to another temporary transportation spending and authorization patch through June 2016. A multi-year House transportation funding bill is expected to be introduced later this month.

Congress has been grappling since 2005 with a transportation funding shortfall that is estimated to be about \$16 billion per year, and it has not passed a transportation bill that lasts longer than two years in that span. Since 2009, Congress has pumped \$73 billion into the HTF from the General Treasury fund and other budgetary maneuvers given that the motor fuels excise tax is inadequate to maintain the HTF's solvency. Transportation advocates are pushing for a gas tax increase to pay for a long-term transportation bill, but House and Senate leadership in Congress have all but ruled out a tax hike.

**BILLS INTRODUCED TO COMBAT NLRB'S JOINT EMPLOYER DECISION**

Recently, the National Labor Relations Board's (NLRB) "joint employer" decision holds that a franchisor can be a "joint employer" if it indirectly controls the wages, hours and working conditions of the franchisee's employees. Although the decision does not impact a franchising agreement, there is concern that the concepts in the case could apply to franchisor-franchisee arrangements which could force many franchisees out of business.

Prior to the NLRB's "joint employer" decision, federal labor policies held that two separate employers are "joint employers" if both employers have direct and immediate control over employees working conditions, such as hiring and firing, setting work hours, issuing direction to employees, determining compensation, and handling day to day record keeping. However, the new standard adopted last month essentially said that a franchisor can be a "joint employer" if it has "unexercised potential" and/or indirectly controls wages, hours and working conditions of the franchisee's employees.

On Wednesday, Senator Lamar Alexander (R-TN), chairman of the Committee on Health, Education, Labor, and Pensions, and Rep. John Kline (R-MN), chairman of the Committee on Education and the Workforce, introduced the "Protecting Local Business Opportunity Act." The Act would restore the joint employer definition in the National Labor Relations Act that has protected small businesses and entrepreneurs for decades.

PMAA supports the legislation because it would stop the National Labor Relations Board (NLRB) from imposing a lower "joint employer" standard on your business.

### **HOUSE SUBCOMMITTEE PASSES BILL TO LIFT THE U.S. CRUDE OIL EXPORT BAN**

On Thursday, the House Energy and Power Subcommittee approved a bill to repeal the 40-year-old restrictions on crude oil exports by voice vote. The full committee is planning to hold a hearing next week.

The House Subcommittee vote comes after the Energy Information Administration's (EIA) report which found that U.S. gasoline prices would stay the same or may be slightly reduced by the removal of current restrictions on crude oil exports. Currently, petroleum product prices throughout the United States have a much stronger relationship to Brent prices than to WTI prices. The EIA claims that the elimination of current restrictions on crude oil exports will narrow the Brent-WTI spread by raising the WTI price.

Meanwhile, the Senate Energy and Commerce Committee approved Chairwoman Lisa Murkowski's (R-AK) bill to repeal limits on US crude exports in July, however, Senate Majority Leader Mitch McConnell (R-KY) will not bring a vote to the floor until he is sure he has 60 votes.

### **USDA AWARDS \$100 MILLION TO 21 STATES FOR E15 PUMPS**

This week, Agriculture Secretary Tom Vilsack announced the \$100 million Biofuel Infrastructure Partnership (BIP) will provide funding to 21 states for E15 infrastructure for 5,000 pumps at 1,400 gasoline retail stations. The states receiving these funds are: Colorado, Florida, Illinois, Indiana, Iowa, Kansas, Louisiana, Maryland, Michigan, Minnesota, Missouri, Nebraska, North Carolina, North Dakota, Ohio, Pennsylvania, South Dakota, Texas, Virginia, West Virginia and Wisconsin.

Unfortunately, this is not enough funding to incentivize petroleum marketers to make the needed investments to upgrade their existing underground storage tank (UST) system infrastructure to handle higher ethanol blends. While most of the funding is focused on blender pumps, the most critical portion in order to sell higher blends is upgrading the piping, glues, seals and gaskets which require breaking concrete that costs upwards of \$200,000 or more.

Moreover, there is no way UST owners can legally certify UST Systems as E15 compatible without an independent testing organization actually conducting tests. The traditional method for certifying compatibility is the Underwriters Laboratories' (UL) stamp of approval. Manufacturers submit their equipment to UL and pay UL for testing and certification. Most UST components currently in the ground went through the UL testing and certification process before being installed. The vast majority of the current dispensing systems in use are all certified by UL for E10 service. Unfortunately, UL has refused to recertify equipment already in the ground for E15 use. Equipment manufacturers have no incentive to pay UL to conduct further testing on equipment that they have already sold especially on components that they may know were never manufactured for exposure to higher blends of ethanol.

### **2016 WPMAEXPO - LAS VEGAS, NEVADA**



Mark your calendars for February 16-18, 2016. Make plans now to attend the 2016 WPMAEXPO. It will be held once again at the Mirage in Las Vegas, Nevada.

### **MARK YOUR CALENDARS FOR UPCOMING EVENTS**

**September 15-17, 2015** - Utah (UPMRA) Convention - Park City Marriott - Park City, Utah

**October 7, 2015** - Idaho (IPM&CSA) - PAC Golf Tournament - Boise Ranch Golf Course, Boise, Idaho

**February 16 - 18, 2016** - WPMA Convention & Expo - Mirage Hotel, Las Vegas, Nevada

**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

**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

**September 14-16, 2016** - Utah (UPMRA) Convention - DoubleTree Hotel by Hilton - Park City, Utah

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**Petro Pete: "I don't go to the gym. I like for things to work themselves out."**

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