

October 7, 2016

Visit us online at www.wpma.com

WP-10-07-16

SENATE INTRODUCES TWO BILLS TO COMBAT OVERTIME RULE

Late last Friday, Senate Committee on Small Business and Entrepreneurship Chairman Vitter (R-LA) introduced S. 3429, the "Small Business Survival from Disaster Act." The bill would delay the Department of Labor's (DOL) overtime rule by two years until December 2018. Vitter, when commenting on the bill, stated that the overtime rule is "the last thing Louisianans need as they pick up the pieces from last months' thousand-year flood disaster."

Also on Friday, Sen. Alexander (R-TN) introduced S. 3464 which would phase in the new overtime salary threshold over a five-year period. Sen. Alexander's bill would prohibit an increase to the exempt salary threshold in 2017, giving employers an opportunity to adjust to the new level while the Government Accountability Office studies the impact of the rule in its first year of implementation.

A House bill that would delay implementation of the overtime rule by six months was passed last week. The bill, introduced by Rep. Tim Walberg (R-MI), passed the House by a vote of 246-177, with 5 democrats voting in support.

PMAA continues to push for a fix to the overtime rule and supports legislation that would do so. Regrettably, President Obama has threatened to veto legislation that would make changes to the rule, including changes to the December 1, 2016 implementation date. Therefore, we urge members to prepare for implementation of the rule as it is currently scheduled.

DOT WEIGHING OPTIONS TO INCREASE VENDING OPTIONS AT REST STOPS

In a move that could significantly affect petroleum marketers and other small businesses located at intersections near rest stops, the Department of Transportation (DOT) has opened a public comment period to determine what constitutes a "vending machine," which products can be sold thru the machines and also what services can be provided at the rest stops. The questions come as vending machines and services at rest stops have become increasingly technologically advanced.

Earlier this year PMAA submitted comments to Federal Highway Administration (FHA) Administrator Gregory Nadeau requesting that the government refrain from approving proposals to use commercialized advertising on the right of way. PMAA also opposes the commercialization of rest stops on highways because commercialization would harm petroleum marketers and other small businesses at intersections near rest stops. Due to the convenient locations of rest stops for motorists, state-owned rest areas would establish virtual monopolies on the sale of services to travelers.

PLEASE DONATE TO THE FUEL RELIEF FUND

Fuel Saves Lives

Fuel Relief Fund (FRF) is a global, non-profit organization providing free fuel immediately after a major disaster and is the only NGO providing this service. It has responded to incidents including Hurricane Katrina, Hurricane Sandy, the earthquake in Haiti, Japan's earthquake and tsunami disaster, the major earthquake in Turkey, and most recently the earthquake in Ecuador.

Now the Fuel Relief Fund is on standby to deploy its Disaster Deployment Operations Team to the Southeast region of the United States. FRF's operational team secures fuel for the community, local agencies and their partners until the situation stabilizes.

The California Independent Oil Marketers Association (CIOMA) partners with, and is an active member of Fuel Relief Fund. Please help this worthy effort by joining Fuel Relief Fund as a member – allowing them to build their capacity and be ready to respond to crises of this scale in the future – including the current hurricane Matthew, on its way to Florida right now.

Donations are being requested from the petroleum and general community and can be made by clicking [here](http://fuelrelieffund.org/pledge) (<http://fuelrelieffund.org/pledge>).

You can also: TEXT +1 949-304-5338 to give via our secure Text-to-Give pay system. Simply type the amount you are giving in the text message (i.e. "100") - that's it!

EFFORTS TO LITIGATE AND ULTIMATELY REGULATE SUGAR ARE INCREASING

For years there have been attempts to sue manufacturers of food and drinks that have added sugar, and many attorneys believe these efforts will increase. Some would like to go even further in vilifying sugar by comparing to previous tobacco lawsuits and that companies of products with added sugar, especially those who market the products as being healthy, know the damage they are causing and are ripe for large class action lawsuits.

Recent suits against General Mills, Kellogg's, and Post foods allege that high levels of sugar are masked and focus on benefits that are negligible. In fact, in May the FDA issued guidance that "evaporated cane juice" should be called sugar on food labels. Many now question how far FDA will go in linking and hence regulating the added sugar which can lead to obesity and to diseases like diabetes and cardiovascular disease.

BIODIESEL BLENDER'S TAX CREDIT LEGISLATION

Late last year, Congress passed a tax extenders package that included the \$1 per-gallon biodiesel blender's tax credit. Maintaining the credit at the blender level was a huge victory for petroleum marketers because, like this year, there was a legislative push to move the biodiesel blender's credit to the production level. PMAA remains concerned with limited access to supply, blending logistics in the tax and dyed system and we are concerned that the credit would not be passed to consumers if moved to a production credit. PMAA actively lobbied Congress on this, particularly on behalf of heating oil dealers and their consumers who almost certainly would have experienced an increase in the price of heating oil.

PMAA opposes moving the blender's credit to the production level because it would effectively kill any below the rack biodiesel blending and subsequent savings to consumers. Leaving the biodiesel tax credit at the blender level will ensure that the fuel remains competitive in the marketplace. Petroleum marketers have legitimate concerns that much of the tax credit will be pocketed by producers and not passed on to marketers and consumers. In the current environment where biodiesel is not competitive with conventional diesel without the tax credit, it is essential that the credit be passed on to the consumer.

Recently, Rep. Diane Black (R-TN) introduced a bill that would extend the biodiesel credit through December 31, 2018. H.R. 5994, the "Biodiesel and Renewable Diesel Incentive Extension Act of 2016" would extend the credit that is set to expire at the end of this year and it would maintain the credit at the blender level. PMAA fully supports this legislation.

PMAA is fighting the continued push for a producers credit and continues to meet with Members of Congress to encourage support of a straight extension of the credit (like that in H.R. 5994) again, and to oppose all legislative efforts to move the tax credit to a producer level. Tax extender language may move when Congress returns to work following the November elections.

SOURCE NORTH AMERICA'S JEFF DZIERZANOWSKI TO SPEAK DURING PMAA'S FALL MEETING

Jeff Dzierzanowski is employed by Source North America Corporation, a PMAA Corporate Silver Partner. Source is one of the largest fueling equipment distributors in the United States. Jeff is a 32 year petroleum equipment veteran and is a recognized expert on fueling equipment and infrastructure compatibilities with biofuels. He has sat on various industries work groups and committees and currently sits on the board of directors for the Illinois Petroleum Marketers Association.

PMAA looks forward to Jeff's presentation to the Motors Fuel Committee.

FEDERATED INSURANCE'S WEBINAR: FLSA & FEDERAL EXEMPTIONS FROM OVERTIME REQUIREMENTS – HIRING PRACTICES ON OCTOBER 11 AT 1:00PM EDT

On October 11th, 2016, Federated is pleased to provide your members access to a complimentary hour long webinar hosted by Enquiron® titled "FLSA & Federal Exemptions from Overtime Requirements." This webinar will review the impact of the Final Rule on employers' ability to classify individuals as exempt from overtime requirements, as well as provide guidance concerning when individuals may be classified as exempt under the executive, administrative, professional, computer and outside sales exemptions based upon the requirements of the FLSA.

Advance Registration is required. A recorded version of the webinar will be available on federatedinsurance.com for 60 days approximately one week after the live session if you are interested, but unable to attend.

For additional information or to discuss this in further detail, please contact your Federated regional representative or PMAA's National Account Executive Jerry Leemkuil at 800.533.0472. Federated is a PMAA Corporate Platinum Partner.

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

December 8, 2016 – Washington (WOMA) Christmas Party – SAFECO Field – Seattle, Washington

February 21-23, 2017 – WPMA Convention & Expo – Mirage Hotel– Las Vegas, Nevada

March 1, 2017 – Utah (UPMRA) Day on Capitol Hill – Salt Lake City, Utah

May 18-19, 2017– Nevada (NPM&CSA) Big Dogs Shootout – TBD, Nevada

June 6-8, 2017 – Montana (MPMCSA) Convention – Northern Hotel – Billings, Montana

June 19-22, 2017 – Washington (WOMA) Convention – Suncadia Resort – Cle Elum, Washington

June 22, 2017 – Utah (UPMRA) Summer Classic PAC Golf Outing – TBD, Utah

August 2-4, 2017 – Idaho (IPM&CSA) Convention – Sun Valley Resort – Sun Valley, Idaho

August 21-23, 2017 – New Mexico (NMPMA) Convention – Sandia Resort – Albuquerque, New Mexico

September 13-15, 2017 – Utah (UPMRA) Convention – Zermatt Resort – Midway, Utah

June 18-21, 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

NPP WPMA MEMBER SERVICE

WPMA has partnered with NPP to provide members discounts on many products and services. NPP negotiates the rates, and makes them available to WPMA members. Membership with NPP is free, and there is no obligation to purchase.

Discounts through Verizon, Expedia, Fastenal, Cradlepoint, and more.

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

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: “I want to be something really scary for Halloween this year so I’m dressing up as a phone battery at 2%.”

© 2016 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.