

# HOUSE COMMITTEE ON TRANSPORTATION

April 04, 2003 Hearing Room 357

9:00 AM Tapes 66 - 69

**MEMBERS PRESENT:**       Rep. Alan Brown, Chair  
                                  Rep. Elizabeth Beyer, Vice-Chair  
                                  Rep. John Mabrey Vice-Chair  
                                  Rep. Jackie Dingfelder  
                                  Rep. George Gilman  
                                  Rep. Mitch Greenlick  
                                  Rep. Cliff Zauner

**STAFF PRESENT:**         Janet Adkins, Administrator  
                                  Ryan Sherlock, Assistant

**MEASURE/ISSUES HEARD:**       **HB 2217 – Public Hearing**  
  **HB 3510 – Public Hearing**  
  **HB 2749 – Public Hearing**

---

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

---

<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
<b>TAPE 66, A</b>		
003	Chair Brown	Calls the meeting to order at 9:06 a.m., and opens a public hearing on HB 2217.
<b><u>HB 2217 – PUBLIC HEARING</u></b>		
005	Janet Adkins	Committee Administrator. Offers a description of HB 2217.
025	Gregg Dal Ponte	Oregon Department of Transportation. Offers written testimony <b>(EXHIBIT A)</b> in support of HB 2217.
075	Rep. Greenlick	Asks if a farmer could come in prior to the harvest receive a level 1 inspection.
080	Dal Ponte	Indicates he will address that issue shortly, continues with testimony.
150	Dal Ponte	Addresses situation which occurred in Chair Brown's district.
180	Chair Brown	Thanks Mr. Dal Ponte for the professionalism he showed in handling the mentioned situation.
185	Rep. Mabrey	Asks how long the decals are valid for.
190	Dal Ponte	Explains that a decal is valid for a calendar quarter.
195	Rep. Mabrey	Asks what the intent of the decal is.
200	Dal Ponte	Discusses the intent of the decal system.
205	Rep. Mabrey	Poses a hypothetical situation, expressing concern with the safety inspection.
210	Dal Ponte	Discusses what would be needed to perform the inspection mentioned by Rep. Mabrey.
230	Andrew Eno	Federal Motor Carrier Safety Administration. Discusses the federal issues regarding such inspections.
240	Rep. Greenlick	Asks what the cost of such inspections would need to be to cover costs.

245	Dal Ponte	Explains that a level 1 inspection takes about thirty five minutes.
250	Rep. Greenlick	Clarifies the cost then would be around one hundred dollars.
255	Dal Ponte	Provides that one hundred dollars would be an accurate figure, but discusses the volume of the program.
280	Rep. Gilman	Asks what the agricultural society is supposed to think when the state adds regulations to a system that is already working.
290	Dal Ponte	Discusses the federal requirements, and possible loss of funding due to non compliance.
325	Rep. Greenlick	Indicates his support for the bill, but expresses concern for the agricultural community. Indicates his wish for a monitoring system to measure the affects of the bill on the agriculture industry.
345	Dal Ponte	Assures Rep. Greenlick that there will be sensitivity to the issue.
355	Rep. Zauner	Discusses situation in his district.
360	Chair Brown	Closes the Public hearing on HB 2217, and opens a public hearing on HB 3510.

**HB 3510 – PUBLIC HEARING**

365	Doug Tindal	Oregon Department of Transportation. Offers written testimony <b>(EXHIBIT B)</b> in opposition to HB 3510.
430	Janet Adkins	Committee Administrator. Asks if there is clarification for the verb “undertaken.”
440	Tindal	Discusses the term “undertaken” and its implications.
<b>TAPE 67, A</b>		
020	Andrea Fogue	League of Oregon Cities. Offers testimony regarding HB 3510.
050	Rep. Greenlick	Indicates his concern for the measure. Questions the cooperation issues involved.
065	Fogue	Discusses the issue of project priority.
075	Rep. Beyer	Asks if Ms. Fogue supports the bill or not.
080	Fogue	Discusses her groups perception of the bill, expressing concern for the fiscal constraints of local governments.
095	Bill Penhollow	Association of Oregon Counties. Offers testimony regarding HB 3510.
140	Rep. Zauner	Asks if Mr. Penhollow or Ms. Fogue support the bill.
142	Penhollow	Indicates his group supports the bill.
143	Fogue	Indicates her group supports the bill.
145	Chair Brown	Closes the public hearing on HB 3510, and opens a public hearing on HB 2749.

**HB 2749 – PUBLIC HEARING**

150	Rep. Miller	House District 37. Thanks Chair and the Committee for hearing the bill. Offer testimony in support of HB 2749. Expresses his trust in the people of Oregon to handle the responsibility of pumping their own fuels. Quotes and questions statute which indicates self service of fuel promotes criminal activity. Discusses the relevant safety issues, and weather patterns. Discusses gasoline pricing patterns. Points out the costs of labor.
-----	-------------	---

**TAPE 66, B**

010	Rep. Dingfelder	Thanks Rep. Miller for his testimony. Asks whether gas prices would decrease if self-serve were allowed.
015	Rep. Miller	Explains that the savings created by decreased costs, would be passed on to the customers.
035	Rep. Beyer	Asks why there is no referral to the voters.
040	Rep. Miller	Explains that he would not be adverse to a referral.
045	Rep. Zauner	Discusses his personal experience regarding self-service, and events concerning the terrorist attacks of 9/11.

065	Rep. Miller	Discusses the issues of safety and self-service.
075	Rep. Greenlick	Expresses concerns regarding the gender-gap regarding support of the bill.
080	Rep. Miller	Discusses the gender-gap issue.
100	Rep. Greenlick	Questions Rep. Miller's motives in the proposed age limit.
105	Rep. Miller	Confirms those concerns explaining HB 2749 is a "self-serving bill."
110	Rep. Dingfelder	Asks how some of the exemptions would be confirmed at the pump.
115	Rep. Miller	Explains the drivers license would be proof of age or other exemption issues.
120	Rep. Dingfelder	Expresses concerns for those who are exempt receiving the proper service.
150	Rep. Miller	Discusses the issues regarding exemptions and service.
160	Rep. Beyer	Points out the gender issue again.
175	Paul Romaine	Oregon Petroleum Marketers Association. Offers testimony in support of HB 2749. Provides statistics from a recent poll conducted by his group. Points out his groups historic opposition to self-service, but in light of recent cost concerns, expresses his group's support.
340	Rep. Zauner	Asks for the wording of the questions asked in the poll.
345	Rep. Dingfelder	Asks for a copy of the poll.
350	Romaine	Provides wording from the poll, and indicates he will get the data to the representatives.
395	Cliff Olson	Oregon Petroleum Marketers Association.
<b>TAPE 67, B</b>		
015	Larry Campbell	American Automobile Association. Offers written testimony <b>(EXHIBIT C)</b> in opposition to HB 2749. Provides statistics from a recent poll conducted by his group.
080	Howard Misner	Grange Co-op, Petroleum Operations Manager. Offers written testimony <b>(EXHIBIT D)</b> in support of HB 2749.
140	Rep. Beyer	Questions whether there would be savings created by self-service.
150	Misner	Explains the decrease in price to consumers would be small, but expresses concern for the increasing operational costs of running service stations in Oregon.
170	Rep. Zauner	Asks what the average cost for gasoline is at card-lock stations.
175	Misner	Discusses the difference in operational cost between card-lock and manned service stations, but points out the average cost at a card-lock is two cents less than that of a service station. Indicates the cost in southern Oregon is \$1.82.
200	Phyllis Rand	Governors Commission on Senior Services. Offers testimony in opposition to HB 2749. Describes her personal experience regarding self-service.
280	Lee Hazelwood	Senior Advocate. Offers testimony in opposition to HB 2749.
<b>TAPE 68, A</b>		
005	Rep. Greenlick	Asks who Mr. Hazelwood quoted in his testimony.
010	Hazelwood	Explains that the quote came from Wes Sullivan.
015	Rep. Greenlick	Asks if either witness would feel more comfortable with the bill if it were amended to impose sanctions on dealers if they do not provide service to those exempt in the bill.
020	Hazelwood	Indicates he would not be more comfortable with such a provision.
025	Rep. Zauner	Asks whether the witness would support increasing the number

		of card locks in the state.
030	Hazelwood	Discusses the costs at card lock stations.
040	Brent DeHart	Oregon Gasoline Dealers Association, President. Offers testimony regarding HB 2749. But references a poll his organization conducted which indicates his members are in support of self-service.
115	Chair Brown	Asks whether a station could have one island designated only to full service.
120	DeHart	Explains that such a situation would be feasible.
125	Rep. Greenlick	Asks if as the bill is written, would the dealers be able to save money.
130	DeHart	Discusses the cost to dealer implications of the bill.
140	Howard Fisher	West Linn, Oregon. Offers testimony in support of HB 2749.
305	Rep. Zauner	Points out that those organizations which provide fuel as a lost leader, would be able to lower their cost as well.
310	Fisher	Discusses the costs for the lost leader sellers.
325	Rep. Mabrey	Points out that he chooses to go to facilities which provide service. Asks whether there would be any difficulty in providing the service side while allowing self-serve.
340	Fisher	Discusses the implementation of the bill for independent dealers. Discusses the need for the independent dealer to use service as a draw, to offset costs.
<b>TAPE 69, A</b>		
005	Glenn Zirkle	Oregon Petroleum Marketers Association. Offers written testimony ( <b>EXHIBIT E</b> ) in support of HB 2749.
090	Janet Adkins	Enters into the record, submitted testimony from: Dan Reid ( <b>EXHIBIT F</b> ), Susan Freeman ( <b>EXHIBIT G</b> ), and William Carter ( <b>EXHIBIT H</b> ).
095	Debra	Vancouver, Washington. Offers testimony in support of HB 2749.
150	Chair Brown	Closes the public hearing on HB 2749, and adjourns the meeting at 11:31 p.m.
The following prepared testimony is submitted for the record without public testimony for HB 2749:		
	Brad Davis	Submits written testimony ( <b>EXHIBIT I</b> ).

### **EXHIBIT SUMMARY**

**A – HB 2217, written testimony, Gregg Dal Ponte, 2 pp.**  
**B – HB 3510, written testimony, Doug Tindal, 2 pp.**  
**C – HB 2749, written testimony, Larry Campbell, 2 pp.**  
**D – HB 2749, written testimony, Howard Misner, 2 pp.**  
**E – HB 2749, written testimony, Glenn Zirkle, 1 p.**  
**F – HB 2749, written testimony, Dan Reid, 2 pp.**  
**G – HB 2749, written testimony, Susan Freeman, 1 p.**  
**H – HB 2749, written testimony, William Carter, 1 p.**

### **Exhibit submitted outside of hearing:**

**I – HB 2749, written testimony, Brad Davis, 2 pp.**