

HOUSE COMMITTEE ON GENERAL GOVERNMENT

March 26, 1997 Hearing Room 50

1:00 P.M. Tapes 54 - 57

MEMBERS PRESENT:

Rep. Ken Strobeck, Chair

Rep. Dan Gardner, Vice-Chair

Rep. Jim Hill

Rep. Bob Montgomery

Rep. Kurt Schrader

Rep. Liz VanLeeuwen

Rep. Tom Whelan

STAFF PRESENT:

Jeri Chenelle, Administrator

Annetta Mullins, Administrative Support

MEASURE/ISSUES HEARD:

HB 2100 - Work Session

HB 3169 - 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.

| Tape/# | Speaker | Comments |
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| Tape 54, A | | |
| 003 | Chair Strobeck | Calls meeting to order at 1:08 p.m. and opens work session on HB 2100. |
| <u>HB 2100 - WORK SESSION</u> | | |
| 008 | Jeri Chenelle | Administrator, reviews provisions of HB 2100. |
| | | Notes the committee has the HB 2100-2 amendments (EXHIBIT A) which address the concerns of committee members about adjacent |

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| 011 | Chair Strobeck | properties. The amendment allows the survey to be omitted only when the property is being sold to an adjacent property owner and only when a lot line adjustment is approved by the local government. |
| 017 | Rep. Hill | MOTION: Moves to ADOPT HB 2100-2 amendments dated 03/04/97. |
| 019 | | VOTE: 4-0 EXCUSED: 3 - Rep. Gardner, Schrader and VanLeeuwen |
| | Chair | Hearing no objection, declares the motion CARRIED. |
| 020 | Rep. Hill | MOTION: Moves HB 2100 to the floor with a DO PASS AS AMENDED recommendation. |
| | | VOTE: 5-0 EXCUSED: 2 - Rep. Schrader and VanLeeuwen |
| | Chair | Hearing no objection, declares the motion CARRIED. REP. HILL will lead discussion on the floor. |
| 031 | Chair Strobeck | Closes work session on HB 2100 and opens the public hearing on HB 3169. |
| <u>HB 3169 - PUBLIC HEARING</u> | | |
| 034 | Chair Strobeck | Explains why he introduced HB 3169. |
| 081 | Chair Strobeck | Continues explanation. |
| 115 | Chair Strobeck | Continues explanation. |
| 138 | Chair Strobeck | Asks witnesses to comment in a constructive manner on the issues in the bill and informs the audience that invited testimony will be heard first and will be followed by others who have signed up to testify. |
| 152 | Tom Gallagher | Representing himself, testifies in a neutral position on HB 3169 giving history of statutes and explanation of provisions of the bill (EXHIBIT A). |
| 200 | Gallagher | Continues presentation. |
| 250 | Gallagher | Continues presentation. |
| 280 | Gallagher | Reviews provisions of HB 3169: |
| | | * every station must have attendant |
| | | * could not charge a lower price for self-serve gasoline |
| 312 | | * new technology allows someone to use their card, pump their own gas, and drive out |
| | | * gives equal access to those who do and do not want to pump their |

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| | | own gasoline |
| 326 | | * argument will be that this will be a movement by the oil industry toward self-serve gasoline as seen in California |
| | | * passage of this statute would remove the single biggest reason to change the Oregon statute |
| 365 | Rep. Whelan | Comments on situation in Washington where four people burned up and asked what the fire statistics are in other states. |
| 371 | Gallagher | Responds he has checked with two insurance representatives about liability insurance and the response is there is no difference, and that the insurance industry does not perceive there is an additional risk. Adds that under HB 3169 there will always be an attendant on the island which is not the case with cardlocks, and that given the elements of human error, accidents can happen, but safety has not been a problem in other states. |
| 391 | Dale Brown | Boring, Oregon, and President 1 Million Oregonians Against Pumping Gas, introduces his wife, Louise, and testifies in opposition to HB 3169. |
| TAPE 55, A | | |
| 006 | Brown | Asks Chair Strobeck a series of questions: |
| | | * how many people will lose their jobs |
| | | * does not believe this should be called a public hearing |
| | | * whether half the pumps will be self-serve and whether self serve would be required |
| 027 | | * if there will be an attendant who will pump gas |
| 065 | Brown | States reasons for opposing HB 3169: * Displays petition with 3,000 signatures of individuals who do not want self-serve gas, and submits sample of letters (50) for the record (EXHIBIT B) . |
| | | * 98 percent of people don't want to pump gas--all over Oregon and in 20 states; with the bill, half of the pumps will be taken out of commission for the ladies, elderly and the handicapped. |
| 091 | | * would have to pump gas in dress clothes |
| 099 | | * adverse weather condition |
| | | * loss of about 3,000 jobs |
| | | * nobody is supervising safety |
| | | * attendant is supposed to be helping somebody in one area, but will have to leave and help a customer with a credit card jam |
| | | * self-serve will be closest to the station; doesn't like the idea |
| | | * does not like to have to go in to pay |
| 131 | | * asks if there is age limit; anybody can pump including an 8 or 10 year old |

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| | | * anybody will be able to pump without training |
| 144 | | * people may have a liability if a fire starts or someone trips over the hose |
| 155 | | * the Oregon tradition would be thrown out |
| | | * requirement there not be an extra charge is probably not legal and believes it will be challenged in court and thrown out; small stations will be forced out of business |
| 172 | | * shows picture of grandmother in Washington pumping gas; Oregon law requires pumping for disabled |
| 184 | | * disabled veteran drove to Ohio and only one station pumped for him during the trip |
| | | * displays sign of prices in San Diego; asserts HB 3169 is the first step to self-serve |
| | | Issues discussed: |
| 220 | | * membership of organization |
| | | * whether self-serve gas is faster |
| 245 | Rep. Montgomery | "I MAY NEED TO DECLARE A CONFLICT OF INTEREST BECAUSE I AM THE 1,000,001 MEMBER OF THE ORGANIZATION." |
| 254 | Chair Strobeck | Comments that illustrations such as Mr. Brown's have prompted the bill be drafted to avoid the situations, and compliments Mr. Brown for his good observation that the attendant would not be required to pump gas as the bill is written. |
| 258 | Patrick Rogers | Oregon Paralyzed Veterans of America, testifies in opposition to HB 3169 (EXHIBIT J), and asks what would happen at stations with one pump of each grade. |
| 285 | Chair Strobeck | Responds it was intended to mean if there is a single island, it would have to be attended. |
| 306 | Rogers | Reviews portions of statement on pricing (EXHIBIT J). |
| 332 | Rep. Hill | Asks if Mr. Rogers is advocating a two-tier pricing system. |
| | Rogers | Responds that seven states have the issue in courts and the courts have ruled, two prices, two services. |
| 329 | Rogers | Comments the disabled community would like to have had some input and discussion on drafting the bill, and notes that ORS 418.315 gets rid of the reference to the Americans with Disabilities Act (ADA). |
| 360 | Rogers | Comments alternative for some loss of jobs would be state aid. |
| 377 | Rogers | Continues presentation on accessibility (EXHIBIT J). |
| 388 | Rep. Hill | Asks if stations accommodate the handicapped today and whether they would be accommodated in the future. |
| | Rogers | Responds that in other states, if no one was with him or unless he was willing to pay exorbitant prices, he would not be able to travel. |
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| 400 | Rogers | Comments HB 3169 is nothing more than "letting the camel get its nose under the tent." |
| TAPE 54, B | | |
| 003 | Rep. Montgomery | Asks how many members the Oregon Paralyzed Veterans of America has. |
| 004 | Rogers | Responds approximately 370 of the 470 members are disabled veterans. |
| 007 | Mike Sherlock | Oregon Gasoline Dealers Association, testifies in support of HB 3169 (EXHIBIT D) . |
| | | Responds to points of Mr. Brown `s testimony. |
| 085 | | * small station with one island has and will continue to have attendant |
| | | * there is no difference in service speed at self-service than attended service, except person who is in a hurry has to wait their turn in line |
| 100 | Chair Strobeck | Asks if Mr. Sherlock represents independent station owners, and not the major oil companies. |
| | Sherlock | Responds that their organization has other arguments with the major oil companies and believes the oil companies are neutral on the concept of self-serve because they believe they will sell the same amount of gasoline. |
| 118 | Rep. Gardner | Notes there are large stations where up to fifty percent of the work force could be laid off. |
| | Sherlock | Agrees there would be layoffs if there are multiple islands. |
| 131 | Rep. Gardner | Asks Mr. Sherlock if they would support a safety training statute. |
| 132 | Sherlock | Responds they would not have a problem with it. |
| 133 | Rep. Hill | Asks Mr. Sherlock for his opinion on the constitutionality of two tier fuel pricing for attended/unattended service. |
| 138 | Sherlock | Responds he is not an attorney and would hesitate to respond. |
| 140 | Rep. Hill | Asks Mr. Sherlock what his personal opinion is on a two-tier pricing system. |
| 140 | Sherlock | Responds they would prefer to see a two-tier pricing system. |
| 142 | Rep. Hill | Asks if they would object to putting in affirmative language relating to disabilities and the responsibility of the station to serve the needs. |
| | Sherlock | Responds they would have no problem, and adds that previous bills submitted have included that type of language and would provide the language as a model if the committee wishes. |
| 144 | Rep. Schrader | Asks where the benefit would be for the dealers. |
| | Sherlock | Responds it would allow people to not be inconvenienced, and in those cases where there are split islands, those people would be benefited. |
| 160 | Rep. Schrader | Asks what happens if a person pulls into the wrong island. |
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| | Sherlock | Comments they realize it could be a problem, but not after the initial confusion. |
| 190 | Sen. Randy Miller | Testifies in support of HB 3169. |
| | | * would not be bad to let the market work its will |
| | | * asks what the compelling state interest is to prevent competent citizens from pumping their own gas as they do in 48 other states |
| | | * should safeguard those who want to be served, but we have forgotten about those who want the freedom to engage in a very safe uncomplicated activity |
| 240 | Rep. Montgomery | Asks Mr. Sherlock if next session he and his organization will not be back, should this bill happen to pass, requesting any changes in the bill. |
| 242 | Sherlock | Responds he cannot promise that. |
| | Rep. Hill | Asks why there are no full service islands any more. |
| 250 | Sherlock | Responds he thinks it comes down to a matter of most people who buy gas are very interested in the price, and tend to move toward the lower priced gas whether it is for a cash discount or low level of service. |
| 269 | Rep. Hill | Asks if the businesses are market driven in terms of service levels, or if it is just a niche market. |
| 273 | Sherlock | Responds he believes it is a niche market; there are some people who are absolutely concerned about price and do not care about service level, and other people will choose the higher service level over the lower price. |
| 276 | George DeHart | Oregon Gasoline Dealers Association, testifies in support of HB 3169 (EXHIBIT C) . |
| 330 | DeHart | Continues presentation. |
| 380 | DeHart | Continues presentation. |
| 420 | DeHart | Continues presentation |
| TAPE 55, B | | |
| 023 | Rep. Gardner | Asks if the gasoline prices have not also gone up in the last eight years. |
| 028 | DeHart | Responds gasoline prices have gone up, but the gross profits have not gone up. |
| 036 | John Glascock | American Association of Retired Persons (AARP), testifies in opposition to HB 3169 (EXHIBIT E) . |
| 085 | Glascock | Continues presentation. |
| 117 | Glascock | Continues presentation. |
| 170 | Jim Davis | Oregon State Council of Senior Citizens, United Seniors of Oregon, Grey Panthers, and the Coalition for Seniors and People with Disabilities, testifies in opposition to HB 3169. |
| | | * most ideal version is already in statute |
| | | * won't be long before price cap is lifted, full service becomes more |

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| | | limited, and there will be a full-blown self-service system |
| 203 | | * self-service proposals have been opposed for a number of reasons: price caps could be lifted, self-service can be difficult for those who suffer from chronic health problems, and those who may have grandchildren in the car |
| | | * concern with current system where people are forced to get out of car and this would complicate situation |
| | | * concern with struggling with heavy gas pumps and reeking of stench for hours |
| | | * safety hazards |
| | | * environmental hazards |
| 212 | | * concern with loss of jobs |
| | | Issues discussed |
| 227 | | * whether AARP advocates repeal of self-service in other states |
| 248 | | * whether there is information on rates of related health problems in other states |
| 259 | Davis | Advises members he will submit information previously received by AARP on health-related problems. |
| 252 | Jerry Blanche | Union County resident, testifies in support of HB 3169 (EXHIBIT F) |
| 300 | Blanche | Continues presentation. |
| 350 | Blanche | Continues presentation. |
| 400 | Blanche | Continues presentation. |
| TAPE 56, A | | |
| 020 | Eugene Organ | Executive Director, Oregon Disabilities Commission, and speaking for the State Independent Living Council, testifies in opposition to HB 3169 (EXHIBIT G): |
| | | * proposed legislation is economic issue; service stations must cut their costs in order to stay in business |
| | | * there is agreement there are problems with service in California; those with a disability placard cannot always get someone to pump your gasoline |
| | | * there is no enforcement power in California; in Oregon there would have to be a guarantee of enforcement |
| | | * commission's counterpart in Michigan developed a listing of all service station where the disabled could get gas |
| | | * Oregon has a good system |
| | | Issues discussed |
| 077 | | * whether California law requires one island be attended |
| | | * California requirement that those with disabled placards be served |
| 095 | Rep. Hill | Asks if Mr. Organ's concern would be eliminated by tightening the |

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| | | language so someone is attending the island. |
| 095 | Organ | Replies it would not, and adds he is not sure the legislature is not going to have to sit down and take a close look at service stations and gasoline in Oregon because we do not have a state-wide transportation system and are not likely to have such a thing in the near future, yet there are remote areas of the state that cannot support a gas station with current prices of gasoline and the price of doing business. |
| 105 | Chair Strobeck | Comments that members of a group similar to the commission said they do not mind if people pump their own gas, but they do not want to be forced to, and asked what kind of a bill could be drafted that would allow those who want to have the ability to pump their own gas. |
| 120 | Organ | Responds he believes this bill comes closer than those in the past, but the issue is those with disabilities do not want to be forced to pay a higher price down the road. |
| 130 | Chair Strobeck | Comments he understand the concerns and that is why the bill requires an attendant and there would be no difference in price. |
| 138 | Organ | Adds he believes there may need to be clarifying language and there has to be some enforcement system. |
| 145 | Chair Strobeck | Adds that he attempted to address the issue of those who sometimes may not want to pump their own gas; it is an issue of choice, and understands that the handicapped does not want to be forced out of the vehicle. |
| 156 | Organ | Comments there is also the issue of accessibility because there are people with disabilities who probably would pump their own gas if the station were accessible. |
| 156 | Rep. Hill | Asks if Mr. Organ would work with the committee to come up with affirmative language regarding disabilities. |
| 168 | Organ | Responds he will work with the committee. |
| 164 | Jennifer A. Webber | Executive Director, Commission for Women, testifies in a neutral position on HB 3169 (EXHIBIT H). |
| 195 | Organ | Comments the handicapped in other states are envious of what we have here. |
| | | Issues discussed: |
| 213 | | * whether a 15-year old with a permit would be capable of dispensing fuel |
| 240 | Nate Davis | Vice-president, Oregon State Council of Senior Citizens, and member of the Salem Grey Panthers, testifies in opposition to HB 3169: |
| | | * of 180 signatures in neighborhood, only three said they would like to have self-service because of time; others indicated Oregon has a good thing and want they want to keep it that way |
| | | * raised question of health |
| | | * still convinced Oregon is best state |
| | | * when driving in California, you have rubber sleeve that goes over the |

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| | | nozzle and it is frustrating to get it in right, then you must go in and pay for the gas |
| 290 | Candace Gottenberg | Governor's Commission on Senior Services, testifies in opposition to HB 3169 (EXHIBIT I). |
| 364 | Chair Strobeck | Asks if there is anyway that the law can be changed to provide self-service and still have the ability to have attended service. |
| | Gottenberg | Replies the only way would be to attach it to the constitution so it could not be changed in the future and the constitution is not meant for this kind of legislation. The commission's concern is that HB 3169 is a step in the door. |
| 3963 | Ruth McEwen | Co-Chair, Advocacy Coalition for Seniors and People with Disabilities, testifies in opposition to HB 3169: |
| | | * those who would lose their jobs are people with families |
| | | * fiscal analysis is not available; human needs fall back on human services and there is impact on state |
| | | * asks if industry is willing to get people in other jobs, to relocate them or work with the families |
| | | * measure does not provide for stations to retrofit their facilities so people can get in to pay |
| 461 | | * tells of experiences in Colorado and advocates that there must be a system where people with disabilities can pay for the services other than getting out and going in |
| TAPE 57, A | | Was surprised when read HB 3169 |
| 027 | Louise Brown | Testifies in opposition to HB 3169: |
| | | * friend in Kansas City said they were promised cheaper gas |
| | | * HB 3169 does not say there will be cheaper gas |
| | | * asks that members make note of the AARP membership of 400,000 |
| | | * guarantees are not in HB 3169 that any authority will keep service for the people who want their gas pumped |
| | | * some cards do not work, it is difficult to read the directions, and one must have the right card |
| 075 | Doug Clove | Testifies in support of HB 3169: |
| | | * does not care what the oil or gas companies think |
| | | * wants a choice to pump own gas; it is much quicker and convenient to pump your own |
| | | * has seen people in Oregon pump their own gas rather than wait |
| | | * great analogy is bagging your own groceries |
| 094 | | * has talked to a lot of people and most would agree with the bill; the one objection was there should be someone to pump the gas for the disabled |

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| | | * on safety issues, feels safer pumping own gas |
| 111 | | * would not mind pumping gas in a suit |
| | | * just wants freedom of choice |
| 120 | Karla Leary | Lake Oswego, testifies in support of HB 3169: |
| | | * smart gas station owner would recognize and offer the disabled or senior groups great service; other stations would have to do the same or close their doors |
| | | * suggest those in opposition let their dollars talk and go to the stations where they are going to get service |
| 162 | Dale Brown | Adds comments in opposition to HB 3169: |
| | | * under self-service there is no choice |
| | | * drove through three states in two weeks and did not find one station that would pump gas |
| | | * will not buy any kind of self-service item |
| | | * had expected the room to be filled with people wanting to pump their own gas; the people opposed represent about one-half million people |
| 169 | Chair Strobeck | Adjourns meeting at 3:38 p.m. |

Submitted By, Reviewed By,

Annetta Mullins, Jeri Chenelle,

Administrative Support Administrator

EXHIBIT SUMMARY

A - HB 3169, prepared statement, Tom Gallagher, 5 pp

B - HB 3169, sample letters, Dale Brown, 50 pp

C -HB 3169, prepared statement, George DeHart, 2 pp

D - HB 3169, prepared statement, Mike Sherlock, 1 p

E - HB 3169, prepared statement, John Glascock, 4 pp

F - HB 3169, prepared statement, Jerry Blanche, 3 pp

G - HB 3169, prepared statement, Eugene Organ, 2 pp

H - HB 3169, prepared statement, Jennifer Webber, 1 p

I - HB 3169, prepared statement, Candace Gottenberg, 4 pp

J - HB 3169, prepared statement, Patrick Rogers, 1 p