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SENATE COMMITTEE ON BUSINESS, LAW, & GOVERNMENT

March 7, 1997 Hearing Room F

1:00 PM Tapes 87-89

MEMBERS PRESENT:

Sen. Randy Miller, Vice-Chair

Sen. Kate Brown

Sen. Gene Derfler

Sen. Randy Leonard

Sen. David Nelson

MEMBER EXCUSED: Sen. Neil Bryant, Chair

STAFF PRESENT:

Brian Krieg, Administrator

Vicki Champ, Administrative Support

MEASURE/ISSUES HEARD:

SB 526 Public Hearing

SB 524 Public Hearing and Work Session

SB 376 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
TAPE 87, A		
006	Vice-Chair Miller	Acting Chair. Opens meeting at 1:10 p.m. and opens public hearing on SB 524.
<u>SB 524</u> <u>PUBLIC</u> <u>HEARING</u>		
016	Vice-Chair Miller	States no one is available to speak on SB 524 at this time. Closes public hearing on SB 524 and opens public hearing on SB 526.
<u>SB 526</u> <u>PUBLIC</u> <u>HEARING</u>		
023	Carol Washburn	Presents (EXHIBIT A) as written testimony only.
024	Vice-Chair Miller	Explains intent and history of SB 526.
070	Vice-Chair Miller	Continues explanation of what SB 526 will do.
080	Sen. Leonard	Comments on section 1, section 7, subsection 7, section 8, section 9, section 10(b), section 13, and section 15. Comments on the people who dispense gas.
113	Vice-Chair Miller	Comments on dispensing flammable liquids. Understands concerns of protecting the elderly and disabled. States the prohibition remains in place.
121	Sen. Leonard	Comments on public safety.
126	Vice-Chair Miller	Reminds the audience that it is not appropriate to applaud or boo in this meeting.
151	Sen. Brown	Comments we do not have sales taxes as other states do. Asks about intention regarding the issue of self-service gas.
160	Vice-Chair Miller	Explains there would be no price distinction between those who serve themselves and those who receive full service.
174	Sen. Derfler	Asks about a related House Bill.
177	Vice-Chair Miller	Responds that the House Bill is more of a policy issue.
188	Dale Brown	President and Founder, One Million Oregonians Against Pumping Gas, Boring, Oregon. Opposes SB 526. States thousands of signatures have been collected by people who do not want self-serve gas.
		Explains most states which have self-serve gas do not have a full service

240	Brown	option. Explains he likes life in Oregon. States grandmothers should not pump gas.
290	Brown	Comments on crime related to self-service stations and price fixing.
310	Mrs. Brown	Opposes SB 526. Explains her Oregon experience.
346	Sen. Leonard	States there are worse measures in this session.
TAPE 88, A		
003	Nate Davis	Oregon State Council of Senior Citizens. Presents and reads (EXHIBIT B) in opposition to SB 526. Explains views of people he has spoken with on the issue.
041	Vice-Chair Miller	Asks if he is aware this does not repeal the prohibition on self-serve gas.
044	Davis	Comments on HB 3169 and subjects related to self-service.
075	Vice-Chair Miller	States his issues are more pertinent to HB 3169.
080	Sen. Leonard	Explains what SB 526 does cover. States SB 526 repeals the reasoning behind self-service, not the actual dispensing.
120	Diane Imel	Commissioner, Oregon State Disabilities Commission. Presents and reads (EXHIBIT C) in opposition to SB 526.
170	Eugene Organ	Executive Director, Oregon State Disabilities Commission. Presents and reads (EXHIBIT D) in opposition to SB 526.
180	Sen. Brown	Asks about keeping policy statements in the statutes.
205	Organ	States it makes sense in Oregon to have these policies.
217	Vice-Chair Miller	States the prohibition predated the policy statement. Asks what is uniquely adverse about Oregon's weather.
222	Organ	States the policy is nice and Oregon's weather is not as bad as in Minnesota.
245	Wilma Gritton	State Council of Senior Citizens. Opposes SB 526. Describes a recent trip she took through many states.
296	Gritton	Explains she used aprons to cover her clothes in order to keep her clothes from getting grimy. Explains there is increased potential for crime with self-service stations.
322	Ellie Jenny	Presents (EXHIBIT E) on behalf of Candace Gottenberg who could not attend the meeting. Opposes SB 526. States people should not be forced to self-serve gas.
399	Jenny	Explains experiences which relate to self-serving gas.
TAPE 89, A		
020	Louie Grimmer	Oregon Paralyzed Veterans of America, Salem, Oregon. Opposes SB 526. Explains a recent trip which was very difficult due to self-service gas.
	John	Oregon Chair, State Legislative Committee for American Association of Retired Persons. Opposes SB 526. Explains access is at issue if these

058	Glasscock	policies are repealed. Comments on SB 446 and SB 927 from the 1995 session. States SB 526 is not good public policy. Comments that 90% of people that are senior citizens prefer not to pump their own gas.
102	Vice-Chair Miller	States the bill that passed last session did not repeal prohibition of self-service gas.
109	Terry Brown	Oregon Paralyzed Veterans of America. Opposes SB 526. States SB 526 would repeal safeguards which are set in place for specific reasons. Discusses the dangers of bad weather.
154	Vice-Chair Miller	Explains what SB 526 does not cover. Asks if it is safe for the government to tell people they cannot pump their own gas.
198	Terry Brown	States citizens should not have a choice as to whether to pump their own gas or not.
214	Mike Sherlock	Oregon Gasoline Dealers Association. Presents and reads (EXHIBIT F) in support of SB 526. States in other states with inclement weather the citizens do very well with self-service stations.
264	Sherlock	Explains toxic fumes are inhaled by the customer whether or not they self-serve gas. States there is less spillage with people pumping their own gas.
290	Dale Brown	Rebuts Sherlock's statement that other states require stations to assist with pumping their gas. States if only one person is covering a station and they need to be at the register, there will not be assistance for disabled people.
316	Vice-Chair Miller	Closes public hearing on SB 526 and opens public hearing on SB 524.
<u>SB 524 PUBLIC HEARING</u>		
338	Betsy Earls	Associated Oregon Industries. Supports SB 524.
350	Larry Amburgey	Attorney, Amburgey and Ruben law firm. Supports SB 524. Explains current laws concerning vacation benefits from employers.
400	Amburgey	Explains accruing vacation time. Discusses union issues. Refers to ORS chapter 652.
<u>TAPE 88, B</u>		
020	Amburgey	Explains SB 524 would not affect federal law.
038	Vice-Chair Miller	Closes public hearing on SB 524 and opens work session on SB 524.
<u>SB 524 WORK SESSION</u>		
048	Sen. DERFLER:	MOTION: Moves SB 524 be sent to the floor with a DO PASS recommendation.
		Hearing no objection, declares the motion CARRIED.

	Vice-Chair Miller	SEN. DERFLER will lead discussion on the floor.
050	Vice-Chair Miller	Closes work session on SB 524 and opens public hearing on SB 376.
<u>SB 376 PUBLIC HEARING</u>		
056	Mike Dewey	Oregon Cable Telecommunications Association and Trade Association of Cable Companies. Presents (EXHIBIT G) in support of SB 376. States section 3 should be withdrawn. Explains the laws which have been passed concerning the issues in SB 376.
100	Dewey	Discusses utility and cable pole costs. Explains the space needs for additions to poles.
150	Dewey	Discusses power line clearance space.
200	Dewey	Shows photos of power lines and poles taken around the Salem area. Discusses functional space.
241	Dewey	Reads page 3 of his written testimony concerning wording of ORS 757.282.
282	Jerry Murray	Utility Safety Manager, Public Utility Commission (PUC). Presents (EXHIBIT H) in opposition to SB 376. Discusses ORS 758.035 concerning consumer complaints.
347	John Brennehan	Idaho Power Company. Presents (EXHIBIT I) in opposition to SB 376. Discusses pole attachment rates and section 1.
404	Brennehan	Discusses who pays pole attachment rates.
423	Sen. Leonard	Asks how market forces affect the cable industry.
437		Discussion of deregulation.
<u>TAPE 89, B</u>		
028	Jim Anderson	PacifiCorp. Opposes SB 376.
032	Bob Coates	PacifiCorp. Opposes SB 376. States the communications provider is not paying their fair share. Comments on placement of cost burdens.
060	Sen. Brown	Asks if the costs change because the cable industry wires are on the pole and asks for an explanation.
066	Coates	Explains anyone who puts facilities on the pole will increase the maintenance factors of the pole.
076	Sen. Brown	Asks if the costs are passed on to the cable industry.
080	Coates	States the cable industry does not cover all the costs.
076	Denise McPhail	Portland General Electric Company. Presents (EXHIBIT J) in opposition to SB 376. Comments on subsection 2. Comments on lowering rental costs. States the public would benefit from less attachments. Attachments downgrade poles more quickly. States

		everyone would benefit from more safety space.
144	Sen. Brown	Asks what someone can do if they are unhappy with a PUC decision.
157	McPhail	States any appeals would go directly to the Court of Appeals.
161	Sandy Flicker	Oregon Rural Electric Cooperative Association. Presents and reads (EXHIBIT K) in opposition to SB 376. States SB 376 would affect revenues of cooperatives.
184	Vice-Chair Miller	Closes public hearing on SB 376 and adjourns meeting at 3:15 p.m.

Submitted By, Reviewed By,

Vicki Champ, Brian Krieg,

Administrative Support Administrator

Transcribed By,

Jennifer Peck,

Administrative Support

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EXHIBIT SUMMARY

A - SB 526, written testimony, Carol Washburn, 1 p

B - SB 526, written testimony, Nate Davis, 1 p

C - SB 526, written testimony, Diane Imel, 2 pp

D - SB 526, written testimony, Eugene Organ, 2 pp

E - SB 526, written testimony, Ellie Jenny, 2 pp

F - SB 526, written testimony, Mike Sherlock, 1 p

G - SB 376, written testimony, graphics and case history, Mike Dewey, 42 pp

H - SB 376, written testimony, Jerry Murray, 4 pp

I - SB 376, written testimony, John Brenneman, 1 p

J - SB 376, written testimony, Denise McPhail, 3 pp

K - SB 376, written testimony, Sandy Flicker, 2 pp
