

SENATE COMMITTEE ON
RULES AND ELECTIONS

Hearing Room
Tapes -45

MEMBERS PRESENT:

Sen. Randy Miller, Chair
Sen. Brady Adams
Sen. Shirley Gold
Sen. Dick Springer

MEMBER EXCUSED:

Sen. Paul Phillips, Vice-Chair

STAFF PRESENT:

Kristina McNitt, Committee Administrator
Gretchen Haber, Committee Assistant

MEASURES HEARD:

Introduction of Committee Bill
SB 927: Public Hearing
SB 446: Public Hearing

These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks

report a speaker's exact words. For complete contents of the proceedings, please refer to the tapes.

TAPE , A

002 CHAIR MILLER: calls the meeting to order at 9:00 a.m. Reviews agenda.

018 Opens public hearing on SB 927 and SB 446

Witnesses:

Rep. Chuck Norris
Rep. Lynn Lundquist
Brent DeHart, himself
Diane Imel, Oregon Disabilities Commission
Eugene Organ, Oregon Disabilities Commission
Robert Robertson, Executive Director, Oregon Paralyzed Veterans of America
Bob Juda, Director, Oregon Advocacy Center
Mike McArthur, Sherman County Judge
Charles Carlson, Mid-Columbia Producers, Inc.
Charles DeHart, President, Oregon Gasoline Dealers Association

020 CHAIR: explains that testimony should not be restricted to SB 927, but may also include testimony on SB 446, a related measure.

027 CHAIR: states, as the sponsor of the measures, that the statutory provisions were enacted quickly and with little consideration.

035 CHAIR: notes that the ban on self-service gasoline does not serve any particular cause well.

048 CHAIR: notes that Oregon is one of two states which bans self-service gasoline.

060 CHAIR: notes that visitors from east of the Cascade encounter difficulty with the self-service ban in Oregon. Feels that needs to be addressed.

ROLF D. GLERUM, PORTLAND, FAXED copies of two letters for the record: letter to Chair Miller dated March 31, 1995 (EXHIBIT A), and a letter to The Oregonian dated July 12, 1994 (EXHIBIT B).

RICHARD B. SHEPHARD, Ph.D., FAXED a letter to Chair Miller for the record (EXHIBIT C).

075 REPRESENTATIVE CHUCK NORRIS: testifies in favor of SB 927 (EXHIBIT K).

--Notes that his district is east of the Cascades, where there is poor availability of gasoline

--Notes that the current service is poor, with limited staff at stations

102 REP. NORRIS: notes that it is regrettable that jobs would be lost, but notes the importance of providing "non-prescription commodities" in the most cost-effective method possible.

117 REP. NORRIS: indicates that the issue was not a pivotal one for him politically, and that he did not find that votes were lost due to his support of self-service stations. Discusses similar legislation from the 1993 legislative session.

152 REP. NORRIS: testifies that the ban on self-service will not preclude stations from offering full-service. Notes that the offering of such services would likely give stations a competitive advantage.

178 CHAIR: notes that he concurs with REP. NORRIS' comments.

188 REPRESENTATIVE LYNN LUNDQUIST testifies in favor of SB 927.

--In his position as a rancher, has discovered emergency situations wherein gasoline was not available. Notes this as a critical problem east of the Cascades.

--Feels the time has come to allow self-service

--Feels the measures are common sense proposals

232 REP. LUNDQUIST: offers the SB 927-1 amendments (EXHIBIT D) which make "card locks" available to everyone east of the Cascades.

246 REP. LUNDQUIST: discusses stations which cannot afford to purchase separate pumps for the card lock system.

272 REP. LUNDQUIST: explains that often there are medical emergencies, where a person may need to purchase gasoline during off hours.

297 CHAIR: clarifies that either bill would increase availability of fuel and assist citizens east of the Cascades.

325 CHAIR: refers to 480.315 of the Oregon Revised Statutes, and the

references to the increased risk of crime, safety troubles, and the unique nature of Oregon's whether. Asks if Rep. Lundquist feels citizens could handle self-service gasoline stations.

345 REP. LUNDQUIST: answers that driving in Oregon offers far more challenging situations.

366 REP. NORRIS: responds that the safety concerns have not been substantiated with evidence from other states.

Tape 45, A

005 REP. LUNDQUIST: notes that stations today are designed for self-service.

020 BRENT DEHART testifies in favor of SB 927.

025 DEHART: testifies that as a consumer, he resents the additional cost and inconvenience of service stations.

055 DEHART: feels the majority of citizens are in favor of self-service gasoline.

060 DEHART: notes that other businesses are not required to provide additional service staff. States that full-service stations are an illogical exception.

099 DEHART: feels additional jobs would be created by allowing self-service gasoline. Notes that oil and gas businesses are more interested in investing in states which do not ban self-service.

105 DEHART: testifies that as a gasoline station owner, the additional staff creates far more additional costs than are necessary.

115 DEHART: states that as a taxpayer, feels it is time to end the long-heard debate on self-service gasoline.

125 SEN. SPRINGER: asks if Mr. DEHART is eligible for a card lock.

130 DEHART: answers that from the perspective of a dealer it is not desirable.

145 DIANE IMEL, COMMISSIONER, OREGON DISABILITIES COMMISSION, testifies against SB 927. Presents written testimony (EXHIBIT E).

172 EUGENE ORGAN, EXECUTIVE DIRECTOR, OREGON DISABILITIES COMMISSION testifies against SB 446. Presents written testimony (EXHIBIT F).

195 ORGAN: notes that SB 927 simply repeals the ban on self-service gasoline, and offers no provisions for disabled citizens.

205 ORGAN: testifies that Oregon is viewed as a leader nationally amongst the disabled community.

215 ORGAN: notes that other states find that stations do not comply with regulations requiring assistance for disabled citizens. Notes that SB 446 carries small fines as the only action against stations not accommodating disabled citizens.

241 ROBERT ROBERTSON, EXECUTIVE DIRECTOR, OREGON PARALYZED VETERANS OF AMERICA, testifies against SB 927.

248 ROBERTSON: testifies that SB 927 is discriminatory against disabled citizens. Feels it violates the American Disabilities Act.

280 CHAIR: asks for reaction to Rep. Lundquist's amendments.

290 ORGAN: answers that he cannot think of a way to accommodate the amendments.

300 ROBERTSON: indicates that he would not be opposed to card locks on the east side.

358 IMEL: relates experience from Washington state where service to disabled citizens is poor, despite regulation for service.

392 CHAIR: notes that as a consumer he would support stations which provided quality service.

Tape 44, B

010 IMEL: responds that the pumps and size of handles are not able to be used by many disabled citizens.

027 BOB JUNDA, DIRECTOR, OREGON ADVOCACY CENTER, advocates for citizens with disabilities. Testifies against SB 927.

035 JUNDA: notes that under the American With Disabilities Act, citizens with disabilities are entitled to equal services.

054 JUNDA: notes necessity of not assessing additional charges for full service. Notes the difficulty lies in the lack of service often encountered by citizens with disabilities.

068 JUNDA: notes that the economics of eastern Oregon dictate that citizens drive a great distance, and this poses a problem for those citizens.

077 JUNDA: explains that citizens with disabilities become limited to living in areas which accommodates disabilities. He states that this excludes those citizens from living in certain areas.

095 JUNDA: discusses rights, and equal protection of the laws.

105 CHAIR: asks Mr. JUNDA how other states handle such conflicts.

110 JUNDA: answers that other states require a staff person to provide full-service. Notes that SB 927 does not offer this service. Notes that it is rarely enforced.

120 CHAIR: asks if he supports card lock systems.

126 JUNDA: answers that there could be card lock systems next to pumps with attendants. Feels there needs to be comparable services provided.

135 MIKE MCARTHUR, SHERMAN COUNTY JUDGE testifies on SB 927. Presents written testimony (EXHIBIT G).

140 MCARTHUR: discusses gasoline availability in eastern Oregon. Notes that without a card lock system, many citizens are denied access to gasoline.

191 MCARTHUR: testifies that citizens of Eastern Oregon are very interested in the measure.

195 CHARLES CARLSON, GENERAL MANAGER, MID-COLUMBIA PRODUCERS, INC.: testifies to SB 927. Presents written testimony (EXHIBIT H).

208 CARLSON: explains that the community of Morrow, Oregon, is without a nearby station.

240 CARLSON: discusses the implementation of card lock systems.

255 CHAIR: asks if a card holder could purchase gas for someone who does not have a card.

260 CARLSON: answers that it would be legal.

265 CHAIR: asks if there are disabled citizens in the Morrow community, and if they support the measure.

290 SEN. SPRINGER: apologizes to members of the audience for not being present for all of the testimony. Notes that he will review materials presented.

300 GEORGE DEHART, PRESIDENT, OREGON GASOLINE DEALERS ASSOCIATION, INC. Testifies in favor of SB 446 and SB 927. Presents written testimony (EXHIBIT J).

353 G. DEHART: testifies that Oregon does have self-service now, and feels SB 446 opens that opportunity for all Oregonians.

Tape 45, B

005 G. DEHART: explains that the safety arguments no longer are relevant. Feels the measure allows the free market to operate.

010 CHAIR: asks for a response to the testimony by the disabled community.

015 G. DEHART: answers that he cannot deny that poor service has occurred.

Notes that market forces will demand quality service to all citizens. Indicates that stations now offer full service, and would continue to offer

service for elderly and disabled citizens. The ADA requires the disabled be served, the dealers know their responsibilities, and as business people the customers will be taken care of.

UNIDENTIFIED WITNESS: comments the dealers are willing to meet with members of the disabled community to work out the details.

CHAIR: encourages the parties meet to work out the differences and to report back to the committee on progress made.

037 SEN. SPRINGER: comments on a past lobby for the Oregon Gasoline Dealer's Association.

054 Closes public hearings on SB 446 and SB 927.

057 CHAIR: advises that a request has been made for the committee to introduce a bill relating to shell fish definition.

committee MOTION: CHAIR MILLER moves that the proposed bill be introduced as a bill.

motion PASSED. VOTE: CHAIR MILLER, hearing no objection to the motion, declares the

059 CHAIR: adjourns meeting at 10:30 a.m.

Submitted by,

Annetta Mullins
Committee Assistant

EXHIBIT SUMMARY:

- A - Testimony on SB 446 - R. Glerum - 1 page
- B - Testimony on SB 446 - R. Glerum - 1 page
- C - Testimony on SB 446 - R. Shepard - 2 pages
- D - SB 927, SB 927-1 proposed amendments, Rep. Lundquist, 2 pp
- E - SB 446, prepared statement, Diane Imel, 1 p
- F - SB 446, prepared statement, Eugene Organ, 2 pp
- G - SB 927, prepared statement, Mike McArthur, 2 pp
- H - SB 927, Charles Carlson, 1 p
- I - SB 927, prepared statement, Eugene Organ, 1 p
- J - SB 446 and SB 927, George DeHart, 3 pp
- K - SB 927, prepared statement, Rep. Chuck Norris, 2 pp