



OREGON STATE SENATE
900 COURT STREET ST NE
SALEM, OREGON 97301

June 21, 2023

Secretary of the Senate

Vote Explanation: Opposition to HB 2426 A – Self-Pump Gas

Dear Secretary Brocker,

I am submitting my floor speech in opposition to HB 2426 A for the record as my vote explanation:

Thank you, Mr. President. Colleagues, I know that we are trying to be as expeditious as possible, and I will try to keep this as brief as I can because this is an issue that I could talk about for a very long time. It's not very often that I oppose a bill that comes to this floor, and it's even less often that I *speak* against a bill on this floor – honestly, I can't remember the last time I did. But colleagues, I do feel compelled to share my concerns and the concerns of my friends, neighbors, constituents, and many folks from across our state whom I have heard from about this.

HB 2426 didn't go through the Transportation Committee, but when a very similar version did go there last session, I opposed it. I noted that I am not usually known as a cynic, but I was quite cynical about the bill, as I am now. I shared that my local fuel station was excited about the measure because, as they put it, they can have fewer folks working there; they actually had, incorrectly, already stopped providing pumping assistance at all. This bill is also a complaint-driven system. Folks have to take the time to call the Fire Marshal, to complain that a station is not complying with the law, and then the Fire Marshal has to take the time to actually investigate and correct the action. That sort of approach doesn't help the person who is being affected in the moment – the senior citizen who has trouble doing this themselves; the individual with disabilities who *can't* do this themselves. And in many cases, we have to be honest with ourselves, that complaint just simply is not going to be filed anyway.

I have personal experience in other states and have heard directly from elderly relatives and other folks about how this works in their states, which ostensibly also require pump assistance upon request. I have personally had to get out and pump gas for elderly folks in other states whom I witnessed were not able to get the assistance they were legally entitled to. Even with the signage everywhere and clear markings about how to get assistance; the requirement that assistance be provided upon request; the notices of how to file a complaint and the penalties – the very real experience of folks is that they cannot get that assistance, and the law simply is not enforced. And I recognize that this bill isn't immediately completely self-service and I appreciate the attempt at compromise, but my concerns unfortunately are not alleviated.

Colleagues, a few weeks ago, I went to that local station that I mentioned before. To my surprise, they were again making people pump their own gas. They were under the impression that a bill had already passed to eliminate the fuel service requirement, just like they did last session. And I have also heard from others in more

than one city and county, including a number of our own legislative staff, who encountered gas stations both last session and this session that had stopped enforcing the fuel service requirement because they thought a bill had passed too. The stations weren't even complying with the provisions of the bill, and it hadn't even *passed*. Imagine what this will look like once the bill passes and headlines read that the legislature passed a bill allowing self-pump gas.

Last session, this bill died in Ways & Means. It went there because the Fire Marshal said it would cost over 1.3 million dollars over the next two biennia to enforce the law. This session, to avoid that fiscal, the bill *removes* the enforcement requirement until March of 2024 despite having an emergency clause. So we are creating a bill with a complaint-driven enforcement method, and also not providing for adequate resources to enforce those complaints or ensuring compliance in the most critical early months of the bill being implemented.

I've heard that this bill is about providing consumer choice, though at what cost? The fact of the matter is that if stations make half of their pumps self-service, the serviced lines are just going to grow. Folks who don't want to pump their own gas, whether just because of preference or because of other barriers, will be penalized by having to wait in longer lines with fewer workers to get their tank filled. We've seen this happen at grocery stores when we implemented self-checkout, and we can easily recognize the distinction and increased concerns with implementing this bill for self-pump gas.

And all of this is not to mention that the bill will cost jobs. That's undeniable: this bill will cost good jobs. And as I noted before, the bill has an emergency clause, so we're precluding the ability of a citizen to easily refer this to the ballot as they would ordinarily have the right to do. I'm also not going to mention all of the general arguments against permitting self-pump gas because we're all familiar with them. I simply want to address the *specific* issues I have with *this* bill.

Colleagues, I am *not* steadfast in opposition to providing for *some* avenues for self-pump gas in our state. In fact, I voted in support of the two bills that expanded self-pump gas in our rural counties – in 2015, HB 3011 when I was in the House, and in 2017, HB 2482 in the Senate. I have some very real concerns, though, that we are progressively getting closer and closer to eliminating Oregon's fuel service law entirely. I am not one to be paranoid about bills being "gateways" to future bills, but I think that is clearly a reasonable concern here.

Oregon flies with her own wings. I am not convinced that just because other states do something, we have to as well. This system has worked here and continues to work here. We already have reasonable practical exceptions for several of our counties, but this takes it too far. HB 2426 is a bit too convoluted and goes more than a bit too far to have my support. I don't think this is a good bill for workers or consumers. I don't think it's good for Oregon. Colleagues, thank you for your indulgence of my concerns, and I urge a no vote.

Sincerely,



Lew Frederick

Senate Majority Whip | District 22 – N/NE Portland