

**MINUTES OF THE  
BUSINESS, LABOR, AND ECONOMIC DEVELOPMENT INTERIM COMMITTEE**  
Wednesday, August 16, 2000 - 2:00 p.m. - Room 403 - State Capitol

**Members Present:**

Sen. Parley Hellewell, Co-Chair  
Rep. John William Hickman, Co-Chair  
Sen. Gene Davis  
Sen. Robert M. Muhlestein  
Sen. John L. Valentine  
Rep. Gerry A. Adair  
Rep. Patrice M. Arent  
Rep. Afton B. Bradshaw  
Rep. Katherine M. Bryson  
Rep. Don E. Bush  
Rep. Carl W. Duckworth  
Rep. Ben C. Ferry  
Rep. Wayne A. Harper  
Rep. Brad King  
Rep. David L. Zolman

**Members Absent:**

Rep. Lowell A. Nelson

**Members Excused:**

Sen. Eddie "Ed" P. Mayne

**Staff Present:**

Ms. Mary Catherine Perry,  
Research Analyst  
Ms. Patricia Owen,  
Associate General Counsel  
Mr. Keith Woodwell,  
Associate General Counsel  
Ms. Beverlee LeCheminant,  
Legislative Secretary

**Note:** A list of others present and a copy of materials distributed in the meeting are on file in the Office of Legislative Research and General Counsel.

**1. Call to Order** - Chair Hellewell called the meeting to order at 2:25 p.m.

**MOTION:** Rep. Adair moved to approve the minutes of the July 12, 2000 meeting. The motion passed unanimously with Sens. Mayne and Muhlestein and Reps. Bryson, Harper, and Nelson absent for the vote.

**2. Committee Business** - Ms. Patricia Owen, Associate General Counsel, indicated that H.B. 227, *Community and Economic Development Amendments* (2000 General Session), repealed the Capital Access Fund, required any balance in that fund to be transferred to two programs at the Department of Community and Economic Development, and required the Division of Finance to report the transfer amounts to this interim committee by no later than November 2000. Ms. Owen provided committee members with copies of the report.

**3. Hours of Service for Trucking Industry** - Rep. Hickman stated that the Federal Motor Carrier Safety Administration (FMCSA) recently proposed new rules regulating the trucking industry. He indicated that the committee will hear from representatives from the trucking industry on how those rule changes will affect Utah.

Mr. David Creer, Executive Director, Utah Motor Transport Association (Association), said that there are over 400 companies and more than 80,000 employees in the state involved in

the trucking industry. He indicated that trucking moves 87% of all goods in the state. Mr. Creer stated that one of the industry's main objectives is road safety and that less than four percent of the state's accidents are truck related. Mr. Creer indicated that after a three year study on driver fatigue the FMCSA has proposed new rules to reduce traffic fatalities caused by truck driver fatigue. Mr. Creer then outlined the proposed rule changes. Mr. Creer stated that if the rules become effective, it will be damaging to the trucking industry, hurt truckers' safety, and negatively affect Utah's economy. Mr. Creer provided committee members with copies of the Utah Trucking Industry's Annual Report from 1997.

Mr. Donald Ipson, President, Association, said that safety is the trucking industry's main concern and it will not sacrifice safety for service. He indicated that 78% of all trucks that are involved in accidents are not at fault and that less than three percent of all fatal accidents are attributed to driver fatigue. Mr. Ipson stated that the proposed rules would have several negative effects on the trucking industry including increase shortfall of qualified truckers, increased numbers of trucks on roads during daylight hours causing more road congestion, a lack of parking for truckers who must take an increased number of breaks, and a 20% reduction in truck drivers' earning capacity.

Mr. Dwight Warner, Owner, Warner Trucking, indicated that the proposed rules will cause a significant loss of production for the trucking industry and there is not an industry in the country that can stand that kind of productivity reduction and survive. He said that the proposed rules are too rigid, and require more truckers than is necessary for safety purposes. He stated that over the last three years the industry has proposed a method of revisiting the hours of services rule, but the federal government has chosen not to accept the industry's recommendations.

Mr. Dale Talbot, Regional Vice President, Western Operations, U.S. Express, said his company has done some studies on the proposed rules to look at the cost implication. He indicated that his company's average rate at the present time is \$1.20 per mile and if the proposed rules go into effect, that rate will go up 42 cents per mile. Mr. Talbot stated that the proposed rules are unenforceable and law enforcement agencies have stated that they cannot enforce them. He emphasized that from the standpoint of the trucking industry in Utah, these rules will not help the industry and will ultimately drive up costs, put more trucks on the road, and hinder safety.

Mr. Rick Clasby, Motor Carrier Division, Utah Department of Transportation (UDOT), told the committee that UDOT is charged with regulating the federal government's rules and he confirmed that law enforcement agencies would have a difficult time enforcing these rules.

Committee discussion followed.

**MOTION:** Rep. Bush moved to draft a letter from the committee to Utah's congressional delegation expressing the committee's opposition to FMCSA's proposed changes in hours of service rules for the trucking industry. The motion passed unanimously with Sens Davis, Mayne, and Valentine and Reps. Arent and King absent for the vote.

**4. Corporations and Commercial Code** - Ms. Lorena Rizzo, Director, Division of Corporations and Commercial Code, Department of Commerce (Division), said that the Division was asked by the Legislature to review amendments that are needed to bring more uniformity to the statutes governing the various types of business entities in the state. She indicated that the Division has formed an advisory board that is working with the Division in working towards this goal. She provided committee members with a handout listing the potential 2001 legislative amendments.

Mr. Bruce Olsen, Attorney, Ray, Quinney & Nebeker, gave an update on the nonprofit statute and indicated that, to date, there have been few comments or objections to the recodification of the nonprofit statute last year. He stated that the only substantive change that may be needed at this time is in the conflict of interest section. Mr. Olsen also stated that there are some minor technical changes that need to be made.

**5. Safe Drinking Water Act** - Ms. Rae Howard, President, Health Forum of Utah and a member of Citizens for Safe Drinking Water, spoke against the issue of fluoridating the state's water system and urged the committee to organize a work group composed of legislators and members of the public to study the research and information relevant to the safety of fluoride and then report back to the committee. Ms. Howard provided committee members with printed copies of her presentation and literature regarding fluoride.

Dr. Anthony Tidwell, Salt Lake County Board of Health, stated that the two ways of getting fluoride into the body are: 1) topically; and 2) systemically. He stated that taking fluoride topically through toothpaste and mouth rinse will help strengthen teeth that are already in the mouth. However, taking fluoride systemically through drinking water will help form strong teeth. Dr. Tidwell further discussed the benefits of fluoridating water.

Mr. David Hansen spoke against fluoridated water.

Mr. Ariel Thompson, dentist, microbiologist, oral microbiologist, and teacher at the University of Utah Medical School, spoke in favor of fluoridated water.

Ms. Rosemary Minervini, dental hygienist, spoke against fluoridated water and asked that a work group be formed to study both sides of the issue.

Sen. Edgar Allen, Utah Legislator and private physician, spoke in favor of fluoridated water.

Committee discussion followed.

- 6. Adjournment -**  
Chair Hellewell adjourned the meeting at 4:45 p.m.