

ASSEMBLY TRANSPORTATION COMMITTEE MINUTES

April 29, 1975

Members Present: Chairman Glover
Mr. Howard
Mr. Dini
Mrs. Hayes
Mr. Dreyer
Mr. Jacobsen
Mr. May

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Members Absent: None

Guests: (see attached sheet)

Chairman Glover called the meeting to order at 3:10 p.m. The first bill discussed was A.B. 630.

A.B. 630 Permits rental of school buses to certain nonprofit groups.

Assemblyman Coulter, introducer of the bill spoke first. He said transportation was one of the biggest problems facing senior citizens. They simply don't have the money to pay for taxis or public transportation, and in many communities, especially the rural counties, there are no buses or services provided. He said this bill would allow one solution to the problem at no cost to the state or the school board, and the way the bill is written it is not mandatory that the school district rent these buses. He presented a memorandum to the Committee from research dept. of the Legislative Counsel stating that the State of Virginia has such a program now that is working well. (See attached) He also presented two letters from school districts supporting A.B. 630. (See attached) He also stated that he had discussed this with the Governor, and the Governor said he could see no problems with the bill. Coulter also suggested two limitations if the committee felt the bill should be more restrictive. 1. Restrict to rural counties 2. add that the rental could not interfere with the maintenance schedule or other regular school activities.

Mr. Glover asked if Virginia has experienced any problems with limiting the bill to specific groups like the elderly, but not allowing groups like the boys scouts the same privilege. Coulter stated none that he knew of.

Mr. Howard asked if any thought had been given to the distance these buses could go or would they just be used locally? Mr. Coulter said that would depend on the agreement with the school board. He felt it would be hard to limit because in the summer maybe they could be used for a day or two.

Mr. May stated that he liked the idea of limiting the bill to the small counties. He also questioned who would be liable in case of an accident. Mr. Coulter stated that any person using the bus would have to provide own insurance and proof of it.

Included in the minutes is a statement from Assemblyman Brookman supporting A.B. 630.

Assembly Transportation Committee Minutes

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Blaine Rose, Dept of Human Resources, presented an amendment to the committee asking that the physically or mentally handicapped be included in the bill. (See attached)

George Archer, representing the American Association of Retired People, stated that the elderly are still paying school taxes even though they no longer have children in school. He felt they should get something for their money. 320
Glover asked what kind of activities would these buses be used for. Archer stated probably no long trips, nothing overnight, and of course nothing would be planned to hinder the transportation of the school children.

Milan Tresnit, representing the Carson City School District, stated that they were not opposed to the bill unless the trips were of such length to start competing with private enterprise. Mr. Glover asked if they would be able to get enough out of the rental to pay for the wear and tear. Mr. Tresnit said they did keep up with the costs of maintenance when renting the ski buses for 32¢ a mile. Mr. Dreyer asked how many buses the district had. Tresnit said 31 including two spares. He said the operating hours were 7:30 - 9:00 and 2:15 - 4:00. Chairman Glover asked how many were in use in the summer. Tresnit stated 14 because of the year round school program. Mr. May asked what percentage of budget was devoted to transportation. Mr. Tresnit stated they had 5 million budget and 1/4 is for transportation. Mr. May asked what is the life expectancy of a bus. Tresnit said 10 years or 100,000 miles.

Bob Best, Executive secretary of the Nevada State School Board Association, said his group was not opposed to helping the people over 60, but they were opposed to leasing their buses to outside groups. His reasons: Excess maintenance would be required, and they would have to set too high of prices to cover these costs. The elderly would not be able to pay these high prices. He stated if bill was to be passed he would like the words "composed principally of" line 4 deleted and the words "limited to" added. He also stated that insurance liability would be a real problem. Mr. Howard stated that senior citizens include people 55 and older. Wouldn't the 60 years have to be changed. Mr. Best also stated that his group was definitely opposed to out of state trips. If the bill is passed, he asked that this be limited and written in the bill. Mr. Dini asked if the committee should tie the bill down to summer months only. He suggested an amendment adding "or maintenance purposes" to line 6 after the words school purposes.

Ed Greer, Business Manager Clark County School District. spoke next. He pointed out three areas of concern: 1. His school district has 200 buses, but during the midday hours 60-70% of them are involved in field trips 2. Bus loading - he stated that the buses would have to be 80% full before they could offer an attractive price. Their costs were running about 69¢ a mile including everything. Also stated that their buses do not have air conditioning in the summertime. 3. This bill would conflict with highway safety standard 17 of U.S. Dept of Transportation.

April 29, 1975

That standard requires that under certain commercial arrangements the word school bus would have to be covered and the cross arms could not be made operable. Chairman Glover asked if they would allow other people that do not work for school district to drive the buses. Mr. Greer said no because they all have to have special training. Mr. Dini asked if this bill would in any way jeopardize the liability insurance rate. Mr. Greer stated it would definitely go up, but they could get covered. He said they would not be able to lay out routes and pick up the elderly as they wanted a ride. They would have to be on a scheduled group basis. 321

Wayne Martini, Chairman of the Esmeralda County School Board, spoke next. He explained his community has been renting buses already to many types of groups, and it has worked out well. Mr. Glover asked if this bill was passed the way it is now would this exempt Esmeralda County from using their buses for the groups they have already provided this service to. Mr. Martini stated probably not unless they were actually excluded in the bill.

Linda Botts, Division of Aging Services, stated that she works with the nutrition program of which they have 10 statewide. She said she would like to see the use of these buses for exchange visits to other cities in the State.

Jim McKay, Aging Services, also stated that he felt there was a definite need for transportation for the aging especially in the rural counties where there is very little federal money available.

Dorothy Walters, Carson City Senior Citizens Center Director, testified next. She said there are many people who call who would like to come to the Center's planned activities but can't because of no transportation. She said there are about 2,000 in this area. She said they would use the buses for such outings as Bower's Mansion, Genoa, and transporting the senior citizens to the blood pressure clinic, etc. She stated all their activities have been so popular that she felt she would have no problems keeping the bus 80% full.

Mr. Jacobsen asked what percentage of the Senior Citizens does the center cater to in this area. Ms. Walters stated 20-30%-- mainly those who have their own transportation.

Jim Wood, representing Gray Line, Golden Tours in Reno spoke next. He said that he felt very little thought had been put into the preparation of the bill. He said there are about 4-6,000 non-profit organizations in Nevada which shows there was very little thought as to the impact of the bill. He asked the question if the bill is passed who is going to police it? He said all carriers in Nevada are regulated by the Public Service Commission in Nevada. They perform inspections, set rate structures, and insurance. Who would do this for the school buses? He felt this bill was opening the door too wide and felt there was other ways to solve transportation problems of the senior citizens. He suggested that they buy their own bus from federal funds.

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Bob Engel, Washoe County School District, stated that his district would like to continue operating under the present law which says they can provide buses and drivers for non profit groups or ones sponsored by the city or county. Mr. Jacobsen asked if they have had any problems with this law. Engel stated 322 nothing serious.

Daryl Capurro, representing Nevada Motor Transport Assn, stated that his group was also against A.B. 630 because it is opening everything up too wide and extending this to too many types of non-profit organizations. He said private enterprise has been encroached upon too often, and he felt that the current provisions adequately cover this problem.

Frank Mikulich, Las Vegas, Tonopah, Reno Stage line, Inc, told the committee that he concurred with the comments made by Mr. Wood. He said the bill is not restrictive enough as to the types of non-profit groups that may take advantage of this.

The next bill to be discussed was S.B. 191.

S.B. 191 - Makes various changes in regulations for operation of taxicabs in certain counties

John Crossley, Legislative Counsel Bureau, presented some amendments to the Committee which came from an audit report on the Clark Co Taxi Cab Authority. He said the Senate had adopted the amendments but for some reason they had been left out of the first and second reprint of the bill. (See attached amendment)
This amendment would set up a petty cash fund for undercover investigation work. Previously they had been taking travel advances from the travel revolving fund and using the money for undercover work.

Mr. Howard questioned the change of wording in Section 3 from "shall" to "may". Mr. Crossley explained that normally most budgets provide for one accountant and they should have this position but it isn't mandatory.
Mr. William Mirin was against this wording. He said previously they have not complied with this and noone was keeping the books. Now what will they do with the word "may" in there.

B.J. Hamlin, a member of the Taxi Cab Authority, said the authority did not have the funds for a full time accountant. They are a self supporting agency and they keep on having requirements forced on them that they cannot afford. He stated that they do have audits however.

Joe LaVoie, a taxi cab member, spoke next. He said he is opposed to the bill the way it is now because it does not give enough authority to the Taxi Cab Authority to regulate. He said it is tough to regulate a monopolized franchise.

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Ted Veneziano, representing about 400 taxi cab drivers, spoke next. He stated his purpose in talking to the committee is to try and break the monopoly and try and see if the taxi cab drivers can get 5% of the taxi cab industry to be 1-man 1-cab operators. He said the Taxi Cab Authority is giving away the transportation industry in Clark County right now and he would like to get some for himself. He suggested an amendment to 706.8824 (see attached) 323
He stated he was very upset because he could not buy a cab. The way the law reads today any future allocations will go to the existing certificate holders. If a cab driver proves a need for another cab, the existing certificate holder gets that taxi cab. The cab driver is doing his work for him, and it costs the cab driver \$700. He ask that the amendment of 5% be added to 706.8824.

Bob McGowan, Whittlesea Taxi Co, was the next speaker. He was in favor of the bill and urged its passage. He said this bill is now what the taxi cab drivers can live with. They do want a cab authority in Las Vegas for regulation. Previously they had been against the bill because of some overlapping of police powers between the taxi cab authority and the Las Vegas police. He stated that he was also for the amendment to allow a person to have his own taxi if he desires.

Joe Le Voie stated that he was against the deletion of the police powers. This would be a detriment to the Taxi Authority. William Mirin stated that he felt these people sometimes abuse their authority so they should not have it.

B.J. Handlan, Taxi Cab Authority, said the authority was created only to protect the public. He felt the Authority could operate best with the old bill by adding a few amendments. He felt the Authority needs the police powers but only to enforce problems dealing with transportation. He was opposed to the 5-man board. He said it would be just two more men that the administrator would have to work with and listen to, and there would also be a problem of finding more money. Handlan also stated that they would like to see \$200 added to the fee for a license.

Niel Buckwald, Vegas Vets Cab Co, stated that he was in favor of S.B. 191. He also made a special plea for the 5% independent 1-man 1-cab operation. He stated that no amendment has actually been drawn as yet to include this.

William Mirin, representing the Strip Cab Co, spoke next. He asked that Page 8, line 12, F be put back in the Bill. He presented some documents to the committee and explained them; they showed some of the problems that he has had with the Taxi Cab Authority. He submitted an amendment to the committee amending Section 1 and Sec 6 by adding: "Any person or persons who meets the requirements of NRS 706.8813 sub section 1 and whose certificate of Public Convenience and Necessity was transferred by operation of law - shall be issued a new certificate of public convenience and necessity including all benefits and privileges that have accrued to the holders of certificate of public convenience

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under subsection one of NRS 706.8813."

Bart Schouweiler, representing Ace Cab Co, stated that they were opposed to the bill. They felt the present law enacted in 1969 was sufficient and working well. His reasons for being against S.B. 191 were: 1. Against adding 2 members to the board --adding has never created efficiency. 2. against suggestion to make the Taxi Cab Authority a statewide agency. 3. Bill is ill-drafted--pg 2 line 5--at some other time there may be a third party. 4. Feels that the Authority has more power under the present law than it would under S.B. 191. 5. Adding inches to the size of the letters on the name of the taxi companies should be decided by the Taxi Cab Authority and not the Legislature. 6. Against the inclusion of no longer than 10 hr. work day. They don't feel that the Legislature is the place to provide or state how many hours people can work especially when they have an agency closer to the situation that can set these rules.

LaVoie pointed out that the Senate should have drawn an amendment to Section 2 concerning the 5 man board. There is a conflict of interest law which states that no public official shall be connected with a company that they are regulating. Therefore one man on this board cannot be from taxi industry. It was also pointed out that line 40 page 4 should not be included in the bill.

Leo Henrikson, representing the teamsters of Nevada, spoke next. He stated that he was against the 10 hr work day. Overtime should be paid after 8 hrs. There also should be some rest for the vehicles. He felt this bill does not strip the Taxi Authority of any of the authority they now have. As a whole his group was in favor of the bill

Manuel Cortez, Taxi Cab Authority, spoke next. He said they originally had the bill drafted to clean up the statutes and to reinforce the authority of the Taxi Cab Authority. He said after the bill came out of the Senate many changes were made so the bill does not even resemble the original bill. S.B. 191 now is stripping the Taxi Cab Authority of lots of its powers.

As there was no other testimony, Chairman Glover excused the guests and adjourned the meeting at 5:45 p.m.

Respectfully Submitted,

Camille Lee
Assembly Attache

ASSEMBLY
AGENDA
HEARING

COMMITTEE ON.....TRANSPORTATION.....
Tuesday
Date April 29, 1975 Time 3:00 p.m. Room 214.....

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Bill or Resolution
to be considered

Subject

AB-630	Permits rental of school buses to certain nonprofit groups.
SB-191	Makes various changes in regulations for operation of taxicabs in certain areas.

DATE:

LEGISLATION TO BE CONSIDERED:

AB 630
SB 191

PLEASE PRINT LEGIBLY

Only those persons who have registered below will be permitted to speak. All persons wishing to present testimony will please sign in below, stating their name, who they represent, and whether they wish to speak for or against the matter to be considered by the committee. Witnesses with long testimony on matters before the committee are encouraged to present their information in writing and make oral summary limiting it to five minutes or less. If you wish to speak more than five minutes please contact the committee chairman or the committee secretary. Questions from other than committee members are not in order and are not allowed. No applause will be permitted.

FOR

NAME	REPRESENTING
William Mirin	Strip Cab Co.
Wood	May Hill Selden Forest - Reno
Frank S. Mikulich	Las Vegas Transport - Reno Stage Line, Inc. Las Vegas
John Crossley	LCB - AUDIT Division - Announcements
Milva Danah	Carson City School Dist.
Bob Best	Nev. State School Board Association
XXXXXXXXXX	XXXXXXXXXX
Norothy Karter	Carson City Sr. Citizens Center
George M. Archer	A.A.R.P.
Glarence A. Fisher	Senior Citizens
Mildred Archer	Senior Citizens
John R. Hunt	member of city and comm on aging
James H. McKay	Division of Aging Services
Jinda Sells	Division of Aging Services
Melara J. Hayes	AARP. Older Americans
Robert D. Brown	Self
Thip E. Buckwood	Vegas Taxi Cab Co.
Ed Venezia	AGAINST
Daryl E. Caputo	Nevada Motor Transport Assn.
NAME	REPRESENTING
Dan Scammis	Ace Cab Co. Las Vegas
Bob Maples	Washoe County Sch Dist.
Ed Greep	Clark County Sch Dist
Joe Falvo	TAXI CAB AUTHORITY
Bill Gardner	" " "
Spina Rose	Nev. Rehabilitation Div.
Geo. Thurman	Committee of Nevada

MEMO

NEVADA LEGISLATURE

From the desk of . . .

EILEEN B. BROOKMAN

Assemblyman, District No. 9 (Clark)

Chairman Glover.
& members of the
committee. I am
sorry I am not at the
hearing today re A.B. 630

But I would like
to urge the Committee
to vote it out with
a ~~as~~ pass A.B. 630

I would be a great
thing for many
people to get out
about.

Be cause many areas

1900 Cochran Street, Las Vegas, Nevada 89104
Telephone 735-6488

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STATE OF NEVADA
LEGISLATIVE COUNSEL BUREAU

LEGISLATIVE BUILDING
CARSON CITY, NEVADA 89701



LEGISLATIVE COMMISSION
LAWRENCE E. JACOBSEN, Assemblyman, Chairman
INTERIM FINANCE COMMITTEE
FLOYD R. LAMB, Senator, Chairman

ARTHUR J. PALMER, Director

PERRY P. BURNETT, Legislative Counsel
EARL T. OLIVER, Legislative Auditor
ARTHUR J. PALMER, Research Director

April 29, 1975

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M E M O R A N D U M

TO: Assemblyman Steven A. Coulter
FROM: Mary Lou Love, Deputy Researcher, Office of Research *MLL*
RE: Use of School Buses by Senior Citizens

Virginia enacted Chapter 633 of the Virginia Acts of 1975, which provides for a program similar to that which your bill would authorize.

The school board of any school division may enter into agreements with the governing body of any county, city or town in the school division or any state agency or agency identified pursuant to the federal "Older Americans Act" to provide for the use of school buses by these agencies or governments for the purpose of transporting the elderly. These agreements must provide for reimbursing the school board in full for the proportionate share of costs incurred by the school board attributable to uses pursuant to aforementioned agreements.

The governments or agencies which enter into these agreements for use of school buses for transporting elderly must hold the school board harmless from liability in cases where buses are used under such agreements.

The only other provision of the law which is of interest revises sections of Virginia statutes pertaining to school bus safety and warning devices. Formerly, flashing warning lights, signs, etc., had to be covered when school buses were not being used to transport children. Now these safety devices can be used when transporting the elderly.

The above information was obtained by phone and subject to the limitations of my not having actually seen the new law. They are forwarding us a copy.

MLL/jd

CH 250

CARSON CITY SCHOOL DISTRICT

CARSON CITY, NEVADA 89701

1402 WEST KING STREET - P.O. BOX 603 - TELEPHONE (702) 882-6994

BOARD OF SCHOOL TRUSTEES

Dr. Wm. Van Patten, President
Mr. Henry Clayton, Vice President
Mrs. Alice M. Noteware, Clerk
Mr. Wm. Furlong, Member
Mr. Edwin L. Bullis, Member
Mr. Gene Milligan, Member
Mr. LeRoy Rupert, Member

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Mr. John Hawkins, Superintendent

March 7, 1975

Mr. John McSweeney, Administrator
Division for Aging Services
Union Federal Building
308 North Curry Street
Carson City, Nevada 89701

Dear Mr. McSweeney:

The Carson City School District supports legislation which would permit the use of school district school lunch facilities for Senior Citizens and school buses for Senior Citizens activities.

The only qualification on such use would be not to interfere with student programs or involve additional costs to the school district.

If I personally can be of any assistance in legislation regarding senior citizens and school bus or school lunchroom facilities please contact me.

We are looking forward to the development of programs of assistance to this age group.

Sincerely yours,

John Hawkins
John Hawkins,
Superintendent

JH/lsc

RECEIVED
Aging Services
MAR 29 1975

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Lincoln County School District

P.O. Box 118 - Phone 728-3235

PANACA, NEVADA 89042

March 18, 1975

Dr. Darrell M. Kelley
Superintendent

BOARD OF TRUSTEES

Brookie Swallow
George E. Banks 329
Louise O. Aicher
Paul T.F. Freund
William F. Lynch

Mrs. Corinne F. Shumway
Nutrition Program Supervisor
Division of Aging Services
Nye Building Room 300
201 South Fall Street
Carson City, Nevada 89701

Dear Mrs. Shumway:

I am writing this letter to add my support to AB34137.

As part of the Senior Citizen Nutrition and Activities program which the Lincoln County School District sponsors, we have provided buses for Senior Citizens activities.

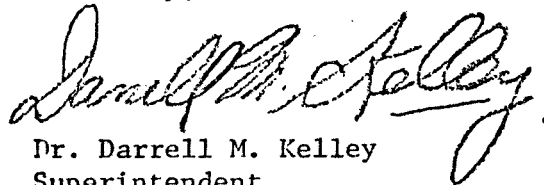
Lincoln County is so far removed from any commercial carrier, it would be totally financially unfeasable for our Senior Citizens to hire a commercial bus for their travels.

Our buses generally have been provided for one Senior Citizen activity per month. These activities have included countywide parties, trips to large shopping areas and areas where dental and medical service could be obtained. We also have given these fine people a chance to attend college plays and other outings such as picnics and pinenut gathering.

In scheduling our buses, our students needs are always met first with Senior Citizens activities being carefully scheduled to prevent conflict with the education program.

The passage of AB34137, I believe, would be highly beneficial to Senior Citizens especially those living in rural Nevada where no commercial carrier is located.

Sincerely,



Dr. Darrell M. Kelley
Superintendent

STATE OF NEVADA
DEPARTMENT OF HUMAN RESOURCES

ROGER S. TROUNDAY, DIRECTOR
DEL FROST, ADMINISTRATOR

MIKE O'CALLAGHAN, GOVERNOR



REHABILITATION DIVISION
ADMINISTRATIVE OFFICE
UNION FEDERAL BUILDING, ROOM 200
308 NORTH CURRY STREET
STATE CAPITOL COMPLEX
CARSON CITY, NEVADA 89701

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April 29, 1975

The Honorable Alan Glover
Nevada State Assembly
Legislative Building
Carson City, NV 89701

AB 630

The Governor's Advisory Council on Developmental Disabilities is in support of the concept of allowing school buses to be used by non-profit groups if such does not interfere with their principal use by schools. However, we feel that AB 630 could be expanded to include groups other than the aged. Handicapped persons have mobility problems resulting from their specific disabilities which are not unlike those of elderly persons.

We hope that your committee will give favorable consideration to the following amendment which would include the handicapped as recipients of the privilege of renting school buses.

Proposed amendments: Line 5

". . . years of age or persons with physical or mental handicaps if such rental . . ."

CAROL ALLDREDGE, CHAIRMAN
LEGISLATIVE SUBCOMMITTEE

BY: BLAINE ROSE
LEGISLATIVE LIAISON

BR:jv



MUCH USED SERVICE — The Senior Citizen's Transportation Program transported 4000 passengers in less than five months. Pictured with one of the vans used in the program are, from left, Henry Hendrickson, driver; Mrs. Roxie Eversole, first passenger, Oct. 8, 1974; Mrs. Rose Antonini, 400th passenger, Feb. 21, 1975; and James A. Deakin, Jr. director of the project.

Senior transportation program well received

Editorials in various news media continually stress the importance of transportation in the lives of Senior Citizens.

Evidence that this important phase of twentieth century living is paramount is shown by the ever increasing number of older Americans who have come to rely on the four vans and one sedan operated by the Senior Citizen's Transportation Program and sponsored by Clark County Community College under Title III of the Older Americans Act.

Dr. R. Stephen Nicholson, executive vice president of the College, stated that this program represents a vital part of the community service objective of the college. We are particularly interested in the senior citizens of Clark County, he added.

During the period between October 1974 when this program began and mid-February 1975,

more than 4,000 calls have been answered by the 10 senior citizen paid drivers to satisfy medical, nutritional and outreach needs of the 60 and older persons.

Medical calls average 45 per cent of the total, outreach about 35 per cent and nutrition around 20 per cent.

Under the outreach and nutritional phases, the transportation of seniors to central sites for social and educational activities is accomplished by cooperating with other aging agencies like Meals-on-Wheels, St. Peter's Senior Center, Seniors Social Development Program and Senior Citizens Law Project. Seniors are driven to the Welfare and Food Stamp offices.

Another facet under the nutritional phase of the program is the daily delivery of meals to homebound persons. The vehicles are utilized on weekends and holi-

days for special assignments such as the transportation of senior ladies to breast cancer clinics, senior picnics, and special casino dinners. Referral contact with other is constantly maintained.

The objective to become even more efficient was partly realized with the ordering of a chair lift for one of the vans. A two-way radio system has been requisitioned and when installation occurs, the fulfillment of the medical, nutritional and outreach requirements of the seniors will be accomplished even more dependably and economically.

Clark County Community College, as directed by Dr. Nicholson, has furnished a fine base of operations at 1600 Industrial Road and transportation to medical facilities, stores, legal facilities, banks, recreational and religious outlets and other places can be arranged by telephoning the dispatcher at 385-3147 any weekday between the hours of 8 a.m. and 5 p.m..

There is no charge for this service although voluntary contributions are gratefully accepted.

Executive director for the project is Dr. Lloyd D. McNeil, Jr and project director is James A Deakin, Jr.

PROPOSED AMENDMENT TO S.B. 191

SECOND Reprint

Amend sec. 4, page ³~~2~~, by deleting line ⁶~~59~~ and inserting:

"fund, which is hereby created. All claims against the fund shall be processed as other claims against the state are paid."

Amend sec. 4, page 3, by deleting lines ¹⁹~~18~~ through ³⁵~~18~~ and inserting:

"5. Fund transactions of the taxicab authority fund shall be accounted for in accordance with generally accepted accounting principles for special revenue funds and the provisions of the Fiscal and Accounting Procedures Law.

6. Subject to the approval and regulations of the state board of examiners, the administrator may obtain from budgeted resources \$100 to be used as an undercover investigators' petty cash amount. Replenishment claims shall be processed as other claims against the state are paid."

Amend the title of the bill, by deleting ~~line 2~~ and inserting:

~~"providing for a fee"~~ on line 2 and 3 the words "establishing
The undercover investigator's revolving fund;"

to appeal by any aggrieved party to the taxicab authority, in the following matters:

1. Any violation relating to the issuance of or transfer of motor carrier license plates required by either the taxicab authority or the department of motor vehicles;
2. Complaints against certificate holders;
3. Complaints against taxicab drivers; and
4. Applications for, or suspension or revocation of, driver permits which may be required by the administrator.

(Added to NRS by 1969, 1241)

706.8823 Taxicab administrator: Hearings and recommendations to taxicab authority. The administrator shall conduct hearings and submit recommendations for a final decision to the taxicab authority, which shall render a final decision in the following matters:

1. Allocation of taxicabs;
2. Imposition of monetary penalties; and
3. Suspension or revocation of a certificate holder's certificate of public convenience and necessity.

(Added to NRS by 1969, 1241; A 1971, 583)

ALLOCATION OF NUMBER OF TAXICABS; TAXES; FEES

706.8824 Allocation of number of taxicabs by taxicab authority; factors for determination.

1. Whenever circumstances require a change in the allocations existing on July 1, 1969, or afterward established, the taxicab authority shall allocate the number of taxicabs among the certificate holders in any county to which NRS 706.881 to 706.885, inclusive, apply.

2. In determining the allocation of taxicabs as set forth in subsection 1, the taxicab authority shall consider:

(a) The needs and requirements of residents of the area served by the certificate holders;

(b) The needs and requirements of the tourists of the area served by the certificate holders;

(c) The interests, welfare, convenience, necessity and well-being of the public at large in the area served by the certificate holders; and

(d) Any other factors which the administrator considers necessary and proper for determining the allocation.

(Added to NRS by 1969, 1241)

706.8825 County, city tax revenue received from taxicab industry paid to state.

1. The board of county commissioners of any county in which there is in effect a taxicab allocation order of a taxicab authority, and the governing body of each city within any such county, shall pay to the state treasurer all of the tax revenue which is received from the taxicab industry operating in such county and city, respectively. The funds so

NOTICE OF SEIZURE

LV- 334

NAME AND ADDRESS

Public Service Commission of Nevada
ATTN: Tax Office
1500 E. Flamingo Ave.
Las Vegas, Nevada

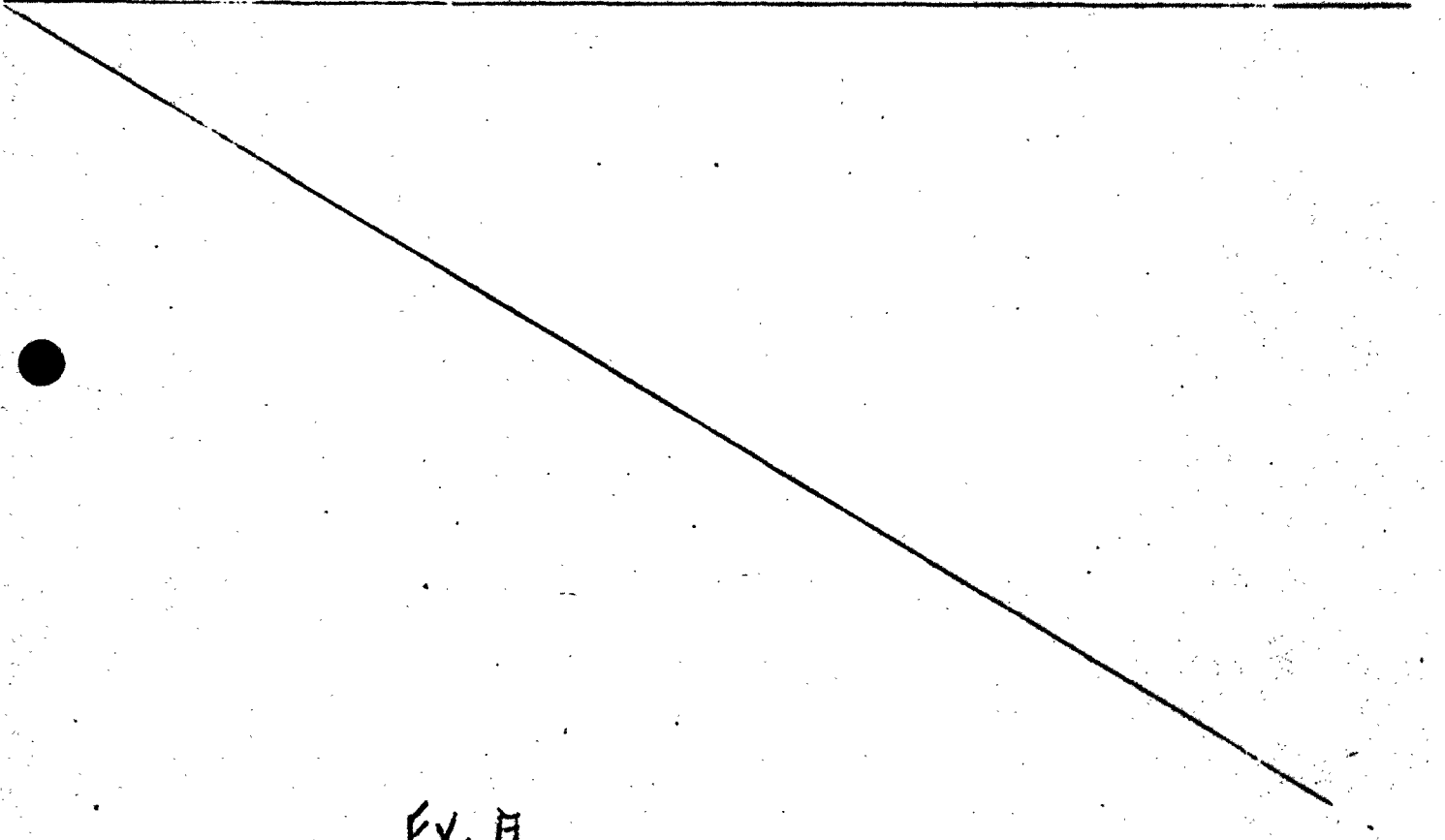


Pursuant to authority contained in Section 6331 of the Internal Revenue Code and by virtue of a levy placed in my hands for execution by the District Director of Internal Revenue of the district shown below, I have seized the following described property for nonpayment of delinquent internal revenue taxes:

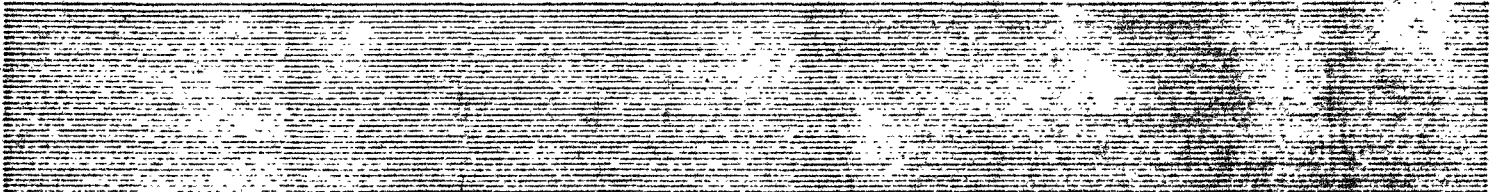
DUE FROM	IN THE AMOUNT OF	INTERNAL REVENUE DISTRICT (City and State)
Forest Johnson 2000 W. Sahara, Las Vegas, NV 89114	\$ 20,332.45	, Nevada

DESCRIPTION OF PROPERTY

Scientific Public Convenience & Necessity OFC A-1.3 Sub 3



EX. A



SIGNATURE OF REVENUE OFFICER

[Handwritten Signature]
R. F. [unclear]

ADDRESS

300 E. Flamingo Blvd So
Las Vegas, Nev

DATE

7-1-69

BEFORE THE PUBLIC SERVICE COMMISSION OF NEVADA

In Re Allocation of)
Taxicabs in Clark County)
_____)

Case No. 1344

335

At a general session of the Public Service
Commission of Nevada, held in Carson
City, Nevada, on July 18, 1969.

PRESENT: Chairman Reese H. Taylor, Jr.
Commissioner Evo A. Granata
Secretary Gene Milligan
Assistant Secretary Cora Austin

ORDER

Pursuant to the foregoing Opinion, which is hereby referred to and made a
part hereof,

IT IS ORDERED That the objections to the appearances of the Teamsters
Union Local 881, Henderson Yellow Cab, Nellis Cab Company and Strip Cab
Company shall be, and the same are hereby, overruled; and

IT IS FURTHER ORDERED That the motion to strike from the record all
testimony in regard to violations committed by the various participants shall be,
and the same is hereby, denied; and

IT IS FURTHER ORDERED That the motion to strike from the record any
testimony that might have been elicited from exhibits numbered 29, 29A, 30, 31,
33, 35, 37, 38, 39, 40, 43, 44, 45, 46 and 68 shall be, and the same is hereby,
denied; and the specific exhibits shall be, and the same are hereby, received into
evidence; and

IT IS FURTHER ORDERED That the exhibits numbered 83, 84, 85, 87 and
88 shall be, and the same are hereby, received into evidence; and

Ex. B.

IT IS FURTHER ORDERED That the allocation of the total number of taxicabs authorized to serve the Greater Las Vegas Area, with an origin and destination on the Strip, shall be 274 taxicabs; and an additional allocation of 3 taxicabs shall be made for those companies who are not authorized to provide local service on the Strip area, but are otherwise providing service in other areas in Clark County; and

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IT IS FURTHER ORDERED That the apportionment of 274 taxicabs shall be as hereinafter set out:

<u>COMPANY</u>	<u>COMMISSION ORDER 12/14/66</u>	<u>ALLOCATION BASED ON 274 TAXICABS</u>
Checker Cab Company	60	76
Yellow Cab Company of Nevada	60	76
Whittlesea Blue Cab Company	50	64
Ace Cab, Inc.	23	29
Union Cab Co., Inc.	15	19
Star Cab Company	3	4
Nellis Cab Company	1	2
Strip Cab Company	1	2
Desert Cab Company	0	2
Total	<u>213</u>	<u>274</u>

IT IS FURTHER ORDERED That the number of taxicabs allocated to each certificated company which is not authorized to serve between points on the Strip shall be: 337

<u>COMPANY</u>	<u>NUMBER OF TAXICABS</u>
Henderson Yellow Cab	3

IT IS FURTHER ORDERED That the Commission retains jurisdiction in the premises for the purpose of correcting any errors which may have occurred in the drafting of this Order.

BY THE COMMISSION,

/s/ Reese H. Taylor, Jr.

REESE H. TAYLOR, JR., Chairman

/s/ Evo A. Granata

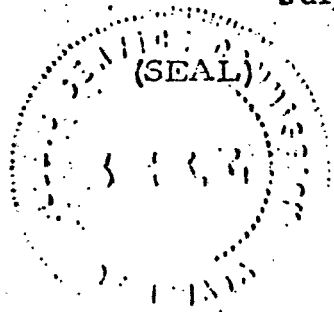
EVO A. GRANATA, Commissioner

Attest:

/s/ Gene Milligan

GENE MILLIGAN, Secretary

Dated: Carson City, Nevada
July 18, 1969



CERTIFIED AS A TRUE COPY
Gene Milligan
SECRETARY, PUBLIC SERVICE COMMISSION
OF NEVADA

BEFORE THE TAXICAB AUTHORITY, CLARK COUNTY, NEVADA

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In the Matter of the application of the U.S. Treasury, Internal Revenue Service, to sell and transfer certificate of public convenience and necessity to operate as a taxicab motor carrier for the transportation of passengers and their luggage in points and places within the boundaries designated hereinafter, subject to the exception noted. The point of beginning which is located within Section 3, Township 17 South, Range 54 East M.D.B.M. and more particularly at the point where the Fourth Standard Parallel South and the Nye and Clark County boundary lines intersect;

Thence, in a Southerly and Southeasterly direction following the most Westerly boundary of Clark County to U.S. 91;

Thence, along and including U.S. Highway 91 to State Route 41, also referred to as the Henderson cut-off, to Lake Shore Highway;

Thence, due North to the Fourth Standard Parallel South;

Thence, West along the Fourth Standard Parallel South to the point of beginning;

EXCEPT that no services will be provided to or from or within Henderson, Nevada.

To Vegas-Western Cab, Inc.

CPCA 833
SUB 3

ORDER

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The application of the United States Treasury, Internal Revenue Service, to sell and transfer certificate of public convenience and necessity, number CPCA 833 SUB 3, to Vegas-Western Cab, Inc. came on for hearing before the Taxicab Authority, Clark County, Nevada, February 26, 1967. Present were all members of the Authority, representatives of the applicant, Vegas-Western Cab, Inc., through S. D. Walls, buying through its attorney, E. M. Gunderson, Esq., and

BEFORE THE TAXICAB AUTHORITY, CLARK COUNTY, NEVADA

Ex. C

The application of the United States Treasury Service, to receive transfer Certificate of public convenience, William Mirin, D/B/A Strip Cab Company, with his attorney, Norman Hilbrécht, Esq. Representing the Taxicab Authority was John G. Spann, Esq., Deputy Attorney General for the State of Nevada. The Authority, after hearing and considering all evidence presented and argument of counsel, finds that the management of Vegas-Western Cab, Inc. has the experience and financial capabilities of serving CPCA 833 SUB 3 and that it is to the best interests of the public that said certificate be transferred to Vegas-Western Cab, Inc.

ORDERED that certificate of public convenience and necessity, number CPCA 833 SUB 3, and the same is hereby transferred from the United States Treasury, Internal Revenue Service, to Vegas-Western Cab, Inc., said transfer to be effective March 27, 1970.

Dated this 27 day of March, 1970.

Signed,

Chairman
Taxicab Authority
Clark County
Nevada

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LORETTA BOWMAN
CLERK
MARY STACK

CASE NO. 24069

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IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF CLARK.

STATE OF NEVADA,)
)
Plaintiff,)
)
-vs-)
)
WILLIAM MIRIN,)
)
Defendant.)

DECISION

The trial in the above entitled proceeding was heard on Monday, April 23, 1973 with Oscar Goodman, Esq. appearing on behalf of the Defendant and Gary Logan, Deputy Attorney General and William Koot, Deputy District Attorney appearing on behalf of the State of Nevada. At this trial de novo (from the appeal of Justice Court Case No. 389-34B), the following is the Court's decision.

William Mirin, Defendant, was issued a Certificate of Public Convenience and Necessity effective December 26, 1967. On or about April 22, 1969 the Internal Revenue Service placed a levy on the Certificate of Public Convenience. The Certificate of Public Convenience was subsequently sold to Vegas-Western Cab, Inc. On February 26, 1970, the Taxicab Authority held a hearing on the Internal Revenue Service's request to sell and transfer the authority to operate a taxicab business vested by the Certificate of Public Convenience, to Vegas-Western Cab Inc. Defendant was present and did participate in this hearing. On March 27, 1970 the Taxicab Authority transferred the Certificate of Public

1 Convenience from the Internal Revenue Service to Vegas Western
 2 Cab Inc. No revocation or suspension hearing has been held to
 3 date. That was the expressed finding of Judge Carl Christenson
 4 in Case No. A 77122. On February 9, 1973 Defendant engaged in the
 5 taxicab business in Clark County, Nevada. On that date defendant
 6 was arrested and charged with violating N.R.S. 706.8827.

"N.R.S. 706.8827 Certificate of public conven-
 8 ience and necessity required to engage in taxi-
 9 cab business. A person shall not engage in the
 taxicab business unless he:

- 10 1. Holds a certificate of public conven-
 11 ience and necessity from the public service com-
 mission of Nevada issued prior to July 1, 1969,
 [which has not been revoked or suspended by the
 taxicab authority; or
- 12 2. Obtains a certificate of public conven-
 13 ience and necessity from the taxicab authority
 as provided in NRS 706.386 to 706.396, inclu-
 14 sive, and NRS 706.406. (emphasis added)

15 The criminal complaint No. 389 34B filed in this pro-
 16 ceeding alleges:

" . . . that WILLIAM MIRIN, the Defendant above
 17 named, has committed the crime of ENGAGING IN
 18 TAXICAB BUSINESS WITHOUT CERTIFICATE OF PUBLIC
 CONVENIENCE AND NECESSITY (Misdemeanor-NRS 706.
 19 8827) in the manner following to-wit: That the
 20 said Defendant on or about the 9th day of Feb-
 21 ruary, 1973, at and within the County of Clark,
 State of Nevada, did wilfully and unlawfully
 22 engage in the taxicab business without a Certi-
 23 ficate of Public Convenience and Necessity from
 the Taxicab Authority."

24 It is not disputed that defendant was engaged in the
 25 taxicab business on February 9, 1973 and that he held a certifi-
 26 cate of public convenience and necessity from the public service
 27 commission of Nevada issued prior to July 1, 1969, which has not
 28 been revoked or suspended by the taxicab authority. Does the
 29 State's failure to allege and prove that defendant's certificate
 30 has been revoked or suspended by the taxicab authority render
 prosecution under N.R.S. 706.8827 and 706.985 invalid?

31 It is the decision of this Court that there cannot be a
 32 finding of guilt on this complaint or proof.

The general rule is that statutes imposing criminal

1 liability are to be strictly construed. Orr Ditch v. District
2 Court, 64 Nev. 138, 163 (1947).

3 Defendant maintains that by expressly designating the
4 basis upon which the violation would attach, the legislature ex-
5 cluded other areas therefrom. Furthermore: "Penal statutes should
6 be so clear as to leave no room for doubt as to the intention of
7 the legislature, and where a reasonable doubt does exist as to
8 whether the person charged with a violation of its provisions
9 is within a statute, that doubt must be resolved in favor of the
10 individual." Ex Parte Davis 33 Nev. 309, 318 (1910) cited in
11 Labor Commissioner v. Mapes Hotel, 89 Nev. Ad. Op. 7 (1/15/73)
12 Defendant's certificate was never revoked or suspended although
13 it may have been civilly transferred.

14 It is the contention of the State that the subject lan-
15 guage is "mere surplusage". Although the Court directed each
16 party to brief this issue the State has not offered one case
17 citation to sustain their contention. The Court was only offered
18 three pages of rambling rhetoric on behalf of the State.

19 It should never be held that specific requirements of
20 statute may be dispensed with, except when it is clear that legis-
21 lature did not consider compliance with its material, or unless
22 it appears to have been prescribed simply as matter of form.
23 (Corbett v. Bradley, 7 Nev. [1871]; cited Seaborn v. District
24 Court, 55 Nev. 206 [1934]). It is a cardinal and long estab-
25 lished rule of statutory construction to avoid an interpretation
26 which renders any words in the Statute meaningless or superfluous.
27 (State v. Kinhead, 14 Nev. 117 [1879]).

28 Statutes should be construed so that insofar as pos-
29 sible, effect may be given to all language therein. (Herr v.
30 Laxalt, 84 Nev. 382 [1968]).

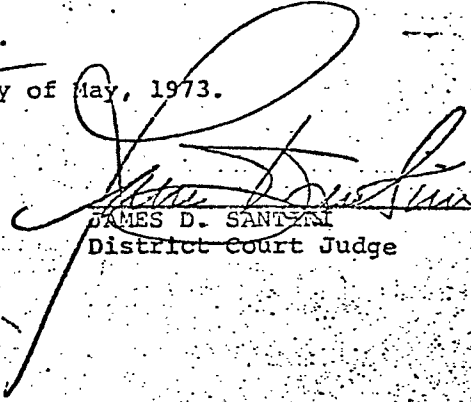
31 No part of statute should be interpreted by Court as
32 being surplusage and without effect if this result can be avoided.

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(Seaborn v. District Court, 55 Nev. 206 [1934]).

In order to successfully prosecute the defendant under N.R.S. 706.8827 the State must plead and prove revocation or suspensions by the Taxicab Authority. Before Penal sanctions can be imposed the State must comply with the provisions of the statute as enacted by the legislature.

DATED this 25 day of May, 1973.


JAMES D. SANTONI
District Court Judge

1 CASE NO. A 123367

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6 IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
7 IN AND FOR THE COUNTY OF CLARK

8 * * * * *

9	STATE OF NEVADA, etc.,)
10	Plaintiff,)
11	vs.)
12	WILLIAM MIRIN, et al.,)
13	Defendants.,)
14	vs.)
15	STATE OF NEVADA, etc., et al.,)
16	Counter-defendants,)
17	vs.)
18	CHECKER, INC., etc., et al.,)
19	Necessary Parties.)
20)

21 DECISION

22 Our economic system is basically one of free enterprise
23 but the manner in which the Taxicab Authority has been operating
24 is that of a controlled or regulated monopoly. An examination of
25 the applicable statutes of Nevada show that prior to 1969 taxi-
26 cabs were considered to be a public utility under the terms of
27 N.R.S. 704.020. However, the Legislature in 1971 by virtue of an
28 amendment to N.R.S. 704.020(3)(e) specifically excluded the
29 taxicab motor carriers from the provisions defining public utilities
30 and therefore the carriers are not now within the definition of
31 a public utility.

32 The Taxicab Authority based its decisions of allocation

Ex.E

1 among the existing carriers upon Attorney General Opinion 127,
2 which in effect, states that the established carrier must be given
3 the opportunity to expand its services or facilities to meet the
4 increased demand. This opinion is based on Arizona law and it is
5 important to note that by statute and law in Arizona, that state
6 is definitely committed to the doctrine of regulated monopoly.
7 But a close reading of the statutes of Arizona indicate that the
8 doctrine is applied only with respect to public utilities or
9 public service corporations. It is apparent that in rendering
10 AGO 127, the Attorney General overlooked the most important dis-
11 tinction between Nevada and Arizona motor carrier law. That is,
12 in Arizona, a taxicab company is characterized as a public utility,
13 while in Nevada, it is not. Thus, AGO 127 is predicated upon the
14 laws of a state which are completely opposite to the laws of the
15 State of Nevada. The statutes of Arizona specifically state
16 that the Commission will issue a new certificate only when the
17 existing common motor carriers operating under the route or
18 serving the territory are not providing service deemed satisfactory
19 by the Commission.

20 The court finds that the Nevada Legislature has made no
21 provisions even remotely similar to the above, nor are there any
22 implications relative to the doctrine of regulated monopoly. In
23 point of fact, N.R.S. 706.151 expressly provides that it is
24 declared to be the purpose of the Legislature in enacting the
25 chapter to provide for fair and impartial regulation, to promote
26 save, adequate, economical and efficient service and foster sound
27 economic conditions in motor transportation, and to encourage the
28 establishment and maintenance of reasonable charges for such
29 transportation service, without unjust discrimination, undue
30 preferences and advantages, or unfair or destructive competitive
31 practices.

32 Under the Administrative Procedure Act whenever an adverse

1 decision is made, such decision should include findings of fact ²⁴⁸
2 and conclusions of law, separately stated. The findings of fact
3 and decision should be based upon substantial evidence. The court
4 finds that the requirements under the statute have not been met by
5 the Taxicab Authority in that there is no concise and explicit
6 statement of underlying facts supporting the decision.

7 This court is limited to the record before it and cannot
8 substitute its judgment for that of the Taxicab Authority as to
9 the weight of the evidence on questions of fact. It cannot pass
10 upon the credibility of witnesses or weigh the evidence, but must
11 limit its review to a determination that the Board's decision
12 is based upon substantial evidence. Upon review of the transcript
13 of the hearing for the application for the certificate, not only
14 was there no substantial evidence adverse to Mr. Mirin, but in
15 fact, there was no evidence. Mr. Mirin, by expert testimony,
16 established the fact that there was a minimum need of an additional
17 64 taxicabs in order to supply the present need for public trans-
18 portation. This testimony was agreed to by all of the parties
19 to the hearing. At no time during the hearing did the parties
20 protesting the issuance of a new certificate express any desire
21 or intention to fill this need. In short, their only interest
22 was in preventing Mr. Mirin from obtaining his certificate and
23 thus, perpetuating the monopoly.

24 The present certificate holders have no vested right to
25 any new allocation, particularly in view of the fact that they
26 have expressed no real concern for the increased needs of the
27 public. Making an allocation based on the number of units
28 presently operated by the present certificate holders would only
29 tend to further stifle competition.

30 The Taxicab Authority has had, since its establishment,
31 the obligation to protect and promote the public interest first,
32 last and always. In fact by the very wording of N.R.S. 706.882(2)(c)

1 the Taxicab Authority shall consider

2 "the interests, welfare, convenience,
3 necessity and well-being of the public
4 at large. . ."

5 The rights and interests of cab companies holding certifi-
6 cates under the Taxicab Authority are secondary to the public
7 interest. Benefits and protection which the existing certificate
8 holdens receive from the Taxicab Authority must be always justified
9 that they are in the public's interest.

10 In Clark County, Nevada, the taxicab industry plays a
11 peculiarly important role in the economy of the community by
12 reason of the vast numbers of visitors who utilize cabs while
13 visiting the area. These visitors are the very life-blood of our
14 economy and their transportation needs must be met! In operating
15 under the protection of the Taxicab Authority, the certificate
16 holders have the obligation to meet the needs of the public.
17 These needs include not only satisfactory day-to-day service by
18 the existing allocation of cabs, but a willingness to be alert
19 to the needs of the public for increased service and any need for
20 additional cabs. This they have failed to do, to the irreparable
21 damage to all of us.

22 Except for a partial allocation of six cabs in 1971, no
23 allocation has been made by the Board since its inception in 1969,
24 although the need for additional carriers was ever increasingly
25 present. The population of Clark County has substantially
26 increased both by reason of permanent and temporary residents and
27 there has been no action by the Taxicab Authority to satisfy the
28 public need.

29 Were it not for Mr. Mirin's coming forward and asserting
30 that there has been and there is a need for additional taxicab
31 service and expressing his willingness to fulfill this need, we
32 can only speculate how much longer this condition would have

1 continued to exist and how much longer this vital element of the
2 economy of this community would have been neglected. Mr. Mirin
3 has gone to an immense amount of expense, difficulty, hardship,
4 and personal sacrifice to prompt this action for the benefit
5 of the public. The Taxicab Authority and the existing certificate
6 holders would now have the court dismiss Mr. Mirin and give the
7 fruits of his labors to those who have failed to make proper use
8 of the advantages that they now hold. Our free enterprise system
9 is founded upon and maintains its vitality through reward. It
10 has never been a prerequisite of success that a man be in a
11 financial condition to start any business or enterprise without
12 making use of borrowed money. To expect Mr. Mirin to be able
13 to purchase his equipment for cash is ridiculous.

14 The court therefore finds that the decision of the Taxicab
15 Authority is not in compliance with the requirements of the law
16 as to its form and content, and further, that it is clearly
17 erroneous in view of the reliable, probative and substantial
18 evidence on the record and accordingly, it is

19 ORDERED, that the Taxicab Authority's order denying Mr.
20 Mirin's application for a certificate of public convenience and
21 necessity is reversed; and it is

22 FURTHER ORDERED that the Taxicab Authority issue a certifi-
23 cate of public convenience and necessity to Mr. Mirin and that he
24 be authorized to operate 64 taxicabs within the area prayed for
25 in his application; and it is

26 FURTHER ORDERED, that the Taxicab Authority's motion for
27 an injunction be and the same is hereby denied; and it is

28 FURTHER ORDERED, that counsel for Mr. Mirin prepare
29 findings of fact, conclusions of law and judgment.

30 DATED this 16th day of August, 1974.

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KEITH C. HAYES

DISTRICT JUDGE

WILLIAM STANLEY

II
STANLEY

In these days of real big happenings, with each event more momentous than the preceding and any single one capable of thrusting the entire world into catastrophic upheaval, it would seem odd that a newspaper headline would herald the arrest of a cab driver for soliciting without a license.

This was the SUN's top story for yesterday and we thought

it deserved a headline for it did mark as earth-shattering an event as nations squaring off for a showdown after bloody riots over the placing of a flag.

The cab owner was also squaring off for a showdown over a man's right to make a living—to place his own little flag of independence into the midst of a political system that flourishes on influence, votes, wealth, regimentation and oftentimes graft.

Bill Mirin's one-car cab company has been subjected to more official harassment, legal persecution and more near bankruptcy situations than any small business or individual citizen should be expected to endure, and though the finances are extremely sparse, the spirit is still willing.

The cab owner even has to procure bail on credit which makes an unusual situation absolutely ridiculous.

Bill Mirin was licensed to operate his own cab back in 1962 before the county commission realized it might be establishing a dangerous precedent by permitting individuals to go into business for themselves.

The danger was pointed out to the individual commissioners by the large cab companies, backed by powerful labor organizations controlling large blocs of votes. The labor organizations also saw some danger in the individual ownership of cabs—danger to union membership, that is.

A combination of votes, gifts and affluence can result in a tremendous amount of influence which the normal little guy cannot withstand. But evidently Mr. Mirin is not the usual run of little guy. He doesn't give in too easily even when the powerful interests found it necessary to petition the legislature to pass a law against him, which was accomplished at the last session.

In a democracy, the police, sheriff's department, courts, district attorneys, license bureaus, commissions and all the maze of conflicting agencies of government are supposed to be the servants of the majority of the citizens. Governors and mayors and even presidents are elected by the mass of individuals, but the American system is supposed to guarantee that each single individual will not lose his identity although he is part of the mass.

So it is rather confusing to the individual, or little guy as he is contemptuously termed, to learn that all these rights and privileges which are supposedly his are in reality weapons to be used against

(Continued From Page 1) ment that he thinks, an attempting to deprive him of his rights. Though the district attorney told him that he doesn't feel he is bound by the decision of a judge in another district of the state, I would have to wager that the district attorney is responsible to such authority.

I don't believe that Mr. Mirin, the one-car cab company owner, has any political or economic philosophies whatsoever, although he did serve in the armed forces of his country and was told, I presume, that he was fighting to protect the freedoms and liberty and dignity of the individual and all that kind of bunko.

He does, however, have a basic belief in truth, right and justice and he aims to get it even if every lawyer in the state turns him down and every judge in the county fails to listen. He filed his own papers for an injunction against the forces of government

Much has been said about the need to preserve the guarantees of the Constitution and the rights of the individual and the encroachment upon those liberties by big business and labor unions.

We don't even know who's right and who is wrong in the continuing battle between Bill Mirin and the forces of government joined against him.

We hold out no hopes for him for we have seen "The System" in action, but if Bill Mirin is willing to carry on this fight, we are mighty proud to hold his coat because this is a rare occasion and an even rarer privilege.