

MINUTES - COMMERCE COMMITTEE - 56TH ASSEMBLY - March 8, 1971

Present: Lingenfelter, Ashworth, Poggione, Dini, Hafen, Branch

Absent: McKissick, Capurro, Hilbrecht

Others Present: Bob Luker, Las Vegas

Dr. Tom White, Dept. of Commerce

Assemblyman Brookman, Assemblyman May

Noel Clark, Public Service Commission

Winston Richard, Dept. of Motor Vehicles

Tate Williams, Reno Chamber of Commerce

Joe Midmore, Recording Industry Ass;t. of Americ

Clark Guild, Jr., Book of the Month & Literary
Guild

Vice Chairman Lingenfelter called the meeting to order at 11:10 a.m. He asked Dr. White to speak on AB-311 - Provides for reduced travel fares for senior citizens.

Dr. White explained that this bill would provide reduced rates for bus fares purchased by senior citizens over 65 years of age. He said that the present fare for citizens is 50¢ one way on busses in Las Vegas. He has consulted with Mr. Ballenger who owns the Las Vegas bus line and he thinks they could provide service for senior citizens at 20¢ one way.

Mrs. Brookman passed out newspaper clippings which showed several cities have reduced rates for senior citizens on busses and it has proven to be successful. She pointed out that the cost of living has risen but most senior citizens have a very low income and their income hadn't raised.

Noel Clark, stated that the token price was 20/35¢, 6/40¢ and 50¢ when purchased 1 way at present in Las Vegas. He stated he thought that the reduced fare would fill empty seats on the bus and possibly bring in additional revenue for the bus company. There might possibly have to be imposed some hour control so the busses wouldn't be filled with senior citizens at the peak hours. He stated the bill, if passed, could be put into effect immediately.

Mrs. Brookman brought out that Las Vegas has a Senior Citizen Week and it would be nice to pass this bill in conjunction with it.

MOTION BY ASHWORTH FOR A DO PASS ON AB-311, SECONDED BY BRANCH AND CARRIED UNANIMOUSLY.

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AB-294 - Exempts certain activity for retrieval of property from public utility and motor carrier regulation.

Assemblyman May explained the business of retrieving shopping carts which was responsible for the introduction of this bill.

Bob Luker, who has a shopping cart maintenance business in Las Vegas, explained the problem he has in his business. He has contracts with various stores whereby he retrieves them, services them, and returns them to the stores. He found that he is illegal as he does not have a certificate from the Public Service Commission for hauling carts. He stated that if he must obtain this certificate, it would be too costly.

Noel Clark, Public Service Commission, explained that a bill had recently been passed whereby tapes on hearings wouldn't have to be transcribed unless necessary so the cost now would be only \$200. He stated he was perfectly willing to work out the difficulties with Mr. Luker and explained that there was misunderstanding. He stated that stores could purchase or rent trucks for retrieving without going through the Public Service Commission but a private individual could not.

Lingenfelter asked if the amendment of AB-294 would help.

Winston Richard, Dept. of Motor Vehicles, pointed out that page 2, lines 30 and 31 - exempting license fees - should be amended or it would be in conflict of NRS 706.540 - exempting vehicles under 5,000 lbs.

Mr. Clark and Mr. Luker will get together to solve the problems.

AB-201 - Requires explanatory material to accompany insurance policies. Mrs. Brookman appeared and it was decided that this would be taken care of in the new proposed insurance code.

AB-351 - Declares unsolicited goods, wares or merchandise a gift except in certain circumstances.

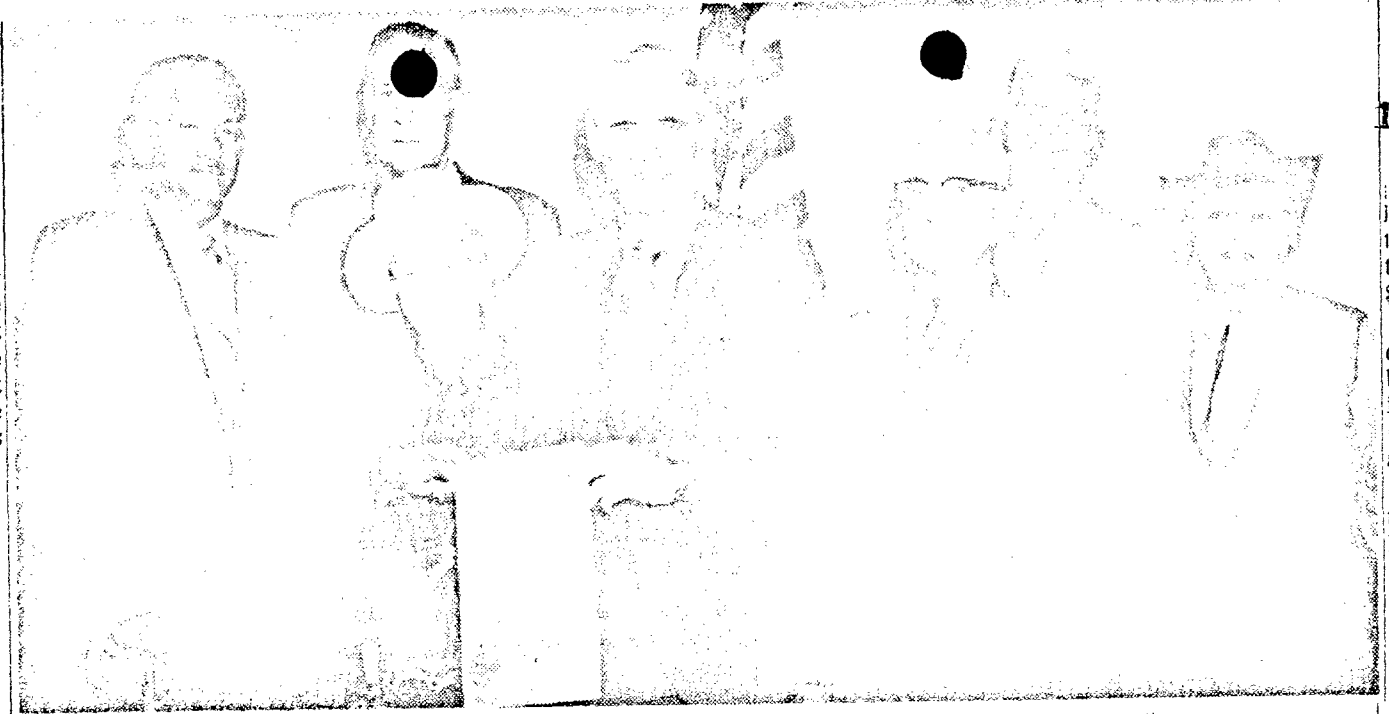
Tate Williams, Reno, appeared and stated that many older citizens are sent things which they have not ordered, open it up, and then are told to pay for them or must send them back. He stated that this worked a difficulty on them and this bill's passage would eliminate this nuisance.

Ashworth was concerned with the use of "gift" in lines 6 and 17, but it was pointed out that other states use this language and Mr. Dini will check into it.

Joe Midmore, representing the Recording Industry Ass'n. of America, appeared and said his company was concerned over record clubs and afraid that the interpretation of the bill might effect the industry. Lingenfelter pointed out that people sign a contract to join record clubs so this shouldn't effect them. Branch stated that one record club has threatened his son for 2 years with a lawsuit over records he didn't order and had returned. Mr. Midmore acknowledged that they are having this problem taken up with the Federal Trade Commission and get better rules and regulations under which they could work.

Clark Guild, Jr., representing the Book of the Month and the Literary Guild, appeared and stated there was a hearing scheduled with the Federal Trade Commission for March 17th and he would be receiving information regarding background material on this case and asked that he be allowed to submit the type of language needed to amend this proposed bill to Mr. Dini and Mr. May.

Meeting adjourned 12:05 P.M.



SENIOR CITIZENS WEEK — Mayor Oran Gragson and Mel Salazar, of Seniors in Action Foundation, Inc., (SICF) are seen holding the mayor's proclamation of "Senior Citizens Week" — the first week in March.

Others seen above are, left to right — Arthur Fredericks, Dolly Watkins, J. Ambrose, Alan Sanders and Rowena Walters, also SICF members.

SV Sun 3/5/71

ASSEMBLY TO HEAR PLEA ON ELDERLY BUS RATES

Assembly Commerce Committee hearings on A.B. 311—which will permit the Las Vegas Transit System Inc. and other common carriers to provide reduced rates for senior citizens—will be held Monday, Mayor Oran Gragson said yesterday.

Gragson said the bill, introduced by Clark County Assemblyman Eileen Brookman and co-sponsored by 14 other legislators, "is something we have all been working on for some time. Our senior citizens too often are the hardest hit by cost of living increases and this will be a step forward in easing their burdens."

Gary Ballinger, executive vice president and general manager of Las Vegas Transit System, said his company has

filed a tariff with the Nevada Public Service Commission which will call for a 20c fare for persons over 65 years of age.

"We have been most happy to cooperate with Mayor Gragson in his efforts to push for such enabling legislation and hope that the bill receives the support it deserves."

Ballinger said the 20-cent fare would save senior citizens more than half of the present cash fare in effect and would also represent "a substantial" savings over the current token and commuter ticket rates.

According to Gragson and Mrs. Brookman, more than 20 states now have such legislation on their books.

Hard Act to Follow

An "older generation" speaker during a Commencement Address recalled the anecdote about the young person who asked, "... what's polio?" Speaking to a college graduating class, he said, "Yes. What's polio? What's a typhoid epidemic? Or diphtheria, smallpox, scarlet fever? This might be news to some of today's new graduates—but those scourges used to be very much with us. As one representative of the over-30 contingent, I discreetly remind our new graduates that it is, after all, this older generation—which includes your parents, grandparents, aunts and uncles—perhaps square at times and certainly often criticized these days—that has had something, somehow, to do with the fact that your life expectancy today has increased by about 30 per cent over the last 50 years ..."

34 Cities From Coast to Coast Now Have Low Senior Fares: Savings Average 10-15¢

Savings to seniors by reduced transit fare plans in at least 34 communities from coast to coast range from a free ride in Lorain, Ohio, and a 5¢ San Francisco fare (*Aging*, Jan. '70, p. 10) to half fare in North Merrick, N.Y., where it can mean a reduction of 12 to 28¢ from standard fares.

Fare savings average 10 to 15¢.

Seven communities restrict reduced fares to older persons with low incomes.

Virtually all require Medicare or other senior ID cards to be presented to obtain the low rate.

Sixty-five is the general eligibility age for reduced fares; a few plans allow them for women at 62.

Most plans restrict reduced fare privileges to non-rush hours.

These facts emerge from a tabulation of such plans as of last October by the American Transit Association, with additions by the ATA and by *Aging* not yet tabulated. These include plans in Pittsburgh, Pa., reported in this issue, and those in Boston, reported to ATA without details, and in Oakland and Santa Barbara, Calif., on which details also are lacking.

Detroit Had First Plan

The oldest plan, according to ATA's record, is that in Detroit, established in 1956, with a virtual half fare, 15¢ saving to seniors on a basic 30¢ fare.

Los Angeles has had a plan since 1961 where seniors get a 10¢ cut on a 30¢ basic fare.

Des Moines also has a plan dating back to 1961 in which seniors save 10¢ on a basic 35¢ fare.

Cleveland has a plan dating back to 1963 in which seniors pay 20¢ for a 35¢ ride. Toledo seniors since 1961 have saved 10¢ on a 35¢ basic fare.

San Francisco, where seniors get a 20¢ ride even on the cable cars for a nickel, is a relative newcomer to the reduced fare plan group of cities, having started one in 1969.

So is New York, where seniors last year started getting half-fare 20¢ rides. Their 10¢ was raised to 15¢ Jan. 1, when the basic fare rose to 30¢. The Administration on Aging has awarded a title IV grant to the New York Office of the Aging for a study of the impact of the half fares.

Chicago also started last year, giving seniors a 40¢ ride for 20¢ in a plan the impact of which is being studied in a research project financed jointly by the AoA and the U.S. Department of Transportation (*Aging*, May '69, p. 23).

Arranged alphabetically by States, the American Transit Association listing, with additions as noted above, shows the following reduced fare plans:

California: Gardena, Los Angeles, Oakland, San Diego, San Francisco, Santa Barbara.

Connecticut: Hartford, Meriden, New Haven, Stamford.

Illinois: Chicago.

Iowa: Cedar Rapids, Davenport, Des Moines.

Massachusetts: Boston, Worcester.

Michigan: Ann Arbor, Detroit, Flint, Grand Rapids.

New Mexico: Albuquerque.

New York: Binghamton, New York City, North Merrick.

Ohio: Cleveland, Euclid, Lorain, Maple Heights, Toledo.

Pennsylvania: Philadelphia, Pittsburgh.

Utah: Salt Lake City.

Washington: Seattle, Tacoma.

Further information on the compilation is available from the American Transport Association, 815 Connecticut Ave., N.W., Washington, D. C. 20006.

Special Aging Group Extended by Senate With \$215,000 Funding

The United States Senate has continued through Jan. 31, 1971 its Special Committee on Aging and authorized it to make expenditures up to \$215,000.

Like all special, as distinct from standing, committees, the aging committee must obtain annual authority for continued existence each year. This has been voted by the full Senate since 1961.

This year's floor action, as usual, was taken on recommendation of the Senate Committee on Rules and Administration.

Sen. Harrison A. Williams, Jr. (N. J.), chairman of the special committee, noted that by Jan. 31 it

had issued 47 publications and reports in addition to 135 volumes of testimony.

Sen. Winston L. Prouty (Vt.) who became ranking minority member of the group upon the death of Sen. Everett McKinley Dirksen (Ill.), said:

"I regard the work of this Committee as highly significant and I am confident that it will make substantial future contributions in solving the urgent problems of our large elderly population."

Sen. Ralph T. Smith, who took Sen. Dirksen's Senate seat, also has been appointed to the Senate Special Committee on Aging.

Reduced Senior Transit Fares Now Available in 50 Cities

New information received since the listing of communities which have reduced transit fare plans for senior citizens (*Aging*, April '70, p. 9) indicates that such programs are now in effect in at least 50 cities.

Free bus service is offered in Commerce, Calif., the Los Angeles County Department of Senior Citizens Affairs reports, and efforts are being made to seek extension of reduced fare plans already in effect to more bus lines in the area.

Rochester, N.Y., on Mar. 15 started a 3-month experiment in offering Medicaid card holders 15¢ rides, half the regular fare. Asheville, N.C. has a plan wherein seniors get a 25¢ ride for 15¢.

The New York State Office for the Aging, commenting on the Rochester plan, noted that the Rochester Senior Citizen Action Council was among agencies active in obtaining it. The Council is supported partially by a title III Older Americans Act grant from the State agency.

Dime Fare for 130,000

Mrs. Alex Van Frank, President of the East Bay Council of Senior Citizens Groups, Oakland, Calif., reports that an estimated 130,000 older citizens in 14 communities are benefiting from a 1-year experimental plan in which they get bus rides in nonpeak hours for 10¢ instead of 25¢.

The communities are El Sobrante, San Pablo, Richmond, El Cerrito, and Kensington in Contra Costa County and Albany, Berkeley, Oakland, Emeryville, Alameda, San Leandro, San Lorenzo, Hayward, and Castro Valley in Alameda County.

(Only the city of Oakland had appeared in the previously published list.)

Selden G. Hill of the Florida Federation of Senior Clubs, Inc., reports that while reduced senior fares have not been obtained in Orlando, merchants are paying for free bus rides

to and from a shopping center during nonrush hours for 3 days early in each month.

Starting on Mar. 3, 4, and 5, the free bus rides are offered to the Colonial Plaza shopping center, which has 63 stores.

"It is working out very well," reports Mr. Selden, who appears on TV and writes for a local newspaper. "About 500 to 1,000 folks use it to go shopping during the first week of each month. The merchants pay the bus fare."

D. C. Area Study Ordered

The Washington, D.C. Metropolitan Area Transit Commission in late April, while granting one suburban bus company increased fares, ordered it to present a plan for reduced senior fares during nonpeak hours.

It was the first time the Commission had issued such an order, and its Chairman, George Avery, said it will consider similar action in all pending rate cases, including the D.C. Transit Company's request for a fare increase from 32¢ to 40¢.

Manhattan Changes Studied

The New York City Office for the Aging has announced that it is studying, with the Transit Authority, possible changes in the city's reduced senior fare program, which has been used by more than 600,000 older New Yorkers.

In its publication *Reporter*, the city office noted that travel by the elderly under the half fare plan had increased by over 27% (*Aging*, Apr. '70, p. 6).

The *Reporter* also noted that a study (funded by the Administration on Aging under title IV of the Older Americans Act) likewise showed the following about elderly reduced fare travel in the city:

One of every four trips was taken for health care:

Three out of ten trips were for visiting and recreation.

About 1¼ million half-fare rides

are taken weekly, 200,000 of them on weekdays. (Over 600,000 New Yorkers are eligible.)

Previously, the *Reporter* noted, the high cost of transports "had been contributing to social isolation, loneliness and inadequate health care."

"Curfew" Is Criticized

Among suggestions for improvement of the half fare program received by the City Office for the Aging, the most frequent is for lengthening the half-fare hours.

Some seniors complained such hours put a "curfew" on their travel. The reduced fares are not in effect between midnight and 10 a.m. weekdays. Among those affected are older people who must begin trips earlier than 10 a.m. or who make overnight visits to families or friends.

Some senior subway riders would like to end the return trip coupon plan under which a senior pays full fare outbound and gets what amounts to a pass for his return. Changing subway turnstiles to accept exact fare for each ride would entail considerable expense, which is one of the problems being discussed with the Transit Authority, the City Office for the Aging said.

Los Angeles County Drug Store Chain Offers 99¢ Special Senior Lunches

SCAN, newsletter of the Los Angeles County Department of Senior Citizens Affairs, reports 65+ persons can get lunches for 99¢ there.

By showing a Medicare card or other proof of age, senior citizens can get them between 2 and 5 p.m. 7 days a week at all coffee shops in southern California operated by the Thrifty Drug Store chain.

The County Health Department is providing dietitians to work with a lunch program which serves about 15 meals monthly to 400 seniors in downtown churches, SCAN reports.

Low cost senior meals are now being offered by restaurants on both coasts of the United States (*Aging*, May '70, p. 15).

17 February, 1971 132

Mr. Howard McKissick
Legislation Bldg.
Carson City, Nevada

Re AB 294 - Shopping
~~*was 294 - Shopping*~~
(Hearing Postponed)

Dear Mr. McKissick,

I have gone through Mr. N. Hilbrecht to get a bill introduced, which he has introduced, Assembly Bill #294. It has to do with routine return of shopping carts to supermarkets, and getting this service exempt from the Public Service Commission.

I am sending you a copy of the letter I wrote to Mr. Hilbrecht, explaining the problem briefly.

I have informed most supermarkets of the bill (#294), and have a dozen names (representing approximately 40 stores) who are anxiously awaiting the outcome of this bill, and have given consent to using their names in support of the bill.

I can make myself available for a hearing on this matter anytime you so desire, with sufficient notice for driving from Las Vegas to Carson City.

Also if there is any questions on this matter please feel free to call me collect at 737-7629.

Sincerely,

Bobby V. Luker

Bobby V. Luker
Outdoor Enterprises
4913 Vista Flora Way
Las Vegas, Nevada 89109

29 January, 1970

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Mr. N.T. Hilbrecht
Legislation Building
Carson City, Nevada

Dear Mr. Hilbrecht,

For some time I have had business licenses in Clark County, Nevada, d/b/a/ OUTDOOR ENTERPRISES. I provide a maintenance service and cater mostly to shopping centers, supermarkets, etc.

One part of my service is shopping cart sales, repair, steam cleaning, locating and returning stolen shopping carts.

My problem now is the returning of these carts. As of the first of January, 1971 I find I have been returning these illegally, as I do not have a certificate from the PUBLIC SERVICE COMMISSION. They (PSC) came to me and informed me I must have a certificate or be arrested.

At the present time there is one such certificate issued in Clark Co. I have been informed by the PSC of the problems and cost I encounter in applying for this permit, as follows:

1. I have to prove a need for another service of this kind.

This is easy enough to do since approximately 70% of the markets do not use the present service for various reasons, price too high, not satisfied with the service, etc.

These stores now return their own carts by using a pickup belonging to one of the employees, using high school kids, etc.

It turns out that they are illegal in returning their own carts if they do not use a truck registered to the store itself, according to the PSC. In fact they (PSC) have promised to arrest Mr. M. Johnson of SKAGGS FAMILY STORE (manager), if they catch him using these practices. (Incidentally I have found that not one major supermarket has a pickup owned by the store itself)

My problem here is that I have to get these owner/managers to go to a hearing and testify in my behalf that we need another service. I'm not going to ask any more of them. I have found they prefer not to get involved in court with my problems and I don't feel right in asking them to give up their time to do so. I have asked the PSC to do this and naturally they can't.

2. I have to pay a \$200.00 filing fee which is not refundable if for any reason the PSC rejects my application.

They (PSC) tell me there are several reasons why an application would be rejected. The main one I am concerned with is my tariff. It will have to closely match the one now in effect. As the PSC told me they are not going to let me undercut the prices now in effect. These prices naturally get cheaper as the amount of carts returned goes up. The price now in effect states that on a monthly service the price for returning one cart is \$25.00, on a special call the price is \$8.00. (The average cart costs \$23.00). I feel these prices are outrageous and I can't charge them.

3. If the PSC approves my application all Certified Public carriers are notified by newsletter and newspapers, which I am required to pay for.
4. In the event any of these people want to protest my application (the present cart return certificate holder promised me he would), we have a hearing (for which I get to pay all costs). As near as I can tell this could run approx. \$2000.00. For me to pay this I would have to raise the prices of my services greatly. The stores are not too interested in helping me pay these costs, they prefer to return their own carts illegally, and I can't blame them.

To sum it up I feel this service should be exempted from PSC control. To continue going through the PSC puts the stores in a position of being forced to use one man only at the present time, or lose their shopping carts. I would rather not be a party to this type of business deal. I would rather base my business on my service and not on an unconstitutional law.

I have tried to explain my services to the PSC, but they tell me they are interested only in the actual transporting of the carts.

I provide a complete shopping cart service (in which I have already invested \$5000.00); sales, steam cleaning, repair, (labor and parts), periodical cart inventory, locating and returning stolen carts. As you can see the actual transporting is a very small fraction of the time and service involved. In addition the PSC has agreed to let transport the carts to and from the stores and my repair facility without a certificate. To me this is actual transportation.

The main point I am trying to make is that this is a service, not just a simple matter of transporting carts.

I compare this to a drycleaning business, in which they transport your clothes, included in a nominal fee for their complete service. They are exempt from the PSC. If they weren't I don't believe I could afford to have my suits cleaned very often.

Along this line is tow trucks which perform the same service, they too are exempt.

Along the service line as I say, most stores use their boxboys to return carts. They readily admit the boxboys tend to use this time for an excuse to get out of the store and goof off a little, and aren't really interested in finding these carts. However, they feel they get better service this way than with the present certificate now issued. They are not interested in complaining to the PSC, they are interested in getting a better service.

I have dug these carts out of swimming pools. I have done business with three small markets who admit they go out weekly and bring back enough carts to last a week or two, no matter who the carts belong to. These same three stores have agreed to stop these practices and use my services if I can give them good service in keeping their own carts in good repair and on location. All stores have agreed to let me weed out the carts on their premises not belonging to them.

Again I respectfully appreciate your help (inlong with many stores) in getting this service exempted from the PSC.

I am attaching a proposal that I have in effect with the stores presently using my services(until my abrupt stoppage by the PSC that is), and that I have offered to other stores. I offer this as a complete service, and have not nor do I plan to offer anyone a proposal on actual transportation of shopping carts.

Sincerely,

Bobby V. Luker
Outdoor Enterprises
4470 Vegas Valley Dr.
Las Vegas, Nevada