

MINUTES

COMMITTEE: COMMERCE

DATE: Monday, March 26, 1973

MEMBERS PRESENT: Chairman Prince, Dr. Robinson, Messrs Demers, Wittenberg, Capurro, Bickerstaff, Hafen, and Torvinen;

MEMBERS ABSENT: Mr. Dini

GUESTS: See attached list

Due to the large audience, the meeting was called to order by Chairman Prince in Senate Room 131 at 4:15 p.m. Chairman Prince introduced Speaker Ashworth to discuss AB 674, a bill amending provisions regulating the practice of architecture. Mr. Ashworth stated that it was at his request that this bill was introduced by the Committee and asked Mr. Harris Sharp, AIA of Las Vegas, to testify. Mr. Sharp stated that he is presently chairman of the State Board of Architecture; that the Board has regulatory powers, and introduced Mr. John McCullough, attorney for the Board.

Mr. McCullough, who stated that he basically drafted the bill, discussed each section of the bill and stated that the changes in Section 11 regarding increasing requirements for licensing would only meet national standards; that Section 16, setting fees was established in 1949 and is being increased by this bill since the Board is self-supporting; that Section 18 regarding draftsmen and others practicing architecture is the most controversial section of the proposed bill amendments.

Mr. Hafen asked for an explanation of the repealed sections mentioned in Section 20. Mr. Capurro asked if this bill would effect the small builder. Mr. McCullough stated that it would not; that a contractor who is designing for his own work is exempted; that draftsmen would not be prohibited from putting plans on paper, but they would be prohibited from engaging in the practice of architecture as defined.

Mr. Torvinen asked about the practices of "building designers" and if this bill would effect those now doing business in Reno. Mr. McCullough stated that there is more of a problem in Las Vegas with "building designers" than there is in Reno; that in Las Vegas there are "building designers" who are not architects and are actively engaged in the practice of architecture; that in order to obtain a building permit, "building designers" have their plans stamped by a civil engineer and the "designers" name never appears on the plans. Mr. Torvinen asked if this will "stamp them out". Mr. McCullough stated that the "building designer" is now prohibited by law from

these practices. Discussion followed regarding acts performed by "building designers" as compared to architects. Mr. Mc Cullough stated that all public works projects must be checked by the State Planning Board and that it is a violation of the law if they are prepared by anyone other than an architect, including out-of-state architects; that many manufacturers of portable buildings have their own architects registered in Nevada for this purpose.

Mr. Arturo Cambiero, architect and President of the State Association of Architects, stated that the responsibility of an architect does not end with the design, but also covers the safety of the public. He felt that engineers and contractors should be exempted from this bill.

Mr. Roland Oakes of the Associated General Contractors stated that he opposed the bill; that the present statute is not being enforced so what is the need for a new one. He stated that a contractor renders service but doesn't always have a contract for the structure; that on February 2 he was shown a copy of an amended bill, but had not known of the suggested amendments made by Mr. Cambiero; that these changes should have wide exposure by the industry; that it would effect contractors inasmuch as they "render architectural services"; that in the past carpenters were able to obtain building permits, but this new bill will outlaw that practice; that if the "building designer" is put out of business, who will design tract houses; that perhaps a study of the industry should be made to "let everybody get into the act".

Mr. Joe Midmore of the Builders Association of Northern Nevada whose members include "building designers" agrees with Mr. Oakes; that the bill is too all-encompassing. Regarding the exemptions to the bill, Mr. Midmore stated that a contractor and engineer who draw plans for their own use should still be able to draft their own plans; that taking out the "building designers" section doesn't exempt them, so leave it in; that there must be other laws to take care of this situation; that the members of his organization do not go beyond the planning, as supervising a job and asked that the exemption section be left as it is.

Mr. Peter Escheverria, speaking for himself, stated his opposition to the bill. He stated that Chapter 625 requires that all public works projects must be performed by a registered architect, but that under Section 18 (6), the need for a draftsman "who does not hold himself out ... as an architect" is very great; that the exemption should stay. He gave examples of his own personal experience with draftsmen and architects and stated that "this bill is designed to serve special interests; that there is no reason for the exemptions 4 and 6 under Section 18 on page 5.

Mr. Grant Eckstrom, representing the engineers, stated his opposition to the exemptions of engineers and contractors; that there is an overlap of responsibilities and he opposes anything that would effect the activities of engineers and contractors.

Mr. Larry Farnsworth, a draftsman from Las Vegas, stated that this bill makes it totally impossible for him to make a living; that his business is similar to that of plans which are advertising in newspapers and sold through the mails; that he wants to be able to direct clients in their plans, but this bill won't allow that. He also felt that the penalties for violating the provisions of the bill were too strong; that this should be left to the discretion of a judge.

Regarding AB 719, a bill requiring public utilities to notify unsuccessful bidders on contracts, Mr. Capurro stated that he has had complaints that this is not being done.

Mr. Keith Peterson, a Nevada contractor, stated that he feels this is a good bill; that it is long overdue and fills a need. He also felt that all bidders should be allowed to attend a bid opening; that rejection of a low bid should be subject to some kind of review.

Mr. Oakes agreed with Mr. Peterson, stating that the telephone company does this now and doesn't understand why a low bidder shouldn't always receive the bid since public utility funds are quasi-public.

Mr. Joe Gremban of the Sierra Pacific Power Company stated that some revisions are necessary because his company is currently doing this; that Sierra Pacific is not a government agency; it is privately owned by investors under the jurisdiction of the PSC; that bids are available for inspection at all times; that they notify all unsuccessful bidders but do not give out the amount of the bid. He felt that the 48 hours' notice to unsuccessful bidders is too restrictive; that there are many bidders on many projects and asked for a reasonable time of a week by regular mail for this notification. He felt that releasing amounts of bids would increase costs to the consumer.

Mr. Stan Warren of Nevada Bell, stated that they have a bid-opening committee; that they notify the bid winner and then after final approval, notify the unsuccessful bidders. They do not give out the amount of the bid either. He opposes this provision as well as the limited amount of time to notify unsuccessful bidders.

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Mr. Dale Carlson of Continental Telephone reiterated the testimony of Mr. Warren and Mr. Gremban and is also concerned about the amount of a bid being given out. The "floor" of the bidding would come out and increase costs.

Regarding AB 746, limiting issuance of nonrestricted state gaming licenses, Mr. Capurro stated that this would involve local approval of licensees before they go to the State for approval; that undue burdens are being placed on licensees; that the bill passed the Assembly last session but failed in the Senate.

Mr. Phil Hannifan, Chairman of the State Gaming Control Board, voiced his opposition to the bill; that this legislation would only aggravate some evil, if it exists, not correct it; that this will permit local authorities to deny a license without having to justify it before the applicant can even get to the State; that in his two years on the Gaming Control Board he does not know of any applicant who was denied a license by local authorities after they had received State approval. He does not approve of local authorities being given authority to enforce regulations of the Nevada Gaming Commission because they have no training in this matter and will only create problems that we do not need.

Mr. Les Kofoed of the Gaming Industry Association, stated his agreement with Mr. Hannifan's remarks.

Mr. Allan Bruce, representing the Association of General Contractors, discussed AB 736, requiring bids on public works projects estimated to cost over \$10,000. He stated that this has been a controversial issue over the past years in Clark County; that it deals with the amount of road construction performed in that area, i.e., in fiscal 1972-73, Clark County spent \$2,117,024 in their Road Department; that they use their own County employees except when it is unfeasible; that California limits the amount of work that can be performed by their Highway Department, probably on projects costing no more than \$5,000.00; that the counties are limited to \$10,000 and Utah limits the counties to \$25,000.00.

Mr. Oakes stated that the Bureau of Public Roads compared the costs of the counties performing work against outside construction companies and found that outside construction companies could do it for half as much as the counties

Mr. Mike Brierley, an Engineer with the City of Sparks, stated his opposition to the present form of the bill, particularly, particularly Section 2 referring to counties performing work. He stated that in Sparks it is more economical

for Nevada wants 736 limit out completely. 3/28/73

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for the City to repair and patch streets and asked, "What value is there in this bill?"

Mr. Grant Bastian, State Highway Engineer, stated that the Highway Department would be out of business with this bill, stating that 75% of their work is over \$10,000.00; that he would have to maintain a staff just to do work no bidders would take; that the State needs contract work in order to maintain people to work all year. He challenged Mr. Oakes statement that the work can be done cheaper by contractors. He also stated that none of the State's jobs can exceed \$50,000 without a formal contract; that Chapter 408 covers the Highway Department and Chapter 338, which is amended by this bill, would alter procedures drastically.

Mr. Ward of the City of Reno stated his opposition, saying that Reno could not continue some of its operations; that Reno contracts new construction and do their own maintenance. "We can perform more cheaply and more suitably", he said. It would be a tremendous hardship for Reno to have to bid all jobs over \$10,000; that they try to bid all capital improvements; that they prefer no amount to be set, but it should be at least \$30,000.00 for repair work.

Mr. Oshima of Washoe County doesn't feel this work can be done by contract; that in outlying areas it is impossible to get bidders; \$10,000 would be a detriment, but \$50,000 would be feasible.

Mr. Bob Warren, representing the Nevada Municipal Association stated that the Cities of North Las Vegas and Boulder City are very concerned about this bill; that it would tend to increase costs of government and could be done much cheaper by the cities. He suggested no limit until he could poll the cities for their opinions.

Mr. John Meder representing the Nevada Association of County Commissioners stated that this bill would require a duplication of efforts and that county equipment and personnel should be used as much as possible.

Chairman Prince stated that AB 740 would be the first item on the agenda Wednesday, March 28.

Dr. Robinson brought to the attention of the Committee AB 761 and AB 789 both of which were requested by the State Board of Optometry and were approved by the State Association. Mr. Capurro moved, Mr. Torvinen seconded a "do pass" on AB 761 relating to continuing education for the practice of op-

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tometry. Mr. Capurro moved, Mr. Torvinen seconded a motion to give the bill a "do pass" vote. The motion was unanimously approved.

Dr. Robinson explained that AB 789 allowed the State Board the right of subpoena which most State Boards presently have. Mr. Torvinen asked Dr. Robinson about Section 7, (11), which would prohibit optometrists from practicing in department stores. Mr. Torvinen suggested defining "premises" by amendment. Mr. Bickerstaff moved "do pass" as amended; Mr. Capurro seconded the motion. The Committee unanimously approved the motion.

The meeting adjourned at 6:30 p.m.

Respectfully submitted,

PHYLLIS BERKSON, Attache

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GUESTS

<u>Name</u>	<u>Representing</u>
Virgil Larsen	
C. H. Patterson	
Ron Blakemore	
Allan Scott	
Max Christiansen	Air Conditioning & Sheet Metal Assn
Peter Escheverria	
Allan Bruce	Associated General Contractors
Hartley Alexander	American Institute of Architects
Jim Hubbard	architect
Ralph Casazza	American Institute of Architects
Keith Peterson	
Wallace Corey	design draftsman
Dean Railton	building designer
Edward S. Parsons	architect
Raymond Hellman	State Board of Architecture
Jack McAuliff	" " "
Harris Sharp	" " "
Arturo Cambeiro	State Association of Architects
Phil Hannifan	State Gaming Control Board
Keith Farris	Amer. Asso. Architects
Barbara Reedy	
Thomas Wall	architect
Bret Fry	designer
Bob Warren	Nevada Municipal Association
Bill Adams	City of Las Vegas
Joe L. Gremban	Sierra Pacific Power
Wallie Warren	" " "
Les Kofoed	Gaming Industry Assn.
Tony Checca	Sierra Pacific Power
Stan Warren	Nevada Bell
Dale Carlson	Continental Telephone
Bob McAdam	Nevada Bell
Larry Farnsworth	Farnsworth Drafting
Richard A. Robben	designer
Ed Kenney	Ed Kenney Associates - Sparks
Virgil M. Larsen	draftsman
James C. Fowler	"
C. H. Patterson	construction services
Joe Midmore	Builders Asso of N. Nevada
E. L. Newton	N.T.A.
Domingo Cambeiro	American Institute of Architects

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Mike Brierley	City of Sparks
George Oshima	Washoe County
Warren Meacham	City of Reno
Allan Trott	
Ronald E. Blakemore	
Thomas Wall	AIA
James Hubbard	AIA
Brett R. Frey	designer
Keith H. Peterson	contractor
Fred Brown	"
W. F. (Bill) Knabe	designer
Allan M. Bruce	Associated General Contractors
Rowland Oakes	" " "

ASSEMBLY

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AGENDA FOR COMMITTEE ON COMMERCE

Date Mon., March 26 Time 4:00 p.m. Room 222

Bills or Resolutions
to be considered

Subject

Counsel
requested*

AB 674	Amends provisions relating to the practice of architecture;	
✓ AB 684	Permits temporary licensing of securities agent pending action upon application for registration;	
AB 719	Requires public utilities to notify unsuccessful bidders on contracts;	
AB 736	Requires bids on public works projects estimated to cost over \$10,000.	
✓ AB 740	Provides guidelines for retaining certain funds under public works contracts.	
AB 746	Limits issuance of nonrestricted state gaming licenses.	

*Please do not ask for counsel unless necessary.