

Senate

COMMERCE AND LABOR COMMITTEE

February 11, 1975

The meeting was called to order in Room #213 at 3:10 p.m., on Tuesday, February 11, 1975.

Senator Gene Echols was in the chair.

PRESENT: SENATOR ECHOLS
 SENATOR FOOTE
 SENATOR BLAKEMORE
 SENATOR MONROE
 SENATOR SHEERIN
 SENATOR RAGGIO
 SENATOR BRYAN

ALSO PRESENT:

Brian Beecher, Designer
 Michael C. Winje, Designer
 J.R. Silverira, Designer
 Virgil M. Larsen, Draftsman
 Fred Brown, Designer
 John Sherman, Designer
 Tom Young, SPP Co.
 Jack McAuliffe
 Raymond Hellmann, Architect AIA
 Thomas Hayes, Architect, AIA
 Richard Robken, General Building
 Raymond Bohart, Federated Employers
 Carole Vilaro, Fashion Gallery
 Dean D. Ralton, Residential Design
 Wallace C. Corey, Design Drafting, Inspector
 James L. Kraino, Carson City Building Assoc.
 Larry A. Farnsworth, Farnsworth Drafting Co.
 John Madolf, Assoc. General Contractor
 Rowland Danes, Assoc. General Contractor
 Richard Arden, Nevada Society of Professional Engineers
 Don Youngmans, Far-West Homes
 Frank Offenhauser, Builders Association
 Alex A. Robken, Builders Association Northern Nevada
 Ron Hansen, West Coast Mills, Manager
 Ralph A. Casaza, Architect AIA
 William Simpson, AIA, President
 Errol Hill, Architect, AIA
 Hartley Alexander, AIA
 Bob Alkure, Kennecott Copper
 Edward S. Ponsura, AIA
 Jack B. Shehan, AIA
 Rodger W. Simpson, AIA
 Fred Davis
 Tom Robrusky, Architect
 E. D. Harden, Architect

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ALSO PRESENT CONT.:

Larry Cardinalli, Intern
 Ian MacFarlane, Architect
 C.G. Peetz, Architect
 Mr. Clinton Wooster, Nevada Association of Architects
 Roland Oakes, Associated General Contractors
 Dom Cambeiro, Architect
 Arturo Cambeiro, Architect
 Fred Dalvin, President Northern Nevada Chapter AIA
 Wally Fullerton, Architect
 Edward Parsons, Architect

Senator Echols had each committee member introduce themselves and state which district they were in.

Senator Echols explained to all present that this was not actually an official hearing. He said there had been a mix-up and apologized to all those that had traveled and expressed that each person would be heard that had come to testify.

BDR 52-232: Requires refund of buyer's deposit in certain cases.
Fiscal Note: No.

Senator Monroe motioned that BDR 52-232 be introduced by the committee.

Senator Blakemore seconded.

Motion carried, pending Senator Raggio's approval.

NIC LEGISLATIVE PACKAGE:

Senator Echols showed the committee the NIC package. There are 25 bills that need legislative action. Senator Echols has met with Assemblyman Banner and John Reiser, NIC, and discussed this package with them.

Senator Echols said that they will try to get the bills drafted as soon as possible and get them introduced on the floor. Then, subject to committee approval, try to schedule hearings.

Senator Raggio came in at this time and was show BDR 52-232. He will look it over and let the committee know about introduction.

Senator Monroe suggested that the NIC package be introduced in either house, then joint hearings be held.

Comment from audience, suggested that everyone be notified in plenty of time so those that have to travel could be there.

There was discussion as this time as to how to let new media and people in Clark County know there are going to be hearings. Senator Echols suggested that we prepare an official news release and

mail to the news media in Las Vegas. Senator Foote said that since there are so many news people around the building, there was no sense in mailing a news release. We could just hand it to one of them. Suggestion came from the audience that hearing notices be posted in the Clark County Courthouse. Senator Echols also mentioned the toll free number that anyone could call and someone would check the boards for them and tell them when the hearings are going to be. It was decided that the committee secretary would notify concerned parties of hearings.

At this time Senator Raggio mentioned that there were three bills scheduled to be heard, S.B. 83, 84, and 89. He suggested that since S.B. 83 had the most objections, that they hear S.B. 84 and 89 first. There were no objections by the committee.

S.B. 84: Clarifies unlawful acts and increases penalties relating to architecture. Fiscal Note: No. (BDR 54-640).

Mr. Clinton Wooster, Nevada Association of Architects (AIA) discussed S.B. 84. Before he testified, he requested that Mr. Bill Simpson, President of AIA, speak first.

Mr. Simpson came forward to testify. He said that the three bills before the committee did not affect the contractors, the professional engineers, or the home builders in any way and that commercial buildings would be protected better with qualified professionals in charge. He said that many people calling themselves draftsmen or designers have been practicing architecture in this state and felt that this should be allowed only for residential use where public safety and welfare are not affected as a whole. He said that the Southern Nevada Chapter and the Northern Nevada Chapter of AIA had met jointly and separately to state their proposed bills.

At this point Senator Echols was called out of the meeting and Senator Blakemore took the chair.

Mr. Wooster came forward again to testify in favor of S.B. 84. He discussed the inadequacies of the penalties for practicing architecture in Nevada and said that his organization did not feel that the fine was large enough because it is only \$200 and does not even put it in the area of a misdemeanor. AIA is interested in upgrading the penalty and spelling out the penalties. He said that the point of the bill is two-fold; first to more clearly define some of the acts that they feel should be covered by penalty provisions, and they are using as their basic guide the California provisions on unlawful solicitation as practice as an architect. In the new provisions of 623.360-1, we would define in more detail the soliciting provisions and make that a misdemeanor. AIA would upgrade the penalties for the actual practice of architecture and make that a gross misdemeanor. They feel the penalty provisions become crucial to the enforcement of Chapter 623.

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Senator Monroe asked Mr. Wooster the definition of a misdemeanor. Mr. Wooster replied that it is up to \$500. There was general discussion about making the penalty a gross misdemeanor. Also discussed was a minimum fine, which Mr. Wooster said his organization would support if this change was made. Mr. Wooster also said that he would like to see the fine as high as possible and hoped it would be at least \$100.

Mr. Roland Oakes, Associated General Contractors, testified at this time in favor of the bill, with the understanding that they are reluctant to make the fine in line 18 of S.B. 84 a gross misdemeanor, but would be in favor making it a misdemeanor. They would like to see the fine as a minimum of \$50.

Larry Farnsworth, Farnsworth Drafting Company, came forward to testify in opposition to the bill. Mr. Farnsworth said that Mr. Wooster had discussed California Law. He wanted to know if he inadvertently was made guilty of an offense, would it mean that he would not be able to take the architectural exam. He also discussed Line 25 of S.B. 84. Senator Raggio explained that we are only interested in the italicized part of the bill, not the parts that are already in the law.

Fred Brown, Designer, had a question relative to the context of Mr. Wooster's comments relative to S.B. 84. He was objecting to his comments about building designers and their jobs being crimes. He felt that some of his verbage should be referred to when the committee considered Mr. Wooster's testimony. Mr. Brown then came out of the audience to testify. He spoke about the penalties, and again about the verbage used by Mr. Wooster. He told the committee that he felt the job a designer did was not major engineering, and that most people could not afford to hire an architect and came to a designer for that reason.

Senator Sheerin spoke about the criminal aspect that the others were trying to bring out. He quoted "practice of architecture." Practice of architecture is defined by Chapter 015, Subsection 5: Practice of architecture as it is specifically defined, then they are asking that this become a criminal act.

Senator Echols returned and Senator Blakemore turned the chair over to him.

Dom Cambeiro came to the witness table to testify at this time. He is an architect in Las Vegas. He stated that they are talking strictly about architects and that anyone masquerading as an architect should be punished.

John Sherman, designer, testified at this time. He stated that he as far as S.B. 84 was concerned he had no grievance until S.B. 83 was heard. However, he pointed out that under present law, designers were exempt. The building designers, according to Mr. Sherman, were using engineers. He stated he would hold the remainder of his comments until S.B. 83 was heard.

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Senator Raggio asked Mr. Sherman if a designer or draftsman held himself up as an architect, should he be prosecuted. Mr. Sherman said yes, and that every designer when taking a job must tell the client that he is not an architect. This is stated in the first paragraph of his contract. Senator Raggio then asked if anyone was opposed to the gross misdemeanor penalty. Mr. Roland Oakes replied that the designers had met with the architects and did object to the gross misdemeanor penalty, because of the time it takes to get a prosecution on a gross misdemeanor. Senator Raggio brought out that it was a gross misdemeanor to practice medicine or law without actually being a doctor or lawyer. Senator Blakemore said that we were not comparing the two areas, and Senator Raggio said that in all seriousness, he was trying to draw a parallel. Senator Sheerin said that he had a problem with a misdemeanor and gross misdemeanor. He asked at what point in time does one hold himself out to do this work and actually engage in the work. Is it when he picks up the pencil to draw up the plans. He wanted to know how to define when that fine line has been crossed. Mr. Wooster replied that it seemed to him that the misdemeanor provision is just meant for the solicitation of the business, not performing the functions of an architect. There was general discussion between Senator Sheerin and Mr. Wooster about the differences between a gross misdemeanor and a misdemeanor.

There was discussion from the audience about the definition of an architect. Senator Sheerin did define it from the statutes.

Mr. John Sherman asked if the committee could hold S.B. 84 in abeyance until S.B. 83 is heard. He felt that S.B. 83 should be heard before the conflict over S.B. 84 could be solved. There was general discussion about going on to S.B. 83 and it was finally decided to do that.

S.B. 83: Deletes definition of "designer" and clarifies exemptions pertaining to practice of architecture. Fiscal Note: No. (BDR 54-642).

Senator Bryan said that it was his understanding that this was to be an official hearing on the three bills. He said that he was getting calls from people in Clark County who had wanted to attend hearings, but could not because of the short notice. Senator Echols again explained about the mix-up and apologized for it. He said that since all the people were here, however, they were going to be heard.

Senator Blakemore motioned that S.B. 83 be held until S.B. 89 was heard.

Senator Bryan said that he had many people to testify. Senator Raggio explained that there were many people from Las Vegas today to testify. Senator Blakemore withdrew his motion.

Clinton Wooster again testified in favor of S.B. 83. He explained what the Nevada Association of Architects did in preparation of the bill.

Mr. Wooster also spoke about the exemptions in the bill and the language in the bill.

Senator Blakemore asked Mr. Wooster about Line 15 in S.B. 83. He asked if they were now not exempting the owner-builder. Mr. Wooster said that he was referring only to buildings to which the public is invited. Senator Blakemore asked him if they were building a school building in Nye County, would they be required to hire an architect? Mr. Wooster replied that by another law they would be required to hire an architect.

There was general discussion between Senator Sheerin and Mr. Wooster about the definition of an architect and whose signatures are required on plans done by a designer.

Mr. Wooster spoke about people who come into the state for spot jobs. These people have no permanent residence, no license, and they come in to solicit clients. He felt that this put the community in a very poor position as far as liability it concerned.

Senator Raggio said that they were not there to argue the question of liability because whoever is negligent is not what we are concerned about. He felt that the state's aim was to insure the qualifications of the people doing these services.

Mr. Wooster pointed out that single family dwellings may be designed by anyone, so they are not trying to put the designers out of that line of the business. He definitely did agree that they are limiting them by limiting designers to simply single family dwellings. He did say that if they thought this was too restrictive, they could expand that somewhat.

Senator Echols then asked Mr. Wooster exactly what the problem was. Mr. Wooster replied that the architects are experiencing the problem. Senator Echols then rephrased the question and asked again what the problem was. Mr. Wooster replied that the problem is that under the existing law, anyone can practice architecture. He then stated it again so that the committee could see the point. He said that a designer is exempt from the provisions of the law so a designer can design anything, which is what an architect does. Anyone can be a designer, but as long as a designer doesn't hold himself out as an architect, he can design any building he wants with no limitations.

Senator Sheerin pointed out that the statement anyone can practice architecture is a matter of semantics might be true, but no building is going to get a permit unless a registered engineer or architect signs the plans. Mr. Wooster replied that that applied only to commercial areas, not residential. Senator Sheerin then asked if a building before it can be designed by a designer has to have a structural engineer sign the plans before it can get a building permit? Mr. Wooster replied no, that would only apply to buildings to which the public is invited. It would not apply to residential homes.

Senator Echols asked if it was the contention that the citizens are being cheated or paying for things that they are not getting or having work done by unqualified people? Mr. Wooster said that there was a state board to regulate these matters and that there members of that state board present. Senator Echols asked if they were an independent board and Mr. Wooster said that they were.

Senator Bryan asked if you had to have a degree in architecture to sit and take the examination. Mr. Wooster said that you did not and that they had some statistics on that.

Hartley Alexander, President of AIA Chapter in Las Vegas, testified in favor of the bill. He said that before he gave his prepared remarks, he would like to respond to the questions about the building departments. He said that the State of Nevada in Las Vegas is currently leasing a building from a builder-contractor for the food stamp program. He said that the building had a couple of code violations, the most serious being windows on a property line adjacent to a building which the state is putting up now. Senator Sheerin asked if the windows are physically on the property line and Mr. Alexander said they were, being five feet from the exterior of the wall. Senator Blakemore asked whose fault this was and Mr. Alexander replied that it was the fault of the designer of the building. Mr. Alexander said that if an architect had made this mistake, he would pay to have it corrected, but if a non-qualified person did this there would be no recourse against him.

Mr. Alexander then delivered his prepared statement. He spoke about a letter from Mr. Dick Leland which was sent to Senator Echols. A copy is attached. He said that it was not the AIA's intent to keep anyone from practicing architecture, on the contrary, they assist those who are interested in becoming registered. He said that they have conducted seminars for candidates and given them all the guidance they can.

Senator Blakemore asked what would happen in the case of a 60 foot clear span, where an architect by his abilities can design this into a building and he would apply the same methods of design that a structural engineer would. Mr. Alexander said this was true.

Fred Dalvin, President Northern Chapter, AIA, testified in favor of the bill. He just wanted the committee to know that they had worked very hard to coordinate the formulation of the bills and that the national Society of Engineers supported them in these bills.

Dom Cambeiro testified in favor of the bill. He discussed the point of non-qualified people doing the work the architects do, and he also spoke about the requirements an architect has to meet. He told of a building in Las Vegas that burned down because there were no fire hydrants in the area. He said this is one area an architect has to be concerned with. He challenged all designers to take the architects test and become qualified. He ended by saying that he felt the architects had been very cooperative with all phases of construction.

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Senator Echols asked Mr. Cambeiro about the building with no fire plugs. He asked if this was the duty of the architect to make sure there were fire plugs. Mr. Cambeiro replied that yes it was. He said that the architect was solely responsible from one end of the project to the other. Senator Echols asked if this was part of the statutes. Mr. Cambeiro replied that was correct, then said that they are not per se' spelled out in the rules and regulations, but said that if an architect is guilty of negligence, they could have their license revoked or suspended, even to the point of criminal extent if there is death of a person. Senator Echols asked about the example of the building that burned down. He wanted to know if there had been lives lost, would the architect be personally liable for those deaths. Mr. Cambeiro stated that was correct.

Roland Oakes, Associated General Contractors, testified in favor of S.B. 83. He testified that the Board of Directors had met and had taken a formal stand in favor of S.B. 83, with one condition. They feel that rather than put the designer out of business, that this bill would accomplish a compromise that the last legislature asked them to arrive at.

Wally Fullerton, Architect in Reno, testified in favor of S.B. 83. He gave some of his background. He also spoke of responsibility and liability for clarification. He also spoke about liability policies and the fact that building departments do require the responsibility of an architect or an engineer.

Senator Echols asked about the building codes and what the building department would be liable for. Mr. Fullerton said that there are sections of the uniform building code that say a building department cannot be liable for something missed in the plans.

Edward Parsons testified about the question of responsibility and liability. He cited an example of a building he had designed where there were no fire plugs and the water was 800 yards from the cite. He said that he finally convinced the client to build elsewhere because he personally did not want to be responsible for this error. He spoke mainly about the public health and welfare aspect of the bill.

Mr. Arturo Cambeiro, Architect in Las Vegas, testified in favor of S.B. 83. He spoke about his background and the qualifications it takes to become an architect. Senator Sheerin asked Mr. Cambeiro what country he came from and he replied Cuba.

James McDaniel, Architect in Las Vegas, spoke about the practice of architecture within the law. He spoke about the processes which enter into a complete building. He spoke about his education and the different things he had studied. Senator Sheerin asked Mr. McDaniel if an architect is more qualified in the structure of a building than a structural engineer. Mr. McDaniel said no. He said that an architect is licensed to do the entire project. Senator Sheerin then asked as long as we have architects and structural engineers signing off plans, aren't you taking care of the public safety? Mr. McDaniel

said if you are just asking about a building coming down around your ears, a structural engineer that works for an architect is getting a far better fee than he's getting working for a building designer. Senator Sheerin then stated that his question was: Is a building signed off by a structural engineer more apt to fall down than one signed off by an architect? Mr. McDaniel said no.

Mr. Cambeiro then asked Mr. McDaniel how many sections of the regulations code books relate to structural engineers. Mr. McDaniel replied that structural engineering and having the building stand up is only one of the problems of architecture. He explained that everything in the building has to work. Someone from the audience asked Mr. McDaniel if a faulty electrical system could cause as much of a hazard to the public safety as a structural failure. Mr. McDaniel replied that there had already been a lawsuit over a boiler blowing up. He told the details of the case. The architect lost the case and that was on the grounds of improper supervision.

Question from the audience. There are about 15 designers here that would like to be heard. How long are we going to be here. Senator Echols replied that everyone would be heard as long as there was not repetition.

Mr. John Sherman, President Nevada Institute of Building Design, testified against S.B. 83. He brought signed letter and affidavits from people who are against S.B. 83. They are attached. He said that a building designer is just as interested in the public safety and welfare as an architect or engineer. He said that most designers will go to trained people for help on their drawings. He spoke about his training. He told the committee that the fire Mr. Cambeiro spoke of did have a fire plug in a proper location, but there was a welder on the job and a spark fell on a pile of rubble and it caught fire. The fire trucks could not use the plug because someone had turned the valve off. He knew this because he worked for the Clark County Building Department at this time. He felt that the architects had misled the committee somewhat with their statements because sometime ago the building designers formed the Institute in order to set criteria and standards. He stated that the designers had approached the architects to present the bill jointly and was under the impression that was going to be done when he found out S.B. 83 had been introduced. He asked that the designers be able to keep their status under the law because then they would be able to get liability insurance the same as architects. He said that his group wants two members on the State Boards to represent the designer.

Senator Raggio asked Mr. Sherman if there was some kind of control over designers in California. Mr. Sherman replied there was and said it was a qualification board which was part of the Architect Boards. Senator Raggio asked if there was an examination. Mr. Sherman said there was and that it was based on experience. He said even with the Institute, when there was a man they were not sure of he was given a written examination. He stated that this exam would be given in April here in Nevada and would be Institute level not state level.

Senator Raggio asked if Mr. Sherman recommended a statute controlled examination for Nevada and Mr. Sherman said yes. Senator Raggio asked what was stopping a building designer from taking the architect's examination. Mr. Sherman said he couldn't answer this for everyone, but he felt that there was a need for people like him to help people who could not afford an architect's fees.

There was general discussion about the types of buildings a designer could do and about when a mechanical engineer has to sign a designer's plans. Mr. Sherman told the committee that any commercial building has to be signed off by an engineer.

Senator Monroe asked Mr. Sherman if S. B. 83 passed, could you associate with a contractor and design his buildings for him. Mr. Sherman said yes, but he would be limited to his ground only, which means that you might work for a week and be off for six weeks. Senator Monroe said that the way the law reads now any building designer, regardless of his qualifications, can design buildings. Mr. Sherman said yes, but the Institute has been trying to police their own people and keep out people who are not qualified.

Senator Bryan asked if there was any requirement for an individual who holds himself out as a building designer to become a member of the Institute. Mr. Sherman said no, but those that did belong were issued a certificate saying that they were registered with the institute as a professional building designer or a registered residential designer. Mr. Sherman indicated that the designers had spoken with the Southern Nevada Chapter of AIA to get representatives on the State Boards.

Senator Echols asked about associating with a contractor in designing a building. Mr. Sherman said that the way the law reads now, a private individual cannot go to a designer, but a contractor can. There was general discussion about the types of buildings a designer can do.

At this time Dom Cambeiro asked quite a few questions of Mr. Sherman, and he told him to answer them just yes or no. Mr. Sherman did attempt to answer his questions. Senator Echols did intervene and told Mr. Cambeiro to limit questions to the Committee only, and also told Mr. Cambeiro there would be no personal discussions from the audience. Senator Foote suggested that since it was the business of the committee to ask these questions, that the questions be asked by the committee. Senator Echols said that was his personal feelings also and that he had not heard any objections from the committee. He said that from then on the questions would be directed from the committee.

Mr. Dick Robken testified against S.B. 83. He discussed the fact the the competence of designers was in question. He discussed the protection that designers have and discussed the uniform building codes. He felt that the legislation would be harmful because of the high costs, because it would eliminate a useful service to the community, because he felt designers turn out better plans than the

draftsmen employed by the architects, and that he personally had learned far more out in the field as a craftsman than his degree as an architect would have allowed him to do. He felt that if the bill was amended it would throw many men out of work. It would eliminate the freedom of choice the people now have. He said that if there has to be some kind of legislation, that the designer's be put under the State Contractor's Board. He feels that this legislation would be very harmful.

Senator Monroe said that the problem as he saw it was that there are building designers in the field that are not qualified people, the reason being that there are no requirements under the law that they be qualified. Mr. Robken said that seems to be the case and that is of real concern to them too. Senator Monroe said they may be concerned, but Mr. Sherman who testified earlier said that the Institute has just started doing something about it. Senator Monroe said that if Mr. Robken's people had some kind of proposal to regulate the designers, he would be willing to listen to it., and see if they could set up some restrictions on the type of buildings designers could do and the qualifications designers have to have. Senator Monroe said that it seemed to him designers could do as they pleased in the state without any qualifications at all. Mr. Robken stated there were seven or eight restrictions on them now and went on to name them. Senator Monroe said that under the law they did not have any restrictions whatsoever. Mr. Robken said that if there were deficiencies in the plans that designers turn out, they would have to pay for it.

Senator Bryan asked if they were willing to accept some kind of licensing. He said yes. Senator Bryan then said, but you don't agree with the previous speaker who suggested that you be under the auspicious of the State Board of Architecture. Mr. Robken said that was right. Senator Bryan asked Mr. Robken what happened as far as he knew to the discussion that was supposed to take place before there was a hearing. Mr. Robken said he could not answer that question. Senator Echols again explained about the mix-up and apologized.

Senator Echols said that if he understood Mr. Sherman right, they wanted a Building designers Board, with one architect sitting on it. Mr. Robken said that would be worth talking about instead of a bill that would exempt designers.

Senator Blakemore made the observation that it was the age old story of the geophysicist and the geologist and moved for adjournment. Senator Echols said that there were still others to testify and Senator Blakemore withdrew his motion.

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Alex Robken testified against S.B. 83. Spoke about the ideas of a general contractor. He said that he was totally satisfied with the designers he had had working for him because he felt he knew his business and would not accept any design that would not satisfy his own standards. He stated that when he uses a designer's work, he is responsible financially, etc. He also said that most designers will go to the building department when they have problems.

There was general discussion about Mr. Robken's testimony at this time.

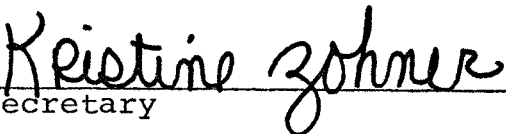
Senator Foote moved that the discussion be continued in one week. This was discussed.

Senator Raggio motioned to set meeting over one week. Senator Foote seconded. Motion carried.

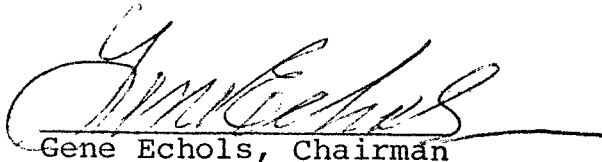
The meeting will be February 25, 1975.

Meeting adjourned at 6:15 p.m.

Respectfully submitted:


Secretary

APPROVED BY:


Gene Echols, Chairman

SENATE
HEARING

(10)

COMMITTEE ON..... Commerce and Labor.....

Date..... February 11, 1975..... P.M. Adj. Room..... 213.....
Time.....

Bill or Resolution to be considered	Subject
BDR 52-232	Discuss Committee introduction. Discuss NIC package.
S.B. 83 ✓	Deletes definition of "designer" and clarifies exemptions pertaining to practice of architecture. Fiscal Note: No. (BDR 54-642).
S.B. 84 //	Clarifies unlawful acts and increases penalties relating to architecture. Fiscal Note: No. (BDR 54-640).
S.B. 89	Requires firms, partnerships, corporations and associations practicing as architects to have registered architect in residence responsible for work. Fiscal Note: No. (BDR 54-641). Discuss hearing time for bills presently before the Committee. Open discussion.

SUMMARY--Requires refund of buyer's deposit in certain cases.
Fiscal Note: No. (BDR 52-232)

AN ACT relating to trade regulations and practices; requiring the refunding of the buyer's deposit in certain cases; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 598 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. As used in this section and section 3 of this act:

(a) "Consumer goods" means goods used or bought for use primarily for personal, family or household purposes.

(b) "Deposit" means money or any other thing of value used as a downpayment, partial payment, earnest money or security.

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(c) "Retail installment contract" has the meaning ascribed to it in NRS 97.105.

2. Except as provided in subsection 3, in all consumer goods transactions where a buyer makes a deposit prior to the performance of a retail installment contract, the seller shall return the deposit if the retail installment contract is not performed.

3. If the seller specially orders consumer goods, the seller may retain that portion of the deposit made prior to the performance of the retail installment contract which compensates the seller for any loss sustained in selling the specially ordered goods, if:

(a) The seller has not breached any of the provisions of the contract; and

(b) The contract is not performed.

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4. Any deposit made by a buyer shall be refunded if the performance of a contract for the purchase of consumer goods is contingent upon the buyer's obtaining:

(a) Credit;

(b) Credit from a particular lending institution; or

(c) Credit from a particular type of lending institution,

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and the buyer's credit is not approved.

5. If a retail installment contract will be performed by the delivery of a motor vehicle more than 5 days after the buyer has tendered his vehicle as a deposit and the retail installment contract is not performed, the seller shall make the refund required:

(a) In subsections 2 or 4, by returning the buyer's vehicle or by paying the fair market value of the vehicle.

(b) In subsection 3, by paying the fair market value of the buyer's vehicle less an amount for any loss sustained by the seller in selling the specially ordered motor vehicle.

OYER

Sec. 3. 1. Any deposit made by a buyer to a seller for the purchase of a dwelling shall be limited to:

(a) Two percent of the purchase price if the dwelling will be ready for occupancy within 90 days; or

(b) One hundred dollars if the dwelling will not be ready for occupancy within 90 days.

2. If the buyer has made a deposit of 2 percent and the seller later has reason to believe that the dwelling will not be ready for occupancy within 90 days, the seller shall refund to the buyer all of the deposit in excess of \$100 and shall pay interest at the rate of 7 percent on the amount refunded, calculated from the date the deposit was made.

3. This section does not deprive the buyer of any rights, either by agreement with the seller or by statute, that he may have allowing a more complete refund.

SENATE BILL NO. 83—COMMITTEE ON COMMERCE
AND LABOR

JANUARY 29, 1975

Referred to Committee on Commerce and Labor

SUMMARY—Deletes definition of “designer” and clarifies exemptions pertaining to practice of architecture. Fiscal Note: No. (BDR 54-642)



EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to architects; deleting “designer” from definitions; clarifying the exemption of certain persons from the provisions of chapter 623 of NRS; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. NRS 623.015 is hereby amended to read as follows:
 2 623.015 As used in this chapter, unless the context otherwise
 3 requires:
 4 1. “Architect” means any person who engages in the practice of
 5 architecture.
 6 2. “Board” means the Nevada state board of architecture.
 7 3. “Certificate of registration” means the certificate of annual regis-
 8 tration issued by the board.
 9 4. [“Designer” means any person who produces a sketch or outline
 10 showing the main features of a building plan which may be used in the
 11 construction of a completed building.
 12 5.] The “practice of architecture” consists of holding out to the
 13 public, and rendering, services embracing the scientific, esthetic and
 14 orderly coordination of all the processes which enter into the production
 15 of a completed building, performed through the medium of plans, specifi-
 16 cations, [supervision] *administration* of construction, preliminary studies,
 17 consultations, evaluations, investigations, contract documents and advice
 18 and direction.
 19 SEC. 2. NRS 623.330 is hereby amended to read as follows:
 20 623.330 1. The following persons are exempt from the provisions of
 21 this chapter:
 22 [1.] (a) A person engaging in architectural work as an employee of
 23 a registered architect, if the work does not include responsible charge of
 24 design or supervision, or a consultant retained by a registered architect.

SENATE BILL NO. 84—COMMITTEE ON COMMERCE
AND LABOR

JANUARY 29, 1975

Referred to Committee on Commerce and Labor

SUMMARY—Clarifies unlawful acts and increases penalties relating to
architecture. Fiscal Note: No. (BDR 54-640)



EXPLANATION—Matter in *italics* is new; matter in brackets [] is
material to be omitted.

AN ACT relating to architects; clarifying unlawful acts; increasing penalties;
and providing other matters properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly,
do enact as follows:*

- 1 SECTION 1. NRS 623.360 is hereby amended to read as follows:
2 623.360 1. [Any person violating any provisions of this chapter
3 shall be punished by a fine of not more than \$200 for the first offense
4 and for a second or any subsequent offense shall be punished by a fine
5 of \$500.
6 2.] *Any person is guilty of a misdemeanor who:*
7 (a) *Holds himself out to the public or solicits business as an architect*
8 *in this state without having a certificate or registration issued by the*
9 *board;*
10 (b) *Advertises or puts out any sign, card or other device which indicates*
11 *to the public that he is an architect or that he is otherwise qualified to*
12 *engage in the practice of architecture without having a certificate of regis-*
13 *tration issued by the board; or*
14 (c) *Violates any other provision of this chapter, except as provided in*
15 *subsection 2.*
16 2. *Any person who engages in the practice of architecture in this state*
17 *without having a certificate of registration issued to him by the board*
18 *or being exempt from the provisions of this chapter is guilty of a gross*
19 *misdemeanor.*
20 3. Whenever any person has engaged or is about to engage in any
21 acts or practices which constitute or will constitute an offense against
22 this chapter, the district court of any county, on application of the board,
23 may issue an injunction or other appropriate order restraining such con-
24 duct. Proceedings under this subsection shall be governed by Rule 65 of
25 the Nevada Rules of Civil Procedure, except that no bond or undertaking
26 shall be required in any action commenced by the board.

S. B. 89

 SENATE BILL NO. 89—COMMITTEE ON COMMERCE
AND LABOR

 JANUARY 29, 1975

Referred to Committee on Commerce and Labor

SUMMARY—Requires firms, partnerships, corporations and associations practicing as architects to have registered architect in residence responsible for work. Fiscal Note: No. (BDR 54-641)


 EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to architects; requiring firms, partnerships, corporations and associations practicing as architects to have a registered architect in residence responsible for the administration of the work under certain circumstances; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. NRS 623.350 is hereby amended to read as follows:
 2 623.350 1. Nothing in this chapter shall be construed as preventing
 3 firms, partnerships, corporations or associations of architects and engi-
 4 neers from practicing as such, provided each member of such firm, part-
 5 nership, *corporation* or association is registered under the provisions of
 6 this chapter or chapter 625 of NRS.
 7 2. *Every office or place of business of any firm, partnership, cor-*
 8 *poration or association engaged in the practice of architecture shall have*
 9 *an architect holding a certificate of registration issued under this chapter*
 10 *in residence and directly responsible for the administration of the archi-*
 11 *tectural work conducted in such office or place of business.*
 12 3. *The provisions of subsection 2 do not apply to firms, partnerships,*
 13 *corporations or associations engaged in the practice of architecture at*
 14 *offices established for construction administration.*



SOUTHERN NEVADA CHAPTER

NEVADA SOCIETY OF PROFESSIONAL ENGINEERS

LAS VEGAS, NEVADA

In Reply:

1100 East Sahara Ave., Suite
Las Vegas, Nevada 89104

Senator Eugene V. Echols
State Legislative Building
Carson City, Nevada

Subject: Senate Bills Nos. 83, 84 & 89 (Architects)

Dear Senator Echols,

We understand that subject Senate Bills relating to architects are scheduled for hearings before the Senate Committee on Commerce and Labor on February 11, 1975.

Speaking for the Board of Directors of the Nevada Society of Professional Engineers, Southern Nevada Chapter, we have been in contact with the architects of Nevada and are familiar with the legislation being proposed by them.

We support the changes proposed in subject Senate Bills and respectfully urge you and your committee to take favorable action when these bills come up for consideration.

Very truly yours,

R. S. Leland, President

/cl

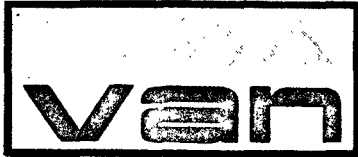
bcc: Hartley Alexander, AIA ✓
William E. Adams, P.E.
Richard W. Arden, P.E.
Jack Parvin, P.E.
Rex A. Tynes, P.E.
Board Members, Southern Nevada Chapter

PETITION TO: CHAIRMAN, COMMERCE & LABOR COMMITTEE, NEVADA STATE LEGISLATURE.

Regarding any laws to regulate the practice of Architecture within the State of Nevada which would adversely effect the Building Designer, would be detrimental to the construction industry.

I do favor any legislature which would bring the independent Building Designer under the laws of the State of Nevada because these people are professionals themselves.

FIRM NAME	ADDRESS	SIGNATURE
Young American Homes	713 E. CHARLESTON	Ray Mellin
Roberts Realty Inc.	" "	Tom S. Molen
Elliott Roofing		A. Boyd
Hot Tacks	Sevenfoot White Bldg 3510 Valley View	
Joan Peterson	Westland Carpet & Draperies 3613 Procyon	
Nelda Upshaw	Westland Draperies 3613 Procyon	
Kosta Kines	Westland Draperies 3613 Procyon	
M. Wenz	Valley Supply 1313 Mills	
Neil Dittman	4114 Seattle Ave. Neil Dittman	
Burgess Roofing	2540 No Mills	Wendy Ferguson
Emeth D. Pratt	917 S. DECATUR	J. JOHN SHERMAN & ASSOC
Norman B. Peterson	913 E. Charleston	Young American Homes
Bearley Co.	714 E. Sahara Ave	Blanchie Coste Co.
Tom Dyer Inc.	714 E. Sahara Ave	Blanchie Coste Co.
J. E. Hansen	308 Haxen Cir.	Dan's Builders
John Kazan	2600 Wetland Dr.	Quinn Plutz
R. H. Clark	316 E. BRIDGER	Prime Webber, J. & Co.
Nary Klatsky	4271 E. White Sands	Roberts Realty



BUILDERS SUPPLY, INC.

1422 WESTERN STREET • LAS VEGAS, NEVADA 89102 • PHONE 702/382-5566
1401 NORTH DECATUR BLVD. • LAS VEGAS, NEVADA 89108 • PHONE 702/870-6339

Feb. 4, 1975

67

CHAIRMAN
COMMERCE & LABOR COMMITTEE
NEVADA STATE LEGISLATURE
CARSON CITY, NEVADA

Dear Sir:

Regarding any laws to regulate the practice of Architecture within the State of Nevada which would adversely effect the Building Designer, (an unregistered person drawing construction plans) would be detrimental to the construction industry. Those of us in the industry use the talents of these unregistered persons in order to maintain reasonable costs to our clients.

I do favor, however, any legislation which would bring the independent Building Designer under the laws of the State of Nevada because these people are professionals themselves.

Thank you for this opportunity to let you know of my personal feelings in this matter.

Sincerely,

TONKS INSULATION CO.

3652 PROCYON AVE. - LAS VEGAS, NEV. 89103 - (702) 876-6775

68

February 5, 1975

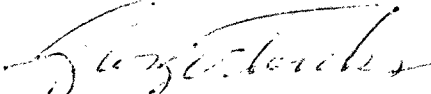
To Whom It May Concern:

The bill to amend NRS 623.330 has recently come to my attention. In my opinion, it would be self-serving to a select group and completely unfair and inflationary to the general public.

I have worked for the past 13 years from both architect's and designer's plans. My experience is that the designer's plans are as detailed, clear, precise and accurate as most architect's plans are, and in some cases superior.

May I urge the cancellation of this proposed amendment.

Very truly yours,



George Tonks, Owner
TONKS INSULATION CO.

Brandise Construction Company, Inc.

953 D 30 East Sahara Ave. • P.O. Box 14886 • Las Vegas, Nevada 89114 • (702) 734-2655

69

January 31, 1975

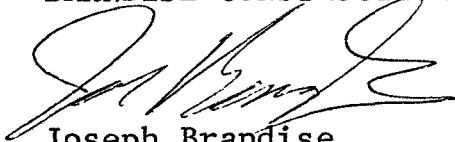
Nevada Legislature
State of Nevada

Gentlemen:

We, Brandise Construction Company, Inc., as General Contractors have various occasions to do business with Designers, not necessarily licensed Architects. We feel that these Designers should receive full attention and be licensed by the State as they are an asset to our businesses.

Sincerely,

BRANDISE CONSTRUCTION COMPANY, INC.



Joseph Brandise
President

JB/bc

LUCAS and CO.

70

120 EAST FLAMINGO ROAD, LAS VEGAS, NEVADA
POST OFFICE BOX 2957, 89104
(702) 735-2173

February 5, 1975

TO WHOM IT MAY CONCERN


RE: Building Designers

Gentlemen:

The writer has for many years availed himself of the services of building designers for preparing plans on both commercial and residential structures. I have always found that the building designers I have worked with are extremely competent and qualified in their efforts.

I firmly believe there is a specific need for building designers regardless of the geographic location and that they are an asset to any community.

Very truly yours,


Wm. J. Lucas

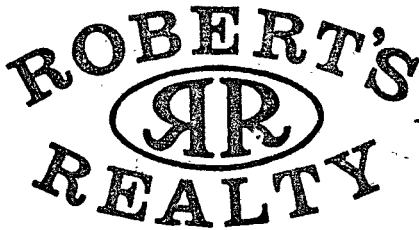
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913 EAST CHARLESTON BOULEVARD • LAS VEGAS, NEVADA 89104

February 4, 1975

Chairman
Commerce & Labor Committee
Nevada State Legislature
Carson City, Nevada

Dear Sir:

Regarding any laws to regulate the practice of Architecture within the State of Nevada which would adversely effect the Building Designer, (an unregistered person drawing construction plans) would be detrimental to the construction industry. Those of us in the industry use the talents of these unregistered persons in order to maintain reasonable costs to our clients.

I do favor, however, any legislature which would bring the independent Building Designer under the laws of the State of Nevada because these people are professionals themselves.

Thank you for this opportunity to let you know of my personal feelings in this matter.

Sincerely,

R. W. BUGBEE
President

R.W.B/cu

Also this form letter from:

Jack Libby - Young American Homes, Inc

Ray Williams - Roberts Realty Investment

Robert Bigelow

Will Roberts

— — - Sun Realty Inc

— — - Nevada Roof Truss Co.

— — - Sun Home Builders Inc

— — - North Tower Lumber