



The nation's leading advocate protecting designers' livelihoods

The Interior Design Protection Council

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Interior design regulation is bad for business and bad for Connecticut

Testimony of:

Patti Morrow

Executive Director

INTERIOR DESIGN PROTECTION COUNCIL

Adjunct interior design faculty, NH Institute of Art

Principal, Juxtapose Interior Design

Certified, Designer Society of America #105105

Author, *Getting Grassroots Galvanized*

Professional Member, Association of Design Education

In opposition to:

House Bill 5138

Amendment to Reinstate Interior Design Regulation

Joint Committee on General Law
Room 1C, Legislative Office Building
Hartford, CT 06106

11:00 a.m.

February 12, 2010

On behalf of the Interior Design Protection Council, the nation's leading nonprofit advocacy group protecting the livelihoods of interior designers, we wish to voice our **strong opposition** to HB 5138, and ask that the language be removed from this bill as it serves no public benefit.

The proponents have indicated that they just want to "fix" the title law which was declared unconstitutional by Judge Mark Kravitz on June 30, 2009 and that reinstating the title act will not hurt anyone. But the truth is, reinstating an amended title act is not only unmerited, but it would irrefutably be *detrimental* to the majority of designers who are successfully practicing without any demonstrable public harm or confusion. Our assertion is not based on opinion or rhetoric, but on verifiable facts, data, and empirical evidence which we are honored to submit for your consideration below.

1. Where's the need?

The proponents claim that this law is needed so that the public can determine who they should hire. While the proponents are certainly entitled to their opinion, they are not entitled to their own set of facts.

There is **NO** public outcry from consumers indicating that they are confused about interior design services. The public does not lack the ability to make informed decisions about who they retain for design services and do not need the State's assistance in that matter.

The request to reinstate the title law has come about *exclusively* through the efforts of interior design insiders, not as a result of public demand or legislative determinations that such regulation is necessary for the public good.

There is a growing trend to repeal interior design title laws, including those that govern the title "registered," due to no public benefit and costs incurred by the state.

- Maryland conducted a Sunset Review recommending abolishing the "certified" title act. That report and 11 other state agency reviews recommending against interior design laws is available here: <http://www.idpcinfo.org/Govt-Reports.html>;
- Alabama, SB 144, an act to sunset their title law is currently in Senate review;
- Missouri, HB 1998 is currently in House review to repeal "registered" interior design title law at the request of Governor Jay Nixon (D).
- Arkansas Rep. Daniel Greenberg has been seeking to de-fund the Interior Design Board for "registered" interior designers.
- Sunset dates are being monitored in every state that has enacted an interior design title act, and grassroots groups are collecting information needed to sunset, i.e. the declining number of registrants, the cost to the state, lack of public harm, etc.

2. Who benefits?

If amended and reinstated, this law would benefit only a very small handful of designers, while demoting the majority who are currently practicing to second class status.

According to Judge Kravitz' written decision, of the approximately 600 registrants under the old unconstitutional title law, only 25% (**150**) even possessed the criteria that the proponents claim is crucial to being recognized as "registered." The 75% majority were either grandfathered or licensed architects. Why should the legislature reinstate a law that benefits so few, and will cost precious state funds to maintain the Board?

Designed to Exclude, a well-documented study by David Harrington/Jaret Treber of Kenyon College (Feb. 2009), found that interior design regulations (of all kinds) drive up prices for consumers, limit choice, and disproportionately *discriminate against minorities and older, mid-career switchers* from the interior design vocation. Study available here: (http://ij.org/index.php?option=com_content&task=view&id=2603&Itemid=249).

3. Who bears the cost for a title regulation?

Clearly, the consumer is the biggest loser when title regulations are enacted. The Federal Trade Commission concluded that interior design regulation results in higher costs and fewer choices for the consumer.

In this difficult economy interior design services are considered expendable, and most are already struggling to earn a living. HB 5138 will make it more difficult for the “unregistered” to compete, thereby taking their tax dollars right out of the state treasury.

With an already over-taxed budget, it is inexpedient for the legislature to consider enacting frivolous, costly legislation which does not serve any measurable public benefit.

4. Consumer fraud.

As written, it is unclear whether HB 5138 would recognize those who were “grandfathered” under the previous unconstitutional law. But if they are, that would perpetrate a fraud on the public who would be led to believe that a “registered” interior designer has certain qualifications when in fact, the majority do not.

If proponents of the law really are concerned about making sure consumers have accurate information about credentials, then the new law clearly should not simply grandfather in people who were registered at the time it was declared unconstitutional. As evidence in the lawsuit showed, only ¼ of state-registered interior designers actually met the qualifications for registration; ¼ were grandfathered in under the “was identified by” provision and the other ½ were simply architects whom the law permitted to cross-register as interior designers without any further testing or training.

If this amendment is *truly* about making sure consumers have relevant information then there should be NO grandfathering or, at a minimum, some sort of asterisk or disclosure requirement to ensure that “registered” interior designers are required to inform potential clients about their true credentials and specifically to make sure potential clients understand that they do not meet the current requirements for licensure.

5. What is the role of government in regulating a profession?

Absent any genuine harm to the public, the legislature should not regulate occupations for the sole purpose of providing a state-sanctioned marketing advantage for a tiny special interest group while placing the clear majority who practice at an unfair competitive disadvantage. They should consider adoption of a new law only if the public health, safety or welfare compels it. Such evidence is absolutely lacking here.

Reinstating this amended title act would be a misuse of government resources. The interior design title act would duplicate a process that is already in place. An interior designer who wishes to be distinguished from his or her peers already has a method to do so; they may take the NCIDQ (or one of several other available certifications such as

LEEDS, C.A.P.S, NKBA, DSA, CQRID, etc.), and assuming the exam is passed, is then free to publicize that distinction. That distinction is notable, well-recognized and does not require that others be placed at an unfair competitive and economic disadvantage.

6. What about the students who just “want” to be recognized?

Students are routinely being indoctrinated to support licensure of the profession without being provided – indeed some states such as Pennsylvania go so far as actually denying access – with a fair imparting of facts from the opposing view, which violates the basic principles of academic freedom most colleges purport to espouse.

Connecticut students have been lead to believe that enacting HB 5138 to amend and reinstate the title law will *inevitably lead to licensure* (see attached student letter). Make no mistake – that is the true game plan, and students are being used as pawns.

We hear over and over that students *want* their degree to count for something and *want* to be recognized as professionals. Obviously, good laws should never be passed based on the whims and desires of a small special interest group, lacking any compelling evidence of harm to the public or legislative determinations that any public good is served. Students are to be congratulated on the hard work it took to get their degree, which they may then effectively use to market themselves. But the majority of designers who are currently practicing are also working hard – to put food on the table for their families. Why should students be awarded with a government-sanctioned marketing advantage over those already in the field who are providing a valuable service (at perhaps at a more affordable cost and choice) to consumers?

7. Camel’s nose under the tent.

Once ensconced, such laws make for a natural point of evolution toward full occupational licensing. Commonly referred to as “Trojan horse legislation,” once a toehold has been established through enactment of a seemingly innocuous title act, historically, the proponents come back in a few years to try and expand it into a full blown practice act which would then put many honest, hard working designers out of business.

- Two of the three states that regulate the practice of interior design began as title laws which were subsequently amended into practice laws.
- The other 18 states with titling laws were enacted many years ago, under-the-radar, without the knowledge or consent of the practicing design community. In these states, the proponents have returned after year with efforts to expand those acts into full-blown practice laws.

No legitimate governmental interest will be served by reinstating an interior design title act. We urge you to protect the livelihoods of many good citizens of this state and **reject** the effort of a few industry insiders who are asking you to bestow an unmerited competitive advantage.

If you should need any additional information, please feel free to contact me at 603.228.8550.

Very sincerely,

Patti Morrow

From: Christine Bottacari [mailto:bottacari@gmail.com]

Sent: Friday, February 12, 2010 1:34 PM

To: pmorrow@IDPCinfo.org

Dear Patti,

I am a senior at the University of New Haven. I am graduating with a bachelor's degree in interior design. My next step is to sit for the NCIDQ. I can only do this after I gain two years of experience. Interior Design is a true profession and deserves to be **licensed**. A profession is defined by education, experience, and examination. It will only be a matter of time before there is hopefully a **practice act**, protecting the health, safety and welfare of the general public.

The driving force behind CCID is gaining momentum, students all over Connecticut are going to ***stand up for our educations***. **We** are the professionals. We will not stop until we are heard.

I will be heard,

Christine M. Bottacari , Interior Design Student/University of New Haven



The next job we save may be yours!

The Interior Design Protection Council

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Organizations Opposed to Interior Design Regulation

Academy of Staging and Redesign (www.decorate-redecorate.com)
Allied Board of Trade, NY
American Institute of Architects (www.aia.org)
American Lighting Association (www.americanlightingassoc.com)
Association of Design Education (www.associationofdesignededucation.com)
Association of Independent Colleges of Art and Design (www.aicad.org)
Association of Interior Design Professionals (www.aidponline.com)
Decorators Alliance of North America (www.decoratorsalliance.org)
Designer Society of America (www.dsasociety.com)
Foodservice Equipment Distributors Association (www.feda.com)
Foodservice Consultants Society International (www.fcsi.org)
Glaro, Incorporated (www.glaro.com)
Interior Design Protection Council (www.idpcinfo.org)
Interior Design Society (www.interiordesignsociety.org)
Interior Redesign Industry Specialists (www.weredesignandstage.com)
Interiors by Decorating Den (www.decoratingden.com)
The Institute for Justice (www.ij.org)
National Association of Schools of Art and Design (www.nasad.arts-accredit.org)
National Association of Home Builders (www.nahb.org)
National Association of the Remodeling Industry (www.nari.org)
National Council for Architectural Registration Board (www.ncarb.org)
National Federation of Independent Businesses (www.nfib.com)
National Home Furnishings Association (www.nhfa.org)
National Kitchen and Bath Association (www.nkba.org)
North American Association of Food Equipment (www.nafem.org)
Office Furniture Dealers Alliance (www.iopfda.org)
Real Estate Staging Association (www.realestatestagingassociation.com)
School of Interior Redesign (www.schoolofinteriorredesign.com)

INTERIOR DESIGN PROTECTION COUNCIL

2009 Interior Design Legislation

Revised: 12/01/09

State	Bill	Type	Description	Introduced	Status
AL	HB 105	Sunset	Dissolve State Board of Registered Interior Designers	01/15/09	3/05/09 Committee voted to fund board
AL	SB 344	Practice	Licensure of Interior Designers	02/10/09	Stalled in Small Business&Econ. Dev. committee
AL	HB 491	Practice	Licensure of Interior Designers	02/12/09	Stalled in Boards & Commissions committee
AR		Sunset	Dissolve State Board of Registered Interior Designers		60 of 100 legislators voted to continue board; need 75; still pending
CO	H 1104	Practice	Licensure of Interior Designers	01/13/09	Killed in committee
CT	Lawsuit	Title	Legal challenge to Constitutionality	07/01/09	Struck down and removed from books
FL	HB 425	Practice	Amendment for commercial kitchen suppliers	02/27/09	Enacted to allow commercial kitchen design
FL	SB 842	Practice	Amendment for office furniture and restaurant delers	01/21/09	Stalled in Committee for Regulated Industries
FL	HB 1303	Practice	Amendment for office furniture and restaurant delers	01/21/09	Stalled in Committee
FL	Lawsuit	Practice	Challenges both practice and title aspects of FS 481	05/27/09	Temporary injunction granted; trial set for February 2010
GA	HB 231	Practice	Amend architect law to expand permitting for interior designers	01/30/09	Passed House Floor; stalled in Senate RIU committee
GA	SB 28	Practice	Amend architect law to expand permitting for interior designers	01/16/09	Stalled on committee
IA	HSB 203	Bidding	Amend project delivery procedures to only "registered" int. designers	02/20/09	Stalled in House Committee on State Government
IN	SB 337	Registry	Create a registry of interior designers	01/08/09	Signed into law by Governor Daniels
MA	HB 262	Title	Certification of Interior Designers	01/14/09	Stalled in committee
MA	H2999	Bidding	Designates interior designers to bid on state contracts	01/14/09	Committee considering passing next session
MD	HB 1168	Practice	Licensure of Interior Designers	02/13/09	Voted unfavorable by committee
MI	EO 2009 31	Exec.Order	Abolish Advisory Subcommittee on Interior Design	06/09/09	Signed by Governor
MI	SB 974	Practice	Licensure of Interior Designers	11/05/09	In Committee on Commerce and Tourism
MI	SB 975	Code	Amend Construction Code	11/05/09	In Committee on Commerce and Tourism
MI	SB 976	Fees	Impose fees	01/05/09	In Committee on Commerce and Tourism
MI	SB 376	Practice	Licensure of Interior Designers	02/02/09	Stalled in Commerce & Consumer Protection Committee
NC		Tax	Sales tax on interior design services	06/25/09	Killed in committee
NE	LB 227	Title	Certification of Interior Designers	01/13/09	Killed in committee
NY	AB 8289	Education	Adds grandfathering provision	05/13/09	Passed Senate Higher Education Committee
NY	S5571	Education	Adds grandfathering provision	05/16/09	Stalled in committee
NY	AB 7764	Bidding	Allows only certified designers to bid on state contracts	06/04/09	Signed by Governor
OK	SB 592	Title	Amend to lessen restriction to "registered interior designers"	05/07/09	Stalled in Committee on Labor, Commerce and Industry
SC	S 45	Practice	Licensure of Interior Designers	01/13/09	Withdrawn by sponsor at hearing
TN	SB 2078	Practice	Licensure of Interior Designers	02/25/09	Stalled in subcommittee of Commerce & Labor
TN	HB 2016	Practice	Licensure of Interior Designers	02/25/09	Stalled in subcommittee of Commerce & Labor
TX	HB 1484	Title	Reverses restriction on title "interior designer"	02/19/09	Enacted
TX		Practice	Licensure of Interior Designers		Withdrawn -- could not find sponsor
TX	HB 2649	Practice	Insurance bill that also regulates lighting design	05/27/09	Sponsor removed restriction from bill
WA	SB 5514	Practice	Licensure of Interior Designers	01/26/09	Killed in committee
21 bills defeated or derailed in 2009					

INTERIOR DESIGN PROTECTION COUNCIL

2008 Interior Design Legislation

State	Bill	Type	Description	Introduced	Status
AZ		Title	Certification of Interior Designers	N/A	Deadline passed; failed to find sponsor
CA	SB 1312	Practice	Licensure of interior designers	03/01/08	Withdrawn by the sponsor because of overwhelming opposition
CT	HB 5774	Title	Registration of residential interior decorators	02/27/08	Stalled
HI	HB 3324	Title	"Licensed interior designer" Referred to JUD and CPC Committees	02/23/08	Stalled in Judiciary and CPC committees
IN	SB 490	Title	Override Governor's veto	03/06/08	Failed by a vote of 31-15 in General Assembly
		Title	Define scope of interior design services	N/A	Deadline to enter new bills expired
MA	HB 341	Title	Certification of interior designers	2007	Deadline to enact new bills passed
	HB 4731	Bidding	Allows interior designers to bid on state contracts	2007	Vetoed by Governor
	SB 178	Practice	Licensure of interior designers	2007	Stalled in Committee
MI	HB 4770		Issuance of permits	05/16/07	Stalled in Committee
	BH 4771	Practice	Licensure of interior designers	05/16/07	Stalled in Committee
	HB 4772	Practice	Licensure of interior designers	05/16/07	Stalled in Committee
MN	HF 991	Practice	Licensure of interior designers	05/16/07	Stalled in Committee
	SF 799	Practice	Licensure of interior designers	2007	Died in Committee
MS	HB 330	Practice	Licensure of interior designers	2007	Removed from legislative agenda because of opposition
NE	HB 748	Title	Certification of interior designers	01/29/08	Died in committee 2/19/08
NY	AB 6534	Title	Amend law "certified interior designer" to "interior designer"	02/01/08	Died in committee 2/25/08
	AB 4818	Tax	Exclude "certified" interior design services from sales tax law	03/13/07	Failed to pass Committee on Higher Ed
	SB 2516	Tax	Exclude "certified" interior design services from sales tax law	02/06/07	Referred to Ways & Means Committee
	SB 3659	Title	Amend law "certified interior designer" to "interior designer"	02/06/07	Died in Assembly 1/9/08
OH	HB 340	Title	Certification of interior designers	03/13/07	Vetoed by Governor
OK	SB 1424	Title	Providing for continuing education requirements for interior designers	10/03/07	Stalled in Committee
PA	HB 807	Practice	Licensure of interior designers	01/28/08	Stalled in committee
SC	SB 1052	Practice	Licensure of interior designers	04/19/07	Stalled in Professional Licensure Committee
	HB 3918	Practice	Licensure of interior designers	01/30/08	Stalled in Licensing & Regulation Committee
TN	SB 210	Practice	Licensure of interior designers	01/16/08	Stalled in Licensing & Regulation Committee
	HB 84	Practice	Licensure of interior designers	2007	Died in Committee
WA	HB 2895	Practice	Licensure of interior designers	2007	Pulled by sponsors on 3/17
	HB 3223	Practice	Licensure of interior designers	01/17/08	Failed to pass committee
	SB 6707	Practice	Licensure of interior designers	01/24/08	Failed to pass committee
				01/17/08	Failed to pass committee

15 Practice
 5 were title or certification acts
 11 Title
 1 Bidding
 1 Permitting
 2 Tax
 30

2 Vetoed
 10 Died in Committee
 12 Stalled in Committee
 3 Withdrawn
 2 Failed to enter by deadline
 1 Failed to override Governor's veto
 30

INTERIOR DESIGN PROTECTION COUNCIL

2007 Interior Design Legislation

<u>State</u>	<u>Bill No.</u>	<u>Type</u>	<u>Date</u>	<u>Description</u>	<u>Disposition</u>
MS	SB 3032	Practice	30-Jan	Licensure	Died in Committee
	SB 3033	Practice		Licensure	Died in Committee
	HB 1294	Practice		Licensure	Died in Committee
MN	SB799	Practice	15-Feb	Licensure	Died in Committee
	HB 991	Practice		Licensure	Died in Committee
NY	SB 3659	Title	13-Mar	"Interior Designer"	Stalled in Committee
	AB6534	Title		"Interior Designer"	Stalled in Committee
AR	HB 1269	Board	21-Mar	Expand board	Died in Committee
NH	HB 881	Practice	27-Mar	Licensure	Voted ITL (Inexpedient to Legislate) by House of Representatives (killed)
TN	HB 84	Practice	24-Apr	Licensure	Withdrawn from Committee
	SB 210	Practice		Licensure	Withdrawn from Committee
IN	SB 490	Title	3-May	Registered ID	Vetoed by Governor
TX	HB 1985	Practice	10-May	Licensure	Died on House floor
TX	SB 832	Practice	21-May	Licensure	Died in Committee
SC	H 3918	Practice	16-May	Licensure	Failed in Committee
CO	SB 84		1-Jun	State database for "certified"	Vetoed by Governor
MA	SB 178	Practice	10-Jul	Licensure	Stalled in Committee
	HB 341	Title		Registered ID	Stalled in Committee
	HB 3209	Bidding		State contracts	Stalled in Committee
PA	HB 807	Practice	11-Sep	Licensure	Stalled in Committee
MI	HB 4770	Permitting	18-Sep	Stamp drawings	Stalled in Committee
	HB 4771	Practice		Licensure	Stalled in Committee
	HB 4772	Practice		Licensure	Stalled in Committee
OH	HB 340	Title	2-Oct	Certified ID	Stalled in Committee
NH	SLR 2209	Title	15-Oct	Certified ID	Stalled in Committee
					Withdrawn by Legislative Services
NM		Title	2-Mar	IJ Lawsuit	Amended title "Interior Designer" to restrict only "Licensed Interior Designer"
AL		Practice	12-Oct	Lawsuit to repeal	Supreme Court ruled practice act UNCONSTITUTIONAL : removed from books
		15 Practice			2 Vetoed by Governor
		8 were Title			1 Killed by Committee
		7 Title			8 Died in Committee
		1 Permitting			1 Died on House floor
		1 Bidding			10 Stalled in Committee
		1 Board			3 Withdrawn
					25
					1 Repealed
					1 Amended