

PA10-009

HB5138

General Law	21, 22, 23-28, 35-53, 86-88, 100-104, 181-207	62
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CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2010**

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PART 2
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rgd/md/mb
HOUSE OF REPRESENTATIVES

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favor of the resolution signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER O'ROURKE:

Those opposed?

The resolution is adopted.

Okay.

The Chair recognizes Representative Olson.

REP. OLSON (46th):

Thank you, Mr. Speaker.

Mr. Speaker, I rise to remove from the Consent Calendar, Calendar Number 130.

DEPUTY SPEAKER O'ROURKE:

Calendar Number 130 is removed from the Consent Calendar.

HB5215

Will the Clerk please call Calendar 55.

THE CLERK:

On page 8, Calendar 55, substitute for House Bill Number 5138, AN ACT MAKING MINOR AND TECHNICAL REVISIONS TO DEPARTMENT OF CONSUMER PROTECTION STATUTES, favorable report by the Committee on General Law.

DEPUTY SPEAKER O'ROURKE:

Representative Olson.

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REP. OLSON (46th):

Yes, thank you, Mr. Speaker.

I rise to move Calendar Number 55 to the Consent
Calendar.

Thank you, Mr. Speaker.

DEPUTY SPEAKER O'ROURKE:

Motion is to move Calendar 55 to the Consent
Calendar. Is there any objections?

Hearing no objections, Calendar 55 is moved to
the Consent Calendar.

Any announcements or introductions from the
chamber?

The Chair recognizes Representative O'Brien, a
proud father, from the 24th.

REP. O'BRIEN (24th):

Thank you, Mr. Speaker.

For a point of personal privilege.

DEPUTY SPEAKER O'ROURKE:

Please proceed, sir.

REP. O'BRIEN (24th):

Thank you, Mr. Speaker.

I am joined here today with my -- my beautiful
wife Rhona, and I wanted to introduce the newest
arrival to our family -- to our family here in the

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THE CLERK:

House Bill 5263.

Total Number voting	146
Necessary for adoption	74
Those voting Yea	146
Those voting Nay	0
Those absent and not voting	5

SPEAKER DONOVAN:

The bill passes.

Will the Clerk please call Calendar 84?

THE CLERK:

On page 1, Calendar 84, House Bill Number 5292,

AN ACT CONCERNING THE LEGISLATIVE COMMISSIONER'S
RECOMMENDED TECHNICAL CHANGES TO THE PUBLIC HEALTH
STATUTES, favorable report by the Committee on Public
Health.

SPEAKER DONOVAN:

Deputy Majority Leader Melissa Olson.

REP. OLSON (46th):

Why, thank you, Mr. Speaker.

Mr. Speaker, we are about to vote on today's
consent calendar. The items on the consent calendar
are Calendar Number 84, Calendar Number 55, Calendar
Number 114; these are items that we moved to the

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HB 5114

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consent Calendar earlier in today's session. And I
move passage.

Thank you, Mr. Speaker.

SPEAKER DONOVAN:

The question before us is passage of the bills on
today's consent calendar. Will you remark? Will you
remark? If not, staff and guests please come to the
well of the House. Members take their seats. The
machine will be open.

THE CLERK:

The House of Representatives is voting by roll
call. Members to the chamber. The House is taking a
roll call vote. Members to the chamber, please.

SPEAKER DONOVAN:

Have all the members voted? Have all the members
voted? Please check the roll call board and make sure
your vote has been properly cast. If all members have
voted, the machine will be locked and the Clerk will
please take a tally.

Clerk, please announce the tally.

THE CLERK:

On today's consent calendar.

Total Number voting 147

Necessary for adoption 74

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Those voting Yea	147
Those voting Nay	0
Those absent and not voting	4

SPEAKER DONOVAN:

The consent bill passes.

Are there any announcements or introductions?

Any announcements or introductions?

Representative Piscopo.

REP. PISCOPO (76th):

Thank you, Mr. Speaker.

For a journal notation.

SPEAKER DONOVAN:

Please proceed, sir.

REP. PISCOPO (76th):

Thank you, Mr. Speaker.

Not one member of the "Thundering 37" missed a
vote today.

SPEAKER DONOVAN:

Thank you, Representative Piscopo.

Representative Roberta Willis.

REP. WILLIS (64th):

Thank you, Mr. Speaker.

I rise for purposes of an announcement.

SPEAKER DONOVAN:

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**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

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cd
SENATE

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Calendar 264, PR; Calendar 265, PR.

Calendar page 17, Calendar 266, Senate Bill
Number 468, Mr. President, move to refer this item to
the Committee on Finance, Revenue and Bonding.

THE CHAIR:

Seeing no objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Calendar 269, PR; Calendar 270 is marked go;
Calendar 272, pass temporarily.

Moving to calendar page 18, Mr. President,
Calendar 275, Senate Bill Number 337, Mr. President,
move to refer this item to the Committee on Finance,
Revenue and Bonding.

THE CHAIR:

Seeing no objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Calendar 294, PR; Calendar 295, PR; Calendar 296,
House Bill Number 5138, Mr. President, move to place
this item on the consent calendar.

THE CHAIR:

Seeing no objection, so ordered.

SENATOR LOONEY:

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cd
SENATE

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Calendar page 9, Calendar 117, Senate Bill 232.

Calendar page 10, Calendar 119, substitute for
Senate Bill 261; Calendar 124, substitute for Senate
Bill 251.

Calendar page 11, Calendar 149, Senate Bill 244.

Calendar page 12, Calendar 161, substitute for
Senate Bill 258.

Calendar page 13, Calendar 180, substitute for
Senate Bill 152.

Calendar page 14, Calendar 216, substitute for
Senate Bill 256; Calendar 217, substitute for Senate
Bill 201; Calendar 222, substitute for Senate Bill
275.

Calendar page 15, Calendar Number 233, Senate
Bill Number 97.

Calendar Number -- page 16, Calendar 239, Senate
Bill 105.

Calendar page 17, Calendar 270, substitute for
Senate Bill 234.

Calendar page 18, Calendar 296, substitute for
House Bill 5138; Calendar 297, substitute for House
Bill 5219; Calendar 298, House Bill 5250.

Calendar page 19, Calendar 301, House Bill 5263;
Calendar 302, House Bill 5292; Calendar 303, House

cd
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Bill 5265; Calendar 313, substitute for House Bill 5002.

Calendar page 20, Calendar 314, House Bill 5201.

Calendar page 24, Calendar 340, substitute for Senate Bill 175.

Calendar page 25, Calendar 346, substitute for Senate Bill 151; Calendar 350, Senate Bill 333; Calendar 371, substitute for House Bill 5014.

Calendar page 26, Calendar 375, House Bill 5320.

Calendar page 27, Calendar 379, substitute for House Bill 5278; Calendar 380, substitute for House Bill 5452; Calendar 381, substitute for House Bill 5006; Calendar 382, House Bill 5157.

Calendar page 28, Calendar 384, substitute for House Bill 5204.

Calendar page 29, Calendar 395, substitute for Senate Bill 127; Calendar 396, Senate Bill 147.

Calendar page 30, Calendar 413, House Bill 5024; Calendar 414, substitute for House Bill 5401.

Calendar page 31, Calendar 419, substitute for House Bill 5303.

Calendar 32 -- page 32, Calendar Number 421, substitute for House Bill 5388; and on calendar page 34, Calendar 46, substitute for Senate Bill 68;

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SENATE

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Calendar 50, substitute for Senate Bill 17.

Calendar page 35, Calendar 64, substitute for
Senate Bill 187.

Calendar page 37, Calendar 109, substitute for
Senate Bill 189.

Calendar page 39, Calendar Number 148, substitute
for Senate Bill 226.

Calendar page 40, Calendar 182, substitute for
Senate Bill 218.

Calendar page 41, Calendar 188, substitute for
Senate Bill 200.

Mr. President, that completes those items placed
on the consent calendar.

THE CHAIR:

All right. If the Clerk has made an announcement
that a roll call vote is in progress in the Senate on
the first consent calendar, the machine will be open.
Senators may cast their vote.

THE CLERK:

The Senate is now voting by roll call on the
consent calendar. Will all Senators please return to
the chamber. The Senate is now voting by roll call on
the consent calendar. Will all Senators please return
to the chamber.

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THE CHAIR:

Would all Senators please check the roll call board to make certain that your vote is properly recorded. If all Senators have voted and if all votes are properly recorded, the machine will be locked, and the Clerk may take a tally.

THE CLERK:

Motion is on adoption of Consent Calendar Number 1.

Total Number Voting	35
Those voting Yea	35
Those voting Nay	0
Those absent and not voting	1

THE CHAIR:

Consent Calendar Number 1 is passed.

Are there any announcements or points of personal privilege? Are there any announcements or points of personal privilege?

Senator LeBeau.

SENATOR LEBEAU:

Thank you, Mr. President, for a -- for an announcement.

THE CHAIR:

Please proceed.

**JOINT
STANDING
COMMITTEE
HEARINGS**

**GENERAL
LAW
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2010

DAVID KELMAN: At least three and I can do some more research and get back to you with what other states also have this office.

REP. BACCHIOCHI: Okay. Thank you.

REP. SHAPIRO: Thank you, Representative.

Any further questions?

If not, thank you all very much for your time and testimony.

ATTORNEY GENERAL RICHARD BLUMENTHAL: Thank you very much, Mr. Chairman. And special thanks for including Mr. Kelman and Ms. Garofalo in these proceedings. Thank you.

REP. SHAPIRO: Thank you.

Commissioner Farrell and thank you very much for your patience, sir.

COMMISSIONER JERRY FARRELL, JR.: No problem. Well it's nice to be back in front of General Law with distinguished cochairman and distinguished members. My name is Jerry Farrell, Jr. I'm the Commissioner of Consumer Protection. In keeping with the times, we do not have a great deal before you legislatively. We have two bills; one that deals with liquor control issues. It brings up the issues that we discussed with the committee last year of the need to provide legality to some of the viticulture programs that are out there at our community colleges such as Naugatuck Valley Community College.

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We have another proposal that goes to allowing cafes to serve breakfast without serving alcohol but right now they would be precluded from doing that, that they could not open the

breakfast hours. But some of those cafes wish to also -- wish to also serve a breakfast. So this would provide for that.

And thirdly, in response to, you know, the efforts of the state to encourage filming within Connecticut and the difficulties that poses to the Liquor Control Act, that we would provide where no alcohol is being served, that filming of a -- of a film production that includes the tax credits would be able to film on a 24-hour basis. That's the liquor control proposal.

There's a second bill that has a series of technical revisions to it. I won't bore you with all of them. You know, one of the more consumer friendly and consumer necessary ones would be the one that goes to the Home Improvement Guarantee Fund. That right now the statute requires a certified copy of a judgment. And that we found poses a difficulty to a consumer who is representing themselves before the court and before our agency that more often than not it's an extra item that they have difficulty in getting. And it delays them getting recompense from the funds.

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So, there's a number of things in the technical revision bill that will help the functioning of the Department and make it more efficient for consumers and others to deal with us. But that's basically it. I would be very glad to take any questions that you have.

REP. SHAPIRO: Thank you very much, Commissioner. If you could just give me your recollection on the liquor bill, I recall it passing this committee and passing the House of Representatives last year but failing to get on the calendar in the Senate when they were

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having difficulty getting items on their calendar. Is that your recollection?

COMMISSIONER JERRY FARRELL, JR.: That's the best of my recollection as well. So, it would seem to be on its own quite noncontroversial.

REP. SHAPIRO: Okay. Thank you.

And with respect to consumers who are trying to get recompense from the Homebuilder's Fund, you were talking about difficulties they had getting certification. Is it the kind of thing where a homeowner -- for the benefit of the committee -- where a homeowner would actually have some sort of testament to it but it hadn't been officially certified and they didn't know that and they sent it in and then had to go back and forth with the committee that doesn't meet the technical --

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COMMISSIONER JERRY FARRELL, JR.: That's quite correct. That the average homeowner receives a judgment from the court. It is not a certified judgment, if you will, that you would need to take the additional step of asking the court for. If you were represented by an attorney and an attorney was going forward and wanted to attach the real estate of the builder, for instance, the attorney would probably go get that certified copy.

But for the purposes of the Home Improvement Guarantee Fund, we don't see that as necessary. If we needed to verify a judgment certainly we can go right on the Judicial Branch's website and do that.

REP. SHAPIRO: So this would streamline the process for the consumer making it more -- a matter of common sense for them. This is my judgment, I give it to you, without adding an additional

extra legal step for them.

COMMISSIONER JERRY FARRELL, JR.: Right, and, I mean, we've even had comments from attorneys saying, well these days the courts themselves have streamlined that process that they don't really want you if you don't need it, coming asking for a certified copy of the judgment.

REP. SHAPIRO: It's an added layer of protection that doesn't protect further and, in fact, inhibits --

COMMISSIONER JERRY FARRELL, JR.: And it holds up the process that, you know, we have people who, let's say that the issue was their roof, well the roof is still leaking and until they get money out of the guarantee fund, there's no money to fix it. So, you hate sending someone back scurrying for something that really protects no one.

REP. SHAPIRO: Thank you very much, Commissioner.

Do we have questions from the Committee?

Senator Witkos.

SENATOR WITKOS: Thank you, Mr. Chairman.

Good morning, Commissioner.

COMMISSIONER JERRY FARRELL, JR.: Good morning.

SENATOR WITKOS: If you could just touch base briefly on the interior designer portion of the bill. You know, I got quite a few emails and it's raising some concern. And we're just -- where the department's going and their thought changing the language.

COMMISSIONER JERRY FARRELL, JR.: Well, as you will

recall there was a lawsuit last year, Susan Roberts versus Jerry Farrell, Commissioner, that went to the interior design statute. It was brought by a libertarian interest group on behalf of a number of interior designers.

To my knowledge there had not been enforcement of the interior design statute in quite some time, certainly not during my period in office. But the -- the issue that was focused upon was the fact that it is what they refer to as a name statute. That it's very different from some of other occupational statutes where there are other hurdles that needed to be passed through. So the -- the focus of the court in overturning the law as it existed came down to really the need for one word to be added; the word registered.

So, that's what we put in front of your committee and the Legislature, that to make the statute constitutional going forward that one word would need to be added.

REP. SHAPIRO: Thank you, Senator.

Further questions from members of the Committee.

Hearing none, I thank you for your time, Commissioner.

COMMISSIONER JERRY FARRELL, JR.: Thank you very much and I'm looking at the calendar and saying this is probably my final appearance before the General Law Committee, even though I'll deal with you throughout the session and I wanted to say it's always been a pleasure dealing with all the members of the General Law Committee and all the back and forth that it has been an honor for me to deal with all of you.

REP. SHAPIRO: And we would like to thank you for your service. It has been tremendous and selfless and we thank you for it.

COMMISSIONER JERRY FARRELL, JR.: Thank you all.

REP. SHAPIRO: Okay. That concludes the public official portion of the testimony even though it is still within the first hour, so if we get legislators or further officials we will try to alternate them with members of the general public who will now be called.

Okay. And the first person to testify is Alex Lanuk followed by John Arabolos. If I've mangled the pronunciation please let me know when you come and announce your name. Thank you.

And also let me remind you that the clerk will have the clock going for the three minutes of testimony. When it rings, you don't have to stop midsentence but please try to summarize where you're going so that other people have an opportunity to testify. Thank you.

JOHN ARABOLOS: Hi, good morning, Senator Colapietro, Representative Shapiro and members of the General Law Committee. My name is John Arabolos and I'm here today with my Connecticut Coalition of Interior Designers colleague, Alex Lanuk, in support of Raised Bill 5138, AN ACT MAKING MINOR AND TECHNICAL REVISIONS TO THE DEPARTMENT OF CONSUMER PROTECTION.

On July 1, 2009, U.S. District Court Judge Mark R. Kravitz ruled that the current interior design statute, Chapter 3968, Section 20-377k, Section 20-377b, as written is in unconstitutional. The court found that the

state's interest in protecting the public was not being served because interior designer is a generic term that conveys no particular education or experiential credentials on the part of the individual. The term, such as, "registered interior designer" would far better serve the interest.

In fact, that is precisely what the Connecticut -- what Connecticut has done in other fields, many which have practiced restrictions, Judge Kravitz stated. Judge Kravitz suggested amending connecticut interior design statute to registered interior designer. Department of Consumer Protection language in House Bill 5138 incorporates Judge Kravitz's suggestion by amending Connecticut interior design statute to a more narrower registered interior designer which; one, conveys that the registered individual has agreed to the state's oversight; two, it expands consumer choice; three, it furthers consumer protection because it alerts Connecticut residents to the existence of a statutory registration system while simultaneously allowing everyone to compete in the market for interior design services.

CCID believes that it is important to provide consumers information about whom they are hiring within the profession of interior design given the varied education, experience, certification levels, and scope of practice within the profession. We are not advocating restricting anyone's ability to practice interior design. However, we believe that there needs to be oversight of the profession and a mechanism in place for consumers to report concerns. Thank you.

REP. SHAPIRO: Thank you, sir.

Okay. Do you have any testimony that you would like to add?

ALEX LANUK: No. I just tried to make it simple for you and save some time and come together.

REP. SHAPIRO: We appreciate it.

Are there any questions from members of the Committee?

If not -- Representative Bacchiochi.

REP. BACCHIOCHI: Thank you.

I've had more emails on this subject than on any bill before us. If this were to pass and the word registered were to be added, how would that affect people who chose not to be registered? They, therefore, could not practice interior design?

JOHN ARABOLOS: No, they would be allowed to continue practicing interior design and, as a matter of fact, they can call themselves an interior designer.

REP. BACCHIOCHI: So what does adding the word --

JOHN ARABOLOS: Registered interior designer represents a minimum qualification level of education, internship, NCIDQ certification, passing it and then being able to become registered within the State of Connecticut.

REP. BACCHIOCHI: Okay. Thank you.

JOHN ARABOLOS: Uh-huh.

REP. SHAPIRO: Further questions? No?

Thank you for your time.

SENATOR COLAPIETRO: Representative.

REP. SHAPIRO: Thank you, Senator.

You referenced private clubs that have bowling lanes that are allowed to have their patrons smoke. Were the number of those establishments counted in your 44 or are those --

BILL DeDOMINICIS: No. No. The 44 is strictly bowling centers -- commercial bowling centers. In my particular case, the Knights of Columbus in my town has got four bowling lanes. The Elks has got four bowling lanes.

REP. SHAPIRO: Is that -- is that common throughout the state?

BILL DeDOMINICIS: Very common.

REP. SHAPIRO: Or is it --

BILL DeDOMINICIS: Very common.

REP. SHAPIRO: Interesting. Okay. Thank you very much.

BILL DeDOMINICIS: Thank you.

REP. SHAPIRO: Next up, I believe we have Edward Nagorsky followed by Patti Morrow.

EDWARD NAGORSKY: -- General Council for the National Kitchen and Bath Association, representing over 800 members here in the state of Connecticut. I'm here to voice our opposition to Raised Bill 5138, the technical amendment adding back the term registered interior designer.

The reason that we're opposing this amendment is we believe that this law is completely unnecessary and actually establishes and creates an unfair competitive economic advantage for a small group of interior designers who have passed a private examination that the state has absolutely no say or control over and giving them a state seal. A state stamp, so to speak, that says we are state registered and the rest of the design community is not.

Certainly, in this economic climate we think putting another hurdle in front of designers who are trying to compete for a small number of jobs against a state registered or state certified designer really is unfair to the design community itself. There certainly has been no evidence presented anywhere, and I think the commissioner also mentioned that there's been no enforcement of the prior law that was declared unconstitutional for many, many years.

There's no reason to have this law in place. If you think from your own personal experience if you've ever hired an interior designer, how do you get to that interior designer? You ask for references. You ask for a portfolio. You ask to see the type of work they've done. You ask for their background.

All of this information is already available to the public without adding another state seal to that. There's additionally websites. American Society of Interior Designers has a website that enables people to find an interior designer that has the qualifications that the state would impose to be a registered interior designer. And that qualification is passage of the NCIDQ exam.

If any member of the public wants to hire an NCIDQ certified interior designer, it's very easy for them to do so. They can go online. They can call the ASID office. There's an ASID chapter in Connecticut that also has an online find a designer section that enables you to search the qualifications of all the interior designers. Adding a state certification really presents no greater benefit to the public whatsoever. In addition, the private organizations already do the job of what the state is seeking to do here.

We already have certifications and registrations and testing. I mentioned NCIDQ and ASID. The National Kitchen and Bath Association, likewise, has certified kitchen designers and certified bath designers who have met education, experience and testing requirements. Not state sanctioned, but privately sanctioned, which is where we think this body should go. We don't need a state legislation to enable people to compete fairly.

One other point I'd like to mention while I still got a few seconds left is the lawsuit that was filed that was referenced before; the Kravitz -- Judge Kravitz's decision raised an interesting question there. What he said of the interior designers that were previously registered in Connecticut before he declared the law unconstitutional, roughly 25 percent of them had the qualifications that they are marketing to the public that a registered interior designer would have, which means 75 percent of them do not necessarily have those qualifications.

So I ask you, is this a consumer protection bill or actually a consumer misinformation

bill when 75 percent of designers don't have the qualifications that are being marketed to the public as being state registered.

I thank you for the time. I did hear the bell. I'd be happy to answer any questions you may have about this bill.

REP. SHAPIRO: Thank you for your testimony. I do have one question.

EDWARD NAGORSKY: Certainly.

REP. SHAPIRO: Why do you suppose some interior designers choose to register and others don't then? If you say there's no functional value to it and yet there are clearly people who do, what do you think the difference is?

EDWARD NAGORSKY: Oh, certainly. It's the gain that competitive leg up over the competition. If I could say I am state recognized and the designer down the block from me is not because they could not be, because they cannot sit for the NCIDQ exam.

Again, that private exam has certain qualifications that in order you to -- you have to have graduated from an interior design program, you have to intern for anywhere from two to four years depending on the number of credit hours that you had under an interior designer or architect. Then you have to take their exam which costs upwards of \$2,000 after you pay the registration fee, the course, the prep course, the books, the material, the attendance at the exam.

Then if you pass that, now you are NCIDQ certified which is the requirement to be registered in Connecticut if this regulation were to pass. So many -- the majority of the

design community cannot qualify to even sit for the test if they wanted to. So for those of them -- those designers who may have passed the exam, if I could pay my fee and be state registered and I am able to market myself as state recognized versus my competitor, why not. It's an economic advantage for me to do so.

REP. SHAPIRO: Well, it's not that they can't sit for the exam, it's that they currently don't have the qualifications to do so. They're not prohibited from getting those qualifications. Correct? They could get additional schooling.

EDWARD NAGORSKY: I suppose.

REP. SHAPIRO: Okay.

EDWARD NAGORSKY: They could go to a four year school. They could give up their jobs. They can give up their businesses to go back to school, to intern for two to four years or more under a licensed interior designer. They could do that. The reality especially in today's economy, people aren't giving up their businesses. People aren't going to back to a four year school and spending that kind of money to be an interior designer especially when the average income of an interior designer according to the Bureau of Labor statistics is \$42,000 a year.

Yes, it's one -- you can certainly say, Mr. Chairman, well you could go back to school. You could intern for someone and of course we all know the difference between an internship and a job. Interns don't get paid for the most part. So yes, they could do that but the reality is the majority of the design community can't and won't be able to qualify.

REP. SHAPIRO: Thank you, sir.

Senator Colapietro.

SENATOR COLAPIETRO: Yeah. I just have a quick question. If the wording in this -- in this bill that's -- does it bring us up to -- up to speed and comply with the law at the ruling that the judge had given us?

EDWARD NAGORSKY: What the judge said in his decision was that restricting use of the term "interior designer" was unconstitutional. If there were other limitations that might then pass constitutional muster. So he -- it was a narrow ruling on the use of the term "interior designer" rather than registered or some states have certified, registered, and the majority of states have nothing.

SENATOR COLAPIETRO: I guess I'm still kind of confused. The ruling came out and this bill was written to comply with the law. I know because I talked to the Commissioner a few times about it and they think that rather than get in the middle of this battle that's been going on for ten years or so. Does it really -- does it comply with the law or the ruling that the judge gave?

EDWARD NAGORSKY: I believe that this change would no longer make it unconstitutional in accordance with the judge's decision but I think that frankly begs the question whether -- even if the law is constitutional should the state, in fact, have a law without any evidence that the public is being harmed or that this is any protection component to having this bill.

SENATOR COLAPIETRO: All right. So I guess the answer -- the question --

EDWARD NAGORSKY: The answer -- the simple answer is yes.

SENATOR COLAPIETRO: And if we don't do it that would be unconstitutional.

EDWARD NAGORSKY: No, if you were not to pass this the law is unconstitutional as written and you would not have a law that's enforced. In fact, you've had a law that's not been enforced for many years.

SENATOR COLAPIETRO: So if we don't do the bill we're still unconstitutional.

EDWARD NAGORSKY: If you don't do the bill, I don't believe you'd have a law. You'd have an unenforceable law. The law would be unconstitutional on the books. Correct.

SENATOR COLAPIETRO: Okay.

EDWARD NAGORSKY: It would not be enforced.

SENATOR COLAPIETRO: Thank you.

REP. SHAPIRO: Senator Witkos.

SENATOR WITKOS: Thank you.

What would prevent, say in my community I have business showcase kitchen and bath and a consumer walks in and they talk to -- I want to do this in my house. And the owner says well we have a person that can help you put it all together. There's nothing that prevents them from continuing that practice as long as they don't solicit it as a registered interior designer. Correct?

EDWARD NAGORSKY: That's correct. This is not a

practice act. This is only entitled to use -- restricting the use of a title. Yes.

SENATOR WITKOS: So a lot of the things that -- of your concern could be if you're offering design services within the business, and it could be some of the big box ones, you know, the upper design services, those could continue as long as you don't market it as a registered interior designer.

EDWARD NAGORSKY: Yes, because that would be a practice regulation which this is not. I think the difficulty we have with that is, again, the competitive disadvantage that our members and the other design community has when they're competing against someone that is state registered versus the majority of the design community who are not and cannot be absent jumping through a lot of hoops and giving up their businesses and careers and going back to school and interning.

You're correct. We are able to practice but I think we're at an economic disadvantage of trying to compete against the state sanctioned designer.

SENATOR WITKOS: Well, I think that's the point where I'm going with this is the economics of it. Do you think that an individual will gravitate towards a state, you know, certified, registered interior designer versus the economics of the end product of what they're going to pay?

EDWARD NAGORSKY: I think if all things are considered equal and the consumer isn't aware of all the distinctions and differences, the consumer is very likely to attach significant merit to someone that is state certified against someone who cannot be or is not state

certified. So while I disagree that that designer is any better or more qualified than the rest of the design community, a consumer would very likely attach significant value to that state certification that's really unwarranted.

SENATOR WITKOS: Okay. Thank you.

Thank you, Mr. Chair.

REP. SHAPIRO: Representative Taborsak followed by Representative Bacchiochi.

REP. TABORSAK: Thank you, Mr. Chairman.

Thank you for your testimony today, too, sir. Just a question or two here. One of the things that we're obviously dealing with here, in this bill, is addressing a vague law that has been held by one court to be unconstitutional.

And if I'm getting where your organization is coming from correctly, is it correct that you do not actually have an alternative definition for us. You're not proposing a definition that you feel would be fair that would address the issues in the Kravitz case but that would be fair to your organization. Is that correct?

EDWARD NAGORSKY: That's correct. We don't have an alternative definition because we believe that having a law on the books that distinguishes between a small segment of interior designers versus the rest of the design community is not the proper role of the government given all the reasons that I suggested before.

REP. TABORSAK: Okay. So just taking that a step further, do you think that in your -- would

your organization support any kind of definition? Is there -- because we're dealing with a law here that's basically been, you know, ruled unconstitutional but one of courts and we kind of have to fix that problem, I think. So, I'm just wondering if your organization -- if you think that there is a definition that you could get behind that would be fair to make this law function.

EDWARD NAGORSKY: Not -- not so much a definition. You know, I hesitate to throw this out but I can give you the experience of the state of California which has the most interior designers of any state in the country. They do not have an interior design law.

What they do is they recognize certified interior designers. It is a private group of California residents. They have their own board, their own executive director. They've developed their own exam that is an exam based upon the codes of California, the business practices of California, and they say that California -- and they say that anyone that has eight years of education and or experience and can pass their codes exam can be a certified interior designer.

We would support that type of nonregulation. It's not state regulated. There are no state funds involved. There are no taxpayer dollars. There's no state board. It's all privately run, but it's more inclusive. It allows many designers, and there are 4,000 certified interior designers in California that have gotten this certification.

It is more inclusive because it enables a lot of designers who can meet the qualifications of education and/or experience plus knowledge of the California laws to become certified

interior designers if they wish to do so. As opposed to having one exam, the NCIDQ exam that's developed and based out of Washington, D.C. that's a generic, broad exam that has nothing to do with Connecticut laws or statutes tested as the sole criteria to become a registered interior designer in Connecticut.

So if we were going to support anything, although we don't think even that regulation is necessary, we would support something that's more inclusive that enables the wider design community based upon experience testing of an exam that's specific to Connecticut that doesn't have the rigorous and, frankly, prohibitive requirements that NCIDQ imposes to enable these citizens of Connecticut if they wish to, to become certified or registered interior designers. That's a private -- private test that's based specifically on California law.

REP. TABORSAK: Okay.

EDWARD NAGORSKY: And if you want to talk about protection of the public and be that as the concern, what better way to ensure that a designer is going to protect the public than ensuring that they know the basic codes of the State of Connecticut.

REP. TABORSAK: Okay. Well thank you for that clarification.

REP. SHAPIRO: Representative Bacchiochi.

REP. BACCHIOCHI: Thank you.

-- criteria to be registered would be this NCIDQ process, the internship and the exam.

EDWARD NAGORSKY: Well, it's a long history and my

three minutes are way over. It's basically driven by the American Society of Interior Designers, ASID in Washington. That is the interior design organization that's throughout the country that has spent, we believe, upwards of \$7 million in the past decade or so trying to enact interior design practice acts, not a title act.

Their real goal is a practice act. What they have done in many states is as a first step, you know, as the -- to start the process is at least get a title act to get the state to recognize that we need to regulate interior designers in some fashion and then move that to a practice act and we've seen it in Minnesota. We've seen it in Tennessee.

All unsuccessful, by the way, but we've seen it done there. We've seen it in Florida. We've seen it in a number of other states that have moved from the title act to now introduce a practice act. And, in fact, in Connecticut last week ASID had sponsored a program for the Connecticut interior designers of legislation and licensing and where we're going in the future. I did not attend that meeting.

Glen, where you at that? Glen?

And you can certainly testify to this. The goal of ASID and the coalition here is not a title act. The goal is a practice act to restrict and limit the practice of interior design to those people who have passed the NCIDQ. And you ask why NCIDQ?

NCIDQ was developed by ASID and spun off by them in the seventies as a quote private enterprise but the reality of it is that the boards are very similar. Many of their individuals are on cross boards. They fund

each other. They attend joint meetings. They work very closely hand-in-hand together. So it is there supported exam, the NCIDQ.

Now, in California with their private organization they used to recognize the NCIDQ exam as well as our exams but threw all those out in favor of the private California test that's specific to the State of California. That's where the NCIDQ came from.

REP. SHAPIRO: Thank you.

Do we have further questions? No?

If not, thank you for your testimony.

EDWARD NAGORSKY: Thank you very much.

REP. SHAPIRO: Who is next up?

We have Patti Morrow followed by Bob Dahn.

PATTI MORROW: Good morning, Mr. Chairman, Mr. Chairman and members of the committee. My name is Patti Morrow, and I'm the Executive Director of the Interior Design Protection Council. We're a nonprofit organization with one mission and one mission only and that is to protect the rights and livelihoods of interior designers.

We are very much opposed to Bill Number 5138, which would reinstate the unconstitutional title act with amendments.

Basically, we believe that there is no need for this bill. There is -- in contrast to what the proponents have said there is -- there is just absolutely no need to provide consumers with additional information about who they're hiring. There has been no public

outcry for this.

The public has every available method to determine who they hire to do their interior design services. Also, you should know that the Federal Trade Commission has also looked at this -- this issue twice and they have concluded that interior design regulations of all kinds increase costs to the consumers and provide them with fewer choices.

So, if the consumer doesn't benefit, who benefits. Well it's a very, very small group of interior designers who will benefit from this, certainly not the majority who are practicing. And as we also heard Judge Kravitz decision, how many, 25 percent of those who were originally registered under the title act even have these qualifications.

So, my question is why -- why would you want to reinstate legislation when so few benefit and especially when it costs money to run the board and you have a \$3 billion deficit? It's just frivolous -- it's a frivolous bill.

There's another -- in my testimony you'll see a link to this but this is a very interesting report done by two professors at Kenyon College and what this report found was that interior design regulations also disproportionately discriminate against minorities and older career switchers. And I think that would be of interest to you as well.

Now, in light of the fact -- I mean, the bill -- this amendment is very unclear. Will those who were grandfathered originally still be grandfathered under the new law? And if they are, that really perpetuates fraud of the consumer because the consumer is thinking

they're hiring a registered interior designer with all of these credentials when, in fact, only 25 percent of those registered actually have those credentials.

And the last point that I will make is this is really -- this bill is really the camel's nose under the tent. Title laws, such as this, form a national point of evolution towards full-blown occupational licensing. I can tell you that two of the three states that have practice laws began as title laws. And of the 18 states that have title laws like this they were -- they were all done under the radar many years ago and, in fact, at least four of them, right now, are looking at sun setting those laws.

Since 19 -- and this was my last point. Since 2006, there have been no new laws passed and since that time over 100 bills, like this, have been defeated.

Thank you so much for your time.

SENATOR COLAPIETRO: I just have a couple of quick questions. One is, first of all, we're not trying to change the way that you guys do business or anything. We're just trying to comply with the -- with the law. And by defeating this bill with no -- with no alternatives in it we would not be complying with the law. So, if -- if you're opposed to this particular bill of -- making it constitutional is all we care about. Do you have any alternative language that we could use to make this bill do what we want it to do?

PATTI MORROW: No, I do not because I feel this law should not be in existence. It does not have any benefit. If -- maybe a repeal is in

order. There's no benefit to the public and there's just no benefit to -- to anyone with this law. I'm not a constitutional lawyer but I would be happy to look into that and see if there is an alternative to that.

SENATOR COLAPIETRO: Right. Well, what I'm saying is that all those arguments you've just said have already been argued. We don't even -- we don't even get into that. We don't have to get into that. All we want to do is make this constitutional. And if somebody could help us we would appreciate that.

I'm sure we'd all appreciate the language that would make this constitutional. If not, this bill does do that and we've checked it out and we've listened to the DCP and they're just trying to correct what the -- what the judges have already ruled. We're not -- we're not trying to determine what your job is or anything like that, just to make it constitutional. And --

PATTI MORROW: I guess my comment would be, making it constitutional doesn't make it good.

SENATOR COLAPIETRO: Well, it may not, but we do have to do that. We don't have to like it but we have to do it. So -- and we would appreciate the help if somebody had language that would do that, which is something we have to comply with whether we like it or not. It doesn't make any difference.

Thank you for your testimony.

PATTI MORROW: Thank you.

SENATOR COLAPIETRO: Representative Taborsak.

REP. TABORSAK: Thank you, Mr. Chairman.

Thank you for testifying today. Kind of following along some of your comments and I think it was Mr. Nagorsky who was speaking for the Kitchen and Bath Association. I guess I'm trying to understand a little bit more about these state requirements in order to become registered. I know you've stressed that barely anyone's registered that's in the field. Maybe you can give us a little bit or give me a little bit of your personal experience with that. I guess I'd like to know for one thing, are you registered with the state? These are kind of the thoughts I'm having.

Do you think that the requirements that the state has are irrelevant? Are they the kinds of things that interior decorators go out and do anyway but just don't follow through with the registration with the state because it really doesn't help them in any way? Can you kind of elaborate on that? And hopefully I didn't throw too much at you all at once but thank you.

PATTI MORROW: Well first of all, I don't live in this state. I live in New Hampshire and I'm here testifying on behalf of approximately 200 of the interior designers in your state, who would not meet the qualifications. I am an interior designer though. I'm not an attorney or a lobbyist. I am an interior designer. I am certified but not through a state. I am certified through a private organization which allows me to market myself as a certified interior designer.

And we believe that this bill just duplicates that process. And that interior designers in this state already have the means to be distinguished from their peers by taking the

NCIDQ exam or any one of half a dozen others and then marketing themselves that way.

Does that -- did that answer your question?

REP. TABORSAK: It did to some extent. I guess I'm looking a little more for your opinion on the specific requirements that the State of Connecticut has in order to become registered. Are they totally obtuse for people in the industry? Are they things that interior decorators do anyway and they get these kinds -- this sort of background, these kinds of credentials anyway, they just don't go forward and register?

I guess that's where I'm a little bit lost. Are our state's requirements in order to be registered totally obtuse or irrelevant? I mean, what are your thoughts on them if you could.

PATTI MORROW: Well, all of the exams cover different areas and the NCIDQ exam does cover more commercial work than residential work. And we believe there's -- that's why there are so many -- there are different exams. There's one for the LEED exam for environmental. There's aging and place exams. There's many, many different areas to specialize in.

So that's why we believe that it's up to the consumer to choose if they want, you know, certain credentials in a different area. They can choose the designer who has those credentials to fit the need of their specific project.

REP. TABORSAK: Thank you.

SENATOR COLAPIETRO: Any further questions?

Thank you for your testimony.

Bob Dahn followed by Scott Basso.

ROBERT DAHN: Good afternoon committee chairs and committee members. My name is Robert Dahn, I'm on the Board of Directors of the National Society of Professional Surveyors. I'm the past President of the Connecticut Association of Land Surveyors and their current legislative liaison.

I'm here to speak in support of Raised Bill 132 as -- the 132 as presented. The language contained in this bill is language that representatives of the surveying community and the landscape architecture community worked in concert on last year and we support the language as presented. Just to be brief.

SENATOR COLAPIETRO: Any questions from the Committee?

Thank you, Bob, for your testimony. That was good. Short and sweet.

ROBERT DAHN: Do you like that?

SENATOR COLAPIETRO: Scott Basso followed by Scott Basso. We have you twice down here.

SB 133

SB 131

SCOTT BASSO: Good afternoon. My name is Scott Basso. I'm actually here from -- I'm on the legislative committee of the Connecticut Heating and Cooling Contractors Association, a trade association whose objectives are to strengthen and further trade relations and attract and educate and train necessary man power and represent members at all levels of government and review and establish quality standards and procedures. The association represents a hundred -- over 125 heating and

Often the home improvement contractor doesn't know if it's a primary residence. You don't know what if the home improvement contractor has paid in accordance with the contract if you're a sub. Oftentimes good home improvement contractors have told me they don't allow their subcontractors to talk to the homeowner because they want to control the relationship and have that good relationship with their customer. So they don't want some sub coming in and destroying that relationship. So you have no idea what -- what's going on between the homeowner and a home improvement contractor. You just -- as a sub or a supplier you cannot comply with this language.

REP. SHAPIRO: Thank you for your testimony.

Senator Gomes, a follow-up.

SENATOR GOMES: That last part there, I can agree with that. I can agree with that. If I hired a contractor, I don't want to have anything to do with the subcontractor. That's the business of the contractor and the subcontractor.

BILL ETHIER: Right.

SENATOR GOMES: I can agree with the contractor saying they don't want the subcontractor talking to them person because they're not the person that made a contract with them. Thank you.

REP. SHAPIRO: No further questions?

Thank you for your testimony.

BILL ETHIER: Thank you.

REP. SHAPIRO: Cam followed by Joyce Wojtes. Were you testifying on the same issue? Did you want to join together or -- okay.

CAMERON CHAMPLIN: Senator Colapietro, Representative Shapiro. My name is Cameron Champlin and I represent Plumbers and Pipefitters, Local 777. I have two bills that I want to speak to today; Bill 5138. In section 12, there is some language that I think has to be added so that if somebody graduates from their apprenticeship there should be a time frame in which they have to obtain a license. They can't be an apprentice for the rest of their life. And I did speak to the Commissioner after he testified and he said let's work on something to come to that. So we will be doing that.

And on Bill 133 the ratio, as you know there's been a lot of arguments before you for many, many years. It's easy for somebody to just sit up here and say I think it should be one-to-one I think it should be three to one. I think it should be five to one. But we did an in-depth study as Senator Colapietro knows. We did it from both sides, the union and nonunion and we looked at every bit of data we could get before we came to this conclusion.

And I do want to say the only thing that was done after all the data was put together -- the only thing that was asked for by anybody was to go to this one-to-one, two-to-two, and then three-to-one after that which is the language that is being drafted now. The language as it is right now is not correct but as someone else has said before we're working on that to get it done and we will be in favor of the new language. And with that, I thank you very much for the opportunity to testify

today.

JOYCE WOTJES: Good afternoon. Joyce Wotjes, Mechanical Contractors Association of Connecticut and Local 777. I want to echo the comments on the Senate Bill 5138, Section 12 on apprenticeship training that Cam made. We do have to get some language on that.

And on the Raised Bill 133, John Barrasso from Mechanical Contractors worked with Cam and Lelah Campo and the others and we support it and support the corrected language. And I would like to also go on record in support of Raised Bill 131, the retainage, that 5 percent.

I've been on all sides of this issue in my lifetime career here at the capitol. And I was instrumental in getting the original retainage for the Department of Transportation reduced to 2-and-a-half percent. And the other -- we did go down to 5 percent at one time for Public Works and for the municipalities, however Public Works came back and wanted it back up to 10 percent. Then we negotiated the agreement for seven and a half on the private work.

So going down to five, the Mechanical Contractors support totally. And we'd probably go along with zero percent if it would go that way but we're practical. I thank you for your time and I hope I'm the last speaker.

REP. SHAPIRO: Questions from members of the Committee?

If not, thank you very much for your testimony.

CAMERON CHAMPLIN: Thank you.

(inaudible.)

MARSHALL COLLINS: Absolutely.

SENATOR GOMES: So I have made no agreement with the subcontractor at all.

MARSHALL COLLINS: Absolutely no. Absolutely not.

SENATOR GOMES: That's what it sounds like.

MARSHALL COLLINS: No. What we have said is that when the contractor -- homeowner has paid and then that contractor now decides to go bankrupt to stiff me or the subcontractor, okay, that contractor can't discharge the bill. The homeowner's off the hook. We've said that. That's the concept of the constructive trust.

Once the homeowner has paid that contractor and the contractor now tries to go bankrupt, okay, the homeowner is off the hook but the contractor can't discharge that debt completely. That's the -- that's the way to protect the innocent people. But we're specifically saying, Senator Gomes, once the, you know, once the homeowner has paid and the contractor tries to go bankrupt he's off the -- he or she is off the hook.

REP. SHAPIRO: Thank you all for your discussion. Thank you, sir.

We have Laura Bordeaux back in the room. Thank you. Followed by it looks like Glen Seltzer. Sorry if I read the handwriting incorrectly.

LAURA BORDEAUX: Good afternoon senators and representatives of the Committee. My name is Laura Bordeaux and I am a registered interior

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designer in the State of Connecticut for 26 years. I practice residential, commercial and health care interior design as well as I design facilities for the State of Connecticut; one of them the Department of Consumer Protection. I am in support of Bill 5138. And I know you've heard some opposing testimony as to why we do not need the statute. And I believe that Judge Kravitz's statement is correct that we -- we do need an oversight by the State Department of Consumer Protection while simultaneously allowing everyone to compete in the marketplace.

I'm brought on with architects and engineers as a -- as a team member many times on projects and they want to know that I have the professional qualifications, the knowledge, the education to specify interiors. And that as a team member they wouldn't be liable for me making mistakes and not knowing ADA code compliance, fire safety code compliance. I work with engineers and architects all the time in that capacity. And I work independently also to submit plans to the town and municipalities and those building inspectors need to know that there is -- that the interior designer that's submitting plans has the qualifications and the -- has the qualifications and the knowledge of the State building codes.

And, so in that respect I support the registered interior designer because it still allows interior designers to practice openly in the marketplace but it defines a registered interior designer as one that has the qualifications to submit plans and specifications to towns or permitting within their scope of practice within the regulatory statute of the definition of interior designer. And -- and also be part of the team

member with a mechanical electrical engineering firm and an architect. And I think the public needs to feel confident that there is some kind of regulatory oversight for a registered interior designer.

REP. SHAPIRO: Thank you for your testimony. I have a question for you and I have no prejudgment about it. I'm mostly just curious because prior testimony had alluded to, you know, this will be a huge marketing boon for the people who are registered and those who aren't will be at a distinct disadvantage. Is it something you use prominently in your marketing material? Is it a major boon to you? Is it minor? It comes up but it's not (inaudible.)

LAURA BORDEAUX: It has nothing -- I actually -- this is kind of interesting -- I actually advertise in the yellow pages not under the registered for license because it comes up first in the yellow pages. So I just wanted -- I just want to be first so I advertise under interior consultant. So no, I don't use it as an advertising ploy at all. It's not even on my website.

Where it -- where it's important to me is with the State building officials or other design professionals. That's where it's important. The homeowner -- the only reason a homeowner would know is if they call the Department of Consumer Protection and see if there's any complaint against a registered interior designer if they were to do that.

REP. SHAPIRO: And do the other design professionals, they put out bids and you respond to them that you are registered. Is that --

LAURA BORDEAUX: Well I don't usually work in that capacity for bids but when if the State of Connecticut -- when the State of Connecticut does put out a request for qualifications for an on-call interior designer they expect you to be a registered interior designer because of course you're going to be doing State projects which is commercial work. Other than that I just network with the architects or the engineers.

REP. SHAPIRO: Thank you.

Questions from other members?

Thank you very much for sticking around and giving your testimony.

And I believe our final person to testify -- thank you.

GLEN SELTZER: Good afternoon. My name is Glen Seltzer and I am a registered interior designer. I have been in business for 33 years. I've had my State registration since 1989 and I feel that the law is unnecessary and I urge you to reject the amendment. I think that the public already has the ability to know, you know, the qualifications of the person they're hiring; through our websites, through referrals. And I think that's what's important. I have never been asked by a client and I've been doing this a very long time, if I am registered. I don't promote my registration on my website, in my stationary because it's really about my portfolio and the clients that I work with.

HB 5138

So I do feel that it's just -- the fee that we pay every year and it really doesn't mean anything. If it really had some validity then I would be for it. And again, we already have

our training, you know, our college education. We have private organizations NCIDQ, NPDA, ASID that already tell us, you know, or that tells the public that we are qualified. And I just think that the amendment has a lot of defects and I am not for it. Thank you.

REP. SHAPIRO: Thank you very much. Do you work often or in concert with other designers who are not registered?

GLEN SELTZER: I don't work with them. I know designers who are not registered who are quite -- quite qualified and, you know, I support them. I have designers on my staff who are not registered but who are NCIDQ qualified. You know it's -- I don't really think it means anything to the public. I think if it had something stronger that it created with the registration it might mean something. But I -- I just feel it doesn't mean anything.

REP. SHAPIRO: Thank you very much.

GLEN SELTZER: Thank you.

REP. SHAPIRO: All right. Since we have no further people testifying. Is that correct, Kirsten? I will now declare this public hearing adjourned.



INTERIORS
by Decorating Den

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February 12, 2010

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Direct Telephone: 410-822-9001

The Honorable Joseph J. Taborsak
Joint Committee on General Law
Legislative Office Building, Room 3500
Hartford, CT 06106

Re: HB 5138 – Amendment to Reinstate Interior Design Regulation

Dear Representative Taborsak:

I am writing to you to express our strong opposition to HB 5138, and to urge that this bill be defeated.

Founded in 1969, INTERIORS by Decorating Den is the largest interior decorating franchise business in North America with over 400 independent franchisees operating interior design businesses throughout the United States and in Canada. We currently have 5 interior designer franchisees operating in the State of Connecticut. This legislation, if enacted, holds the potential to adversely impact the interior decorating businesses of these Connecticut small business entrepreneurs. Our interior decorators operate successful businesses, serving thousands of clients by helping to make their homes more beautiful.

The purpose of licensure/registration is to protect the public. However, regulation by nature limits entry into a profession, makes it more difficult for those already working in the industry to compete, and should be reserved for professions and occupations that, if unregulated, pose a serious and demonstrated threat to public health, safety, and welfare. In other words, to take the serious step of abridging the constitutional right of a person to engage in a lawful profession, trade or occupation, the State must determine that such profession provides services that directly and significantly affect the public health, safety, and welfare and that the public is not adequately being protected otherwise. There is simply no evidence that such a threat exists here.

It is interesting to note that in U.S. District Judge Kravitz' decision last June in Roberts v. Farrell, striking down the law requiring registration in Connecticut to use the title "interior designer", the court stated:

"However, this case is unlike *Went for It* in its complete lack of any "evidence" (even construed most broadly) to support the Commissioner's asserted need to protect consumers from the use of the term "interior design" by individuals who lawfully perform those services in the State."

Study after study has found that additional regulation of the interior design and interior decorating community is unwarranted and would, in fact, increase the cost to the consumer. Recently, Colorado Governor Ritter and Indiana Governor Daniels vetoed similar bills in their states for the very same reasons. Those bills were just title

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The Honorable Joseph J. Taborsak
February 12, 2010
Page Two

acts...there was no restriction on the practice of interior design. As Governor Daniels stated in his veto message to the legislature, "the principal effect of [the bill] will be to restrain competition and limit new entrants into the occupation by requiring that they meet new educational and experience qualifications previously not necessary to practice their trade."

The only reason this bill is before the Committee is that a small clique of interior designers want the state to provide them with a perceived competitive advantage in being able to describe themselves as "registered" interior designers rather than "interior designers. This is not a valid or legitimate reason for the legislature to create a regulatory scheme.

Thank you for your consideration, and, again, we urge you to defeat HB 5138.

Sincerely,


Jim Bugg, Jr.
President and CEO



February 18, 2010

The Honorable Thomas A. Colapietro
 Co-Chair, General Law Committee
 Legislative Office Building
 Room 3500
 Hartford, CT 06106-1591

Dear Senator Colapietro and Members of the General Law Committee:

Re: Opposition to HB 5138, Amendment to Reestablish Interior Design Regulation

Since 1979, Hanford Cabinet & Woodworking, Inc. has been providing Award winning Kitchen Design, fabrication, and expert Installation throughout the State of Connecticut and sometimes beyond.

Please accept this letter to express opposition to the amendment to the existing interior design title act and to request that you instead vote to repeal this unnecessary law.

Given the testimony at the Hearing from the Commissioner of the Department of Consumer Protection that the law was not enforced, the testimony from the registered interior designers who indicated that the law served no useful public purpose, and the testimony from the National Kitchen & Bath Association about the small number of registered designers who actually possess the experience and testing qualifications that the law requires, I urge you to not merely make a bad law "less bad" by correcting the constitutional defect, but instead, do away with a law that has no public benefit and is not necessary to protect the health, safety or welfare of our citizens.

There are numerous websites and private organizations like the NKBA, the American Society of Interior Designers, the International Interior Design Association and Interior Design Society that market their members' services and educate the public as to the various qualifications of designers. Each of those sites has a "find a designer" section which enables the public to view the qualifications of designers - the same qualifications that this law would require. A state registration would only duplicate these lists for no reason other than to benefit a small faction of designers and grant them a competitive marketing edge over their competitors by virtue of their "state recognition".

Please vote against this needless and protectionist amendment and allow me to continue to work and compete fairly on the merits of my skill and expertise. Thank you for taking the time to read this letter and understand my concerns.

Please vote to repeal this unwarranted law.

Very truly yours,

Beth Veillette
 Custom Kitchen Designer

102 INGHAM HILL ROAD, OLD SAYBROOK, CT 06475 · (860) 388-5055 · FAX (860) 388-6204

2/18/2010



The Honorable Thomas A. Colapietro
The Honorable Jim Shapiro
Co-Chairs, General Law Committee
Legislative Office Building
Room 3500
Hartford, CT 06106-1591

Re: Opposition to HB 5138, Amendment to Reestablish Interior Design Regulation

Dear Senator Colapietro, Representative Shapiro and Members of the General Law Committee:

Please accept this letter to express to you my strong opposition to the amendment to the existing interior design title act and to request that you instead vote to repeal this unwarranted and unnecessary law.

Given the testimony at the Hearing from the Commissioner of the Department of Consumer Protection that the law was not enforced, the testimony from the registered interior designers who indicated that the law served no useful public purpose, and the testimony from the National Kitchen & Bath Association about the small number of registered designers who actually possess the experience and testing qualifications that the law requires, I urge you to not merely make a bad law "less bad" by correcting the constitutional defect, but instead, do away with a law that has no public benefit and is not necessary to protect the health, safety or welfare of our citizens.

The public is certainly capable of distinguishing between the qualifications of the various design professionals. There are numerous websites and private organizations like the NKBA, the American Society of Interior Designers, the International Interior Design Association and Interior Design Society that market their members' services and educate the public as to the various qualifications of designers. Each of those sites has a "find a designer" section which enables the public to view the qualifications of designers - the same qualifications that this law would require. A state registration would only duplicate these lists for no reason other than to benefit a small faction of designers and grant them a competitive marketing edge over their competitors by virtue of their "state recognition".

Given the State's substantial budget deficit, it makes no sense to continue spending state resources on a regulatory Board with its attendant cost and expense for a law that does not achieve any valid public purpose and is unnecessary given the ability of the public to determine on its own the qualifications of the designers with whom they wish to contract.

Please vote against this needless and protectionist amendment and allow me to continue to work and compete fairly on the merits of my skill and expertise. Vote to repeal this unwarranted law.

Thank you for taking the time to read this letter and understand my concerns. I look forward to hearing your position on this bill.

Very truly yours,

Steve Hanford

President, Hanford Cabinet & Woodworking Co Inc

THE KITCHEN COMPANY

COMPLETE DESIGN & INSTALLATION

370 Sackett Point Road North Haven Connecticut 06473
t 203.238.3866 f 203.248.5219 www.thekitchencompany.com

February 18, 2010

BY FAX TO 860-240-0036

The Honorable Thomas A. Colapietro
The Honorable Jim Shapiro
Co-Chairs, General Law Committee
Legislative Office Building
Room 3500
Hartford, CT 06106-1591Re: Opposition to HB 5138, Amendment to Reestablish Interior Design Regulation

Dear Senator Colapietro, Representative Shapiro and Members of the General Law Committee:

Please accept this letter to express to you my strong opposition to the amendment to the existing interior design title act and to request that you instead vote to repeal this unwarranted and unnecessary law.

Given the testimony at the Hearing from the Commissioner of the Department of Consumer Protection that the law was not enforced, the testimony from the registered interior designers who indicated that the law served no useful public purpose, and the testimony from the National Kitchen & Bath Association about the small number of registered designers who actually possess the experience and testing qualifications that the law requires, I urge you to not merely make a bad law "less bad" by correcting the constitutional defect, but instead, do away with a law that has no public benefit and is not necessary to protect the health, safety or welfare of our citizens.

The public is certainly capable of distinguishing between the qualifications of the various design professionals. There are numerous websites and private organizations like the NKBA, the American Society of Interior Designers, the International Interior Design Association and Interior Design Society that market their members' services and educate the public as to the various qualifications of designers. Each of those sites has a "find a designer" section which enables the public to view the qualifications of designers - the same qualifications that this law would require. A state registration would only duplicate these lists for no reason other than to benefit a small faction of designers and grant them a competitive marketing edge over their competitors by virtue of their "state recognition".

Given the State's substantial budget deficit, it makes no sense to continue spending state resources on a regulatory Board with its attendant cost and expense for a law that does not achieve any valid public purpose and is unnecessary given the ability of the public to determine on its own the qualifications of the designers with whom they wish to contract.

THE KITCHEN COMPANY

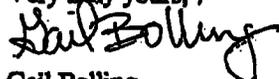
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Thank you for taking the time to read this letter and understand my concerns. I look forward to hearing your position on this bill.

Very truly yours,



Gail Bolling
Co-owner



Premium Quality Products & Superior Service Since 1902

2/18/10

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The Honorable Jim Shapiro
Co-Chairs, General Law Committee
Legislative Office Building
Room 3500
Hartford, CT 06106-1591

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Very truly yours,

A handwritten signature in black ink, appearing to read "Kevin J. Johnson", is written over a horizontal line.

Kevin J. Johnson, CKD

KITCHENS and LIVING SPACES by

LINDY WEAVER

DESIGN ASSOCIATES llc

18 February 2010

The Honorable Thomas A. Colapietro
The Honorable Jim Shapiro
Co-Chairs, General Law Committee
Legislative Office Building
Room 3500
Hartford, CT 06106-1591

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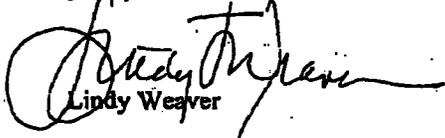
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Thank you for taking the time to read this letter and understand my concerns. I look forward to hearing your position on this bill.


Lindy Weaver

Testimony of Jerry Farrell, Jr.

Commissioner of Consumer Protection

**General Law Committee Public Hearing
Tuesday, February 16, 2010**

H.B. 5138 "An Act Making Minor and Technical Revisions to Department of Consumer Protection Statutes"

Senator Colapietro, Representative Shapiro, Senator Witkos, Representative Bacchiochi and Honorable Members of the General Law Committee. I am Jerry Farrell, Jr., Commissioner of Consumer Protection. Thank you for the opportunity for me to testify in support of HB 5138, "An Act Making Minor and Technical Revisions to Department of Consumer Protection Statutes."

I would like to begin with a summary of the changes proposed in the Department's so-called "tech bill." This bill contains nine separate minor revisions to DCP's statutes:

- (1) Section 1 of the bill makes a minor change in the Department's Interior Designer statutes. As a result of a lawsuit against the state, the Department is asking for a change to add the word "registered" in reference to Interior Designers. It should be noted that the Department has worked closely with the Attorney General's office in this matter, and both offices are confident that this minor change satisfies the concerns raised in the court proceedings. This simple change makes clear that individuals may not hold themselves out as "registered interior designers" unless properly registered with the Department of Consumer Protection.
- (2) Sections 2 through 5 of this bill make numerous changes in DCP's Labeling Statutes that the Department acknowledges have become pre-empted by Federal Law. The Department is faced with a potential lawsuit due to the federal pre-emption and as such is not enforcing the provisions contained therein. The changes proposed would put the Department in conformity with federal labeling laws and would therefore have the effect of eliminating potential legal action against the state.
- (3) In Section 6 of this bill, the Department is seeking to eliminate a costly and antiquated requirement in statute wherein DCP must provide a "seal" to registered well-drillers to be affixed to his/her equipment. This is a unique requirement relative to the Department's other license-type holders and costly to DCP. It should be noted that the requirement to display license numbers is unaffected by this proposal.
- (4) Section 7 proposes a single-word change within DCP's Home Improvement Guarantee Fund statutes that removes the requirement that consumers must provide "certified" copies of court judgments in order to be eligible for consideration. This is often a burdensome and unnecessary process; and we have

learned that necessary corroboration can be obtained on the Judicial Department's website. This change will improve efficiency in processing applications and increased customer satisfaction with DCP.

(5) The change in Section 8 would clarify that all license, permit, certificate and registration holders of the Department of Consumer Protection could be subject to a late fee if they fail to renew by their expiration date--rather than within 30 days after their expiration date. The current language has been viewed by some as imprecise and led some license-holders to believe there exists a 30 day "grace period" for license renewal, which is not the case. This change would clarify and bring consistency to this process.

(6) Section 9 of the bill proposes a change in the composition of the Automotive Glass work and flat Glass Work Board. After extensive discussions with individuals in the trade, it is apparent to the Department that the present requirement for one member of the board being "an unlimited journeyman licensed to perform automotive glass work" makes it exceedingly difficult to fill. The reason being that by definition this "journeyman" would be employed by a business—and not the business-owner himself. Prospective candidates, who by definition must be employees, are not free to determine their schedules unilaterally and are unable to fill this seat and consequently the board has a continuous vacancy. Rather than leaving this position perpetually vacant, the Department recommends eliminating this requirement.

(7) During last year's legislative session, the General Assembly passed PA 09-104 which was included in DCP's legislative package. That act eliminated the need for "paper copies" of Workers' Comp certificates to accompany license renewals. In Section 10, the Department is now seeking to remove the requirement for "paper copies" for initial applications as well, thereby increasing efficiency and eliminating unnecessary paper.

(8) In sections 11 and 12 we seek to eliminate the limitation on the number of exams an applicant may take within a specified period of time for licenses issued by the Department. This outdated language was more appropriate when DCP administered the tests "in-house" amid concerns that applicants might see identical questions during subsequent test-taking. However the Department has outsourced testing to a third party and as such, tests are now computer-based, with ample and random questions. The Department believes the time has come to remove these unnecessary and arbitrary restrictions.

(9) The Department of Consumer Protection and the Office of the Attorney General jointly share responsibility for the oversight of Public Charities doing business in Connecticut. In an effort to improve efficiency and reduce the need for unnecessary paperwork in that process, the two agencies have reviewed existing law and propose a number of technical changes in Sections 13-19 of the bill. With these modifications, we can expect improvement in transparency and public satisfaction.

Thank you for your consideration of these items. I would be happy to respond to any questions, comments or concerns you may have.



The nation's leading advocate protecting designers' livelihoods

The Interior Design Protection Council

91 Reserve Place, Concord, New Hampshire 03301

Phone: 603.228.8550

Fax: 603.229.1339

www.IDPCinfo.org

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?

3.

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

6

From: Christine Bottacari [mailto:bottacari@gmail.com]
Sent: Friday, February 12, 2010 1:34 PM
To: pmorrow@IDPCinfo.org

HB 5138

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

91 Reserve Place, Concord, New Hampshire 03301 Phone: 603.228.8550 Fax: 603.229.1339 www.IDPCinfo.org

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.associationofdesigneducation.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					
<u>2010 Interior Design Legislation</u>					
Revised: 2/12/10					
<u>State</u>	<u>Bill</u>	<u>Type</u>	<u>Description</u>	<u>Introduced</u>	<u>Status</u>
CT	5138	Title	Amends law which was declared unconstitutional	02/09/10	Hearing 2/16 Joint Committee on General Law
FL	FS 481	Title	Lawsuit: Restriction on title "Interior Designer" and "Interior Design"	05/27/09	2/4 Struck down and declared unconstitutional
FL	FS 481	Practice	Lawsuit: Restriction on commercial services	05/27/09	2/4 Judge narrowed restrictions
MO	HB 1998	Repeal	Registered Interior Designers		Governor pushing repeal
MS	SB 2369	Practice	Registered Interior Designers	01/11/10	Killed in Committee
MS	SB 2793	Practice	Registered Interior Designers	01/18/10	Failed to pass committee
MS	HB 839	Practice	Registered Interior Designers	01/14/10	Failed to pass committee
PA	HB 1521	Architects	Amend Architects for permitting for NCIDQ	01/14/10	Hearing on Feb 10 postponed due to snowstorm
WA	HB 1808	Practice	Licensure of Interior Designers	01/11/10	Failed to pass committee
WA	SB 5514	Practice	Licensure of Interior Designers	01/11/10	Failed to pass committee

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 dealers	01/21/09	Stalled in Committee for Regulated Industries
FL	HB 1303	Practice	Amendment for office furniture and restaurant dealers	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
MN	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	
NE	LB 227	Title	Certification of Interior Designers	01/13/09	Killed in committee
NY	AB 8289	Education	Adds grandfathering provision	05/13/09	
NY	S5571	Education	Adds grandfathering provision	05/16/09	Passed Senate Higher Education Committee
NY	AB 7764	Bidding	Allows only certified designers to bid on state contracts	06/04/09	Stalled in committee
OK	SB 592	Title	Amend to lessen restriction to "registered interior designers"	05/07/09	Signed by Governor
SC	S 45	Practice	Licensure of Interior Designers	01/13/09	Stalled in Committee on Labor, Commerce and Industry
TN	SB 2078	Practice	Licensure of Interior Designers	02/25/09	Withdrawn by sponsor at hearing
TN	HB 2018	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	01/28/09	Killed in committee
			21 bills defeated or derailed in 2009		

000198

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	2007	Died in Committee
	SF 799	Practice	Licensure of interior designers	2007	Removed from legislative agenda because of opposition
MS	HB 330	Practice	Licensure of interior designers	01/29/08	Died in committee 2/19/08
NE	HB 748	Title	Certification of interior designers	02/01/08	Died in committee 2/25/08
NY	AB 6534	Title	Amend law "certified interior designer" to "interior designer"	03/13/07	Failed to pass Committee on Higher Ed
	AB 4818	Tax	Exclude "certified" interior design services from sales tax law	02/06/07	Referred to Ways & Means Committee
	SB 2516	Tax	Exclude "certified" interior design services from sales tax law	02/06/07	Died in Assembly 1/9/08
	SB 3659	Title	Amend law "certified interior designer" to "interior designer"	03/13/07	Vetoed by Governor
OH	HB 340	Title	Certification of interior designers	10/03/07	Stalled in Committee
OK	SB 1424	Title	Providing for continuing education requirements for interior designers	01/28/08	Stalled in committee
PA	HB 807	Practice	Licensure of interior designers	04/19/07	Stalled in Professional Licensure Committee
SC	SB 1052	Practice	Licensure of interior designers	01/30/08	Stalled in Licensing & Regulation Committee
	HB 3918	Practice	Licensure of interior designers	01/16/08	Stalled in Licensing & Regulation Committee
TN	SB 210	Practice	Licensure of interior designers	2007	Died in Committee
	HB 84	Practice	Licensure of interior designers	2007	Pulled by sponsors on 3/17
WA	HB 2895	Practice	Licensure of interior designers	01/17/08	Failed to pass committee
	HB 3223	Practice	Licensure of interior designers	01/24/08	Failed to pass committee
	SB 8707	Practice	Licensure of interior designers	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

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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	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
 8 were Title
 7 Title
 1 Permitting
 1 Bidding
 1 Board
 25

2 Vetoed by Governor
 1 Killed by Committee
 8 Died in Committee
 1 Died on House floor
 10 Stalled in Committee
 3 Withdrawn
 25

1 Repealed
 1 Amended



February 15, 2010

The Honorable Thomas A. Colapietro
Co-Chair, General Law Committee
Legislative Office Building
Room 3500
Hartford, CT 06106-1591

The Honorable Jim Shapiro
Co-Chair, General Law Committee
Legislative Office Building
Room 3504
Hartford, CT 06106-1591

Re: Opposition to HB 5138, Amendment to Reestablish Interior Design
Regulation

Dear Senator Colapietro and Representative Shapiro:

On behalf of the National Kitchen & Bath Association (NKBA), an international trade association representing all facets of the Kitchen & Bath Industry and its 813 Members in the State of Connecticut who employ designers, manufacturers, salespersons, installers, distributors and numerous other related trades, please accept this letter expressing our opposition to the amendment contained in HB 5138 which would reestablish a title act for a small number of interior designers in the state. This amendment would attempt to correct the constitutional infirmity of the prior law, as declared by federal judge Mark Kravitz in Roberts et al. v. Farrell, by establishing the title "Registered Interior Designer". There is no compelling justification to maintain in the State's regulatory scheme a state-sanctioned title for interior designers beyond what they already have through the many private organizations and professional associations that test and certify these individuals. We would ask that you and your Committee reconsider the necessity for this legislation and strike out the amendment in the bill to create the title "Registered Interior Designer".

These types of regulations place a government sanctioned distinction between the many thousands of decorators and designers in Connecticut who will be demoted to second class status by a select few individuals who, by their own reckoning, have achieved an elevated position with the State's assistance. The proposed legislation does nothing more than make the State a party to the marketing efforts of a portion of the design community who seek to promote

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The Honorable Thomas A. Colapietro
The Honorable Jim Shapiro
Co-Chairs, General Law Committee
February 15, 2010
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themselves at the expense of others. The design organizations, such as the National Kitchen & Bath Association, the American Society of Interior Designers, the Interior Design Society and the International Interior Design Association, spend hundreds of thousands of dollars promoting the qualifications of their membership to the public and educating the consumer on the value of utilizing one of their members to perform design services. While there is certainly nothing wrong with seeking to distinguish yourself from your competitors, these avenues already exist and it should not be the role of the state government to aid in that marketing campaign by unfairly sanctioning one group of competitors over another.

A title recognition does nothing to further the protection of public health, safety, and welfare. The citizens of Connecticut are appropriately protected in the built environment by the State's architectural and engineering practice acts and existing building codes. The sole purpose of this change is to protect the interests of a select few within the interior design industry and it in no way promotes or advances any rational, justifiable or necessary public policy. If anything, this legislation presents a threat to the public health, safety and welfare in that it misleads the public into believing that the person registered thereunder has certain qualifications which, as Judge Kravitz found, is manifestly not the case. Of the approximately 600 interior designers who were registered under the prior law, only about one-quarter, (or 154 individuals) actually possess the qualifications that the law requires and represents to the public. At best this is misleading and at worst, perpetrates a fraud on the public who understandably will rely on state registration as attesting to certain qualifications.

Enacting a title act such as this is anti-competitive in that it favors one small faction of the interior design community over other members of the profession and again, does so without serving any identifiable, valid public policy. This bill seeks to bestow upon one segment of the interior design industry a potential commercial benefit that is attendant with state regulation. It is reasonable to presume that consumers may attach value to the state certification, thus placing non-certified interior design professionals at an unfair competitive disadvantage.

Virtually every study on interior design legislation has concluded that there is no compelling need for regulation and in fact, such laws harm the public by artificially inflating consumer prices, erecting unnecessary barriers to entry into the profession, giving government-imposed advantages to those already practicing and failing to demonstrate any social benefit. In fact, since 1988, twelve state agencies have examined the need for titling and/or licensing laws for interior designers and all five found no benefit to the public, concluding that consumers already possessed the means to make informed decisions about

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The Honorable Jim Shapiro
Co-Chairs, General Law Committee
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interior designers. Most recently, the Governors of Colorado and Indiana, citing a lack of public need, vetoed legislation that was similar to the interior decorators title act being proposed here. As Indiana Governor Daniels stated in his veto message:

Government has a legitimate role to play in the regulation of certain business occupations and professions. To protect public health and safety, for example, it makes sense for the state to require individuals seeking to practice certain occupations to be certified or licensed, in order to ensure that they meet minimum qualifications or skill levels. However, government must be careful to exercise such powers in a restrained and limited way, in order to avoid limiting competition in occupations where no significant public health or safety concerns are involved. Licensing, certification, and registration standards necessarily restrict entry to and participation in the occupation or profession being regulated, so the burden of proof must fall on those who seek to create or extend such barriers to entry.

In the case of [the proposed title act], I find that this burden of proof has not been met. I can find no compelling public interest that is served by the establishment of new registration requirements for interior designers as contained in [the bill]... Indeed, it seems to me that the principal effect of [the bill] will be to restrain competition and limit new entrants into the occupation by requiring that they meet new educational and experience qualifications previously not necessary to practice their trade.

Veto Message of Indiana Governor Mitchell E. Daniels, Jr. on Senate Enrolled Act 490, May 2, 2007.

Similarly, there is no evidence that the public desires or needs additional regulation. Connecticut consumers already have the means to verify the credentials of interior designers through verification of membership in existing private sector interior design professional associations. These organizations already provide the means for designers to achieve special recognition for their areas of expertise and training, making state recognition unnecessary and duplicative. For example, the American Society of Interior Designers has "Professional Members" who are required to meet the same qualifications that the Connecticut law would impose (passage of the NCIDQ exam, continuing education), the National Kitchen and Bath Association has the Certified Kitchen Designer and Certified Bath Designer exams, the Interior Design Society has the Certified Qualification for Residential Interior Designers exam, the National Association for the Remodeling Industry offers the Certified Remodeler

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Co-Chairs, General Law Committee
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Specialist, Certified Kitchen and Bath Remodeler, and Green Certified Professional exams, and the National Association of Home Builders' has the Certified Aging In Place Specialist, Certified Graduate Builder, Certified Active Adult Specialist In Housing certifications. Probably most recognized today is the Green Building Certification Institute's Leed accreditation which is available to anyone who is able to pass the credentialing exam. Each of these private tests and certifications evaluate and ensure the minimum competencies of design professionals, and none are state recognized for state certification, with the attendant Board costs and expenses.

State registration merely duplicates what is already available to the public to help them distinguish between the credentials of different designers. If the purpose of the bill is to enable the public to locate a "qualified" designer, the means are already available for them to do so. Each of the organizations mentioned above have websites which allow the public to locate a member of that organization. For example, ASID on its website, www.asid.org, has a section entitled "Find A Designer" which allows the public to search for a Professional Member of ASID who has passed the NCIDQ exam. The search may be conducted by city, distance, and type of project contemplated. Likewise, the Connecticut Chapter of ASID also has a locate a designer page on its website <http://www.asidct.org/>, that assists the public in finding an interior designer that meets the standards that this law would impose. Similarly, the National Kitchen and Bath Association on its website, www.nkba.org, allows the public to search for a kitchen and bath designer by zip code and distance. This site also indicates if they are a member of ASID as well (many of our members are). The Interior Design Society and the National Association of the Remodeling Industry also have a means available of locating a designer by city and state. The NCIDQ itself has on its website a section that enables the public to find an NCIDQ Certified designer known as a Q Search. A state list would only duplicate those lists for no reason other than to benefit a small faction of designer and grant them a competitive marketing edge over their competitors through "state recognition". The public has neither requested or needs this legislation.

The National Kitchen & Bath Association would urge you to seriously consider all the ramifications of such sweeping legislation and its potential impact on the many thousands of employers and employees in Connecticut. In this difficult economic climate, introducing any legislation which would make it even potentially more difficult for the vast majority of the design community to remain in business and compete for a shrinking number of jobs would have a disastrous impact on the many employers and small businesses which are struggling to survive. Again, there has been presented absolutely no evidence of harm to the public which would warrant the need to regulate the profession at all, let alone

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The Honorable Jim Shapiro
Co-Chairs, General Law Committee
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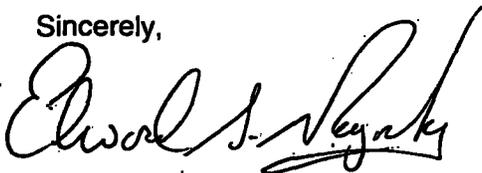
single out one small faction for special state recognition to allow them to market their services over that of their competitors; let the designers compete on the merits of their skill and expertise.

It should also be remembered that neither the public nor consumer advocacy groups have sought this legislation; rather, it has been initiated by a small group of interior designers in an effort to protect their economic self-interest and erect a barrier to entry into a profession which, for decades, has not required any governmental oversight.

While interior designers are deserving of respect for their role in the design process, special legislative consideration is not warranted based on an objective review of the facts. As such, we urge you to reject this unwarranted attempt to segregate the design community and not advance Senate Bill 2369.

On behalf of the National Kitchen & Bath Association and its members, we would like to thank you for your consideration of our position and the concerns that have been raised. Of course, if we can provide any additional information or testimony, we would be more than pleased to do so.

Sincerely,



Edward S. Nagorsky
General Counsel
National Kitchen & Bath Association

Cc: Members of the General Law Committee
ESN:mt



National Kitchen & Bath Association

February 17, 2010

The Honorable Thomas A. Colapietro
Co-Chair, General Law Committee
Legislative Office Building
Room 3500
Hartford, CT 06106-1591

The Honorable Jim Shapiro
Co-Chair, General Law Committee
Legislative Office Building
Room 3504
Hartford, CT 06106-1591

Re: Opposition to HB 5138, Amendment to Reestablish Interior Design Regulation

Dear Senator Colapietro and Representative Shapiro:

On behalf of the National Kitchen & Bath Association (NKBA), I would like to thank you and the members of the Committee for the courtesies extended to us at the hearing yesterday. I urge you not to make a bad law "less bad" but rather, to make a bad law go away.

Yesterday, you heard not one shred of evidence that the interior design registration law does anything to protect the public interest or offer anything of value to the citizens of the State. Commissioner Farrell testified in connection with the Raised Bill that during his tenure with the Department of Consumer Protection, there has been no enforcement of the title regulation. Laura Bordeaux, who testified towards the end of the public hearing, stated that although she was registered, she didn't even bother to put her registration on her website or advertising, and that in her practice, state recognition was never a consideration by her clients. Likewise, Glenn Saltzer, another state registered interior designer, testified that the law was unnecessary given all of the other ways in which the public is able to distinguish between the skills and expertise of various designers competing for work (private testing like that offered by the NKBA, National Association of the Remodeling Industry, the Interior Design Society and the National Council for Interior Design Qualification, portfolios of their designs, client references).

While changing the designation in the current title act to "registered interior designer" might help the law pass constitutional muster, it ignores the basic question of why? Why maintain a law that serves no public purpose? Why maintain a law that falsely represents to the public that "registered interior designers" have certain qualifications and have passed the NCIDQ exam - when in fact, approximately 75% have not demonstrated that they have done so? Why maintain a Board to regulate the title act with the necessary funding and utilization of government resources, given the 3.9

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The National Kitchen & Bath Association

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Feb 17 2010

04:02 PM

Terrilliani, Maria From : To :

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The Honorable Thomas A. Colapietro
The Honorable Jim Shapiro
Co-Chairs, General Law Committee
February 17, 2010
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billion dollar deficit Connecticut faces and the complete lack of benefit that the law offers (other than to the few interior designers who have registered).

George Will, in a syndicated editorial entitled *Wallpapering With Red Tape*, commented:

Commercial interests solicit regulations to obtain commercial advantage, as with titling laws. Such laws are instances of rent-seeking.

Beyond the banal economic motive for such laws, they also involve a more bizarre misuse of government. They assuage the status anxieties of particular groups by giving them the prestige, such as it is, that comes from government recognition as a certified profession.

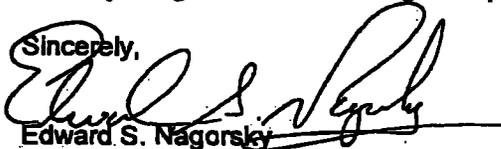
But government licenses professions to protect the public and ensure quality. It licenses engineers and doctors because if their testable skills are deficient, bridges collapse and patients die. The skills of interior designers are neither similarly measurable nor comparably disastrous when deficient. Perhaps designers could show potential clients a portfolio of their work, and government could trust the potential clients to judge. Just a thought.

George F. Will, *Wallpapering With Red Tape*, Newsweek, March 22, 2007.

We agree with Mr. Will's sentiments and trust that you will agree that Connecticut does not need this law which is surely not designed to protect its citizens or advance any public interest. The prior unconstitutional law should be repealed.

Thank you again for considering our opposition to this legislation.

Sincerely,



Edward S. Nagorsky
General Counsel
National Kitchen & Bath Association

Cc: Members of the General Law Committee
ESN:mt