

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 227

Introduced by Rogert, 16.

Read first time January 13, 2009

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to interior design; to adopt the Interior
2 Designers Certification Act; and to provide an operative
3 date.
4 Be it enacted by the people of the State of Nebraska,

1 Section 1. This act shall be known and may be cited as
2 the Interior Designers Certification Act.

3 Sec. 2. For purposes of the Interior Designers
4 Certification Act:

5 (1) Board means the Board of Interior Designers;

6 (2) Interior design means the programming, study,
7 consultation, drawing, specification, and administration of a
8 design construction contract relating to nonstructural interior
9 elements of a building or structure. Interior design includes,
10 but is not limited to, space planning, selection of materials and
11 finishes, selection and specification of furniture, fixtures, and
12 equipment, and preparation of construction documents. Interior
13 design does not include the practice of architecture as defined
14 in section 81-3420 or the practice of engineering as defined in
15 section 81-3421; and

16 (3) Certified interior designer means an individual who
17 is a design professional certified under the act and qualified by
18 education, examination, or experience as prescribed by the act.

19 Sec. 3. (1) The Board of Interior Designers is created
20 to administer the Interior Designers Certification Act. The board
21 may use any funds available to obtain suitable office space within
22 Lincoln, Nebraska. The board shall consist of:

23 (a) Five members who are certified interior designers
24 under subsection (1) of section 5 of this act, appointed by
25 the Governor, after consultation with professional associations or

1 societies composed of interior designers;

2 (b) One member who is an architect and a certified
3 interior designer under subsection (3) of section 5 of this act,
4 appointed by the Governor; and

5 (c) One public member appointed by the Governor.

6 (2) Of the initial members, two shall be appointed for
7 one-year terms, two for two-year terms, and three for three-year
8 terms. All members thereafter shall be appointed for three-year
9 terms. Each initial member appointed under subdivisions (1)(a)
10 and (b) of this section shall be eligible to become certified
11 under the act at the time of his or her appointment and shall
12 become certified within one year after his or her appointment. If
13 he or she fails to become certified, the Governor shall remove
14 such member and appoint a replacement for the unexpired term. All
15 members thereafter appointed under subdivisions (1)(a) and (b) of
16 this section shall be certified. Each member shall hold office
17 after the expiration of his or her term until his or her successor
18 is duly appointed and qualified. The Governor may remove any member
19 of the board for misconduct, incompetency, or neglect of duty.
20 Vacancies in the membership of the board, however created, shall be
21 filled for the unexpired term by appointment of the Governor.

22 (3) Each member of the board shall be reimbursed for
23 his or her actual and necessary expenses as provided in sections
24 81-1174 to 81-1177.

25 Sec. 4. The duties of the board shall include, but are

1 not limited to, the following:

2 (1) Administering and enforcing the Interior Designers
3 Certification Act;

4 (2) Adopting a code of ethics;

5 (3) Establishing requirements for the examination,
6 education, and practical training of applicants for certification;

7 (4) Adopting and promulgating rules and regulations to
8 carry out the act;

9 (5) Establishing fees for certification, renewal of
10 certification, and reinstatement of certification and for other
11 activities of the board pertaining to its duties. Such fees shall
12 be sufficient to defray the costs of administering the act and
13 shall be not less than one hundred nor more than three hundred
14 dollars for initial certification, renewal of certification, and
15 reinstatement of certification;

16 (6) Authorizing and approving any expenditure of the
17 funds in the Interior Designers Certification Cash Fund by the
18 Board of Engineers and Architects;

19 (7) Establishing standards and requirements of continuing
20 education as a prerequisite to renewal of certification;

21 (8) Maintaining a complete roster of all certified
22 interior designers. The roster shall be filed with the Secretary of
23 State; and

24 (9) Maintaining records of the board's proceedings which
25 are open to public inspection at all reasonable times relating

1 to the issuance, refusal, renewal, suspension, and revocation of
2 certification.

3 Sec. 5. (1) Each applicant for certification shall meet
4 the interior design education and practical training requirements
5 adopted by the board and shall pass an examination approved by
6 the board that is task-oriented, focused on public safety, and
7 validated by a recognized testing agency. The board shall certify
8 an individual as an interior designer if he or she submits an
9 application to the board on the form and in the manner prescribed
10 by the board and satisfies the following requirements:

11 (a) Submits written proof that he or she has successfully
12 passed the National Council for Interior Design Qualification
13 examination or its equivalent as determined by the board;

14 (b) Submits written proof of completion of four years
15 of interior design education from a Council for Interior Design
16 Accreditation accredited program or a substantially equivalent
17 program approved by the board;

18 (c) Submits written proof of a minimum of two years of
19 full-time work experience in interior design;

20 (d) Submits a copy of the code of ethics adopted by the
21 board and signed by the individual; and

22 (e) Submits the required certification fee to the board.

23 (2) The board shall grant certification by reciprocity.
24 An applicant applying to the board for certification by reciprocity
25 shall furnish satisfactory evidence that the applicant meets both

1 of the following requirements:

2 (a) He or she holds a valid certification, registration,
3 or license issued by another authority recognized by the board
4 where the qualifications for certification, registration, or
5 licensure are substantially equivalent to those prescribed in this
6 state on the date of application under this subsection; and

7 (b) He or she holds a valid certificate number issued by
8 the National Council for Interior Design Qualification.

9 (3) The board shall grant certification to an architect
10 licensed under the Engineers and Architects Regulation Act.

11 (4) When an applicant under subsection (1), (2), or
12 (3) of this section has complied with the qualifications for
13 certification to the satisfaction of a majority of the board
14 members and submitted the fees prescribed by the board, the
15 board shall record the applicant's name and address in the roster
16 of certified interior designers and issue to the applicant a
17 certificate signed by the members of the board and valid until
18 January 1 of the following year. The certificate shall entitle the
19 individual to use the title of certified interior designer in this
20 state.

21 Sec. 6. A certified interior designer shall submit
22 an application for renewal along with proof of completion of
23 continuing education requirements established by the board and the
24 renewal fee established by the board in section 4 of this act
25 before January 1 of each year. The board may send out a renewal

1 notice to all certified interior designers before such date.

2 Sec. 7. (1) The board may revoke, suspend, or refuse to
3 issue or renew a certificate of any individual upon a finding of
4 any of the following:

5 (a) Fraud in obtaining or renewing certification;

6 (b) Violation of the code of ethics adopted by the board
7 under the Interior Designers Certification Act;

8 (c) Violation of the Engineers and Architects Regulation
9 Act by engaging in the practice of architecture or the practice of
10 engineering when not licensed under the Engineers and Architects
11 Regulation Act;

12 (d) Conviction of a felony related to the profession or
13 occupation of the certified interior designer. A copy of the record
14 of conviction or plea of guilty shall be conclusive evidence of the
15 conviction;

16 (e) Unlawful use of the title of certified interior
17 designer; or

18 (f) Violation of the Interior Designers Certification Act
19 or a rule or regulation adopted and promulgated by the board under
20 the act.

21 (2) Any individual may appeal a finding of the board
22 within thirty days after the date of notification of the action.
23 Such appeal shall be in accordance with the Administrative
24 Procedure Act.

25 Sec. 8. (1) It shall be unlawful for any individual to

1 use the title of certified interior designer or any title or device
2 indicating that the individual is a certified interior designer
3 unless he or she has been issued a certificate under the act. This
4 subsection does not prohibit the use of the terms interior design
5 or interior designer or the performance of interior design services
6 by an individual who is not certified as an interior designer.

7 (2) Any individual who violates this section is guilty
8 of a Class V misdemeanor. In addition to any other remedies under
9 the Interior Designers Certification Act and on petition of the
10 board, any individual who violates this section may be permanently
11 enjoined from continuing such violation.

12 Sec. 9. (1) Beginning on the operative date of this act
13 and through December 31, 2012, the board may issue an interior
14 designer certificate to an individual residing in Nebraska who does
15 not meet the requirements listed in section 5 of this act if the
16 individual (a) submits the fee prescribed in subdivision (1)(e)
17 of section 5 of this act and written proof of fifteen years of
18 work experience deemed satisfactory by the board or (b) submits
19 written proof to the board of successful completion of Section I of
20 the National Council for Interior Design Qualification examination
21 relating to life safety codes and barrier-free requirements and the
22 following:

23 (i) An accredited baccalaureate degree, a diploma, or a
24 certificate from a program with a minimum of sixty credit hours in
25 interior design coursework; and

1 (ii) A combination of six years of education and work
2 experience deemed satisfactory by the board.

3 (2) An individual who is issued a certificate under this
4 section shall not be required to meet the requirements of section 5
5 of this act to obtain subsequent renewals of such certificate.

6 Sec. 10. Fees received pursuant to the act shall be
7 remitted by the Board of Interior Designers to the State Treasurer
8 for credit to the Interior Designers Certification Cash Fund
9 which is hereby created. Fees credited to the fund shall only be
10 used to defray the cost of administering the Interior Designers
11 Certification Act. The fund may receive gifts, bequests, grants, or
12 other contributions or donations from public or private entities
13 to be used for startup costs. The fund shall be administered by
14 the Board of Engineers and Architects subject to the powers of the
15 Board of Interior Designers enumerated in section 4 of this act.
16 Any money in the fund available for investment shall be invested
17 by the state investment officer pursuant to the Nebraska Capital
18 Expansion Act and the Nebraska State Funds Investment Act.

19 Sec. 11. This act becomes operative on January 1, 2010.