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HOUSE BILL 313

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Brian K. Moore

FOR THE LEGISLATIVE FINANCE COMMITTEE

AN ACT

RELATING TO STATE AGENCIES; AMENDING THE INTERIOR DESIGN BOARD
COMPOSITION AND LICENSE RENEWAL REQUIREMENTS; AMENDING SECTIONS
OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 61-24C-4 NMSA 1978 (being Laws 1989,
Chapter 53, Section 4, as amended) is amended to read:

"61-24C-4. INTERIOR DESIGN BOARD CREATED--MEMBERS--
TERMS--COMPENSATION.--

A. ~~[There is created]~~ The "interior design board"
is created. The board ~~[shall be]~~ is administratively attached
to the regulation and licensing department. The board ~~[shall
consist]~~ consists of five members appointed by the governor for
staggered terms of three years. ~~[appointed in a manner that
the term of one member shall expire on December 31, 1990; the~~

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1 ~~terms of two members shall expire on December 31, 1991; and the~~
2 ~~terms of the last two members shall expire on December 31,~~
3 ~~1992. Thereafter]~~ Members shall be appointed for terms of
4 three years or less in a manner that the terms of not more than
5 two members expire on December 31 of each year. A vacancy
6 shall be filled by appointment by the governor for the
7 unexpired term. A board member shall not serve consecutive
8 terms.

9 B. [~~Two~~] Three members of the board shall be
10 licensed interior designers and [~~three~~] two members shall be
11 chosen to represent the public and shall not have been licensed
12 as interior designers or have a significant financial interest,
13 direct or indirect, in the occupation regulated. For purposes
14 of this section, the interior designer members of the initial
15 board shall have offered interior design services for at least
16 five years, shall have passed the national council for interior
17 design qualification examination and shall have become
18 registered by November 1, 1989.

19 C. Three members of the board [~~shall~~] constitute a
20 quorum for the transaction of business, but no final action
21 shall be taken unless at least three members vote in favor of a
22 proposal."

23 Section 2. Section 61-24C-10 NMSA 1978 (being Laws 1989,
24 Chapter 53, Section 10) is amended to read:

25 "61-24C-10. LICENSE--ISSUANCE--RENEWAL--DENIAL,
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1 SUSPENSION OR REVOCATION.--

2 A. A license shall be issued to every person who:

3 (1) presents satisfactory evidence of
4 possessing the qualifications of education, experience and, as
5 appropriate, the examination performance required by the
6 provisions of the Interior Designers Act [~~provided that the~~
7 ~~applicant~~];

8 (2) has reached the age of majority; and

9 (3) pays the required fees.

10 B. Each original license shall authorize the holder
11 to use the title of and be known as an interior designer from
12 the date of issuance to the next [~~succeeding December 31~~]
13 renewal date unless the license is suspended or revoked.

14 [~~C. On or before December 1 of each year, each~~
15 ~~licensee shall apply for renewal and pay the required fees,~~
16 ~~after which the license shall be renewed for a period of one~~
17 ~~year beginning January 1.~~]

18 C. All licenses expire annually and shall be
19 renewed by submitting a completed renewal application,
20 accompanied by the required fees, on a form provided by the
21 board.

22 D. A license may not be renewed until the licensee
23 submits satisfactory evidence to the board that, during the
24 last year, the licensee has participated in not less than eight
25 hours of continuing education approved by the board. The board

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1 shall approve only continuing education that builds upon basic
2 knowledge of interior design. The board may make exceptions
3 from the continuing education requirement in emergency or
4 hardship cases.

5 E. The holder of any license that has expired
6 through failure to renew may renew the license at any time
7 within two years from the date on which the license expired,
8 upon approval of the board.

9 F. The board may promulgate policies and procedures
10 providing for the establishment of an inactive status for
11 licensees temporarily not engaged in the practice of interior
12 design.

13 G. In accordance with the provisions of the Uniform
14 Licensing Act, the board may deny, refuse to renew, suspend or
15 revoke a license or impose probationary conditions when the
16 licensee has:

17 (1) obtained the license by means of fraud,
18 misrepresentation or concealment of material facts;

19 (2) committed any act of fraud or deceit in
20 [his] professional conduct or been convicted of a felony;

21 (3) represented himself as an interior
22 designer prior to being issued a license, except as authorized
23 under the provisions of the Interior Designers Act;

24 (4) been found by the board to have aided or
25 abetted any unlicensed person in violating any of the

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1 provisions of the Interior Designers Act; or

2 (5) failed to comply with any of the
3 provisions of the Interior Designers Act or any [~~regulations~~]
4 rules adopted pursuant to that act."

5 Section 3. Section 61-24C-16 NMSA 1978 (being Laws 1989,
6 Chapter 53, Section 16) is amended to read:

7 "61-24C-16. FUND ESTABLISHED--DISPOSITION--METHOD OF
8 PAYMENT.--

9 A. [~~There is created~~] The "interior design board
10 fund" is created.

11 B. All [~~funds~~] money received by the board and
12 money collected under the Interior Designers Act shall be
13 deposited with the state treasurer. The state treasurer shall
14 credit the money to the interior design board fund. Money in
15 the fund is subject to appropriation by the legislature.

16 C. Payments out of the interior design board fund
17 shall be on vouchers issued by the secretary-treasurer of the
18 board upon warrants drawn by the department of finance and
19 administration in accordance with the budget approved by that
20 department.

21 D. All amounts paid to the interior design board
22 fund are subject to the order of the board and are to be used
23 only for meeting necessary expenses incurred in executing the
24 provisions and duties of the Interior Designers Act and for
25 promoting interior design education and standards in the state.

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1 All money unused at the end of any fiscal year shall remain in
2 the interior design board fund for use in accordance with the
3 provisions of that act."

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