

APA-1
07/04

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control No. 485 Department or Agency Alabama Board for Registered Interior Designers
Rule No. 485-X-1-.10
Rule Title: Board Operations: Financial Operation of the Board
New ☒ Amend ☐ Repeal ☐ Adopt by Reference ☐

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes ☐

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes ☐

Is there another, less restrictive method of regulation available that could adequately protect the public? No ☐

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No ☐

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? No ☐

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes ☐

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No ☐

Does the proposed rule have an economic impact? No ☐

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer Bryant Williams

Date July 5, 2018

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07/04

Alabama Board for Registered Interior Designers

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Board for Registered Interior Designers

RULE NO. & TITLE: CHAPTER 485-X-1, COMPOSITION AND OPERATION OF THE BOARD
485-X-1-.10, Financial Operation of the Board

INTENDED ACTION: To adjust the Board's fees in order to ensure the continued operation of the Board and to recover costs incurred by the Board for the administration of Chapter 15C, Title 34 of the Code of Alabama 1975

SUBSTANCE OF PROPOSED ACTION:

- Registration Application fee increases to \$300.00
- Annual Renewal Fee increases to \$160.00
- clarification of the Reinstatement fee with an increase to \$400.00
- addition of a Reinstatement fee for lapsed registrations at \$300.00
- Inactive Status Fee increases to \$35.00
- Records Reproduction Fee increases to .50/page.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Comments, questions, and views may be submitted in writing to the Board office at 211 Lockridge Lane, Riverside, AL 35135. All individuals submitting views will be invited to attend the next Board meeting to present their comments in person.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: September 7th, 2018

CONTACT PERSON AT AGENCY: Bryant Williams, Executive Director 205.317.0356/205.706.0330



(Signature of officer authorized
to promulgate and adopt
rules or his or her deputy)

ALABAMA BOARD FOR REGISTERED INTERIOR DESIGNERS

CHAPTER 485-X-1 COMPOSITION AND OPERATION OF THE BOARD

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485-X-1-.01 Name.

The name of this board shall be the "Alabama Board for Registered Interior Designers", herein referred to as the "board."

Author: Alabama Board for Registered Interior Designers

Statutory Authority: Code of Ala. 1975, §34-15C-4

History: Original rule filed: July 13, 2010; effective September 21, 2010.

485-X-1-.02 Definitions.

(1) Certificate of Registration: the title of the license issued by the board to an applicant who has qualified under Chapter 15C, Title 34 of the Code of Alabama 1975.

(2) Registered Interior Designer: an interior design professional, as defined by the NCIDQ, who is approved and registered by the board and the Secretary of State.

(3) Active: a registered interior designer who has paid all fees, holds a valid Certificate of Registration, and has complied with all continuing education requirements and any other orders by the board.

(4) Inactive: a registered interior designer who has obtained inactive status from the board and who is not required to comply with the continuing education requirements, who is not required to pay annual fees, and who shall not use the titles, stamps, or seals restricted by Section 34-15C-9 (a) and (b).

(5) Registrant: an individual issued a Certificate of Registration by the board.

Author: Alabama Board for Registered Interior Designers

Statutory Authority: Code of Ala. 1975, §34-15C-3.

History: Original rule filed: July 13, 2010; effective September 21, 2010.

485-X-1-.03 Board Members.

(1) The board shall consist of seven members appointed by the Governor of the State of Alabama as provided by the Alabama Interior Design Registration Act.

(a) One (1) board member shall be appointed from each of the five districts created in Section 34-15C-4(e)(1) and shall be registered interior designers engaged in the full time practice of interior design.

(b) One (1) board member shall be a professional educator who teaches in a college or university level interior design program and is a current or previously registered interior designer in this state, or who has the credentials for registration and agrees to become registered within the first year of their term.

(c) One (1) board member shall be a consumer who is not a design professional and is not employed in the fields of architecture, construction, engineering, interior design, interior decorating, or any related field.

(2) At least one of the seven board members shall be a member of a minority race, and the total composition of the board shall reflect the racial, gender, urban/rural, and economic diversity of the state.

Author: Alabama Board for Registered Interior Designers

Statutory Authority: Code of Ala. 1975, §34-15C-4

History: Original rule filed: July 13, 2010; effective September 21, 2010.

485-X-1-.04 Statements of Economic Interests.

All board appointees shall file a Statement of Economic Interests as required by Code of Alabama, Section 36-25-14 by April 30 of each year and covering the period of the preceding calendar year in which an appointment was

active. Forms and instructions may be obtained from the website of the Alabama Ethics Commission and shall be submitted directly to that agency by each board member.

Author: Alabama Board for Registered Interior Designers

Statutory Authority: Code of Ala. 1975, §34-15C-4

History: Original rule filed: July 13, 2010; effective September 21, 2010.

485-X-1-.05 Statewide Nominating Committee.

(1) The purpose of the Statewide Nominating Committee is to provide to the Governor informational packets on individuals recommended by the nominating committee for board appointments.

(2) The statewide nominating committee members shall be selected in district nomination meetings. There shall be one nominating committee member selected from each of the five districts as comprised in Section 34-15C-4(e)(1).

(3) Meetings of the statewide nominating committee shall be scheduled by the Chair of the statewide nominating committee, or by notice from a majority of the members thereof. The Chair of the statewide nominating committee shall notify the Chair of the Interior Design Board, in writing, of the time and place of any scheduled meeting. Public notice and conduct of meetings shall be in accordance with the Alabama Open Meetings Act. The statewide nominating committee meetings shall proceed according to Roberts' Rules of Order, as most recently revised.

(4) A simple majority of the nominating committee members shall constitute a quorum at any meeting. A simple majority vote of the nominating committee members present at the meeting shall be sufficient to conduct the business of the statewide nominating committee.

(5) The members of the statewide nominating committee shall select a Chair and Secretary for the nominating committee. The Chair and the Secretary of the nominating committee shall continue to serve until his or her successor is elected by the nominating committee members. The Chair shall preside at all meetings, when present, and shall perform all other duties pertaining to the office as deemed necessary and appropriate. The Secretary shall act as the recording and corresponding secretary and shall produce written minutes of every meeting, sign all instruments and matters which require attest, shall submit all records to the Board, and shall serve as the Chair in the absence of the Chair.

(6) To select nominees to the board, the nominating committee members shall select the names of at least two individuals from each district

requiring a nominee. The nominees shall hold valid Certificates of Registration and reside in the districts they are to represent.

(7) The nominee must submit a package to the Nominating Committee for the Governor's Office containing a current resume, a signed and notarized letter of acceptance of the nomination and agreement to serve the specified term (whether a new full term or the remainder of a vacated term), and at least two letters of recommendation.

(8) The statewide nominating committee shall submit at least two (2) names and their nominee packets to the Governor no later than sixty (60) days prior to the expiration of a board member's term or no later than sixty (60) days after any vacancy occurs on the board. The nominating committee shall include a letter of transmittal to the Governor which should include the specific dates of the term to be served by the nominees.

(9) The Governor shall appoint one (1) individual from each group of nominees for each expired term or vacancy on the Board.

(10) Each statewide nominating committee member shall receive the same per diem, travel, and expense allowance as is paid by law to state employees for the time spent in the performance of his or her duties and in necessary travel.

Author: Alabama Board for Registered Interior Designers

Statutory Authority: Code of Ala. 1975, §34-15C-4(f)(1)

History: Original rule filed: July 13, 2010; effective September 21, 2010.

485-X-1-.06 District Nomination Meetings.

(1) District nomination meetings are to be called every (4) four years, or as needed to fill vacancies, in each of the five districts as comprised in Section 34-15C-4(e)(1) for the purpose of selecting the Statewide Nominating Committee members.

(a) District nomination meetings shall be called by the board.

(b) All registered interior designers in each district holding a nominating meeting shall be notified of the meeting, by district of residence, in writing to the last known address on record at the board, of the time and place of the meeting.

(c) Public notice and conduct of meetings shall be in accordance with the Alabama Open Meetings Act.

(d) At the district nomination meetings, the registered interior designers who reside in the district and who are present at the meeting shall constitute a quorum at the meeting. The registered interior designers who reside in the district and are in attendance at the meeting shall nominate from the floor a Chair to preside over that meeting; shall proceed according to Roberts' Rules of Order, as most recently revised; and shall select one person to serve on the statewide nominating committee. Minutes of the meeting shall be recorded and signed by the chair of the meeting and copies sent to the chair of the Board and to the current statewide nominating committee chair.

(e) Nominations for the district representative to the statewide nominating committee may be made from the floor; or, if an individual is willing and able to serve as the district representative to the statewide nominating committee and is unable to attend the district nomination meeting, that individual shall provide, in advance of the district meeting, to the chair of the Alabama Board for Registered Interior Designers, a signed letter of acceptance of the nomination.

(f) The district representative shall be selected by a plurality of the vote and shall be a registered interior designer with a valid certificate, shall reside in the district, and shall continue to serve until his or her successor is elected.

(2) If a vacancy occurs on the statewide nominating committee from any district, a district nominating meeting shall be called for that district only to fill the vacancy until the end of the vacated term.

Author: Alabama Board for Registered Interior Designers

Statutory Authority: Code of Ala. 1975, §34-15C-4(e)(2)

History: Original rule filed: July 13, 2010; effective September 21, 2010.

485-X-1-.07 Board Meetings.

(1) Public notice and conduct of all board and committee meetings shall be in accordance with the Alabama Open Meetings Act. Violations of the Open Meetings Act may result in civil actions with monetary penalties of up to \$1000 on each member of the board for each violation, temporary restraining orders, and nullification of the meeting's actions. Meeting notices and a preliminary agenda or description of business to be addressed are to be sent to the Secretary of State for posting on the Secretary of State website as soon as the meeting date is set. Notices must be to the Secretary of State several days prior to minimum posting time to allow for processing.

(2) The board shall hold at least two meetings per year for the purpose of performing its duties pursuant to Chapter 15C, Title 34, Code of Alabama

1975. Meetings are to be conducted using Roberts' Rules of Order, as most recently revised.

(3) A simple majority of the members of the board shall constitute a quorum at any meeting. If a vacancy occurs, a majority of the remaining members shall constitute a quorum.

(4) A simple majority vote of the members of the board physically present shall be sufficient to conduct the business of the board. Votes by teleconference or electronic communication shall not be counted. All voting must occur in a public meeting. Voice votes are allowed. No secret balloting is allowed.

(5) Executive sessions shall be entered from a public meeting and shall strictly follow restrictions on allowable topics and the procedures regarding executive sessions found in the Alabama Open Meetings Act. The board must disclose in the minutes every person present within the executive session. Executive sessions must be closed, and the board shall then reconvene in the public meeting to take any votes or close the public meeting.

(6) Minutes recording date, time, location, attendance, and official actions of the board shall be kept for each meeting; then published and maintained in a form suitable for public viewing. Guidelines for producing minutes may be obtained from the Department of Archives and History.

(7) The board should be prepared to set the date of the next meeting at the close of every public meeting and to send notification to the Secretary of State as soon as possible.

Author: Alabama Board for Registered Interior Designers

Statutory Authority: Code of Ala. 1975, §34-15C-4(i)

History: Original rule filed: July 13, 2010; effective September 21, 2010.

485-X-1-.08 Officers.

The board shall elect officers from current board members annually and at least 60 days prior to the beginning of the next term. If elections do not occur prior to the end of an officer's term, the previous officer shall serve until a new officer is elected. A vacancy in an officer position will require a special election to fill that vacancy and to ensure continuity of operations of the board. A slate of nominees may be developed prior to a board meeting and/or nominations may be taken from the floor to be voted on at that meeting. Officer positions shall be:

(a) Chair – responsible for directing board meetings, signing minutes and contracts of the board, and acting as the head of the board in all matters

concerning the board. With approval of the board, the Chair may form and disband committees as needed for the execution of board duties.

(b) Vice-Chair - responsible for directing board meetings in the absence of the Chair. Ideally, the Vice-Chair would be prepared to take over the Chair position in the event of the vacancy or end of term of the current Chair.

(c) Secretary/Treasurer – responsible for executing and safeguarding the record-keeping and financial duties and responsibilities of the board, acting as the main financial contact for the board, making any required financial reports to the state, making any other reports required by other state and federal entities, and attesting to minutes of the board.

(d) Executive Officer - an Executive Director may be hired to execute regular administrative duties of the board and run board meetings, but the board members maintain oversight responsibility for all business of the board. The Executive Director may act as the main board contact for all daily business of the board and provide a continuity of knowledge and procedure across many terms of appointed members and officers.

Author: Alabama Board for Registered Interior Designers

Statutory Authority: Code of Ala. 1975, §34-15C-3.

History: Original rule filed: July 13, 2010; effective September 21, 2010.

485-X-1-.09 Compensation of Board Members.

(1) Each board member and committee member, while in service to the state, shall receive the same per diem, travel, and expense allowance as is paid by law to state employees for the time spent in the performance of his or her duties and in necessary travel.

(2) Board members and committee members may formally waive reimbursement for above expenses by written statement, which is to be maintained in the board's records.

Author: Alabama Board for Registered Interior Designers

Statutory Authority: Code of Ala. 1975, §34-15C-4(h)

History: Original rule filed: July 13, 2010; effective September 21, 2010.

485-X-1-.10 Financial Operation of the Board.

(1) The board shall establish fees that are adequate to ensure the continued operation of the board and to recover costs incurred by the Board for the administration of Chapter 15C, Title 34 of the Code of Alabama 1975.

(2) All fees received by the board shall be deposited into a fund in the State Treasury known as the Alabama Board for Registered Interior Designers Fund.

(3) All fees are non-refundable. All fees are due with applications, or prior to the issuance of any requested material.

(4) The following fee schedule shall be set until such time that a new fee schedule is adopted through amendment to the Alabama Administrative Code:

Registration Application Fee	\$250.00 <u>\$300.00</u>
Annual Renewal Fee (Postmarked by midnight Sept. 30 of each year)	\$135.00 <u>\$160.00</u>
Late renewal fee	\$75.00
Reinstatement Application Fee (<u>revoked or suspended</u>)	\$250.00 <u>\$400.00</u>
<u>Reinstatement Fee (lapsed)</u>	<u>\$300.00</u>
Inactive Status Fee	\$25.00 <u>\$35.00</u>
Reactivation of Inactive Certificate Fee (Minimum 6 months of inactive status required prior to reactivation)	\$250.00
<u>Stamp/Seal Fee</u>	<u>\$25.00</u>
Records Reproduction Fee (printed or electronic media)	.25/page <u>.50/page</u>
Certificate Replacement Fee	\$50.00
Copy of Administrative Code (printed or electronic media)	\$20.00
Roster (printed or electronic)	\$20.00
Mailing Labels (printed or electronic media)	\$20.00
Returned Check Fee	\$30.00

Author: Alabama Board for Registered Interior Designers

Statutory Authority: Code of Ala. 1975, §34-15C-5(13); §34-15C-14

History: Original rule filed: July 13, 2010; effective September 21, 2010.

Amended: Filed March 20, 2013; effective June 12, 2013. Amended: FILED.

485-X-1-.11 Publications and Reports.

(1) The board shall maintain a roster of all registered interior designers, which shall be made available to the public and shall be posted on the web site of the Board.

(2) The board shall publish other materials as needed to conduct board business, such as rules and regulations, applications, and forms. These materials shall be available to all registered interior designers and other state agencies free of charge. All others shall pay a reproduction and handling fee in accordance with the fee schedule.

(3) The board shall produce an Annual Report to be submitted to the Governor's Office, the Speaker of the House, and the Senate President Pro Tempore. The Annual Report shall be published to the Board web site, or otherwise be made available on the Internet.

(4) The board shall maintain an Index of Formal Orders for public inspection and copying, at a cost, with the name and subject of all orders, decisions, and opinions which have been issued since October 1, 1982, except those expressly made confidential or privileged by statute or order of the court. (Code of Alabama 1975, Section 41-22-4(a)(4))

(5) The board shall inform the Secretary of State each January of the current board contact information, current board members' names, date of appointment, term of appointment, and expiration of terms; and the name of the appointing governor for each member.

(6) Board publications may be provided in a common electronic format.

Author: Alabama Board for Registered Interior Designers

Statutory Authority: Code of Ala. 1975, §34-15C-5(7)(9)

History: Original rule filed: July 13, 2010; effective September 21, 2010.

485-X-1-.12 Public Records.

(1) Public Records may be viewed only by appointment and by completing a request form detailing the record or records desired. A board member or employee must be present at all times to ensure integrity of the records and privacy protections. No original records may be removed from the board office at any time.

(2) Records may be copied on request by completing a request form detailing the record or records to be copied, and upon payment of a fee to recover costs for preparation, materials, and time incurred by the board.

(3) Board records deemed sensitive may be withheld from public viewing. Examples would be materials received in confidence; sensitive personnel records; pending criminal investigations; and records whose disclosure would be detrimental to the best interests of the public (see the Attorney General's Opinion 2007-031 for further guidance). Attorney fees for determining which records should be exempt from release cannot be recovered.

Author: Alabama Board for Registered Interior Designers

Statutory Authority: Code of Ala. 1975, §34-15C-5

History: Original rule filed: July 13, 2010; effective September 21, 2010.