



May 21, 2018

The Honorable Ron Young
Chair, Economic Development, Commerce, and Labor Committee
77 S. High Street, 13th Floor
Columbus, OH 43215

Re: OH HB 504 - Written Testimony for May 22, 2018 Committee Hearing

Dear Chairman Young and Members of the Committee:

Thank you for the opportunity to submit written testimony to the House Economic Development, Commerce, and Labor Committee on behalf of the National Kitchen and Bath Association's (NKBA) individual and business members in the State of Ohio. I respectfully request you consider this letter as well as its relevant attachments during your deliberations of House Bill 504, which would create a regulated class of interior designers.

As currently written, NKBA must oppose both the Introduced and Proposed Substitute versions of the bill. With a simple amendment, as described below, NKBA is prepared to move from a position of opposition to a position of neutral.

NKBA requests the Committee adopt a simple clarifying amendment to the legislation, consistent with the Sponsor's stated intent, that would satisfy our Ohio members' concern about the negative impact the bill will have on their businesses and profession. We propose the amendment create the following definition of "kitchen and bath designer" for the purposes of this act, and that the term "other design professional" be replaced with "kitchen and bath designer."

"Kitchen and bath designer" means a person engaged in the design of safe and functional kitchen and bath spaces and in the specification of products for kitchen and bath areas.

With this amendment, NKBA is prepared to move from a position of opposition to a position of neutral on the legislation.

Rep. Pelanda, in her May 4, 2018 letter to me, a copy of which is attached, has expressed her intention "to ensure a clear exemption for kitchen and bath designers from any construed need to obtain an interior design certificate." I appreciate and agree with Rep. Pelanda's assurances on this point. However, the relevant language drafted to accomplish this purpose is vague and ambiguous, and may actually be construed to have a meaning that is in conflict with her expressed intentions.

As the sponsor has pointed out, the bill uses the term "other design professional" as a means of addressing the intended exemption for kitchen and bath designers "because the Ohio Revised Code does not currently define kitchen and bath designers." However, research into the Ohio Revised Code indicates that the term "design professional" is currently being used, and in a context that explicitly limits its meaning to an architect or landscape architect registered under Chapter 4703. of



the Revised Code or a professional engineer or surveyor registered under Chapter 4733. of the Revised Code.”

The term “design professionals” is used multiple times in Chapter 153, Public Improvements. In this context “design professionals” are the persons being referred to, pursuant to section 153.65 (C), in which “professional design services” is defined as the “services within the scope of practice of an architect or landscape architect registered under Chapter 4703. of the Revised Code or a professional engineer or surveyor registered under Chapter 4733. of the Revised Code.” Subsequently, multiple uses of the term “design professionals,” refer strictly to those in these four explicitly identified professions. **Therefore, the use of the term “other design professionals” in House Bill 504 logically could be construed to limit the term’s meaning to the four types of professionals (under Chapters 4703 and 4733) explicitly named in Chapter 153 of the Revised Code.** NKBA is simply asking that we clarify the sponsor’s intent and avoid the likely ambiguities of using “other design professionals” to capture kitchen and bath designers.

Since March 21, 2018, NKBA, via its government relations team at HillStaffer, LLC, has been in consistent contact with Rep. Pelanda’s office in a good faith effort to eliminate the negative consequences of the legislation on our Ohio members, many of whom are small and female owned businesses. We continue to have an interest and desire to resolve this with the Sponsor and in this Committee, allowing the bill to progress knowing that our members are explicitly protected.

Thank you in advance for your willingness to address the interests of our Ohio constituents.

Sincerely,

A handwritten signature in black ink that reads "Bill Darcy". The signature is written in a cursive, flowing style.

Bill Darcy, Chief Executive Officer
NKBA

Attachments: May 4, 2018 Letter from Rep. Dorothy Pelanda to Bill Darcy
May 21, 2018 Letter from Bill Darcy to Rep. Dorothy Pelanda
Relevant Chapter 153 language