



THE STATE
of **ALASKA**
GOVERNOR MICHAEL J. DUNLEAVY

**Department of Commerce, Community,
and Economic Development**

BOARD OF REGISTRATION FOR ARCHITECTS,
ENGINEERS, AND LAND SURVEYORS

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January 26, 2022

The Honorable Neal Foster and the Honorable Kelly Merrick
Co-Chairs, House Finance Committee
Alaska State Capitol, Rooms 505 & 511
Juneau, Alaska, 99801

RE: HB 61 - Register Commercial Interior Designers

To the Honorable Representatives of the House Finance Committee:

The Alaska State Board of Registration for Architects, Engineers, and Land Surveyors is continuing to monitor the progress of HB 61. Our Legislative Liaison Committee met in October to review the legislation. A report from that meeting is attached. We continue to remain available as a resource to the Legislature and are happy to attend any hearings on this or other bills affecting licensure of design professionals in the State of Alaska. We are grateful for the opportunity to serve you and the State of Alaska and hope you consider our input valuable.

Sincerely,

A handwritten signature in blue ink that reads "Elizabeth Johnston".

Elizabeth T.B. Johnston, PE, FPE, Chair
Alaska State Board of Architects, Engineer and Land Surveyors
aelsboard@alaska.gov

Enclosure: AELS October 2021 Legislative Liaison Committee Report

October 28, 2021

Legislative Committee Report

At our committee meeting on October 28 we agreed to recommend monitoring HB61 and if it gets scheduled for a hearing, submit testimony to House Finance Committee, the next committee of referral. In our opinion, House Labor & Commerce Committee did not do its job, but instead reported the bill from committee without addressing serious issues we raised.

The first four points in this testimony are the same as what Catherine Fritz presented previously on April 26, representing the Board. In addition, today we added a new fifth point to counter information we understand is being shared with legislators. We believe it misrepresents what the bill does.

Testimony from the Board of Registration for Architects, Engineers & Land Surveyors on HB61

We held a special meeting of the Board on April 14 to review and discuss HB61. One of our members, Catherine Fritz, subsequently testified to the House Labor & Commerce Committee, expressing our concerns. At the time we believed HB61 needed more review, discussion with the bill's supporters so we could understand its full implications and relate our concerns to legislators. We shared the first four concerns listed on this paper with the Labor & Commerce Committee, but none of these were incorporated in a bill mark-up. We believe this should have been done before the bill was reported from that committee. We have since added a fifth point to clarify what we believe is misinformation that is being shared suggesting that registration under a practice act is voluntary. In all of the other professions regulated by our Board, professional registration is required as defined in Alaska Statutes and the Alaska Administrative Code.

1. The definition of Scope of Practice is excessively broad and incorporates activities that are outside the scope of Health, Safety, and Welfare. Interior design will overlap with architectural practice, as well as incidental practice of some engineering professions. It is essential that the definition of interior design be clear to minimize confusion and reduce enforcement issues.
2. There are many passages within the bill that are not aligned with existing statutory language for other design disciplines. The Board has worked very hard to build consistency, and requests that interior design language be similarly integrated.
3. We are greatly concerned about the workload and impacts of adding a new design discipline and two members to the Board. We have had extensive turnover in staff in the past two years, both in operations and enforcement. The complexities of our multi-discipline board (with a myriad of details within each discipline) are already substantial, and we are very concerned about adding a new discipline without thoroughly understanding its impacts.
4. HB61 relies heavily on an organization called The Council for Interior Design Qualification (CIDQ) to determine the adequacy of a candidate's Education, Experience, and Examination. The Board currently has three national organizations that it relies upon to continually assess the adequacy of this 3-legged stool. Each has

robust systems in place that include writing and administering exams, developing standards for practice, and evaluating educational adequacy. CIDQ would become a fourth. Does CIDQ appropriately align with Alaska Statutes, and is it similarly rigorous and collaborative? An example of potential concern is exam eligibility. Alaska Statutes require the Board to review and approve candidates before examination. We understand that CIDQ's approval for a candidate's exam is granted without regard to the Board. Can CIDQ change this practice? We don't yet know.

5. It is important to understand that HB61 establishes licensure for interior designers through what is known as a "practice act," requiring that anyone practicing interior design would be required to comply with the education, examination, and experience defined in statute and regulation. The most common framework for regulating interior design in the U.S. is through voluntary certification (approximately 27 states) while only four jurisdictions regulate interior design through practice acts (Nevada, Louisiana, North Carolina, and the District of Columbia.) There are significant differences in regulated responsibility and authority in each state, making it difficult to compare HB 61 to the laws in other jurisdictions. If HB 61 were modified to certify interior designers through what is known as a "title act," individuals who wished to use the title Interior Designer could be recognized through a voluntary process without being charged with health, safety, and welfare responsibilities in the current AELS statute and regulations subsequently adopted by the Board.

We recommend that the full Board consider and approve submittal of this testimony at our next meetings on November 15 and 16.

Submitted by Loren Leman, Chairman
Legislative Committee

Other members participating: Catherine Fritz, Bob Bell, Ed Leonetti