

LEGAL SERVICES

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MEMORANDUM

January 15, 2025

SUBJECT: Registered interior design
(Work Order No. 34-LS0044\N)

TO: Senator Matt Claman
Attn: Breanna Kakaruk

FROM: Conran H. Gunther
Legislative Counsel



Attached is the requested bill draft incorporating your feedback on the previous bill draft (Work Order No. 34-LS0044\A) and the changes requested by the State Board of Registration for Architects, Engineers, and Land Surveyors (board) and Department of Environmental Conservation (DEC). Please review the following drafting notes.

Title act with permitting privileges. You requested that this bill draft include all changes necessary to make it a "title act with permitting privileges." This bill draft incorporates language from CSSB 73() from the 33rd Legislature (Work Order No. 33-LS0244\H), which you similarly requested be drafted as a title act with permitting privileges. You also requested a memorandum explaining the distinction between a title act, practice act, and a title act with permitting privileges and what makes this bill draft a title act with permitting privileges.

A practice act requires a person to be licensed to practice an occupation in a jurisdiction.¹ A title act does not require a license to practice an occupation, rather it establishes an optional license that allows a person to use a protected title when practicing that occupation.² In the interior design profession, the term "permitting privileges" is used to refer to the ability to "stamp and sign (sometimes called stamp and seal) construction documents that are submitted to building departments for the purposes of applying for building permits."³

¹ See *Regulated Jurisdictions*, Council for Interior Design Qualification, <https://www.cidq.org/regulated-jurisdictions> (last visited Dec. 18, 2024).

² *Id.*

³ *A Glimpse into Interior Design Licensing Legislation | Does Your State Require a License to Practice Interior Design?*, Dakota Design Co. (Oct. 2024),

This bill draft regulates the use of "a title tending to convey the impression that the person is a 'registered interior designer' while offering to practice or practicing interior design[.]"⁴ It "does not prohibit the practice of interior design by a person who does not use the title 'registered interior designer.'"⁵ It also authorizes a registered interior designer to obtain a seal bearing the registrant's name, registration number, and the legend for a registered interior designer.⁶ A registered interior designer is required to stamp documents with the seal and sign the seal when the registered interior designer "issues final drawings, specifications, surveys, plats, plates, reports, or similar documents[.]"⁷ As a result, this bill draft is properly characterized as a title act with permitting privileges.

Exemptions from AS 08.48. You requested that this bill draft include three amendments to AS 08.48.331, which contains a list of people exempt from the requirements of AS 08.48. First, you requested an exemption for persons providing planning, design, and implementation services limited to the kitchen or bath of certain buildings.⁸ It is my understanding that your intention behind this provision is to only exempt a narrow scope of interior designers from the registration requirement. Because this bill draft is a title act, an interior designer can avoid the registration requirement while performing interior design work by simply not using the title "registered interior designer." As such, exemptions under AS 08.48.331(a) are unnecessary for interior designers and this provision has been excluded from this bill draft.

Second, after discussing your bill draft with the board, you requested "an exception to the industrial exemption for natural gas pipelines in response to a National Transportation Safety Board forwarded to the Board by Governor Dunleavy." AS 08.48.331 does not contain an exemption that explicitly applies to natural gas pipelines, and I have not been able to identify an alternative exemption therein that you or the board may be referencing. Because I cannot identify such an exception in AS 08.48.331, this provision has been excluded from this bill draft. Please let me know if there is a specific provision that you and the board are concerned with in AS 08.48.331.

<https://www.dakotadesigncompany.com/blog/does-your-state-require-a-license-to-interior-design>.

⁴ Secs. 08.48.181(c) and 08.48.321(b).

⁵ Sec. 08.48.218.

⁶ Sec. 08.48.221(a).

⁷ *Id.*

⁸ *See* sec. 08.48.331(a)(15) of Work Order No. 33-LS0405\H.2.

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Last, after discussing your bill draft with the board and DEC, you requested "an exemption for individuals certified by the [DEC] to design and install small on-site wastewater systems." The term "onsite wastewater systems" is not used in statute. However, certifications and authorizations necessary for the construction, installation, and modification of conventional onsite wastewater systems are regulated by DEC under 18 AAC 72.400 - 72.440. As such, sec. 08.48.331(a)(15) of this bill draft uses the terms in those regulations and references the statutory authority under which the regulations were adopted. I recommend having DEC review sec. 08.48.331(a)(15) to ensure it has the intended effect.

Please let me know if you have any questions.

CHG:boo

24-331.boo

Attachment