

## Clarification of Testimonies for HB159/SB73

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House Finance Committee:

ASID Alaska/IIDA North Pacific are taking this opportunity to offer clarification on several topics raised through public and invited testimony and legislators' questions during the hearing on the evening of May 6<sup>th</sup>.

### **ABOUT HB159/SB73**

HB159/SB73 seeks to establish professional registration for interior designers qualified by education, experience, and examination, and to regulate the profession under the existing board which currently regulates all other design-related disciplines including architecture, landscape architecture, land surveying, and the engineering disciplines. This method of regulation (joining an existing board) helps protect the public without growing government.

HB159/SB73 enables qualified designers to become registered and practice independently with stamp and seal privileges within a limited scope of work for which they are specifically qualified, enabling them to take responsibility for their own work.

HB159/SB73 does NOT require that interior designers must become registered. Enactment of HB159/SB73 into law would allow designers to choose whether they:

- Continue practicing independently in the private residential and kitchen & bath arenas which do not affect public health, safety, and welfare, or
- Continue practicing under the direct oversight of a registered architect, or
- Practice under the direct oversight of a registered interior designer

HB159/SB73 does not minimize the scope of work a registered architect may perform. Architects may continue to provide interior design services as part of their comprehensive architecture services without becoming registered interior designers.

HB159/SB73 does NOT require that clients, building owners, or general contractors hire a registered interior designer. HB159/SB73 simply provides greater consumer choice: when a project's scope requires a registered professional and aligns with the limited scope of a registered interior designer, the consumer now may choose a registered architect or a registered interior designer.

HB159/SB73 does NOT impact the industry-adjacent businesses such as interior flooring or cabinetry design and sales, commercial furniture dealers, or paint companies. For these businesses, there is no impact with whom they work or how they conduct business.

## PRECEDENT – REGULATION OF INTERIOR DESIGN

As of this spring, with the recent advancement of interior legislation to law in Nebraska, there are now 29 US states, Washington, D.C., Puerto Rico and 7 Canadian provinces which regulate interior design. All but one state require NCIDQ certification as the basis of qualification for professional registration. Sixteen states, Washington, D.C., Puerto Rico, and 7 Canadian provinces allow qualified interior designers to practice independently.

Louisiana, Nevada, Washington, D.C., and Puerto Rico, as well as many Canadian provinces have practice acts and Oklahoma's legislature recently passed legislation that converts the state-regulated title act into a hybrid title act with stamp/seal privileges, much like HB159/SB73 proposes. Regulation of the title (registered interior designer, not interior designer) is the minimum level of regulation in the 31 U.S. jurisdictions that have legal recognition for the interior design profession.

## PRECEDENT – COMBINED BOARD

The Interorganizational Council on Regulation (ICOR), comprised of the four regulatory organizations for the design professions, was formed almost two decades ago to share best practices and discuss their complementary focus on advocating on behalf of the public protection role their regulatory boards play. Membership in ICOR is comprised of these boards whose functions include licensing and other credentialing for architecture, engineering, interior design, landscape architecture, and surveying. In many jurisdictions these professions are overseen by the same board, much like the AELS oversees multiple design disciplines.

In May 2023, the ICOR published a joint statement, **“Due to the commonalities in regulation and practice, as well as the profound impact on the public and environments, we unequivocally support the continued licensure of architecture, engineering, interior design, landscape architecture and surveying.”** The joint statement concluded, “Oversight of these professions is essential to protecting the public's health, safety, welfare, while minimizing the risks associated with technical design professions.”

A joint board framework is often utilized in part because of overlap in practice amongst the design professions, which helps facilitate board members in dealing with enforcement of statute and discipline of licensees. Including interior design under the same body offers operational efficiency and regulatory consistency across disciplines.

## INTERIOR DESIGN CREDENTIALING EXAMS

Though there are a few other credentialing exams in the overall Interior Design profession, the NCIDQ is the only exam accepted internationally for licensure or registration. California is the only state with their own uniquely developed and administered credential that qualifies an interior designer for professional registration; it is smaller, less rigorous, and tests on California-specific codes and statutes. Qualification for the Certified Healthcare Interior Designer credential requires that a candidate has successfully completed the NCIDQ or ARE, the credentialing exam for architects. Other exams are related to specializations such as kitchen and bath design or less technical residential design. None other than the NCIDQ address fundamental competencies for protection of public health, safety, and welfare. To be clear, ASID and IIDA have NOT developed and do NOT administer credentialing exams. Both organizations rely on the NCIDQ for practitioners elevated to full professional membership.

## ANTICIPATED INTERIOR DESIGN REGISTRANTS

Currently 54 NCIDQ certificate holders affiliate with Alaska. Of those, only 21 hold active certificates, having maintained their ongoing continuing education to remain a current credential. We are aware of six emerging practitioners and one architect in Alaska currently qualifying for and preparing to take the NCIDQ exams. That totals twenty-eight individuals currently in Alaska and qualified for registration within a few years. We anticipate a comparable number amongst designers in Alaska that may choose to pursue the credential once licensure is an option and designers who currently practice in Alaska but reside and work in firms in the Lower 48. We estimate 60-80 registrants within the first 5-10 years, which is comparable to the number of landscape architects who pursued registration when it became an option.

## CURRENT AELS REGISTRANTS

Licenses issued to date ending April 25<sup>th</sup>, 2024, as included in the Examiner's Report for May 8<sup>th</sup> & 9<sup>th</sup>, 2024 AELS Board Meeting:

License Type	Active	
Agriculture Engineer	1	
Architect	568	
Chemical Engineer	99	
Civil Engineer	2858	
Control Systems Engineer	46	
Electrical Engineer	689	
Environmental Engineer	140	
Fire Protection Engineer	58	
Industrial Engineer	1	
Land Surveyor	356	
Landscape Architect	56	
Mechanical Engineer	762	
Metallurgical & Materials Engineer	4	
Mining & Mineral Processing Engineer	35	
Naval Architect & Marine Engineer	21	
Nuclear Engineer	0	
Petroleum Engineer	83	
Structural Engineer	406	

## **FISCAL NOTE**

It is intended that regulation of interior designers will be self-funded at low/no cost to the state through the existing Board of Registration within the same fee structure as the other design disciplines.

The HB159/SB73-associated fiscal note addresses startup costs for adding a new discipline to the board as well as inclusion of an additional licensing examiner. It is important to note that the additional examiner has been needed for several years, at least since 2020 when we first introduced HB291. The inclusion of interior designers amongst the disciplines regulated has no bearing on the immediate need for that staff position. Last year, the AELS board advanced SB126, a clean-up bill amending the existing statute. It would have been more appropriate to attribute the additional examiner to that bill. However, HB159/SB73 was already in progress when SB126 was introduced and a shifting of costs to the more appropriate vehicle was not addressed at that time.

## **IMPACT OF INTERIOR DESIGN ON HEALTH, SAFETY, AND WELFARE**

Several aspects of interior design practice relate directly to the health, safety, and welfare of building occupants including:

- Successfully applying building, fire, and other safety codes
- Ensuring accessibility and usability in conformance with the Americans with Disabilities Act and other state and local laws
- Means of egress, space planning, and safe wayfinding
- Performing occupancy calculations
- The movement, inclusion, or elimination of non-loadbearing interior walls and partitions
- Location, size, and performance requirements for fire-rated partitions and doors
- Mounting heights and locations of fire extinguisher cabinets and ensuring clear access
- The selection of finishes and materials that meet or exceed minimum code-required fire and smoke performance requirements
- The selection of finishes, building equipment, and materials that contribute to good health, healing, and well-being

Most of these activities are regulated by the building code and require a building permit before construction can begin.

States have passed these codes and policies in the wake of disasters such as a casino fire in Nevada and a nursing home fire in Virginia, where the makeup of the building's interior exacerbated the spread of the fire and the loss of life. Events such as this can be mitigated through regulation of the profession.

## **COLLABORATIVE DEVELOPMENT OF HB159/SB73**

Beginning in 2017, ASID Alaska engaged with allied disciplines including engineers, residential and kitchen/bath interior designers, and architects. We also have engaged, as a courtesy and for feedback, with the AELS board over the past several years. The specific exclusion of kitchen and bath designers resulted from our collaboration with the National Kitchen and Bath Association. Similarly, the shift from a title act (earlier versions of the bill beginning in 2020) to the current practice act is a result of input from members of our engineering community and early commentary from individual members of the AELS board.

When ASID Alaska approached AIA Alaska in 2017, their response was clear: they were not interested in entertaining any sort of regulation of the interior design profession. In the last two years, that position has softened slightly, and the ASID-AIA Working Group was born of that willingness to talk. AIA Alaska maintains an organizational position of opposition to the bill despite their membership of Alaskan architects being split in support and opposition of HB159/SB73.

Beginning in 2022, the ASID-AIA Working Group held a series of nine meetings over the course of 18 months totaling more than 30 hours. ASID has made a concerted good faith effort to incorporate changes that addressed AIA's concerns. HB159/SB73 reflects refinements gleaned from that effort. However, the group did not come to consensus on the bill language currently under consideration. Further, AIA proposed several other changes which have been deemed either redundant or inappropriate for reasons cited by Legislative Legal review. Ultimately, it was clear that AIA's position revolved around the issue of whether to regulate interior design (they frequently argued regulation was unnecessary and unfounded). The need for regulation is fundamental to our initiative and the working group was founded on developing regulation together, not determining if we pursue regulation at all, thus the talks stalled.

For context, compromise language was reached with other interior designer/architect working groups in Iowa, Wisconsin, Illinois, and North Carolina in the last 3 years; all those states plus Nebraska and Oklahoma recently established permitting privileges for qualified interior designers, as we have sought here in Alaska for 7+ years. Interestingly, Oklahoma's recent advancement was the result of a coordinated effort of the Oklahoma Board, AIA Oklahoma, and the local IIDA chapter.

## **DEFINED SCOPE OF WORK THROUGH REGULATION RATHER THAN STATUTE**

Earlier versions of the bill (HB291-2020, HB61-2022) included a detailed scope of work definition. One revision incorporated early in the ASID-AIA Working Group progression eliminated the detail in statute. Addressing detailed scope in regulations is more closely aligned to how other disciplines are addressed and allows a more nimble and efficient means of evolving regulation of design professions rather than burdening the legislature with cumbersome proceedings to amend statute. *This concession was in direct response to AIA's recommendation.*

## FEDERAL CONTRACTING REQUIREMENTS

Federal infrastructure dollars, often in the form of DoD projects, are vitally important to Alaska. DoD project teaming requirements are a hot topic. Plainly, if a project scope includes “Comprehensive Interior Design” then the Designer of Record for that scope must be NCIDQ certified in accordance with the Whole Building Design Guide and UFC 3-120-10. Further, fundamental RFP requirements for Key Personnel Capabilities and Experience have required for at least the past 8 years that all Designers of Record on a project must be registered, no matter the discipline.

The RFPs may or may not call out Registered Interior Designer as a required team member. That blatant requirement in the solicitation tends to be for projects that are interior tenant improvements (non-structural interior remodels, not a change of use, does not modify building egress systems but may modify egress within discrete interior areas of the building). However, most of the RFPs are for integrated teams and new construction or major renovations. No matter, because:

- All RFPs in Alaska for the past 8+ years have required that all Designers of Record (DOR) be Registered Professionals (if not licensed in Alaska, then must also have minimum 5 years’ experience in our climate zone). The RFPs for integrated teams list architects outright because they are required for the architectural scope. There are options to qualify the professional for the interior scope of work.
- All RFPs which include Comprehensive Interior Design (CID) in the scope reference the requirements of the Whole Building Design Guide and UFC 3-120-10 which mandate that the CID scope must be performed by an NCIDQ-certified architect or interior designer who serves as DOR for the CID scope.
- The solicitation and the referenced requirements are not mutually exclusive. Rather, the most stringent combination of requirements applies, whether to the design team composition or for the design of the project itself.
- Thus, the Designer of Record for the Comprehensive Interior Design scope of work may be
  - a Registered Architect who has passed the NCIDQ (only a few in AK)
  - a Registered Interior Designer (by definition has passed the NCIDQ; registered in another state b/c Alaska has no registration) with 5 years Alaska climate zone experience

Establishing professional registration in Alaska for qualified interior designers expands the pool of Alaskan design professionals that may compete for these DoD projects.



## CONCLUSION

Opponents to interior design registration may claim that because of similar competencies between architects and interior designers, the interior design services outlined in HB159/SB73 are for registered architects' exclusive practice and interior designers are not qualified to provide such services without architect oversight.

The truth is that interior designers are qualified through education, experience, and examination to practice within the limited scope of interior design defined in HB159/SB73. Interior designers, including myself, should not be precluded from practicing to the fullest of our abilities due to overlapping scope.

HB159/SB73 provides public safety protection and risk mitigation in Alaska's buildings, expands consumer choice of qualified design professionals, ensures unrestrained trade, increases professional employment opportunities, attracts high quality design talent to Alaska, and encourages Alaskan students to return home for career opportunities.

Thank you for your continued consideration on the issue of professional regulation of interior design. We hope this information provides valuable clarification on the issues raised. We are, of course, happy to field any additional questions.

We ask you to act now to protect Alaskans and bolster Alaska's economy by keeping our workforce strong and competitive. Delay no more. The time is now. Please vote **YES** and pass HB159/SB73.