

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

(907) 465-2450
LAA.Legal@akleg.gov
120 4th Street, Room 3


State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

April 7, 2025

SUBJECT: Registered Interior Design
(CSSSSB 54(L&C); Work Order No. 34-LS0044\G.5)

TO: Senator Matt Claman
Attn: Serena Hackenmiller

FROM: Conran H. Gunther
Legislative Counsel 

You requested a memorandum answering your questions relating to the effect of amendment Work Order No. 34-LS0044\G.5 to CSSSSB 54(L&C) and in response to the memorandum that the Department of Law (department) provided the State Board of Registration for Architects, Engineers, and Land Surveyors (board) on March 6, 2025.¹

Does the amendment address the concern raised by the department that sec. 08.48.101(c) is overbroad because it regulates the unregulated practice of interior design and recommendation provided by the department that SB 54 should be amended to define the practice of registered interior design in statute or, alternatively, give the board authority to define the the practice or registered interior design? Somewhat. SB 54 regulates interior design differently than other professions regulated under AS 08.48. Other professions regulated under AS 08.48 prohibit the use of a title and the practice of acts in a profession unless a person is registered in that profession.² Conversely, SB 54 only prohibits a person who is not registered from using the title "registered interior designer" while practicing interior design and does not generally prohibit the practice of interior design by a person who is not registered.³

A person who is registered as a registered interior designer gains the privilege of using the title "registered interior designer" in the practice of interior design⁴ and using a seal provided by the board for registered interior designers to use on certain documents within the registrant's field of practice.⁵ In order to determine the circumstances in which those

¹ Because a new version was adopted by the Senate Labor and Commerce Committee after the department analyzed SB 54, I have rephrased the concerns raised by the department to reference the new section numbers instead.

² AS 08.48.281(a).

³ Sec. 08.48.218 of SB 54.

⁴ Sec. 08.48.281(c) of SB 54.

⁵ Secs. 08.48.221(a) and 08.48.291 of SB 54.

privileges can be used, it is necessary to understand the scope of the practice of interior design. Section 08.48.101(c) requires the board to define "interior design" for that purpose. It would be improper for the board or statute to instead define "the practice of registered interior design" under the existing structure of SB 54 because the practice of registered interior design is merely the practice of interior design while exercising the title or seal privileges that derive from being registered. Therefore, sec. 08.48.101(c) is not overbroad.

While the amendment does not incorporate the changes suggested by the department, the department's analysis makes clear that the distinction between how registered interior design and other professions under AS 08.48 are regulated is not obvious under SB 54. The amendment makes the regulatory structure of SB 54 more obvious in a few ways. While its placement next to the board's requirement to define "interior design" is unorthodox, sec. 08.48.101(c)(1) of the amendment highlights the manner that registered interior designers are regulated by reiterating that the practice of interior design without registration is permitted so long as the title "registered interior designer" is not used.⁶ Section 08.48.341(28) of the amendment also highlights this by clarifying that the definition of a "registered interior designer" is a person who practices interior design while using the title and seal privileges deriving from the registration.

Does the amendment allow the board to define "registered interior design"? Indirectly, yes. Section 08.48.341(27) of SB 54 defines "registered interior design" as "the practice of interior design as a registered interior designer." Section 08.48.101(c)(1) of the amendment requires the board to establish a definition of "interior design." Section 08.48.101(c)(2) requires the board to establish the type of documents that a registered interior designer can use their seal privileges on under AS 08.48.221 for the purpose of obtaining requisite construction permits. As such, the scope of "registered interior design" can be narrowed or expanded by the board based on how it utilizes sec. 08.48.101(c).

Does the amendment address the concerns raised by the department about the possibility of the board defining "interior design" to include aspects of the practice of architecture? Somewhat. I do not interpret the department's comments as a concern with SB 54. Rather, I believe the department was simply advising that there are limitations to the board's authority to adopt a definition of "interior design" given the statutory definition of the "practice of architecture."⁷ I agree with the department that the structure of SB 54 and

⁶ A similar provision is in sec. 08.48.218 of SB 54.

⁷ The department also made recommendations about defining the "practice of registered interior design" in statute to make clear what practices within the scope of architecture can be performed by a registered interior designer. As discussed above, the addition of a definition of "the practice of registered interior design" is inconsistent with the current structure of SB 54 and would only be appropriate if SB 54 were restructured to govern the practice of the interior design profession generally like how other professions are regulated under AS 08.48.

AS 08.48 place limitations on what practices the board may include in the definition of "interior design." That is not to say, however, that the board has no authority on this issue.

The practice of architecture is broadly defined to include "the design of buildings" and "planning [and] design . . . of construction of public and private buildings"⁸ and, as such, there is likely some overlap between the common meaning of "interior design"⁹ and the authority expressly given to the "registered interior designers" to sign and stamp certain documents required for construction projects.¹⁰ While this structure could be interpreted as providing the board with very limited authority to define "interior design" in the face of the statutory definition of the "practice of architecture," I think such an interpretation is unlikely under the principles of statutory construction adopted by the Alaska Supreme Court.

When interpreting a statute, the court considers "its language, its purpose, and its legislative history, in an attempt to give effect to the legislature's intent, with due regard for the meaning the statutory language conveys to others."¹¹ When reviewing conflicts between two statutes, the court "assess[es] the totality of the legislative framework within which these statutes are included" and "in context with other pertinent provisions rather than in isolation, and with a view toward reconciling conflict and producing 'a harmonious whole.'"¹² The language in SB 54 strongly suggests that the legislature's intent is to allow interior designers to practice interior design without regulation, unless they want access to the title or seal privileges of a registered interior designer. The board also has regulatory authority "to accomplish the purpose of this chapter by . . . establishing the types of work and providing guidance on design of minor importance and other areas of overlapping jurisdiction among regulated professions, branches, and disciplines."¹³ As a result, I believe the text of SB 54 and the structure of AS 08.48 would authorize the board to define and clarify, within statutory limitations, the scope of the interior design and architecture professions. For example, the board would likely have the

⁸ AS 08.48.341(15).

⁹ Merriam-Webster defines "interior design" as "the art or practice of planning and supervising the design and execution of architectural interiors and their furnishings." "*Interior design*", Merriam-Webster, <https://www.merriam-webster.com/dictionary/interior%20design> (last accessed Apr. 4, 2025).

¹⁰ Secs. 08.48.101(c)(2) and 08.48.341(28)(B) of the amendment.

¹¹ *Alyeska Pipeline Serv. Co. v. State, Dept. of Env'tl. Conservation*, 145 P.3d 561, 566 (Alaska 2006).

¹² *Good v. Municipality of Anchorage*, 450 P.3d 693, 698 (Alaska App. 2019) (determining whether there was an irreconcilable conflict between two statutes that impliedly repealed one of the statutes).

¹³ AS 08.48.101(a)(7).

authority to determine at what point the design of interiors of buildings that anyone can perform under the practice of interior design becomes the "professional service or creative work in the design of buildings" that only an architect can perform.¹⁴

The amendment supports this interpretation. The amendment requires the board to establish the types of documents required for permits on construction projects that can be signed and stamped by a registered interior designer under AS 08.48.221.¹⁵ A conservative interpretation of this language could be construed as overlapping with the "planning [and] design . . . of construction of public or private buildings" aspect of the practice of architecture.¹⁶ This issue is somewhat distinguishable from when the practice of architecture overlaps with the practice of interior design because the seal privileges available to registered interior designers cannot be performed by anyone. It nevertheless provides evidence that there may be some overlap between the two professions that the legislature intends the board to clarify in order for SB 54, the amendment, and AS 08.48 to produce a harmonious whole. If this interpretation is consistent with your intent, I recommend establishing a legislative record to that effect.

The intent behind SB 54 is to establish a title act with permitting privileges. If the amendment is adopted, is SB 54 comparable to title acts with permitting privileges in Georgia, Iowa, and North Carolina? Due to the time limitations in providing this memorandum when requested and my lack of familiarity with the laws of those states, I cannot provide a conclusive comparison of all the ways that SB 54 is comparable to the registered interior design laws of those state. However, there are several provisions that SB 54 and the amendment contain that appear comparable to the provisions regulating registered interior design in those states. There are also several provisions in the laws of those states for which SB 54 and the amendment do not have a comparable provision though.

SB 54 provides that a person who is not registered as a registered interior designer is not prohibited from practicing interior design so long as the title "registered interior designer" is not used while practicing interior design.¹⁷ The amendment contains an additional provision of similar effect.¹⁸ Similar provisions are in Georgia,¹⁹ Iowa,²⁰ and North Carolina²¹ law.

¹⁴ AS 08.48.341(18) .

¹⁵ Secs. 08.48.101(c)(2) and 08.48.341(28)(B) of the amendment.

¹⁶ AS 08.48.341(15).

¹⁷ Sec. 08.48.218 of SB 54.

¹⁸ Sec. 08.48.101(c)(1) of the amendment.

¹⁹ Ga. Code Ann. § 43-4-34(c) provides that "Nothing in this article shall be construed as prohibiting or restricting the practice or activities of an interior decorator or individual offering interior decorating services[.]"

SB 54 has criminal penalties for practicing interior design while using the title "registered interior designer" without being registered.²² While the concurrent practice of interior design is not required, there are provisions that establish penalties for using the title "registered interior designer" without registration under Georgia,²³ Iowa,²⁴ and North Carolina²⁵ law.

The amendment defines "registered interior designer" as a person who is "registered and qualified by education, training, experience, and examination to engage in the practice of interior design, as defined by the board, while using the title 'registered interior designer'" and "authorized to sign and stamp documents with an official seal under AS 08.48.221, as determined by the board, for the purpose of obtaining requisite permits for construction projects."²⁶ There is a comparable definition under Georgia law, but it does not reference the use of a seal to obtain permits for construction projects.²⁷ There is not a comparable definition under Iowa law.²⁸ There is a comparable definition under North Carolina law, but it only provides authority to sign and seal certain documents for interior construction projects.²⁹

SB 54 and the amendment require the board to define "interior design" and do not define the term in statute. There are provisions defining "interior design" and related terms in

²⁰ Iowa Code Ann. § 544C.10(1) provides that "This section does not prohibit the provision of interior design services, or the use of the terms 'interior design' or 'interior designer', by an architect or by a person who is not registered as an interior designer."

²¹ N.C. Gen. Stat. Ann. § 83A-13(h) provides that "This Chapter does not prevent any person from rendering interior design services, provided the person does not use the title of 'registered interior designer' unless registered under this Chapter."

²² Sec. 08.48.281(c) and 08.48.291 of SB 54.

²³ Ga. Code Ann. § 43-4-37.

²⁴ Iowa Code Ann. § 544C.10.

²⁵ N.C. Gen. Stat. Ann. § 83A-16(a1).

²⁶ Sec. 08.48.341(28) of the amendment.

²⁷ Ga. Code Ann. §§ 43-4-1(13) and 43-4-30.

²⁸ See Iowa Code Ann. § 544C.1(10).

²⁹ N.C. Gen. Stat. Ann. § 83A-1(11).

Georgia law,³⁰ related terms in Iowa law,³¹ and "interior design" and related terms in North Carolina law.³²

While the board has regulatory authority over areas of overlapping jurisdiction among regulated professions,³³ SB 54 and the amendment do not otherwise contain provisions addressing their effect on the practice of architecture. There are provisions that address the effect of registered interior design laws on the practice of architecture under Georgia,³⁴ Iowa,³⁵ and North Carolina³⁶ law.

Please let me know if you have any questions.

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³⁰ Ga. Code Ann. §§ 43-4-1(8) (defining interior construction document), 43-4-1(9) (defining interior design), and 43-4-1(10) (defining nonstructural interior construction).

³¹ While Iowa law does not define "interior design" in Iowa Code Ann. § 544C.1, it defines several of the interior design related terms used in the definition of "registered interior design." *See* Iowa Code Ann. §§ 544C.1(6) (defining interior alteration or construction project), 544C.1(7) (defining interior nonstructural element), 544C.1(8) (defining interior technical submission), and 544C.1(9) (defining registered interior design).

³² N.C. Gen. Stat. Ann. §§ 83A-1(5a) (defining interior design), 83A-1(6a) (defining nonstructural element), 83A-1(8) (defining the practice of interior design), and 83A-1(13) (defining space planning).

³³ AS 08.48.101(a)(7).

³⁴ Ga. Code Ann. § 43-4-34(a) provides that "Nothing in this article shall be construed as amending or in any manner affecting the definition of or practice of architecture as provided in Code Sections 43-4-1 and 43-4-14."

³⁵ Iowa Code Ann. § 544C.1(9)(b) provides that "'registered interior design' does not include . . . Services that constitute the practice of professional engineering or professional architecture, except as otherwise provided in this chapter."

³⁶ N.C. Gen. Stat. Ann. § 83A-1(8) provides, in the definition of the "practice of interior design," that "Except as provided herein, interior design services do not include services that constitute the practice of architecture as defined in this Chapter or the practice of engineering as defined in G.S. 89C-3."