



# Alaska State Legislature

## Senator Matt Claman

Session: State Capitol, Rm 429 Juneau, AK 99801 Phone: 465-4919

Interim: 1500 W. Benson Blvd., Anchorage, AK 99503 Phone: 269-0130

### Senate Bill 73

#### Sectional Analysis — Version S

#### **Section 1**

*AS 08.01.010. Applicability of chapter.*

Removes “Architects, Engineers, and Land Surveyors” from the State Board of Registration for Architects, Engineers, and Land Surveyors, and replaces it with “Design Professionals” as it relates to applicability provisions.

#### **Section 2**

*AS 08.01.065. Establishment of fees.*

Removes “Architects, Engineers, and Land Surveyors” from the State Board of Registration for Architects, Engineers, and Land Surveyors, and replaces it with “Design Professionals” as it relates to fees collected from the board by the Department of Commerce, Community, and Economic Development.

#### **Section 3**

*AS 08.03.010. Termination dates for regulatory boards.*

Removes “Architects, Engineers, and Land Surveyors” from the State Board of Registration for Architects, Engineers, and Land Surveyors, and replaces it with “Design Professionals” as it relates to termination dates of regulatory boards.

#### **Section 4**

*AS 08.48.011. Board created.*

Removes “Architects, Engineers, and Land Surveyors” from the State Board of Registration for Architects, Engineers, and Land Surveyors, and replaces it with “Design Professionals” as it relates to the creation of the board.

#### **Section 5**

*AS 08.48.011. Board created.*

Adds two seats to the board: one for a registered interior designer and one additional engineering seat (this addition creates separate seats for electrical and mechanical engineering, which currently share a seat).

#### **Section 6**

*AS 08.48.061. Finances.*

Adds registered interior designer examiners to the list of meetings board delegates may make expenditures to attend.

## **Section 7**

*AS 08.48.071. Records and reports.*

Adds registered interior designers to the list of statistics the Department of Commerce, Community, and Economic Development assembles relating to the performance of its staff and the performance of the board.

## **Section 8**

*AS 08.48.111. Power to revoke, suspend, or reissue certificate.*

Adds registered interior design to the list of professional certificates the board may suspend, refuse to renew, or revoke.

## **Section 9**

*AS 08.48.171. General requirements and qualifications for registration.*

Adds registered interior designers to the list of applicants that that can qualify for registration.

## **Section 10**

*AS 08.48.181. Registration upon examination.*

Adds a new subsection (b) specifying the examination qualifications for a registered interior designer and clarifies that the procedure and standards must include successfully completing the examination administered by the Council for Interior Design Qualification or its successor.

## **Section 11**

*AS 08.48.191. Registration by comity or endorsement.*

Adds a new subsection (e) to allow a person holding a certificate of registration authorizing the person to practice registered interior design in a state, territory, or possession of the United States, the District of Columbia, or a foreign country that, in the opinion of the board, meets the requirements of this chapter, based on verified evidence, may, upon application, be registered in accordance with the regulations of the board.

## **Section 12**

*AS 08.48.201. Application for registration.*

Adds registered interior designers to the list of registrants that must meet the stated application standards.

## **Section 13**

*AS 08.48.211. Certificate of registration.*

Adds registered interior designers to the list of certificates of registration that may be awarded.

## **Section 14**

*AS 08.48.215. Retired status registration.*

Adds registered interior designers to the list of practices an individual holding a retired status registration may not practice.

### **Section 15**

*AS 08.48.221. Seals.*

Adds “Registered Interior Designer” to the list of seals a registrant may obtain. Additionally, it adds registered interior design to the list of registrants that may not affix or permit a seal and signature to be affixed to an instrument after the expiration of a certificate or for the purpose of aiding or abetting another person to evade or attempt to evade a provision of this chapter.

### **Section 16**

*AS 08.48.241. Corporations, limited liability companies, and limited liability partnerships.*

Adds registered interior design to the list of services a corporation, limited liability company, or limited liability partnership may offer.

### **Section 17**

*AS 08.48.241. Corporations, limited liability companies, and limited liability partnerships.*

Adds registered interior design to the list of practices the board can issue a certificate of authorization for.

### **Section 18**

*AS 08.48.241. Corporations, limited liability companies, and limited liability partnerships.*

Adds interior design to the list of major branches the certificate of authorization must specify.

### **Section 19**

*AS 08.48.241. Corporations, limited liability companies, and limited liability partnerships.*

Adds “a group of registered interior designers” to the list of groups the board may, in its discretion, grant a certificate of authorization to.

### **Section 20**

*AS 08.48.241. Corporations, limited liability companies, and limited liability partnerships.*

Specifies that a corporation, limited liability company, or a limited liability partnership authorized to offer registered interior design is responsible to the same degree as the designated registered interior designer and shall conduct its business without misconduct or malpractice in the practice of registered interior design.

### **Section 21**

*AS 08.48.241. Corporations, limited liability companies, and limited liability partnerships.*

Adds registered interior designer to the list of certificates the board may suspend or revoke.

### **Section 22**

*AS 08.48.251. Certain partnerships.*

Adds registered interior designer to the list of allowable practices a partnership of legally registered interior designers may engage in.

### **Section 23**

*AS 08.48.281. Prohibited practice.*

Adds registered interior design to the list of practices a person may not engage in unless they are a registered interior designer.

## **Section 24**

*AS 08.48.281. Prohibited practice.*

Adds a new subsection (c) specifying that this chapter does not prohibit the practice of registered interior design by a person who is not registered to practice registered interior design if the services are being performed by a person acting within the scope of practice authorized by another license that is held by the person, such as an architect.

## **Section 25**

*AS 08.48.291. Violations and penalties.*

Specifies that a person who practices or offers to practice registered interior design in the state without being registered or authorized to practice is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than \$10,000, or by imprisonment for not more than one year, or by both.

## **Section 26**

*AS 08.48.295. Civil penalty for unregistered or unauthorized practice.*

Specifies if a person who practices or offers to practice registered interior design in the state without being registered or authorized to practice, the board may enter an order levying a civil penalty.

## **Section 27**

*AS 08.48.311. Rights not transferable.*

Specifies that the right to engage in the practice of registered interior design is considered a personal and individual right, based on the qualifications of the individual as evidenced by the individual's certificate of registration, which is not transferable.

## **Section 28**

*AS 08.48.321. Evidence of practice.*

Defines “evidence of practice” pursuant to sections prohibiting practice by non-registered individuals.

## **Section 29**

*AS 08.48.331. Exemptions.*

Adds registered interior designers to the list of necessary exemptions. Of note, subsection (8) excludes registered interior designers from this exemption because interior designers practicing within the scope of registered interior design must be registered (or work under a registered professional). Additionally, new subsection (15) is not subject to regulation specifically stating that kitchen and bath design in exempted residential structures per the national industry’s request.

## **Section 30**

*AS 08.48.341. Definitions.*

Removes “Architects, Engineers, and Land Surveyors” from the State Board of Registration for Architects, Engineers, and Land Surveyors, and replaces it with “Design Professionals” as it relates to the definition of “board” for the purposes of this section.

### **Section 31**

*AS 08.48.341. Definitions.*

Adds interior design as a professional service to the definition of “certificate of authorization.”

### **Section 32**

*AS 08.48.341. Definitions.*

Adds new subsections (24) – (26) defining registered interior design and related terms. These subsections provide for the defined practice of interior design services within buildings whose primary use is public occupancy, identified as registered interior design.

### **Section 33**

*AS 08.48.351. Short title.*

Changes a short title for the Architects, Engineers, Land Surveyors, and Landscape Architects Registration Act to the Design Profession Registration Act.

### **Section 34**

*AS 14.43.310. Selection.*

Removes “Architects, Engineers, and Land Surveyors” from the State Board of Registration for Architects, Engineers, and Land Surveyors, and replaces it with “Design Professionals” as it relates to awarding memorial education loans.

### **Section 35**

*AS 23.30.017. Immunity for third-party design professional.*

Adds “registered interior designer, or landscape architect” to the definition of “design professional.”

### **Section 36**

*AS 34.35.050. Lien for labor or materials furnished.*

Makes a technical change to subsection (1) and adds interior design to a list of services that a person may have a lien on to secure payment.

### **Section 37**

*AS 35.15.010. Construction by department.*

Adds interior design to the list of professional services in connection with the construction of a public work performed by a state department.

### **Section 38**

*AS 36.30.270. Architectural, engineering, and land surveying contracts.*

Adds interior design to the list of services that a procurement officer may award.

### **Section 39**

*AS 36.30.270. Architectural, engineering, and land surveying contracts.*

Adds interior design to the list of services to which a procurement officer may add price as a factor in awarding a contract.

**Section 40**

*AS 36.90.100. Contracts for architectural, engineering, land surveying, or landscape architectural services.*

Amends the statute to prohibit the state or a municipality from awarding contracts to individuals, qualified partnerships, and authorized corporations who are not registered to provide interior design.

**Section 41**

*AS 39.25.120. Partially exempt service.*

Removes “Architects, Engineers, and Land Surveyors” from the State Board of Registration for Architects, Engineers, and Land Surveyors, and replaces it with “Design Professionals” as it relates to partially exempt service for the principal executive officer of the board.

**Section 42**

*AS 44.62.330. Application of AS 44.62.330 — 44.62.630.*

Removes “Architects, Engineers, and Land Surveyors” from the State Board of Registration for Architects, Engineers, and Land Surveyors, and replaces it with “Design Professionals” as it relates to administrative adjudication.

**Section 43**

*Uncodified law – Applicability*

Clarifies that there is a “grace” period until July 1, 2025 for currently practicing interior designers to become registered.

**Section 44**

*Uncodified law – Regulations*

Provides that necessary regulations may be developed immediately for implementation.

**Section 45**

*Effective date*

Clarifies that Section 44 takes immediate effect.

**Section 46**

*Effective date*

Provides an effective date of July 1, 2023.