

4/12/2023

Senator Jesse Bjorkman  
Chair, Senate Labor and Commerce Committee  
Alaska State Legislature

Chair Bjorkman, members of the committee,

My name is Matthew Barusch, Director of Government Affairs with the Council for Interior Design Qualification. I write to you today in support of Senate Bill 73, which establishes licensure of certified interior designers in Alaska and would protect the health, safety, and welfare of the public.

Our organization develops and administers the three-part NCIDQ Examination. NCIDQ-Certified Interior Designers are required to undergo formal postsecondary education and thousands of hours of paid, supervised experience to sit for the examination, which tests interior designers' knowledge of core competencies required for professional practice in the industry. This combination of education, experience, and examination helps ensure minimal competency of our certificate holders, most of which practice in commercial, code-based environments like office buildings, hotels, hospitals, schools, etc.

Legal recognition of interior designers as design professionals is necessary to protect the public from incompetent practice, which the exam cannot do on its own without state oversight. In addition to the public safety element, this bill is necessary to allow qualified professionals to practice to the full extent of their capabilities as demonstrated by education, experience, and examination. State oversight of interior designers utilizing the NCIDQ Exam provides a means of competency assessment that offers the state and the public assurance that interior designers are qualified to practice in a manner that protects the health, safety, and welfare of the public.

Passing this legislation would ensure that interior designers that are registered with the state are qualified and help protect public safety in Alaskan public spaces. CIDQ thanks Senator Claman for introducing this legislation and we urge the committee to vote yes on this bill. Thank you for the opportunity to speak with you today, and I'm happy to answer any questions you might have about our exam.

Sincerely,



Matthew Barusch  
Council for Interior Design Qualification

## Konrad Jackson

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**From:** Miller, Chris <ChrisM@designalaska.com>  
**Sent:** Wednesday, April 19, 2023 4:16 PM  
**To:** Senate Labor and Commerce  
**Cc:** Sen. Matt Claman  
**Subject:** SB73 hearing

I am writing in support of SB73 – Registration of Interior Designers.

I am the president of an Architecture/Engineering/Survey firm in Fairbanks and a registered Professional Engineer. I endorse the bill that would allow for registration of Interior Designers. This would allow staff of my firm that have experience, education and examination in life safety aspects of building interiors to become licensed and practice their work in Alaska.

I also support the bill because it provides for additional seats on the Board that oversees licensure to include specific seats for Mechanical and Electrical Engineers.

I understand there is a fiscal note attached to the bill. As a registrant I am happy to pay additional renewal fees to fund the current and any additional board work.

I would suggest the following amendments:

AS08.48.331 (a) (8) {page 13 line21} - remove the change suggested. This paragraph does not need to be changed. It says that licensure does not apply unless structure or life safety is affected, which is true for ALL licensed people. The phrase 'other than a person....' is confusing.

AS08.48.341 (24) - (26) {page 15 line 5} practice of registered interior design should be clarified to align with the definitions for other practice that are defined in statute for Architects, Engineers, Surveyors and Landscape Architects. I suggest the following for line new line 24????:

(24) "Practice of Registered Interior Design" means professional service or creative work for building interiors, including investigation, evaluation, design, construction observation and the review of building interiors by regulatory agencies.

(A) includes changes to exit access, occupant loads, and associated fire rated construction.

(B) does not include:

- (i) Changes of use or occupancy classification.
- (ii) changes of building construction classification
- (iii) altering or affecting the structural system of building including changes in loading.
- (iv) Changes to facility exits.
- (v) Changes to fire rated construction for exits, occupancy separations, and fire areas.
- (vi) Changes to mechanical, electrical and fire systems that affect life safety.

(25) "registered interior designer" means a person who has been registered by the board in the practice of registered interior design.

## Konrad Jackson

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**From:** Elizabeth Johnston <lise.johnston@gmail.com>  
**Sent:** Wednesday, April 19, 2023 11:55 AM  
**To:** Senate Labor and Commerce; Sen. Matt Claman  
**Subject:** SB73

Thank you for your continued combined efforts in support of professional licensing in our State. I offer the following points for your consideration.

### **Board Composition**

I agree with the SB73 provisions to have a separate mechanical and electrical engineer. Professionals serving on the board collectively must represent all practice areas within that given profession to ensure a diversity of industry perspectives and insights.

The role of professional licensing boards is to protect the public by ensuring minimum competency standards are met. To best protect the public board members from multiple professions must be represented. We rely on the technical knowledge of those from the profession to enforce responsible licensing standards. We should have separate and distinct seats for Mechanical and Electrical Engineers. The current model of having 1 engineer represent Fire Protection, Controls, Mechanical, and Electrical Engineering expertise threatens the board's ability to set and enforce responsible professional standards.

I propose that if Interior Designers are licensed that they should be given a seat on the board to help write the regulations associated with the profession. It could be a temporary seat similar to landscape architects but for some period after initial licensure, it will be needed.

### **Define clearly which occupations and professions are included or excluded**

The bill needs to adequately distinguish the occupations and professions that would be regulated. It is important to ensure that regulation does not create new problems by inadvertently extending to professions that are not the problem or where licensing is not necessary to ensure public health, safety, and welfare.

The use of the term "registered interior designer" does not entirely solve this problem.

According to 08.48.321 (3) any person who is performing "interior design" is offering to practice interior design and therefore in violation.

The exemptions in 08.48.331 (8) lead me to believe that this was intentional. This exemption seems to say that a person not affecting health, safety, or welfare is exempt from licensure except if they are providing interior design services. Why would that be the case if the board's mission is to protect HSW? We shouldn't require licensure for interior design services not associated with HSW. I would propose removing this edit entirely.

### **Definition of practice. (Sec. 32 AS 08.48.341 (25))**

This section includes way too much information and should be simplified. I propose the following language in-line with what is available on the NCIDQ web page under their definition of practice.

*“Practice of registered interior design” means professional services or creative work on interior non-structural/non-seismic construction and alteration projects.*

**Recognize that mobility and reciprocity systems are not in place**

There are not enough state licensure boards currently implementing Interior Design registration to implement mutual recognition programs. Interior Designers should be excluded from courtesy military licensure and applications for license by comity.

**Licensing Interior Designers is not anti-competitive**

Licensing is pro-consumer and pro-competition because it enables consumers to choose from a pool of qualified licensed professionals. The scope of practice for ID should allow them to practice where they are qualified to do so.

Architects design our built environment, from state capitol buildings and schools to hospitals. They are respected protectors of the safety of the building occupants. I believe they can be joined by qualified interior designers and I support efforts to allow them to practice where they are qualified to do so.

Please let me know if you have any questions and thank you again,

Elizabeth Johnston, PE, FPE (Electrical and Fire Protection Engineer)

SB 73. Testimony 4-12-23

**Bold font** = 2 minute testimony, non-bold font was not spoken in testimony.

**My name is Tom Livingston. I have practiced architecture in Alaska since 1976 designing hundreds of buildings throughout Alaska. During that time, my firm, Livingston Slone Architects, has typically employed interior designers on staff and as part of a project's design team so I am very familiar with the valuable role that interior designers contribute to the building design team.**

Regarding SB-73: Potential harm to consumers and the public is the primary, perhaps the sole, basis for the government's regulation of any occupation. When regulation is deemed necessary, great lengths must be taken to ensure that the licensing board and the regulations that are created to govern the occupation focus on consumer protection and safety. To justify this legislation, supporters have provided no evidence that reports any harm to consumers in Alaska due to the unregulated practice of interior design. From a consumer's point of view, where is there evidence of harm in the current laws that regulate building design that needs this legislation as a remedy? **I do not support SB73 as written. The proposed legislation strikes me as a solution to a problem that doesn't exist and that will create confusion, duplication and added regulatory and project costs. Let me explain.**

**The proposed legislation would license a group of individuals to provide health, safety and welfare (HSW) building design services; services that are already provided by licensed architects. This creates a duplication of licensed professionals and will cause confusion among clients, code officials, and the public.** There is little to no case law in existence to guide us with legal precedents in this endeavor. And, is there a record of liability insurance coverage to inform us of the risks posed by such legislation, and is E & O insurance even available to cover this newly expanded occupation? Segregating interior design responsibilities within a building creates ambiguity in code compliance when two separate licensed design professionals are authorized for the same activity. **This proposed legislation is vague regarding**

**demarcation of the services of an interior designer and an architect. In my nearly fifty years of practice as a licensed architect, I know of no other licensed building design discipline that overlaps another discipline like this proposed legislation would authorize. Typically a building design team includes the architect as lead, a civil engineer for site work, structural, mechanical and electrical engineers: all clearly defined disciplines with very little, if any overlap. The proposed legislation would create a new, completely unique overlapping of design responsibilities of architecture and interior design.**

**The proposed legislation would regulate the practice of interior design with a Practice Act. I find only three states in the U.S. that currently have Practice Act regulations. And, perhaps tellingly, within the last few years Florida and Michigan repealed their statutes regulating the Practice of interior design. Over half the states in the country have a statute that acknowledges interior designers in the form of a Title Act. A Title Act could be a better approach if the Alaska Legislature wishes to provide recognition and definitions for well qualified interior design professionals.**

As proposed, I do not support SB - 73. It is an ill-defined and un-needed piece of legislation that will cause confusion among the public, owners/clients, code officials and the building design profession. Perhaps a Title Act approach, pending the details of such legislation's language, would be more appropriate.

Thomas W. Livingston, FAIA

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