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February 13th, 2019

Chairman Swearingen and State Affairs Committee Members,

Thank you for holding a Public Hearing on AB 324 related to registration and the scope of practice of interior designers.

It has been my honor to work with Senators Kapenga and Johnson, Representative Stubbs, and stakeholders on this legislation.

This legislation allows for interior designers to seal their own remodeling plans. This bill will help to streamline the process for those involved in the process of interior design.

We need to support interior designers, who are often small business owners. This legislation will allow for greater flexibility and bring our state in line with 11 other states in the country. This will also help to reduce the barriers to entry in the interior design profession.

I believe we need to support AB 324 and continue the important work of examining our licensure, certification, and registration processes and identifying and supporting alternative options for those who are living and working in these occupations every day. Through consultation with a variety of stakeholders across occupations we can work to identify things that work and things that need to be revisited.

Assembly Amendment 1 is a compromise amendment amongst stakeholders that addresses several concerns raised during the Senate public hearing.

I support AB 324 and I hope that you will join Senators Kapenga and Johnson, Representative Stubbs and I in supporting AB 324 as well.

I appreciate your consideration of this bill and please feel free to reach out to my office with any questions.



CHRIS KAPENGA

WISCONSIN STATE SENATOR

Assembly Bill 324 Testimony

Assembly Committee on State Affairs

Thursday, February 13th, 2020

Thank you chair and committee members for hearing testimony on Assembly Bill 324 relating to the practice of interior designers. I also want to thank Representatives Horlacher and Stubbs as well as Senator Johnson for authoring this bill with me. Wisconsin has a voluntary registration option for interior designers. This registration requires industry recognized credentialing, and rigorous testing. However, Wisconsin's registered Interior Designers still must jump through additional hoops to be able to utilize their knowledge and qualifications.

With this bill, we hope to join eleven other states in eliminating a costly procedural step that registered interior designers must go through to conduct business. Under current law, registered interior designers must pay for and get approval from an architect on remodeling plans within the scope of their training. Registered Interior Designers are trained on and prevented from making any kind of structural changes; however, they are still required to get an architect's approval before proceeding with their plans. Acquiring an architect's stamp or seal can be expensive, typically a percentage of the total project cost. This only serves to delay projects, require unnecessary time, and put businesses at a competitive disadvantage. Some critics have tried to discredit the qualifications of registered designers, but to be eligible for registration, a designer must pass a comprehensive exam including questions relating to codes and standards.

Allowing registered interior designers to seal their own remodeling plans will enable them to deliver an interior build-out project faster, hire fewer outside consultants, and compete for more projects. The option to engage an interior designer, thus increasing competition, is a financial benefit to the client as well. The seal privilege will allow businesses the ability to grow and compete in the construction industry within their statutory scope, without having to pay for the approval of another profession.

Additionally, this bill aims to eliminate barriers to entry for interior design registration by removing burdensome standards identified by professionals in the interior design field. Nationally, developers often require interior designers to have passed the NCIDQ exam to be eligible to work on their projects, recognizing the exam as an effective measure of quality and reliability. AB 342 brings the state in line with the national industry standard and eliminates unnecessary additional requirements.

Thank you Chair and Committee members for your time and consideration of this bill.



WISCONSIN STATE REPRESENTATIVE

Shelia Stubbs

77TH ASSEMBLY DISTRICT

February 13th, 2020
Assembly Committee on State Affairs
Testimony on AB 324

Dear committee members,

Thank you for the opportunity to testify on Assembly Bill 324 today. This bill gives Wisconsin Registered Interior Designers the ability to seal non-structural interior design documents for permitting, which gives interior designers more opportunities to run their own businesses. Architectural oversight for interior designers is burdensome and unnecessary because the educational requirements for both fields are comparable. Interior designers must also take courses surrounding safety codes, construction stands, and building systems.

AB 324 will empower interior designers to expand their practices while eliminating the inequitable competitive disadvantages they currently face. Interior design is a female-dominated field and this bill would help woman-owned small businesses thrive by allowing them to seal their own drawings and construction documents within the specified scope. The current regulations do not just impact the interior designers, but the consumers as well. Paying two separate firms or professionals to do the same work and replicate services is a waste of time and financial resources. Moreover, allowing interior designers to work independently of architectural firms allows for greater competition for design contracts. AB 324 will reduce disparities in the workforce as Interior design is a crucial entry point for women to break into other male-dominated design professions.

Numerous practitioners have reached out to my office to offer insight into all that the National Council for Interior Design Qualification, or NCIDQ, entails. It is clear that interior designers have the necessary training and education to draft design plans that are safe for the public, enhance the function, and improve the quality of interior spaces.

Thank you to my fellow co-authors, Senator Kapenga, Senator Johnson, and Representative Horlacher for their great work on this bill, and thank you again to the committee members, for your consideration of this important bill.

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I have been called an architectural intern for 6 years. I graduated college in 2011 and worked for a small, women-owned architectural firm for a year before joining Kahler Slater. In that six years of internship I got engaged, became an Associate at my firm, got married, had my first child, moved to Madison, bought a house, had two more children, served on my AIA board as an Associate representative and as an NCARB Architecture Licensing Advisor. In case you're wondering, that is intentionally a run-on sentence. That is my life.

In that time, I worked full-time, designed complex hospitals in Singapore, Canada and several states in the US. In October of 2017 I started the process of taking my ARE – 6 exams, roughly four hours each. This is no easy feat, reading into the wee hours of the night, watching study videos while I did mostly every task – dishes, work, feeding my baby, and so on. By February, I found out I was pregnant with my third baby and despite a nauseating pregnancy, I pushed on. At one point, I was maybe 7 or so months pregnant and I hadn't eaten breakfast. I was an hour or so into my exam and every minute counts so I was saving my break until absolutely necessary. I started to see spots and feel a bit dizzy. I thought to myself, here I am pregnant, like so pregnant that they recognized me each time I waddled through the door for my next exam, and if I pass out, all I have is my car key and photo ID. My purse, cell and other belongings are supposed to be left in your car. Fast forward and I was 36 weeks pregnant with my third child the day I got my license. I was elated. I did it.

I tell this story of my journey, not because it was hard, but because it was necessary. I design buildings to heal and hospitals are inherently complex. This is not the type of project we are talking about today but many architects have the simple yet incredibly complex task of upholding a standard to protect the health, safety and welfare of those who encounter and occupy the buildings we design.

Although becoming an Architect is a journey of intelligence, perseverance and decision making, it is not intangible. That is my point. I am the woman who is expected to, with all my personal life demands, not lean in to the table and not pursue my license. I have nearly every excuse there is. But I stand here today knowing that it is achievable. I have examples in my own office.

I sit next to a woman who has been an interior designer for over 10 years. As her career trajectory took her more into medical planning and architecture, she decided to pursue her Architect license here in WI. In less than a year, she is halfway through her Architect Registration Exams and will be a well-rounded, experienced and most importantly, qualified Architect and Interior Designer.

I also sit next to a Fine Arts major who had the pleasure of graduating in 2008 when architecture jobs were hard to come by and if you happened to be lucky, it likely paid less than McDonalds. He pursued his license while working for a local firm and painting houses on the side. He is now one of the most detail-oriented and again, qualified Architects that I have had the pleasure to work with.

These are people who made a choice to uphold a standard so that our spaces perform, our buildings are safe and our communities are sustainable.

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February 13, 2020

Public Hearing – 2019 Assembly Bill 324
Assembly Committee on State Affairs

Committee Chair & Members:

Thank you for the opportunity to comment on proposed legislation that would significantly revise existing state law governing the registration of interior designers and expand the scope of interior design practice to include the practice of architecture.

I am Bill Babcock, the executive director of AIA Wisconsin, the state society of the American Institute of Architects.

I am testifying today on behalf of AIA Wisconsin members in opposition to 2019 Assembly Bill 324. This proposed legislation is unnecessary and confusing. It would not protect the consumer or enhance public safety. It offers a solution in search of a problem.

Wisconsin is one of 19 states, including neighboring Illinois, Iowa and Minnesota, that have "title" registration laws for interior designers with no permitting authority. This means anyone can offer to provide interior design services. Wisconsin only regulates the use of a specific title – "Wisconsin registered interior designer." In addition, 21 other states, including Michigan, have no state laws related to interior design.

Only three states (Florida, Nevada, Louisiana) and the District of Columbia currently regulate the practice of interior design, which is what Assembly Bill 324 is proposing. And, in these jurisdictions, interior designers are prohibited from practicing architecture and must disclose to their clients any compensation received from vendors for specifying a particular product for a project.

The purpose of laws in Wisconsin and all other states governing the practice of architecture and professional engineering is to protect public health and safety. Interior designers in Wisconsin already may provide services on larger commercial building projects than their counterparts in most other states. No seal or stamp is required to provide interior design services for building projects in Wisconsin containing less than 50,000 cubic feet in total volume. Architects and professional engineers are required for larger commercial building projects.

The proposed legislation contains new terms and new definitions for "interior design," "interior alteration or construction project," and "interior technical submission" that lack clarity and are subject to interpretation. It would delete language in existing statutory definition that states "interior design" does not include services that constitute the practice of architecture. It offers no clear line of demarcation between interior design and architectural services, which will create overlap and confusion.

The proposal also does not require the disclosure to clients of conflicts of interest when an interior designer is receiving a commission or compensation for specifying specific products or materials on projects. In contrast, architects and professional engineers must advise clients of any potential conflicts that may influence their professional judgment.

The bill also does not adjust continuing education requirements related to health, safety and welfare issues to reflect the proposed expanded scope of interior design practice.

Founded in 1911, AIA Wisconsin represents over 1,500 individual members, including architects in private practice, business, industry, government and education.

Thank you for your consideration of our opposition to Assembly Bill 303. We encourage you to vote against recommending passage. I would be pleased to respond to any questions.

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Institute of Architects

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Assembly Committee on State Affairs,

Thank you for allowing me the time to speak. As a historic preservation architect, I have made an entire career out of renovation/addition type projects. This bill, Assembly Bill 324, will greatly affect my business, if those with lesser qualifications are able to undercut my services. I have worked hard to obtain my architectural license, through a bachelor's and Master's degree, 1000's of experience hours, and through a series of 9 exams.

Reasons why this is a bad bill:

- 1) Many of you have agreed that the best selection process for professional services is quality based design. Yet this bill allows those with lesser qualifications to perform the work that I do.
- 2) Interior Designers do not have a Health, Safety, and Welfare Requirement in their education, examination, or continuing education requirements, as Architects do.
- 3) I work with interior designers regularly, at least a few dozen over my 20 years in the profession. I have requested several times for them to assist with drafting of simple interior details, when I am short on help from young architectural designers (1-2 yrs out of school). They have come up short every time, and will give me a paint list. I have yet to meet an interior designer who could produce a whole set of renovation documents that are currently required of a Department of Safety and Professional Services submittal.
- 4) Interior Designers have narrow specialties in knowing interior materials (carpet, wall coverings, etc.) and furniture components. They do not have experience in evaluating existing conditions, emergency egress pathways, fire ratings, etc. I once had an interior designer point to a 24" round column in an interior office build-out and state "I just want to make this go away." I had to inform her that it was not possible, so she would have to find a more creative solution.
- 5) The interior designers claim that they will provide more affordable services. This is because they do not pay for liability insurance currently, which is one of architect's greatest expenses. If this bill would come to pass, they would likely be comparable in pricing by now trying to assume the same risk. I don't believe they are really aware of the risk they are assuming.
- 6) There are three levels of alteration in the Building Code. This bill provides no distinction, which does not provide me any faith that they have the adequate knowledge of the health, safety, and welfare requirements for alterations. They also have no limit on building type, so this could apply to hospitals, schools, and other critical emergency facilities. These are project types architects spend whole careers specializing in to provide the most effective and safe facilities. Again, why reduce the requirements when there have been no problems with the current system?

I have also heard that the interior designers think this is a way to diversify the construction industry and allow more women to be included. As a female architect, I resent that the way to diversify the industry is to lessen the requirements. With their two- and four-year interior design degrees, they have every opportunity in this state to sit for the architecture exams and provide "renovation" services.

Architecture schools have a 50/50 ratio now, and the licensure numbers are on the rise. I knew the types of services I wanted to provide, and I went through the appropriate means to get there. For the safety of the public, we do not need to reduce the qualifications.

Thank you,

Stacey Z. Keller, AIA, NCARB

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Members of the committee – I thank you for allowing me (us) to speak with you today regarding Assembly Bill 324. I am here today to speak against the bill, and offer some common-sense reasons why this bill is both unnecessary (...) and dangerous to the health, safety and welfare of the public. Architects have an ethical responsibility to keep people safe (...) and to prevent putting lives at risk – this bill does nothing to enhance public safety nor protect the consumer. The proposal contains significant problems, (...) gaps, and unclear language that needs to be addressed before it can be considered. I as an individual design professional, and we as the Wisconsin chapter of the American Institute of Architects, ask the Assembly to pause and take no action this session on this bill.

As design professionals, interior designers and architects are often asked to work side by side to complete building projects (...) that are in the best interest of both the client (...) and the community where the project is located. This relationship is synergistic (...): architects bring expertise and experience to a project that interior designers do not have, but interior designers bring an equally valuable set of skills and knowledge to the table that architects do not possess.

I have the pleasure of working with many interior designers in my professional career, and I have the utmost respect for what they do. They provide design insight, creativity and clarity to help make a client's vision into a reality. However (...) interior designers are not architects.

The state of Wisconsin requires an architect to pursue licensure in one of two ways. The first and most common way (...) is a combination of education and experience. An aspiring architect must first attend and graduate from an accredited school (...) with a Master's degree in Architecture. The individual must also accumulate three-thousand seven-hundred and forty (3,740) hours of professional experience, divided into (6) unique categories across the entire

practice of architecture. Finally, an individual must pass (6) Architect Registration Exams, corresponding with the (6) categories of professional experience. **This is experience, education and examination that an interior designer does /not/ have.**

The other path to licensure for an architect is by experience only. To become certified with this method, a record of (7) years or more of professional experience in architectural work (...) can make an individual eligible to take the same Architect Registration Exams. **As the current laws and statutes stand, there is NO barrier for an interior designer to becoming licensed by using this method.**

Regardless of the path an architect chooses for licensure, they are also required to keep up with their education by completing a minimum number of continuing education credits. For architects in Wisconsin (...) this is (24) hours (...) with a minimum of (16) of these hours to be related to the health, safety and welfare of the public. These hours are reported on a two year cycle. In contrast with that, (...) interior designers are only required to complete (9) hours of continuing education, (...) and **none of them are required to be related to the health, safety and welfare of the public.**

This brings me to another point of concerning language within this bill. Previously, interior design services did **not** include services that constituted the practice of architecture. This language is specifically stricken in this bill (...) suggesting that interior designers do in fact provide services in the practice of architecture. If this is the case (...) why does this bill allow interior designers to forgo education, experience, and licensure requirements otherwise required of registered architects?

An additional unclear aspect of this bill (...) is the language regarding the application of the building code and more concerning, (...) the fire code. It is not practical (...) nor safe for the public to allow an interior designer without the education and experience to apply these codes. A building is not exclusively the space within the exterior walls: (...) it is a complex series of systems working in tandem to create a safe, healthy and hospitable environment. The consumer is not protected, (...) when an individual without the proper education and experience can apply codes that directly affect the safety of the building (...) and the lives of its occupants.

In conclusion, (...) Assembly Bill 324 does nothing to protect the consumer, or enhance public safety. In fact, (...) the language in this bill opens the built environment up to designs and projects (...) that are dangerous and life threatening for the occupants. As Wisconsin law currently stands (...), an interior designer already has a path to practice architecture by applying their professional experience, (...) should they choose to. Finally (...), the language in this bill regarding educational experience, (...) certification requirements, (...) and building code adherence, (...) leaves the public vulnerable to dangerous buildings and unsafe environments. I reiterate my request and urge you to consider the significant problems and loopholes this bill creates, (...) and to do whatever you can to keep this bill from moving forward this session.

Thank you for your time.

Brad Peterson
Milwaukee, WI

Thank you committee chair and committee members for your time this morning.

My name is Andy Malanowski. I am an Architect, licensed to practice in Wisconsin and in Colorado. I am also the current President of the Wisconsin Chapter of the American Institute of Architects. We currently have over 1,500 members in Private Practice, Business, Industry, Government and Education.

In addition to serving as the state president, I also, for the last 5 years, have sat on the national committee that is responsible for authoring the content on the Architectural Registration Exam, the licensing exam that everyone in the United States who wants to practice Architecture must pass. That exam consists of 6 individual exams covering all areas of the practice of architecture. I serve as the chair of one of the exams where I supervise a team of 6 other architects from across the country who write the items.

I also am an active Architectural Licensing Advisor, helping individuals navigate the process to become licensed in their respective states. I have spoken on and been recognized at the national level for my work in that arena.

I offer up that background and experience to illustrate my deep understanding of the value of licensure as well how important the licensure process is to me and how seriously I take the responsibility of being licensed, the process to become licensed and the Architects obligation to Health, Safety and Welfare.

Bill 324 is problematic in its current form and leaves a lot of unanswered questions. There are several points the bill fails to address, many of which I can summarize up in one simple question.

If an Interior Designer will be allowed to practice architecture, why are they not required to follow the same rules and regulations related to professional conduct that an Architect is?

First, this proposed bill removes the existing statutory education and experience requirements for interior designers, relying instead on requirements established by an independent nonprofit organization (Council for Interior Design Qualification). This would effectively remove legislative oversight of this aspect of the interior designer registration process.

Second, the proposal does not address professional conduct such as requiring disclosure when an interior designer is receiving a commission, compensation or anything of value for the sale of materials they specify (a practice that is common in the Interior Design profession). In contrast, state rules governing the professional conduct of architects and professional engineers require, among other things, that clients be immediately informed of any conflicts of interest and that nothing of value may be solicited or accepted from material or equipment suppliers in return for specifying a product.

Third, the legislation leaves out an interior designer section or board at the Department of Safety and Professional Services (DPS) which would assist with the interpretation and enforcement of the licensing requirements. In contrast, each section of the Joint Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Professional Land Surveyors has three professional members and two public members appointed by the Governor and confirmed by the Senate. The section reviews complaints and enforces statutory requirements as well as resolves potential gaps and overlaps among the represented design professions.

Finally is the requirement for Continuing Education. Wisconsin registered interior designers are required to complete at least 9 hours of continuing education every two years, but none of these hours need to be related to health, safety and welfare issues. In comparison, architects are required to complete at least 24 hours of continuing education every two years, with at least 16 hours related to health, safety and welfare. This bill grants interior designers the authority to modify the interior life safety elements (egress) of a building, however as part of their license renewal they will not be required to attend any training sessions that address the topic to ensure their knowledge is up-to-date with ever changing codes and building science information.

I would like to conclude with a story.

A few years past my parents hired an interior designer to help with the remodel of their kitchen. The interior designer produced plans and drawings of the new kitchen, however when my parents added up the sizes of the cabinets she had drawn for the room, they were longer than the room! Additionally she encouraged them to hire her as the general contractor as she would make all the arrangements for the work and pull the building permits (which is highly illegal as she was not a licensed general contractor). My parents promptly fired her.

If this is the standard of care she provided on a kitchen, how would she handle the components of a building that affect life safety? With no board oversight, there is no, and will continue to be no oversight of the profession.

Thank you for your time today. I urge you to vote against bill AB324.

I am Sarah Skalitzky, a registered architect in the state of Wisconsin. I live and work in Madison. I am here today in opposition of Assembly Bill 324.

This Bill, as written, would effectively allow Interior Designers to provide Architectural Services, without the supervision of a registered Architect. Architects are held to higher standards than Interior Designers, from the experience, examination, and application process required to receive initial registration, to the continuing education required throughout their career.

This Bill does not adequately define or limit the scope of an “Interior Renovation Project”.

- Does not define or limit the scope of project by size, construction type, or occupancy type.
- Does not exclude design of Architectural Components, including but not limited to:
 - Stairs, Elevators, and other major circulation components related to Egress
 - Design of Fire Rated Construction
 - Modifications to Existing Fire Rated Construction, including penetrations for building systems and modifications to fire rated doors
- Does not address change of Occupancy Type (which may trigger other code requirements within the building outside of the tenant improvement project and Interior Designer’s scope)

In summation, this Bill does not further the protection of the health and safety of the public within our built environment.

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