

ALASKA STATE LEGISLATURE

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Administrative Regulation Review Committee

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Committee Seeks to Repeal Regulations **Department's Defiance of Law, Committee, Prompts Unusual Step**

(JUNEAU) – The Legislature's [Administrative Regulation Review Committee](#) will for the first time in recent memory seek repeal of state regulations, after determining that a state department exceeded its statutory authority in adopting regulations on building inspection codes, committee Chair Rep. Lesil McGuire (R-Anchorage) said today.

“The [Division of Occupational Licensing](#) ignored specific statutory language requiring testing of mechanical administrators using the “Uniform Mechanical Code” (UMC), and instead interpreted that part of the law as a generic term describing any code adopted by the Department of Public Safety,” McGuire said. “Even though the committee expressed clear concerns about this stance at an interim hearing, the division went ahead with its plans, in what I feel is a violation of state law. In the interests of proper separation of powers, this action cannot stand.”

McGuire said the committee plans to introduce its bill in both the House and Senate through their respective Rules Committees, possibly by the end of the week. Passage of such a bill would effectively void the effectiveness of the offending regulations, and allow the opportunity for implementation of new regulations that follow the intent of the law.

The Administrative Regulation Review Committee is charged with ensuring regulations adopted by the executive branch fairly reflect the intent of the underlying laws passed by the Legislature. It has met several times to consider the actions of Occupational Licensing, a division of the Department of Commerce and Economic Development (DCED), in adopted regulations accepting “International Mechanical Code” (IMC) as the department's standard. The IMC differs in several areas from the “Uniform Mechanical Code” required by statute and used by other departments. [Both codes](#) are copyrighted documents, and are not related to each other.

In September 2001, the committee asked departments to delay any action in adopting regulations contradicting the requirement for testing on the Uniform Mechanical Code, so the Legislature could cooperate with them to resolve the issue when it reconvened in January 2002. While the Department of Labor respected that request, DCED defied it, and proceeded to have the lieutenant governor sign and implement its regulations embracing the IMC.

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