

ALASKA STATE LEGISLATURE

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Administrative Regulation Review Committee

Sponsor Statement HB 399

“An act relating to the Uniform Mechanical Code and other safety codes; annulling certain regulations adopted by the Department of Community and Economic Development relating to the mechanical code that applies to certain construction contractors and the mechanical administrators; and providing for an effective date.”

Since passage of the Administrative Procedures Act, the Legislature has delegated its authority to implement statute to the Departments. The regulation process allows full time employees of the State to work with stakeholders in determining the best way to apply the intent of the legislature.

For the most part the system works fairly well, with state employees reading the statute and bringing forward ideas on how government and the public should work together in the particular area being regulated. That is not the case with [12 AAC 21.990](#) (7) and [12 AAC 39.992](#)(b).

[HB 399](#) has been introduced by the [Administrative Regulation Review Committee](#) to repeal regulations implemented by the [Department of Commerce and Economic Development, Division of Occupational Licensing](#). The regulations in this case clearly contradict statute.

Alaska Statutes, require the division to test and issue licenses for [Mechanical Contractor Administrators](#) under the “Uniform Mechanical Code” (UMC) a trademarked and copyrighted document. This past fall the Division decided that the UMC would no longer be the standard for testing. This decision was based on regulations implemented by the Department of Public Safety, State Fire Marshall to use the “International Mechanical Code” for its inspections.

Regardless of what [Public Safety](#) did, that did not give the authority to another Department to ignore the statutes governing its own operation. In response to the Department’s decision, the Committee felt an obligation to send a clear message that Legislative Intent and Language is the law and policy of state government.