

**ALASKA STATE LEGISLATURE
JOINT COMMITTEE ON
ADMINISTRATIVE REGULATION REVIEW**

January 30, 2002

8:35 a.m.

HOUSE MEMBERS PRESENT

Representative Lesil McGuire, Chair
Representative Jeannette James
Representative Joe Hayes

HOUSE MEMBERS ABSENT

All members present

SENATE MEMBERS PRESENT

Senator Robin Taylor, Vice Chair
Senator Lyda Green

SENATE MEMBERS ABSENT

Senator Georgianna Lincoln

COMMITTEE CALENDAR

Overview Of Previous Committee Activities

Community & Economic Dev. Interpretation of "Uniform Mechanical Code" Generically

PREVIOUS ACTION

No previous action to record

WITNESS REGISTER

CATHERINE REARDON, Director
Division of Occupational Licensing
Department of Community & Economic Development
PO Box 110806
Juneau, Alaska 99811-0806

POSITION STATEMENT: Discussed her decision to [follow] the International Mechanical Code per the Department of Public Safety's adoption of that code.

DEAN J. GUANELI, Chief Assistant Attorney General
Legal Services Section-Juneau
Criminal Division
Department of Law (DOL)
PO Box 110300
Juneau, Alaska 99811-0300

POSITION STATEMENT: Answered questions.

BILL SAGER, Executive Director
Mechanical Contractors of Fairbanks
(No address provided)

POSITION STATEMENT: Expressed concerns with the adoption of the International Mechanical Code.

DWIGHT PERKINS
International Association of Plumbing & Mechanical Officials
PO Box 33922
Juneau, Alaska 99803

POSITION STATEMENT: Expressed the hope that there would be legislation addressing this issue.

ACTION NARRATIVE

TAPE 02-1, SIDE A
Number 001

CHAIR LESIL McGUIRE called the Joint Committee on Administrative Regulation Review to order at 8:35 a.m. Representatives McGuire, James, and Hayes and Senator Green were present at the call to order. Senator Taylor arrived as the meeting was in progress.

OVERVIEW OF PREVIOUS COMMITTEE ACTIVITIES

CHAIR McGUIRE recalled that last year the committee reviewed the Board of Pharmacy regulations, which were ultimately adopted. The committee also reviewed the "best value procurement" method that the University of Alaska Fairbanks utilized, and the committee is still waiting for an update on that matter. The Kachemak Bay closure to on-bottom mariculture was reviewed by the committee a number of times and remains controversial. Chair McGuire noted that she has drafted a letter to

Commissioner Rue, Alaska Department of Fish & Game, that will circulate to members. The letter addresses concerns that remain even after the court decision. Last year the committee also looked at the proposed rate increases to the Pioneers' Homes, for which Chair McGuire and Representative James continue to work on. Chair McGuire expressed her confidence that this committee will review those proposed rate increases in conjunction with a proposal to make the Pioneers' Homes Veterans' and Pioneers' Homes. This summer the committee reviewed Title 17, which is still being reviewed. There was also review of Title 13, which relates to the Department of Public Safety's (DPS) adoption of the International Plumbing and Building Code.

COMMUNITY & ECONOMIC DEV. INTERPRETATION OF "UNIFORM MECHANICAL CODE" GENERICALLY

Number 0449

CHAIR MCGUIRE turned to the Department of Community & Economic Development's (DCED) adoption of regulations interpreting the definition of the "Uniform Mechanical Code". The department views the statute's reference to the Uniform Mechanical Code to be a generic term, which allows the adoption of the International Mechanical Code. Those working in the industry are concerned with regard to where they will obtain their certification and the training that will be required. Furthermore, there are questions regarding when the transition between codes will occur. Chair McGuire turned to what she considers the more pressing issue: the separation of powers. Some members of the committee are of the opinion that the statutes are clear when referring to the Uniform Mechanical Code, which doesn't include the International Mechanical Code. Chair McGuire announced that this meeting is to be informational not confrontational, and intended for the committee to make a recommendation in regard to whether the department is adopting regulations in conflict with statutes.

Number 0641

CATHERINE REARDON, Director, Division of Occupational Licensing, Department of Community & Economic Development, informed the committee that the division administers the laws governing construction contractors and mechanical administrators, both of which are impacted by [this change in code]. Ms. Reardon referred to the regulation that was adopted, which interprets

the Uniform Mechanical Code to mean whatever mechanical code DPS adopts. In the statutes the division administers, there are three references to the Uniform Mechanical Code. Two of those references are found in the mechanical administrators statute and the construction contractors statute. Those statutes are where DCED draws its generic interpretation. Ms. Reardon mentioned that there is litigation in regard to this topic.

Number 0913

MS. REARDON pointed out that this regulation was reviewed and approved by the Department of Law, and filed by the Lieutenant Governor. Therefore, Ms. Reardon felt that DCED's actions were in accordance with the law as interpreted by the Department of Law. She explained that [the division] becomes involved with this issue because it licenses mechanical administrators, who are advanced/supervisory plumbers or installers of mechanical systems. Every mechanical contractor is required to have a mechanical administrator working with the mechanical contractor. The mechanical administrator has extra training, experience, and testing.

MS. REARDON explained that the statute, AS [08.]40.270, directs [the division] to test applicants before the issuance of a license. When DPS adopted the International Mechanical Code, the division questioned under which code it should be testing. Ms. Reardon said that she saw the following choices. Since there wasn't a Uniform Mechanical Code in effect in the state, [the division] couldn't follow a strict reading of the statute. Therefore, the division could've decided not to give a test on the code because no such [Uniform Mechanical] code existed any more. The division could've also viewed the situation to be that the Uniform Mechanical Code is not in effect in the state any more.

Number 1123

CHAIR McGUIRE recalled the interim hearing on this matter, which highlighted the problem that there was [a Uniform Mechanical Code]. The problem and controversy arose due to DPS's decision to adopt a different code. There was testimony that although DPS had adopted the International Mechanical Code, the statute clearly specified that the code for which testing should occur was the [Uniform Mechanical Code].

REPRESENTATIVE JAMES related her understanding of [Ms. Reardon's] testimony that she is in a difficult place because of [DPS's] decisions. Representative James pointed out that Ms. Reardon is a step down from the process. The real problem lays in the regulations that Ms. Reardon is depending on, which Representative James felt were out of order and don't comply with statute.

CHAIR MCGUIRE reiterated that the issue was that the [Uniform Mechanical Code] existed, although there was a new [code]. She recognized Ms. Reardon's challenge in attempting to deal with this new code, the International Mechanical Code.

Number 1324

MS. REARDON clarified that when she said that [the Uniform Mechanical Code] was not longer in effect, she was referring to the "currently in effect in the state" part of the sentence [of AS 08.40.270(a)(3)]. Although she agreed that there was and is a Uniform Mechanical Code, she explained that she was looking at the statement, "the Uniform Mechanical Code currently in effect in the state" in statute. Due to DPS's adoption of the International Mechanical Code, the division could no longer point to the Uniform Mechanical Code as in effect in the state and for which the testing should occur. Therefore, Ms. Reardon viewed the choices as follows. One choice being that there is no Uniform Mechanical Code in the state, and therefore there would be no testing, which she viewed as contrary to statutory intent. Another choice would be to view the "currently in effect in this state" language to not be very important and thus the testing on the Uniform Mechanical Code that used to be in the state could continue, which seemed contrary to the statute as well. There was also the approach that the most weighty portion of the phrase is "Mechanical Code currently in effect in the state", which is the route Ms. Reardon chose. Therefore, she viewed the message of the statute was to test on the mechanical code that is currently in effect in the state. Ms. Reardon remarked that she felt she would have been before the committee no matter the route she chose.

MS. REARDON explained that her goal was to chose the [option] that kept the spirit of the law and seemed logical to the customers. Ms. Reardon said:

It seems logical that what I'm being told in this statute is test on the knowledge that these people are

supposed to apply when they work. And the knowledge that they're supposed to apply is the knowledge of the code that complies with other state laws. ... that seemed to ... be rational to me -- that testing them on knowledge that they're not supposed to use in the field, testing them on a code that was not any longer the code that the state was demanding that people live up to, seemed maybe not to make as much sense. And more importantly, when I looked at my customers, the people coming to take the test, I thought, "It will make most sense to them to say I'm testing you on what DPS expects you to be using."

Number 1567

REPRESENTATIVE JAMES acknowledged the situation as an obvious dilemma. Representative James inquired as to Ms. Reardon's understanding of the authority to write regulations.

MS. REARDON related her understanding that the authority to write regulations is to interpret, flesh out, statutes.

REPRESENTATIVE JAMES asked, "Aren't regulations to implement the statute?"

MS. REARDON agreed.

REPRESENTATIVE JAMES related her belief that the statute in this case are very clear [in its reference] to the Uniform Mechanical Code, which is a trademark of a specific code. Representative James opined that the statute didn't allow the regulations to be written as done by DPS.

MS. REARDON said that she understood the importance of keeping the branches of government in their proper roles. She reiterated that the statute specifies that the "Code currently in effect in the state" should be used.

Number 1776

CHAIR McGUIRE pointed out that this committee took an active role in the interim. During the time when the regulations were being noticed, there was a large hearing during which the committee expressed its concerns. At that hearing, the committee also expressed its belief that the regulations were in direct conflict with the statute. Therefore, she inquired as to

why the regulations were adopted in the face of concerns as opposed to approaching the legislature in an attempt to reach a statutory compromise.

MS. REARDON noted that she participated in that interim meeting during which she expressed her plan to public notice the regulations. Therefore, she didn't believe such action would take the committee by surprise. Ms. Reardon recalled the meeting as one in which [members] questioned what she was going to do with the situation. Ms. Reardon said she thought much of that meeting was in regard to whether DPS had the authority to adopt the International Mechanical Code or whether that change should have occurred. She recalled many questions regarding the testing and continuing education aspects. She said, "When I said that my proposal was going to be to test on and ... change my continuing education requirements to reflect the code that [the Department of] Public Safety had adopted, I didn't think ... I was hearing 'No, don't do that. Keep continuing education on the Uniform Code, keep testing on the Uniform Code.'" From that meeting, she heard the committee voicing its frustration with the process that resulted in the adoption of the International Mechanical Code.

CHAIR MCGUIRE said she viewed this as the point at which the process breaks down between the administration and the legislature. Chair McGuire maintained that it was clear that the legislature adopted the Uniform Mechanical Code, which is a trademark. Chair McGuire remarked that with more cooperation and discussion, such problems could be changed in statute and thus wouldn't result in the current situation.

Number 2066

SENATOR TAYLOR noted his appreciation of Ms. Reardon's candor and her angst in trying to determine what the department should do. "It's tragic that you don't have anybody in leadership that can tell you what to do," he said. He indicated that the only entity Ms. Reardon could turn to was [DPS], which was "running rogue." [As a legislator], he questioned why these things would be put in law when a bureaucrat can decide otherwise. Senator Taylor stressed that the legislature establishes the policies. In this case, the law says that a specific, copyrighted book be adopted. He questioned how the department could think it could [not follow the law] and not end up in court. He expressed curiosity as to the process that led to [the adoption of the International Mechanical Code].

Number 2230

MS. REARDON said that Senator Taylor's comments seemed to refer to different sections of statute and two different departments. Ms. Reardon clarified that DPS has the authority to adopt the code. Although she didn't know much about DPS's statutes, she said she assumed that the adoption of the code was referred to in [generic] terms not specifying the Uniform Mechanical Code. The Division of Occupational Licensing isn't part of the decision to change the code. Two different departments are trying to carry out their statutes in a responsible manner.

MS. REARDON turned to the possibility of a statute change, as mentioned by Chair McGuire. Ms. Reardon related that at the interim meeting it was clear that there was an issue with the change in the mechanical code. Furthermore, she noted her [and the administration's] awareness of the option for a statute change. However, "we" didn't feel that these regulations would be contrary to statute, and still maintain that belief. Ms. Reardon asked if the committee wants the division to continue to test on the Uniform Mechanical Code.

CHAIR MCGUIRE reiterated that the legislature is charged with making policy, and there is a fundamental policy difference between the two codes. Furthermore, the statute is very specific. Therefore, the [thrust] of the interim meeting was regarding the need for the legislature to have a policy debate on whether the code should be changed. The voters [have a voice] during elections. Chair McGuire agreed with Ms. Reardon in that there is a bifurcated issue, but the discussion today is in regard to DCED's specific statute under which applicants are to be tested. That specific statute refers to the Uniform Mechanical Code.

Number 2526

REPRESENTATIVE JAMES remarked that there is a conflict in statute in relation to DPS and what it can do in regard to the implementation of safety issues in the state. However, she maintained that the statute says [anywhere] that writing regulations supercedes statutes.

REPRESENTATIVE JAMES informed the committee that in the fall of 2000 [changing] this code was contemplated. However, there was no word to the legislature. She charged that the legislature

could've solved this problem had the legislature been contacted. Personally, she felt that [DPS] didn't want [to contact the legislature]. Therefore, Representative James echoed earlier comments relating to the notion that the issue is beyond Ms. Reardon. In the future, Representative James suggested such situations as this to be brought to the legislature rather than going forward.

MS. REARDON inquired as to the [meaning] of the language "currently in effect in this state".

CHAIR McGUIRE clarified that the language refers to the version of the Uniform Mechanical Code.

MS. REARDON pointed out that she wouldn't be deciding which version is in effect.

CHAIR McGUIRE inquired as to how the version [is chosen].

MS. REARDON explained that each time DPS changed its version, the division would change the version [on which it tested and provided continuing education]. Therefore, if DPS took a year or so to change the version, then the division would be testing on the older version due to the "currently effect in the state" language. Ms. Reardon related her understanding from the committee that she should've kept testing on the last version of the Uniform Mechanical Code that DPS had adopted before the change in code. She said she also understood the committee to say that the "currently in effect in the state" wasn't significant language.

CHAIR McGUIRE clarified that the "currently in effect in the state" would be significant in regard to the year. The "currently in effect in the state" provides the division the opportunity to update the code as it's updated.

MS. REARDON pointed out that she was taking the "currently in effect in the state" language seriously. She related her thinking that it would've referred to the "current addition of the Uniform Mechanical Code" if that's what it meant. She explained that at times, the state waits a long time to update a code.

CHAIR McGUIRE stressed that in this case, there was an active Joint Committee on Administrative Regulation Review which had a hearing to clarify that there was a problem between the statute

and what DPS was adopting. "There wasn't a person in that room who could've come away believing that there wasn't a direct conflict," she emphasized.

Number 2865

REPRESENTATIVE HAYES agreed that this is a tough situation for Ms. Reardon, the middle person. He stated that this discussion should "be one step up."

CHAIR McGUIRE specified that the request was for whomever to be sent.

REPRESENTATIVE HAYES interjected that this is a DPS issue and thus the committee is probably discussing this with the wrong individual [department].

SENATOR TAYLOR noted his appreciation of Ms. Reardon's candor today and in the letter she wrote. Senator Taylor pointed out that departments read the law and regulations very narrowly and express the need for laws to be changed versus amending regulations. However, this department didn't even bother to come to the legislature for this change but rather changed the law by regulation.

TAPE 02-1, SIDE B

SENATOR TAYLOR expressed frustration with the level of arrogance [of the departments].

Number 2966

MS. REARDON clarified that she didn't decide to change the code in effect in the state. Therefore, she didn't feel that she has displayed any arrogance. However, she acknowledged that she was instrumental in the decision to test on the code in effect in the state. Ms. Reardon remarked that the legislators involved in this issue should've been aware of their option to introduce legislation resolving this issue.

Number 2877

SENATOR GREEN inquired as to the timeline during which that could've occurred.

CHAIR MCGUIRE highlighted the fact that during the interim meeting the legislature wasn't in session. [During that meeting] she expressed the need [for the legislature] to meet again and review this issue. However, [these regulations] were adopted during the interim. Furthermore, [the departments] knew this was coming up when the legislature was in session last year. Chair McGuire questioned how the law could be any clearer.

MS. REARDON related her understanding, from the committee's letter to DPS, that it requested that DPS hold off on its adoption of the code.

CHAIR MCGUIRE interjected that the Department of Labor & Workforce Development (DLWD) is impacted by DPS's decision as well. The DLWD has decided not to adopt a totally different code but rather update to the 2000 code, in recognition of the law.

MS. REARDON pointed out that even after the committee's letter, DPS adopted the regulations.

Number 2754

DEAN J. GUANELI, Chief Assistant Attorney General, Legal Services Section-Juneau, Criminal Division, Department of Law (DOL), began by saying that Ms. Reardon did a good job describing her dilemma in regard to testing and licensing of mechanical contractors. Mr. Guaneli surmised that Ms. Reardon thought, "and responsibly so," that proceeding forward and testing under the [code in effect] was the responsible choice.

REPRESENTATIVE JAMES related her understanding of Mr. Guaneli's testimony to be that the International Mechanical Code is the law due to the actions of DPS.

MR. GUANELI added, "And repealed the other one."

REPRESENTATIVE JAMES clarified that DPS repealed the regulations, but didn't repeal the statute because the legislature repeals statute. Therefore, she indicated that the question is whether the statute is more binding than the regulations. Although she recognized that the statute governing DPS is fairly broad, she said she believes the statute trumps the regulations and that is the core of the issue.

MR. GUANELI agreed that the statute governing DPS's authority is quite broad; in fact, there are no limitations in regard to the regulations DPS can adopt for the purchase of [the various] codes in the interest of public safety. "The only arguable limitation comes from a few definitional sections and provisions in the testing part of the statutes, which Ms. Reardon has to administer," he explained.

REPRESENTATIVE JAMES characterized this situation as one in which there is statute that authorizes the implementation of regulations and there is a statute that specifies the type of code to be used. Therefore, if there was such a severe conflict, shouldn't it have been brought to the attention of the legislature in order to make a caveat in DPS's authority or to make the same change in the Department of Labor where the same code is also specified. This issue could've been dealt with last year by changing the statute.

Number 2507

MR. GUANELI pointed out that this issue was brought to the legislature in 2000 in the form of a budget request by DPS for \$98,000 to adopt the family of International Codes. The legislature appropriated almost \$100,000 to DPS in order to begin the process of studying the codes. Mr. Guaneli said, "I would say that given that, there was some legislative, at minimum, acquiescence but certainly indication of legislative intent that that was the direction that Public Safety was supposed to be going in." Therefore, Mr. Guaneli didn't feel that it's quite accurate to say that the first time the legislature heard about this code was last summer.

MR. GUANELI turned to the references to the Uniform Mechanical Code, which earlier testimony has pointed out is copyrighted and bound. Although that may be true, DPS never adopted the Uniform Code verbatim. There has always been some adjustment under DPS's broad authority to adopt what's in the best interest of Alaska.

CHAIR MCGUIRE informed Mr. Guaneli that the Department of Labor decided to adopt the 2000 version of the Uniform Mechanical Code.

SENATOR GREEN said that an appropriation for study doesn't imply that [what was studied is the path to follow].

Number 2354

BILL SAGER, Executive Director, Mechanical Contractors of Fairbanks, testified via teleconference. He explained that the Mechanical Contractors Association of Alaska (MCA) requested that he outline the association's concerns with the adoption of the International Mechanical Code. Mr. Sager informed the committee that MCA, several unions, and other trade and labor organizations such as the Associated General Contractors (AGC) believe that the Uniform Mechanical Code has served the state well for years and are troubled by the move to the "new and unproven" International Mechanical Code. More importantly, [MCA] is puzzled with the manner in which the adoption of this new code ignores current state law.

MR. SAGER highlighted the fact that the statute refers to the Uniform Mechanical Code with capital letters. The Uniform Mechanical Code is a well known code that is a specific, copyrighted mechanical code not a generic code. He questioned how much more obvious the law could be. Mr. Sager said, "Mechanical contractors all over Alaska want to know how the Division of Occupational Licensing can ignore the laws requiring testing and education according to the Uniform Mechanical Code." He questioned how a state agency could ignore the law and adopt a new code per regulations. Mr. Sager pointed out that the Uniform Mechanical Code is a proven code that is the product of an open adoption process. If a new code is necessary, then the legislature should review this, he suggested.

Number 2105

DWIGHT PERKINS, International Association of Plumbing & Mechanical Officials, announced that he wasn't present to debate which code is the better code. He recalled past debate in regard to various codes for the state [which has led] to the legislature's adoption of a specific code. Mr. Perkins remarked that Ms. Reardon has been very helpful. He informed the committee that there were 50 plus contractors who requested DPS, the Division of Fire [Prevention] to not adopt the International Mechanical Code. Additionally, Ms. Reardon's letter to the Code Adoption Coordinator, DPS, dated June 7, 2001, says the following:

The proposed change from the Uniform Codes to the International Codes appears to conflict with the statutes and regulations administered by the Division

of Occupational Licensing governing Mechanical Administrators and Residential Contractors. Even if the Mechanical Administrator and the Residential Endorsement statutes can be interpreted in a manner that does not technically conflict with the proposed DPS regulations, the outcome will be conflicting policies and public confusion.

MR. PERKINS pointed out that Ms. Reardon's letter goes on to say:

Furthermore, the continuing education Mechanical Administrators are required to obtain under Division regulations is training in the Uniform Codes. All Mechanical Administrators must renew their licenses by August 31, 2001, and document 8-16 hours of training on specific Uniform Codes. This training will not have familiarized them with the International Code.

MR. PERKINS then turned to the conclusion of Ms. Reardon's letter:

In conclusion, the Division requests that the Department of Public Safety delay adoption of the International Codes until conflicts with the Mechanical Administrator statutes can be resolved and the transition can be made in an orderly manner.

MR. PERKINS specified that this is all the mechanical contractors wanted. Mr. Perkins then turned to a letter dated May 29, 2001, from Richard Mastriano, Director, Labor Standards and Safety, Department of Labor & Workforce Development. He directed attention to the final paragraph of that letter, which reads as follows:

Finally, the adoption of the International body of codes would create several conflicts with existing statutes. These conflicts will have to be addressed by the various agencies that enforce existing statutes. Switching enforcement to the International codes would create confusion and require each agency to access what the costs of enforcing the codes would be. In closing, Labor Standards and Safety stands ready to assist you and your agency with any assistance you may need from us.

MR. PERKINS pointed out that both of these letters express concern with the process DPS was using in the adoption of the International Codes. The process moved forward even in the face of over 50 contractors expressing confusion with this. Therefore, the hope is that there will be legislation addressing this issue.

Number 1758

SENATOR TAYLOR inquired as to the moving force behind this change.

MR. PERKINS answered that the statute governing the [Division of Fire Prevention] says, "The Department of Public Safety shall adopt regulations for the purpose of protecting life and property from fire and explosion by establishing minimum standards." This is broad authority, unlike DLWD's statute, which is specific. Mr. Perkins said that the Fire Marshall's Office started this process. In regard to Mr. Guaneli's reference to DPS's budget request, Mr. Perkins remarked that the \$98,000 appropriation could've been saved by requesting that the legislature introduce legislation [for the change].

SENATOR TAYLOR identified the situation as one in which a small group has generic authority from which it decides to change the specific authority granted other agencies. Senator Taylor expressed frustration [with the ignoring] of the standard legislative practice in which the specific law overrides the generic law. He noted his appreciation of the request to delay from Ms. Reardon and others. He expressed concern that in the face of much concern and requests for delay DPS moved forward on this. Therefore, he suggested that the committee introduce legislation. Senator Taylor further suggested that there be a Finance subcommittee to take up the specific budget of those who don't understand that the legislature sets policy.

Number 1434

CHAIR McGUIRE announced that the committee will introduce legislation labeled 22-LS1369\A, Bannister, 1/28/02 [which ultimately became HB 399].

SENATOR GREEN asked if any of these codes overlay [in such a way] that would allow one to be tested under one code and qualify under the restrictions and requirements of another code.

MR. PERKINS explained that all these mechanical contractors/administrator have been taught under the Uniform Mechanical Code, which was addressed in Ms. Reardon's letter to DPS. There is an organization that the division uses to write the tests for these, and they have had to rewrite the test to reflect the International Mechanical Code. However, the statute requiring the Uniform Mechanical Code remains. Therefore, contractors are in flux.

Number 1216

SENATOR GREEN clarified that she is attempting to determine whether the language should name the specific test that the legislature intends to be given notwithstanding what DPS has required. Senator Green moved that as a conceptual amendment.

MR. PERKINS informed the committee that there is a three-year code cycle. He pointed out that the 2000 version of the Uniform Mechanical Code is what these folks are familiar with. Mr. Perkins specified that the language could say, "They're to be tested per the Uniform Mechanical Code as published by the International Association of Plumbing & Mechanical Officials". The language could also refer to the need to update to new versions of the code as appropriate.

SENATOR GREEN offered Mr. Perkins' suggestion as a conceptual amendment. There being no objection, the conceptual amendment was adopted.

Number 1032

CHAIR MCGUIRE announced the [committee's] intent to repeal the regulations in order to return to the legislature's authority in this area. Then there needs to be a legitimate policy debate in regard to the International Mechanical Code and the Uniform Mechanical Code. She further announced the need to review the broad authority of DPS.

CHAIR MCGUIRE asked if there is any objection to the [committee sponsoring] the aforementioned work draft. There being no objection, the [committee supported sponsoring] the aforementioned work draft. [This work draft ultimately became HB 399.]

ADJOURNMENT

There being no further business before the committee, the Joint Committee on Administrative Regulation Review meeting was adjourned at 10:00 a.m.