



RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (7/22/01)

Agency: State Building Code Council	<input checked="" type="checkbox"/> Permanent Rule
(1) Date of adoption: November 9, 2001	<input type="checkbox"/> Emergency Rule
	<input type="checkbox"/> Expedited Rule Making

(2) Purpose:

To clarify the State Building Code Council procedure for requesting a reconsideration of rules.

(3) Citation of existing rules affected by this order:

Repealed:

Amended: WAC 51-04-040

Suspended:

(4) Statutory authority for adoption: RCW 19.27.035

Other Authority: RCW 19.27 and RCW 34.05

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR 01-16-121 on 7/31/01 (date).

Describe any changes other than editing from proposed to adopted version:

The amount of time elapsed before the petition is deemed denied was changed from 20 to 60 days.

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

(a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

(b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?:

Yes No If Yes, explain:

<p>(6) Effective date of rule:</p> <p>Permanent Rules</p> <p><input type="checkbox"/> 31 days after filing</p> <p><input checked="" type="checkbox"/> Other (specify) 7/01/02*</p> <p><small>*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)</small></p>	<p>Emergency Rules</p> <p><input type="checkbox"/> Immediately</p> <p><input type="checkbox"/> Later (specify) _____</p>	CODE REVISER USE ONLY	
		<div style="border: 1px solid black; padding: 5px; text-align: center;"> <p>CODE REVISER OFFICE STATE OF WASHINGTON</p> <p>DEC 18 2001</p> <p>347</p> <p>WSR 02-01-113</p> </div>	
Name (Type or Print)			
Jim Lewis			
Signature			
Title	Date	FILE	
Council Chair	December 18, 2001	WSR	

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in the agency's own initiative:

New	_____	Amended	<u>1</u>	Repealed	_____
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	<u>1</u>	Repealed	_____
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The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	<u>1</u>	Repealed	_____

AMENDATORY SECTION (Amending WSR 90-02-108, filed 1/3/90, effective 2/3/90)

WAC 51-04-040 Reconsideration. Any party proposing a statewide or local government amendment to the building code may, upon denial of the amendment by the council, file a petition for reconsideration (~~(in accordance with RCW 34.05.470)~~).

Within ten days of a building code council vote to deny a statewide or local government amendment, any party may file a petition for reconsideration, stating the specific justification for rule adoption or local amendment. The petition shall be filed with the State Building Code Council, P.O. Box 48300, Olympia, Washington 98504.

The council is deemed to have denied the petition for reconsideration if, within sixty days from the date the petition is filed, the council does not either:

- (1) Dispose of the petition; or
- (2) Serve the parties with a written notice specifying the date by which it will act on the petition.

Unless the petition is deemed denied, the petition shall be disposed of by the council with recommendations from the same committee or committees that considered the proposed rule or local amendment. The disposition shall be in the form of a written notice denying the petition, granting the petition and refiling the rule-making order or approving the local amendment, or granting the petition and setting the matter for further hearings.