



RULE-MAKING ORDER
(RCW 34.05.360)

CR-103 (7/10/97)

Agency: State Building Code Council

- Permanent Rule
- Emergency Rule
- Expedited Adoption
- Expedited Repeal

(1) Date of adoption: September 18, 1998

(2) Purpose: To repeal WAC 51-40-23110, the State Amendment to the 1997 Uniform Building Code Footnote 3 to both Table 23-II-I-1 and Table 23-II-I-2, thus leaving the footnote for both of these allowable shear tables as published by the International Conference of Building Officials (ICBO) in the 1997 Edition of the UBC.

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

Repealed: WAC 51-40-23110

Amended:

Suspended:

(4) Statutory authority for adoption: RCW 19.27.074, 19.27.031

Other authority:

PERMANENT RULE ONLY (Including EXPEDITED ADOPTION)

Adopted under notice filed as WSR _____ on _____ (date).

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

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: See Attached

EXPEDITED REPEAL ONLY

Under Preproposal Statement of Inquiry filed as WSR _____ on _____ (date).

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

- Yes
 - No
- If Yes, explain:

(6) Effective date of rule:

Permanent Rules

or Expedited Rule Making

- 31 days after filing
- Other (specify) _____ *

*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

Emergency Rules

- Immediately
- Later (specify) _____

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

1 1998

TIME 11:52 AM

WSR 98-20-051 PM

NAME (TYPE OR PRINT)

Mike McEnaney

SIGNATURE

TITLE

Council Chair

DATE

Sept. 18, 1998

**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 _____

The number of sections adopted on the agency's own initiative:

New _____ Amended _____ Repealed 1

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New _____ Amended _____ Repealed _____

The number of sections adopted using:

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| Negotiated rule making: | New _____ | Amended _____ | Repealed _____ |
| Pilot rule making: | New _____ | Amended _____ | Repealed _____ |
| Other alternative rule making: | New _____ | Amended _____ | Repealed 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

DECLARATION OF EMERGENCY AND FINDINGS TO SUPPORT EMERGENCY RULEMAKING

The State Building Code Council (Council), based on the following good cause, finds that an emergency affecting the general welfare of the state of Washington exists. The Council further finds that immediate amendment of a certain Council rule is necessary for the public welfare and that observing the time requirements of notice and opportunity to comment would be contrary to the public interest.

The declaration of emergency affecting the general welfare of the state of Washington is based on the following findings:

The Council's adoption of WAC 51-40, the state amended 1997 edition of the Uniform Building Code (UBC), published by the International Conference of Building Officials (ICBO), took effect July 1, 1998. The repeal of WAC 51-40-23110 contained herein as adopted by the Council under emergency rulemaking pursuant to RCW 34.05.350, will remove the state's amendment of UBC Table 23-II-I-1 and Table 23-II-I-2, allowable shear tables for wind and seismic forces. After the Council's adoption of WAC 51-40-23110, ICBO published an errata for Footnote 3 of the UBC Table 23-II-I-1 and Table 23-II-I-2 which caused the state's amendment of Footnote 3 to be incomplete and inaccurate. This emergency rule will allow changes contained in the errata from ICBO for Footnote 3 in these two tables to take effect. Without these changes, the required shear wall resistance to seismic and wind forces will be inadequate for some building designs. Immediate adoption of this amendment is necessary so that structural engineers will have proper guidance from these two allowable shear tables for use in building design.

The amendment herein takes into consideration the general welfare and safety of the public by reverting to shear wall requirements published by ICBO. In order to provide immediate relief, the Council finds it necessary to adopt the amendment as an emergency rule. The Council also has taken the necessary steps to adopt a permanent rule. The permanent rule will not be effective until the end of the 1999 Legislative session as per RCW 19.27.074.