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ENGROSSED SUBSTITUTE SENATE BILL 6291

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State of Washington

68th Legislature

2024 Regular Session

By Senate State Government & Elections (originally sponsored by Senators L. Wilson, Lovick, Dozier, and Short)

READ FIRST TIME 01/31/24.

1 AN ACT Relating to streamlining the state building code council  
2 operating procedures by establishing criteria for statewide  
3 amendments to the state building code; amending RCW 19.27.031,  
4 19.27.070, 19.27.074, 19.27A.025, 19.27A.045, and 19.27.015; and  
5 adding new sections to chapter 19.27 RCW.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 **Sec. 1.** RCW 19.27.031 and 2018 c 189 s 1 are each amended to  
8 read as follows:

9 (1) Except as otherwise provided in this chapter, there shall be  
10 in effect in all counties and cities the state building code which  
11 shall consist of the following model codes which are hereby adopted  
12 by reference:

13 ~~((1))~~ (a) (i) The International Building Code, published by the  
14 International Code Council, Inc.;

15 ~~((b))~~ (ii) The International Residential Code, published by the  
16 International Code Council, Inc.;

17 ~~((2))~~ (b) The International Mechanical Code, published by the  
18 International Code Council, Inc., except that the standards for  
19 liquefied petroleum gas installations shall be NFPA 58 (Storage and  
20 Handling of Liquefied Petroleum Gases) and ANSI Z223.1/NFPA 54  
21 (National Fuel Gas Code);

1       (~~(3)~~) (c) The International Fire Code, published by the  
2 International Code Council, Inc., including those standards of the  
3 National Fire Protection Association specifically referenced in the  
4 International Fire Code: PROVIDED, That, notwithstanding any wording  
5 in this code, participants in religious ceremonies shall not be  
6 precluded from carrying handheld candles;

7       (~~(4)~~) (d) Portions of the International Wildland Urban  
8 Interface Code, published by the International Code Council Inc., as  
9 set forth in RCW 19.27.560;

10       (~~(5)~~) (e) Except as provided in RCW 19.27.170, the Uniform  
11 Plumbing Code and Uniform Plumbing Code Standards, published by the  
12 International Association of Plumbing and Mechanical Officials:  
13 PROVIDED, That any provisions of such code affecting sewers or fuel  
14 gas piping are not adopted;

15       (~~(6)~~) (f) The rules adopted by the council establishing  
16 standards for making buildings and facilities accessible to and  
17 usable by individuals with disabilities or elderly persons as  
18 provided in RCW 70.92.100 through 70.92.160; and

19       (~~(7)~~) (g) The state's climate zones for building purposes are  
20 designated in RCW 19.27A.020(3) and may not be changed through the  
21 adoption of a model code or rule.

22       (2) In case of conflict among the codes enumerated in  
23 subsection(~~(s)~~) (1) (~~(, (2), (3), (4), and (5))~~) of this section, the  
24 first named code shall govern over those following.

25       (3)(a) The model codes enumerated in this section shall be  
26 adopted or amended by the council as provided in RCW 19.27.074 and  
27 sections 6 through 8 of this act in a three-year state building code  
28 adoption cycle. The state building code adoption cycle follows the  
29 adoption cycle of the model codes. Substantive changes to the state  
30 building code may only be adopted within the three-year cycle except  
31 as provided in section 6 of this act.

32       (b) The council shall review the most recent editions of each of  
33 the model codes enumerated in subsection (1) of this section and take  
34 action on adoption no later than 30 months after the date of  
35 publication of each such code. The "date of publication" is the date  
36 of publication printed in each model code. If only a month and year  
37 are shown, the date of publication for such code shall be the last  
38 day of the month shown.

39       (4) The council may initiate and implement an interim code  
40 adoption cycle for all Washington state building codes if a majority

1 of its voting membership determines one is needed to correct errors  
2 and omissions, or eliminate obsolete, conflicting, redundant, or  
3 unnecessary regulations as provided in sections 6 through 8 of this  
4 act.

5 (5) Petitions for emergency statewide amendments to the building  
6 code may be submitted, considered, and adopted at any time in  
7 accordance with RCW 34.05.350 and sections 6 through 8 of this act.

8 (6) Off-cycle amendments to any of the Washington state building  
9 codes may be initiated and implemented at any time if directed by the  
10 legislature.

11 (7) The council shall solicit input from first responders to  
12 ensure that firefighter safety issues are addressed during the code  
13 adoption process.

14 (8) The council may issue opinions relating to the codes at the  
15 request of a local official charged with the duty to enforce the  
16 enumerated codes.

17 **Sec. 2.** RCW 19.27.070 and 2018 c 207 s 3 are each amended to  
18 read as follows:

19 There is hereby established in the department of enterprise  
20 services a state building code council, to be appointed by the  
21 governor.

22 (1) The state building code council shall consist of (~~fifteen~~)  
23 15 members:

24 (a) Two members must be county elected legislative body members  
25 or elected executives;

26 (b) Two members must be city elected legislative body members or  
27 mayors;

28 (c) One member must be a local government building code  
29 enforcement official;

30 (d) One member must be a local government fire service official;

31 (e) One member must be a person with a physical disability and  
32 shall represent the disability community;

33 (f) One member, who is not eligible for membership on the council  
34 in any other capacity, and who has not previously been nominated or  
35 appointed to the council to represent any other group, must represent  
36 the general public; and

37 (g) Seven members must represent the private sector or  
38 professional organizations as follows:

1 (i) One member shall represent general construction, specializing  
2 in commercial and industrial building construction;

3 (ii) One member shall represent general construction,  
4 specializing in residential and multifamily building construction;

5 (iii) One member shall represent the architectural design  
6 profession;

7 (iv) One member shall represent the structural engineering  
8 profession;

9 (v) One member shall represent the mechanical engineering  
10 profession;

11 (vi) One member shall represent the construction building trades;

12 (vii) One member shall represent manufacturers, installers, or  
13 suppliers of building materials and components.

14 (2) At least six of these (~~fifteen~~) 15 members shall reside  
15 east of the crest of the Cascade mountains.

16 (3) The council shall include: Two members of the house of  
17 representatives appointed by the speaker of the house, one from each  
18 caucus; two members of the senate appointed by the president of the  
19 senate, one from each caucus; and an employee of the electrical  
20 division of the department of labor and industries, as ex officio,  
21 nonvoting members with all other privileges and rights of membership.  
22 Ex officio members shall not be counted for purposes of quorums,  
23 calling special meetings, or voting thresholds.

24 (4) (a) Terms of office shall be for three years, or for so long  
25 as the member remains qualified for the appointment.

26 (b) The council shall elect a member to serve as chair of the  
27 council for one-year terms of office.

28 (c) Any member who is appointed by virtue of being an elected  
29 official or holding public employment shall be removed from the  
30 council if he or she ceases being such an elected official or holding  
31 such public employment.

32 (d) Any member who is appointed to represent a specific private  
33 sector industry must maintain sufficiently similar private sector  
34 employment or circumstances throughout the term of office to remain  
35 qualified to represent the specified industry. Retirement or  
36 unemployment is not cause for termination. However, if a  
37 councilmember appointed to represent a specific private sector  
38 industry enters into employment outside of the industry, or outside  
39 of the private sector, he or she has been appointed to represent,  
40 then he or she must be removed from the council.

1 (e) Any member who no longer qualifies for appointment under this  
2 section may not vote on council actions, but may participate as an ex  
3 officio, nonvoting member until a replacement member is appointed. A  
4 member must notify the council staff and the governor's office within  
5 (~~thirty~~) 30 days of the date the member no longer qualifies for  
6 appointment under this section. The governor shall appoint a  
7 qualified replacement for the member within (~~sixty~~) 60 days of  
8 notice.

9 (f) Each of the 15 councilmembers appointed by the governor shall  
10 hold office until the appointment of a successor, not to exceed 90  
11 days after the term has expired. If no appointment is made to replace  
12 the member after 90 days, the member's position shall become vacant.  
13 Vacant positions shall not be counted for purposes of quorums,  
14 calling special meetings, or voting thresholds.

15 (5) Before making any appointments to the building code council,  
16 the governor shall seek nominations from recognized organizations  
17 which represent the entities or interests identified in this section.  
18 The governor shall select appointees to represent private sector  
19 industries from a list of three nominations provided by the largest  
20 trade associations representing the industry(~~(7)~~) unless no names or  
21 insufficient qualifying names are put forth by the trade  
22 associations. Within three days after a councilmember's term has  
23 expired, the council must post a message on the council website  
24 informing the stakeholders and members of the public that there is an  
25 open council position. The trade associations must provide  
26 nominations no later than 30 days after a council position is open.  
27 The governor shall appoint a qualified replacement within 60 days  
28 after the qualified nominations are received.

29 (6) Members shall not be compensated but shall receive  
30 reimbursement for travel expenses in accordance with RCW 43.03.050  
31 and 43.03.060.

32 (7) Within one year of employment or appointment, employees of  
33 the state building code council and members of the state building  
34 code council must receive training on ethics in public service  
35 including, but not limited to, provisions of chapter 42.52 RCW.

36 (8) For purposes of this section, a "professional organization"  
37 includes an entity whose members are engaged in a particular lawful  
38 vocation, occupation, or field of activity of a specialized nature,  
39 including but not limited to associations, boards, educational  
40 institutions, and nonprofit organizations.

1       **Sec. 3.** RCW 19.27.074 and 2018 c 207 s 4 are each amended to  
2 read as follows:

3       (1) The state building code council shall:

4       (a) Adopt and maintain the codes to which reference is made in  
5 RCW 19.27.031 in a status which is consistent with the state's  
6 interest as set forth in RCW 19.27.020. In maintaining these codes,  
7 the council shall regularly review updated versions of the codes  
8 referred to in RCW 19.27.031 and other pertinent information and  
9 shall amend the codes pursuant to RCW 19.27.031 and sections 6  
10 through 8 of this act as deemed appropriate by the council;

11       (b) Approve or deny all county or city amendments to any code  
12 referred to in RCW 19.27.031 to the degree the amendments apply to  
13 single-family or multifamily residential buildings;

14       (c) As required by the legislature, develop and adopt any codes  
15 relating to buildings; and

16       (d) Approve a proposed budget for the operation of the state  
17 building code council to be submitted by the department of enterprise  
18 services to the office of financial management pursuant to RCW  
19 43.88.090.

20       (2) The state building code council may:

21       (a) Appoint technical advisory (~~committees which may include~~  
22 ~~members of the council~~) groups in accordance with section 7 of this  
23 act;

24       (b) Approve contracts for services; and

25       (c) Conduct research into matters relating to any code or codes  
26 referred to in RCW 19.27.031 or any related matter.

27       (3) The department of enterprise services, with the advice and  
28 input from the members of the building code council, shall:

29       (a) Employ a managing director of the council, and permanent and  
30 temporary staff ((and contract for services)) to perform all duties  
31 necessary to carry out the intent and purposes of this chapter and  
32 chapter 19.27A RCW;

33       (b) Contract with an independent, third-party entity to perform  
34 (~~a Washington energy code baseline economic analysis and economic~~  
35 ~~analysis of code proposals~~) comparative economic and energy analyses  
36 of proposed Washington energy code amendments and prior versions of  
37 the Washington energy code, including compliance with RCW 34.05.328  
38 and 19.27A.160; and

39       (c) Provide all administrative and information technology  
40 services required for the building code council.

1 (4) Rule-making authority as authorized in this chapter resides  
2 within the building code council.

3 (5) (a) All meetings of the state building code council, its  
4 standing committees, ad hoc committees, and technical advisory groups  
5 shall be open to the public under the open public meetings act,  
6 chapter 42.30 RCW. All actions of the state building code council  
7 which adopt or amend any code of statewide applicability shall be  
8 pursuant to the administrative procedure act, chapter 34.05 RCW.

9 (b) All council decisions relating to the codes enumerated in RCW  
10 19.27.031 shall require approval by at least a majority of the voting  
11 members of the council.

12 (c) All decisions to adopt or amend codes of statewide  
13 application through a three-year code adoption cycle shall be made  
14 prior to December 1<sup>st</sup> of any year and shall not take effect before  
15 the end of the regular legislative session in the next year.

16 **Sec. 4.** RCW 19.27A.025 and 2019 c 285 s 17 are each amended to  
17 read as follows:

18 (1) The minimum state energy code for new and renovated  
19 nonresidential buildings, as specified in this chapter, shall be the  
20 Washington state energy code, 1986 edition, as amended. The state  
21 building code council may, by rule adopted pursuant to chapter 34.05  
22 RCW, RCW 19.27.031, and sections 6 through 8 of this act, amend that  
23 code's requirements for new nonresidential buildings provided that:

24 (a) Such amendments increase the energy efficiency of typical  
25 newly constructed nonresidential buildings; and

26 (b) Any new measures, standards, or requirements adopted must be  
27 technically feasible, commercially available, and developed to yield  
28 the lowest overall cost to the building owner and occupant while  
29 meeting the energy reduction goals established under RCW 19.27A.160.

30 (2) In considering amendments to the state energy code for  
31 nonresidential buildings, the state building code council shall  
32 establish and consult with a technical advisory (~~committee~~) group  
33 in accordance with section 7 of this act including representatives of  
34 appropriate state agencies, local governments, general contractors,  
35 building owners and managers, design professionals, utilities, and  
36 other interested and affected parties.

37 (3) Decisions to amend the Washington state energy code for new  
38 nonresidential buildings shall be made prior to December 15<sup>th</sup> of any  
39 year and shall not take effect before the end of the regular

1 legislative session in the next year. Any disputed provisions within  
2 an amendment presented to the legislature shall be approved by the  
3 legislature before going into effect. A disputed provision is one  
4 which was adopted by the state building code council with less than a  
5 two-thirds (~~majority~~) vote of the voting members. Substantial  
6 amendments to the code shall be adopted no more frequently than every  
7 three years except as allowed in RCW 19.27.031 and section 6 of this  
8 act.

9 **Sec. 5.** RCW 19.27A.045 and 1990 c 2 s 5 are each amended to read  
10 as follows:

11 The state building code council shall maintain the state energy  
12 code for residential structures in a status which is consistent with  
13 the state's interest as set forth in section 1, chapter 2, Laws of  
14 1990. In maintaining the Washington state energy code for residential  
15 structures, beginning in 1996 the council shall review the Washington  
16 state energy code every three years. After January 1, 1996, by rule  
17 adopted pursuant to chapter 34.05 RCW, RCW 19.27.031, and sections 6  
18 through 8 of this act, the council may amend any provisions of the  
19 Washington state energy code to increase the energy efficiency of  
20 newly constructed residential buildings. Decisions to amend the  
21 Washington state energy code for residential structures shall be made  
22 prior to December 1 of any year and shall not take effect before the  
23 end of the regular legislative session in the next year.

24 NEW SECTION. **Sec. 6.** A new section is added to chapter 19.27  
25 RCW to read as follows:

26 (1) Adoption or amendment of the state building code or statewide  
27 amendments to the state building code as defined in RCW 19.27.031  
28 must meet the following criteria:

29 (a) Substantive updates to the state building code shall occur  
30 only once during the three-year state building code adoption cycle as  
31 described in RCW 19.27.031(3). No substantive provision may be  
32 adopted, amended, or repealed except during the three-year code  
33 adoption cycle, or as provided in (c) or (d) of this subsection.

34 (b) An interim code adoption cycle as outlined in RCW  
35 19.27.031(4) shall not be performed earlier than 12 months nor later  
36 than 18 months from the effective date of the codes adopted pursuant  
37 to (a) of this subsection.



1 (c) (i) The council may adopt emergency amendments to the code at  
2 any time under the following conditions:

3 (A) The amendment is necessary for the preservation of the public  
4 health, safety, or general welfare; or

5 (B) The amendment is necessary for consistency with state or  
6 federal laws and regulations.

7 (ii) The council may not act on a petition for emergency  
8 statewide amendments at the meeting when the petition is introduced.

9 (iii) The council may accept a petition for emergency statewide  
10 amendments only when the petition provides a concise statement of the  
11 reasons for a finding that an emergency basis exists, and the council  
12 approves a finding that such an emergency basis exists by a two-  
13 thirds vote of voting members. The approval of emergency amendments  
14 requires a majority vote of the voting members.

15 (d) The council may adopt or amend the state building code or  
16 code sections at any time pursuant to legislative direction as  
17 reflected in legislation signed into law.

18 (2) Any person or entity may submit to the council a petition in  
19 writing for statewide amendments within the time periods established  
20 by the council. The petition for statewide amendment must comply with  
21 format and content requirements approved by the council.

22 (3) Incomplete petitions for statewide amendments or petitions  
23 that exceed the specific delegation of authority provided by the  
24 legislature shall not be considered by the council for action.

25 (4) The council shall approve the referral of a statewide  
26 amendment to a standing committee or technical advisory group.

27 (5) The council shall develop a process for council meetings that  
28 allows members of the public to understand amendments being proposed  
29 for adoption. The process shall include requirements for  
30 modifications to proposed rule text to be in writing, specify the  
31 reason for the amendment, and be available to the council and the  
32 members of the public at least seven days prior to a vote on final  
33 amendment adoption. The council shall adopt rules that encourage  
34 councilmembers and technical advisory group members to make proposed  
35 amendments and text changes available to other members and the public  
36 at least 48 hours prior to the meeting at which they will be  
37 discussed.

38 (6) The council must adopt policies and procedures for the  
39 adoption or amendment of the state building code that comply with the  
40 rule-making requirements in chapter 34.05 RCW and this act.

1        NEW SECTION.    **Sec. 7.**    A new section is added to chapter 19.27  
2    RCW to read as follows:

3        (1)    The state building code council may appoint technical  
4    advisory groups to review petitions for statewide amendments as  
5    authorized in this chapter and chapter 19.27A RCW.

6        (a)    A technical advisory group may include one voting  
7    councilmember.

8        (b)    A technical advisory group must consist of subject matter  
9    experts as designated by the council. A subject matter expert is  
10   defined as an individual who by education, training, or experience is  
11   a recognized expert on a particular subject, topic, or system.

12       (c)    A technical advisory group member may be removed by the state  
13   building code council if the member no longer meets the  
14   qualifications necessary to fill the position.

15       (d)    Three consecutive absences of a technical advisory group  
16   member from meetings of the technical advisory group are grounds for  
17   the state building code council to designate the member's status as  
18   ex officio, until a reappointment is made. Ex officio members are not  
19   considered when determining a quorum.

20       (e)    Within three months of appointment, technical advisory group  
21   members must receive training on ethics in public service including,  
22   but not limited to, provisions of chapter 42.52 RCW.

23       (f)    Technical advisory group members and the industry or  
24   stakeholder groups they are representing must be posted on the  
25   council website.

26       (2)    Any person who wishes to be appointed to serve on a technical  
27   advisory group must submit an application that satisfies the  
28   requirements for an application set by the council. Any application  
29   for such appointment must be approved or denied within 30 days after  
30   the closing of the application submittal period.

31       (3)    A petition for an amendment referred to a technical advisory  
32   group must be approved by a majority of the technical advisory group  
33   voting members to be taken up for consideration by the state building  
34   code council.

35       NEW SECTION.    **Sec. 8.**    A new section is added to chapter 19.27  
36   RCW to read as follows:

37       Following the close of the public comment period and any public  
38   hearing required by chapter 34.05 RCW, the state building code

1 council shall approve or disapprove the final adoption or amendment  
2 of codes of statewide application.

3 (1) Proposals must meet one or more of the criteria in section 6  
4 of this act to be considered for approval.

5 (2) Proposals that do not meet these criteria may be considered  
6 in a future three-year code adoption cycle.

7 (3) The council may not adopt a proposal that is substantially  
8 different from the proposal made available for public testimony  
9 except as provided by RCW 34.05.340.

10 **Sec. 9.** RCW 19.27.015 and 2018 c 207 s 1 are each amended to  
11 read as follows:

12 As used in this chapter:

13 (1) "Agricultural structure" means a structure designed and  
14 constructed to house farm implements, hay, grain, poultry, livestock,  
15 or other horticultural products. This structure may not be a place of  
16 human habitation or a place of employment where agricultural products  
17 are processed, treated, or packaged, nor may it be a place used by  
18 the public.

19 (2) "Approval," "approved," or "adopted," unless otherwise  
20 defined or otherwise indicated by context, means an affirmative vote  
21 by a majority of voting members of the council, committee, or  
22 advisory group present at the time of the vote.

23 (3) "City" means a city or town.

24 ~~((3))~~ (4) "Commercial building permit" means a building permit  
25 issued by a city or a county to construct, enlarge, alter, repair,  
26 move, demolish, or change the occupancy of any building not covered  
27 by a residential building permit.

28 ~~((4))~~ (5) "Emergency statewide amendment" means any proposed  
29 statewide amendment meeting the criteria in RCW 34.05.350. A rule  
30 shall be considered an emergency rule if the council, for good cause,  
31 finds that immediate adoption or amendment of a rule is necessary for  
32 the preservation of the public health, safety, or general welfare,  
33 and that observing the time requirements of notice and opportunity to  
34 comment upon adoption of a permanent rule would be contrary to public  
35 interest.

36 (6) "Model codes" means the codes developed by the model code  
37 organizations and adopted by reference in RCW 19.27.031.

38 (7) "Model code organizations" means the national code-adopting  
39 organizations that develop the model codes, as defined in this

1 section, such as the international code council, international  
2 association of plumbing and mechanical officials, and national fire  
3 protection association.

4 (8) "Multifamily residential building" means common wall  
5 residential buildings that consist of four or fewer units, that do  
6 not exceed two stories in height, that are less than ((five  
7 thousand)) 5,000 square feet in area, and that have a one-hour fire-  
8 resistive occupancy separation between units.

9 ((+5)) (9) "Off-cycle amendments" means amendments to the state  
10 building code outside of the three-year state building code adoption  
11 cycle.

12 (10) "Residential building permit" means a building permit issued  
13 by a city or a county to construct, enlarge, alter, repair, move,  
14 demolish, or change the occupancy of any building containing only  
15 dwelling units used for independent living of one or more persons  
16 including permanent provisions for living, sleeping, eating, cooking,  
17 and sanitation, and structures accessory to dwelling units, such as  
18 detached garages and storage buildings.

19 ((+6)) (11) "State building code" means the codes adopted and  
20 amended by the council as follows:

21 (a) The codes referenced in this chapter;

22 (b) The state energy code referenced in chapter 19.27A RCW; and

23 (c) Any other codes so designated by the Washington state  
24 legislature as adopted and amended by the council.

25 (12) "State building code adoption cycle" means that period  
26 during which the state building code is adopted, updated, and amended  
27 by the council.

28 (13) "Statewide amendment" means any amendment to the state  
29 building code initiated through council action or by petition to the  
30 council from any agency, city, county, or interested individual or  
31 organization, that would have the effect of amending the state  
32 building code for the entire state of Washington. A statewide  
33 amendment may have a regional effect.

34 (14) "Temporary growing structure" means a structure that has the  
35 sides and roof covered with polyethylene, polyvinyl, or similar  
36 flexible synthetic material and is used to provide plants with either  
37 frost protection or increased heat retention.

38 NEW SECTION. Sec. 10. If any provision of this act or its  
39 application to any person or circumstance is held invalid, the

1 remainder of the act or the application of the provision to other  
2 persons or circumstances is not affected.

--- **END** ---