

**SSB 6291 - S AMD 540**

By Senator L. Wilson

**ADOPTED 02/07/2024**

1 Strike everything after the enacting clause and insert the  
2 following:

3 **"Sec. 1.** RCW 19.27.031 and 2018 c 189 s 1 are each amended to  
4 read as follows:

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

9 ~~((1))~~ (i) The International Building Code, published by the  
10 International Code Council, Inc.;

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

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

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

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

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

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

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

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

11       (3)(a) The model codes enumerated in this section shall be  
12 adopted or amended by the council as provided in RCW 19.27.074 and  
13 sections 6 through 8 of this act in a three-year state building code  
14 adoption cycle. The state building code adoption cycle follows the  
15 adoption cycle of the model codes. Substantive changes to the state  
16 building code may only be adopted within the three-year cycle except  
17 as provided in section 6 of this act.

18       (b) The council shall review the most recent editions of each of  
19 the model codes enumerated in subsection (1) of this section and take  
20 action on adoption no later than 30 months after the date of  
21 publication of each such code. The "date of publication" is the date  
22 of publication printed in each model code. If only a month and year  
23 are shown, the date of publication for such code shall be the last  
24 day of the month shown.

25       (4) The council may initiate and implement an interim code  
26 adoption cycle for all Washington state building codes if a majority  
27 of its voting membership determines one is needed to correct errors  
28 and omissions, or eliminate obsolete, conflicting, redundant, or  
29 unnecessary regulations as provided in sections 6 through 8 of this  
30 act.

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

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

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

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

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

6       There is hereby established in the department of enterprise  
7 services a state building code council, to be appointed by the  
8 governor.

9       (1) The state building code council shall consist of (~~fifteen~~)  
10 15 members:

11       (a) Two members must be county elected legislative body members  
12 or elected executives;

13       (b) Two members must be city elected legislative body members or  
14 mayors;

15       (c) One member must be a local government building code  
16 enforcement official;

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

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

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

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

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

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

30       (iii) One member shall represent the architectural design  
31 profession;

32       (iv) One member shall represent the structural engineering  
33 profession;

34       (v) One member shall represent the mechanical engineering  
35 profession;

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

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

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

3 (3) The council shall include: Two members of the house of  
4 representatives appointed by the speaker of the house, one from each  
5 caucus; two members of the senate appointed by the president of the  
6 senate, one from each caucus; and an employee of the electrical  
7 division of the department of labor and industries, as ex officio,  
8 nonvoting members with all other privileges and rights of membership.  
9 Ex officio members shall not be counted for purposes of quorums,  
10 calling special meetings, or voting thresholds.

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

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

15 (c) Any member who is appointed by virtue of being an elected  
16 official or holding public employment shall be removed from the  
17 council if he or she ceases being such an elected official or holding  
18 such public employment.

19 (d) Any member who is appointed to represent a specific private  
20 sector industry must maintain sufficiently similar private sector  
21 employment or circumstances throughout the term of office to remain  
22 qualified to represent the specified industry. Retirement or  
23 unemployment is not cause for termination. However, if a  
24 councilmember appointed to represent a specific private sector  
25 industry enters into employment outside of the industry, or outside  
26 of the private sector, he or she has been appointed to represent,  
27 then he or she must be removed from the council.

28 (e) Any member who no longer qualifies for appointment under this  
29 section may not vote on council actions, but may participate as an ex  
30 officio, nonvoting member until a replacement member is appointed. A  
31 member must notify the council staff and the governor's office within  
32 (~~thirty~~) 30 days of the date the member no longer qualifies for  
33 appointment under this section. The governor shall appoint a  
34 qualified replacement for the member within (~~sixty~~) 60 days of  
35 notice.

36 (f) Each of the 15 councilmembers appointed by the governor shall  
37 hold office until the appointment of a successor, not to exceed 90  
38 days after the term has expired. If no appointment is made to replace  
39 the member after 90 days, the member's position shall become vacant.

1 Vacant positions shall not be counted for purposes of quorums,  
2 calling special meetings, or voting thresholds.

3 (5) Before making any appointments to the building code council,  
4 the governor shall seek nominations from recognized organizations  
5 which represent the entities or interests identified in this section.  
6 The governor shall select appointees to represent private sector  
7 industries from a list of three nominations provided by the largest  
8 trade associations representing the industry((r)) unless no names or  
9 insufficient qualifying names are put forth by the trade  
10 associations. Within three days after a councilmember's term has  
11 expired, the council must post a message on the council website  
12 informing the stakeholders and members of the public that there is an  
13 open council position. The trade associations must provide  
14 nominations no later than 30 days after a council position is open.  
15 The governor shall appoint a qualified replacement within 60 days  
16 after the qualified nominations are received.

17 (6) Members shall not be compensated but shall receive  
18 reimbursement for travel expenses in accordance with RCW 43.03.050  
19 and 43.03.060.

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

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

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

31 (1) The state building code council shall:

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

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

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

6 (d) Approve a proposed budget for the operation of the state  
7 building code council to be submitted by the department of enterprise  
8 services to the office of financial management pursuant to RCW  
9 43.88.090.

10 (2) The state building code council may:

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

14 (b) Approve contracts for services; and

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

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

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

23 (b) Contract with an independent, third-party entity to perform  
24 (~~a Washington energy code baseline economic analysis and economic~~  
25 ~~analysis of code proposals~~) comparative economic and energy analyses  
26 of proposed Washington energy code amendments and prior versions of  
27 the Washington energy code, including compliance with RCW 34.05.328  
28 and 19.27A.160; and

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

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

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

1 (b) All council decisions relating to the codes enumerated in RCW  
2 19.27.031 shall require approval by at least a majority of the voting  
3 members of the council.

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

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

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

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

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

22 (2) In considering amendments to the state energy code for  
23 nonresidential buildings, the state building code council shall  
24 establish and consult with a technical advisory (~~committee~~) group  
25 in accordance with section 7 of this act including representatives of  
26 appropriate state agencies, local governments, general contractors,  
27 building owners and managers, design professionals, utilities, and  
28 other interested and affected parties.

29 (3) Decisions to amend the Washington state energy code for new  
30 nonresidential buildings shall be made prior to December 15<sup>th</sup> of any  
31 year and shall not take effect before the end of the regular  
32 legislative session in the next year. Any disputed provisions within  
33 an amendment presented to the legislature shall be approved by the  
34 legislature before going into effect. A disputed provision is one  
35 which was adopted by the state building code council with less than a  
36 two-thirds (~~majority~~) vote of the voting members. Substantial  
37 amendments to the code shall be adopted no more frequently than every  
38 three years except as allowed in RCW 19.27.031 and section 6 of this  
39 act.

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

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

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

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

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

26       (b) An interim code adoption cycle as outlined in RCW  
27 19.27.031(4) shall not be performed earlier than 12 months nor later  
28 than 18 months from the effective date of the codes adopted pursuant  
29 to (a) of this subsection.

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

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

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

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

38       (iii) The council may accept a petition for emergency statewide  
39 amendments only when the petition provides a concise statement of the



1 reasons for a finding that an emergency basis exists, and the council  
2 approves a finding that such an emergency basis exists by a two-  
3 thirds vote of voting members. The approval of emergency amendments  
4 requires a majority vote of the voting members.

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

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

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

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

17 (5) The council shall develop a process for council meetings that  
18 allows members of the public to understand amendments being proposed  
19 for adoption. The process shall include requirements for  
20 modifications to proposed rule text to be in writing, specify the  
21 reason for the amendment, and be available to the council and the  
22 members of the public at least seven days prior to a vote on final  
23 amendment adoption. The council shall adopt rules that encourage  
24 councilmembers and technical advisory group members to make proposed  
25 amendments and text changes available to other members and the public  
26 at least 48 hours prior to the meeting at which they will be  
27 discussed.

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

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

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

36 (a) A technical advisory group may include one voting  
37 councilmember.

38 (b) A technical advisory group must consist of subject matter  
39 experts as designated by the council. A subject matter expert is

1 defined as an individual who by education, training, or experience is  
2 a recognized expert on a particular subject, topic, or system.

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

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

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

14 (f) Technical advisory group members and the industry or  
15 stakeholder groups they are representing must be posted on the  
16 council website.

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

22 (3) A petition for an amendment referred to a technical advisory  
23 group must be approved by a majority of the technical advisory group  
24 voting members to be taken up for consideration by the state building  
25 code council.

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

28 Following the close of the public comment period and any public  
29 hearing required by chapter 34.05 RCW, the state building code  
30 council shall approve or disapprove the final adoption or amendment  
31 of codes of statewide application.

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

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

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

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

3       As used in this chapter:

4       (1) "Agricultural structure" means a structure designed and  
5 constructed to house farm implements, hay, grain, poultry, livestock,  
6 or other horticultural products. This structure may not be a place of  
7 human habitation or a place of employment where agricultural products  
8 are processed, treated, or packaged, nor may it be a place used by  
9 the public.

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

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

15       ~~((3))~~ (4) "Commercial building permit" means a building permit  
16 issued by a city or a county to construct, enlarge, alter, repair,  
17 move, demolish, or change the occupancy of any building not covered  
18 by a residential building permit.

19       ~~((4))~~ (5) "Emergency statewide amendment" means any proposed  
20 statewide amendment meeting the criteria in RCW 34.05.350. A rule  
21 shall be considered an emergency rule if the council, for good cause,  
22 finds that immediate adoption or amendment of a rule is necessary for  
23 the preservation of the public health, safety, or general welfare,  
24 and that observing the time requirements of notice and opportunity to  
25 comment upon adoption of a permanent rule would be contrary to public  
26 interest.

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

29       (7) "Model code organizations" means the national code-adopting  
30 organizations that develop the model codes, as defined in this  
31 section, such as the international code council, international  
32 association of plumbing and mechanical officials, and national fire  
33 protection association.

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

1       ~~((5))~~ (9) "Off-cycle amendments" means amendments to the state  
2 building code outside of the three-year state building code adoption  
3 cycle.

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

11       ~~((6))~~ (11) "State building code" means the codes adopted and  
12 amended by the council as follows:

13       (a) The codes referenced in this chapter;

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

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

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

20       (13) "Statewide amendment" means any amendment to the state  
21 building code initiated through council action or by petition to the  
22 council from any agency, city, county, or interested individual or  
23 organization, that would have the effect of amending the state  
24 building code for the entire state of Washington. A statewide  
25 amendment may have a regional effect.

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

30       NEW SECTION. Sec. 10. If any provision of this act or its  
31 application to any person or circumstance is held invalid, the  
32 remainder of the act or the application of the provision to other  
33 persons or circumstances is not affected."

**SSB 6291 - S AMD 540**  
By Senator L. Wilson

**ADOPTED 02/07/2024**

1        On page 1, line 3 of the title, after "code;" strike the  
2 remainder of the title and insert "amending RCW 19.27.031, 19.27.070,  
3 19.27.074, 19.27A.025, 19.27A.045, and 19.27.015; and adding new  
4 sections to chapter 19.27 RCW."

EFFECT: Adds clarifying language to ensure nominees to the council are qualified.

Eliminates provisions for repeal of codes from sections outlining council procedures for amendment and adoption of codes.

Reorganizes sections regarding interim adoption cycles for clarity.

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