
SUBSTITUTE SENATE BILL 6291

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, amended, or repealed by the council as provided in RCW
27 19.27.074 and sections 6 through 8 of this act in a three-year state
28 building code adoption cycle. The state building code adoption cycle
29 follows the adoption cycle of the model codes. Substantive changes to
30 the state building code may only be adopted within the three-year
31 cycle except 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 not earlier

1 than 12 months nor later than 18 months from the effective date of
2 the codes adopted pursuant to subsection (3) of this section as
3 provided in sections 6 through 8 of this act.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 (iii) One member shall represent the architectural design
4 profession;

5 (iv) One member shall represent the structural engineering
6 profession;

7 (v) One member shall represent the mechanical engineering
8 profession;

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

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

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

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

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

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

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

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

39 (e) Any member who no longer qualifies for appointment under this
40 section may not vote on council actions, but may participate as an ex

1 officio, nonvoting member until a replacement member is appointed. A
2 member must notify the council staff and the governor's office within
3 (~~thirty~~) 30 days of the date the member no longer qualifies for
4 appointment under this section. The governor shall appoint a
5 qualified replacement for the member within (~~sixty~~) 60 days of
6 notice.

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

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

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

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

34 (8) For purposes of this section, a "professional organization"
35 includes an entity whose members are engaged in a particular lawful
36 vocation, occupation, or field of activity of a specialized nature,
37 including but not limited to associations, boards, educational
38 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 a proposed Washington energy code and prior versions of the
37 Washington energy code, including compliance with RCW 34.05.328 and
38 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, or repeal codes of
13 statewide application through a three-year code adoption cycle shall
14 be made prior to December 1st of any year and shall not take effect
15 before 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 15th 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, amendment, or repeal of the state building code or
27 statewide amendments to the state building code as defined in RCW
28 19.27.031 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 Except for the energy codes adopted pursuant to chapter 19.27A RCW,
35 changes proposed to be adopted during the three-year code adoption
36 cycle must meet at least one of the following criteria:

37 (i) The amendment is necessary for the preservation of the public
38 health, safety, or general welfare;

1 (ii) The amendment clarifies the intent or application of the
2 code;

3 (iii) The amendment is necessary for consistency with state or
4 federal laws and regulations;

5 (iv) The amendment is directed by the legislature or is part of
6 fulfilling a legislatively directed request;

7 (v) The amendment corrects errors and omissions; or

8 (vi) The amendment eliminates an obsolete or conflicting
9 regulation.

10 (b) An interim code adoption cycle as outlined in RCW
11 19.27.031(4) shall be initiated and implemented by the council if a
12 majority of the council voting membership determines an interim code
13 adoption cycle is needed to correct errors and omissions, or
14 eliminate obsolete, conflicting, redundant, or unnecessary
15 regulations.

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

18 (A) The amendment is necessary for the preservation of the public
19 health, safety, or general welfare, and observing the time
20 requirements of notice and opportunity to comment upon adoption of a
21 permanent rule would be contrary to the public interest; or

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

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

26 (iii) The council may accept a petition for emergency statewide
27 amendments only when the petition provides a concise statement of the
28 reasons for a finding that an emergency basis exists, and the council
29 approves a finding that such an emergency basis exists by a two-
30 thirds vote of voting members. The approval of emergency amendments
31 requires a majority vote of the voting members.

32 (d) The council may adopt, amend, or repeal the state building
33 code or code sections at the direction of the legislature at any
34 time.

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

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

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

6 (5) The council shall develop a process for council meetings that
7 allows members of the public to understand amendments being proposed
8 for adoption. The process shall include requirements for
9 modifications to proposed rule text to be in writing, specify the
10 reason for the amendment, and be available to the council and the
11 members of the public at least seven days prior to a vote on final
12 amendment adoption. The council shall adopt rules that encourage
13 councilmembers and technical advisory group members to make proposed
14 amendments and text changes available to other members and the public
15 at least 48 hours prior to the meeting at which they will be
16 discussed.

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

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

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

25 (a) A technical advisory group may include one voting
26 councilmember.

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

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

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

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

4 (f) Technical advisory group members and the industry or
5 stakeholder groups they are representing must be posted on the
6 council website.

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

12 (3) A petition for an amendment referred to a technical advisory
13 group must be approved by a majority of the technical advisory group
14 voting members to be taken up for consideration by the state building
15 code council.

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

18 Following the close of the public comment period and any public
19 hearing required by chapter 34.05 RCW, the state building code
20 council shall approve or disapprove the final adoption or amendment
21 of codes of statewide application.

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

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

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

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

31 As used in this chapter:

32 (1) "Agricultural structure" means a structure designed and
33 constructed to house farm implements, hay, grain, poultry, livestock,
34 or other horticultural products. This structure may not be a place of
35 human habitation or a place of employment where agricultural products
36 are processed, treated, or packaged, nor may it be a place used by
37 the public.

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

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

6 ~~((3))~~ (4) "Commercial building permit" means a building permit
7 issued by a city or a county to construct, enlarge, alter, repair,
8 move, demolish, or change the occupancy of any building not covered
9 by a residential building permit.

10 ~~((4))~~ (5) "Emergency statewide amendment" means any proposed
11 statewide amendment meeting the criteria in RCW 34.05.350. A rule
12 shall be considered an emergency rule if the council, for good cause,
13 finds that immediate adoption, amendment, or repeal of a rule is
14 necessary for the preservation of the public health, safety, or
15 general welfare, and that observing the time requirements of notice
16 and opportunity to comment upon adoption of a permanent rule would be
17 contrary to public interest.

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

20 (7) "Model code organizations" means the national code-adopting
21 organizations that develop the model codes, as defined in this
22 section, such as the international code council, international
23 association of plumbing and mechanical officials, and national fire
24 protection association.

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

30 ~~((5))~~ (9) "Off-cycle amendments" means amendments to the state
31 building code outside of the three-year state building code adoption
32 cycle.

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

1 ~~((6))~~ (11) "State building code" means the codes adopted and
2 amended by the council as follows:

3 (a) The codes referenced in this chapter;

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

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

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

10 (13) "Statewide amendment" means any amendment to the state
11 building code initiated through council action or by petition to the
12 council from any agency, city, county, or interested individual or
13 organization, that would have the effect of amending the state
14 building code for the entire state of Washington. A statewide
15 amendment may have a regional effect.

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

20 NEW SECTION. Sec. 10. If any provision of this act or its
21 application to any person or circumstance is held invalid, the
22 remainder of the act or the application of the provision to other
23 persons or circumstances is not affected.

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