

2 **2SSB 6168** - H COMM AMD **NOT ADOPTED 3-4-98**

3 By Committee on Trade & Economic Development

4

5 Strike everything after the enacting clause and insert the
6 following:

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

9 (1) Temporary worker housing shall be constructed, altered, or
10 repaired as provided in chapter 70.114A RCW and chapter . . . , Laws of
11 1998 (this act). The construction, alteration, or repair of temporary
12 worker housing is not subject to the codes adopted under RCW 19.27.031,
13 except as provided by rule adopted under chapter 70.114A RCW or chapter
14 . . . , Laws of 1998 (this act).

15 (2) For the purpose of this section, "temporary worker housing" has
16 the same meaning as provided in RCW 70.114A.020.

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 70.114A
18 RCW to read as follows:

19 (1) The department shall adopt by rule a temporary worker building
20 code in conformance with the temporary worker housing standards
21 developed under the Washington industrial safety and health act,
22 chapter 49.17 RCW, the rules adopted by the state board of health under
23 RCW 70.54.110, and the following guidelines:

24 (a) The temporary worker building code shall provide construction
25 standards for shelter and associated facilities that are safe, secure,
26 and capable of withstanding the stresses and loads associated with
27 their designated use, and to which they are likely to be subjected by
28 the elements;

29 (b) The temporary worker building code shall permit and facilitate
30 designs and formats that allow for maximum affordability, consistent
31 with the provision of decent, safe, and sanitary housing;

32 (c) In developing the temporary worker building code the department
33 shall consider:

34 (i) The need for dormitory type housing for groups of unrelated
35 individuals; and

1 (ii) The need for housing to accommodate families;

2 (d) The temporary worker building code shall incorporate the
3 opportunity for the use of construction alternatives and the use of new
4 technologies that meet the performance standards required by law; and

5 (e) The temporary worker building code shall include standards for
6 heating and insulation appropriate to the type of structure and length
7 and season of occupancy.

8 (2) In adopting the temporary worker building code, the department
9 shall make exceptions to the codes listed in RCW 19.27.031 and chapter
10 19.27A RCW, in keeping with the guidelines set forth in this section.
11 The initial temporary worker building code adopted by the department
12 shall be substantially equivalent with the temporary worker building
13 code developed by the state building code council as directed by
14 section 8, chapter 220, Laws of 1995.

15 (3) The temporary worker building code authorized and required by
16 this section shall be enforced by the department.

17 NEW SECTION. **Sec. 3.** A new section is added to chapter 49.17 RCW
18 to read as follows:

19 By December 1, 1998, the department of labor and industries shall
20 adopt rules requiring electricity in all temporary worker housing and
21 establishing minimum requirements to ensure the safe storage, handling,
22 and preparation of food in these camps, regardless of whether
23 individual or common cooking facilities are in use.

24 **Sec. 4.** RCW 43.22.480 and 1995 c 289 s 2 are each amended to read
25 as follows:

26 (1) The department shall adopt and enforce rules that protect the
27 health, safety, and property of the people of this state by assuring
28 that all factory built housing or factory built commercial structures
29 are structurally sound and that the plumbing, heating, electrical, and
30 other components thereof are reasonably safe. The rules shall be
31 reasonably consistent with recognized and accepted principles of safety
32 and structural soundness, and in adopting the rules the department
33 shall consider, so far as practicable, the standards and specifications
34 contained in the uniform building, plumbing, and mechanical codes,
35 including the barrier free code and the Washington energy code as
36 adopted by the state building code council pursuant to chapter 19.27A
37 RCW, and the national electrical code, including the state rules as

1 adopted pursuant to chapter 19.28 RCW and published by the national
2 fire protection association or, when applicable, the temporary worker
3 building code adopted under section 2 of this act.

4 (2) The department shall set a schedule of fees which will cover
5 the costs incurred by the department in the administration and
6 enforcement of RCW 43.22.450 through 43.22.490.

7 (3) The director may adopt rules that provide for approval of a
8 plan that is certified as meeting state requirements or the equivalent
9 by a professional who is licensed or certified in a state whose
10 licensure or certification requirements meet or exceed Washington
11 requirements.

12 NEW SECTION. Sec. 5. A new section is added to chapter 43.70 RCW
13 to read as follows:

14 (1) Any person providing temporary worker housing as defined in
15 chapter 70.114A RCW shall secure an annual operating license prior to
16 occupancy and shall pay a fee according to RCW 43.70.340. The license
17 shall be conspicuously displayed on site.

18 (2) Licenses issued under this chapter may be suspended or revoked
19 upon the failure or refusal of the person providing temporary worker
20 housing to comply with the provisions of RCW 70.54.110, or of any rules
21 adopted under this section by the department. All such proceedings
22 shall be governed by the provisions of chapter 34.05 RCW.

23 (3) The department may assess a civil fine in accordance with RCW
24 43.70.095 for failure or refusal to obtain a license prior to occupancy
25 of temporary worker housing. The department may refund all or part of
26 the civil fine collected once the operator obtains a valid operating
27 license. Civil fines under this section shall not exceed seven
28 thousand dollars for the first violation of this section, and shall not
29 exceed seventy thousand dollars for second and subsequent violations
30 within any five-year period.

31 (4) The department shall adopt rules as necessary to assure
32 compliance with this section.

33 (5) For the purpose of this section, "temporary worker housing" has
34 the same meaning as provided in chapter 70.114A RCW.

35 NEW SECTION. Sec. 6. A new section is added to chapter 43.70 RCW
36 to read as follows:

1 This section applies to operators of temporary worker housing as
2 defined in chapter 70.114A RCW who are providing temporary worker
3 housing on farm except the provisions of RCW 70.114A.030 shall not
4 apply to the requirements of this section.

5 (1) Any person who constructs, alters, or makes an addition to
6 temporary worker housing shall:

7 (a) Submit plans and specifications for the alteration, addition,
8 or new construction of this housing prior to beginning any alteration,
9 addition, or new construction on this housing;

10 (b) Apply for and obtain a temporary worker housing building permit
11 from the department prior to construction or alteration of this
12 housing; and

13 (c) Submit a plan review and permit fee to the department of health
14 pursuant to section 5 of this act.

15 (2) The department shall adopt rules as necessary, for the
16 application procedures for the temporary worker housing plan review,
17 permit process, construction inspection, and issuance of an occupancy
18 permit.

19 (3) Any alteration of a manufactured structure to be used for
20 temporary worker housing remains subject to chapter 43.22 RCW, and the
21 rules adopted under chapter 43.22 RCW.

22 (4) For the purpose of this section, "temporary worker housing" has
23 the same meaning as provided in chapter 70.114A RCW except the
24 provisions of RCW 70.114A.030 shall not apply to the requirements of
25 this section.

26 **Sec. 7.** RCW 43.70.340 and 1990 c 253 s 3 are each amended to read
27 as follows:

28 (1) The (~~farmworker housing inspection~~) temporary worker housing
29 fund is established in the custody of the state treasury. The
30 department (~~of health~~) shall deposit all funds received under
31 subsections (2) and (3) of this section and from the legislature to
32 administer a (~~labor camp~~) temporary worker housing permitting,
33 licensing, and inspection program conducted by the department (~~of~~
34 ~~health~~). Disbursement from the fund shall be on authorization of the
35 secretary of health or the secretary's designee. The fund is subject
36 to the allotment procedure provided under chapter 43.88 RCW, but no
37 appropriation is required for disbursements.

1 (2) There is imposed a fee on each operating license issued by the
2 department ~~((of health))~~ to every operator of ~~((a labor camp))~~
3 temporary worker housing that is regulated by the state board of
4 health. ~~((The fee paid under this subsection shall include all~~
5 ~~necessary inspection of the units to ensure compliance with))~~ In
6 establishing the fee to be paid under this subsection the department
7 shall consider the cost of administering a license as well as enforcing
8 applicable state board of health rules on ~~((labor camps.~~

9 ~~(a) Fifty dollars shall be charged for each labor camp containing~~
10 ~~six or less units.~~

11 ~~(b) Seventy five dollars shall be charged for each labor camp~~
12 ~~containing more than six units))~~ temporary worker housing.

13 (3) There is imposed a fee on each temporary worker housing
14 building permit issued by the department to every operator of farm
15 temporary worker housing as required by section 5 of this act. The fee
16 shall include the cost of administering a permit as well as enforcing
17 the department's temporary worker building code as adopted under
18 section 2 of this act.

19 (4) The department shall conduct a fee study for:

20 (a) A temporary worker housing operator's license;

21 (b) On-site inspections; and

22 (c) A plan review and building permit for new construction.

23 After completion of the study, the department shall adopt these
24 fees by rule by no later than December 31, 1998.

25 (5) The term of the operating license and the application
26 procedures shall be established, by rule, by the department ~~((of~~
27 ~~health))~~.

28 NEW SECTION. Sec. 8. A new section is added to chapter 43.330 RCW
29 to read as follows:

30 (1) There is established the farm worker housing finance program
31 within the department. The department shall provide financial
32 assistance to organizations eligible to receive assistance under
33 chapter 43.185 RCW to assist in the development, maintenance, and
34 operation of housing for low-income farm workers.

35 (2) The department shall work in cooperation with the departments
36 of health, labor and industries, and social and health services to
37 review proposals and make recommendations to the funding approval board
38 that oversees the distribution of housing trust fund grants and loans.

1 An advisory group representing growers, farm workers, and other
2 interested parties shall be formed to assist the interagency group.

3 NEW SECTION. **Sec. 9.** RCW 70.114A.080 and 1995 c 220 s 8 are each
4 repealed."

5 Correct the title.

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