

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE SENATE BILL 5668**

55th Legislature  
1997 Regular Session

Passed by the Senate April 19, 1997  
YEAS 46 NAYS 1

---

**President of the Senate**

Passed by the House April 15, 1997  
YEAS 68 NAYS 27

---

**Speaker of the  
House of Representatives**

Approved

---

**Governor of the State of Washington**

CERTIFICATE

I, Mike O Connell, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5668** as passed by the Senate and the House of Representatives on the dates hereon set forth.

---

**Secretary**

FILED

**Secretary of State  
State of Washington**

---

**SUBSTITUTE SENATE BILL 5668**

---

AS AMENDED BY THE HOUSE

Passed Legislature - 1997 Regular Session

**State of Washington                      55th Legislature                      1997 Regular Session**

**By** Senate Committee on Financial Institutions, Insurance & Housing  
(originally sponsored by Senators Prentice, Deccio, Sellar, Newhouse,  
Hale, Anderson and Winsley)

Read first time 02/20/97.

1            AN ACT Relating to temporary worker building codes; amending RCW  
2 70.114A.020, 70.114A.080, and 43.70.340; adding a new section to  
3 chapter 19.27 RCW; and creating a new section.

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

5            NEW SECTION.    **Sec. 1.** The legislature finds that the shortage of  
6 temporary worker housing is due in part to inappropriate construction  
7 requirements for temporary worker shelter and related facilities. It  
8 is the intent of the legislature that temporary worker housing  
9 developers, including employers, be provided with a regulatory  
10 framework that allows shelter to be provided that meets the basic  
11 dignity, comfort, common decency, health, and safety needs of workers.  
12 It is the intent of chapter . . . , Laws of 1997 (this act) to provide  
13 a temporary worker housing building code that will encourage private  
14 development of temporary worker housing, and will accommodate a wide  
15 range of building materials and new and innovative construction formats  
16 that are not possible under previously applicable codes.

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

1 Temporary worker housing shall be constructed, altered, or repaired  
2 as provided in chapter 70.114A RCW. The construction, alteration, or  
3 repair of temporary worker housing is not subject to the codes adopted  
4 under RCW 19.27.031, except as provided in any code adopted under  
5 chapter 70.114A RCW. For the purposes of this section "temporary  
6 worker housing" means a shelter, place, area, or piece of land where  
7 sleeping places or housing sites are provided by an employer for his or  
8 her employees for temporary seasonal occupancy, and includes labor  
9 camps under RCW 70.54.110. The rules adopted by the state board of  
10 health under RCW 70.54.110 apply to all temporary worker housing.

11 **Sec. 3.** RCW 70.114A.020 and 1995 c 220 s 2 are each amended to  
12 read as follows:

13 The definitions in this section apply throughout this chapter.

14 (1) "Department" means the department of health.

15 (2) "Dwelling unit" means a shelter, building, or portion of a  
16 building, that may include cooking and eating facilities, that is:

17 (a) Provided and designated by the operator as either a sleeping  
18 area, living area, or both, for occupants; and

19 (b) Physically separated from other sleeping and common-use areas.

20 (3) "Facility" means a sleeping place, drinking water, toilet,  
21 sewage disposal, food handling installation, or other installations  
22 required for compliance with this chapter.

23 (4) "Occupant" means a temporary worker or a person who resides  
24 with a temporary worker at the housing site.

25 (5) "Operator" means a person holding legal title to the land on  
26 which temporary worker housing is located. However, if the legal title  
27 and the right to possession are in different persons, "operator" means  
28 a person having the lawful control or supervision over the temporary  
29 worker housing under a lease or other arrangement.

30 (6) "Temporary worker" means a person employed intermittently and  
31 not residing year-round at the same site.

32 (7) "Temporary worker housing" means a place, area, or piece of  
33 land where sleeping places or housing sites are provided by an employer  
34 for his or her employees or by another person, including a temporary  
35 worker housing operator, who is providing such accommodations for  
36 employees, for temporary, seasonal occupancy, and includes "labor  
37 camps" under RCW 70.54.110. The rules adopted by the state board of  
38 health under RCW 70.54.110 apply to all temporary worker housing.

1       **Sec. 4.** RCW 70.114A.080 and 1995 c 220 s 8 are each amended to  
2 read as follows:

3       (~~By December 1, 1996,~~) The (~~state building code council~~)  
4 department shall (~~develop~~) adopt by rule under chapter 34.05 RCW a  
5 temporary worker (~~housing~~) building code, in conformance with the  
6 temporary worker housing standards developed under the Washington  
7 industrial safety and health act, chapter 49.17 RCW, the rules adopted  
8 by the state board of health under RCW 70.54.110, and the following  
9 guidelines:

10       (1) The code shall provide construction standards for shelter and  
11 associated facilities that are safe, secure, and capable of  
12 withstanding the stresses and loads associated with their designated  
13 use, and to which they are likely to be subjected by the elements.

14       (2) The code shall permit and facilitate designs and formats that  
15 allow for maximum affordability, consistent with the provision of  
16 decent, safe, and sanitary housing.

17       (3) In developing the code the (~~council~~) department shall  
18 consider: (a) The need for dormitory type housing for groups of  
19 unrelated individuals; and (b) the need for housing to accommodate  
20 families.

21       (4) The code shall include construction standards for a variety of  
22 formats, including, but not limited to: (a) (~~Tents and tent~~  
23 ~~platforms~~) Straw bale exterior wall structures; and (b) hard-shell,  
24 single exterior wall structures.

25       (5) The code shall include standards for temporary worker housing  
26 that is to be used only during periods when no auxiliary heat is  
27 required.

28       In (~~developing~~) adopting the temporary worker (~~housing~~)  
29 building code, it is the intent of the legislature that the (~~building~~  
30 ~~code council~~) department make exceptions to the codes listed in RCW  
31 19.27.031, and chapter 19.27A RCW, in keeping with the guidelines set  
32 forth in this section.

33       (~~The building code council shall appoint a technical advisory~~  
34 ~~committee to assist in the development of the temporary worker housing~~  
35 ~~code, which shall include representatives of industries that most~~  
36 ~~frequently supply temporary housing to their employees.)) It is also  
37 the intent of the legislature that the initial temporary worker  
38 building code adopted by the department be substantially equivalent to  
39 the temporary worker building code developed by the state building code~~

1 council under section 8, chapter 220, Laws of 1995, and presented to  
2 the legislature on December 1, 1996.

3 A rule-making advisory and oversight committee is hereby  
4 established that shall participate fully throughout the rule-making  
5 process authorized by chapter . . . , Laws of 1997 (this act). The  
6 advisory and oversight committee is composed of seven members as  
7 follows: One member from each caucus in the house of representatives,  
8 appointed by the speaker of the house of representatives; one member  
9 from each caucus in the senate, appointed by the president of the  
10 senate; one member representing migrant and seasonal agricultural  
11 workers; one member representing agricultural employers; and one member  
12 from the department of labor and industries to serve ex officio,  
13 appointed by the governor.

14 The temporary worker building code authorized and required by this  
15 section shall be enforced by the department.

16 **Sec. 5.** RCW 43.70.340 and 1990 c 253 s 3 are each amended to read  
17 as follows:

18 (1) The farmworker housing inspection fund is established in the  
19 custody of the state treasury. The department of health shall deposit  
20 all funds received under subsection (2) of this section and from the  
21 legislature to administer a labor camp inspection program conducted by  
22 the department of health. Disbursement from the fund shall be on  
23 authorization of the secretary of health or the secretary's designee.  
24 The fund is subject to the allotment procedure provided under chapter  
25 43.88 RCW, but no appropriation is required for disbursements.

26 (2) There is imposed a fee on each operating license issued by the  
27 department of health to every operator of a labor camp that is  
28 regulated by the state board of health. The fee paid under this  
29 subsection shall include all necessary inspection of the units to  
30 ensure compliance with applicable state board of health rules on labor  
31 camps.

32 (a) Fifty dollars shall be charged for each labor camp containing  
33 six or less units.

34 (b) Seventy-five dollars shall be charged for each labor camp  
35 containing more than six units.

36 (3) The term of the operating license and the application  
37 procedures shall be established, by rule, by the department of health.

1       (4) The department of health shall establish a building permit fee  
2 schedule for temporary worker housing subject to chapter 70.114A RCW.  
3 The department of health shall develop rules to establish a fee  
4 schedule sufficient to cover the cost of all necessary plan reviews and  
5 on-site construction inspections of the temporary worker housing to  
6 ensure compliance with the codes developed under RCW 70.114A.080.

--- END ---