

the property for purposes and activities associated with such fair. No sublease shall be valid unless the same shall be approved in writing by the ~~((board of county commissioners))~~ county legislative authority: PROVIDED, That failure of such lessee, except by act of God, war or other emergency beyond its control, to conduct an annual agricultural fair or exhibition, shall cause said lease to be subject to cancellation by the ~~((board of county commissioners))~~ county legislative authority. A county legislative authority entering into an agreement with a nonprofit association to lease property for agricultural fair purposes shall, when requested to do so, file a copy of the lease agreement with the department of agriculture or the state fair commission in order to assure compliance with the provisions of RCW 15.76.165.

Passed the House March 8, 1986.

Passed the Senate February 28, 1986.

Approved by the Governor April 1, 1986.

Filed in Office of Secretary of State April 1, 1986.

CHAPTER 172

[Second Substitute House Bill No. 1505]

EMPLOYMENT PARTNERSHIP PROGRAM—WAGE AND JOB ASSISTANCE FOR UNEMPLOYED AND UNDEREMPLOYED PERSONS

AN ACT Relating to voluntary grant diversion; and creating new sections.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. The legislature finds that the restructuring in the Washington economy has created rising public assistance caseloads and declining real wages for Washington workers. There is a profound need to develop partnership programs between the private and public sectors to create new jobs with adequate salaries and promotional opportunities for chronically unemployed and underemployed citizens of the state. A voluntary program which utilizes public wage subsidies and employer matching salaries has provided a beneficial financial incentive allowing public assistance recipients transition to permanent full-time employment.

NEW SECTION. Sec. 2. The employment partnership program is created to develop a series of model projects to provide permanent full-time employment for low-income and unemployed persons. The program shall be a cooperative effort between the employment security department and the department of social and health services. The goals of the program are as follows:

(1) To reduce inefficiencies in administration and provide model coordination of agencies with responsibilities for employment and human service delivery to unemployed persons;

(2) To create voluntary financial incentives to simultaneously reduce unemployment and welfare caseloads; and

(3) To provide other state and federal support services to the client population to enable economic independence.

NEW SECTION. Sec. 3. The commissioner of employment security and the secretary of the department of social and health services shall establish pilot projects that enable grants to be used as a wage subsidy. The department of social and health services is designated as the lead agency for the purpose of complying with applicable federal statutes and regulations. The department shall seek any waivers from the federal government necessary to operate the employment partnership program. The projects shall be available on an individual case-by-case basis or subject to the limitations outlined in section 5 of this act for the start-up or reopening of a plant under worker ownership. The projects shall be subject to the following criteria:

(1) It shall be a voluntary program and no person may have any sanction applied for failure to participate.

(2) Employment positions established by this act shall not be created as the result of, nor result in, any of the following:

(a) Displacement of current employees, including overtime currently worked by these employees;

(b) The filling of positions that would otherwise be promotional opportunities for current employees;

(c) The filling of a position, before compliance with applicable personnel procedures or provisions of collective bargaining agreements;

(d) The filling of a position created by termination, layoff, or reduction in workforce;

(e) The filling of a work assignment customarily performed by a worker in a job classification within a recognized collective bargaining unit in that specific work site, or the filling of a work assignment in any bargaining unit in which funded positions are vacant or in which regular employees are on layoff;

(f) A strike, lockout, or other bona fide labor dispute, or violation of any existing collective bargaining agreement between employees and employers;

(g) Decertification of any collective bargaining unit.

(3) Wages shall be paid at the usual and customary rate of comparable jobs;

(4) A recoupment process shall recover state supplemented wages from an employer when a job does not last six months following the subsidization period for reasons other than the employee voluntarily quitting or being fired for good cause as determined by the commissioner of employment security under rules prescribed by the commissioner pursuant to chapter 50.20 RCW;

(5) Job placements shall have promotional opportunities or reasonable opportunities for wage increases;

(6) Other necessary support services such as training, day care, medical insurance, and transportation shall be provided to the extent possible;

(7) Employers shall provide monetary matching funds of at least fifty percent of total wages;

(8) Wages paid to participants shall be a minimum of five dollars an hour; and

(9) The projects shall target the hardest-to-employ populations to the extent that necessary support services are available.

NEW SECTION. Sec. 4. An employer, before becoming eligible to fill a position under the employment partnership program, shall certify to the department of employment security that the employment, offer of employment, or work activity complies with the following conditions:

(1) The conditions of work are reasonable and not in violation of applicable federal, state, or local safety and health standards;

(2) The assignments are not in any way related to political, electoral, or partisan activities;

(3) The employer shall provide industrial insurance coverage as required by Title 51 RCW;

(4) The employer shall provide unemployment compensation coverage as required by Title 50 RCW;

(5) The employment partnership program participants hired following the completion of the program shall be provided benefits equal to those provided to other employees including social security coverage, sick leave, the opportunity to join a collective bargaining unit, and medical benefits.

NEW SECTION. Sec. 5. Grants may be diverted for the start-up or retention of worker-owned businesses if:

(1) A feasibility study or business plan is completed on the proposed business; and

(2) The project is approved by the loan committee of the Washington state development loan fund as created by RCW 43.168.110.

NEW SECTION. Sec. 6. Participants shall be considered recipients of aid to families with dependent children and remain eligible for medicaid benefits even if the participant does not receive a residual grant. Work supplementation participants shall be eligible for (1) the thirty-dollar plus one-third of earned income exclusion from income, (2) the work related expense disregard, and (3) the child care expense disregard deemed available to recipient of aid in computing his or her grant under this chapter, unless prohibited by federal law.

NEW SECTION. Sec. 7. An applicant or recipient of aid under this chapter who participates in the employment partnership program shall be

guaranteed that the value of the benefits available to him or her before entry into the program shall not be diminished. In addition, a participant employed under this chapter shall be treated in the same manner as are regular employees, and the participant's salary shall be the amount that he or she would have received if employed in that position and not participating under this chapter.

NEW SECTION. Sec. 8. Applicants for and recipients of aid under this chapter are "individuals in special need" of training as described in section 2 of the federal job training partnership act, 29 U.S.C. Sec. 1501 et seq., "individuals who require special assistance" as provided in section 123 of that act, and "most in need" of employment and training opportunities as described in section 141 of that act.

NEW SECTION. Sec. 9. The department of social and health services shall seek any federal funds available for implementation of this chapter, including, but not limited to, funds available under Title IV of the federal social security act (42 U.S.C. Sec. 601 et seq.) for the work incentive demonstration program, and the employment search program.

NEW SECTION. Sec. 10. The employment security department, in conjunction with the department of social and health services shall report to the appropriate committees of the senate and the house of representatives on the employment partnership program no later than January 15, 1987, and on an annual basis thereafter. The report shall include:

- (1) The number of employer and client participants in the program;
- (2) The number and type of jobs made available under this program, including information relating to wages, benefits, and potential for promotion;
- (3) The costs of necessary support services;
- (4) The program's effectiveness in serving those aid recipients considered hard to place in employment; and
- (5) Any other appropriate information.

NEW SECTION. Sec. 11. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 12. If any part of this act is found to be in conflict with federal requirements which are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is hereby declared to be inoperative solely to the extent of the conflict and

with respect to the agencies directly affected, and such finding or determination shall not affect the operation of the remainder of this act in its application to the agencies concerned.

Passed the House March 11, 1986.

Passed the Senate March 11, 1986.

Approved by the Governor April 1, 1986.

Filed in Office of Secretary of State April 1, 1986.

CHAPTER 173

[Engrossed Substitute House Bill No. 1545]

HYDRAULIC PERMITS

AN ACT Relating to hydraulic permits; amending RCW 75.20.100, 43.21B.005, and 75.20.050; adding new sections to chapter 75.20 RCW; and prescribing penalties.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 75.20.100, chapter 12, Laws of 1955 as last amended by section 75, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.20.100 are each amended to read as follows:

In the event that any person or government agency desires to construct any form of hydraulic project or perform other work that will use, divert, obstruct, or change the natural flow or bed of any ~~((river or stream or that will utilize any))~~ of the salt or fresh waters of the state ~~((or materials from the stream beds))~~, such person or government agency shall, before commencing construction or work thereon and to ensure the proper protection of fish life, secure the written approval of the department ~~((having jurisdiction of the site))~~ of fisheries or the department of game as to the adequacy of the means proposed for the protection of fish life. This approval shall not be unreasonably withheld. The ~~((appropriate))~~ department of fisheries or the department of game shall grant or deny approval within forty-five calendar days of the receipt of a complete application and notice of compliance with any applicable requirements of the state environmental policy act, made in the manner prescribed in this section. The applicant may document receipt of application by filing in person or by registered mail. A complete application for approval shall contain general plans for the overall project, complete plans and specifications of the proposed construction or work within the mean higher high water line in salt water or within the ordinary high water line in fresh water, and complete plans and specifications for the proper protection of fish life. The forty-five day requirement shall be suspended if (1) after ten working days of receipt of the application, the applicant remains unavailable or unable to arrange for a timely field evaluation of the proposed project; (2) the site is physically inaccessible for inspection; or (3) the applicant requests delay. Immediately upon determination that the forty-five day period is suspended, the ~~((appropriate))~~ department of