

exceed one hundred seventy-five for those agencies not directly under the authority of any elected public official other than the governor, and shall not exceed a total of twenty-five for all agencies under the authority of elected public officials other than the governor. The state personnel board shall report to each regular session of the legislature all exemptions granted pursuant to the provisions of this subsection, together with the reasons for such exemptions.

The salary and fringe benefits of all positions presently or hereafter exempted except for the chief executive officer of each agency, full-time members of boards and commissions, administrative assistants and confidential secretaries in the immediate office of an elected state official, and the personnel listed in subsections (10) through (19) of this section, shall be determined by the state personnel board.

Any person holding a classified position subject to the provisions of this chapter shall, when and if such position is subsequently exempted from the application of this chapter, be afforded the following rights:

If such person previously held permanent status in another classified position, such person shall have a right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

Passed the Senate April 14, 1973.

Passed the House April 15, 1973.

Approved by the Governor April 23, 1973.

Filed in Office of Secretary of State April 24, 1973.

CHAPTER 134

[Engrossed Senate Bill No. 2803]

SUPERINTENDENT OF PUBLIC INSTRUCTION

BUDGET

AN ACT Adopting the budget for the superintendent of public instruction; making appropriations and authorizing expenditures for the operations of the superintendent of public instruction for the fiscal biennium beginning July 1, 1973, and ending June 30, 1975; designating effective dates for certain appropriations; and declaring an emergency.

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

NEW SECTION. Section 1. That a budget is hereby adopted for the superintendent of public instruction and subject to the provisions set forth in the following sections, the several amounts specified in the following sections, or so much thereof as shall be

sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be disbursed for salaries, wages and other expenses of the agencies and officers of the state and for other specified purposes for the fiscal biennium beginning July 1, 1973, and ending June 30, 1975, except as otherwise provided, out of the several funds of the state hereinafter named.

NEW SECTION. Sec. 2. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION (INCLUDING BOARD OF EDUCATION)

General Fund Appropriation: Office of the Superintendent of Public Instruction and Board of Education, including \$150,000 for the Pacific Science Center: PROVIDED, That not more than \$7,919,225 shall be from state funds: PROVIDED, That if any federal funds in excess of those estimated in this appropriation act are received or expended by the central office of the Superintendent of Public Instruction the Superintendent shall place an equal amount of state funds into reserve to be expended only with the approval of the Legislature: PROVIDED FURTHER, That, if all or any portion of budgeted federal funds are not made available pursuant to the elementary and secondary education act (Title V USC) during fiscal year 1973-74, the Superintendent of Public Instruction is authorized to allocate and expend up to the anticipated amount not received but not to exceed \$712,000 from state general fund appropriations for transportation, URRD, and handicapped children education excess cost programs for state office administration during the 1973-74 fiscal year.....\$ 10,815,579

General Fund Appropriation for General Apportionment: PROVIDED, That the weighting schedule to be used in computing the apportionment of funds for each district for 1973-75 shall be based on the following factors: Each full time equivalent student enrolled -- 1.0; each full time equivalent student; each full time equivalent student

enrolled in vocational education in grades 9-12 when excess costs are documented for the class and where the class is approved by the state Superintendent, an added --1.0; all identified culturally disadvantaged children receiving an approved program, an added -- .1; the factor established by the Superintendent of Public Instruction for use in the 1973-75 biennium designed to reimburse each district for costs resulting from staff education and experience greater than the minimum in the average salary schedule in use by Washington school districts shall be used; for school districts enrolling fewer than 250 students in grades 9-12, for nonhigh districts judged remote and necessary by the State Board of Education and which enroll fewer than 100 students, and for small school plants which are judged remote and necessary within school districts by the state board of education shall be in accordance with the weighting factors used during the 1972-73 school year: PROVIDED, That all school districts judged remote and necessary for school apportionment purposes during the 1972-73 school year shall be considered remote and necessary for school apportionment purposes throughout the 1973-75 biennium unless their enrollment exceeds 250 students in grades 9-12 or for nonhigh districts unless their enrollment exceeds 100 students: PROVIDED, That a school district formed after July 1, 1971 and which formerly consisted of one or more school districts qualifying during the preceding school year for additional weighting under the "remote and necessary" provision or "fewer than 250 students

in grades 9-12" provision shall receive for a period of four years following consolidation such additional weighting as accrued to the qualifying district or districts for the school year preceding consolidation; full time equivalent students residing on tax exempt property (chapter 130, Laws of 1969), an added -- .25; full time equivalent students in an approved interdistrict cooperative program (chapter 130, Laws of 1969), an added -- .25: PROVIDED FURTHER, That not to exceed \$400,000 is included for use by the Superintendent for school district emergencies: PROVIDED, That not to exceed \$14,703,380 is included for the five vocational-technical institutes: PROVIDED, That not to exceed \$411,754 is included for adult education in vocational-technical institutes: PROVIDED, That no portion of these funds shall be allocated to a school district which expends or anticipates expending moneys in excess of their certified budget or budget extensions thereto as filed with the office of the Superintendent of Public Instruction and Board of Education: PROVIDED, That a subsequent special or regular session of the Legislature may modify the appropriation as a result of economic or demographic changes which affect the total number of students to be served or the availability of local finances: PROVIDED, That for purposes of distributing general fund appropriations for apportionment, through the school equalization formula, the amount of adjusted local property tax revenues computed for any school district shall not exceed the amount of the revenues that would be produced using the indicated ratio used by the district in the previous year by more than five percent.....\$ 463,918,054

Federal Revenue Sharing Trust Fund Appropriation for General Apportionment.....\$ 105,532,078
 General Fund Appropriation for state matching of federal food service funds, as required by P.L. 91-248 and for continuation of salary

increases granted from state funds during 1969-71.....\$	3,412,808
General Fund Appropriation for state contribution to participating school districts to fund employee health benefits: PROVIDED, That these funds shall be distributed to those participating districts on an equal amount per staff full-time equivalent.....\$	12,321,880
General Fund Appropriation of two mills of property tax to be distributed in accordance with RCW 28A.48.....\$	40,482,000
General Fund Appropriation of state forest funds to be distributed.....\$	1,610,000
General Fund Appropriation for allocation to Intermediate School Districts.....\$	1,901,360
General Fund Appropriation for supplementary education and cultural enrichment.....\$	1,000,000
General Fund Appropriation: To provide assurance that the budgeted funding level for the institutional education program for the 1973-74 school year shall maintain the current level of per pupil expenditure as was provided in the 1972-73 school year: PROVIDED, That the receipt of any federal funds in excess of \$1,387,488 for the institutional education program for 1973-75 will result in an equal amount of this appropriation being reverted to the State General Fund: PROVIDED FURTHER, That the Superintendent of Public Instruction shall submit to the 1974 Legislature an institutional education budget request for the 1974-75 school year which shall be based on new data regarding enrollment projections, federal funding, and cost per pupil.....\$	603,972
General Fund Appropriation for state institutional education program: PROVIDED, That not more than \$5,701,178 shall be from state funds.....\$	9,169,898
General Fund Appropriation for Handicapped Children- Excess Costs: PROVIDED, That not more than \$62,869,753 shall be from state funds:	

PROVIDED, That there shall be appointed a nine member commission to review the handicapped education program, three members to be chosen by the governor and six members by the superintendent of public instruction: PROVIDED, That the commission shall submit its findings and recommendations, including an evaluation of the adequacy of funds for handicapped children education excess costs for 1974-75, to the governor and the legislature prior to January 1, 1974: PROVIDED FURTHER, That the superintendent of public instruction shall not make tentative obligations of more than fifty percent of this appropriation until the commission submits its report.....\$

	64,756,137
General Fund Appropriation for Urban, Racial, Rural and Disadvantaged educational programs.....\$	9,247,800
General Fund Appropriation of Mobile Home Excise Tax to be distributed to local school districts in accordance with chapter 82.50 RCW.....\$	3,771,000
General Fund Appropriation for Career education and occupational exploration projects.....\$	250,000
General Fund Appropriation for the Cerebral Palsy Center.....\$	408,940
General Fund Appropriation for the Cerebral Palsy Center: PROVIDED, That this appropriation shall be used for development and implementation of field services to expand the Center's program to off site locations.....\$	25,000
General Fund Appropriation for the encumbrance of federal grants: PROVIDED, That any expenditures from this appropriation shall be from federal funds.....\$	10,486,940
General Fund Appropriation: Elementary and Secondary Education Act of 1965.....\$	39,367,500
To carry out the provisions of Public Law 85-864 (National Defense Education Act of 1958).....\$	1,500,000
Education of Indian children.....\$	2,000,000
Adult Basic Education.....\$	1,230,000

School Food Services Programs: PROVIDED, That not more than \$934,967 shall be from state funds....\$	27,699,626
General Fund Appropriation for Assistance to Blind Students (RCW 28B.10.215).....\$	5,000
General Fund Appropriation for Environmental Education.....\$	536,277
General Fund Appropriation for gifted program.....\$	330,000
General Fund Appropriation for state grants to needy and disadvantaged students: PROVIDED, That these funds shall be used by the Superintendent of Public Instruction for individual grants to needy and disadvantaged elementary and secondary pupils attending public and private schools approved by the state board of education who demonstrate a financial inability to meet the total cost of supplies, books, tuition, incidental and other fees for any school term, or who because of adverse cultural, educational, environmental or other circumstances, are deemed as being highly improbable of continuing in the schools in which such pupils are enrolled and that such financial assistance, after other scholarships, grants and assistance are deducted, shall not exceed three hundred dollars per secondary pupil (grades 9-12) and one hundred dollars per elementary pupil (grades 1-8).....\$	750,000
General Fund--Traffic Safety Education Account Appropriation, of which \$602,936 is for administration.....\$	8,825,936

NEW SECTION. Sec. 3. The Superintendent of Public Instruction shall receive or expend no federal funds in excess of those approved in this act unless an equal amount of state dollars are placed in reserve status to be expended only with the approval of the Legislature.

NEW SECTION. Sec. 4. The words "superintendent of public instruction" used herein means and includes every institution, whether educational, correctional, or other, and division, board and commission, except as otherwise provided in this act.

NEW SECTION. Sec. 5. In order to carry out the provisions of these appropriations and the state budget, the director of the office of program planning and fiscal management with the approval of the governor, may:

- (1) Allot all of any portion of the funds herein appropriated or included in this budget, to the superintendent for such periods as he shall determine and may place any funds not so allotted in reserve

available for subsequent allotment. (a) When necessary to limit total state expenditures to available revenues as required by RCW 43.88.110(2); (b) When the superintendent proposes the expenditure of a resource not disclosed in the budget request submitted to the Governor and Legislature: PROVIDED, HOWEVER, That the aggregate of allotments for the superintendent shall not exceed the total of applicable appropriations and local funds available to the superintendent. It shall be unlawful for any officer or employee to incur obligations in excess of approved allotments or to incur a deficiency and any obligation so made shall be deemed invalid. Nothing in this section or in chapter 328, Laws of 1959, shall prevent revision of any allotment when necessary to prevent the making of expenditures under appropriations in this act in excess of available revenues.

(2) Issue rules and regulations to establish uniform standards and business practices throughout the state service, including regulation of travel by officers and employees and the conditions under which per diem shall be paid, so as to improve efficiency and conserve funds.

(3) Prescribe procedures and forms to carry out the above.

(4) Allot funds from appropriations in this act in advance of July 1, 1973; for the sole purpose of authorizing the superintendent to order goods, supplies, or services for delivery after July 1, 1973: PROVIDED, That no expenditures may be made from the appropriations contained in this act, except as otherwise provided, until after July 1, 1973.

NEW SECTION. Sec. 6. Whenever possible, the receipt of federal or other funds which are not anticipated by the governor's budget or in the appropriations enacted by the Legislature shall be used to support regular programs instead of using funds appropriated from state taxes or similar revenue sources.

NEW SECTION. Sec. 7. In the event that receipts shall be less than those estimated in the budget from any source expenditures shall be limited to the amount received and allotments made as provided in section 5. Receipts for purposes of this section shall include amounts realized within one calendar month following the close of a fiscal period and applicable to expenditures of that period. The amount of such payment shall be credited to and shall be treated for all purposes as having been collected during the fiscal period.

NEW SECTION. Sec. 8. The superintendent is authorized to make refunds of erroneous or excessive payments and in the case of other refunds, which may be provided by law, without express appropriation therefor.

NEW SECTION. Sec. 9. Whenever allocations are made from the

governor's emergency appropriation to an agency which is financed by other than general fund moneys, the director of the office of program planning and fiscal management may direct the repayment of such allocated amount to the general fund from any balance in the fund or funds which finance such agency. No appropriation shall be necessary to effect such repayment.

NEW SECTION. Sec. 10. Amounts received by the superintendent as reimbursements pursuant to RCW 43.09.210 shall be considered as returned loans of materials supplied or services rendered. Such amounts may be expended as a part of the original appropriation of the fund to which it belongs, without further or additional appropriation, subject to conditions and procedures prescribed by the director of the office of program planning and fiscal management which shall provide for determination of full costs, disclosure of such reimbursements in the governor's budget, maximum interagency usage of data processing equipment and services and such restrictions as will promote more economical operations of state government without incurring continuing costs beyond those reimbursed.

NEW SECTION. Sec. 11. In order to obtain maximum interagency use of aircraft, the Aeronautics Commission, in accordance with RCW 43.09.210 and chapter 39.34 RCW is hereby authorized to lease, purchase or otherwise acquire suitable aircraft which shall be utilized for the purposes of the Aeronautics Commission and also by other state agencies which have a need for an aircraft to carry out agency assigned responsibilities: PROVIDED, That the Aeronautics Commission is further authorized to enter into contractual agreements with other state agencies in order to acquire aircraft, establish rental rates for aircraft under their control, provide pilot services, aircraft maintenance and make such other provisions as necessary to provide aircraft and related services for multi-agency use: PROVIDED FURTHER, That in order to achieve economy in the use of the appropriations contained within this act the superintendent may not purchase or otherwise acquire an aircraft or enter into a flying service or aircraft rental contract without first seeking such service from the Aeronautics Commission and without prior approval of the director of the office of program planning and fiscal management.

NEW SECTION. Sec. 12. All contract personal services contracts except those for medical and health care and such other contracts which the director of the office of program planning and fiscal management may exempt after consultation with the Legislative Budget Committee shall be filed with the office of program planning and fiscal management and the Legislative Budget Committee prior to obligating any portion of the appropriations approved in this act.

NEW SECTION. Sec. 13. Within the rules and regulations of the Department of Personnel, as applicable, in the filling of vacant

positions and in the filling of new positions of employment in state government, preference shall be given, where necessary, to nonwhite and Mexican-American applicants in order to attain the same minority employment ratio in each agency as obtains in the population of the state at large.

NEW SECTION. Sec. 14. The superintendent is hereby authorized and directed to pay his share of the 1971-73 unemployment compensation costs in accordance with section 19, chapter 3, Laws of 1971, as determined by the Employment Security Department, from their 1973-75 operating appropriations. The director of the office of program planning and fiscal management may require the superintendent to place funds in reserve status in order to assure that funds will be available for the purpose of this section.

NEW SECTION. Sec. 15. 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. 16. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately: PROVIDED, That provisions of this appropriations act shall not take effect until the legislature shall have approved the entire 1973-75 biennial budget for the state of Washington.

Passed the Senate April 14, 1973.

Passed the House April 14, 1973.

Approved by the Governor April 23, 1973.

Filed in Office of Secretary of State April 24, 1973.

CHAPTER 135
[Senate Bill No. 2805]
COLLEGES, UNIVERSITIES--CAPITAL
CONSTRUCTION BONDS

AN ACT Relating to the institutions of higher education; providing for the acquisition, construction, remodeling, furnishing and equipping of state buildings and facilities for said institutions of higher education; providing for the financing thereof by the issuance of bonds; and declaring an emergency.

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

NEW SECTION. Section 1. For the purpose of providing needed capital improvements consisting of the acquisition, construction, remodeling, furnishing and equipping of state buildings and