

However, if they fail to fill any vacancy within fifteen days of its occurrence, or within 15 days after the effective date of this 1983 act, the legislative authority of the county shall make the necessary appointment.

(3) Appointments made pursuant to this section shall be ad interim to the next general election.

NEW SECTION. Sec. 2. 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.

Passed the Senate February 2, 1983.

Passed the House March 8, 1983.

Approved by the Governor March 10, 1983.

Filed in Office of Secretary of State March 10, 1983.

CHAPTER 12

[Engrossed Second Substitute Senate Bill No. 3100]

SUPPLEMENTAL BUDGET—1981-1983 FISCAL BIENNIUM

AN ACT Relating to state agencies; amending section 14, chapter 340, Laws of 1981 as last amended by section 11, chapter 11, Laws of 1982 2nd ex. sess. (uncodified); amending section 84, chapter 340, Laws of 1981 as last amended by section 59, chapter 11, Laws of 1982 2nd ex. sess. (uncodified); amending section 4, chapter 33, Laws of 1982 1st ex. sess. as amended by section 67, chapter 11, Laws of 1982 2nd ex. sess. (uncodified); amending section 30, chapter 340, Laws of 1981 as amended by section 29, chapter 50, Laws of 1982 1st ex. sess. (uncodified); amending section 125, chapter 340, Laws of 1981 as last amended by section 101, chapter 50, Laws of 1982 1st ex. sess. (uncodified); amending section 47, chapter 340, Laws of 1981 as amended by section 41, chapter 14, Laws of 1981 2nd ex. sess. (uncodified); amending section 48, chapter 340, Laws of 1981 as last amended by section 31, chapter 11, Laws of 1982 2nd ex. sess. (uncodified); amending section 80, chapter 340, Laws of 1981 as last amended by section 56, chapter 11, Laws of 1982 2nd ex. sess. (uncodified); amending section 87, chapter 340, Laws of 1981 as last amended by section 72, chapter 50, Laws of 1982 1st ex. sess. (uncodified); amending section 92, chapter 340, Laws of 1981 as last amended by section 74, chapter 50, Laws of 1982 1st ex. sess. (uncodified); amending section 16, chapter 143, Laws of 1981 (uncodified); amending section 123, chapter 136, Laws of 1981 as last amended by section 84, chapter 11, Laws of 1982 2nd ex. sess. (uncodified); amending section 42, chapter 137, Laws of 1981 as last amended by section 85, chapter 11, Laws of 1982 2nd ex. sess. (uncodified); creating new sections; making appropriations; and declaring an emergency.

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

NEW SECTION. Sec. 1. A supplemental budget as set forth in sections 2 through 31 of this 1983 act is hereby adopted and, subject to the provisions set forth in this 1983 act, the several amounts specified in sections 2 through 31 of this 1983 act, 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 designated agencies and offices of the state and for other specified purposes and projects for the fiscal biennium beginning July 1, 1981, and ending June 30,

1983, except as otherwise provided, out of the several funds of the state hereinafter named, and making other appropriations.

NEW SECTION. Sec. 2. FOR THE HOUSE OF REPRESENTATIVES

General Fund Appropriation \$ 4,939,000

The appropriation in this section is subject to the following condition or limitation: \$61,000 of the appropriation is provided solely for the temporary congressional redistricting commission established pursuant to chapter 6, Laws of 1983.

NEW SECTION. Sec. 3. FOR THE SENATE

General Fund Appropriation \$ 3,016,000

NEW SECTION. Sec. 4. FOR THE SUPREME COURT

General Fund—Judiciary Education Account
Appropriation \$ 479,000

NEW SECTION. Sec. 5. FOR THE COURT OF APPEALS

General Fund—Judiciary Education Account
Appropriation \$ 98,000

NEW SECTION. Sec. 6. FOR THE ADMINISTRATOR FOR THE COURTS

General Fund—Judiciary Education Account
Appropriation \$ 123,000

**Sec. 7. Section 14, chapter 340, Laws of 1981 as last amended by section 11, chapter 11, Laws of 1982 2nd ex. sess. (uncodified) is amended to read as follows:*

FOR THE GOVERNOR—SPECIAL APPROPRIATIONS

General Fund Appropriation—State \$ 112,515,000
General Fund Appropriation—Federal \$ 20,446,000
Special Fund Salary and Insurance Contribution
Increase Revolving Fund Appropriation \$ 40,972,000
Total Appropriation \$ 173,933,000

The appropriations in this section are subject to the following conditions and limitations:

(1) A maximum of \$2,126,000 is for the governor's emergency fund to be allocated for the carrying out of the critically necessary work of any agency: PROVIDED, That \$100,000 of this amount is provided solely for costs related to flood clean-up activities on or around Lake Whatcom: PROVIDED FURTHER, That \$150,000 of this amount is transferred to the organized crime prosecution revolving fund.

(2) (a) A maximum of \$100,984,000 of general fund moneys (including \$15,284,000 in federal funds) may be expended to implement salary increases, effective October 1, 1981, averaging 7.5% for higher education classified

employees and 7.2% for commissioned officers of the Washington state patrol, faculty and administrative exempt employees of the community college system and the four-year institutions of higher education, and medical residents and graduate assistants, including teaching assistants and research assistants of the four-year institutions of higher education, and state personnel board classified and exempt employees, (excluding student employees not under the jurisdiction of the state or higher education personnel board); and effective June 30, 1983, a salary increase averaging 7.0% for higher education classified employees, commissioned officers of the Washington state patrol, faculty and administrative exempt employees of the community college system and the four-year institutions of higher education and medical residents and graduate assistants, including teaching assistants and research assistants of the four-year institutions of higher education, and state personnel board classified and exempt employees, (excluding student employees not under the jurisdiction of the state or higher education personnel board): PROVIDED, That the October 1, 1981, salary increase for higher education classified employees and state personnel board classified and exempt employees shall implement the salary ranges adopted by the higher education and state personnel boards resulting from the 1980 salary survey (catch-up results): PROVIDED, That increases granted in this subsection for higher education faculty and administrative exempt employees are inclusive of increments: PROVIDED FURTHER, That exclusive of merit pool and Washington state university (143) increase funds no higher education institution or community college district may grant from any fund source whatsoever any salary increases greater than that provided in this subsection.

(b) A maximum of \$29,851,000 of general fund moneys (including \$5,162,000 in federal funds) may be expended to effect increases in the state's maximum contribution for employee insurance benefits. A maximum of \$22,339,000 of this amount (including \$3,947,000 in federal funds) may be expended to effect, beginning July 1, 1981, an increase in the state's maximum contribution for employee insurance benefits from \$95.00 per month to \$121.00 per month per eligible employee. A maximum of \$7,512,000 of this amount (including \$1,215,000 in federal funds) may be expended to effect, beginning July 1, 1982, an increase in the state's maximum contribution for employee insurance benefits from \$121.00 per month to \$137.00 per month per eligible employee.

(c) A maximum of \$31,440,000 of special fund salary and insurance contribution increase revolving fund moneys may be expended to effect salary increases for higher education classified employees, commissioned officers of the Washington state patrol, faculty and administrative exempt employees of the community college system and the four-year institutions of higher education, and medical residents and graduate assistants, including teaching assistants and research assistants of the four-year institutions of higher

education, and state personnel board classified and exempt employees, (excluding student employees not under the jurisdiction of the state or higher education personnel board) calculated in accordance with the procedures outlined in subsection (2)(a) of this section.

(d) A maximum of \$9,532,000 of special fund salary and insurance contribution increase revolving fund moneys may be expended to effect increases in the state's maximum contribution for employee insurance benefits. A maximum of \$7,289,000 of this amount may be expended to effect, beginning July 1, 1981, an increase in the state's maximum contribution for employee insurance benefits from \$95.00 per month to \$121.00 per month per eligible employee. A maximum of \$2,243,000 of this amount may be expended to effect, beginning July 1, 1982, an increase in the state's maximum contribution for employee insurance benefits from \$121.00 per month to \$137.00 per month per eligible employee. Any moneys resulting from a dividend or refund attributable to the experience of an insurance or health care plan calculated at the end of the contract year shall not be used to increase employee insurance benefits over the level of services provided on April 20, 1982.

(e) To facilitate payment of state employee salary increases from special funds and to facilitate payment of state employee insurance benefit increases from special funds, the state treasurer is directed to transfer sufficient income from each special fund to the special fund salary and insurance contribution increase revolving fund hereby created in accordance with schedules provided by the office of financial management.

(f) Notwithstanding any other provision of this subsection (2), Walla Walla community college may fund additional actual increments or their equivalents in salaries for each year of the biennium to equalize salaries to the state-wide average salaries as reflected by the average base salary of the annually contracted professional personnel of the Washington community colleges.

Sec. 7. was vetoed, see message at end of chapter.

NEW SECTION. Sec. 8. FOR THE LIEUTENANT GOVERNOR
 General Fund Appropriation \$ 30,000

NEW SECTION. Sec. 9. FOR THE SECRETARY OF STATE
 General Fund Appropriation \$ 617,000

NEW SECTION. Sec. 10. FOR THE STATE ACTUARY
 General Fund Appropriation \$ 30,000

The appropriation in this section is subject to the following condition or limitation: The appropriation is provided solely to hire an executive search consultant for the purpose of employing a new state actuary.

NEW SECTION. Sec. 11. FOR THE DEPARTMENT OF PERSONNEL
 Department of Personnel Service Fund Approp-
 priation \$ 80,000

NEW SECTION. Sec. 12. FOR THE BOARD OF ACCOUNTANCY
 General Fund Appropriation \$ 33,000

NEW SECTION. Sec. 13. FOR THE DEPARTMENT OF NATURAL RESOURCES
 General Fund—Forest Development Account
 Appropriation \$ 53,000
 General Fund Appropriation \$ 413,000
 Total Appropriation \$ 466,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$313,000 of the general fund appropriation is provided solely for costs associated with department of corrections honor camp residents in work-related activities.

(2) \$100,000 of the general fund appropriation is provided solely for costs related to flood clean-up activities on or around Lake Whatcom.

**Sec. 14. Section 84, chapter 340, Laws of 1981 as last amended by section 59, chapter 11, Laws of 1982 2nd ex. sess. (uncodified) is amended to read as follows:*

FOR THE DEPARTMENT OF AGRICULTURE

General Fund Appropriation—State \$ 8,015,000
General Fund Appropriation—Federal \$ 777,000
General Fund—Feed and Fertilizer Account
 Appropriation \$ 29,000
Fertilizer, Agricultural, Mineral and Lime Fund
 Appropriation \$ 358,000
Commercial Feed Fund Appropriation—State \$ 311,000
Commercial Feed Fund Appropriation—Federal \$ 22,000
Seed Fund Appropriation \$ 913,000
Nursery Inspection Fund Appropriation \$ 270,000
Grain and Hay Inspection Fund Appropriation \$ 17,278,000
 Total Appropriation \$ 27,973,000

The appropriations in this section are subject to the following conditions ((or)) and limitations:

(1) A maximum of \$13,000 of the general fund—state appropriation shall be expended for starling control.

(2) The department of agriculture shall not expend any state general fund moneys for the aerial spraying of hard chemicals over cities with a population over 140,000 persons located in a county with a population over 450,000 persons.

**Sec. 14. was vetoed, see message at end of chapter.*

NEW SECTION. Sec. 15. FOR THE DEPARTMENT OF LICENSING

General Fund—Architects' License Account
 Appropriation \$ 110,000

NEW SECTION. Sec. 16. FOR THE HIGHER EDUCATION PERSONNEL BOARD

Higher Education Personnel Board Service
 Fund Appropriation \$ 40,000

NEW SECTION. Sec. 17. FOR THE DEPARTMENT OF ECOLOGY

General Fund—Reclamation Revolving Account
 Appropriation \$ 50,000

The appropriation in this section is provided for a grant to the federal bureau of reclamation to promote the Columbia River Basin Project and to observe the fiftieth anniversary of the beginning of the construction of the Grand Coulee Dam.

Sec. 18. Section 4, chapter 33, Laws of 1982 1st ex. sess. as amended by section 67, chapter 11, Laws of 1982 2nd ex. sess. (uncodified) is amended to read as follows:

There is hereby appropriated for the biennium ending June 30, 1983, the sum of ~~((twenty-four))~~ one hundred twenty-two thousand dollars, or so much thereof as may be necessary, from the state general fund ~~((~~PROVIDED~~, That up to an additional ninety-eight thousand dollars from the state general fund may be expended if each dollar is matched by funds from private sources;))~~ to be used by the committee for the purpose of carrying out the provisions of sections 1 through 3 of this act. Upon completion of the study, any residual general fund state funds shall revert to the general fund.

NEW SECTION. Sec. 19. FOR THE STATE TREASURER—
 FEDERAL REVENUES FOR DISTRIBUTION

General Fund Appropriation for distribution under federal Public Law 97-99. Fifty percent of these moneys shall be allocated to local school districts according to a formula developed by the superintendent of public instruction and fifty percent of the moneys shall be allocated to counties for the benefit of public roads according to a formula developed by the state department of transportation \$ 197,000

Sec. 20. Section 30, chapter 340, Laws of 1981 as amended by section 29, chapter 50, Laws of 1982 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance premiums tax distribution	\$	((4,360,000))
		<u>4,184,000</u>
General Fund Appropriation for refund of deferred property tax	\$	((123,000))
		<u>223,000</u>
General Fund Appropriation for public utility district excise tax distribution	\$	((13,205,000))
		<u>16,063,000</u>
General Fund Appropriation for prosecuting attorneys' salaries	\$	1,449,000
General Fund Appropriation for motor vehicle excise tax distribution	\$	((55,332,000))
		<u>46,209,000</u>
General Fund Appropriation for local mass transit assistance	\$	98,779,000
General Fund Appropriation for camper and travel trailer excise tax distribution	\$	((1,940,000))
		<u>1,482,000</u>
General Fund Appropriation for local fire protection costs	\$	720,000
General Fund—Harbor Improvement Account Appropriation for harbor improvement revenue distribution	\$	728,000
Liquor Excise Tax Fund Appropriation for liquor excise tax distribution	\$	((20,357,000))
		<u>20,505,000</u>
Motor Vehicle Fund Appropriation for motor vehicle fuel tax and overload penalties distribution	\$	((172,480,000))
		<u>160,314,000</u>
Liquor Revolving Fund Appropriation for liquor profits distribution	\$	((53,600,000))
		<u>56,000,000</u>
State Timber Tax Account 'A' Appropriation for distribution to "Timber" counties	\$	((17,570,000))
		<u>17,985,000</u>
State Timber Tax Reserve Account Appropriation for distribution to "Timber" counties	\$	((46,870,000))
		<u>44,445,000</u>
<u>General Fund—Municipal Sales and Use Tax</u> <u>Account for equalization distribution</u>	\$	4,333,000

General Fund—County Sales and Use Tax

Account for equalization distribution	\$	2,621,000
Total Appropriation	\$	((487,513,000)) 476,040,000

Sec. 21. Section 125, chapter 340, Laws of 1981 as last amended by section 101, chapter 50, Laws of 1982 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—TRANSFERS

General Fund Appropriation: For transfer to the Department of Retirement Systems Expense Fund	\$	8,000
General Fund—Criminal Justice Training Account Appropriation: For transfer to the general fund on or before June 30, 1983, an amount up to \$1,100,000	\$	1,100,000
General Fund—Investment Reserve Account Appropriation: For transfer to the general fund on or before June 29, 1983, pursuant to chapter 50, Laws of 1969	\$	40,000,000
Motor Vehicle Fund Appropriation: For transfer to the Tort Claims Revolving Fund for claims paid on behalf of the department of transportation and the Washington state patrol during the period July 1, 1981, through June 30, 1983	\$	3,000,000
Motor Vehicle Fund Appropriation: For transfer to the Grade Crossing Protective Fund for appropriation to the utilities and transportation commission for the 1981–1983 biennium to carry out the provisions of RCW 81.53.261, 81.53.271, 81.53.281, and 81.53.291	\$	697,000
Motor Vehicle Fund Appropriation: For transfer to the Department of Retirement Systems Expense Fund	\$	40,000
State Treasurer's Service Fund Appropriation: For transfer to the general fund on or before July 20, 1983, an amount up to \$((17,794,000)) <u>18,292,000</u> in excess of the cash requirements in the State Treasurer's Service Fund for fiscal year 1984, for credit to the fiscal year in which earned	\$	((17,794,000)) <u>18,292,000</u>

Teachers' Retirement Fund Appropriation: For transfer to the Department of Retirement Systems Expense Fund.....	\$	2,572,000
General Fund—Trust Land Purchase Account Appropriation: For transfer to the general fund on or before June 30, 1983, an amount up to \$1,028,000 in excess of the cash requirements in the Trust Land Purchase Account, as determined by the office of financial management	\$	1,028,000
General Fund Appropriation: For transfer to the law enforcement officers' and fire fighters' retirement system: PROVIDED, That the amount transferred shall not exceed the additional interest which would have been earned by the system if the amounts appropriated in section 34, chapter 340, Laws of 1981 had been transferred to the system quarterly	\$	((22,000,000))
		<u>17,181,000</u>

General Fund Appropriation: For transfer to the teachers' retirement system: PROVIDED, That the amount transferred shall not exceed the additional interest which would have been earned by the system if the amounts appropriated in section 93, chapter 340, Laws of 1981 had been transferred to the system quarterly \$ 4,819,000

Sec. 22. Section 47, chapter 340, Laws of 1981 as amended by section 41, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

The appropriations made by this act to the department of social and health services are subject to the following conditions and limitations:

(1) The department of social and health services shall not initiate any new services which will incur general fund state expenditures beyond those authorized by appropriation.

(2) Funds appropriated by this act to the department of social and health services shall be allotted and expended reflecting the legislative intent of this act. Within the specific limitations in this act, the department of social and health services may modify allotments after the initial three months of the biennium with the approval of the office of financial management in consultation with the committees on ways and means of the senate and

house of representatives(~~(: PROVIDED, That because substantial uncertainty continues to exist as to actual federal revenues available to the department of social and health services and because major changes in federal entitlement programs affecting income maintenance, community social services, and medical assistance programs may have significant effects on caseloads and expenditures in those programs, allotment modifications may include transfers between programs in sections 49, 50, 51, 53, 54, and 55 of chapter 340, Laws of 1981~~)). Transfers between or within programs may occur notwithstanding any limitation, condition, or proviso in sections 49 through 59, chapter 340, Laws of 1981 as amended by chapter 14, Laws of 1981 2nd ex. sess.; chapter 50, Laws of 1982 1st ex. sess.; and chapter 11, Laws of 1982 2nd ex. sess. Each transfer must maximize services provided under all programs, taking into account actual program workloads.

(3) The department of social and health services may seek and receive additional federal funds not included in this act, subject to approval of the office of financial management, provided that such funding does not require additional expenditure of state funds.

(4) In anticipation of significant reductions in federal support for social service, public health, and Title XIX programs, the legislature has reduced the state's dependency on federal entitlement programs within the income maintenance, medical assistance, and social service programs. However, additional federal reductions may require further reductions to all human service programs. To ensure that the loss of federal funds does not result in an accelerated expenditure of state funds, the following requirements are placed on the department of social and health services:

~~((a))~~ The department shall prepare a contingency expenditure plan to reflect anticipated loss of federal funds. This contingency plan shall include necessary program changes and a redefinition of services or eligibility criteria which will not require expenditures in excess of any appropriation provided in this act. The contingency plan shall be transmitted to the legislature upon completion and at least ten days before implementation.

Sec. 23. Section 48, chapter 340, Laws of 1981 as last amended by section 31, chapter 11, Laws of 1982 2nd ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

(1) COMMUNITY SERVICES

General Fund Appropriation \$ 42,299,000

The appropriation in this subsection is subject to the following conditions and limitations:

(a) \$13,918,000 is provided solely to contract with nonprofit corporations to provide diversionary programs and operate and/or contract for work/training release for convicted felons: PROVIDED, That \$999,000 of

this appropriation is provided solely for pre-trial diversion and the continuation of the alternatives to street crime programs in Snohomish, Pierce and Clark counties. Such funds shall be distributed to the counties in a timely manner: PROVIDED FURTHER, That \$375,000 of this appropriation is provided solely for the continuation of 50 work/training release beds at the Progress House Association of Tacoma.

(b) \$2,419,000 is provided solely for intensive parole.

(c) \$21,519,000 is provided solely for probation and parole.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation \$ ((149,390,000))
149,339,000

The appropriation in this subsection is subject to the following conditions and limitations:

(a) The department of corrections shall present to the legislature by October 12, 1981, a comprehensive institutional educational policy. This report shall explain the basis for selection of educational programs and participation and shall outline program and payment policies for contracting for educational services. The report shall include, but is not limited to, a detailing by month for each institution of the programs, program goals, staffing, costs per offering, and actual and estimated inmate participation.

(b) It is the intent of the legislature that custody staff at adult correctional institutions not be reduced below the levels existing on June 1, 1982.

(c) It is the assumption of the legislature that the appropriation in this subsection initially provides:

(i) \$24,731,000 for the Washington Corrections Center, excluding funds related to court orders under Hoptowit v. Ray, No. 79-359 (E. D. Wash.);

(ii) \$38,312,000 for the Washington State Penitentiary, excluding funds relating to court orders under Hoptowit v. Ray, No. 79-359 (E. D. Wash.);

(iii) \$1,010,000 for the Monroe mental health unit;

(iv) \$24,990,000 for the Washington State Reformatory;

(v) \$8,269,000 for the Purdy Treatment Center for Women;

(vi) \$20,816,000 for the McNeil Island Penitentiary;

(vii) \$9,090,000 for the Special Offenders Center;

(viii) Funds for other costs associated with honor camps and the Pine Lodge Corrections Center.

(3) PROGRAM SUPPORT

General Fund Appropriation \$ ((13,646,000))
13,156,000

General Fund—Institutional Impact Account

Appropriation \$ 525,000

Total Appropriation \$ ((14,171,000))

13,681,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$500,000 is provided solely for individual legal services. There shall be no solicitation of legal action and all informal means of resolving disputes shall be utilized. These funds shall not be used to support class action litigation.

(b) \$2,902,000 is provided solely for costs directly resulting from the decision in Hoptowit v. Ray, No. 79-359 (E. D. Wash.): PROVIDED, That no expenditure of funds may be made without the signature of the agency's assistant attorney general on the authorizing document.

(c) \$1,557,000 for fiscal year 1982 and \$4,902,000 for fiscal year 1983 are provided solely to address population overrun in excess of current bed capacity. Such funds shall be released only with the approval of the director of financial management in consultation with the committees on ways and means of the senate and house of representatives.

(d) \$~~(1,079,000)~~ 589,000 is provided solely for the one-time cost impact to communities associated with locating additional state correctional facilities.

(4) Funds may be transferred from program support to institutional services for costs associated with Hoptowit v. Ray, No. 79-359 (E. D. Wash.), and population overruns to the extent provided for in this section.

(5) The department of corrections shall in conjunction with the office of financial management and the committees on ways and means of the senate and house of representatives develop staff-to-inmate ratios or a system of post assignment for each correctional unit by August 1, 1981. By September 1, 1981, a written report on proposed staffing levels shall be presented to the legislature comparing this staffing to prior biennial levels and discussing its programmatic and fiscal implications.

**Sec. 24. Section 80, chapter 340, Laws of 1981 as last amended by section 56, chapter 11, Laws of 1982 2nd ex. sess. (uncodified) is amended to read as follows:*

FOR THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

<i>General Fund Appropriation—State</i>	\$	((7,893,000))
		<u>7,408,000</u>
<i>General Fund Appropriation—Federal</i>	\$	391,000
<i>Motor Vehicle Fund Appropriation</i>	\$	395,000
<i>Total Appropriation</i>	\$	((8,679,000))
		<u>8,194,000</u>

The appropriations in this section are subject to the following condition or limitation: This 1983 act does not reduce state matching funds for the department's eight tourism regions.

*Sec. 24. was vetoed, see message at end of chapter.

Sec. 25. Section 87, chapter 340, Laws of 1981 as last amended by section 72, chapter 50, Laws of 1982 1st ex. sess. (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—
BASIC EDUCATION FORMULA FOR FISCAL YEARS 1982 AND
1983**

General Fund Appropriation	\$	(2,584,868,000)	
			<u>2,586,301,000</u>
General Fund—State Timber Tax Reserve			
Account	\$	4,000,000	
Total Appropriation	\$	(2,588,868,000)	
			<u>2,590,301,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) For purposes of this act and compliance with chapter 16, Laws of 1981, the superintendent of public instruction shall ensure that no district provides salary and compensation increases from any fund source whatsoever in excess of those amounts for insurance benefit increases and/or for those percentages for salary increases as specified in this act and LEAP Document 4: PROVIDED, That for the 1981–82 school year, if a school district is in violation of chapter 16, Laws of 1981, or chapter 340, Laws of 1981, as now or hereafter amended, the superintendent shall withhold the lesser of five percent or an amount equal to the level of violation when applied to the district's respective basic education allocation, until such time as the school district comes into compliance: PROVIDED FURTHER, That for the 1982–83 school year, the superintendent shall withhold five percent of a district's respective basic education allocation if the school district violates any provision of this act or chapter 16, Laws of 1981 until such time as a school district comes into compliance: PROVIDED FURTHER, That provisions of any contract in force as of the effective date of chapter 16, Laws of 1981, for school years 1981–82 and 1982–83 that conflict with the provisions of this act may continue in effect and no funds shall be withheld as a result of such contracts: PROVIDED FURTHER, That provisions of a contract in compliance with chapter 16, Laws of 1981, and chapter 340, Laws of 1981, entered into prior to the effective date of this 1982 act, for the 1982–83 school year that conflicts with provisions of this 1982 amendatory act may continue in effect and no funds shall be withheld as a result of such contracts.

(2)(a) The appropriations in this section and allocation authorized by sections 87 through 91 of this act per annual average full time equivalent student shall constitute 100% of formula as provided in RCW 28A.41.130 as now or hereafter amended.

(b) If the system-wide staff mix factor exceeds 1.6182, the superintendent of public instruction shall make such adjustments as are required to remain within the amounts generated by the staff mix assumption for the total appropriation.

(3) Formula allocation of certificated staff units shall be determined as follows:

(a) One certificated staff unit for each average annual twenty full time equivalent kindergarten, elementary, and secondary students, excluding secondary vocational full time equivalent students enrolled in a vocational program approved by the superintendent of public instruction.

(b) One certificated staff unit for each average annual eighteen and three-tenths full time equivalent students enrolled in a vocational education program approved by the superintendent of public instruction.

(c) For districts enrolling not more than one hundred average annual full time equivalent students (except as otherwise specified) and for small school plants within any school district, which small plants have been judged to be remote and necessary by the state board of education, certificated staff units shall be determined as follows:

(i) For grades K-6, for enrollments of not more than sixty annual average full time equivalent students, three certificated staff units;

(ii) For grades K-6, for enrollments above sixty annual average full time equivalent students, additional certificated staff units based upon a ratio of one certificated staff unit per twenty annual average full time equivalent students;

(iii) For grades 7 and 8, for enrollments of not more than twenty annual average full time equivalent students, one certificated staff unit;

(iv) For grades 7 and 8, for enrollment above twenty annual average full time equivalent students, additional certificated staff units based upon a ratio of one certificated staff unit per twenty annual average full time equivalent students;

(v) For each nonhigh school district having an enrollment of more than seventy annual average full time equivalent students and less than one hundred eighty students, operating a K-8 program or 1-8 program, an additional one-half of a certificated staff unit: PROVIDED, That the funds provided by this subparagraph shall not be included for purposes of calculating the levy lid pursuant to chapter 84.52 RCW;

(vi) For each nonhigh school district having an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, operating a K-6 or 1-6 program, an additional one-half of a certificated staff unit: PROVIDED, That the funds provided by this subparagraph shall not be included for purposes of calculating the levy lid pursuant to chapter 84.52 RCW.

(d) For districts operating high schools with enrollments of not more than three hundred average annual full time equivalent students, certificated staff units shall be determined as follows:

(i) Nine and one-half certificated staff units for the first sixty annual average full time equivalent students;

(ii) Additional certificated staff units based upon a ratio of one certificated staff unit per forty-three and one-half average annual full time equivalent students.

(4)(a) For nonemployee related costs with each certificated staff unit determined under subsection (3) (a), (c), and (d) of this section, there shall be provided a maximum of \$4,572 per staff unit in the 1981-82 school year and a maximum of \$4,966 per staff unit in the 1982-83 school year.

(b) For nonemployee related costs with each certificated staff unit determined under subsection (3)(b) of this section, there shall be provided a maximum of \$8,000 per staff unit in the 1981-82 school year and a maximum of \$8,641 per staff unit in the 1982-83 school year.

(5) Formula allocation of classified staff units shall be determined as follows:

(a) One classified staff unit per each three certificated staff units determined under subsection (3) (a), (c), and (d) of this section;

(b) One classified staff unit for each sixty full time equivalent vocational students enrolled; and

(c) For each nonhigh school district with an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit: PROVIDED, That the funds provided by this subparagraph shall not be included for purposes of calculating the levy lid pursuant to chapter 84.52 RCW.

(6) The superintendent of public instruction shall distribute a maximum of \$565,000 outside of the basic education allocation to school districts for fire protection districts at a rate of \$1.00 per year for each student attending a school located in an unincorporated area within a fire protection district as mandated by RCW 52.36.020; a maximum of \$280,000 for the 1981-82 school year, and a maximum of \$285,000 for the 1982-83 school year.

(7) The general fund—state appropriation contained in this section includes all funds received by the state pursuant to Title 16, section 500, United States Code (federal forest funds) which are distributed to the general fund for the benefit of public schools in accordance with RCW 36.33-.110. Within thirty days of receipt within the state treasury, the superintendent of public instruction shall distribute such federal forest funds to each eligible school district in an amount not to exceed that which the district would have received in accordance with the basic education appropriation for the previous year. Funds determined to be in excess of that

amount shall be distributed to the county for distribution to the school districts within the county in accordance with RCW 36.33.110: PROVIDED, That if the amount received by any district pursuant to this appropriation is less than the basic education allocation which the district would otherwise receive, the superintendent of public instruction shall allocate from basic education funds to the district an amount equal to the difference between the amount received under this appropriation and the amount the district would otherwise receive under the basic education act.

(8) The superintendent of public instruction may distribute a maximum of \$250,000 for school district emergencies outside of the basic education allocation.

(9) Not more than ~~\$(4,518,000)~~ 5,951,000 of the appropriation contained in this section shall be expended for districts which experience an enrollment decline in the 1981-82 school year from the 1980-81 base enrollment level and in the 1982-83 school year from the 1981-82 base enrollment level. The superintendent of public instruction shall distribute funds based on certificated staff units in the 1981-82 and 1982-83 school years to such districts on the basis of current school year enrollment plus one quarter of the amount of the enrollment decline from the prior school year level. The superintendent of public instruction, in ascertaining the full time equivalent enrollment under this section for any school district declining in enrollment at a rate of at least four percent, or three hundred full time equivalent students, whichever is less, from the immediately preceding school year, shall increase the enrollment as otherwise herein computed by twenty-five percent of the full time equivalent pupil enrollment loss from the previous school year.

(10) No cash balances or cash reserves of any school district may be confiscated by the state nor used as a local revenue deduction when apportionment funds from this section are distributed to school districts.

(11) The disbursements to local school districts from the appropriations in this section are subject to reductions under section 83 of this 1982 act.

Sec. 26. Section 92, chapter 340, Laws of 1981 as last amended by section 74, chapter 50, Laws of 1982 1st ex. sess. (uncodified) is amended to read as follows:

SALARY AND COMPENSATION INCREASES

General Fund Appropriation \$ 112,299,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Increases provided by this section shall be included for purposes of calculating the levy lid pursuant to chapter 84.52 RCW.

(2) Salary and insurance benefit increase funds shall be allocated by the superintendent of public instruction as specified in this section and may be expended by school districts for any state funded activity.

(3) A maximum of \$ 54,666,000 for the 1981-83 biennium may be expended for provision of basic education state-supported certificated staff salary increases as provided in LEAP Document 2 and concomitant incremental fringe benefits. Local school district percentage salary increases under this section, excluding incremental fringe benefits and including any relevant increases as a result of the provisions of subsection (7) (b) and (c) of this section, shall not exceed the percentages specified in LEAP Document 4.

(4) A maximum of \$ 12,113,000 for the 1981-83 biennium may be expended for provision of basic education state-supported classified staff salary increases as provided in LEAP Document 2 and concomitant incremental fringe benefits. Local school district percentage increases provided under this section, excluding incremental fringe benefits and including any relevant increases as a result of the provisions of subsection (7)(b) of this section, shall not exceed the percentages specified in LEAP Document 4.

(5) A maximum of \$ 34,147,000 for the 1981-83 biennium may be expended for insurance benefit increases for state-supported basic education certificated and classified staff at a rate of \$26 per month per full time equivalent staff unit in 1981-82 and an additional \$16 per month in 1982-83.

(6) A maximum of \$ 10,922,000 for the 1981-83 biennium for state-supported staff salary, insurance benefit increases, and concomitant incremental fringe benefits for educational service district staff, institutional education staff (program 46), vocational-technical institutes/adult basic education (programs 47 and 48), handicapped program staff (program 21) and transportation staff (program 99), to be distributed at rates and/or percentages not exceeding those specified for the basic education certificated or classified staff, as the case may be, of a district using the pertinent program derived base salary and staff mix factor for certificated staff and average salary for classified staff. Educational service district staff shall receive salary increases funded from this appropriation at the support level provided in section 99 of this act at a rate of 6.87% in 1981-82 and 7.35% in 1982-83, effective June 30, 1983, and insurance benefit increases at the same rate as provided in subsection (5) of this section. Educational service districts, institutional education (program 46) and vocational-technical institutes/adult basic education (programs 47 and 48) shall receive first draw from this appropriation.

(7) For purposes of chapter 16, Laws of 1981, the following conditions and limitations shall apply:

(a) Districts may provide salary and insurance benefit increases for nonstate-supported activities at rates not exceeding those specified by LEAP Document 4 for state-supported basic education certificated staff in each school year of the biennium for each district.

(b) That part of insurance benefits granted employees that are in excess of:

(i) \$121 per full time equivalent staff unit in 1981-82 shall constitute a portion of the salary increase specified in LEAP Document 4: PROVIDED, That if insurance benefits granted employees in 1980-81 were in excess of \$121 per full time equivalent staff unit then only that part granted to employees for 1981-82 in excess of the 1980-81 level shall constitute a portion of the salary increase specified in LEAP Document 4.

(ii) \$137 per full time equivalent staff unit in 1982-83 shall constitute a portion of the salary increase specified in LEAP Document 4: PROVIDED, That if insurance benefits granted employees in 1981-82 were in excess of \$137 per full time equivalent staff unit then only that part granted to employees for 1982-83 in excess of the 81-82 level shall constitute a portion of the salary increase specified in LEAP Document 4.

(c) Increments granted by school districts to certificated staff shall constitute salary increase only to the extent that the aggregate of increments granted by a district in accordance with its salary schedule exceeds the aggregate of increments which are provided pursuant to LEAP Document 1.

(8) A district shall not be in violation of this section or chapter 16, Laws of 1981, as a result of corrections to the reported staff mix data in the 1980-81, 1981-82, or 1982-83 school years as long as the average salary for the 1981-82 and 1982-83 school year, respectively, does not exceed the average salary that would have been generated through consistent application of the incorrect base salary and staff mix in the 1981-82 and 1982-83 school year, respectively.

(9) The 1982-83 salary increase shall be effective on June 30, 1983, and shall be allocated by the superintendent of public instruction as specified in LEAP Document 2.

(10) A maximum of \$451,000 shall be distributed to those school districts which after May 19, 1981, and prior to December 1, 1981, incurred a contractual obligation to pay any employee or employee group a salary increase (~~((during the 1982-83 school year))~~ after August 31, 1982, and prior to June 30, 1983, and such obligation cannot be revoked or otherwise avoided by unilateral action of such districts: PROVIDED, That the total salary increase obligation is within the limits prescribed by LEAP Document 2: PROVIDED FURTHER, That the portion of salary increase funds provided to each qualifying district shall be distributed in the same proportion to the total provided herein as its irrevocable salary increase obligation is in proportion to the total irrevocable salary increase obligation of all qualifying districts: PROVIDED FURTHER, That the determination of revocability or avoidability of the obligation for purposes of receipt of the funds provided under this subsection shall be the sole and final determination of the state attorney general after reviewing the contract regardless of

what may be determined by an arbitrator or court as to the school district's obligation to its employees.

(11) The disbursements to local school districts from the appropriations in this section are subject to reductions under section 83 of this 1982 act.

Sec. 27. Section 16, chapter 143, Laws of 1981 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GAME

(1) Reappropriation of various 1979-81 projects which have not been completed.

	Reappropriation	Appropriation
GF, ORA—State	825,000	
GF, ORA—Federal	346,000	
Game Fund—State	837,000	
Game Fund—Federal	1,055,000	
Game Fund—Game Sp Wildlife Acct	95,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/83 and	Costs
6/30/81	Thereafter	
		1,799,626

(2) Relocate shop facilities from the Auburn Game Farm to the Olympia area from proceeds of the sale of the Auburn Game Farm. This appropriation is contingent on the enactment of House Bill No. 66 during the 1981 regular session of the legislature.

	Reappropriation	Appropriation
Game Fund—State		819,700
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/83 and	Costs
6/30/81	Thereafter	
200,000		1,019,700

(3) Replace raceways and roads, South Tacoma Hatchery.

	Reappropriation	Appropriation
Game Fund—State		133,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/83 and	Costs

6/30/81	Thereafter	
67,000	200,000	400,000

(4) Emergency repair and replacement.

	Reappropriation	Appropriation
Game Fund—State		150,000
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs
	300,000	450,000

(5) Replace thirty-nine sets of outdoor toilets on department access areas state-wide.

	Reappropriation	Appropriation
Game Fund—State		195,000
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs
	400,000	595,000

(6) Repair three dikes, Skagit Wildlife Recreation Area.

	Reappropriation	Appropriation
Game Fund—State		88,000
Game Fund—Federal		264,000
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs
		352,000

(7) Construct dike and water control structures, McNary Wildlife Recreation Area.

	Reappropriation	Appropriation
Game Fund—State		17,000
Game Fund—Federal		250,000
Project Costs Through	Estimated Costs 7/1/83 and	Estimated Total Costs

6/30/81

Thereafter

267,000

(8) Replace hatchery building, South Tacoma Hatchery.

	Reappropriation	Appropriation
Game Fund—State		227,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/83 and	Costs
6/30/81	Thereafter	
		227,000

(9) Construct new residence and upgrade domestic water supply, Ring-old Rearing Pond.

	Reappropriation	Appropriation
Game Fund—Federal		119,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/83 and	Costs
6/30/81	Thereafter	
		119,000

(10) Replace roofs on several buildings, state-wide.

	Reappropriation	Appropriation
Game Fund—State		126,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/83 and	Costs
6/30/81	Thereafter	
		126,000

(11) ~~((Purchase land and construct new regional office and storage building using proceeds from sale of present regional office in downtown Seattle.))~~ Sell existing Seattle office and purchase replacement facilities.

	Reappropriation	Appropriation
Game Fund—State		1,081,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/83 and	Costs

6/30/81

Thereafter

1,081,000

(12) Replace fishing sites condemned by the Corps of Engineers near Bonneville Dam, Columbia River.

	Reappropriation	Appropriation
Game Fund—Federal		120,000
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs
		120,000

(13) Replace wildlife habitat lost to inundation of Snake River Canyon.

	Reappropriation	Appropriation
Game Fund—Federal		2,480,000
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs
	4,960,000	7,440,000

(14) Complete acquisition of thirty-five acres in three parcels of cooperative project with Whatcom county, Tennant Lake Wildlife Recreation Area.

	Reappropriation	Appropriation
GF, ORA—State		76,500
GF, ORA—Federal		76,500
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs
		153,000

(15) Complete cooperative development project with Whatcom County, Tennant Lake Wildlife Recreation Area.

	Reappropriation	Appropriation
GF, ORA—State		93,500
GF, ORA—Federal		93,500
Project	Estimated	Estimated

Costs Through 6/30/81	Costs 7/1/83 and Thereafter	Total Costs
		187,000

(16) Construct fishing dock with parking and sanitary facilities, Mercer Island.

	Reappropriation	Appropriation
GF, ORA—State		29,500
GF, ORA—Federal		29,500
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs
		59,000

(17) Redevelop fishing and boating access with parking and sanitary facilities, Heller Basin—Snake River.

	Reappropriation	Appropriation
GF, ORA—State		63,500
GF, ORA—Federal		63,500
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs
15,000		142,000

(18) Redevelop fishing and boating access with parking and sanitary facilities, Kenmore access—Lake Washington.

	Reappropriation	Appropriation
GF, ORA—State		17,000
GF, ORA—Federal		17,000
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs
		34,000

(19) Develop fishing and boating access with parking and sanitary facilities, city of Snohomish—Snohomish River.

Reappropriation	Appropriation
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GF, ORA—State	62,500
GF, ORA—Federal	62,500

Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs 125,000
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(20) Provide fishing and launch float, Clear Lake.

	Reappropriation	Appropriation
GF, ORA—State		11,000
GF, ORA—Federal		11,000
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs 63,000
41,000		

(21) Develop public fishing access with launch, parking, and sanitary facilities, Wenas Lake.

	Reappropriation	Appropriation
GF, ORA—State		35,000
GF, ORA—Federal		35,000
Game Fund—Private/Local		27,000
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs 97,000

(22) Redevelop fishing and boating access with launch, parking, and sanitary facilities, Deep Lake.

	Reappropriation	Appropriation
GF, ORA—State		37,500
GF, ORA—Federal		37,500
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs 75,000

(23) Redevelop fishing and boating access with launch, parking, and sanitary facilities, Jamison Lake.

	Reappropriation	Appropriation
GF, ORA—State		133,000
GF, ORA—Federal		133,000
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs 266,000

(24) Develop fishing and boating access with launch, parking and sanitary facilities, Mitchell Access—Klickitat River.

	Reappropriation	Appropriation
GF, ORA—State		32,500
GF, ORA—Federal		32,500
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs 65,000

(25) Acquire fishing area for public access, Cottage Lake.

	Reappropriation	Appropriation
GF, ORA—State		32,500
GF, ORA—Federal		32,500
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs 65,000

(26) Acquire three public fishing easements and two parking areas between Auburn and Flaming Geyser, Green River.

	Reappropriation	Appropriation
GF, ORA—State		42,500
GF, ORA—Federal		42,500
Project Costs Through	Estimated Costs 7/1/83 and	Estimated Total Costs

6/30/81

Thereafter

85,000

(27) Acquire remainder parcels between Union Gap and Zillah on I-82 for wildlife habitat and public use.

	Reappropriation	Appropriation
GF, ORA—State		69,000
GF, ORA—Federal		69,000
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs
		138,000

Sec. 28. Section 42, chapter 137, Laws of 1981 as last amended by section 85, chapter 11, Laws of 1982 2nd ex. sess. (uncodified) is amended to read as follows:

There is appropriated from the state general fund to the sentencing guidelines commission for the biennium ending June 30, 1983, the sum of ~~((five))~~ four hundred ~~((eighty-six))~~ fifty thousand dollars, or so much thereof as may be necessary, to carry out the purposes of this act.

Sec. 29. Section 123, chapter 136, Laws of 1981 as last amended by section 84, chapter 11, Laws of 1982 2nd ex. sess. (uncodified) is amended to read as follows:

There is hereby appropriated from the general fund ~~\$((356,000))~~ 286,000 to the corrections standards board and \$4,630,000 to the department of corrections as established in this 1981 act. This appropriation shall be subject to the following conditions and limitations:

(1) For the 1981-83 biennium the department of corrections shall be authorized an additional 93 FTE staff years.

(2) These additional FTE staff years shall be in addition to the staffing level authorized in ESSB 3636. There shall be transferred to the department of corrections an amount of general fund appropriation, state and FTE staff years, the exact amount to be determined by the secretary of social and health services and the secretary of corrections subject to the approval of the director of the office of financial management.

NEW SECTION. Sec. 30. The governor shall direct each agency subject to the governor's power to revise allotments under RCW 43.88.110 to implement immediately a freeze on hiring and to further control expenditures from the state general fund by restricting out-of-state travel, restraining purchasing, and limiting the use of outside consulting services. Requests for exceptions to the hiring freeze are to be made in writing by

agency directors to the director of financial management. The hiring freeze and expenditure controls shall remain in effect until July 1, 1983.

***NEW SECTION. Sec. 31.** *Any state employee whose annual salary is \$60,000 or more shall have such salary reduced by 10 percent from the effective date of this act until June 30, 1983. Any state employee whose annual salary is at least \$55,000 but less than \$60,000 shall have such salary reduced by 8 percent from the effective date of this act until June 30, 1983. Any state employee whose annual salary is at least \$50,000 but less than \$55,000 shall have such salary reduced by 6 percent from the effective date of this act until June 30, 1983. Any state employee whose annual salary is at least \$45,000 but less than \$50,000 shall have such salary reduced by 4 percent from the effective date of this act until June 30, 1983. Any state employee whose annual salary is at least \$40,000 but less than \$45,000 shall have such salary reduced by 2 percent from the effective date of this act until June 30, 1983.*

*Sec. 31. was vetoed, see message at end of chapter.

***NEW SECTION. Sec. 32.** (1) "Provided solely," as used in this act, means that the specified amount may be spent only for the specified purpose. Unless otherwise stated in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall lapse.

(2) "*Lapse*," as used in this act, means the termination of authority to spend an appropriation or portion of an appropriation. The appropriations in sections 2 and 3 of this act shall not lapse at the conclusion of the fiscal biennium ending June 30, 1983.

*Sec. 32. was partially vetoed, see message at end of chapter.

NEW SECTION. Sec. 33. 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. 34. 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.

Passed the Senate March 10, 1983.

Passed the House March 11, 1983.

Approved by the Governor March 18, 1983, with the exceptions of the following, which are vetoed: sections 7, 14, 24, 31, and 32(2).

Filed in Office of Secretary of State March 18, 1983.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to sections 7, 14, 24, 31, and 32(2), Second Substitute Senate Bill No. 3100, entitled:

"AN ACT relating to state agencies."

I have vetoed section 7, which amends the appropriation "FOR THE GOVERNOR-SPECIAL APPROPRIATIONS." This section would reduce to an unacceptable level the funds available to my office to address emergencies that may occur during the period of time between adjournment of the legislature and the end of the biennium. As long as the legislature is in session, it should appropriate directly from the General Fund for the special problems it wishes to address, rather than deplete the limited emergency funds available. Otherwise, unforeseen demands on the emergency fund could require a special session of the legislature.

I have vetoed section 14, which contains a provision that: "the department of agriculture shall not expend any state general fund moneys for the aerial spraying of hard chemicals over cities with a population over 140,000 persons located in a county with a population over 450,000 persons." This language, which contains some imprecise terms, would unduly restrict the department's ability to address its statutory responsibilities to protect the general population from plant pests and diseases. The issue of aerial spraying of hard chemicals should be debated in the normal course of the legislative process, where public testimony and expert witnesses can contribute to the development of legislation on eradicating pests. This provision has not experienced that process.

I have vetoed section 24. The intent of this section is to reduce the state tourism budget by \$485,000 at a time when the state is in the midst of a phased promotional campaign designed to attract tourists for the coming summer. It is essential to continue the program that has been developed over the past several months in order to enhance the tourism sector of our state's economy. The continuation of those efforts is critical to the creation of employment opportunities and to the development of a positive atmosphere for investment in the tourist industry.

I have vetoed section 31, which requires the reduction of salaries through the end of this biennium for those state employees earning \$40,000 per year or more. By far the largest group of employees affected by this section are the senior faculty members of our institutions of higher education. Medical and dental professionals would also be affected. We are already experiencing difficulties retaining and recruiting employees in those critical areas. To reduce salaries in this manner would only exacerbate this problem. Moreover, the effect on key management people cannot be overlooked. Those on whom we depend to provide leadership to state government in these difficult economic times should not be further penalized by having their salaries reduced. I might note that elected officials with salaries set by statute would not have been affected by this section, because those salary levels cannot be changed except by changing the specific statutes associated with such positions. Finally, those state employees whose salaries are set by contract would have a strong legal case for challenging the reductions as applied to them; a successful suit would undercut the goal of saving money and would result in inequitable application of the reductions.

I have vetoed section 32(2), which provides, in effect, for the supplemental appropriations for the legislature to continue after the end of the current biennium. The legislature, like any other state entity, should have its appropriation for the ensuing biennium established by the omnibus appropriation act for that biennium and should not expect to carry forward a cushion of unexpended funds intended for the prior time period. If, during the next biennium, events establish the need for supplemental funding, the legislature can provide the necessary appropriation.

I have not vetoed section 30, which directs me to impose a hiring freeze and order further expenditure reductions, because I agree with its purpose. On December 13, 1982, I issued Executive Order 82-24, which contains provisions very similar to the language of section 30. I want to state, however, that as a general rule, directives of this sort from the legislature to the Governor are inappropriate.

With the exceptions of the aforementioned provisions, which I have vetoed, Second Substitute Senate Bill No. 3100 is approved."