

property settlement agreement incident to any court decree of dissolution or legal separation, it shall be a sufficient answer to any claim of a beneficiary against the department for the department to show that the payments were made pursuant to a court decree.

NEW SECTION. Sec. 11. All payments made to a nonmember spouse or ex-spouse pursuant to the provisions of this amendatory act shall cease upon the death of such a nonmember spouse or ex-spouse. Upon such a death, the department is hereby authorized and directed to pay to the member his or her full monthly entitlement of benefits.

NEW SECTION. Sec. 12. The provisions of this 1979 amendatory act shall apply only to court decrees of dissolution or legal separation and court-approved property settlement agreements entered after the effective date of this act and only to those persons who have actually retired.

NEW SECTION. Sec. 13. 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 April 23, 1979.

Passed the House May 16, 1979.

Approved by the Governor May 25, 1979.

Filed in Office of Secretary of State May 25, 1979.

CHAPTER 206

[Second Substitute Senate Bill No. 2944]

VOCATIONAL-TECHNICAL INSTITUTES—STAFF SALARY INCREASES— APPROPRIATION SOURCES

AN ACT Relating to appropriations; amending section 166, chapter 339, Laws of 1977 ex. sess. (uncodified); amending section 97, chapter 339, Laws of 1977 ex. sess. (uncodified); and declaring an emergency.

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

Section 1. Section 166, chapter 339, Laws of 1977 ex. sess. (uncodified) is amended to read as follows:

Any programs which are supported in whole or in part by federal funds shall not receive any additional state funds for the programs in the event that federal funds are reduced or eliminated for the program: PROVIDED, That the federal funding included as part of sections 37(2) and 52(10) of this 1977 act shall be used to the extent of actual receipt, and the balance of the general fund appropriation shall be provided from state sources.

Sec. 2. Section 97, chapter 339, Laws of 1977 ex. sess. (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—
BASIC EDUCATION ALLOCATION FOR FISCAL YEAR 1979**

General Fund Appropriation	\$	770,674,000
Total Appropriation	\$	770,674,000

The appropriation contained in this section shall be subject to the following conditions and limitations:

(1) The allocation of moneys for a basic education allocation per annual average full time equivalent student for the 1978-79 school year in each school district shall be determined by the superintendent of public instruction as follows: PROVIDED, That such basic education allocation so determined shall be converted and distributed on an annual average full time equivalent student basis:

(a) Respecting certificated employees: A numerical allocation of one certificated staff unit shall be established for each average annual twenty-three and one-half full time equivalent kindergarten, elementary, and secondary students;

(b) Respecting certificated employees: A numerical allocation of one certificated staff unit shall be established for each average annual nineteen and six-tenths full time equivalent students enrolled in a vocational education program approved by the superintendent of public instruction;

(c) Respecting certificated employees: Numerical allocations of certificated staff units shall be established for districts enrolling not more than one hundred average annual full time equivalent students and for small school plants within any school district, which such districts or small plants have been judged to be remote and necessary by the state board of education as follows:

(i) For grades K-6, for enrollments of not more than sixty annual average full time equivalent students, two and one-half 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-three and one-half 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, eighty-five hundredths certificated staff unit;

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

(d) Respecting certificated employees: Numerical allocations of certificated staff units shall be established for districts operating high schools with enrollments of not more than three hundred average annual full time equivalent students as follows:

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

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

(e) Compensation including benefits shall be calculated as herein provided for certificated staff units generated in subsections (a) through (d) above as follows:

(i) For the purposes of this subsection each district's 1977-78 average compensation levels including benefits shall mean such district's 1976-77 average compensation including benefits increased pursuant to section 96(1) of this act. "Maximum control levels" shall mean the "maximum control levels" established in section 96(1) of the act increased by four percent:

(ii) Compensation including benefits for those school districts whose 1977-78 average certificated compensation level including benefits is above the 1977-78 state average compensation level including benefits will be calculated on the basis of the 1977-78 district average compensation level including benefits increased by six percent: PROVIDED, That no district shall receive in excess of the "maximum control level".

(iii) Compensation including benefits for those school districts whose 1977-78 average certificated compensation level including benefits is below the 1977-78 state average compensation level including benefits will be calculated by utilizing the 1977-78 district average compensation level including benefits increased by nine percent up to an amount not to exceed a six percent for any school district above the state average: PROVIDED, That for such districts the superintendent of public instruction shall utilize, pursuant to the provisions of section 4, chapter ... (SHB 1086), Laws of 1977 1st ex. sess., the actual 1977-78 compensation level including benefits for the purpose of calculating the entitlement for compensation including benefits increases as provided for in this subsection.

(f) The total basic education allocation for certificated employees shall be established for each district by using the salary determinations established in subsection (e) above multiplied by the numerical allocations determined in subsections (a), (b), (c), and (d) above.

(g) Respecting classified employees: A numerical allocation of one classified staff unit for each three certificated staff units as computed for the purposes of subsections (a), (c) and (d) above for each school district shall be established. Compensation including benefits shall be calculated as herein provided for classified staff units generated in this subsection as follows:

(i) For the purposes of this subsection each district's 1977-78 average compensation levels including benefits shall mean such district's 1976-77 average compensation including benefits increased pursuant to section 96(1) of this act. "Maximum control levels" shall mean the "maximum control levels" established in section 96(1) of this act increased by four percent:

(ii) Compensation including benefits for those school districts whose 1977-78 average classified compensation level including benefits is above

the 1977-78 state average compensation level including benefits will be calculated on the basis of the 1977-78 district average compensation level including benefits increased by six percent: PROVIDED, That no district shall receive in excess of the "maximum control level".

(iii) Compensation including benefits for those school districts whose 1977-78 average classified compensation level including benefits is below the 1977-78 state average compensation level including benefits will be calculated by utilizing the 1977-78 district average compensation level including benefits increased by nine percent up to an amount not to exceed a six percent for any school district above the state average: PROVIDED, That for such districts the superintendent of public instruction shall utilize, pursuant to the provisions of section 4, chapter ... (SHB 1086), Laws of 1977 1st ex. sess., the actual 1977-78 compensation level including benefits for the purpose of calculating the entitlement for compensation including benefits increases as provided for in this subsection.

(h) The total basic education allocation for classified employees shall be established for each district by using the salary determination referred to in subsection (g) above multiplied by the numerical allocation established in subsection (g) above. In addition, each school district shall receive as part of the basic education allocation, for classified employee benefits, an amount to reimburse such district for their payments to the old-age and survivors insurance system embodied in the social security act, for employee retirement, industrial insurance, or any other benefit program mandated by the legislature for their classified staff units.

(i) Respecting nonemployee related costs: The allocation of additional moneys for nonemployee related costs for 1978-79 school year shall utilize the number of certificated staff units as computed for the purposes of subsections (a), (c), and (d) above, multiplied by \$3,650 for each such certificated staff unit.

(2) Not more than \$6,601,000 of the appropriation contained in this section shall be expended for districts which experience an enrollment decline in the 1978-79 school year from the 1977-78 base enrollment level, the Superintendent of Public Instruction shall distribute funds based on certificated staff units in the 1978-79 school year to such districts on the basis of the 1978-79 enrollment plus one-half the amount of the enrollment decline from the 1977-78 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 300 full time equivalent students, whichever is less, from the immediately preceding year, shall increase the enrollment as otherwise herein computed by fifty percent of the full time equivalent pupil enrollment loss from the previous year.

(3) Of the appropriation contained in this section the superintendent is hereby authorized to distribute up to \$11,096,000 for salary increases for

certificated and classified staff in the state funded categorical programs including Educational Service Districts as of September 1, 1978. The superintendent shall determine the salary increase pursuant to the conditions in subsections (e) and (g) above.

(4) Salary increases for classified and certificated staff supported by federal programs or traffic safety education funds shall be subject to the conditions of subsections (e) and (g) and paid from the respective revenue source.

(5) To implement the provisions of chapter ... (SHB 480), Laws of 1977 1st ex. sess., \$600,000 shall be made available from this appropriation with any additional funds that should be required to implement the provision of chapter ... (SHB 480), Laws of 1977 1st ex. sess., coming from local or federal funds.

(6) The superintendent shall insure that in implementing the provisions of this section no school district shall receive fewer state dollars per annual average full time equivalent student that it received under the provisions of section 96 of this act.

(7) During the 1978-79 school year the superintendent of public instruction shall distribute not more than \$7,773,000 of the funds appropriated by this section, outside of the basic education allocation to school districts, of which \$530,000 shall be for the following purposes: To pay 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 the provisions of RCW 52.36.020 by the expenditure of not more than \$280,000; To pay for school district emergencies by the expenditure of not more than \$250,000.

(8) The allocation of moneys by the superintendent of public instruction for salary increases for certificated and classified staff in state-funded vocational-technical institutes may be borne from other existing appropriation sources, including the \$770,674,000 general fund appropriation for distribution to school districts, as provided in subsection (3) of this section.

NEW SECTION. Sec. 3. 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 April 25, 1979.

Passed the House May 17, 1979.

Approved by the Governor May 25, 1979.

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CHAPTER 207

[Substitute Senate Bill No. 2952]

PILOTS—LICENSURE

[1797]