

or mixed on the premises only, to their members and invited guests at special occasions at a specified date and place when said special occasion is not open to the general public; fee twenty-five dollars per day. Sale, service, and consumption of spirituous liquor is to be confined to specified premises or designated areas only. Spirituous liquor so sold shall be purchased at a state liquor store or agency without discount at retail prices including all taxes. No more than two such licenses may be issued to any one non-profit organization during a calendar year.

NEW SECTION. Sec. 13. If any phrase, clause, subsection, or section of this 1975 amendatory act shall be declared unconstitutional or invalid by any court of competent jurisdiction, it shall be conclusively presumed that the legislature would have enacted this 1975 amendatory act without the phrase, clause, subsection, or section so held unconstitutional or invalid and the remainder of the act shall not be affected as a result of said part being held unconstitutional or invalid.

NEW SECTION. Sec. 14. This 1975 amendatory 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 July 1, 1975.

Passed the Senate May 27, 1975.

Passed the House May 23, 1975.

Approved by the Governor June 4, 1975, with the exception of section 5 which is vetoed.

Filed in Office of Secretary of State June 4, 1975.

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

"I am returning herewith without my approval as to one section Substitute Senate Bill No. 2423 entitled:

"AN ACT Relating to intoxicating liquor."

Section 5 of the bill includes a provision prohibiting hereafter the sale of liquor on any state college, university, or community college campus. I believe this is an unduly broad restriction that fails to take account of unique circumstances in individual communities.

The Liquor Control Board has operated capably without such restriction in determining where and under what circumstances liquor should be sold to adults. The question of whether liquor should be sold on campuses of state supported institutions of higher education should continue to be within the jurisdiction of the Board, which is in a better position to decide on the appropriate response in each individual case. If there is a potential problem of minors attempting to purchase liquor on a particular campus, I am certain the Board will weigh that factor in deciding ultimately whether the sale of liquor on that campus should be allowed. I am likewise certain that the Board will take into consideration individual community acceptance of the sale of liquor on a campus.

For these reasons I have determined to veto section 5. With that exception, the remainder of Substitute Senate Bill No. 2423 is approved."

CHAPTER 174

[Engrossed Substitute Senate Bill No. 2463]

VOCATIONAL EDUCATION—COMMISSION ESTABLISHED—
COORDINATING COUNCIL ABOLISHED

AN ACT Relating to vocational education; creating the commission for vocational education; transferring certain powers, duties, responsibilities, personnel, funds and equipment; amending section

4, chapter 285, Laws of 1971 ex. sess. and RCW 28A.09.120; amending section 28B.50.230, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.230; amending section 28B.50.240, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 285, Laws of 1971 ex. sess. and RCW 28A.09.100; amending section 53, chapter 283, Laws of 1969 ex. sess. and RCW 28B.50.246; repealing section 28B.50.160, chapter 223, Laws of 1969 ex. sess., section 54, chapter 18, Laws of 1970 ex. sess. and RCW 28B.50.160; repealing section 28B.50.170, chapter 223, Laws of 1969 ex. sess., section 28, chapter 283, Laws of 1969 ex. sess., section 20, chapter 62, Laws of 1973 and RCW 28B.50.170; repealing section 28B.50.180, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.180; repealing section 28B.50.200, chapter 223, Laws of 1969 ex. sess., section 21, chapter 62, Laws of 1973 and RCW 28B.50.200; repealing section 28B.50.220, chapter 223, Laws of 1969 ex. sess., section 55, chapter 18, Laws of 1970 ex. sess. and RCW 28B.50.220; repealing section 28B.50.770, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.770; adding new sections as a new title in the Revised Code of Washington, Title 28C, Vocational Education, together with certain RCW sections herein decodified and added thereto; and declaring an emergency and making an effective date.

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

NEW SECTION. Section 1. The purpose of this amendatory act is to provide for a comprehensive planning process and a decision making system for vocational education programs in the state of Washington and to establish administrative responsibility for the receipt and allocation of federal vocational funds.

It is the intent of this amendatory act that whenever possible, comprehensive and coordinated educational programs shall be provided at the secondary and postsecondary education levels and such programs shall include therein vocational, occupational, and technical offerings, both within the secondary and postsecondary education systems.

NEW SECTION. Sec. 2. As used in this amendatory act the following definitions shall apply:

- (1) "Commission" shall mean the commission for vocational education.
- (2) "Secondary education system" shall mean those educational courses and programs, within the jurisdiction of the superintendent of public instruction, being offered in the common schools of the state of Washington in the grades 7 through 12, or any part thereof, which are traditionally provided for the purpose of granting a recognized certificate of completion or a high school diploma: PROVIDED, That notwithstanding the provisions of this chapter and RCW 28B.50.140(1), existing vocational-technical institutes operating within the secondary school system shall continue to function within the common school system.
- (3) "Postsecondary education system" shall mean those educational courses and programs, not within the jurisdiction of the superintendent of public instruction, being offered beyond secondary education by institutions of higher education in the state of Washington to those who hold a certificate of completion or high school diploma which includes academic, vocational, technical or professional training traditionally leading to an associate, baccalaureate or higher degree or a certificate of achievement.
- (4) "Vocational education" shall mean a planned series of learning experiences, the specific objective of which is to prepare persons to enter, continue in, or upgrade themselves in gainful employment in recognized occupations, homemaking, home and family life programs, and volunteer fire fighting training, which are not designated as professional or requiring a baccalaureate or higher degree.
- (5) "State plan" shall mean the Washington state plan for vocational education, adopted as required by Public Law 88-210 as amended, and other federal

congressional and administrative directives pertaining to vocational education, and shall be the single comprehensive plan which provides approval standards for vocational education operated in or by community colleges, common schools, area nongraded vocational-technical institutes, occupational skill centers, state institutions, private proprietary and parochial schools, on-the-job training facilities or any other training location where local, state or federal vocational funds are allocated: PROVIDED, That standards of, rules and regulations for, and supervision of indentured apprenticeship in the apprenticeable crafts shall continue to be governed by the director of labor and industries and the state apprenticeship council in accordance with chapter 49.04 RCW.

(6) "Vocational-technical institute" shall mean a specialized area nongraded vocational education facility established and operated for the purpose of offering comprehensive courses primarily oriented to the job market area in vocational education for persons sixteen years of age and older without regard to residence, pursuant to laws and rules and regulations pertaining to the maintenance, operation, and capital funding of vocational-technical institutes: PROVIDED, That service areas for common school vocational-technical institutes shall be defined specifically by the commission, recognizing areas traditionally served.

(7) "Advisory council" means the advisory council for vocational education established within this state pursuant to 20 USCA 1244B.

NEW SECTION. Sec. 3. There is hereby established a commission for vocational education comprised of seven members, each of which shall be a voting member. The chairman shall be a citizen member chosen by a majority of its members pursuant to its bylaws. Five citizen members shall be appointed by the governor and confirmed by the state senate. The superintendent of public instruction and the director of the state board for community college education shall serve as the remaining two members. In making citizen member appointments initially, and subsequently thereafter, the governor shall be cognizant of the desirability of appointing persons well versed regarding vocational and occupational needs of management, labor, and agriculture.

The initial citizen appointments shall be for periods of one, two, three, four, and five years. Thereafter such citizen members shall serve for terms of five years. No citizen member shall be eligible to serve who is also a member of a state or local educational agency, board, council or commission, or who is employed by a common school or institution of higher education.

Four members shall constitute a quorum, and no action shall be taken by less than four affirmative votes.

NEW SECTION. Sec. 4. The commission for vocational education shall have the following functions:

(1) Plan development. The commission shall be responsible for complying with federal directives to insure the development and maintenance of a state plan for vocational education but initial planning shall be accomplished by the secondary and postsecondary education systems. Prior to the adoption of the state plan, the commission shall request comments from the council on higher education and the advisory council for vocational education.

(2) State plan modification adjudication. Decisions on new programs and/or facilities for vocational education shall be made internally within the respective

secondary or postsecondary education system in accordance with the provisions of the state plan. The commission may review such decisions to insure compliance with the state plan and avoid unnecessary duplication of current or projected programs.

Any common school or community college district, or the superintendent of public instruction, or the state board for community college education, or other interested parties as authorized by the commission, shall be afforded the opportunity to comment upon any new programs or facilities proposed. The commission, subject to dispute resolution rules adopted by said commission, shall have the final determination on any disputes arising out of such program proposals.

In adjudicating disputes between the two secondary and postsecondary education systems regarding the state plan, the commission will use at least the following criteria: Recognition that secondary education is constitutionally the responsibility of the superintendent of public instruction and that by legislative action postsecondary education is the responsibility of institutions of higher education; adhere to the general policy set forth in the state plan; consider the particular vocational need of the community, region, or state and whether the common school or community college, or both, can best respond to those needs; encourage cooperation and coordination rather than competition and program conflict between secondary and post secondary education systems; consider the desires and preferences of the residents of the immediate program service area and of the representatives of the fields of management, labor, and agriculture which benefit from possible program offerings; and avoid unnecessary duplication of vocational education programs and facilities.

(3) Vocational education administration. The commission shall be the sole agency for the receipt and allocation of federal funds in accordance with the state plan. The supervision of the state plan shall be carried out by the commission; however, daily administration of the state plan shall be primarily the responsibility of the superintendent of public instruction and the state board for community college education: PROVIDED, That the commission shall review and approve state plan development proposals or special programs requiring personal service contracts, and activities beyond the program responsibilities of the superintendent of public instruction and the state board for community college education.

Under the state plan the commission shall make periodic compliance audits at least once a biennium of the vocational education programs individually and jointly conducted by the common schools and community colleges to insure compliance with the state plan.

The commission shall be the primary state liaison with the federal government for the state plan for vocational education.

NEW SECTION. Sec. 5. In addition to powers and duties under section 4 of this amendatory act, the commission shall make periodic reports to the governor and the legislature. The initial report shall be submitted, with the governor's comments, to the 1977 legislature by December 1, 1976 and shall include, but not be limited to, review of and recommendations on the following: (1) Vocational education program modification, including common informational data systems; (2) reorganization of the administration of vocational education; (3) an appropriate

level of expenditure for the state administration of vocational education programs; (4) appropriate charges for vocational and adult education programs in the secondary and postsecondary education systems; and (5) provisions for personnel standards for vocational education instructors.

Such recommendations, to the greatest extent possible, shall comply with the intent of this amendatory act and be consistent with federal requirements.

NEW SECTION. Sec. 6. The commission is authorized to promulgate such rules and regulations as are necessary to comply with the intent of this amendatory act in accordance with chapter 34.04 RCW, the administrative procedure act, and adopt such bylaws as deemed necessary to the business of the commission. Existing rules and regulations of any state agency relating to vocational education should be considered amended in accordance with the intent of this amendatory act. Initial rules and regulations of the commission, prior to their effective date, shall be submitted to the respective rules committees of the senate and house for review concurrently at such time as notice of intent to adopt is filed. The commission is further authorized to take whatever action is necessary to insure compliance with federal vocational education enactments and state legislative and administrative directives concerning vocational education. The commission is also authorized to delegate by commission resolution to the executive director those functions it deems necessary to the operation of the commission.

The commission shall meet, consult and cooperate with the office of the state superintendent of public instruction on all matters falling within his constitutional supervisory powers in advance of exercising any of the powers or duties granted to the commission by this chapter.

NEW SECTION. Sec. 7. Common school districts and community college districts shall cooperate in offering vocational education programs, particularly when establishing specialized facility support for such programs. Such cooperation shall also extend to noncredit vocational courses in common school community education programs and community college community service programs as the same are authorized in RCW 28A.58.247 and 28B.50.020.

Except as provided for by the rules and regulations of the commission, (1) common school vocational-technical institutes shall not offer new or expanded vocational programs outside their traditional service areas; (2) community colleges shall not offer new or expanded vocational programs outside their college districts. Common school vocational-technical institutes and community colleges desiring to offer new or expanded programs outside their respective service areas or community college districts shall provide reasonable notice, as determined by the commission, to the common school and community college districts affected thereby.

If such joint cooperation cannot be attained at the local level the superintendent of public instruction and the state board for community college education shall attempt to resolve the matter. Matters unresolved shall be referred to the commission for adjudication.

NEW SECTION. Sec. 8. Members of the commission will receive per diem in lieu of compensation, and travel expenses in accordance with standard rates for

part time boards, councils, and commissions as certified by the state budget director.

NEW SECTION. Sec. 9. The coordinating council for occupational education is hereby abolished effective midnight June 30, 1975, and its education responsibilities, personnel, property and equipment are transferred to the commission for vocational education unless otherwise provided for in this amendatory act.

NEW SECTION. Sec. 10. The commission may employ an executive director and such other personnel as may be necessary to carry out the purposes of this amendatory act. The commission in accordance with section 4 of this amendatory act shall keep its professional staff to the minimum number of persons necessary to fulfill its duties under this amendatory act and the performance of such other administrative responsibilities as the legislature may provide.

NEW SECTION. Sec. 11. The superintendent of public instruction may authorize common schools to contract with community colleges to provide adult high school completion programs if he determines that such programs effectively fulfill the purposes of secondary education: **PROVIDED**, That except as subject to the action of the superintendent of public instruction, adult high school completion programs conducted by the community colleges as authorized by RCW 28B.50.092 or 28B.50.535 shall remain in the community colleges.

NEW SECTION. Sec. 12. The governor is hereby authorized, with the advice of the office of program planning and fiscal management to determine to which of the following state agencies those functions of the coordinating council for occupational education not herein transferred to the commission for vocational education shall be transferred: The council on higher education; the department of social and health services; the department of labor and industries; the superintendent of public instruction; the state board for community colleges, or any educational administrative agency created during the forty-fourth legislative session. The governor has the authority to transfer such personnel, funds, and equipment to the agency he so determines as may be necessary to carry out those functions. The governor shall make a report to the legislature concerning such determinations as he has made by December 1, 1975. All remaining funds of the coordinating council not disposed of or otherwise provided for in this amendatory act shall remain within the jurisdiction of the commission.

Sec. 13. Section 4, chapter 285, Laws of 1971 ex. sess. and RCW 28A.09.120 are each amended to read as follows:

For the purposes of ((Title 28A RCW)) this title:

(1) ~~((The term "vocational education" shall mean a planned series of learning experiences, the specific objective of which is to prepare persons to enter, continue in or upgrade themselves in gainful employment in recognized occupations and homemaking, which are not designated as professional or requiring a baccalaureate or higher degree.~~

(2)) The term "occupational exploration" shall include prevocational education. The term "occupational exploration" shall mean a series of educational experiences designed to (a) assist individuals in developing their understanding of,

appreciation for, aptitudes for, and abilities in recognized occupations; (b) develop an attitude of respect toward work and pride in workmanship; and (c) provide knowledge and experience to assist in the choice of an occupational program.

~~((3))~~ (2) The terms "industrial arts" and "practical arts" shall mean general education centered around the industrial and technical aspects of current living, offering orientation in and appreciation for production, consumption, and recreation through actual experiences with materials and goods and also providing exploratory experiences which are helpful in the choice of a vocation.

~~((4))~~ (3) The term "job market area" shall mean the geographic area for recruitment and placement of job entrants, usually determined by each industry or by a collective bargaining agreement.

Sec. 14. Section 28B.50.230, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.230 are each amended to read as follows:

(1) The ~~((coordinating council))~~ commission in preparing the state plan for vocational education shall give consideration to the following:

(a) Vocational education for persons attending high school;

(b) Vocational education for persons who have completed or left high school and who are available for full time study in preparation for entering the labor market;

(c) Vocational education for persons (other than persons who are receiving training allowances under the Manpower Development and Training Act of 1962, Public Law 87-415, the Area Redevelopment Act, Public Law 87-27, or the Trade Expansion Act of 1962, Public Law 87-794 or any successor statutes thereto) who have already entered the labor market and who need training or retraining to achieve stability or advancement in employment;

(d) Vocational education for persons who have academic, socio-economic, or other handicaps that prevent them from succeeding in the regular vocational education program;

(e) Construction of area vocational educational school facilities, as authorized by the state board for community colleges and the state board of education; and

(f) Ancillary services and activities to assure quality in all vocational education programs, such as teacher training and supervision, program evaluation, special demonstrations and experimental programs, development of instructional materials, and state administration and leadership, including periodic evaluation of state and local vocational education programs and services in the light of information regarding current and projected manpower needs and job opportunities.

(2) In determining the allocation of funds, the ~~((council))~~ commission shall comply with federal statute.

**Sec. 15. Section 28B.50.240, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 285, Laws of 1971 ex. sess. and RCW 28A.09.100 are each amended to read as follows:*

The state board of education shall have the power to authorize the school districts to offer vocational education programs in the elementary and secondary schools and the state board shall adopt rules and regulations to implement such programs and shall also adopt such rules and regulations for programs authorized

by RCW 28A.58.245 and ~~((28B.50.770))~~ for vocational-technical institutes as provided for by this amendatory act.

*Sec. 15. was vetoed, see message at end of chapter.

Sec. 16. Section 53, chapter 283, Laws of 1969 ex. sess. and RCW 28B.50.246 are each amended to read as follows:

The advisory council shall:

(1) Advise the ~~((coordinating council))~~ commission on vocational education on the development of and policy matters arising in the administration of the state plan for federally funded vocational education pursuant to RCW 28B.50.230, including the preparation of long range and annual program plans therefor;

(2) Evaluate such vocational education programs, services, and activities assisted under this title, and publish and distribute the results thereof;

(3) Prepare and submit through the ~~((coordinating council))~~ commission on vocational education to the federal commissioner of education and to the national advisory council on vocational education an annual evaluation report, accompanied by such additional comments of the ~~((coordinating council))~~ commission as the ~~((coordinating council))~~ commission deems appropriate, which (a) evaluates the effectiveness of federally funded vocational education programs, services, and activities carried out in the year under review in meeting the program objectives set forth in the long range program plan and the annual program plan, and (b) recommends such changes in such programs, services, and activities as may be warranted by the evaluations; and

(4) Obtain the services of an executive director and confidential secretary to such director, both of whom shall be exempt from the provisions of chapter 41.06 RCW, and such professional, technical, and clerical personnel as may be deemed necessary to enable it to carry out its functions under this section and to contract for such services as may be necessary to enable them to carry out their evaluation functions.

NEW SECTION. Sec. 17. Sections 1 through 11 of this amendatory act and RCW 28A.09.070, 28A.09.080, 28A.09.090, 28A.09.100, 28A.09.110, 28A.09.120 as now or hereafter amended, 28A.09.200, 28B.50.221, 28B.50.230 as now or hereafter amended, 28B.50.245 and 28B.50.246 as now or hereafter amended, each of which RCW sections are hereby decodified, are added to the Revised Code of Washington as a new title thereof, Title 28C, Vocational Education.

NEW SECTION. Sec. 18. The following acts or parts of acts are each hereby repealed:

(1) Section 28B.50.160, chapter 223, Laws of 1969 ex. sess., section 54, chapter 18, Laws of 1970 ex. sess. and RCW 28B.50.160;

(2) Section 28B.50.170, chapter 223, Laws of 1969 ex. sess., section 28, chapter 283, Laws of 1969 ex. sess., section 20, chapter 62, Laws of 1973 and RCW 28B.50.170;

(3) Section 28B.50.180, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.180;

(4) Section 28B.50.200, chapter 223, Laws of 1969 ex. sess., section 21, chapter 62, Laws of 1973 and RCW 28B.50.200;

(5) Section 28B.50.220, chapter 223, Laws of 1969 ex. sess., section 55, chapter 18, Laws of 1970 ex. sess. and RCW 28B.50.220; and

(6) Section 28B.50.770, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.770.

NEW SECTION. Sec. 19. This amendatory 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 July 1, 1975.

NEW SECTION. Sec. 20. If any provision of this amendatory 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.

Passed the Senate May 27, 1975.

Passed the House May 24, 1975.

Approved by the Governor June 4, 1975, with the exception of section 15 which is vetoed.

Filed in Office of Secretary of State June 4, 1975.

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

"I am returning herewith without my approval as to one section Substitute Senate Bill No. 2463 entitled:

"AN ACT Relating to vocational education; creating the commission for vocational education; transferring certain powers, duties, responsibilities, personnel, funds and equipment."

Section 15 of the bill empowers the state board of education to adopt rules and regulations for vocational-technical institutes as authorized by the act. The entire thrust of this bill, and the purpose of the prolonged negotiations that went into its formulation, was to place the responsibility for vocational education in a single, new commission. The effect of this section is to divide again this responsibility and negate much of the efforts of those who have sought to resolve the problems that led to the enactment of this bill. Accordingly, I have determined to veto section 15.

With the exception of section 15, the remainder of Substitute Senate Bill No. 2463 is approved."

CHAPTER 175

[Engrossed Senate Bill No. 2047]

HOSPITAL AND NURSING HOME RECORDS—RETENTION

AN ACT Relating to the retention of hospital and nursing home records; adding a new section to chapter 70.41 RCW; and adding a new section to chapter 18.51 RCW.

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

NEW SECTION. Section 1. There is added to chapter 70.41 RCW a new section to read as follows:

Unless specified otherwise by the board, a hospital shall retain and preserve all medical records which relate directly to the care and treatment of a patient for a period of no less than ten years following the most recent discharge of the patient; except the records of minors, which shall be retained and preserved for a period of no less than three years following attainment of the age of eighteen years, or ten years following such discharge, whichever is longer.