

While I am vetoing section 12, I will request the Director of the Department of Community Development to work with the appropriate committees of the Legislature in their efforts to evaluate emerging low-income housing needs and potential sources of revenue for the Housing Trust Fund.

With the exception of sections 4 and 12, Engrossed Second Substitute Senate Bill No. 4626 is approved."

CHAPTER 299

[Engrossed Substitute House Bill No. 1687]

PRIVATE VOCATIONAL SCHOOLS

AN ACT Relating to private vocational schools; amending RCW 18.50.040 and 42.17-.310; adding a new chapter to Title 28C RCW; creating a new section; repealing RCW 28B-.05.010, 28B.05.020, 28B.05.030, 28B.05.040, 28B.05.050, 28B.05.060, 28B.05.070, 28B.05.080, 28B.05.090, 28B.05.100, 28B.05.110, 28B.05.120, 28B.05.130, 28B.05.140, 28B-.05.150, 28B.05.160, 28B.05.170, 28B.05.180, 28B.05.190, 28B.05.200, 28B.05.210, 28B.05-.220, 28B.05.230, 28B.05.240, 28B.05.900, 28B.05.950, 43.131.291, and 43.131.292; prescribing penalties; making an appropriation; and providing an effective date.

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

NEW SECTION. Sec. 1. It is the intent of this chapter to protect against practices by private vocational schools which are false, deceptive, misleading, or unfair, and to help ensure adequate educational quality at private vocational schools.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Agency" means the commission for vocational education or its successor.

(2) "Agent" means a person owning an interest in, employed by, or representing for remuneration a private vocational school within or without this state, who enrolls or personally attempts to secure the enrollment in a private vocational school of a resident of this state, offers to award educational credentials for remuneration on behalf of a private vocational school, or holds himself or herself out to residents of this state as representing a private vocational school for any of these purposes.

(3) "Degree" means any designation, appellation, letters, or words including but not limited to "associate," "bachelor," "master," "doctor," or "fellow" which signify or purport to signify satisfactory completion of an academic program of study beyond the secondary school level.

(4) "Education" includes but is not limited to, any class, course, or program of training, instruction, or study.

(5) "Educational credentials" means degrees, diplomas, certificates, transcripts, reports, documents, or letters of designation, marks, appellations, series of letters, numbers, or words which signify or appear to signify enrollment, attendance, progress, or satisfactory completion of the requirements or prerequisites for any educational program.

(6) "Entity" includes, but is not limited to, a person, company, firm, society, association, partnership, corporation, or trust.

(7) "Private vocational school" means any entity offering postsecondary education in any form or manner for the purpose of instructing, training, or preparing persons for any vocation or profession.

(8) "To grant" includes to award, issue, sell, confer, bestow, or give.

(9) "To offer" includes, in addition to its usual meanings, to advertise or publicize. "To offer" also means to solicit or encourage any person, directly or indirectly, to perform the act described.

(10) "To operate" means to establish, keep, or maintain any facility or location where, from, or through which education is offered or educational credentials are offered or granted to residents of this state, and includes contracting for the performance of any such act.

NEW SECTION. Sec. 3. This chapter does not apply to:

(1) Bona fide trade, business, professional, or fraternal organizations sponsoring educational programs primarily for that organization's membership or offered by that organization on a no-fee basis;

(2) Entities offering education that is exclusively avocational or recreational;

(3) Education not requiring payment of money or other consideration if this education is not advertised or promoted as leading toward educational credentials;

(4) Entities that are established, operated, and governed by this state or its political subdivisions under Title 28A, 28B, or 28C RCW;

(5) Degree-granting programs in compliance with the rules of the higher education coordinating board;

(6) Any other entity to the extent that it has been exempted from some or all of the provisions of this chapter under section 10 of this act;

(7) Entities not otherwise exempt that are of a religious character, but only as to those educational programs exclusively devoted to religious or theological objectives and represented accurately in institutional catalogs or other official publications;

(8) Entities certified by the federal aviation administration;

(9) Barber and cosmetology schools licensed under chapter 18.16 RCW;

(10) Entities which only offer courses approved to meet the continuing education requirements for licensure under chapters 18.04, 18.78, 18.88, or 48.17 RCW; and

(11) Entities not otherwise exempt offering only workshops or seminars lasting no longer than three calendar days.

NEW SECTION. Sec. 4. The agency:

(1) Shall maintain a list of private vocational schools licensed under this chapter;

(2) Shall adopt rules in accordance with chapter 34.04 RCW to carry out this chapter;

(3) May investigate any entity the agency reasonably believes to be subject to the jurisdiction of this chapter. In connection with the investigation, the agency may administer oaths and affirmations, issue subpoenas and compel attendance, take evidence, and require the production of any books, papers, correspondence, memorandums, or other records which the agency deems relevant or material to the investigation. The agency, including its staff and any other authorized persons, may conduct site inspections and examine records of all schools subject to this chapter;

(4) Shall develop an interagency agreement with the higher education coordinating board to regulate degree-granting private vocational schools with respect to nondegree programs.

NEW SECTION. Sec. 5. (1) The agency shall adopt by rule minimum standards for private vocational schools. The minimum standards shall include, but not be limited to, requirements for each school to:

(a) Disclose to the agency information about its ownership and financial position and to demonstrate that it has sufficient financial resources to fulfill its commitments to students. Financial disclosures provided to the agency shall not be subject to public disclosure under chapter 42.17 RCW.

(b) Follow a uniform state-wide cancellation and refund policy as specified by the agency.

(c) Disclose through use of a school catalog, brochure, or other written material, necessary information to students so that students may make informed enrollment decisions. The agency shall specify what information is required.

(d) Use an enrollment contract or agreement that includes: (i) The cancellation and refund policy, (ii) a brief statement that the school is licensed under this chapter and that inquiries may be made to the agency, and (iii) other necessary information as determined by the agency.

(e) Describe accurately and completely in writing to students before their enrollment prerequisites and requirements for (i) completing successfully the programs of study in which they are interested and (ii) qualifying for the fields of employment for which their education is designed.

(2) The agency shall deny, revoke, or suspend the license of any school that does not meet or maintain the minimum standards.

NEW SECTION. Sec. 6. Any entity desiring to operate a private vocational school shall apply for a license to the agency on a form provided by the agency. The agency shall issue a license if the school:

(1) Files a completed application with information satisfactory to the agency. Misrepresentation by an applicant shall be grounds for the agency, at its discretion, to deny or revoke a license.

(2) Files the surety bond or other security required under this chapter.

(3) Pays the required fees.

(4) Meets the minimum standards adopted by the agency under section 5 of this act.

Licenses shall be valid for one year from the date of issue unless revoked or suspended. If a school fails to file a completed renewal application at least thirty days before the expiration date of its current license the school shall be subject to payment of a late filing fee fixed by the agency.

NEW SECTION. Sec. 7. The agency shall establish fees by rule at a level necessary to approximately recover the staffing costs incurred in administering this chapter. All fees collected under this section shall be deposited in the state general fund.

NEW SECTION. Sec. 8. (1) Each private vocational school shall have on file with the agency an approved surety bond or other security in lieu of a bond. The bond or other security shall be in an amount not less than five thousand dollars but no more than two hundred thousand dollars. Security shall be determined on an incremental scale based on the average amount of unearned prepaid tuition in possession of the school, as determined by the agency.

(2) In lieu of a surety bond, a private vocational school may deposit with the agency a cash deposit or other negotiable security acceptable to the agency. The security deposited with the agency in lieu of the surety bond shall be returned to the school one year after the school's license has expired or been revoked if legal action has not been instituted against the school or the security deposit at the expiration of the year. The obligations and remedies relating to surety bonds authorized by this section, including but not limited to the settlement of claims procedure in subsection (5) of this section, shall apply to deposits filed with the agency, as applicable.

(3) Each bond shall:

(a) Be executed by the private vocational school as principal and by a corporate surety licensed to do business in the state;

(b) Be payable to the state for the benefit and protection of any student or enrollee of a private vocational school, or, in the case of a minor, his or her parents or guardian;

(c) Be conditioned on compliance with all provisions of this chapter and the agency rules adopted under this chapter;

(d) Require the surety to give written notice to the agency at least thirty-five days before cancellation of the bond; and

(e) Remain in effect for one year following the effective date of its cancellation or termination as to any obligation occurring on or before the effective date of cancellation or termination.

(4) Upon receiving notice of a bond cancellation, the agency shall notify the school that the license will be suspended on the effective date of the bond cancellation unless the school files with the agency another approved surety bond or other security.

(5) If a complaint is filed under section 12(1) of this act against a private vocational school, the agency may file a claim against the surety and settle claims against the surety by following the procedure in this subsection.

(a) The agency shall attempt to notify all potential claimants. If the absence of records or other circumstances makes it impossible or unreasonable for the agency to ascertain the names and addresses of all the claimants, the agency after exerting due diligence and making reasonable inquiry to secure that information from all reasonable and available sources, may make a demand on a bond on the basis of information in the agency's possession. The agency is not liable or responsible for claims or the handling of claims that may subsequently appear or be discovered.

(b) Thirty days after notification, if a claimant fails, refuses, or neglects to file with the agency a verified claim, the agency shall be relieved of further duty or action under this chapter on behalf of the claimant.

(c) After reviewing the claims, the agency may make demands upon the bond on behalf of those claimants whose claims have been filed. The agency may settle or compromise the claims with the surety and may execute and deliver a release and discharge of the bond.

(d) If the surety refuses to pay the demand, the agency may bring an action on the bond in behalf of the claimants. If an action is commenced on the bond, the agency may require a new bond to be filed.

(e) Within ten days after a recovery on a bond or other posted security has occurred, the private vocational school shall file a new bond or otherwise restore its security on file to the required amount.

(6) The liability of the surety shall not exceed the amount of the bond.

NEW SECTION. Sec. 9. A private vocational school, whether located in this state or outside of this state, shall not conduct business of any kind, make any offers, advertise or solicit, or enter into any contracts unless the private vocational school is licensed under this chapter.

NEW SECTION. Sec. 10. The executive director of the agency may suspend or modify any of the requirements under this chapter in a particular case if the agency finds that:

(1) The suspension or modification is consistent with the purposes of this chapter; and

(2) The education to be offered addresses a substantial, demonstrated need among residents of the state or that literal application of this chapter would cause a manifestly unreasonable hardship.

NEW SECTION. Sec. 11. It is an unfair business practice for a private vocational school or agent to:

(1) Fail to comply with the terms of a student enrollment contract or agreement;

(2) Use an enrollment contract form, catalog, brochure, or similar written material affecting the terms and conditions of student enrollment other than that previously submitted to the agency and authorized for use;

(3) Represent falsely, directly or by implication, that the school is an employment agency, is making an offer of employment or otherwise is attempting to conceal the fact that what is being represented are course offerings of a school;

(4) Represent falsely, directly or by implication, that an educational program is approved by a particular industry or that successful completion of the program qualifies a student for admission to a labor union or similar organization or for the receipt of a state license in any business, occupation, or profession;

(5) Represent falsely, directly or by implication, that a student who successfully completes a course or program of instruction may transfer credit for the course or program to any institution of higher education;

(6) Represent falsely, directly or by implication, in advertising or in any other manner, the school's size, location, facilities, equipment, faculty qualifications, or the extent or nature of any approval received from an accrediting association;

(7) Represent that the school is approved, recommended, or endorsed by the state of Washington or by the agency, except the fact that the school is authorized to operate under this chapter may be stated;

(8) Provide prospective students with any testimonial, endorsement, or other information which has the tendency to mislead or deceive prospective students or the public regarding current practices of the school, current conditions for employment opportunities, or probable earnings in the occupation for which the education was designed;

(9) Designate or refer to sales representatives as "counselors," "advisors," or similar terms which have the tendency to mislead or deceive prospective students or the public regarding the authority or qualifications of the sales representatives;

(10) Make or cause to be made any statement or representation in connection with the offering of education if the school or agent knows or reasonably should have known the statement or representation to be false, substantially inaccurate, or misleading; or

(11) Engage in methods of advertising, sales, collection, credit, or other business practices which are false, deceptive, misleading, or unfair, as determined by the agency by rule.

It is a violation of this chapter for a private vocational school to engage in an unfair business practice.

NEW SECTION. Sec. 12. (1) A person claiming loss of tuition or fees as a result of an unfair business practice may file a complaint with the agency. The complaint shall set forth the alleged violation and shall contain information required by the agency. A complaint may also be filed with the

agency by an authorized staff member of the agency or by the attorney general.

(2) The agency shall investigate any complaint under this section and may attempt to bring about a settlement. The agency may hold a contested case hearing pursuant to the administrative procedure act, chapter 34.04 RCW, in order to determine whether a violation has occurred. If the agency prevails, the private vocational school shall pay the costs of the administrative hearing.

(3) If, after the hearing, the agency finds that the private vocational school or its agent engaged in or is engaging in any unfair business practice, the agency shall issue and cause to be served upon the violator an order requiring the violator to cease and desist from the act or practice and may impose the penalties under section 13 of this act. If the agency finds that the complainant has suffered loss as a result of the act or practice, the agency may order full or partial restitution for the loss. The complainant is not bound by the agency's determination of restitution and may pursue any other legal remedy.

NEW SECTION. Sec. 13. Any private vocational school or agent violating section 6, 9, or 11 of this act or the applicable agency rules is subject to a civil penalty of not more than one hundred dollars for each separate violation. Each day on which a violation occurs constitutes a separate violation. Multiple violations on a single day may be considered separate violations. The fine may be imposed by the agency under section 12 of this act, or in any court of competent jurisdiction.

NEW SECTION. Sec. 14. Any entity or any owner, officer, agent, or employee of such entity who wilfully violates section 6 or 9 of this act is guilty of a gross misdemeanor and, upon conviction, shall be punished by a fine of not to exceed one thousand dollars or by imprisonment in the county jail for not to exceed one year, or by both such fine and imprisonment.

Each day on which a violation occurs constitutes a separate violation. The criminal sanctions may be imposed by a court of competent jurisdiction in an action brought by the attorney general of this state.

NEW SECTION. Sec. 15. A private vocational school, whether located in this state or outside of this state, that conducts business of any kind, makes any offers, advertises, solicits, or enters into any contracts in this state or with a resident of this state is subject to the jurisdiction of the courts of this state for any cause of action arising from the acts.

NEW SECTION. Sec. 16. If any private vocational school discontinues its operation, the chief administrative officer of the school shall file with the agency the original or legible true copies of all educational records required by the agency. If the agency determines that any educational records are in danger of being made unavailable to the agency, the agency may seek a court order to protect and if necessary take possession of the records. The

agency shall cause to be maintained a permanent file of educational records coming into its possession.

NEW SECTION. Sec. 17. If a student or prospective student is a resident of this state at the time any contract relating to payment for education or any note, instrument, or other evidence of indebtedness relating thereto is entered into, section 18 of this act shall govern the rights of the parties to the contract or evidence of indebtedness. If a contract or evidence of indebtedness contains any of the following agreements, the contract is voidable at the option of the student or prospective student:

- (1) That the law of another state shall apply;
- (2) That the maker or any person liable on the contract or evidence of indebtedness consents to the jurisdiction of another state;
- (3) That another person is authorized to confess judgment on the contract or evidence of indebtedness; or
- (4) That fixes venue.

NEW SECTION. Sec. 18. A note, instrument, or other evidence of indebtedness or contract relating to payment for education is not enforceable in the courts of this state by a private vocational school or holder of the instrument unless the private vocational school was licensed under this chapter at the time the note, instrument, or other evidence of indebtedness or contract was entered into.

NEW SECTION. Sec. 19. The attorney general or the prosecuting attorney of any county in which a private vocational school or agent of the school is found may bring an action in any court of competent jurisdiction for the enforcement of this chapter. The court may issue an injunction or grant any other appropriate form of relief.

NEW SECTION. Sec. 20. The agency may seek injunctive relief, after giving notice to the affected party, in a court of competent jurisdiction for a violation of this chapter or the rules adopted under this chapter. The agency need not allege or prove that the agency has no adequate remedy at law. The right of injunction provided in this section is in addition to any other legal remedy which the agency has and is in addition to any right of criminal prosecution provided by law. The existence of agency action with respect to alleged violations of this chapter and rules adopted under this chapter does not operate as a bar to an action for injunctive relief under this section.

NEW SECTION. Sec. 21. A violation of this chapter or the rules adopted under this chapter affects the public interest and is an unfair or deceptive act or practice in violation of RCW 19.86.020 of the consumer protection act. The remedies and sanctions provided by this section shall not preclude application of other remedies and sanctions.

NEW SECTION. Sec. 22. The remedies and penalties provided for in this chapter are nonexclusive and cumulative and do not affect any other actions or proceedings.

****NEW SECTION. Sec. 23. The agency shall, within sixty days after the effective date of this act and annually thereafter, empanel a private vocational school advisory committee. Said committee shall serve as advisors in the implementation of this chapter and for such other liaison purposes as the agency may determine. It shall consist of no less than seven and no more than eleven persons who are practitioners in proprietary education but one of whom is a recent graduate of a proprietary school. Consideration in making appointments shall be given to maintaining a geographic balance among areas of the state and achieving a balanced representation of occupational specialties offered among private vocational schools state-wide. The committee shall meet at least quarterly. Members shall serve without pay but be reimbursed for travel expenses as provided under RCW 43.03.050 and 43.03.060 as now or hereafter amended. The committee shall adopt bylaws and elect officers from among its members annually.***

**Sec. 23 was vetoed, see message at end of chapter.*

Sec. 24. Section 2, chapter 160, Laws of 1917 as amended by section 6, chapter 53, Laws of 1981 and RCW 18.50.040 are each amended to read as follows:

(1) Any person seeking to be examined shall present to the director, at least forty-five days before the commencement of the examination, a written application on a form or forms provided by the director setting forth under affidavit such information as the director may require and proof the candidate has received a high school degree or its equivalent; that the candidate is twenty-one years of age or older; that the candidate has received a certificate or diploma from a midwifery program accredited by the director and (~~registered~~) licensed under chapter (~~28B-05-RCW~~) 28C.— RCW (sections 1 through 23 of this 1986 act), when applicable, or a certificate or diploma in a foreign institution on midwifery of equal requirements conferring the full right to practice midwifery in the country in which it was issued. The diploma must bear the seal of the institution from which the applicant was graduated. Foreign candidates must present with the application a translation of the foreign certificate or diploma made by and under the seal of the consulate of the country in which the certificate or diploma was issued.

(2) The candidate shall meet the following conditions:

(a) Obtaining a minimum period of midwifery training for at least three years including the study of the basic nursing skills that the department shall prescribe by rule. However, if the applicant is a registered nurse under chapter 18.88 RCW, a licensed practical nurse under chapter 18.78 RCW, or has had previous nursing education or practical midwifery experience, the required period of training may be reduced depending upon the extent of the candidate's qualifications as determined under rules adopted by the department. In no case shall the training be reduced to a period of less than two years.

(b) Meeting minimum educational requirements which shall include studying obstetrics; neonatal pediatrics; basic sciences; female reproductive anatomy and physiology; behavioral sciences; childbirth education; community care; obstetrical pharmacology; epidemiology; gynecology; family planning; genetics; embryology; neonatology; the medical and legal aspects of midwifery; nutrition during pregnancy and lactation; breast feeding; nursing skills, including but not limited to injections, administering intravenous fluids, catheterization, and aseptic technique; and such other requirements prescribed by rule.

(c) For a student midwife during training, undertaking the care of not less than fifty women in each of the prenatal, intrapartum, and early postpartum periods, but the same women need not be seen through all three periods. A student midwife may be issued a permit upon the satisfactory completion of the requirements in (a), (b), and (c) of this subsection and the satisfactory completion of the licensure examination required by RCW 18.50.060. The permit permits the student midwife to practice under the supervision of a midwife licensed under this chapter, a physician licensed under chapter 18.57 or 18.71 RCW, or a certified nurse-midwife licensed under the authority of chapter 18.88 RCW. The permit shall expire within one year of issuance and may be extended as provided by rule.

(d) Observing an additional fifty women in the intrapartum period before the candidate qualifies for a license.

The training required under this section shall include training in either hospitals or alternative birth settings or both with particular emphasis on learning the ability to differentiate between low-risk and high-risk pregnancies.

Sec. 25. Section 31, chapter 1, Laws of 1973 as last amended by section 8, chapter 414, Laws of 1985 and RCW 42.17.310 are each amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, welfare recipients, prisoners, probationers, or parolees.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any

profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property: PROVIDED, That if at the time the complaint is filed the complainant indicates a desire for disclosure or nondisclosure, such desire shall govern: PROVIDED, FURTHER, That all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial disclosures filed by private vocational schools under chapter 28C.— RCW (sections 1 through 23 of this 1986 act).

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

NEW SECTION. Sec. 26. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05-.010;

(2) Section 2, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05-.020;

(3) Section 3, chapter 188, Laws of 1979 ex. sess., section 1, chapter 283, Laws of 1981, section 44, chapter 370, Laws of 1985 and RCW 28B-.05.030;

(4) Section 4, chapter 188, Laws of 1979 ex. sess., section 1, chapter 82, Laws of 1980, section 2, chapter 283, Laws of 1981, section 1, chapter 266, Laws of 1983, section 96, chapter 7, Laws of 1985 and RCW 28B.05-.040;

(5) Section 5, chapter 188, Laws of 1979 ex. sess., section 45, chapter 370, Laws of 1985 and RCW 28B.05.050;

(6) Section 6, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05-.060;

(7) Section 7, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05-.070;

(8) Section 8, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05-.080;

(9) Section 9, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05-.090;

- (10) Section 10, chapter 188, Laws of 1979 ex. sess. and RCW 28B-.05.100;
- (11) Section 11, chapter 188, Laws of 1979 ex. sess. and RCW 28B-.05.110;
- (12) Section 12, chapter 188, Laws of 1979 ex. sess. and RCW 28B-.05.120;
- (13) Section 13, chapter 188, Laws of 1979 ex. sess., section 3, chapter 283, Laws of 1981, section 46, chapter 370, Laws of 1985 and RCW 28B-.05.130;
- (14) Section 14, chapter 188, Laws of 1979 ex. sess. and RCW 28B-.05.140;
- (15) Section 15, chapter 188, Laws of 1979 ex. sess. and RCW 28B-.05.150;
- (16) Section 16, chapter 188, Laws of 1979 ex. sess. and RCW 28B-.05.160;
- (17) Section 17, chapter 188, Laws of 1979 ex. sess. and RCW 28B-.05.170;
- (18) Section 18, chapter 188, Laws of 1979 ex. sess. and RCW 28B-.05.180;
- (19) Section 19, chapter 188, Laws of 1979 ex. sess. and RCW 28B-.05.190;
- (20) Section 20, chapter 188, Laws of 1979 ex. sess. and RCW 28B-.05.200;
- (21) Section 21, chapter 188, Laws of 1979 ex. sess. and RCW 28B-.05.210;
- (22) Section 22, chapter 188, Laws of 1979 ex. sess. and RCW 28B-.05.220;
- (23) Section 23, chapter 188, Laws of 1979 ex. sess. and RCW 28B-.05.230;
- (24) Section 24, chapter 188, Laws of 1979 ex. sess. and RCW 28B-.05.240;
- (25) Section 27, chapter 188, Laws of 1979 ex. sess. and RCW 28B-.05.900;
- (26) Section 28, chapter 188, Laws of 1979 ex. sess. and RCW 28B-.05.950;
- (27) Section 19, chapter 197, Laws of 1983 and RCW 43.131.291; and
- (28) Section 45, chapter 197, Laws of 1983 and RCW 43.131.292.

NEW SECTION. Sec. 27. 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. 28. A private vocational school registered under chapter 188, Laws of 1979, as amended, as of June 30, 1986, shall be

considered to be licensed under chapter 28C.— RCW (sections 1 through 23 of this act) until January 31, 1987.

NEW SECTION. Sec. 29. Sections 1 through 23 of this act shall constitute a new chapter in Title 28C RCW.

NEW SECTION. Sec. 30. (1) The sum of thirty-five thousand dollars, or so much thereof as may be necessary, is appropriated from the general fund to the agency for the biennium ending June 30, 1987. Subject to approval by the director of financial management, not more than \$31,300 may be used to employ one additional full time equivalent employee to administer this chapter. Not more than \$3,700 may be used for travel expenses under RCW 43.03.050 and 43.03.060.

(2) This section shall take effect when the director of financial management determines that the agency has established the fees under section 7 of this act.

NEW SECTION. Sec. 31. This act shall take effect July 1, 1986.

Passed the House March 8, 1986.

Passed the Senate March 6, 1986.

Approved by the Governor April 4, 1986, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State April 4, 1986.

Note: Governors explanation of partial veto is as follows:

"I am returning herewith, without my approval as to section 23, Engrossed Substitute House Bill No. 1687, entitled:

"AN ACT Relating to private vocational schools."

Section 23 of this bill would create an advisory committee whose members serve as advisors in implementing this bill and for other liaison purposes as the Commission for Vocational Education determines. Boards, commissions, committees, task forces and similar entities have proliferated in this state, now numbering over 400 bodies. While many of these existing entities were created to serve useful purposes, the needs of the state change over time. Since these entities are specified in statute, they often persist beyond their period of usefulness. Statutory entities lack the flexibility to adapt to changing conditions since an entity designed to serve one purpose cannot change to meet new or different needs without legislative approval.

I have also found that it is difficult to abolish statutory entities that have outlived their usefulness. State agencies, moreover, generally have the authority to create ad hoc advisory groups as the need arises. This authority makes it unnecessary to create advisory committees in statute. For these reasons, I have vetoed section 23.

A veto of the entire bill was considered because I have strong reservations about the assignment of this legislation to the Commission for Vocational Education. Additional duties should not be given to an agency that will begin the sunset process on June 30, 1986. My approval of this bill should not give the impression that I favor strengthening or expanding the duties of the Commission for Vocational Education. However, students attending proprietary schools need the protections and safeguards provided in the bill.

With the exception of section 23, Engrossed Substitute House Bill No. 1687 is approved."