

bond issue by demonstrating, among other things, that the firm or its key underwriting personnel have either managed or comanaged two higher educational facility bond issues within the last three calendar years; or

(c) The firm has served as a credit facility for a higher education facility within the past three years; or

(d) The firm meets other criteria as the authority may adopt from time to time which establish a firm's ability to prepare for issuance, underwrite and market bonds to be issued by the authority.

In all cases the firm should be familiar with higher educational facility financing in Washington state.

(4) For private placements the applicants may select a firm as placement agent for its proposed financing, subject to review and approval by the authority. In every instance, the placement agent selected must be able to demonstrate a familiarity with, and competence and experience in, the structuring and sale of higher education facility bonds. The applicant shall notify the authority in writing of its proposed placement agent selection fifteen days prior to the date it intends to enter into a formal contractual agreement. The authority will notify the applicant of its acceptance or rejection of the applicant's placement agent selection no later than ten days after receipt of the applicant's notification. If rejected, the authority will set forth the reasons for rejection, and the applicant will then propose another placement agent subject to authority approval in the same manner. The authority shall, in its discretion, make the final determination whether an issue is a private placement. [Statutory Authority: RCW 28B.07.040. 84-24-012 (Order 3), § 253-16-090, filed 11/27/84.]

WAC 253-16-100 Selection of bond counsel. The authority will establish a roster of bond counsels whom the authority believes possess the requisite special expertise and professional standing to provide bond counsel opinions which would be accepted by the underwriters, bond holders, rating agencies and other members of the financial community, and which would be in furtherance of the public interest in obtaining the lowest possible interest rates on bonds issued by the authority.

The authority will notify bond counsel firms that the authority is establishing an initial roster by publishing a notice in a publication commonly circulated among bond counsels, by sending notice to each of the bond counsel firms listed in the Washington state section of the *Red Book (Bond Buyers' Directory of Municipal Bond Dealers of the United States — 1984 spring edition)* and notifying the Washington State Bar Association. Interested firms will be requested to submit their qualifications for listing on the authority's initial roster, together with its proposal for serving as bond counsel, including a determination as to whether the firm believes that a test suit is necessary as a prerequisite to the issuance of any bonds.

The authority will upon receipt of these submissions establish an initial roster of bond counsel whom the authority believes possess the requisite special expertise and professional standing to provide bond counsel opinions.

Any firm or attorney wishing to be considered for the initial roster or added to the roster shall provide the background, expertise, professional standing and a listing of approving bond counsel opinions previously written to the authority for its consideration in adding the firm's or attorney's name to the roster of bond counsel.

Law firms or attorneys may submit to the authority at any time the request to be included on the roster of approved bond counsel.

Before beginning the selection process for bond counsel from the approved roster, the authority will give notice of its intention to select bond counsel. Each firm or attorney listed on the approved roster will be asked to submit a proposal, including a fee schedule for providing bond counsel services if such proposal and fee schedule would be different from that previously submitted to the authority for establishing the approved roster. The authority when making the initial selection will review the submissions, determine the relative expertise of those who wish to be selected, and will review the fee schedule and whether the firm believes that a test case or litigation is necessary prior to the issuance of the bonds. The authority has wide discretion in selecting the attorney or attorneys or bond firm it considers to be most appropriate to provide the services, but in exercise of this discretion the authority shall consider all submitted fee schedules and the public interest in achieving the issuance of bonds on terms most favorable to the authority.

The authority will select initial bond counsel for up to a two-year period. Once every two calendar years the authority may select an attorney or bond firm to serve as new bond counsel, but the authority may retain an attorney for longer than two years when necessary to complete work on a particular bond issue. An attorney previously selected may be selected again, but the authority will provide other attorneys or bond counsel on the roster with an opportunity to be selected prior to this action being taken. The authority also reserves the right to appoint bond counsel with respect to only a particular bond issue or issues. [Statutory Authority: RCW 28B.07.040. 84-24-012 (Order 3), § 253-16-100, filed 11/27/84.]

Title 260 WAC HORSE RACING COMMISSION

Chapters

260-48	Mutuels.
260-70	Controlled medication program.

Chapter 260-48 WAC MUTUELS

WAC
260-48-329 Limited sweepstakes.

WAC 260-48-329 Limited sweepstakes. (1) The limited sweepstakes parimutuel pool is not a parlay and

has no connection with or relation to any other parimutuel pool conducted by the association, nor to any win, place, and show pool shown on the totalisator, nor to the rules governing the distribution of such other pools.

(2) A limited sweepstakes parimutuel ticket shall be evidence of a binding contract between the holder of the ticket and the association, and said ticket shall constitute an acceptance of the limited sweepstakes provisions and rules contained in RCW 67.16.105, 67.16.170, and 67.16.175.

(3) A limited sweepstakes may be given a distinctive name by the association conducting the meeting, subject to approval of the commission.

(4) The limited sweepstakes parimutuel pool consists of amounts contributed for a selection for win only in each race designated by the association with the approval of the commission. Each person purchasing a limited sweepstakes ticket shall designate the winning horse in each of the races comprising the limited sweepstakes.

(5) Those horses constituting an entry of coupled horses or those horses coupled to constitute the field in a race comprising the limited sweepstakes shall race as a single wagering interest for the purpose of the limited sweepstakes parimutuel pool calculations and payouts to the public. However, if any part of either an entry or the field racing as a single wagering interest is a starter in a race, the entry or the field selection shall remain as the designated selection to win in that race for the limited sweepstakes calculation and the selection shall not be deemed a scratch.

(6) The limited sweepstakes parimutuel pool shall be calculated as follows:

(a) A portion to be called the major share of up to one hundred percent of the net amount in the parimutuel pool subject to distribution among winning ticket holders shall be distributed among the holders of parimutuel tickets which correctly designate the official winner in each race comprising the limited sweepstakes.

(b) A portion to be called the minor share if the major share is less than one hundred percent of the net amount in the parimutuel pool subject to distribution among the holders of parimutuel tickets which correctly designate the second most official winners, but less than the total of all races comprising the limited sweepstakes for that day or night.

(c) In the event there is no parimutuel ticket properly issued which correctly designates the official winner in each of the races comprising the limited sweepstakes, the major share of the net parimutuel pool shall not be distributed as provided in (a) of this subsection but shall be retained by the association as distributable amounts, and shall be carried over and included in the limited sweepstakes parimutuel pool for the next succeeding racing date as an additional net amount to be distributed as provided in (a) of this subsection.

(d) Except as provided by subsection (11) of this section, should no distribution be made pursuant to (a) of this subsection on the last day of the association's meeting, then that portion of the distributable pool and all moneys accumulated therein shall be distributed to the

holder of tickets correctly designating the most winning selections of the races comprising the limited sweepstakes for that day or night.

(e) The percentages of the limited sweepstakes parimutuel pool to be designated major share and/or minor share shall be included in the racing association's application to conduct the sale of limited sweepstakes pools and is subject to the approval of the racing commission.

(7) In the event a limited sweepstakes ticket designates a selection in any one or more of the races comprising a limited sweepstakes and that selection is scratched, excused, or determined by the stewards to be a nonstarter in the race, the actual favorite, as evidenced by the amounts wagered in the win pool at the time of the start of the race, will be substituted for the nonstarting selection for all purposes, including pool calculations and payoffs.

(8) In the event of a dead-heat for win between two or more horses in any limited sweepstakes race, all such horses in the dead-heat for win shall be considered as winning horses in the race for the purpose of calculating the pool.

(9)(a) In the event that all races comprising the limited sweepstakes are canceled or declared as no contest, all parimutuel tickets held on the limited sweepstakes for that day or night shall be refunded and the limited sweepstakes shall be canceled in its entirety for that day or night and any retained distributable amounts carried over from any prior limited sweepstakes pool pursuant to subsection (6)(c) of this section shall be carried over to the next succeeding racing date of that meeting.

(b) In the event that less than all of the races comprising the limited sweepstakes are completed due to the cancellation of one or more races or the stewards declaring one or more races as no contest, one hundred percent of the net amount in the parimutuel pool for that day or night exclusive of any retained distributable amounts carried over from any prior limited sweepstakes pool pursuant to subsection (6)(c) of this section shall be subject to distribution among holders of parimutuel tickets which correctly designate the most winners in the completed races of the limited sweepstakes. The retained distributable amounts carried over from any prior limited sweepstakes pool pursuant to subsection (6)(c) of this section shall be carried over to the next succeeding racing date of that meeting.

(10) No parimutuel ticket for the limited sweepstakes pools shall be sold, exchanged or canceled after the time of the closing of wagering in the first of the races comprising a limited sweepstakes, except for such refunds on limited sweepstakes tickets as required by this regulation and no person shall disclose the number or amount of tickets sold in a limited sweepstakes pool or the number or amount of tickets selecting winners of limited sweepstakes races until such time as the stewards have determined the last race comprising the limited sweepstakes each day to be official.

(11) In the event that an association is unable to distribute the retained distributable amount carried over from any prior limited sweepstakes pool established pursuant to subsection (6)(c) of this section by the end of

its race meeting due to the cancellation of the final day(s) or night(s) of racing or any other reason, the retained distributable amount shall be carried forward to the next race meeting having a limited sweepstakes at the same location and of the same breed of horse as the racing association generated the retained distributable amount. The retained distributable amount shall be included in the limited sweepstakes pool for the first day or night of racing at the subsequent race meeting. Such funds shall be immediately deposited in an escrow account to be approved by the commission and may not be withdrawn without approval of the commission. [Statutory Authority: RCW 67.16.175. 85-14-104 (Order 85-03), § 260-48-329, filed 7/3/85.]

Chapter 260-70 WAC CONTROLLED MEDICATION PROGRAM

WAC

260-70-010	Definitions applicable to chapter 260-70 WAC.
260-70-021	Medication standards.
260-70-025	Bleeder list.
260-70-026	Bleeder treatment.
260-70-027	Reciprocity of bleeder list.
260-70-028	Detention stall.
260-70-029	Receiving barn.
260-70-031	Reporting to receiving barn.
260-70-032	Exclusion from receiving and detention barn.
260-70-090	Permitted medication.
260-70-100	Penalties relating to overage of permitted medication.

WAC 260-70-010 Definitions applicable to chapter 260-70 WAC. As used in this chapter, unless the context clearly requires a different meaning, the following terms shall have the following meanings:

(1) "Permitted medication" or "medication" means and includes any substance used to treat, cure, and prevent disease, relieve pain, or improve or preserve health, including vitamins, food additives, minerals, and domestic remedies.

(2) "Prohibited drugs" means (a) any medication or metabolic derivatives thereof which is a narcotic, or which could serve as a local anesthetic, or tranquilizer, or which could stimulate or depress the circulatory, respiratory, or central nervous system of a horse; or (b) any interfering substance; or (c) phenylbutazone carried in the body of a two year old horse in violation of WAC 260-70-090.

(3) "Interfering substance" or "interfere" means and refers to any medication which might mask or screen the presence of prohibited drugs or prevent or delay testing procedures. Such terms include permitted medication when used in quantities which might mask or screen the presence of prohibited drugs or prevent or delay testing procedures.

(4) "Phenylbutazone" means phenylbutazone, oxyphenylbutazone, or their derivatives or metabolites thereof.

(5) "Bleeder" means a horse which hemorrhages from the respiratory tract during a race or within one hour-post race or during exercise or within one hour of such exercise.

(6) "Bleeder list" means a tabulation of all bleeders to be maintained by the commission. [Statutory Authority: RCW 67.16.020 and 67.16.040. 84-06-061 (Order 84-01), § 260-70-010, filed 3/7/84; Order 75.5, § 260-70-010, filed 10/17/75; Order 74.1, § 260-70-010, filed 5/22/74, effective 7/1/74.]

WAC 260-70-021 Medication standards. (1) No horse shall have in its body any prohibited drug while participating in a race.

(2) No person shall administer, attempt to administer, or aid or abet in the administration of, any medication or drug to a horse on the day of a race in which the horse is entered prior to the race except in accordance with this rule.

(3) Subject to the provisions of this rule, medication calculated to improve or protect the health of a horse may be administered to a horse in training.

(4) The administration of medication to any horse on race day, except as hereinafter provided, is prohibited. For the purpose of this rule, the day of the race shall be deemed to commence at 9:00 p.m. on the day preceding the race.

(5) Nutritional aids, administered orally only, will be permitted at any time.

(6) Approved nonsteroidal anti-inflammatory drugs (NSAIDs) may be administered to a horse, but not on race day. No more than one of the NSAIDs may be used on or carried in a horse's body at any one time.

(7) Notwithstanding any other provision of this rule, no two-year old horse shall carry in its body while participating in a race any medication, including medications defined in WAC 260-70-010 (1) through (4) and 260-70-090 (1) through (5). Vitamins are permitted, however. The finding of any medication prohibited herein in a two-year old horse participating in a race shall disqualify the owner of such horse from participating in the purse distribution; and in addition the stewards may take any authorized action they may consider necessary to preserve the integrity of racing.

(8) In the case of delayed-release substances, the time of administration shall be deemed that time at which such medication, drug, or substance is released within the body of a horse. [Statutory Authority: RCW 67.16.020 and 67.16.040. 84-06-061 (Order 84-01), § 260-70-021, filed 3/7/84; 82-03-053 (Order 82-01), § 260-70-021, filed 1/20/82; 80-01-072 (Order 79-02), § 260-70-021, filed 12/24/79.]

WAC 260-70-025 Bleeder list. A horse which during the race or following the race, or which during exercise or following exercise is found to be hemorrhaging from one or both nostrils or is found to have bled internally, is eligible to be placed on a bleeder list and treated on race day to prevent bleeding during its race. In order to obtain authorization for race day treatment of the bleeder, the trainer must obtain a certificate of examination from the commission veterinarian and the horse is then placed on the official bleeder list. The commission veterinarian must, by examination, and/or in consultation with the stewards, establish that the

horse did in fact hemorrhage from one or both nostrils or that an endoscopic examination in the test barn of the horse showed observable amounts of free blood in the respiratory tract. When confirmed by the commission veterinarian, the horse shall be placed on the bleeder list which is maintained by the commission veterinarian. Once on the list, a horse shall be removed from the bleeder list only upon the directions of the commission veterinarian, who must certify in writing to the commission his recommendation for removal of the horse from the list. The list is a state-wide list and applies at all race meetings at Longacres, Playfair, and Yakima Meadows.

Once a horse is placed on the bleeder list, the horse must be assigned to a prerace security stall, to be known as a detention stall, no later than four hours prior to the scheduled post time for any race in which it is entered to start. The detention stall is assigned by the commission veterinarian and may at his discretion be the stall regularly assigned that horse for its customary stabling. Once placed in the detention stall, a horse must remain there until it is taken to the receiving barn or to the paddock to be saddled or harnessed for the race, except that the stewards may permit horses to leave the secured stall to engage in exercise blowouts or warm-up heats. If the horse on the bleeder list is assigned as a detention stall its regular stall, that stall must be posted and the stall must be under direct observation of a responsible, licensed employee of the trainer or the owner.

Where facilities permit, the commission veterinarian may designate a secured area and assign stalls within that secured area to those horses on the bleeder list who are entered to race that day or night. [Statutory Authority: RCW 67.16.020 and 67.16.040. 84-06-061 (Order 84-01), § 260-70-025, filed 3/7/84.]

WAC 260-70-026 Bleeder treatment. A horse on the bleeder list must be treated at least four hours prior to post time with bleeder medication, which may be furosemide. No other medication is permitted for bleeder treatment unless or except as approved by the commission. Bleeder medication must be administered in the manner approved by the commission veterinarian, and furosemide by oral administration is NOT PERMITTED for such purposes. The bleeder medication shall be administered by the horse's regular veterinarian, and may be witnessed by the commission veterinarian or his designee. [Statutory Authority: RCW 67.16.020 and 67.16.040. 84-06-061 (Order 84-01), § 260-70-026, filed 3/7/84.]

WAC 260-70-027 Reciprocity of bleeder list. A bleeder horse shipped into Washington from another racing jurisdiction must comply with Washington rules. However, a horse on a bleeder list in another racing jurisdiction may be placed on the Washington bleeder list provided a current certificate from the jurisdiction where it was confirmed on the bleeder list is presented to the

commission veterinarian and, it is approved by the commission veterinarian. [Statutory Authority: RCW 67.16.020 and 67.16.040. 84-06-061 (Order 84-01), § 260-70-027, filed 3/7/84.]

WAC 260-70-028 Detention stall. Every trainer whose horse is on the bleeder list and is to be administered bleeder medication in accordance with the rules, must obtain a detention stall assignment from the commission veterinarian and will be provided a detention stall sign. The trainer must post the detention stall sign in a readily visible location at the detention stall to be used and the trainer must have a responsible, licensed person remain in close proximity to that stall between the time the horse has been administered the bleeder medication and the time it leaves for the receiving barn or paddock in preparation for a race. Close proximity means that the licensed person must be in a position to observe and to prevent any unauthorized person from approaching the horse. If the horse is found to be unattended during that period or found to have been tampered with during that period, the trainer will be deemed negligent in the performing of required duties.

No unauthorized person shall approach the posted detention stall. If any unauthorized person does approach the posted detention stall, a report of the incident is to be made immediately to the commission veterinarian or to the stewards. [Statutory Authority: RCW 67.16.020 and 67.16.040. 84-06-061 (Order 84-01), § 260-70-028, filed 3/7/84.]

WAC 260-70-029 Receiving barn. Longacres, Playfair, and Yakima Meadows shall set aside a receiving barn area approved by the commission. [Statutory Authority: RCW 67.16.020 and 67.16.040. 84-06-061 (Order 84-01), § 260-70-029, filed 3/7/84.]

WAC 260-70-031 Reporting to receiving barn. A horse shall not be qualified to start in a race unless his presence at the receiving barn at the time designated by the stewards is reported to the commission veterinarian, and no trainer shall fail to cause a horse in his care to report to the receiving barn at the designated time. [Statutory Authority: RCW 67.16.020 and 67.16.040. 84-06-061 (Order 84-01), § 260-70-031, filed 3/7/84.]

WAC 260-70-032 Exclusion from receiving and detention barn. The commission veterinarian shall exclude from the receiving and detention barn all horses not participating in a race or being schooled to race and all persons who are not required for attendance on such horses. No person shall enter the stall in the receiving barn of a horse scheduled to race except with permission of the custodian of the barn or the commission veterinarian. No person shall inspect any horse in the receiving barn which is not owned, trained or cared for by him, nor refuse to leave when ordered to do so by the custodian or the commission veterinarian. [Statutory Authority: RCW 67.16.020 and 67.16.040. 84-06-061 (Order 84-01), § 260-70-032, filed 3/7/84.]

WAC 260-70-090 Permitted medication. Horses using permitted medication are subject to all rules governing such medication plus these additional rules:

(1) PHENYLBUTAZONE and OXYPHENYLBUTAZONE shall be administered in such dosage amount that the test sample shall contain not more than 5 micrograms of the drug substance, its metabolites and analogs per milliliter of blood plasma or more than 165 micrograms of the drug substance, its metabolites and analogs per milliliter of urine.

(2) NAPROXEN shall be administered in such dosage amount that the test sample shall contain not more than 5 micrograms of the drug substance, its metabolites or analogs per milliliter of blood plasma or more than 165 micrograms of the drug substance, its metabolites or analogs per milliliter of urine.

(3) FLUNIXIN shall be administered in such dosage amount that the test sample shall not contain more than 1 microgram of the drug substance, its metabolites or analogs per milliliter of blood plasma.

(4) MECLOFENAMIC ACID shall be administered in such dosage amount that the test sample shall contain not more than 1 microgram of the drug substance, its metabolites or analogs per milliliter of blood plasma.

(5) No horse on a program of permitted medication shall be permitted to race without such medication unless authorized to do so by the stewards or their representative. [Statutory Authority: RCW 67.16.020 and 67.16.040. 84-06-061 (Order 84-01), § 260-70-090, filed 3/7/84; 80-05-132 (Order 79-03), § 260-70-090, filed 5/7/80; Order 74.1, § 260-70-090, filed 5/22/74, effective 7/1/74.]

WAC 260-70-100 Penalties relating to overage of permitted medication. Should the laboratory analysis of urine or blood taken from a horse, other than a two-year old, show the presence of more than one approved non-steroidal anti-inflammatory drug (NSAID) in violation of WAC 260-70-021, or the presence of phenylbutazone in excess of the quantities authorized by WAC 260-70-090, or, the presence of furosemide without permission from the commission veterinarian, the stewards or commission shall levy the following penalties against each person found responsible:

(1) For a first offense within any calendar year, a fine of \$300;

(2) The second offense, within any calendar year, \$750;

(3) For a third offense, within any calendar year, a fine of \$750 with a sixty-day suspension.

If any NSAID or other permitted medication is found in the body of a horse which alone or in combination with a second medication is of such a quantity so as to interfere with the testing process the penalties for use of a prohibited drug or medication shall apply irrespective of the provisions of this rule. The finding of any diuretic, including Lasix (furosemide), in the body of a horse shall constitute the presence of an interfering substance and the penalties for use of a prohibited drug or medication shall apply, unless the horse is on the official

commission bleeder list. [Statutory Authority: RCW 67.16.020 and 67.16.040. 85-12-057 (Order 85-02), § 260-70-100, filed 6/5/85; 84-06-061 (Order 84-01), § 260-70-100, filed 3/7/84; 83-19-054 (Order 83-04), § 260-70-100, filed 9/19/83; 82-03-053 (Order 82-01), § 260-70-100, filed 1/20/82; 80-05-132 (Order 79-03), § 260-70-100, filed 5/7/80; Order 74.1, § 260-70-100, filed 5/22/74, effective 7/1/74.]

Title 261 WAC HOSPITAL COMMISSION

Chapters

261-02	Organization--Operations--Procedures.
261-06	Public records.
261-10	Assessments and related reports.
261-12	Rules for reporting hospital price information.
261-14	Rules for hospital charity care.
261-20	Regulations relating to, and establishment of, a uniform system of accounting, financial reporting, budgeting, cost allocation, and prospective rate setting.
261-40	Review and approval of annual budget submittals, rates, rate schedules, other charges and changes.
261-50	Rules for reporting hospital patient discharge information.

Chapter 261-02 WAC

ORGANIZATION--OPERATIONS--PROCEDURES

WAC

261-02-030	Description of organization.
261-02-040	Operations and procedures.

WAC 261-02-030 Description of organization. The commission is a nine-member independent state agency with the authority over financial disclosure, budget, prospective rate approval, and other related matters. The executive head of the commission is a chairman who, like other commission members, is appointed by the governor. [Statutory Authority: Chapter 70.39 RCW. 84-20-066 (Order 84-05, Resolution No. 84-05), § 261-02-030, filed 10/1/84; Order 73-01, § 261-02-030, filed 1/11/74.]

WAC 261-02-040 Operations and procedures. (1) Vice chairman: By majority vote, the members of the commission shall elect from among themselves a vice chairman who shall act as chairman in the absence of the chairman. The vice chairman shall hold office for two years or until his successor is elected, whichever is later. Whenever a vacancy occurs in the office of vice chairman, the members of the commission shall elect a successor who shall serve out the remaining term of the prior vice chairman.

(2) Commission staff: The staff of the commission shall consist of a full-time executive director, a deputy