

(2) Rock Island Dam to boundary markers four hundred feet downstream of the fish ladders. (3) Rocky Reach Dam - waters between the upstream line of Rocky Reach Dam to boundary markers four hundred feet downstream of the fish ladders. (4) Wells Dam - waters between the upstream line of Wells Dam to boundary markers four hundred feet downstream of the spawning channel discharge (Chelan County) and fish ladder (Douglas County). (5) Chief Joseph Dam - waters between the west end of the tailrace deck downstream four hundred feet to boundary marker in Okanogan County.

Above Chief Joseph Dam: See Region I, Lake Roosevelt and Region II, Rufus Woods Lake.

[Statutory Authority: RCW 77.04.055 and 77.12.040. 93-21-070 (Order 617), § 232-28-619, filed 10/20/93, effective 4/16/94; 92-01-084 (Order 524), § 232-28-619, filed 12/16/91, effective 4/16/92.]

WAC 232-28-61901 Repealed. See Disposition Table at beginning of this chapter.

WAC 232-28-61902 Repealed. See Disposition Table at beginning of this chapter.

WAC 232-28-61904 Repealed. See Disposition Table at beginning of this chapter.

WAC 232-28-61905 Repealed. See Disposition Table at beginning of this chapter.

WAC 232-28-61906 Repealed. See Disposition Table at beginning of this chapter.

WAC 232-28-61907 Repealed. See Disposition Table at beginning of this chapter.

WAC 232-28-61908 Repealed. See Disposition Table at beginning of this chapter.

WAC 232-28-61909 Repealed. See Disposition Table at beginning of this chapter.

WAC 232-28-61910 Repealed. See Disposition Table at beginning of this chapter.

WAC 232-28-61911 Repealed. See Disposition Table at beginning of this chapter.

WAC 232-28-61912 Repealed. See Disposition Table at beginning of this chapter.

WAC 232-28-61913 Repealed. See Disposition Table at beginning of this chapter.

WAC 232-28-61916 Repealed. See Disposition Table at beginning of this chapter.

WAC 232-28-61917 Repealed. See Disposition Table at beginning of this chapter.

WAC 232-28-61918 Repealed. See Disposition Table at beginning of this chapter.

WAC 232-28-61919 Repealed. See Disposition Table at beginning of this chapter.

WAC 232-28-61923 Repealed. See Disposition Table at beginning of this chapter.

WAC 232-28-61924 Repealed. See Disposition Table at beginning of this chapter.

WAC 232-28-61925 Repealed. See Disposition Table at beginning of this chapter.

WAC 232-28-61926 Repealed. See Disposition Table at beginning of this chapter.

WAC 232-28-61927 Repealed. See Disposition Table at beginning of this chapter.

WAC 232-28-61928 Repealed. See Disposition Table at beginning of this chapter.

WAC 232-28-61929 Repealed. See Disposition Table at beginning of this chapter.

WAC 232-28-61930 Repealed. See Disposition Table at beginning of this chapter.

WAC 232-28-61932 Repealed. See Disposition Table at beginning of this chapter.

WAC 232-28-61933 Repealed. See Disposition Table at beginning of this chapter.

WAC 232-28-61935 Repealed. See Disposition Table at beginning of this chapter.

Title 236 WAC

GENERAL ADMINISTRATION, DEPARTMENT OF

Chapters

- 236-14** Parking program for state facilities off the state capitol grounds in thurston county.
236-22 Self-insurance requirements as to local governments.

Chapter 236-14 WAC
PARKING PROGRAM FOR STATE FACILITIES
OFF THE STATE CAPITOL GROUNDS IN
THURSTON COUNTY

WAC	
236-14-010	Purpose.
236-14-015	Definitions.
236-14-050	Parking program responsibilities.
236-14-100	Parking rental fees for state facilities off the state capitol grounds in Thurston County.
236-14-200	Delegation.
236-14-300	Monthly parking fee payments.
236-14-800	Director review.
236-14-900	Severability.

WAC 236-14-010 Purpose. The purpose of these rules is to implement the legislative mandate in RCW 46.08.172 to establish equitable and consistent parking rental fees for state-owned and leased properties within Thurston County outside the state capitol grounds.

[Statutory Authority: RCW 46.08.172. 93-20-027, § 236-14-010, filed 9/24/93, effective 11/1/93.]

WAC 236-14-015 Definitions. As used in this chapter, the following terms shall mean:

- (1) "Agency assigned uses" means:
 - (a) Parking stalls reserved exclusively for agency use at state-owned or leased facilities;
 - (b) State-owned or leased vehicles available for temporary assignment;
 - (c) State-owned or leased vehicles permanently assigned to individual employees (but not available for commuting purposes); and
 - (d) State-owned or leased vehicles permanently assigned to individual employees (and available for commuting), if those employees are required to perform primary duties away from the assigned facility.
- (2) "Carpool" means a motor vehicle occupied by two to four people traveling together for their commute trip that results in the reduction of a minimum of one motor vehicle trip. (Those under 16 years of age are excluded because they do not eliminate a vehicle trip.)
- (3) "Department" means the department of general administration.
- (4) "Director" means the director of the department of general administration.
- (5) "Disabled" means any person who has made application to the department of licensing in accordance with WAC 308-96A-310, and displays a valid permit in accordance with WAC 308-96A-310 and 308-96A-315.
- (6) "Employee" means any person assigned to a state facility, including the staff of vendors, concessionaires, contractors and consultants, who are performing duties that are similar to the duties of state employees or that are in direct support of the state agency functions performed at that facility.
- (7) "Parking program" means policies and procedures designed for the specific users of state facility parking areas/lots.

(8) "Shift worker" means any employee whose regularly scheduled work shift is totally outside his/her agency's core hours, as established by merit system rule WAC 356-15-095.

(9) "State facilities" means all state-owned and leased properties.

(10) "Vanpool" means a vehicle occupied by five or more people traveling together for their commute trip that results in the reduction of a minimum of one motor vehicle trip.

(11) "Visitor" means any person parking at a state facility who is not employed at that facility.

(12) "Zoned parking" means parking areas/lots where individuals are assigned to a zone, but not to an individual stall.

[Statutory Authority: RCW 46.08.172. 93-20-027, § 236-14-015, filed 9/24/93, effective 11/1/93.]

WAC 236-14-050 Parking program responsibilities.

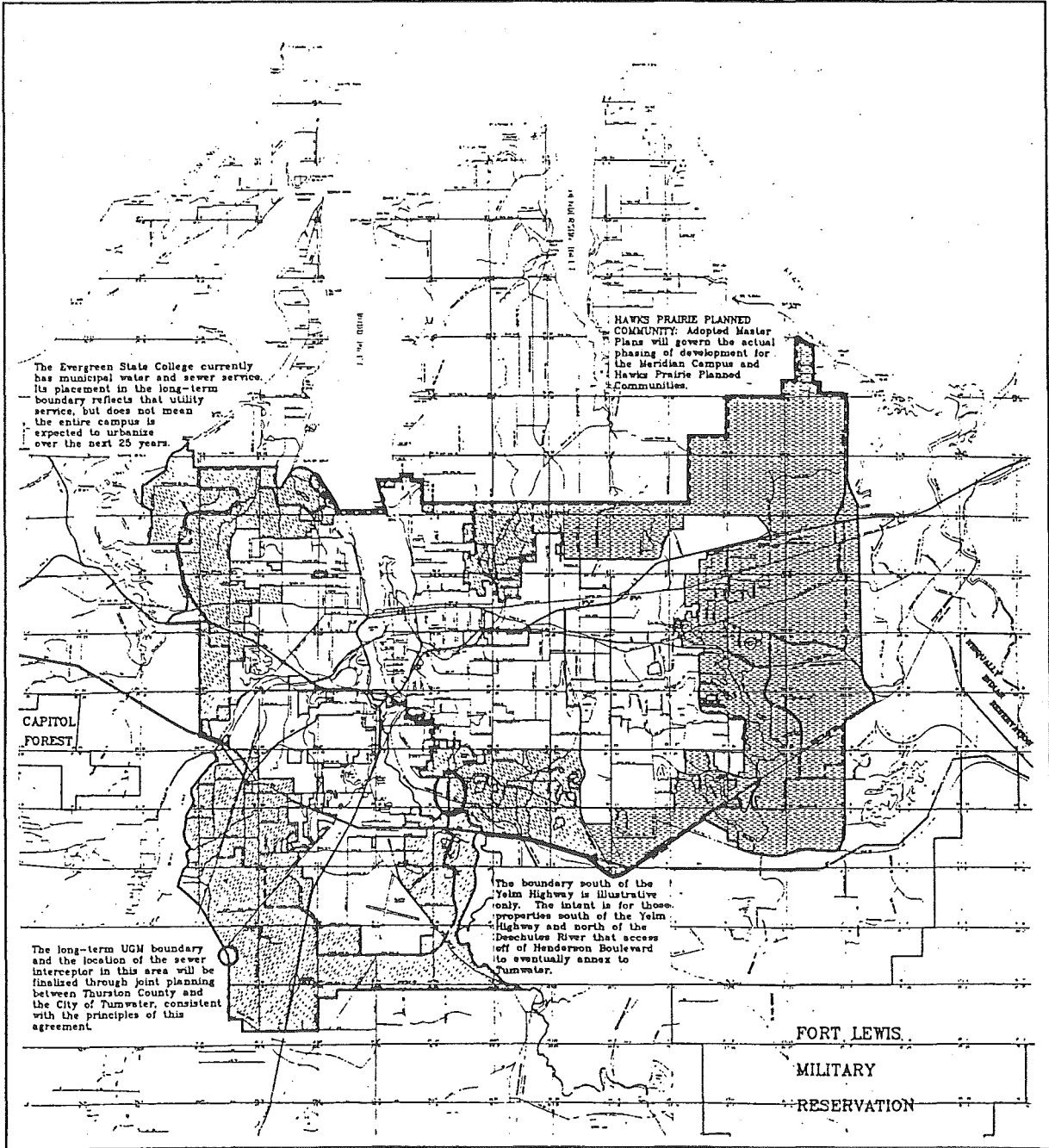
(1) State agencies which have control over parking areas at state facilities and are charging parking rental fees as established in WAC 236-14-100, should develop a program to regulate parking in those areas. Recommended program elements include:

- (a) Written policies and procedures. A current copy should be sent to and maintained at the department of general administration, office of parking services;
 - (b) Parking registration;
 - (c) Compliance with the Americans with Disabilities Act for disabled parkers;
 - (d) Provisions for carpool and vanpool parking;
 - (e) Provisions for visitor parking;
 - (f) Provisions for employees who are specifically required to use their own vehicles as a primary condition of employment. Agency directors or their designees may elect to have the agencies pay for these employees' parking rental fees in lieu of charging the employees; and
 - (g) Provisions for part-time and intermittent employees.
- (2) State agencies are encouraged to implement zoned parking wherever practicable.
- (3) State agencies are encouraged to have a permitting and enforcement program.
- (a) If an agency chooses to have a permitting program, it is encouraged to use the department's permits to provide consistency, and to take advantage of lower bulk prices. Agencies are also encouraged to require permits to be located on vehicles in a manner consistent with similar department capitol grounds policies.
 - (b) Where enforcement programs are implemented, it is recommended that they include:
 - (i) Noncompliance fees consistent with fees in effect on the capitol grounds;
 - (ii) Provisions for impoundment;
 - (iii) Provisions for suspension and/or revocation of parking privileges; and
 - (iv) Provisions for hearing rights related to fees, impoundment, and suspension and/or revocation of parking privileges.

[Statutory Authority: RCW 46.08.172. 93-20-027, § 236-14-050, filed 9/24/93, effective 11/1/93.]

WAC 236-14-100 Parking rental fees for state facilities off the state capitol grounds in Thurston County. (1) For the purpose of setting parking rental fees, Thurston County is divided into two zones. They are as follows:

- Zone 1 - defined by the Long-term Olympia, Lacey, Tumwater Urban Growth Management Boundary (UGMB), and
- Zone 2 - the remainder of Thurston County not within the Long-term Olympia, Lacey, Tumwater Urban Growth Management Boundary.



URBAN GROWTH MANAGEMENT

- CITY LIMITS
- LACEY/COUNTY JOINT PLANNING AREA
- PROPOSED UGM BOUNDARY
- OLYMPIA/COUNTY JOINT PLANNING AREA
- SHORT TERM
- TUMWATER/COUNTY JOINT PLANNING AREA
- LONG TERM

Scale
 JUNE 20, 1988
 Prepared by:
 THURSTON COUNTY PUBLIC WORKS
 THURSTON REGIONAL PLANNING COUNCIL
 CITY OF OLYMPIA
 CITY OF LACEY

Parcel specific identification of the UGMB is available on Thurston County zoning maps.

(2) The parking rental fees for state facilities off the state capitol grounds in Thurston County Zone 1 shall be as follows:

PARKING USES	PARKING RENTAL FEES
(a) Agency assigned uses	no charge
(b) Employee uses:	
(i) General "zoned"	\$15 per month
(ii) Leased/reserved areas and/or stalls	\$20 per month
(iii) Disabled employees	\$15 per month
(iv) Shift workers (non-core hours)	no charge
(v) Part-time and intermittent	agency discretion (not to exceed \$15/month)
(c) Motorcycle, motor-driven cycle/moped uses	\$10 per month
(d) Visitor uses	
(i) Metered parking	\$.50 per hour
(ii) Unmetered parking	no charge
(iii) Disabled visitors	no charge
(e) Carpool	agency discretion (not to exceed \$15/month)
(f) Vanpool	no charge

(g) In addition to the permits issued under (a), (b), (c), (d), (e) and (f) of this subsection, the department may establish rates for other uses as required. The department will establish a fee schedule for such uses, and will keep such fee schedule on file at the Department of General Administration, Office of Parking Services, Plaza Garage, D Level, P.O. Box 41025, Olympia, Washington 98504-1025. Such fee schedule will be available to any person upon request.

(3) If there is a contract or lease provision which sets parking fees at a state facility which is in effect on the date of adoption of this rule, the schedule of fees set forth in subsection (1) of this rule shall not apply to the parking covered by that contract or lease. This exemption shall be in effect only for the duration of the current term of the existing contract or lease.

(4) The parking rental fees for state facilities off the state capitol grounds in Thurston County Zone 2 (outside the Long-term Olympia, Lacey, Tumwater Urban Growth Management Boundary) shall be as follows:

PARKING USES	PARKING RENTAL FEES
All Uses	no charge

(5) The director has exempted the following categories of state facilities from the provisions of this WAC:

- (a) Roads and highways
- (b) Rest areas
- (c) Weigh stations on highways and roadways
- (d) Institutions of higher education (which are covered by Title 28B RCW)
- (e) Park and ride facilities
- (f) Parking provided at state owned/leased living quarters assigned to state employees.

(6) In addition to those exempted facilities listed in subsection (5) of this rule, the director may, upon written request by an agency director, exempt individual state facilities from parking rental fees or may authorize a differ-

ent schedule of fees than provided in subsection (2) of this rule. In determining whether to exempt a state facility, or to authorize a different schedule of fees, the director shall consider one or more of the following factors:

- (a) Transportation demand management or commute trip reduction requirements and availability;
- (b) Unusual market conditions;
- (c) Remoteness of location;
- (d) Other factors.

(7) In accordance with RCW 46.08.172, as amended, The director of the department of general administration shall establish equitable and consistent parking rental fees for state-owned or leased property, to be charged to employees, visitors, clients, service providers, and others, that reflect the legislature's intent to reduce state subsidization of parking. The department shall solicit representatives from affected state agencies, employees, and state employee bargaining units to meet as regional committees. These regional committees will advise the director on parking rental fees taking into account the market rate of comparable, privately owned rental parking in each region. In the event that such fees become part of a collective bargaining agreement and there is a conflict between the agency and the collective bargaining unit, the terms of the collective bargaining agreement shall prevail. All fees shall take into account the market rate of comparable privately owned rental parking, as determined by the director.

[Statutory Authority: RCW 46.08.172. 93-20-027, § 236-14-100, filed 9/24/93, effective 11/1/93.]

WAC 236-14-200 Delegation. With the exception of the capitol campus, the director, in accordance with RCW 46.08.172, has determined it is cost effective, and is delegating the responsibility for the collection of parking rental fees to other agencies of state government.

[Statutory Authority: RCW 46.08.172. 93-20-027, § 236-14-200, filed 9/24/93, effective 11/1/93.]

WAC 236-14-300 Monthly parking fee payments. Nonstate personnel will be billed for parking by the agency that controls the assigned parking lot. Employee parking rental fees shall be paid by payroll deduction.

[Statutory Authority: RCW 46.08.172. 93-20-027, § 236-14-300, filed 9/24/93, effective 11/1/93.]

WAC 236-14-800 Director review. The director shall review chapter 236-14 WAC periodically to determine if changed circumstances warrant revisions. Such review shall occur no later than three years from the date of initial promulgation or from subsequent review.

[Statutory Authority: RCW 46.08.172. 93-20-027, § 236-14-800, filed 9/24/93, effective 11/1/93.]

WAC 236-14-900 Severability. If any provision of this chapter is held invalid, the remainder of the chapter is not affected.

[Statutory Authority: RCW 46.08.172. 93-20-027, § 236-14-900, filed 9/24/93, effective 11/1/93.]

Chapter 236-22 WAC

SELF-INSURANCE REQUIREMENTS AS TO
LOCAL GOVERNMENTS

WAC

236-22-010	Preamble and authority.
236-22-020	Definitions.
236-22-030	Adoption of program.
236-22-031	Program financing.
236-22-032	Nondiscrimination in contributions.
236-22-033	Nondiscrimination in joint program assessments.
236-22-034	Disclosures.
236-22-035	Wellness programs.
236-22-036	Termination provisions.
236-22-037	Financial plans.
236-22-038	Third party administrator contracts.
236-22-040	Risk management.
236-22-050	Claims administration.
236-22-060	Financial reports.
236-22-070	State risk manager may waive requirements.
236-22-080	Conflict of interest.
236-22-100	Expense and operating cost fees.
236-22-200	Appeals of fees.
236-22-210	Appeals of cease and desist orders.

WAC 236-22-010 Preamble and authority. These rules [and regulations governing] [for] local government self-insurance transactions are adopted by the state risk manager to [implement chapter 48.62 RCW relating to] [regulate the management and operations of both] individual and joint local government [self insurance] [self-insured health and welfare benefit and property and liability risk] programs. The rules set forth in this chapter do not supersede the rules which govern the operation of self-insured employee benefit plans by school districts and educational service districts under chapter 392-130 WAC.

[Statutory Authority: Chapter 48.62 RCW. 93-16-079, § 236-22-010, filed 8/3/93, effective 9/3/93; 92-12-092, § 236-22-010, filed 6/3/92, effective 7/1/92.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 236-22-020 Definitions. (1) "Actuary" means any person who is qualified under WAC 284-05-060 to provide actuarial services.

(2) "Assessment" means the monies paid by the members to a joint self-insurance program.

(3) "Beneficiary" means any individual entitled, under a local government self-insurance program for health and welfare benefits, to payment of all or part of a covered claim.

(4) "Claim adjustment expense" means expenses, other than claim payments, incurred in the course of investigating and settling claims.

(5) "Claim" means a demand for payment for damages or policy benefit because of the occurrence of an event such as (a) for health and welfare benefits, a covered service or services being delivered; or (b) for property and liability, the destruction or damage of property or related deaths or injuries. Unless specifically referenced, the term "claim" is used for both health and welfare and property and liability programs.

(6) "Competitive process" means a documented formal process providing an equal and open opportunity to qualified parties and culminating in a selection based on criteria which may include such factors as the party's fees or costs, ability, capacity, experience, reputation, responsiveness to time limitations, responsiveness to solicitation requirements, quality of previous performance, and compliance with statutes and rules relating to contracts or services.

(7) "Contribution" means the amount paid or payable by the employee into a health and welfare self-insurance program.

(8) "Incurred but not reported, or IBNR" shall mean claims and claim adjustment expenses for covered events which have occurred but have not yet been reported to the self-insurance program as of the date of the financial statement. IBNR claims include (a) known loss events that are expected to be later presented to be claims, (b) unknown loss events that are expected to become claims, and (c) expected future development on claims already reported.

(9) "Individual self-insurance program" means a program established and maintained by a local government entity to self-insure health and welfare benefits or property and liability risks on its own behalf.

(10) "Joint self-insurance program" means any two or more local government entities which have entered into a cooperative risk sharing agreement pursuant to the provisions of the Interlocal Cooperation Act (chapter 39.34 RCW) and/or subject to regulation under chapter 48.62 RCW.

(11) "Liability for unpaid claims" means the amount needed to provide for the estimated ultimate cost of settling claims which have occurred on or before a particular date. The estimated liability includes the amount of money that will be needed for future payments on both claims which have been reported and IBNR claims.

(12) "Liability for unpaid claim adjustment expenses" means the amount needed to provide for the estimated ultimate costs required to investigate and settle claims for covered events that have occurred on or before a particular date, whether or not reported to the government entity at that date.

(13) "Member" means a local government entity which is a past or present legal participant in a local government joint self-insurance program.

(14) "Self-insurance program" means any individual or joint local government entity self-insurance program subject to regulation under chapter 48.62 RCW.

(15) "Stop-loss insurance" means insurance against the risk of economic loss assumed under a self-insurance program.

(16) "Third party administrator" means:

a) an independent association, agency, entity or enterprise which, through a contractual agreement is responsible for the overall operational and financial management of the self-insurance program;

b) an independent association, agency, entity or enterprise which, through a contractual agreement, provides a professional service for the analysis, design, implementation, or termination of a self-insurance program; or

c) an independent association, agency, entity or enterprise which, through a contractual agreement, administers the claim payment process on behalf of a self-insurance program. Such claim administration process includes, but is not

limited to, receiving requests for claim payments, investigation, verification and adjustment of the claim. Claim payment disbursement is also considered an administrative process.

[Statutory Authority: Chapter 48.62 RCW. 93-16-079, § 236-22-020, filed 8/3/93, effective 9/3/93.]

WAC 236-22-030 Adoption of program. (1) All self-insurance programs shall provide that the governing body of the local government entity establishing or maintaining a program adopt the self-insurance program by resolution or ordinance. The resolution or ordinance shall include but not be limited to funding and expenditure mechanisms. Self-insurance programs in operation on January 1, 1992 shall meet the requirements of this subsection no later than December 31, 1994.

(2) The interlocal agreement of a joint self-insurance program shall be adopted by resolution or ordinance by each participating member's governing body.

[Statutory Authority: Chapter 48.62 RCW. 93-16-079, § 236-22-030, filed 8/3/93, effective 9/3/93.]

WAC 236-22-031 Program financing. (1) All self-insurance programs shall provide for program financing to pay claims, claims adjustment expenses and the liability for unpaid claims and claims adjustment expenses as they become payable.

(2) All self-insurance programs shall provide a method by which the program financing will be adjusted when it has been determined to be actuarially insufficient, or when the program is unable to meet debts as they become payable. Any increases shall be large enough to make the program actuarially sufficient.

(3) All individual and joint health and welfare self-insurance program's and all joint property and liability self-insurance program's claim financing levels shall be determined annually by an actuary's recommendation, unless these self-insurance programs purchase annual aggregate stop-loss insurance and funds the self-insured portion to the stop-loss insurance attachment point.

[Statutory Authority: Chapter 48.62 RCW. 93-16-079, § 236-22-031, filed 8/3/93, effective 9/3/93.]

WAC 236-22-032 Nondiscrimination in contributions. Contribution rate schedules for individual and joint health and welfare self-insurance programs shall be consistent and non-discriminatory among beneficiaries of the self-insurance program. This provision is not intended to prohibit choice of coverage for beneficiaries, classes of beneficiaries, or bargaining groups from several offered by the self-insurance program, or to prohibit different contribution schedules between classes of beneficiaries or bargaining groups.

[Statutory Authority: Chapter 48.62 RCW. 93-16-079, § 236-22-032, filed 8/3/93, effective 9/3/93.]

WAC 236-22-033 Nondiscrimination in joint program assessments. Joint self-insurance program assessment formula shall be consistent and nondiscriminatory among new and existing members. Joint self-insurance

programs shall not engage in practices that set standard assessment rates lower for new members than those established for existing members.

This provision shall not be construed to prohibit individual choice of coverage by members from several offered by the self-insurance program.

[Statutory Authority: Chapter 48.62 RCW. 93-16-079, § 236-22-033, filed 8/3/93, effective 9/3/93.]

WAC 236-22-034 Disclosures. (1) All health and welfare self-insurance programs shall furnish each employee or retiree covered by the program a written description of the benefits allowable under the program, together with (a) applicable restrictions, limitations, and exclusions, (b) the procedure for filing a claim for benefits, (c) the procedure for requesting an adjudication of disputes or appeals arising from beneficiaries regarding the payment or denial of any claim for benefits, and (d) a schedule of any direct monetary contributions toward the program financing required by the employee. Such benefits or procedures shall not be amended without written notice to the covered employees and retirees at least thirty days in advance of the effective date of the change unless exigent circumstances can be demonstrated.

(2) All joint self-insurance programs shall furnish to each member of the program written statements which describe: (a) all coverages or benefits currently provided by the program, including any applicable restrictions, limitations, and exclusions; (b) the method by which members pay assessments; (c) the procedure for filing a claim; and (d) the procedure for a member to request an adjudication of disputes or appeals arising from coverage, claim payment or denial, membership, and other issues. Such statements shall not be amended without written notice to the members at least thirty days in advance of the effective date of the change.

[Statutory Authority: Chapter 48.62 RCW. 93-16-079, § 236-22-034, filed 8/3/93, effective 9/3/93.]

WAC 236-22-035 Wellness programs. Health and welfare self-insurance programs may offer coverage for preventative care, wellness programs, and/or other cost containment measures.

[Statutory Authority: Chapter 48.62 RCW. 93-16-079, § 236-22-035, filed 8/3/93, effective 9/3/93.]

WAC 236-22-036 Termination provisions. (1) All individual and joint health and welfare self-insurance programs and all joint property and liability self-insurance programs shall maintain a written plan which provides for the partial or complete termination of the program and for liquidation of its assets upon termination of the program. The termination procedure shall include, but not be limited to, a provision for the settling of all its liabilities for unpaid claims and claim adjustment expenses.

(2) All joint self-insurance programs shall provide for the termination of membership of a member.

[Statutory Authority: Chapter 48.62 RCW. 93-16-079, § 236-22-036, filed 8/3/93, effective 9/3/93.]

WAC 236-22-037 Financial plans. (1) All self-insurance programs shall maintain a written plan for managing the financial resources of the program. The financial plan shall include (a) a procedure for accounting for monies received, payments made and liabilities of the program; (b) an investment policy; and (c) the preparation of accurate annual financial statements of the program.

(2) No financial plan of a self-insurance program shall permit interfund loans from assets held against liabilities for unpaid claims and claim adjustment expenses except for those amounts which are clearly inactive or in excess of liabilities for unpaid claim and claim adjustment expenses.

(3) No financial plan of a joint self-insurance program shall permit loans from assets held against liabilities for unpaid claims and claim adjustment expenses to any member.

[Statutory Authority: Chapter 48.62 RCW. 93-16-079, § 236-22-037, filed 8/3/93, effective 9/3/93.]

WAC 236-22-038 Third party administrator contracts. (1) Before contracting for third party administrator professional services, all self-insurance programs shall establish and maintain written standards and procedures for contracting with third party administrators. Entering a contract for services shall not relieve the entity of its ultimate managerial and financial responsibilities. The procedures shall, as a minimum:

(a) Provide a method of third party administrator selection using a competitive process;

(b) Require a written description of the services to be provided, remuneration levels, and contract period;

(c) Provide for the confidentiality and ownership of the information, data and other intellectual property developed or shared during the course of the contract;

(d) Provide for the expressed authorization of the self-insurance program to enter the third party administrator's premises to inspect and audit the records and performance of the third party administrator which pertains to the program; and

(e) Require the compliance with all applicable local, state and federal laws.

(2) None of the above shall otherwise relieve the entity from other contracting requirements imposed on those entities.

[Statutory Authority: Chapter 48.62 RCW. 93-16-079, § 236-22-038, filed 8/3/93, effective 9/3/93.]

WAC 236-22-040 Risk management. Individual and joint property and liability self-insurance programs shall have a written risk management program which addresses risk finance, loss control, risk avoidance and risk transfer.

[Statutory Authority: Chapter 48.62 RCW. 93-16-079, § 236-22-040, filed 8/3/93, effective 9/3/93.]

WAC 236-22-050 Claims administration. (1)(a) All self-insurance programs shall have a written claims administration program which contains, as a minimum, claim filing procedures, internal financial control mechanisms, and claim and claim adjustment expense reports.

(b) All individual and joint health and welfare self-insurance programs and all joint property and liability

self-insurance programs shall have a written claim appeal procedure which contains, as a minimum, a time limit for filing an appeal, a time limit for response, and a provision for a second level of review.

(2)(a) All self-insurance programs may contract for claims administration services with a qualified third party administrator, provided all the requirements under subsection (1) above are included in the contract.

(b) Individual and joint property and liability self-insurance programs may perform claims administration services on their own behalf. Individual and joint health and welfare self-insurance programs may perform claims administration services on their own behalf, provided the state risk manager is supplied with documentation and a detailed written explanation in support of the self-insurance program's proposed claims administration activities. The documentation and proposal shall include, as a minimum, the following:

1. The nature, type and anticipated volume of claims to be administered.

2. The number of employment positions established or to be established which are required to perform the self-insurance program's claim administration functions, including an organizational chart showing reporting responsibilities.

3. Qualifications of personnel having claim reserving and settlement authority.

4. A projection of expected claim administration expenses.

(3) All self-insurance programs shall have conducted by an independent qualified professional not currently performing claims administration services to the program, a review of claim reserving, adjusting and payment procedures no less than every three years. Such review shall be in writing and retained for a period not less than three years.

(4) Joint self-insurance programs shall maintain a dedicated claim account from which only claim and claim adjustment expenses can be paid.

(5) Joint self-insurance programs shall maintain written claim and claim adjustment expense reports for all claims made against the self-insurance program and, separate written reports for each individual member.

[Statutory Authority: Chapter 48.62 RCW. 93-16-079, § 236-22-050, filed 8/3/93, effective 9/3/93.]

WAC 236-22-060 Financial reports. (1) Every individual and joint health and welfare self-insurance program and every joint property and liability self-insurance program authorized to transact business in the state of Washington shall record and annually report its revenue, claim and claim expense experience, and other data as required by the state risk manager. Multi-state programs shall report both its Washington state revenues, claim and claim expense experience and other data required by the state risk manager and its overall income, claim and claim expense experience. Such reports shall be submitted to the state risk manager no later than one hundred twenty days following the completion of the joint program's fiscal year.

(2) All joint self-insurance programs authorized to transact business in the state of Washington shall submit quarterly financial reports to the state risk manager. Such

reports shall be submitted to the state risk manager no later than sixty days following the completion of each of the program's four quarters within its fiscal year.

[Statutory Authority: Chapter 48.62 RCW. 93-16-079, § 236-22-060, filed 8/3/93, effective 9/3/93.]

WAC 236-22-070 State risk manager may waive requirements. The state risk manager may waive any of the requirements of WAC 236-22-030 through section 236-22-050 and 236-22-060(2) if, in the state risk manager's opinion: (1) Circumstances warrant a waiver, and (2) waiver will not jeopardize the financial condition of the self-insurance program.

[Statutory Authority: Chapter 48.62 RCW. 93-16-079, § 236-22-070, filed 8/3/93, effective 9/3/93.]

WAC 236-22-080 Conflict of interest. All self-insurance programs shall meet the following standards regarding restrictions on the financial interests of the program administrators: (1) No member of the board of directors; trustee; administrator, including a third party administrator; or any other person having responsibility for the management or administration of a program or the investment or other handling of the program's money shall:

(a) Receive directly or indirectly or be pecuniarily interested in any fee, commission, compensation, or emolument arising out of any transaction to which the program is or is expected to be a party except for salary or other similar compensation regularly fixed and allowed for because of services regularly rendered to the program.

(b) Receive compensation as a consultant to the program while also acting as a member of the board of directors, trustee, administrator, or as an employee.

(c) Have any direct or indirect pecuniary interest in any loan or investment of the program.

(2) No consultant, third party administrator or legal counsel to the self-insurance program shall directly or indirectly receive or be pecuniarily interested in any commission or other compensation arising out of any contract or transaction between the self-insurance program and any insurer, health care service contractor, or health care supply provider. This provision shall not preclude licensed insurance brokers or agents from receiving compensation for insurance transactions performed within the scope of their licenses, provided such compensation is disclosed to the self-insurance program's governing body.

(3) No third party administrator shall serve as an officer or on the board of directors of a self-insurance program.

[Statutory Authority: Chapter 48.62 RCW. 93-16-079, § 236-22-080, filed 8/3/93, effective 9/3/93.]

WAC 236-22-100 Expense and operating cost fees.

(1) The state risk manager, with concurrence from the [two] [property and liability] advisory board[s.] [and the health and welfare advisory board], shall fix [assessments to cover initial expenses and operating costs of the boards and the state risk manager's office in administering chapter 48.62 RCW. Such assessments shall be levied against each joint property and liability self-insurance program and each individual and joint health and welfare benefit self-insurance program regulated by chapter 48.62 RCW. Such assess-

ments shall be based upon each self-insurance program's share of the initial expenses and operating costs of the property and liability advisory board, the health and welfare advisory board,] [fees based upon actual time and expenses incurred for the review and investigation of every joint property and liability risk and every individual and joint health and welfare benefit self-insurance programs by the advisory boards] and the state risk manager's office.

(2) The state risk manager, with concurrence from the advisory boards, shall determine the [assessment rate on a fiscal year basis prescribing the self-insurance program's share pursuant to the provisions of subsection (1) of this section until the regulatory program for local government self-insurance programs is fully implemented.

(3) These assessments shall be payable by the assessed program to the state of Washington, division of risk management, on July 1 and January 1 of each year until the regulatory program for local government self-insurance programs is fully implemented. Any program failing to remit its assessment when due is subject to denial of permission to operate or to a cease and desist order until the assessment] [review and investigation fees on a fiscal year basis.

(3) The review and investigation fees shall be paid by the self-insurance program to the state of Washington, department of general administration within thirty days of invoice. Any self-insurance program failing to remit its fee when due is subject to denial of permission to operate or to a cease and desist order until the fee] is paid.

(4) A self-insurance program [referenced in subsection (1) of this section,] which has voluntarily or involuntarily terminated[,] shall [continue to] pay [an administrative cost assessment. This assessment shall continue until such time as all liabilities and all] [review and investigation fees until such time as all liabilities for unpaid claims and claim adjustment expenses and all administrative] responsibilities of the self-insurance program have been satisfied.

(5) The state risk manager [shall assess each prospective joint self-insurance program, and each prospective individual health and welfare benefit self-insurance program, an initial investigation fee at a rate determined annually by the state risk manager, with the concurrence of the advisory boards. Such fee shall be sufficient][, with concurrence from the property and liability advisory board and the health and welfare advisory board shall charge an initial investigation fee in an amount necessary] to cover the costs for the initial review and approval of [that] [a] self-insurance program. [The fee must accompany the initial submission of the plan of operation and management.]

[Statutory Authority: Chapter 48.62 RCW. 93-16-079, § 236-22-100, filed 8/3/93, effective 9/3/93; 92-12-092, § 236-22-100, filed 6/3/92, effective 7/1/92.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 236-22-200 Appeals of fees. (1)(a) A self-insurance program which disagrees with a fee for services issued to it by the state risk manager shall notify the state risk manager in writing within thirty days after receipt of the invoice. The writing shall include the self-insurance

program's reasons for challenging the fee and any other information the self-insurance program deems pertinent.

(b) The state risk manager shall review any fee challenged by a self-insurance program, together with the reasons for the challenge. Within fourteen days of receipt of notification from the self-insurance program, the state risk manager shall respond in writing to the self-insurance program, either reaffirming the fee or modifying it, and stating the reasons for the decision.

[Statutory Authority: Chapter 48.62 RCW. 93-16-079, § 236-22-200, filed 8/3/93, effective 9/3/93.]

WAC 236-22-210 Appeals of cease and desist orders. (1) Within ten days after a joint program covering property or liability risks, or an individual or joint program covering health and welfare benefits has been served with a cease and desist order under RCW 48.62.091(3), the entity may request an administrative hearing. The hearing provided may be held in such a place as is designated by the state risk manager and shall be conducted in accordance with chapter 34.05 RCW and chapter 10-08 WAC.

[Statutory Authority: Chapter 48.62 RCW. 93-16-079, § 236-22-210, filed 8/3/93, effective 9/3/93.]

Title 240 WAC

GOVERNOR, OFFICE OF THE

Chapters

240-10 State employee combined charitable contributions program.

Chapter 240-10 WAC

STATE EMPLOYEE COMBINED CHARITABLE CONTRIBUTIONS PROGRAM

WAC

240-10-030 Definitions.

WAC 240-10-030 Definitions. (1) Committee - The Washington state employee combined fund drive committee described in WAC 240-10-010.

(2) State employee combined fund drive campaign - An arrangement by which the committee provides one or more other participating organizations with the opportunity to receive funds contributed to them in the annual campaign, based on their compliance with the regulations herein.

(3) Participating organization - A health and welfare agency whose application has been accepted by the committee.

(4) Annual campaign - The once-a-year period of organized solicitation of state employees conducted annually to obtain voluntary contributions from state employees for charitable commitments to be allocated during the ensuing year of contributions.

(5) Year of contributions - The annual calendar year for collection of the voluntary payroll deductions for charitable contributions authorized by state employees pursuant to these regulations. The normal, full annual calendar year shall begin with January and end with the ensuing December.

(6) Health and welfare agency - The terms "voluntary agency," "voluntary health and welfare agency," "voluntary charitable agency," and "voluntary charitable health and welfare agency" mean an organization that is organized and operated for the purpose of rendering, or of materially or financially supporting the rendering of, one or more of the following services for the benefit of human beings:

- (a) Delivery of health care to ill or infirm individuals;
- (b) Education and training of personnel for the delivery of health care to ill or infirm individuals;
- (c) Health research for the benefit of ill or infirm individuals;
- (d) Delivery of education, training, and care to physically and mentally handicapped individuals;
- (e) Treatment, care, rehabilitation, and counseling of juvenile delinquents, criminals, released convicts, persons who abuse drugs or alcohol, persons who are victims of intra-family violence or abuse, persons who are otherwise in need of social adjustment and rehabilitation, and the families of such persons;

(f) Relief of victims of crime, war, casualty, famine, natural disasters, and other catastrophes and emergencies;

(g) Neighborhood and community-wide social services that directly assist needy, poor, and indigent individuals, including provision of emergency relief and shelter, recreation, transportation, the preparation and delivery of meals, educational opportunities, and job training;

(h) Protection of families that, on account of economic or other need, poverty, indigence, or emergency, are in long-term or short-term need of family, child-care, and maternity services, child and marriage counseling, foster care, and guidance or assistance in the management and maintenance of the home and household;

(i) Relief of needy, poor, and indigent infants and children, and of orphans, including the provision of adoption services;

(j) Relief of needy, poor, and indigent adults and of the elderly;

(k) Delivery of services or assistance that conserve, protect, or restore the environment.

(7) Local presence - Demonstration of direct and substantial presence in the local campaign community:

(a) The availability of services, such as examinations, treatments, inoculations, preventive care, counseling, training, scholarship assistance, transportation, feeding, institutionalization, shelter, and clothing to persons working or residing in the local campaign community.

(b) The presence within the local campaign community, or within reasonable commuting distance thereof, of a facility at which services may be obtained, such as an office, clinic, mobile unit, field agency, or direct provider, or specific demonstrable effects of research, such as personnel or facilities engaged therein or specific local applications thereof.

(c) The availability to persons working or residing in the local campaign community of communication with the voluntary charitable agency by means of home visits,