

FORM OF ORDER AND TRANSMITTAL BY BOARD, COMMISSION, OR COUNCIL

State of Washington

WASHINGTON STATE COMMISSION FOR THE BLIND

(name of governing body)

(agency name, if applicable)

Resolution No. \_\_\_\_\_

Administrative Order No. 80-02

(1) Be it resolved by the Washington State Commission for the Blind acting at 3411 South Alaska Street, Seattle, Washington 98118 (place)

that it does promulgate and adopted the annexed rules relating to:

WAC Title 67 Commission for the Blind Chapter 32 Vending Facility Program for the Blind Section 150 Set Aside Funds - Use As Determined subsection (1), to amend same.

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. \_\_\_\_\_ filed with the code reviser on \_\_\_\_\_. Such rules shall take effect:
[ ] pursuant to RCW 34.04.040(2).
[ ] at a later date, such date being \_\_\_\_\_

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

We, The Washington State Commission for the Blind, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is: As presently worded, certain vendors in the Vending Facility Program for the Blind are potentially liable for amounts of money far greater or far less than equitable under the intent of the rule. Determining the current or replacement cost of the equipment in each instance is administratively unworkable and potentially inequitable. These factors make the rule unenforceable and not in the public interest. Very often the equipment to be repaired relates directly to food service. It is imperative that all equipment are expeditiously repaired to meet all applicable safety and health codes. The elimination of "initial stock and supplies" will bring this section into conformity with most specific, but in no case omit all, of the following language alternatives when adopting or amending rules" (fill in Federal statement (a), (b), or (c) as appropriate):

(a) This rule is promulgated pursuant to RCW \_\_\_\_\_ and is intended to administratively implement that statute.

(b) This rule is promulgated pursuant to RCW \_\_\_\_\_ which directs that the \_\_\_\_\_

(c) This rule is promulgated under the general rule-making authority of the Washington State Commission for the Blind \_\_\_\_\_ (agency)

has authority to implement the provisions of \_\_\_\_\_ (name of act or RCW citation)

(c) This rule is promulgated under the general rule-making authority of the Washington State Commission for the Blind \_\_\_\_\_ (agency)

as authorized in RCW 74.17.040, 74.16.430(1) and 74.16.450

(4) The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

(5) This order after being first recorded in the order register of this governing body is herewith transmitted to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED December 1, 1979 FEB 21 1980

CODE REVISER'S OFFICE WSR 80-03-046

By Kenneth N. Hopkins, Director Title



STATE OF  
WASHINGTON

Dixy Lee Ray  
Governor

COMMISSION FOR THE BLIND

3411 South Alaska Street  
P. O. Box 12579, Seattle, Washington 98118 (206) 721-4422 1-800-651-7191 TDD/Text

RULE PURPOSE AND IMPLEMENTATION STATEMENT

- (a) To amend WAC Title 67 Commission for the Blind Chapter 32 Vending Facility Program for the Blind, Section 150 Set Aside Funds - Use As Determined subsection (1).
- (b) The amended rule will provide for a fair workable method of determining the dollar amount certain vendors in the Vending Facility Program for the Blind shall be required to pay for equipment repairs.
- (c) Sue Ammeter, Assistant Director of Administrative Services, is responsible for the drafting of the rules. Lori Engles, Business Enterprise Supervisor, is responsible for implementing the rules. Don Brown, Assistant Director of the Orientation and Training Center, is responsible for enforcement of the rules. All are located at the Commission headquarters at 3411 South Alaska Street, Seattle, Washington 98118, telephone number (206) 721-4422; SCAN 339-4422.
- (d) The rule is unanimously amended and supported by the Commission Board. There is no opposition to this amendment.
- (e) The amendment has been adopted and submitted for code revision on an emergency basis until it can be permanently amended. In the interim, this will prevent potentially inequitable and unenforceable incidents occurring in the Vending Facility Program relative to the repair of vending facility equipment. Very often the equipment to be repaired relates directly to food service. It is imperative that all equipment are expeditiously repaired to meet all applicable safety and health codes. The deletion of the phrase "initial stock and supplies" will remove conflict with the Federal regulation which specifically prohibits such use.



STATE OF  
WASHINGTON

Doug Lenoir  
Governor

COMMISSION FOR THE BLIND

3411 South Alaska Street  
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AMENDATORY SECTION (Amending Order 79-01, filed 8-15-79)

WAC 67-32-150 SET ASIDE FUNDS--USE AS DETERMINED. VENDING MACHINE INCOME RECEIVED BY THE COMMISSION AS DESCRIBED IN WAC 67-32-140(4) SHALL BE KNOWN AS SET ASIDE FUNDS. SET ASIDE FUNDS SHALL BE USED FOR (~~(THE PURCHASE OF INITIAL STOCK AND SUPPLIES)~~) REPAIR OF VENDING FACILITY EQUIPMENT, THE REPLACEMENT OF OBSOLETE OR WORN-OUT VENDING FACILITY EQUIPMENT, MANAGEMENT SERVICES, THE PURCHASE OF LIABILITY INSURANCE AND THE COSTS NECESSARY TO THE CONDUCT OF THE STATE BLIND VENDORS COMMITTEE.

(1) VENDORS WHOSE INCOME FROM THEIR VENDING FACILITY IS AT THE NATIONAL AVERAGE OR ABOVE FOR ALL VENDORS AS DETERMINED EACH FEDERAL FISCAL YEAR ON THE BASIS OF EACH PRIOR YEAR'S OPERATION SHALL PAY REPAIR CHARGES FOR EACH SEPARATE REPAIR JOB ON VENDING FACILITY EQUIPMENT OF FIFTY DOLLARS OR TEN PERCENT OF THE (~~(CURRENT OR REPLACEMENT)~~) COST OF (~~(THE EQUIPMENT,)~~) REPAIR, WHICHEVER IS GREATER. FOR PURPOSES OF THIS PARAGRAPH, REPAIR OR A REPAIR JOB SHALL MEAN THE COST ASSOCIATED WITH A SINGLE VISIT OF A REPAIR TECHNICIAN TO A VENDING FACILITY WITHOUT RESPECT TO THE AMOUNT OF EQUIPMENT BEING REPAIRED, OR MULTIPLE VISITS, AND/OR CONTACT RELATIVE TO THE REPAIR OF A SINGLE ITEM.

(2) VENDORS WHOSE INCOME FROM THEIR VENDING FACILITY IS BELOW THE NATIONAL AVERAGE OF SUCH INCOME FOR ALL VENDORS AS DETERMINED EACH FEDERAL FISCAL YEAR ON THE BASIS OF EACH PRIOR YEAR'S OPERATION SHALL PAY A VOLUNTARY AMOUNT FOR EACH SEPARATE REPAIR JOB ON VENDING FACILITY EQUIPMENT AT THEIR FACILITY.

(3) THE REMAINDER OF THE CHARGES FOR REPAIR OR MAINTENANCE OF VENDING FACILITY EQUIPMENT DESCRIBED IN SUBSECTIONS (1) AND (2) OF THIS SECTION SHALL BE PAID FOR FROM SET ASIDE FUNDS. IF SET ASIDE FUNDS ARE ENTIRELY DEPLETED, THE VENDOR SHALL PAY THE COSTS OF REPAIR OF VENDING FACILITY EQUIPMENT AT HIS/HER FACILITY.

(4) FOR PURPOSES OF THIS SECTION VENDING FACILITY EQUIPMENT SHALL INCLUDE EQUIPMENT PROVIDED BY THE COMMISSION AND EQUIPMENT FURNISHED AS PART OF THE CONTRACT OR PERMIT FOR WHICH THE COMMISSION AND OPERATOR ASSUMES THE RESPONSIBILITY OF MAINTENANCE.