

Chapter 139-01 WAC
GENERAL ADMINISTRATION AND DEFINITIONS

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

139-01-110 Public records available. [Statutory Authority: RCW 43.101.080(2). WSR 86-19-021 (Order 1-B), § 139-01-110, filed 9/10/86.] Repealed by WSR 00-17-017, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080.

139-01-320 Appearance and practice before commission—Appearance by former member of attorney general's staff. [Statutory Authority: RCW 43.101.080(2). WSR 86-19-021 (Order 1-B), § 139-01-320, filed 9/10/86.] Repealed by WSR 00-17-017, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080.

139-01-330 Computation of time. [Statutory Authority: RCW 43.101.080(2). WSR 86-19-021 (Order 1-B), § 139-01-330, filed 9/10/86.] Repealed by WSR 00-17-017, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080.

139-01-410 Service of process—By whom served. [Statutory Authority: RCW 43.101.080(2). WSR 86-19-021 (Order 1-B), § 139-01-410, filed 9/10/86.] Repealed by WSR 00-17-017, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080.

139-01-415 Service of process—Upon whom served. [Statutory Authority: RCW 43.101.080(2). WSR 86-19-021 (Order 1-B), § 139-01-415, filed 9/10/86.] Repealed by WSR 00-17-017, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080.

139-01-420 Service of process—Service upon parties. [Statutory Authority: RCW 43.101.080(2). WSR 86-19-021 (Order 1-B), § 139-01-420, filed 9/10/86.] Repealed by WSR 00-17-017, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080.

139-01-425 Service of process—Method of service. [Statutory Authority: RCW 43.101.080(2). WSR 86-19-021 (Order 1-B), § 139-01-425, filed 9/10/86.] Repealed by WSR 00-17-017, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080.

139-01-430 Service of process—When service complete. [Statutory Authority: RCW 43.101.080(2). WSR 86-19-021 (Order 1-B), § 139-01-430, filed 9/10/86.] Repealed by WSR 00-17-017, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080.

139-01-435 Service of process—Filing with agency. [Statutory Authority: RCW 43.101.080(2). WSR 86-19-021 (Order 1-B), § 139-01-435, filed 9/10/86.] Repealed by WSR 00-17-017, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080.

139-01-440 Subpoenas—Where provided by law—Form. [Statutory Authority: RCW 43.101.080(2). WSR 86-19-021 (Order 1-B), § 139-01-440, filed 9/10/86.] Repealed by WSR 00-17-017, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080.

139-01-445 Subpoenas—Issuance to parties. [Statutory Authority: RCW 43.101.080(2). WSR 86-19-021 (Order 1-B), § 139-01-445, filed 9/10/86.] Repealed by WSR 00-17-017, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080.

139-01-450 Subpoenas—Service. [Statutory Authority: RCW 43.101.080(2). WSR 86-19-021 (Order 1-B), § 139-01-450, filed 9/10/86.] Repealed by WSR 00-17-017, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080.

139-01-455 Subpoenas—Fees. [Statutory Authority: RCW 43.101.080(2). WSR 86-19-021 (Order 1-B), § 139-01-455, filed 9/10/86.] Repealed by WSR 00-17-017, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080.

139-01-460 Subpoenas—Proof of service. [Statutory Authority: RCW 43.101.080(2). WSR 86-19-021 (Order 1-B), § 139-01-460, filed 9/10/86.] Repealed by WSR 00-17-017, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080.

139-01-465 Subpoenas—Quashing. [Statutory Authority: RCW 43.101.080(2). WSR 86-19-021 (Order 1-B), § 139-01-465, filed 9/10/86.] Repealed by WSR 00-17-017, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080.

139-01-470 Subpoenas—Enforcement. [Statutory Authority: RCW 43.101.080(2). WSR 86-19-021 (Order 1-B), § 139-01-470, filed 9/10/86.] Repealed by WSR 00-17-017, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080.

139-01-475 Subpoenas—Geographical scope. [Statutory Authority: RCW 43.101.080(2). WSR 86-19-021 (Order 1-B), § 139-01-475, filed 9/10/86.] Repealed by WSR 00-17-017, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080.

139-01-510 Depositions and interrogatories in contested cases—Right to take. [Statutory Authority: RCW 43.101.080(2). WSR 86-19-021 (Order 1-B), § 139-01-510, filed 9/10/86.] Repealed by WSR 00-17-017, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080.

139-01-515 Depositions and interrogatories in contested cases—Scope. [Statutory Authority: RCW 43.101.080(2). WSR 86-19-021 (Order 1-B), § 139-01-515, filed 9/10/86.] Repealed by WSR 00-17-017, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080.

139-01-520 Depositions and interrogatories in contested cases—Officer before whom taken. [Statutory Authority: RCW 43.101.080(2). WSR 86-19-021 (Order 1-B), § 139-01-520, filed 9/10/86.]

Repealed by WSR 00-17-017, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080.

139-01-525 Depositions and interrogatories in contested cases—Authorization. [Statutory Authority: RCW 43.101.080(2). WSR 86-19-021 (Order 1-B), § 139-01-525, filed 9/10/86.] Repealed by WSR 00-17-017, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080.

139-01-530 Depositions and interrogatories in contested cases—Protection of parties and deponents. [Statutory Authority: RCW 43.101.080(2). WSR 86-19-021 (Order 1-B), § 139-01-530, filed 9/10/86.] Repealed by WSR 00-17-017, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080.

139-01-535 Depositions and interrogatories in contested cases—Oral examination and cross-examination. [Statutory Authority: RCW 43.101.080(2). WSR 86-19-021 (Order 1-B), § 139-01-535, filed 9/10/86.] Repealed by WSR 00-17-017, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080.

139-01-540 Depositions and interrogatories in contested cases—Recordation. [Statutory Authority: RCW 43.101.080(2). WSR 86-19-021 (Order 1-B), § 139-01-540, filed 9/10/86.] Repealed by WSR 00-17-017, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080.

139-01-545 Depositions and interrogatories in contested cases—Signing attestation and return. [Statutory Authority: RCW 43.101.080(2). WSR 86-19-021 (Order 1-B), § 139-01-545, filed 9/10/86.] Repealed by WSR 00-17-017, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080.

139-01-550 Depositions and interrogatories in contested cases—Use and effect. [Statutory Authority: RCW 43.101.080(2). WSR 86-19-021 (Order 1-B), § 139-01-550, filed 9/10/86.] Repealed by WSR 00-17-017, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080.

139-01-555 Depositions and interrogatories in contested cases—Fees of officers and deponents. [Statutory Authority: RCW 43.101.080(2). WSR 86-19-021 (Order 1-B), § 139-01-555, filed 9/10/86.] Repealed by WSR 00-17-017, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080.

139-01-560 Depositions upon interrogatories—Submission of interrogatories. [Statutory Authority: RCW 43.101.080(2). WSR 86-19-021 (Order 1-B), § 139-01-560, filed 9/10/86.] Repealed by WSR 00-17-017, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080.

139-01-565 Depositions upon interrogatories—Interrogation. [Statutory Authority: RCW 43.101.080(2). WSR 86-19-021 (Order 1-B), § 139-01-565, filed 9/10/86.] Repealed by WSR 00-17-017, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080.

139-01-570 Depositions upon interrogatories—Attestation and return. [Statutory Authority: RCW 43.101.080(2). WSR 86-19-021 (Order 1-B), § 139-01-570, filed 9/10/86.] Repealed by WSR 00-17-017, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080.

139-01-575 Depositions upon interrogatories—Provisions of deposition rule. [Statutory Authority: RCW 43.101.080(2). WSR 86-19-021 (Order 1-B), § 139-01-575, filed 9/10/86.] Repealed by WSR 00-17-017, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080.

139-01-610 Official notice—Matters of law. [Statutory Authority: RCW 43.101.080(2). WSR 86-19-021 (Order 1-B), § 139-01-610, filed 9/10/86.] Repealed by WSR 00-17-017, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080.

139-01-615 Official notice—Material facts. [Statutory Authority: RCW 43.101.080(2). WSR 86-19-021 (Order 1-B), § 139-01-615, filed 9/10/86.] Repealed by WSR 00-17-017, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080.

139-01-620 Presumptions. [Statutory Authority: RCW 43.101.080(2). WSR 86-19-021 (Order 1-B), § 139-01-620, filed 9/10/86.] Repealed by WSR 00-17-017, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080.

139-01-625 Stipulations and admissions of record. [Statutory Authority: RCW 43.101.080(2). WSR 86-19-021 (Order 1-B), § 139-01-625, filed 9/10/86.] Repealed by WSR 00-17-017, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080.

139-01-630 Rules of evidence—Admissibility criteria. [Statutory Authority: RCW 43.101.080(2). WSR 86-19-021 (Order 1-B), § 139-01-630, filed 9/10/86.] Repealed by WSR 00-17-017, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080.

139-01-710 Petitions for rule making, amendment or repeal—Who may petition. [Statutory Authority: RCW 43.101.080(2). WSR 86-19-021 (Order 1-B), § 139-01-710, filed 9/10/86.] Repealed by WSR 00-17-017, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080.

139-01-715 Petitions for rule making, amendment or repeal—Requisites. [Statutory Authority: RCW 43.101.080(2). WSR 86-19-021 (Order 1-B), § 139-01-715, filed 9/10/86.] Repealed by WSR 00-17-017, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080.

139-01-720 Petitions for rule making, amendment or repeal—Agency must consider. [Statutory Authority: RCW 43.101.080(2). WSR 86-19-021 (Order 1-B), § 139-01-720, filed 9/10/86.] Repealed by WSR 00-17-017, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080.

139-01-725 Petitions for rule making, amendment or repeal—Notice of disposition. [Statutory Authority: RCW 43.101.080(2). WSR 86-19-021 (Order 1-B), § 139-01-725, filed 9/10/86.] Repealed by WSR 00-17-017, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080.

139-01-730 Declaratory rulings. [Statutory Authority: RCW 43.101.080(2). WSR 86-19-021 (Order 1-B), § 139-01-730, filed 9/10/86.] Repealed by WSR 00-17-017, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080.

139-01-735 Forms. [Statutory Authority: RCW 43.101.080(2). WSR 86-19-021 (Order 1-B), § 139-01-735, filed 9/10/86.] Repealed by WSR 00-17-017, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080.

139-01-810 Review and appeal of action. [Statutory Authority: RCW 43.101.080(2). WSR 96-08-008, § 139-01-810, filed 3/22/96, effective 4/22/96; WSR 86-19-021 (Order 1-B), § 139-01-810, filed 9/10/86.] Repealed by WSR 00-17-017, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080.

WAC 139-01-100 Description of central and field organization.

The commission consists of the executive director, staff, and 21 commissioners. The executive director will approve recommendations for training consistent with adopted goals and standards. The executive director will approve recommendations and other matters of the commission that require staff involvement to implement and will direct such assignments to appropriate personnel. The commissioners will review other recommendations for approval or rejection. The commissioners determine agency policy and the director and staff implement the policy established by the commissioners. The commissioners approve agency policies that establish or change the direction of the commission. The commissioners empower the executive director to make decisions regarding all internal functions related to the operation of the commission. This includes, but is not limited to, management of personnel decisions, budget and finance, development and implementation of internal operational and organizational policies and procedures. The executive director will develop a strategic plan for the future of the agency with input and final approval from the commissioners.

The business office of the commission is located at 3060 Willamette Drive N.E., Lacey, Washington 98516. The mailing address is Post Office Box 40905, Olympia, Washington 98504. It is maintained by the commission's executive director and staff from 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding holidays and the days the commission is closed, and serves as a central repository for the commission's records of administration and operation.

The Criminal Justice Training Center, 19010 1st Avenue, Burien, Washington 98148, serves as the commission's primary training site. Other training is conducted locally, regionally, or at centralized locations statewide, as determined by staff.

[Statutory Authority: RCW 43.101.080 and 43.101.801. WSR 22-13-075, § 139-01-100, filed 6/9/22, effective 7/10/22. Statutory Authority: RCW 43.101.080. WSR 04-07-146, § 139-01-100, filed 3/23/04, effective 4/23/04; WSR 00-17-017, § 139-01-100, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080(2). WSR 86-19-021 (Order 1-B), § 139-01-100, filed 9/10/86.]

WAC 139-01-210 Operating policy of Washington state criminal justice training commission. (1) The Washington state criminal justice training commission shall approve annual training schedules and budgets and may adopt standards and/or goals for criminal justice personnel and disciplines within its purview.

(2) The executive director of the commission may approve training programs or activity not included within an approved annual training schedule if he/she determines that sufficient resources exist and such program or activity is consistent and identifiable with an adopted standard or goal of the commission.

[Statutory Authority: RCW 43.101.080(2). WSR 86-19-021 (Order 1-B), § 139-01-210, filed 9/10/86.]

WAC 139-01-310 Definitions for Title 139 WAC. The following definitions apply to Title 139 WAC, unless otherwise defined in a specific chapter or subchapter of this title.

(1) **Affiliation** means advocating for or providing material support or resources to extremist organizations by:

(a) Knowingly or publicly displaying, posting, or wearing associated items, symbols, costumes, insignias, slogans, tattoos, or body modifications on public property, private property, online, or digitally;

(b) Making public statements in support of an extremist group's activities including, but not limited to, online statements;

(c) Fund-raising for, or making personal contributions through donations, services, or payments of any kind to a group or organization that engages in extremist activities;

(d) Organizing or participating in the activities of an extremist organization;

(e) Recruiting or training others to engage in extremist activities;

(f) Recruiting or training others on behalf of an extremist organization;

(g) Creating, organizing, or taking a leadership role in a group or organization that engages in or advocates for extremist activities; or

(h) Actively demonstrating or rallying in support of extremist activities.

(2) **Applicant** means an individual who must satisfy the requirements of RCW 43.101.095 as a condition of employment.

(3) **Certified limited authority peace officer** means any limited authority Washington peace officer as defined in subsection (22) of this section who as a normal part of their duties has powers of arrest and carries a firearm.

(4) **Certified officer**, unless otherwise specified, means any full-time, general authority peace officer, certified limited authority peace officer, certified tribal police officer, and corrections officer as defined in RCW 43.101.010 (6), (10), and (12).

(5) **Certified tribal law enforcement agency** means any tribal law enforcement agency in Washington who has signed a tribal certification agreement with the commission as outlined in WAC 139-06-015 and who is currently in good standing.

(6) **Certified tribal police officer** means any police officer employed by a certified tribal law enforcement agency who has completed the requirements of certification.

(7) **Commission** means the Washington state criminal justice training commission.

(8) **Conclusion** means the final disposition issued by an employing agency after it has conducted an investigation into alleged misconduct or policy violation.

(9) **Day** means one calendar day. Computation of time does not include the day of the act or event from which the designated period of time begins to run. The last day of the period shall be included, unless it is a Saturday, a Sunday, or a legal holiday, in which event the period runs until the end of the next weekday that is not a legal holiday.

(10) **Denial** means a commission decision to refuse to grant certification to a prospective certified officer.

(11) **Discipline** means an oral reprimand (where a written record of the reprimand has been placed in an employee's file), written rep-

rimand, suspension, demotion, or termination. Discipline does not include performance reviews, work plans, or corrective actions that do not include a reprimand or other adverse employment action.

(12) **Executive** means the head of a law enforcement agency, such as chiefs, sheriffs, directors, or other equivalent positions.

(13) **Expired certification** means that a certified officer has had a break in service of over 60 months and their certification is no longer valid.

(14) **Extremist organization** means an organization or persons that:

(a) Seeks to undermine the democratic process through intimidation, violence, unlawful threat, or by depriving individuals of their rights under the United States Constitution or Washington state Constitution;

(b) Promotes the changing of American government structures through undemocratic means involving violence, unlawful threat, or intimidation;

(c) Promotes hatred, intolerance, unlawful discrimination, intimidation or violence against, public marginalization, or disenfranchisement of protected classes, including on the basis of sex, sexual orientation, gender, perceived gender, or gender expression, race, color, religion, ability, or national origin and other protected classes under RCW 49.60.030 and 43.101.105 (3) (h);

(d) Espouses, advocates, or engages in using force, violence, or unlawful threat to further explicit racism, antisemitism, anti-Muslim, white supremacy or any white nationalist ideology, or any ideology that discriminates based on religion or belief; or

(e) Espouses or advocates that the powers held by local law enforcement executives, and their interpretation of the law, supersedes those of any other federal, state, or local authority.

(15) **Final disposition** means an employing agency's final decision on a misconduct investigation. The final disposition is not dependent upon any appeals brought by an officer.

(16) **Findings or findings of fact and conclusion of law** means a determination based on a preponderance of the evidence whether alleged misconduct occurred; did not occur; occurred but was consistent with law and policy; or can neither be proven or disproven.

(17) **General authority Washington law enforcement agency** means any agency, department, or division of a municipal corporation, political subdivision, or other unit of local government of this state, and any agency, department, or division of state government, having as its primary function the detection and apprehension of persons committing infractions or violating the traffic or criminal laws in general, as distinguished from a limited authority Washington law enforcement agency, and any other unit of government expressly designated by statute as a general authority Washington law enforcement agency. The Washington state patrol and the department of fish and wildlife are general authority Washington law enforcement agencies.

(18) **General authority Washington peace officer** means any full-time, fully compensated and elected, appointed, or employed officer of a general authority Washington law enforcement agency who is commissioned to enforce the criminal laws of the state of Washington generally.

(19) **Lapsed certification** means that a certified officer has had a break in service of at least 24 months, but no more than 60 months, and that as a condition of continuing employment the officer must complete the commission's equivalency process.

(20) **Law enforcement personnel** means any person elected, appointed, or employed as a general authority Washington peace officer or certified limited authority peace officer.

(21) **Limited authority Washington law enforcement agency** means any agency, political subdivision, or unit of local government of this state, and any agency, department, or division of state government, having as one of its functions the apprehension or detection of persons committing infractions or violating the traffic or criminal laws relating to limited subject areas including, but not limited to, the state department of natural resources and social and health services, the state gambling commission, the state department of corrections, and the office of independent investigations.

(22) **Limited authority Washington peace officer** means any full-time fully compensated officer of a limited authority Washington law enforcement agency empowered by that agency to detect or apprehend violators of the laws in some or all of the limited subject areas for which that agency is responsible.

(23) **Peace officer** means any officer of general authority or certified limited authority as defined in subsections (18) and (22) of this section respectively.

(24) **Petitioner** means the commission's certification division.

(25) **Probationary periods or probationary terms** means a determination by a hearing panel that a certified officer may work under supervision based on agreed-upon terms.

(26) **Recruit** means an individual registered for, selected for, accepted to, enrolled in, or required to complete a basic training academy.

(27) **Reserve officer** means any person who does not serve as a peace officer of this state on a full-time basis, but who, when called by an agency into active service, is fully commissioned on the same basis as full-time officers to enforce criminal laws of this state.

(28) **Respondent** means the certified officer against whom the petitioner has filed a statement of charges.

(29) **Retraining** means the teaching or reteaching of skills and conduct required to succeed as a certified officer and imposed by the commission's hearings panel in a final order pursuant to RCW 43.101.105.

(30) **Revocation** means to cancel a certified officer's certification.

(31) **Serious injury** means **substantial bodily harm** and **great bodily harm** as defined in RCW 9A.04.110 (4) (b) and (c).

(32) **Specially commissioned Washington peace officer** means any officer, whether part-time or full-time, compensated or not, commissioned by a general authority Washington law enforcement agency to enforce some or all of the criminal laws of the state of Washington, who does not qualify under as a general authority Washington peace officer for that commissioning agency, specifically including reserve peace officers, and specifically commissioned full-time, fully compensated peace officers duly commissioned by the states of Oregon and Idaho or any such peace officer commissioned by a unit of local government of Oregon or Idaho.

(33) **Surrender** means that a holder of a certificate voluntarily relinquishes their certificate. This may happen while pending potential discipline or for any other reason.

(34) **Suspension** means a determination by a hearing panel on agreed-upon terms that a certified officer's certification will be

withheld and the officer will be temporarily prevented from performing the duties of a certified officer during the determined period.

[Statutory Authority: RCW 43.101.080. WSR 23-19-038, § 139-01-310, filed 9/13/23, effective 10/14/23; WSR 23-01-086, § 139-01-310, filed 12/16/22, effective 1/16/23. Statutory Authority: RCW 43.101.080 and 43.101.801. WSR 22-13-075, § 139-01-310, filed 6/9/22, effective 7/10/22. Statutory Authority: RCW 43.101.080(2). WSR 86-19-021 (Order 1-B), § 139-01-310, filed 9/10/86.]

FACILITY

WAC 139-01-400 Facility use. (1) The commission will not make its facilities or services available to individuals or organizations which do not assure that they will comply with the terms of the Americans with Disabilities Act, the Rehabilitation Act of 1973, and the Washington law against discrimination. Uses must not impose restrictions or alter facilities in a manner which would violate these laws.

(2) The commission will only make its facilities or services available to individuals or organizations which assure that they do not discriminate against any person because of race, color, religion, national origin, sex, sexual orientation, age, handicap, or status as a Vietnam era or disabled veteran, except where such organizations have been exempted from provisions of applicable state or federal laws or regulations.

(3) The buildings and grounds of the commission are primarily for training purposes. No other use shall be permitted to interfere with the primary purpose for which these facilities are intended. Facilities shall not be made available for any use which might result in any undue damage or wear. The commission reserves the right to reject any application for use of its facilities.

(4) Every possible opportunity will be provided for the use of the commission facilities by citizens of the area, provided that the purpose of such use is in compliance with the rules and regulations of the commission and is subject to the laws of the state of Washington.

(5) The commission reserves the right to prohibit the use of its facilities by groups, or activities, which are secret, which are of a private nature, or which restrict membership or attendance in a manner inconsistent with the public and nondiscriminatory character of the commission. Subversive organizations as defined and listed by the Attorney General of the United States shall not be eligible to use the commission facilities.

(6) The use or possession of alcohol on the facility premises is prohibited except for approved training purposes.

[Statutory Authority: RCW 43.101.080. WSR 02-02-004, § 139-01-400, filed 12/20/01, effective 1/20/02.]

WAC 139-01-405 Licensee's responsibility. Individuals or organizations wishing to use commission facilities must complete a facility use agreement and submit it to the facilities maintenance office, or facility manager for approval. The licensee shall accept responsibility for any damage done to the commission property. Completion of the use agreement shall constitute acceptance by the licensee of the re-

sponsibilities stated therein and willingness to comply with all rules and regulations regarding the use of the facilities as prescribed by the commission. If the use of the facility does not comply with the terms in the agreement form, an additional charge may be assessed. In the event of property damage, the licensee shall accept and pay the commission's estimate of the amount of damage. The commission may require posting of a bond.

[Statutory Authority: RCW 43.101.080. WSR 02-02-004, § 139-01-405, filed 12/20/01, effective 1/20/02.]

WAC 139-01-411 Care and maintenance of facilities and equipment.

(1) Appropriate equipment is expected to be used when the absence of such equipment may be detrimental to that facility (e.g., tennis shoes must be worn on gymnasium floors).

(2) Individuals or organizations using the facilities are required to leave the premises in the same condition as when the individual or organization was admitted to its use. After facility use, individuals or organizations are required to arrange for proper disposal of decorations and other refuse when restoring the facility to its original condition for resumption of facility use.

(3) Custodial and other services beyond those regularly scheduled to support normal activities may be required for specific activities by outside groups, based on the size of group, the complexities of the event, or the facilities being used. Custodial services needed beyond those normally scheduled will result in that organization being charged at the established rate. All extra custodial time required as a result of the organization's or individual's use of the facility will be charged to the lessee, including those receiving complimentary usage.

[Statutory Authority: RCW 43.101.080. WSR 02-02-004, § 139-01-411, filed 12/20/01, effective 1/20/02.]

WAC 139-01-421 Use fees. The use fee depends on the purpose of the activity and the nature of the group using the facility, which shall be determined based on the current prevailing economic situation and consistent with the standard charge within the local geographical area. The actual fee will be set by the commission and shall be made known to any entity inquiring to use the facility.

[Statutory Authority: RCW 43.101.080. WSR 02-02-004, § 139-01-421, filed 12/20/01, effective 1/20/02.]