

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

State of Washington

Washington State Arts Commission

(name of governing body)

(agency name, if applicable)

Resolution No. 36-1

Administrative Order No. 1

(1) Be it resolved by the Washington State Arts Commission acting at Spokane, Washington (place)

that it does adopt the annexed rules relating to:

the commission's purpose, goals, organization, office location, office hours, procedures for public records requests, practice and procedures for commission and committee meetings, and general rules applicable to all programs and services.

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

WSR 86-01-087

This action is taken pursuant to Notice No. filed with the code reviser on December 19, 1985. These rules shall take effect: [X] thirty days after they are filed with the code reviser 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, find that an emergency exists and that this 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 the emergency is:

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of RCW 34.04.026 that "every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules" fill in 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

(agency)

has authority to implement the provisions of

(name of act or RCW citation)

[X] (c) This rule is promulgated under the general rule-making authority of the Washington State Arts Commission (agency)

as authorized in RCW 43.46.040 and chapter 34.04 RCW.

(4) The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

(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 April 1, 1986

FILED

APR 1 1986

By Michael A. Croman Executive Director Title

CODE REVISER'S OFFICE WSR 86-08-072

Chapter 30-01 WAC

WASHINGTON STATE ARTS COMMISSION

WAC

30-01-010	Purpose.
30-01-020	Authority.
30-01-030	Definitions.
30-01-040	Description of commission's purpose and goals.
30-01-050	Organization.
30-01-060	Office location and hours--Correspondence to staff.

NEW SECTION

WAC 30-01-010 PURPOSE. The purpose of this chapter is to ensure compliance by the Washington state arts commission with the provisions of chapter 42.17 RCW.

NEW SECTION

WAC 30-01-020 AUTHORITY. The Washington state arts commission is authorized by RCW 43.46.040 to adopt rules under the provisions of the Administrative Procedure Act, chapter 34.04 RCW.

NEW SECTION

WAC 30-01-030 DEFINITIONS. The following definitions shall apply throughout this title:

(1) "Washington state arts commission" means the commission established pursuant to RCW 43.46.015.

(2) "Commission" means the Washington state arts commission.

(3) "Commissioners" means the members of the commission who are appointed pursuant to RCW 43.46.015.

(4) "Chairperson" means that person elected pursuant to RCW 43.46.040.

(5) "Executive director" means that person employed pursuant to RCW 43.46.045 to carry out the functions of that chapter.

(6) "Staff" means those persons employed by the executive director pursuant to RCW 43.46.045.

(7) "Committees" means those subgroups of the commission appointed by the chairperson as described in WAC 30-01-050 (5).

(8) "Committee chairpersons" means those persons appointed by the chairperson of the commission as described in WAC 30-01-050 (3).

(9) "Public records" include any writing containing information pertaining to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency, regardless of physical form or characteristics.

(10) "Writing" means handwriting, typewriting, printing, photostating, and every other means of recording, any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums, and other documents.

NEW SECTION

WAC 30-01-040 DESCRIPTION OF COMMISSION'S PURPOSE AND GOALS. (1) The commission is charged with the conservation and development of the state's artistic resources as described in RCW 43.46.005. It is a citizens' commission consisting of nineteen members appointed by the governor and two members of the legislature. It is authorized by RCW 43.46.050 to study, plan, and advise the governor, state departments, and the legislature regarding cultural development. Through the authority granted by RCW 43.46.055, the commission may administer any activity, and assist any person or agency in programs or projects related to the growth and development of the arts and humanities.

(2) Statement of purpose. The commission has adopted as its statement of purpose: To improve the growth, development, and preservation of the arts, striving in all programs to maintain the highest possible quality.

(3) Goals. The commission has adopted the following goals:

(a) To improve the availability and access to the arts for all Washington residents;

(b) To conserve and develop the state's artistic resources, its artists, works of art, and arts institutions;

(c) To advocate society's need for the arts;

(d) To enhance education through the involvement of professional artists in all arts disciplines in schools and other educational settings.

NEW SECTION

WAC 30-01-050 ORGANIZATION. (1) Officers. The officers of the commission shall be chairperson, first vice-chairperson, and second vice-chairperson.

(2) Election of officers. At each mid-year meeting of the calendar year, the current chairperson shall appoint a nominating committee. At the first meeting of each year, the nominating committee will report its recommendations for officers, after which nominations shall be open to the floor. An election shall be held by secret ballot and the member receiving the highest number of votes for each of the three positions shall be declared elected to the position for the coming year. The officers shall act as chairperson, first vice-chairperson, and second vice-chairperson until the next election or successors are elected. Vacancies may be filled by the chairperson between annual elections of officers.

(3) Duties of officers.

(a) The chairperson shall preside at all meetings of the commission, shall act as principal spokesperson for the commission, represent the commission between meetings, appoint standing and ad hoc committees, appoint committee chairpersons, remove members of committees, act as an ex officio member of all standing committees, provide a regular report to the commission regarding recent actions and activities, and perform other duties that pertain to the office. The chairperson shall lead commission activities in close partnership with the executive director, and coordinate with the executive director in the planning and arrangements for all meetings of the commission. The chairperson shall inform the executive director or prospective executive director of the terms of his/her employment and shall be responsible for the supervision of the executive director.

(b) The vice-chairperson shall act as chairperson in the absence or incapacity of the chairperson.

(c) The second vice-chairperson shall act as chairperson in the absence or incapacity of both the chairperson and the first vice-chairperson.

(4) Interim committee. The chairperson, first vice-chairperson, second vice-chairperson, and one commissioner at-large appointed by

the chairperson shall constitute the interim committee. The interim committee may act on behalf of the commission between regular meetings when such action is necessary to authorize staff implementation of a required function in a timely manner. Any committee action shall be ratified at the next regular meeting of the commission.

(5) Committees. The chairperson shall appoint such committees as the commission or the chairperson shall deem necessary to carry on the business of the commission. A committee may act on behalf of the commission between regular meetings when such action is necessary to authorize staff implementation of a required function in a timely manner, and when such action has been specifically authorized in advance by a majority vote taken at a regular meeting of the commission. Any committee action shall be ratified at the next regular meeting of the commission.

NEW SECTION

WAC 30-01-060 OFFICE LOCATION AND HOURS--CORRESPONDENCE TO STAFF. (1) The official administrative location of the commission and its staff is at the Washington State Arts Commission, 9th and Columbia Building, Room 110, Olympia, Washington, 98504-4111. The commission office shall be open each day for the transaction of business from 8:00 a.m. to 5:00 p.m. (Saturdays, Sundays, and legal holidays excepted, and except for business relating to public records, which is governed by WAC 30-04-040.)

(2) Address for communications. All communications with the commission, including but not limited to the submission of materials pertaining to its operations and these rules, requests for copies of the commission's decisions and other matters shall be addressed as follows: Washington State Arts Commission, 9th and Columbia Building, Room 110, Mail Stop GH-11, Olympia, Washington, 98504-4111, 206/753-3860.

Chapter 30-04 WAC

PUBLIC RECORDS

WAC

30-04-010	Purpose.
30-04-020	Public records available.
30-04-030	Public records officer.
30-04-040	Office hours.
30-04-050	Requests for public records.
30-04-060	Copying.
30-04-070	Exemptions.
30-04-080	Review of denials of public records requests.
30-04-090	Protection of public records.
30-04-100	Adoption of form.
30-04-110	Request for public record form.
30-04-120	Records index.

NEW SECTION

WAC 30-04-010 PURPOSE. The purpose of this chapter is to ensure compliance by the Washington state arts commission with the provisions of RCW 42.17.250 through 42.17.320 dealing with public records.

NEW SECTION

WAC 30-04-020 PUBLIC RECORDS AVAILABLE. All public records of the commission as defined in WAC 30-01-030(9), are available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.17.310 and WAC 30-04-070.

NEW SECTION

WAC 30-04-030 PUBLIC RECORDS OFFICER. The commission's public records shall be in the charge of the public records officer designated by the executive director. The person so designated shall be located in the office. The public records officer shall be responsible for the following: The implementation of commission policy in regard to the release of public records, coordinating the staff of the office in this regard, and generally insuring staff compliance with the public disclosure requirements of chapter 42.17 RCW.

NEW SECTION

WAC 30-04-040 OFFICE HOURS. Public records shall be available for inspection and copying during the customary office hours. For the purposes of this chapter, the customary office hours shall be from 9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m., Monday through Friday, (excluding Saturdays, Sundays, and legal holidays). All public

records of the commission are located at the Washington State Arts Commission, 9th and Columbia Building, Room 110, Olympia, Washington.

NEW SECTION

WAC 30-04-050 REQUESTS FOR PUBLIC RECORDS. In accordance with the requirements of chapter 42.17 RCW, that agencies prevent unreasonable invasion of privacy, protect public records from damage or disorganization and prevent excessive interference with essential functions of the agency, public records may be inspected or copied, or copies of such records may be obtained, by members of the public upon compliance with the following procedure:

(1) A request shall be made in writing upon a form prescribed herein which shall be available at the location indicated in WAC 30-04-040. The form shall be presented to the public records officer, or to another designated member of the staff if the public records officer is not available, during customary office hours. The request shall include the following information:

(a) The name of the person requesting the record;

(b) The time of day and calendar date on which the request was made;

(c) The nature of the request;

(d) If the matter requested is referenced within the current index maintained by the public records officer, a reference to the requested record as it is described in such current index;

(e) If the requested matter is not identifiable by reference to the current index, an appropriate description of the record requested.

(2) The public records officer, or staff person assisting the member of the public making the request, will ascertain whether or not the information requested is exempt from public inspection and copying as outlined in WAC 30-04-070 and further defined in RCW 42.17.310. Included therein, but not limited to, are such exemptions as personal information that may violate the rights of privacy of the individual, national defense information, certain aspects of real estate appraisals as outlined in RCW 42.17.310 (1)(g), and other particular information.

(3) Only after a determination has been made that all or such portion of a public record as is not deleted may be inspected shall such public record or portion thereof be made available for inspection by a member of the public.

(4) In all cases, it shall be the obligation of the public records officer, or staffperson to whom the request is made, to:

(a) Locate the specific document(s) requested by the member of the public in the most timely manner possible;

(b) Assist the member of the public in appropriately identifying the public record requested;

(c) Protect and otherwise prevent damage to the public record being inspected and copied;

(d) Prevent disorganization of file folders or document containers;

(e) Remain in the company of the member of the public at all times during which a public document is being inspected, and provide the fullest assistance possible;

(f) Prevent excessive interference with the other essential functions of the agency.

(5) Only the staff and members of the commission may open files to gain access to commission records.

(6) No public record of the commission may be taken from the premises of the commission by a member of the public.

(7) Public inspection of commission records shall be done only in such locations as are approved by the public records officer, which

locations must provide an opportunity for staff to ensure that no public record of the commission is damaged, destroyed, unreasonably disorganized or removed from its proper location or order by a member of the public.

(8) Public records of the commission may be copied only on the copying machine of the commission unless other arrangements are authorized by the public records officer.

NEW SECTION

WAC 30-04-060 COPYING. No fee shall be charged for the inspection of public records. The commission shall charge twenty-five cents per page for copies of public records and the use of commission copy equipment. This charge is the amount necessary to reimburse the commission for its actual cost incident to such copying. If the public records officer deems it more efficient to have copying done outside the agency, the charges will be based on the actual cost of such outside copying service.

NEW SECTION

WAC 30-04-070 EXEMPTIONS. (1) The commission reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 30-04-050 is exempt under the provisions of RCW 42.17.310.

(2) The commission reserves the right to allow the public to only inspect certain public records where there is reason to believe that the ability to copy such records would be a violation of contractual copyright agreements.

(3) In addition, pursuant to RCW 42.17.260, the commission reserves the right to delete identifying details when it makes available or publishes any public record in any cases where there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 42.17 RCW. The public records officer will justify such deletion in writing.

(4) All denials of requests for public records must be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the withheld.

NEW SECTION

WAC 30-04-080 REVIEW OF DENIALS OF PUBLIC RECORDS REQUESTS. (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by rendering a written request for review. The written request shall specifically refer to the written statement by the public records officer or other staffperson which constituted or accompanied the denial.

(2) Immediately after receiving a written request or review of a decision denying a public record, the public records officer or other staffperson denying the request shall refer it to the executive director or designee. The executive director shall immediately consider the matter and either affirm or reverse such denial. In any case, the

request shall be returned with a final decision, within two days following the written request for review of the original denial.

(3) Administrative remedies shall not be considered exhausted until the executive director has returned the petition with a decision or until the close of the second business day following the request for review, whichever occurs first.

NEW SECTION

WAC 30-04-090 PROTECTION OF PUBLIC RECORDS. (1) Records are available for inspection and copying at the location and during office hours identified in WAC 30-04-040 and then only in the presence of an authorized staffperson of the commission and with the aid and assistance of such staffperson.

(2) The viewing of those records that require specialized equipment shall be limited to the availability of that equipment located at the commission office and the availability of authorized staff to operate that equipment.

(3) The viewing of those public records that require specialized equipment shall be by appointment only. The request for an appointment shall be made on the request for public record form as provided in WAC 30-04-100 and 30-04-110. Staff shall acknowledge such request for an appointment within two working days of the receipt of such request and will provide the requester with the date(s) that such an appointment could be kept by an authorized staffperson.

NEW SECTION

WAC 30-04-100 ADOPTION OF FORM. The commission hereby adopts for use by all persons requesting inspection or copies of its records, the form attached hereto as WAC 30-04-110, entitled "Request for Public Record Form."

NEW SECTION

WAC 30-04-110 REQUEST FOR PUBLIC RECORD FORM.

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REQUEST FOR PUBLIC RECORD

WASHINGTON STATE ARTS COMMISSION
9th and Columbia Building, Room 110
Mail Stop GH-11 CAMPUS
Olympia, Washington 98504-4111 (206) 753-3860

NAME OF REQUESTER: _____ PHONE: _____

STREET ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

DATE OF REQUEST (M/D/Y): _____ TIME: _____ A.M.
P.M.

Chapter 30-08 WAC
PRACTICE AND PROCEDURE

WAC

30-08-010	Purpose.
30-08-020	Uniform procedure rules.
30-08-030	Commission meetings.
30-08-040	Commission meetings--Public participation.
30-08-050	Commission meeting materials.
30-08-060	Committee meetings.
30-08-070	Appeal procedure--Awards and contracts.

NEW SECTION

WAC 30-08-010 PURPOSE. The purpose of this chapter is to ensure compliance by the Washington state arts commission with the provisions of chapters 42.17 and 42.30 RCW, in particular those sections which deal with procedures and meetings.

NEW SECTION

WAC 30-08-020 UNIFORM PROCEDURE RULES. Practice and procedure in and before the commission are governed by the uniform procedural rules codified in the Washington Administrative Code, WAC 1-08-005 through 1-08-590, as now or hereafter amended, which rules the commission adopts as its own, subject to any additional rules the commission may choose to adopt. The commission reserves the right to make whatever determination is fair and equitable should any question not covered by its rules come before the commission, said determination to be in accordance with the spirit and intent of the law.

NEW SECTION

WAC 30-08-030 COMMISSION MEETINGS. (1) General schedule. The commission shall meet at least five times each year and at such other times as determined to be necessary. The meetings of the commission shall all be "regular" or "special meetings" as those designations are applied in chapter 42.30 RCW. Meetings may be called, subject to the notice requirements of chapter 42.30 RCW, at any time and place by the chairperson or a majority of the commissioners.

(2) Notice. Twenty days notice of all meetings shall be given by mailing a copy of the notice and draft agenda to each commissioner and to any person who has made a written request to the commission to receive meeting notices.

(3) Special or emergency meetings. The twenty-day notice may be waived for special or emergency meetings upon consent of a majority of the commission. In such cases, the provisions of RCW 42.30.080 will govern due notification of the time, place and business to be transacted.

(4) Executive session. An executive session may be called by the chairperson or a majority of the commission. Executive sessions shall deal only with matters authorized by chapter 42.30 RCW.

(5) Ballots by mail--Conference calls. Given the geographic distribution of the commissioners, the chairperson may call for a ballot by mail when an item calls for consideration by the full commission. The results of the vote shall be made available at the next regular meeting of the commission. The chairperson may also convene a meeting by conference call if the situation warrants immediate action by the full commission, subject to the notice requirements of chapter 42.30 RCW.

(6) Rules of order. The commission shall generally follow Robert's Rules of Order, newly revised, in conducting its business meetings.

(7) Quorum. A simple majority of the regularly appointed and acting members of the commission shall constitute a quorum. If all twenty-one positions are filled, the quorum shall be eleven.

(8) Voting rights. All officers of the commission shall have the right to vote on all matters before the commission, just as any other commissioner.

(9) Minutes. Minutes shall be kept of the proceedings of all commission meetings.

NEW SECTION

WAC 30-08-040 COMMISSION MEETINGS--PUBLIC PARTICIPATION. Any person or organization is encouraged to offer its points of view to the commission.

(1) Any person or organization wishing to make a formal presentation at a scheduled meeting of the commission shall notify the executive director in writing at least ten days prior to the time of the meeting. The commission or executive director may waive the ten-day notice period in the event the proposed presentation is of critical importance to the operation of the commission.

(a) Such notification shall contain the name of the person or organization that desires to make a presentation; the address and phone number of the person or organization; and the topic to be presented or discussed.

(b) Permission to make a presentation to the commission shall be granted by the executive director in consultation with the chairperson, as authorized by the commission.

(c) Confirmation of permission to make a presentation to the commission shall be made if at all possible, by the staff prior to the meeting of the commission, and shall include the date and time of the meeting, and the time set for the formal presentation.

(2) The chairperson shall have the discretion to recognize anyone in the audience who indicates at the time of the meeting a desire to speak at such meeting. Depending on the number of individuals wishing to speak or the commission's sense of the business it must conduct, the chairperson may limit the time for comment to a reasonable period, but not less than five minutes.

NEW SECTION

WAC 30-08-050 COMMISSION MEETING MATERIALS. The commission and its staff will make every effort to make commission meeting materials available for viewing by the public at the time of the meeting, pursuant to WAC 30-04-010 through 30-04-120, except as otherwise provided by RCW 42.17.310. Due to the unpredictability of attendance at meetings, extra copies of meeting materials will be distributed until depleted. Requests can be made to the staff to provide copies by mail.

NEW SECTION

WAC 30-08-060 COMMITTEE MEETINGS. Committees shall follow the same procedures as the full commission.

NEW SECTION

WAC 30-08-070 APPEAL PROCEDURE--AWARDS AND CONTRACTS. The commission shall provide a procedure for applicants to appeal the commission's decisions when there is evidence that information available at the time of the commission's action was either not considered included in the review or was not clearly understood.

(1) Appeals may not be made based on new information not available at the time of the original decision.

(2) Appeals must be presented in writing to the executive director, outlining the nature of the appeal.

(3) The executive director, in consultation with the chairperson shall accept or reject the appeal.

(4) Upon confirmation that the appeal is legitimate, the executive director shall notify the commission and arrange for an appeals hearing at the next scheduled commission meeting. The appeal may be presented by the applicant at that time. The appeal must be presented in its entirety at that time and shall be considered final.

(5) The commission shall defer action to the next meeting of the commission, and must make it known to the applicant, at which time the final decision will be made.

(6) After final commission action on the appeal, the executive director or a designated staffperson shall notify the applicant of the decision in writing, within five working days after the date of the commission action.

(7) Administrative remedies shall not be considered exhausted until the applicant has received the written description of the commission's decision and action on the appeal or ten working days since the decision have passed, whichever occurs first.

(8) Appeals may not be made during the public portion of a commission meeting agenda and the commission shall not take action on any such presentations that may be made without the above review by the executive director and chairperson.

Chapter 30-12 WAC

GENERAL RULES

WAC

30-12-010	Purpose.
30-12-020	Definitions.
30-12-030	Advisors and panels.
30-12-040	Support of individual artists.
30-12-050	Support of primary arts institutions.
30-12-060	Support of Washington artists and organizations.
30-12-070	Commissioning or purchase--Works of art.
30-12-080	Special audiences.
30-12-090	Native American arts.
30-12-100	Ethnic minorities.
30-12-110	Geographic distribution of services.
30-12-120	School, college and university activities.
30-12-130	Continuing support.
30-12-140	Conflict of interest--Subcontractor's board members.
30-12-150	Complimentary tickets.
30-12-160	Credits and endorsements of local programs.
30-12-170	Budget line items.

NEW SECTION

WAC 30-12-010 PURPOSE. The purpose of this chapter is to provide the public and the commission's constituents with those rules that apply generally to all commission programs and services, specifically, those that involve competitive application for support, awards or contracts for artistic services. In addition, each commission program or service has additional rules that apply. Those specific program rules are contained in chapters 30-16 through 30-52 WAC.

NEW SECTION

WAC 30-12-020 DEFINITIONS. In addition to the definitions found in WAC 30-01-030, the following definitions shall apply to this chapter:

- (1) "Art" shall be defined as:
 - (a) The production of the visual, literary, or performing arts;
 - (b) The study of these activities;
 - (c) The product of these activities.

(2) "Professional artist" means a person generally recognized by critics and peers as a professional producing high quality work on a regular basis. Other indicators of professionalism include frequent or consistent exhibitions, performances, readings, publications, purchases by museums, commissions, honors and awards, and art training. Students enrolled in an on-going formal art education program and avocational practitioners are not considered professional. Hereinafter, professional artist will be referred to as "artist."

(3) "Advisors and panels" means those individuals from which the commission as a part of its regular practice may seek advice in order to provide a comprehensive professional perspective in the decision-making process, but does not include commissioners or staff.

(a) "Advisors" are individuals requested to make recommendations regarding programs, selections, and issues before the commission based on their expertise, training, or experience in a given field.

(b) "Selection panels" recommend artists, artworks, or arts organizations for selection and contracting by the commission.

(c) "Advisory panels" advise on commission directions and procedures.

(4) "Endorsements" mean statements made in support of the activities of other organizations or individuals which may be used by the commission or the organizations or individuals to help promote local support or funding from other public and private sources.

(5) "Support" means financial, technical, or information assistance provided by the commission and the staff to individuals or organizations.

(6) "Primary arts institutions" are those organizations which:

(a) Serve as models of artistic and administrative achievement;

(b) Provide the highest quality of service to a broad segment of the public;

(c) Are recognized for their stature on a state, regional, or national level;

(d) Make a significant contribution to the arts discipline in which they specialize; and

(e) By the scope of their operations, generate a positive economic impact beyond their immediate locale.

(7) "Complimentary tickets" are any free admissions provided by arts organizations to commissioners or staff.

(8) A "Native American" is a person of recognized North American Indian decent through tribal affiliation or general tribal community recognition.

NEW SECTION

WAC 30-12-030 ADVISORS AND PANELS. (1) Advisory and selection panels are generally comprised of three to seven individuals whose expertise can address specific issues and program needs.

(2) Advisors and panel members are authorized to serve by the executive director, and may be reimbursed for their services and/or their travel expenses.

(3) Advisors and panels may refrain from making a recommendation, if, in their opinion, there is insufficient information or merit in the material under review.

(4) All advisor and panel recommendations are subject to the review and approval of the commission.

NEW SECTION

WAC 30-12-040 SUPPORT OF INDIVIDUAL ARTISTS. The commission recognizes the central role of the artist in the creation and performance of artistic works. The commission will support and encourage these individuals through direct and indirect financial, technical, and information services.

NEW SECTION

WAC 30-12-050 SUPPORT OF PRIMARY ARTS INSTITUTIONS. The commission recognizes certain arts institutions as primary components of the state's cultural life deserving first consideration for financial support. The commission will provide general operations support. This

assistance will contribute to the continued economic stability of the primary arts institutions and therefore full service to the general public.

NEW SECTION

WAC 30-12-060 SUPPORT OF WASHINGTON ARTISTS AND ORGANIZATIONS. The commission gives priority to projects involving resident artists and arts organizations; this does not preclude the use of outside artists/arts organizations capable of providing programs or services to Washington residents that are not available within Washington state or those that supplement the artists/arts organizations available in the state.

NEW SECTION

WAC 30-12-070 COMMISSIONING OR PURCHASE--WORKS OF ART. The commission believes that the means by which works of art are selected is of vital importance.

(1) Applications for the commissioning or purchase of works by professional, visual, performing or literary artists must include a selection procedure in which a jury comprised of professional artists and community representatives is involved.

(2) In instances where work is being commissioned or selected by a professional arts institution, the person or persons normally responsible for selection of artworks may be authorized to make the selection with advance approval of the executive director.

(3) Three customary selection procedures are approved by the commission:

(a) Open competition - Distribution of a request for proposals through the use of direct mailings and public notices in the media;

(b) Invitational competition - Direct invitations to known artists with not less than three invitations considered;

(c) Direct selection for purchase or commissioned work - Selection of one professional artist by a professional arts institution or arts professional normally responsible for selection of artworks.

NEW SECTION

WAC 30-12-080 SPECIAL AUDIENCES. The commission encourages projects designed to reach special audiences or citizens who are not regularly served by arts events. Whenever possible, the commission favors opportunities for these citizens to be served in the same manner as the general public, emphasizing mainstreaming versus special or exceptional treatment. These audiences may include the handicapped, institutionalized, elderly, or lower income groups.

NEW SECTION

WAC 30-12-090 NATIVE AMERICAN ARTS. The commission encourages the maintenance, continuance and promotion of Native American cultural

art forms whether traditional or contemporary, existing or new creations. Preference will be given to Native American artists in projects involving their culture. Native American projects (visual arts, music, legends, dances, etc.) must clearly represent or be influenced by the Native American culture and heritage to be considered for support. Development of a project should include determination of proper ownership of any work involved, and written permission from the artist must precede any reproduction of works.

NEW SECTION

WAC 30-12-100 ETHNIC MINORITIES. The commission encourages projects by ethnic minorities who have been under-served by traditional funding sources. The commission is particularly supportive of projects that promote ethnic cultures through their traditional art forms and those that promote cross-cultural exposure within the community.

NEW SECTION

WAC 30-12-110 GEOGRAPHIC DISTRIBUTION OF SERVICES. The commission believes that access to the arts is equally important to all residents of the state. To make available arts opportunities among as many communities as possible, the commission may give special consideration to projects in communities which do not have reasonable access to high quality arts events or the resources to support them.

NEW SECTION

WAC 30-12-120 SCHOOL, COLLEGE AND UNIVERSITY ACTIVITIES. The commission provides financial support for activities sponsored by schools, colleges and universities only when the project will benefit and is made easily accessible to the general public. The proposed project must involve the community in planning and execution and significant attendance by the public must be demonstrated. The commission cannot support activities which might normally be considered a part of either regular or extra-curricular school programs. No course credit may be offered.

NEW SECTION

WAC 30-12-130 CONTINUING SUPPORT. Financial support from the commission must be considered by all recipients as supplementary to their normal sources of revenue and should not be expected to continue beyond the period of time as defined in any current contractual relationship with the commission.

NEW SECTION

WAC 30-12-140 CONFLICT OF INTEREST--SUBCONTRACTOR'S BOARD MEMBERS. The commission will consider financial support for projects that involve payments to members of the applicant's board of directors only if, it is clearly demonstrated that the services provided by the boardmember are within the individual's professional field, and that the contractual agreement has been authorized by the full board of the organization in accordance with its articles of incorporation and bylaws.

NEW SECTION

WAC 30-12-150 COMPLIMENTARY TICKETS. The following procedures are intended to guide the commission in its efforts to maintain an active liaison with its constituents, to appraise the work of the artistic community as it relates to commission programs, and to assure compliance with RCW 42.18.200 which defines the laws regarding the acceptance of anything of economic value by a state employee.

In the context of the commission's duties to evaluate its clients, commissioners or staff may request or accept complimentary tickets or free admissions to arts events which are presented by applicants for grants or events funded in whole or in part by the commission. In order for the receipt of complimentary tickets to be clearly within the work of the commission, the following conditions must be observed:

(1) It must be necessary or appropriate to see an event in order to evaluate an applicant or recipient of financial support.

(2) Performances or exhibitions of all applicants or recipients of financial support should be attended. If the number of applicants or recipients for support makes it impractical to attend performances or exhibitions of all, only those events involving excessive travel or which are clearly unnecessary to attend in order to evaluate the organization may be omitted.

(3) There should be a limit on the number of commissioners or staff attending an event. Generally, free admissions shall be limited to two persons.

(4) Those who attend an event must be prepared to evaluate it in the context of commission guidelines and rules.

(5) A written evaluation, in a standard evaluation format, will be required from each commission or staff evaluator.

(6) Each applicant or recipient of financial support will be required to provide the commission with two complimentary tickets to events, if so requested.

(7) The executive director or designee will authorize on-site evaluations and appoint the person or persons to perform the evaluation based upon their expertise and ability to report on the case.

(8) The executive director or his/her designee will notify the applicant or recipient of the assigned evaluation, the persons to perform the evaluation and request that admission be provided at no cost to the evaluator(s) at a time convenient to the client and evaluator(s).

NEW SECTION

WAC 30-12-160 CREDITS AND ENDORSEMENTS OF LOCAL PROGRAMS. The commission recognizes its potential for serving its constituents by the inclusion of credits in promotional information or documentation, to encourage funding from other sources. These credits shall not be

considered an endorsement of the organization but will constitute a factual accounting of past and/or present support to the organization by the commission.

NEW SECTION

WAC 30-12-170 BUDGET LINE ITEMS. The commission will not endorse state budget line items and legislative provisos requested by individual arts organizations.