



RULE-MAKING ORDER
(RCW 34.05.360)

CR-103 (10/1/89)

Agency: Washington State Arts Commission

- Permanent Rule
 Emergency Rule

(1) Date of adoption: July 11, 1995

(2) Purpose: Amend, Adopt, and Repeal Title 30 WAC
See Attachment 1

(3) Citation of existing rules affected by this order:
Repealed: WAC 30-16, 30-20, 30-24, 30-28, 30-32, 30-36, 30-48
Amended: WAC 30-01, 30-04, 30-08, 30-12, 30-40, 30-44
Suspended:

(4) Authority for adoption:
Statute: RCW 43.46.040
Other Authority:

(5.1) **PERMANENT RULE ONLY**
Pursuant to notice filed as WSR 95-12-098 on June 7, 1995 (date).
Describe any changes other than editing from proposed to adopted version:
See Attachment 2

(5.2) **EMERGENCY RULE ONLY**
Pursuant to RCW 34.05.350 the agency for good cause finds:
 (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
 (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.
Reasons for this finding:

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?
 Yes No If yes, explain:

(6) Effective date of rule:
Permanent Rules 31 days after filing Other (specify) _____*
Emergency Rules Immediately Later (specify) _____
*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

CODE REVISER USE ONLY

BOISE REVISOR
STATE OF WASHINGTON
FILED
JUL 17 1995
TITLE 3-29
WSR 95-15-040

NAME (TYPE OR PRINT)
Karen Kamara Gose

SIGNATURE
Karen Kamara Gose

TITLE
Executive Director

DATE
7/12/95

ATTACHMENT 1

Amend Chapter 30-01 WAC Washington State Arts Commission; Adopt Chapter 30-02 WAC Definitions; Amend Chapter 30-04 WAC Public Records; Amend Chapter 30-08 WAC Practice and Procedure; Amend Chapter 30-12 WAC General Rules; Adopt Chapter 30-14 WAC Awards Program; Repeal Chapter 30-16 WAC Partnership Program; Adopt Chapter 30-18 WAC Arts in Education; Repeal Chapter 30-20 WAC Institutional Support Program; Adopt Chapter 30-22 WAC Folk Arts; Repeal Chapter 30-24 WAC Artist Fellowship Program; Adopt Chapter 30-26 WAC Community Arts Development Programs; Repeal Chapter 30-28 WAC State-Wide Services; Repeal Chapter 30-32 WAC Cultural Enrichment Program; Repeal Chapter 30-36 Artists-In-Residence Program; Amend Chapter 30-40 WAC Art in Public Places Program; Amend Chapter 30-44 WAC Governor's Arts Awards; Repeal Chapter 30-48 WAC Community Development Program.

ATTACHMENT 2

In WAC 30-01-050(2), the word "calendar" was changed to "fiscal" and the word "each" in the second sentence was changed to "the next."

WAC 30-01-060(1) was changed to reflect the correct zip code of 98504-2675.

A new (10) was added to WAC 30-08-030 which reads:

(10) "Program guidelines" are guidelines and/or applications booklets which are published by the Commission and constitute policy and/or interpretive statements and substantive changes cannot be added to or changed except at open public meetings.

AMENDATORY SECTION (Amending Order 1, Resolution No. 86-1, filed 4/1/86)

WAC 30-01-010 Purpose. The purpose of this chapter is to ensure compliance by the Washington state arts commission with the provisions of chapters 43.46, 34.05, and 42.17 RCW.

AMENDATORY SECTION (Amending Order 1, Resolution No. 86-1, filed 4/1/86)

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))~~ 34.05 RCW.

AMENDATORY SECTION (Amending Order 1, Resolution No. 86-1, filed 4/1/86)

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))~~ mission: The arts are essential to the quality of life for all of Washington's citizens. The Washington state arts commission states its dedication to the support of the

promotion, growth, development, and preservation of the arts within the state. The commission strives to foster artistic merit and ensure accessibility to all citizens of the state.

(3) Goals. To work toward this mission, the commission will promote throughout the state:

(a) Artistic development, growth, and preservation;

(b) Artistic expressions of the many cultures which contribute to Washington's diversity;

(c) The arts as basic to the education of all citizens;

(d) Access, equity, and local empowerment in all its activities; and

(e) Organizational skills development, stability and continuity, and managerial expertise.

AMENDATORY SECTION (Amending Order 1, Resolution No. 86-1, filed 4/1/86)

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))~~ the last meeting of the ~~((calendar))~~ fiscal year, the current chairperson shall appoint a nominating committee. At the first meeting of ~~((each))~~ the next fiscal 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.

(d) All officers can act as an ex officio member of all standing committees.

(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.

(6) The executive director is appointed by the governor.

AMENDATORY SECTION (Amending Order 1, Resolution No. 86-1, filed 4/1/86)

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~~) 234 E. 8th Avenue, Olympia, Washington, 98504-2675 (360) 753-3860. 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 written communications. All written 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, Mailstop GH 11, Olympia, Washington, 98504 4111, 206/753 3860~~) 234 E. 8th Avenue, P.O. Box 42675, Olympia, Washington, 98504-2675.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 30-01-030 Definitions.

Chapter 30-02 WAC

DEFINITIONS

NEW SECTION

WAC 30-02-010 Definitions. The following definitions shall apply throughout this title:

(1) "Agency" means the agency with one-half of one percent of its capital construction appropriations designated for the acquisition of works of art under RCW 43.17.200, 43.19.455, 28A.335.210, and 28B.10.025, as follows:

(a) RCW 43.17.200 designates all state agencies, departments, boards, councils, commissions, and quasi-public corporations.

(b) RCW 43.19.455 designates all state agencies under the department of general administration.

(c) RCW 28A.335.210 designates "common schools" (public schools) recognized by the state of Washington.

(d) RCW 28B.10.025 designates the University of Washington, Washington State University, regional universities, The Evergreen State College and community college districts.

(2) "Agency project committee" means an advisory committee that works with the commission to develop a designated art project. The agency project committee shall be appointed at the commission's request by the administration of the agency receiving the project and may consist of members representing: Agency administration, artists or art professionals, community members, and building users. Committee nominations should strive to be balanced by gender, ethnically diverse, and represent the constituencies of the agency. The commission may recommend representatives to the agency project committee.

(3) "Appeal" means any request by an applicant to the commission for reconsideration of a previous decision on a program application.

(4) "Applicant" means a legally incorporated organization, unit of government, or individual.

(5) "Art scholar" means a folklorist, art historian, aesthetician, art critic, or other scholar of the arts recognized as a professional by peers in the field.

(6) "Art selection panel" means a body appointed by the commission to review, recommend, and select artists for projects according to project specifications. Panels will vary in size and be comprised of artists and/or art professionals. Panel nominations should strive to be balanced by gender, ethnically diverse, and represent the variety of contemporary artistic production.

(7) The "artists resource bank" means a file of artists' slides and materials maintained by the commission. Artists

included in the artists resource bank are selected by art selection panels through competitions and considered for project selection by agency project committees.

(8) "Award" means the financial assistance committed through a contract or paid to an eligible applicant.

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

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

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

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

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

(14) "Complimentary tickets" are any free admissions provided by arts organizations to commissioners or staff for evaluation purposes.

(15) "Deaccessioning" means the removal of a work of art from the state art collection by the commission.

(16) "Evaluators" 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.

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

(18) "Financial assistance" means money provided to applicants from federal, state, or private funds of the commission.

(19) "Fiscal year" means the period beginning July 1 and ending June 30 of the following year.

(20) "Folk artist" means those most valuable and most authentic practitioners of the folk and traditional arts that have been brought up within a traditional community, learning the repertoire from their own seniors and absorbing the style as they live the life that the style and the repertoire represent.

(21) "Grant" means award or financial assistance.

(22) "Grantee" means an institution, organization, arts group, or individual receiving a grant.

(23) "Literary arts" shall include poetry, fiction, and literary or arts criticism.

(24) "Local arts commission" means a governmental agency created to represent, serve, and promote interdisciplinary arts, artists, and arts organizations within its legal jurisdiction.

(25) "Local arts council" means a private, nonprofit organization, designated under Section 501(c)(3) as a tax-exempt organization by the Internal Revenue Service, created to represent, serve and promote multidisciplinary arts, artists, and arts organizations within its community jurisdiction.

(26) "Maintenance" means the ongoing upkeep required for artworks to retain their structural and aesthetic integrity.

(27) "Matching component" means an amount of money or the value of materials or services provided by the applicant.

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

(29) "Nonprofit" means incorporation under the nonprofit laws of the state of Washington or another state, and determination by

the Internal Revenue Service (IRS) that the incorporated entity is exempt from taxation under Section 501(c)(3) of the IRS code.

(30) "Panels" mean 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, and may include commissioners.

(31) "Performing arts" mean the broad disciplines of music, dance, and drama and the various forms of expression and performances associated within them.

(32) "Postmark" means the date affixed to letters, parcels or packages by the United States Postal Service (USPS), either through the USPS postmark stamp or USPS meter tape.

(33) "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 ongoing formal art education program and avocational practitioners are not considered professional. Hereinafter, professional artist will be referred to as "artist."

(34) "Public record" includes any writing containing information relating 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.

(35) "Special populations" mean public or nonprofit institutions serving prison programs, incarcerated youth programs, and programs serving the mentally or physically disabled, and youth-at-risk.

(36) "Sponsor" means any Washington state public school, school district, educational service district, private nonparochial school, college or university, or any cultural or community organization including local arts councils and commissions, retirement centers, libraries, hospitals, correctional centers, and other facilities for special populations.

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

(38) The "state art collection" means all works of art and select design models commissioned or purchased under RCW 43.17.200, 28A.58.055, 28A.335.210, 43.46.090, and 43.19.455. Individual works are held in trust under the terms of an interagency agreement by agencies working in partnership with the commission. Development, administration, and management of the overall collection, including maintenance if funded, deaccessioning and loan policies, archival recordkeeping and documentation, shall be carried out by the commission.

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

(40) "Technical assistance" means the transmittal of information, skills, and/or resources that help to improve the ability of an institution, organization, arts group, or individual to accomplish its purpose.

(41) "Three-dimensional visual arts" shall include relief and sculpture in the round and three-dimensional crafts.

(42) "Traditional artist" means those most valuable and most authentic practitioners of the folk and traditional arts that have been brought up within a traditional community, learning the repertoire from their own seniors and absorbing the style as they live the life that the style and the repertoire represent.

(43) "Two-dimensional visual arts" shall include painting, drawing, print-making, photography, multimedia, and two-dimensional crafts.

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

(45) "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.

AMENDATORY SECTION (Amending Order 1, Resolution No. 86-1, filed 4/1/86)

WAC 30-04-040 (~~(Office hours.)~~) Inspection and copying. 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)~~) 234 E. 8th Avenue, Olympia, Washington.

AMENDATORY SECTION (Amending Order 1, Resolution No. 86-1, filed 4/1/86)

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)~~) by the commission which shall be available at the location indicated (~~(in WAC 30-04-040)~~) above. 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.

AMENDATORY SECTION (Amending Order 1, Resolution No. 86-1, filed 4/1/86)

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))~~ an appropriate cost determined by the agency 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. For all copying service charges incurred, an invoice will be sent to the requestor. Reimbursement is payable within fifteen days of receipt of invoice payable to the Washington state arts commission.

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~~) by the commission. 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.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 30-04-100 Adoption of form.

WAC 30-04-110 Request for public record form.

AMENDATORY SECTION (Amending Order 1, Resolution No. 86-1, filed 4/1/86)

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 *Roberts 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.

(10) "Program guidelines" are guidelines and/or applications booklets which are published by the commission and constitute policy and/or interpretive statements and substantive changes cannot be added to or changed except at open public meetings.

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)~~).

AMENDATORY SECTION (Amending Order 1, Resolution No. 86-1, filed 4/1/86)

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 which are contained in this chapter. (~~These specific program rules are contained in chapters 30 16 through 30 52 WAC.~~)

AMENDATORY SECTION (Amending Order 1, Resolution No. 86-1, filed 4/1/86)

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 (~~adviser and~~) panel recommendations are subject to the review and approval of the commission.

AMENDATORY SECTION (Amending Order 1, Resolution No. 86-1, filed 4/1/86)

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.

AMENDATORY SECTION (Amending Order 1, Resolution No. 86-1, filed 4/1/86)

WAC 30-12-060 Support of Washington artists and organizations. The commission ~~may give~~((~~ø~~)) 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.

AMENDATORY SECTION (Amending Order 1, Resolution No. 86-1, filed 4/1/86)

WAC 30-12-080 Special ((~~audiences~~)) populations. The commission encourages projects designed to reach special ((~~audiences or citizens~~)) populations 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.~~))

AMENDATORY SECTION (Amending Order 1, Resolution No. 86-1, filed 4/1/86)

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.~~))

AMENDATORY SECTION (Amending Order 1, Resolution No. 86-1, filed 4/1/86)

WAC 30-12-100 Ethnic ((~~minorities~~)) communities. The commission encourages projects by ethnic ((~~minorities~~)) communities 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.

AMENDATORY SECTION (Amending Order 1, Resolution No. 86-1, filed 4/1/86)

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

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 30-12-020 Definitions.
WAC 30-12-070 Commissioning or purchase--Works of art.
WAC 30-12-120 School, college and university activities.
WAC 30-12-140 Conflict of interest--Subcontractor's board members.

Chapter 30-14 WAC

AWARDS PROGRAM

NEW SECTION

WAC 30-14-010 Scope of chapter. This chapter contains general rules affecting the awards program including eligibility, application requirements, application review criteria, and the review process for awards funded by or through the commission. Further rules are in chapter 30-01 WAC (Washington state arts commission), chapter 30-08 WAC (practice and procedure), and chapter 30-12 WAC (general rules).

NEW SECTION

WAC 30-14-020 Purpose. The commission provides awards to develop, sponsor, and promote the growth and development of the arts in the state of Washington. These awards may include but are not limited to operating support; specific arts projects; artist fellowships; technical assistance services; staff support; conference travel; or services coordinated at a regional, statewide, multistate, or national level for a targeted audience or public benefit.

NEW SECTION

WAC 30-14-030 Eligibility. Nonprofit arts or community organizations, units of government, or artists may be eligible to apply for an award from the commission. Eligibility for specific awards varies and is published in the program guidelines. The commission establishes and publishes guidelines on an annual or biennial basis.

NEW SECTION

WAC 30-14-040 Application form. The general public is notified of competitions by announcement to the media and notices in other regular publications. All applications must be completed and submitted in the format prescribed by the commission. The forms are available from the commission at the agency's official address and are included with the published guidelines. Printed copies of the guidelines will be distributed by direct mail to award applicants for the last three fiscal years and those who request an application.

NEW SECTION

WAC 30-14-050 Application deadlines. Applications must be filed by the deadlines determined by the commission and published in the guidelines.

NEW SECTION

WAC 30-14-060 Application review process. The evaluation and review of applications is based on the written response and support materials provided with the application. Applications are reviewed initially by staff for eligibility. Once eligibility is determined, applications are then reviewed by a panel that makes funding recommendations. The panel's recommendations are presented to a commission committee, which makes recommendations to the commission for final review, approval, and funding amounts. The executive director may make decisions on award contracts which do not exceed two thousand dollars without a specific delegation, with those actions to be reviewed and ratified at the next regular meeting of the commission. The commission may make specific delegations to the executive director which exceed two thousand dollars, at their discretion.

NEW SECTION

WAC 30-14-070 Application review criteria. Applications will be reviewed according to the current guideline criteria for the type of award sought. Criteria may include but not be limited to state residency; type of nonprofit status; length of history of arts programming; type of organization; type of proposal; timing of the proposal; artistic discipline; artistic excellence, quality, and merit; artistic credentials and professional work experience; prevailing wages; public benefit; benefit to state residents;

public or community involvement; operating budget size; management practices; long-range planning; compliance with previous award contracts; financial stability; community support; access to other sources of financial and technical assistance; geographic isolation; distribution of cultural and artistic opportunities state-wide; opportunities for culturally diverse presentations or events; preservation of culturally specific artistic traditions; arts education opportunities; social relevance or other nonpolitical considerations.

NEW SECTION

WAC 30-14-080 Appeals procedure. Award appeals will be conducted in accordance with chapter 30-08 WAC.

NEW SECTION

WAC 30-14-090 Contracting. Applicants who have been approved for funding will be issued contracts based on a fiscal year beginning July 1 and ending June 30, or within the biennium. The commission may establish a matching component in the award contract.

NEW SECTION

WAC 30-14-100 Disbursement of funds. Applicants should be prepared to finance their projects until reimbursed by the commission. The award contract will contain a payment schedule attachment. All requests for payment(s) must be made on the state of Washington invoice voucher provided by the commission with the contract.

NEW SECTION

WAC 30-14-110 Evaluation methods. Award recipients will be required to submit a written final report in the format prescribed by the commission, no later than forty-five days following completion of the award contract. Future funding is contingent upon receipt and acceptance of the final report by the commission. Failure to provide an acceptable final report will result in the ineligibility of the award recipient for a length of time to be

determined by the commission. Each award recipient must be prepared to provide access to events for members of the commission, agency staff, or independent reviewers, if an on-site evaluation is requested by the commission.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 30-16-010 Purpose.
- WAC 30-16-020 Definitions.
- WAC 30-16-030 Description--Program purpose and goals.
- WAC 30-16-040 Applicant eligibility.
- WAC 30-16-050 Project eligibility.
- WAC 30-16-060 Project limitations and exclusions.
- WAC 30-16-070 Funding categories, deadlines and application procedures.
- WAC 30-16-080 Financial responsibility of applicants and subapplicants.
- WAC 30-16-090 Review procedures.
- WAC 30-16-100 Special conditions.
- WAC 30-16-110 Payment procedures.
- WAC 30-16-120 Evaluation methods.

Chapter 30-18 WAC

ARTS IN EDUCATION

NEW SECTION

WAC 30-18-010 Scope of chapter. This chapter contains general rules affecting arts in education program eligibility, review criteria, and application requirements for projects funded by or through the commission. Further rules are in chapter 30-01 WAC (Washington state arts commission), chapter 30-08 WAC (practice and procedure), and chapter 30-12 WAC (general rules).

NEW SECTION

WAC 30-18-020 Program purpose. Arts in education (AIE) program supports the unique contributions to arts education made by artists and arts organizations, offers arts curriculum grants to public schools, and supports other activities that promote the arts as basic to the education of all Washington citizens. The major emphasis is K-12 education.

NEW SECTION

WAC 30-18-030 Eligibility for artists in residence. All professional artists and art scholars residing in Washington state or within a fifty-mile radius of a Washington state city are eligible to apply to be rostered as artists in residence. Once rostered, artists in residence may select folk artists to work with them during the residency.

NEW SECTION

WAC 30-18-040 Eligibility for grantees. (1) Residency sponsors are any Washington school, school district, private nonparochial school, preschool, college, or university. In

addition, any section 501(c)(3) of the Internal Revenue Code (nonprofit) or government agency may apply as a sponsor. This includes local arts councils and commissions, retirement homes, hospitals, correctional facilities, libraries, museums, and agencies serving special populations.

(2) Arts curriculum grantees are Washington state public school districts and schools. Government and other nonprofit agencies working in collaboration with their local schools, incorporated as not-for-profit in the state of Washington, and having federal IRS tax-exempt status, also are eligible to apply.

(3) Arts education project grantees are Washington arts organizations and may apply to fund arts education projects developed in partnership with schools.

(4) Performing artists and arts organizations are professional performing artists residing in Washington state and arts organizations located in Washington state and they may apply to perform in schools and to serve one-week, rural residencies that combine performances and workshops. Professional performing arts organizations with facilities in Washington state may apply to provide mainstage performances for students.

(5) Applications are competitive on a state-wide basis and grants are subject to the level of funds available to the commission.

NEW SECTION

WAC 30-18-050 Application form. (1) Public notice of competitions will be made through the media and in other agency publications. Application forms are available from the commission and published with the program guidelines.

(2) Applications shall be sent by direct mail to those who have requested placement on the AIE mailing list or to those who request an application.

(3) All applications must be completed and submitted in the format prescribed by the commission. Applications must be submitted by the deadline determined by the commission.

NEW SECTION

WAC 30-18-060 Application review process. Applications will be reviewed by a panel. The recommendations of the panel are presented to the commission's education committee which makes recommendations to the commission for final approval.

NEW SECTION

WAC 30-18-070 Application review criteria. Applications will be reviewed according to the current guideline criteria to ensure that the applicant(s) will promote a comprehensive and sequential arts education program at the site(s) of service.

NEW SECTION

WAC 30-18-080 Contracting of artists. Artists who have been selected for inclusion in the roster may be contracted by the commission or directly by grantees within a fiscal year beginning July 1 and ending June 30 or within the biennium.

NEW SECTION

WAC 30-18-090 Contracting of grantees. Grantees that have been selected based on panel recommendations and approved by the commission may be contracted within a fiscal year beginning July 1 and ending June 30 or within the biennium. The commission may establish a matching component in the contract.

NEW SECTION

WAC 30-18-100 Disbursement of funds. Reimbursement must be requested on state of Washington invoice voucher forms and must include all final documentation as required in the contract.

NEW SECTION

WAC 30-18-110 Evaluation methods. Evaluation forms provided by the commission are required to be completed and returned by each grantee, artist, and school. Also, on-site monitoring of events will be conducted by the commission and/or staff. When appropriate, outside professional evaluators may be hired, advise staff, and prepare evaluation reports.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 30-20-010 Purpose.
- WAC 30-20-020 Definitions.
- WAC 30-20-030 Description--Program purpose and goals.
- WAC 30-20-040 Applicant eligibility.
- WAC 30-20-050 Funding intent--Limitations and exclusions.
- WAC 30-20-060 Funding formula.
- WAC 30-20-070 Application procedures.
- WAC 30-20-080 Financial responsibility of institutions.
- WAC 30-20-090 Review procedures.
- WAC 30-20-100 Special conditions.
- WAC 30-20-110 Payment procedures.
- WAC 30-20-120 Evaluation methods.

Chapter 30-22 WAC

FOLK ARTS

NEW SECTION

WAC 30-22-010 Scope of chapter. This chapter contains general rules affecting folk arts program eligibility, review criteria, and application requirements for projects funded by or through the commission. Further rules are in chapter 30-01 WAC (Washington state arts commission), chapter 30-08 WAC (practice and procedure), and chapter 30-12 WAC (general rules).

NEW SECTION

WAC 30-22-020 Program purpose. The folk arts (FA) program supports and preserves a variety of diverse traditional artists and cultures in the state of Washington.

NEW SECTION

WAC 30-22-030 Eligibility. All traditional artists are eligible to apply to participate.

NEW SECTION

WAC 30-22-040 Application form. (1) Public notice of competitions will be made through the media and in other agency publications. Application forms are available from the commission and published with the program guidelines.

(2) Applications shall be sent by direct mail to those who have requested placement on the FA mailing list or to those who request an application.

(3) All applications must be completed and submitted in the format prescribed by the commission. Applications must be submitted by the deadline determined by the commission.

NEW SECTION

WAC 30-22-050 Application review process. Artist applications are reviewed by a panel. The recommendations of the panel are presented to the commission's underserved committee which makes recommendations to the commission for final approval.

NEW SECTION

WAC 30-22-060 Application review criteria. Applications will be reviewed according to the current guideline criteria to ensure that the applicant(s) fosters the preservation of traditional folk arts.

NEW SECTION

WAC 30-22-070 Contracting. Artists who have been approved by the commission for funding will be issued contracts based on available funding. Partners who collaborate on specific projects with the approval of the executive director will be issued contracts based on available funding. Contracts will be issued within a fiscal year beginning July 1 and ending June 30 or within the biennium.

NEW SECTION

WAC 30-22-080 Disbursement of funds. Reimbursement must be requested on state of Washington invoice voucher forms and must include all documentation as required in the contract. The commission may establish a matching component in the contract.

NEW SECTION

WAC 30-22-090 Evaluation methods. Final reports will be required by the commission and must be completed and returned by each contractor by the ending date of the contract. Also, on-site monitoring of events will be conducted by the commission and/or its staff.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 30-24-010 Purpose.
- WAC 30-24-020 Definitions.
- WAC 30-24-030 Program purpose and goals.
- WAC 30-24-040 Eligibility.
- WAC 30-24-050 Selection criteria.
- WAC 30-24-060 Program procedures.
- WAC 30-24-070 Ownership of work.
- WAC 30-24-080 Commission liability.
- WAC 30-24-090 Responsibilities--Recipients.
- WAC 30-24-100 Evaluation methods.

Chapter 30-26 WAC

COMMUNITY ARTS DEVELOPMENT PROGRAMS

NEW SECTION

WAC 30-26-010 Scope of chapter. This chapter contains general rules affecting community arts development programs eligibility, review criteria, and application requirements for projects funded by or through the commission. Further rules are in chapter 30-01 WAC (Washington state arts commission), chapter 30-08 WAC (practice and procedure), and chapter 30-12 WAC (general rules).

NEW SECTION

WAC 30-26-020 Program purpose. The community arts development (CAD) programs assist the citizens of Washington, in the communities where they live, in enhancing their individual and community sense of well-being, and in making their lives more meaningful through the arts. The CAD program works to fulfill this mission by providing leadership, financial support, technical assistance, information and general guidance and encouragement to the varied constituencies, and by forming working community development partnerships with other local, regional, state and national organizations.

NEW SECTION

WAC 30-26-030 Eligibility. All citizens of the state of Washington including but not limited to local arts councils and commissions, arts producing and presenting organizations, and artists are eligible for assistance under these programs. New and emerging organizations are the first priority of the programs, along with those which are rural, inner-city or serve other underserved communities. Eligibility for specific funded programs varies and is published in the program guidelines.

NEW SECTION

WAC 30-26-040 Application form. (1) Public notice of competitions will be made through the media and in other agency publications. Application forms are available from the commission and published with the program guidelines.

(2) Applications shall be sent by direct mail to those who request an application.

(3) All applications must be completed and submitted in the format prescribed by the commission. Applications must be submitted by the deadline determined by the commission.

NEW SECTION

WAC 30-26-050 Application review process. Applications are reviewed by a panel. The recommendations of the panel are presented to the commission's underserved committee which makes recommendations to the commission for final approval.

NEW SECTION

WAC 30-26-060 Application review criteria. Applications will be reviewed according to the current guideline criteria to ensure that the stated CAD purposes are accomplished.

NEW SECTION

WAC 30-26-070 Contracting. Applicants which have been approved by the commission for funding will be issued contracts based on available funding. Contracts will be issued within a fiscal year beginning July 1 and ending June 30 or within the biennium. The commission may establish a matching component in the contract.

NEW SECTION

WAC 30-26-080 Disbursement of funds. Reimbursement must be requested on state of Washington invoice voucher forms and must include all documentation as required in the contract.

NEW SECTION

WAC 30-26-090 Evaluation methods. Final reports will be required by the commission and must be completed and returned by each contractor by the date specified in the contract. On-site monitoring of events may be conducted by the commission, its staff, and/or outside professional evaluators.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 30-28-010 Purpose.
- WAC 30-28-020 Program purpose and goals.
- WAC 30-28-030 Criteria.
- WAC 30-28-040 Evaluation methods.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 30-32-010 Purpose.
- WAC 30-32-020 Definitions.
- WAC 30-32-030 Program purpose and goals.
- WAC 30-32-040 Eligibility and delivery of program services--Schools.
- WAC 30-32-050 Eligibility--Artists.
- WAC 30-32-060 Application review process--Artists.
- WAC 30-32-070 Contracting of artists.
- WAC 30-32-080 Evaluation methods.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 30-36-010 Purpose.
- WAC 30-36-020 Definitions.
- WAC 30-36-030 Program purpose and goals.
- WAC 30-36-040 Eligibility--Sponsors.
- WAC 30-36-050 Eligibility--Artists.
- WAC 30-36-060 Application review process--Sponsors.
- WAC 30-36-070 Application review process--Artists.
- WAC 30-36-080 Responsibilities--Sponsors.
- WAC 30-36-090 Matching requirements.
- WAC 30-36-100 Residency requirements.
- WAC 30-36-110 Evaluation methods.

AMENDATORY SECTION (Amending Order 2, Resolution No. 87-1, filed 5/7/87)

WAC 30-40-020 Authority. The Washington state arts commission is authorized by RCW 43.46.040 to adopt rules and is authorized under RCW 43.46.090 to administer the art in public places program. Under this authority, the commission develops, inventories, maintains and presents to the public the state art collection. The specific statutes these rules are intended to implement are: RCW 43.46.090, 43.46.095, 43.17.200, 43.17.205, 43.17.210, 43.19.455, (~~28A.58.055~~) 28A.335.210, 28B.10.025, and 28B.10.027.

AMENDATORY SECTION (Amending Order 2, Resolution No. 87-1, filed 5/7/87)

WAC 30-40-050 Fiscal procedures/eligibility. (1) Construction eligibility. Funding for works of art are generated through the capital budget under the following statutes:

(a) RCW 43.17.200 (state agencies) - applies to construction of any new building and/or additions to an existing building (structure). (~~Excludes~~) Excluded are highway construction sheds, warehouses (~~and~~) or other buildings of a temporary nature.

(b) RCW (~~28A.58.055~~) 28A.335.210 (common schools) - applies to construction of any new building and/or additions to an existing building (structure). Excluded are sheds, warehouses, or other buildings of a temporary nature.

(c) RCW 28B.10.027 (universities, colleges and community colleges) - applies to construction of any new building and/or additions to an existing building (structure). Renovation and remodel work exceeding two hundred thousand dollars are included. Excluded are sheds, warehouses and other buildings of a temporary nature.

(2) Calculation of funds. The amount to be made available for works of art is to be calculated as follows:

(a) (RCW 43.17.200 and 28B.10.027) For each eligible appropriation, the one-half of one percent formula is to be applied to architecture and engineering fees, total building cost and equipment costs.

(b) (RCW (~~28A.58.055~~) 28A.335.210) For each eligible appropriation, the one-half of one percent formula is to be applied to the total moneys appropriated for state (~~matching funds~~) assistance to school districts.

(3) Determination of funds. The commission, in consultation with the director of general administration and/or the directors of state agencies, the superintendent of public instruction, and school district boards of directors, and the boards of regents or trustees of universities, colleges and community colleges, shall

determine the funds to be made available for art under RCW 43.17.210, 43.19.455, (~~28A.58.055~~) 28A.335.210, and 28B.10.025.

(4) Supplementing funds for art. The one-half of one percent expenditure is a required minimum for works of art. State agencies, universities, colleges and community colleges, and common schools may designate more than this amount in planning for a project. Other private and public funding sources may provide supplemental grants and matching funds.

(5) Transfer of funds. The commission maintains the fiscal system for all one-half of one percent funds for art. After project funds for art have been determined, the commission requests transfer of the funds for art to the commission. The transaction is made through an (~~invoice voucher~~) appropriate billing from the commission to the agency, and the agency transfers the funds to the commission (~~through a journal voucher~~).

The funds are transferable to the commission at the time the law providing for the appropriation becomes effective. In the case of projects governed by the sale of bonds, the funds for art shall be eligible for transfer thirty days after the sale of the bond(s).

(6) Reappropriation of funds. Upon timely notification by the commission, the agency shall request reappropriation of the unspent funds for art in the coming biennium. (~~The reappropriation of funds is made by the commission transferring the funds back to the agency through a journal voucher, and upon reappropriation, requesting the return transfer of funds for art to the commission.~~)

(7) Use of funds for art. The one-half of one percent funds for art may be used for expenses incurred in the design, fabrication and installation of works of art, artists' expenses and the commission's administrative expenses.

Funds for art may not be used for administrative expenses of the agency or architect; expenses of the agency as agreed upon for the preparation and installation of the work, dedication, and insurance, or for the maintenance of the works of art.

(8) Determination of projects and sites. The commission, in consultation with the director of general administration and/or the directors of state agencies, the superintendent of public instruction, and school district boards of directors, and the boards of regents or trustees of universities, colleges and community colleges, shall determine the projects and sites to be designated for works of art under RCW 43.17.210, 43.19.455, (~~28A.58.055~~) 28A.335.210, and 28B.10.025.

(9) Contracting and expenditure.

(a) The commission is responsible for contracting and expending the one-half of one percent funds for art.

(b) The artists enter into a contract with the commission to create a new work or transfer title of an existing work according to the terms of the contract.

(c) The agency will comply with the terms of the interagency agreement as negotiated with the commission.

(10) Waiver of funds. School districts under the superintendent of public instruction may elect to waive their use of art funds. Waiver of funds for art will not cause loss of or otherwise endanger state construction funds. These funds (~~are subsequently not available to the school district but~~) shall be applied to works of art according to RCW (~~28A.58.055~~) 28A.335.210 at the discretion of the commission.

AMENDATORY SECTION (Amending Order 2, Resolution No. 87-1, filed 5/7/87)

WAC 30-40-060 Maintenance/deaccessioning. (1) Maintenance responsibilities. The agency is responsible for all routine maintenance operations required on a periodic basis as specified by the artist in his/her maintenance specifications report. The commission is responsible as funded for any extraordinary repair or unscheduled maintenance required to restore a structurally or aesthetically diminished artwork to its original intent and function.

(2) Deaccessioning. Works of art will be removed and disposed of according to the process established in the commission's deaccession policy from the state art collection if it has been determined by the commission that the work:

(a) Has been lost or stolen;
(b) Presents a safety hazard in its present condition; or that
(c) The restoration of the work's structural or aesthetic integrity is:

(i) Technically (~~(infeasible)~~) unfeasible;
(ii) Disproportionate to the value of the work.
(d) The environment/architectural support (on which a site-specific work depends) is to be destroyed or modified as to distort the artist's initial intent.

AMENDATORY SECTION (Amending Order 2, Resolution No. 87-1, filed 5/7/87)

WAC 30-40-070 Program procedures. (1) Placement of works of art/projects and sites. Artwork may be placed on public lands; integral to or attached to a public building or structure; detached within or outside a public building or structure; part of a portable exhibition or collection; part of a temporary exhibition; or loaned or exhibited in other public facilities. Funds are designated for projects and sites as follows:

(a) State agencies - funds may be used within the jurisdiction of the agency or on any public land, building or structure (~~(of any state agency)~~), including new and existing buildings, (~~(state)~~) park lands, and structures which may include bridges and waterways.

(b) Common schools - funds may be used within the jurisdiction of the school district or at any common school facility within the state. Funds under this section may not be designated to projects and sites outside of the common schools system.

(c) Universities, colleges and community colleges - funds may be used within the jurisdiction of the university, college or community college which generated the funds for art, and with the permission of the board of regents or trustees, designated to other projects and sites at other institutions of higher education. Funds under this section may not be designated to projects and sites at other state agencies or within the common school system.

(d) Any temporary relocation of an artwork initiated by the agency must be registered with the commission. Placement of works

of art outside the agency must be processed through the loan procedures of the commission.

(2) Project specifications. The commission works with the agency project committee to develop the project specifications considering the available budget, sites and project approach.

The commission will determine whether a project is to be a commission or purchase of art. Design fees will be paid according to the commission's fee structure for design proposals and may vary according to the number of artist finalists and scope of design work as agreed upon by the commission, artist(s) and agency.

(3) Method of selection of artists. The commission, in consultation with the director of general administration and/or the directors of state agencies, the superintendent of public instruction, and school district boards of directors, and the boards of regents or trustees of universities, colleges and community colleges, is responsible for the selection of artists and determines the method of selection which may be:

(a) Open competition - participation is open to any qualified professional artist.

(b) Limited competition - the art selection panel and members of the agency and the commission will recommend (~~to the commission~~) a list of artists who will be invited to submit.

(c) Direct selection - the artist will be recommended as the artist(s) by the art selection panel.

(d) Artist resource bank - the agency project committee will select the artist or works of art from a resource bank of available artists and works of art screened by art selection panels and approved by the commission. The artist is responsible for submitting slides, materials, and/or proposals in accordance with specifications set forth by the commission.

(4) Selection criteria. The highest priority is given to quality, the artistic (~~excellence~~) merit of the artist and proposed artwork, and evidence of the artist's ability to execute the work. Consideration will also be given to the structural and aesthetic integrity of any existing or proposed work.

In order to achieve (~~diversity in the~~) a diverse state art collection, which represents the varied means of contemporary art-making processes, priority consideration may be given to artists who are not currently under contract, have not recently had work purchased or commissioned, or who are not represented in the state art collection. (~~Diversity of individual artists may be represented by scale, style or geographic placement.~~)

(a) Special considerations for selection of projects under the superintendent of public instruction - the school district board of directors may appoint a representative to the agency project committee in order to participate in the selection of artists through the commission's artist resource bank selection process. (~~In some cases, a separate art selection panel will be established by the commission to which the school district board of directors may appoint a representative.~~)

(5) Reviewing of design, execution, placement and acceptance. The commission, in consultation with the director of general administration and/or the directors of state agencies, the superintendent of public instruction, and school district boards of directors, and the boards of regents or trustees of universities, colleges and community colleges, is responsible for reviewing the

design, execution, placement and acceptance of the works of art under the art in public places program.

(6) Artist responsibilities. The artists enter into a contract with the commission to create a new work of art or transfer title of an existing work according to the terms of the contract.

AMENDATORY SECTION (Amending Order 2, Resolution No. 87-1, filed 5/7/87)

WAC 30-40-080 Rejection of art. (1) Selections by school districts. The school district board of directors and the superintendent of public instruction may reject the results of the selection process or reject the placement of a work of art if the work is portable. Works that are integrated into the structure of the building, commissioned for a specific site where the aesthetic integrity of the work is dependent upon the site and/or works that physically cannot be moved without incurring a large expense are not considered portable. The determination as to whether a work of art is portable or not shall be made by the commission in consultation with the school district and artist. If the selection process or a work of art is rejected, the unspent art funds are subsequently not available to the school district for uses other than art. The funds for art and/or works of art (~~will~~) may be used in other school districts at the discretion of the commission in consultation with the office of the superintendent of public instruction.

(2) Selections by state agencies and universities, colleges and community colleges. The agency may request the commission to reconsider the selection of an artist or work of art based on the original project (~~specifications~~) proposal. On receipt of such a request, the commission will review the project and may meet with the artist, agency representative, member(s) of the art selection panel and commission staff. These participants may elect to reschedule the unspent project, request an alternative design from the artist, or reassign project funds to another artist, or the selected work to an alternative site.

AMENDATORY SECTION (Amending Order 2, Resolution No. 87-1, filed 5/7/87)

WAC 30-40-090 Evaluation methods. The commission (~~will~~) may review the art in public places program through reports of the state agencies, common schools, universities, colleges and community colleges on a form provided by the commission, reports submitted by artists and program staff, and by periodic reviews by the commission's visual arts committee.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 30-40-030 Definitions.

Chapter 30-44 WAC

GOVERNOR'S ARTS AND HERITAGE AWARDS

AMENDATORY SECTION (Amending Order 2, Resolution No. 87-1, filed 5/7/87)

WAC 30-44-010 (~~(Purpose.)~~) Scope of chapter. (~~(The purpose of this chapter is to provide the public and the commission's constituents with those rules that apply to the governor's arts awards.)~~) This chapter contains general rules affecting the governor's arts and heritage awards (GAHA) program eligibility, review criteria, and nomination requirements. Further rules are in chapter 30-01 WAC (Washington state arts commission), chapter 30-08 WAC (practice and procedure), and chapter 30-12 WAC (general rules).

AMENDATORY SECTION (Amending Order 2, Resolution No. 87-1, filed 5/7/87)

WAC 30-44-020 Program purpose ((and goals)). The governor's arts awards (~~(is a program sponsored and administered by the commission. The commission recommends the award recipients to the governor who has final approval authority. The governor's arts awards recognize those individuals and organizations who have contributed significantly to the arts and cultural development)~~) recognizes those individuals and organizations who have contributed significantly to the arts and cultural development of the state of Washington. The governor's heritage awards recognizes those individuals and organizations who have contributed significantly to the cultural heritage and traditional arts of the state of Washington.

AMENDATORY SECTION (Amending Order 2, Resolution No. 87-1, filed 5/7/87)

WAC 30-44-030 Eligibility. In order for the commission to consider an individual or organization for a governor's arts or heritage award, the nominee must:

- (1) Be a current resident of the state of Washington, or have been a resident of the state of Washington during the time the contributions were made and/or achievements accomplished;
- (2) Not have been a previous recipient.

AMENDATORY SECTION (Amending Order 2, Resolution No. 87-1, filed 5/7/87)

WAC 30-44-040 Nomination ((procedures)) form. ((Nominations will be made on a form provided by the commission. In addition to the form, nominations should include information outlining the significant achievements and/or contributions of the nominee. The nomination form is available at the commission office.)) (1) Public notice of nominations will be made through the media and in other agency publications. Nomination forms are available from the commission and published with the program guidelines.

(2) Nomination forms shall be sent by direct mail to every Washington address on the agency mailing list, and to those who request a nomination form.

(3) All nomination forms must be completed and submitted in the format prescribed by the commission. Nominations must be submitted by the deadline determined by the commission.

(4) The commission may recommend individuals or organizations not nominated in a current year, but who have been nominated in past years. ((The commission may recommend as many recipients as it deems appropriate.))

AMENDATORY SECTION (Amending Order 2, Resolution No. 87-1, filed 5/7/87)

WAC 30-44-050 ((Program procedures-)) Nomination review process. ((The commission will generally use the following procedures for notification and selection of recipients:

~~(1) The commission will notify the public that nominations are open, including the deadline and a sample of the form. The notification will be made through the use of the commission's mailing lists and notice to the general media.~~

~~(2))~~ (1) An ad hoc committee of commissioners and/or panel advisors will review the nominations and ((make)) will present their recommendations to the commission.

~~((3))~~ (2) The commission will review the committee's recommendations for nominations and advise the governor of its decisions. The governor has final approval authority.

~~((4))~~ (3) Following the governor's ((acceptance)) approval of the award recipients, the staff will make arrangements for the presentation of the awards and notify the recipients of the time and place.

~~((5))~~ (4) Each year the commission will ~~((select one or more works of art to))~~ present to the recipients a certificate, medallion, or work of art in token of their achievement.

~~((6))~~ (5) The governor's arts awards may be suspended for a period of time due to circumstances beyond the commission's control.

NEW SECTION

WAC 30-44-060 Nomination review criteria. Nominations will be reviewed according to the current guideline criteria to ensure that significant contributions, and/or artistic accomplishments, and/or preservational and promotional achievements are demonstrated.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 30-48-010 Purpose.
- WAC 30-48-020 Definitions.
- WAC 30-48-030 Program purpose and goals.
- WAC 30-48-040 Eligibility.
- WAC 30-48-050 Application review process--Technical assistance.
- WAC 30-48-060 Application--Community challenge award.
- WAC 30-48-070 Evaluation methods.