



RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (7/10/97)

Agency: Washington State Arts Commission	<input checked="" type="checkbox"/> Permanent Rule <input type="checkbox"/> Emergency Rule <input type="checkbox"/> Expedited Adoption <input type="checkbox"/> Expedited Repeal
(1) Date of adoption: 11/30/98	

(2) Purpose: Amending WAC 30-04-020 to reference correct defining WAC, and amending WAC's 30-08-070, 30-12-150, 30-18-040, 30-22-070 and 30-22-090 for clarity.

(3) Citation of existing rules affected by this order:
 Repealed:
 Amended: WAC's 30-04-020, 30-08-070, 30-12-150, 30-18-040, 30-22-070, and 30-22-090
 Suspended:

(4) Statutory authority for adoption: RCW 43.46.040
 Other Authority:

PERMANENT RULE ONLY (Including EXPEDITED ADOPTION)
 Adopted under notice filed as WSR 98-20-087 on 10/06/98 (date).
 Describe any changes other than editing from proposed to adopted version:

EMERGENCY RULE ONLY
 Under 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:

EXPEDITED REPEAL ONLY
 Under Preproposal Statement of Inquiry filed as WSR _____ on _____ (date)

(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 or Expedited Repeal	Emergency Rules
<input checked="" type="checkbox"/> 31 days after filing <input type="checkbox"/> Other (specify) _____*	<input type="checkbox"/> Immediately <input type="checkbox"/> Later (specify) _____

* (If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

Name (Type or Print)
Bill Palmer

Signature
Bill Palmer

Title: Acting Executive Director Date: 11/30/98

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

NOV 30 1998

TIME 4:25 AM PM

WSR 98-24-073

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

The number of sections adopted at the request of nongovernmental entity:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in the agency's own initiative:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	<u>Five</u>	Repealed	_____
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The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____

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

WAC 30-04-020 Public records available. All public records of the commission as defined in WAC ((~~30-01-030(9)~~) 30-02-010(34)), 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.

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

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 panel's or commission's action was either not considered (~~((included))~~) in (~~((the))~~) their review or was not clearly understood.

(1) Appeals (~~((may not))~~) must be (~~((made))~~) based solely 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))~~) shall consider the appeal and issue a written decision. The executive director may schedule a conference if he/she determines it necessary.

(4) (~~((Upon confirmation that the appeal is legitimate))~~) The decision of the executive director may be appealed to the commission. Appeals must be submitted in writing, addressed to the chair of the commission of the commission's official address. Upon receipt of the appeal to the full commission, 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 by the applicant 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))~~) inform the applicant (~~((at which time))~~) of the date when the final decision will be made.

(6) After final commission action on the appeal, the executive director or a designated staff person shall notify the applicant of the decision in writing, within (~~((five))~~) fifteen 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))~~) thirty working days since the decision (~~((have))~~) has passed, whichever occurs first.

(8) Appeals may not be made (~~((during the public portion of a commission meeting agenda and))~~) to the commission (~~((shall not take action on any such presentations that may be made))~~) without the above review by the executive director (~~((and chairperson))~~) as provided in subsection (3) of this section.

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

WAC 30-12-150 Complimentary tickets requested for the purpose of evaluation. The following procedures are intended to guide the commission in its efforts to maintain an active liaison with its ~~((constitutents [constituents]))~~ constituents, to appraise the work of the artistic community as it relates to commission programs, and to assure compliance with ~~((RCW 42.18.200))~~ chapter 42.52 RCW, Ethics in public service, 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 for the purpose of evaluation 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)) requesting complimentary tickets for the purpose of evaluation shall be limited to two persons.

~~((4))~~ (2) Those who attend an event must be prepared to evaluate it in the context of commission guidelines and rules.

~~((5))~~ (3) A written evaluation, in a standard evaluation format, will be required from each commission or staff evaluator.

~~((6))~~ (4) Each applicant or recipient of financial support will be required to provide the commission with two complimentary tickets to events, if so requested.

~~((7))~~ (5) 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))~~ (6) 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).

AMENDATORY SECTION (Amending WSR 95-15-040, filed 7/12/95, effective 8/12/95)

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 IRS 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.) Nonprofit arts or community organizations, units of government, nonparochial schools and school districts, or artists and artist groups may be eligible to apply to the arts in education program. Eligibility for grants, contracts, or participation in an arts in education program varies and is published in the program guidelines. The commission establishes and publishes guidelines on an annual or biennial basis.

AMENDATORY SECTION (Amending WSR 95-15-040, filed 7/12/95, effective 8/12/95)

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~~) commission 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.

AMENDATORY SECTION (Amending WSR 95-15-040, filed 7/12/95, effective 8/12/95)

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~~) may be conducted by the commission and/or its staff.