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**SENATE BILL 5570**

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**State of Washington 67th Legislature 2022 Regular Session**

**By** Senator Hunt

AN ACT Relating to establishing a process for removal or relocation of major works on the capitol grounds; and adding a new section to chapter 43.19 RCW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  A new section is added to chapter 43.19 RCW to read as follows:

(1) Notwithstanding any other provision of this code, a major work on the state capitol grounds may be removed or relocated by the department of enterprise services:

(a) If approved by the legislation through concurrent resolution;

(b) To accommodate construction, repair, or improvements to the major work or to the surrounding state property on which the major work is located. Any major work that is permanently removed under this subsection must be relocated to a prominent location; or

(c) When a recommendation has been made by the work group under subsection (2) of this section or the department under subsection (3) of this section to remove or relocate a major work and the recommendation is approved by the state capitol committee. Any major work that is permanently removed under this subsection may be placed in storage or sold by the state if an alternative proposal is not authorized by the state capitol committee. If a major work is determined by the work group to be offensive or outdated, the major work may be destroyed.

(2)(a) The proposing entity must submit a petition for review to the department that outlines the proposal and an explanation for why the major work no longer meets the criteria established by the department, in consultation with the work group established in this section, for placement on state capitol grounds.

(b) When a petition for review is received by the department for removal or relocation of a major work the department must, within 60 days, convene a work group to begin evaluation of the proposal.

(i) The members of the work group must include the following:

(A) The director of the department of enterprise services or the director's designee, who shall serve as the chair of the work group;

(B) The director of the department of archaeology and historic preservation or the director's designee;

(C) The director of the Washington state historical society or the director's designee;

(D) A representative of the capitol campus design advisory committee;

(E) A representative from the Washington state arts commission; and

(F) Five representatives from the public with one representative appointed by each of the following commissions:

(I) The Washington state commission on African American affairs established in chapter 43.113 RCW;

(II) The LGBTQ commission established in chapter 43.114 RCW;

(III) The Washington state commission on Hispanic affairs established in chapter 43.115 RCW;

(IV) The Washington state commission on Asian Pacific American affairs established in chapter 43.117 RCW; and

(V) The women's commission established in chapter 43.119 RCW.

(ii) The department may appoint up to three additional members if expertise related to a major work is needed.

(iii) Legislative members of the work group are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(c) If the work group finds by a majority vote of its members that the major work no longer meets the criteria established by the department for placement on state capitol grounds, the work group must provide a report with its findings to the state capitol committee for consideration. The report must include, at minimum:

(i) An overview of the major work including the year of installation, history of the individual or event, and any other information the work group finds may be helpful to the state capitol committee;

(ii) The recommendation of the work group, including an explanation for why the major work no longer meets the criteria established by the department for placement on state capitol grounds and a summary of any research or other material that was used during the evaluation;

(iii) Information regarding the anticipated cost for the removal or relocation of the major work, including any transportation or storage costs that may be required; and

(iv) Recommendations regarding the funding sources that may be available, which may include solicitation of private funds or a method for obtaining the necessary funds.

(3) By 2030, and every 50 years thereafter, the department must conduct a review of all major works on the state capitol grounds and recommend removal and appropriate disposition of those no longer meeting the criteria for placement on state capitol grounds. The department may conduct additional reviews of major works within the 50-year time frame if the department receives a petition or determines that additional review may be necessary. The department must provide a report with its findings to the state capitol committee for consideration.

(4) The following definitions apply throughout this section unless the context clearly requires otherwise:

(a) "Capitol grounds" means those grounds over which the department of enterprise services exercises custody and control, which includes:

(i) The west capitol campus, which includes state-owned grounds that constitute the state capitol grounds west of capitol way, including all of the grounds addressed in the 1928 Olmsted brothers landscape plan for the state capitol grounds and the state capitol historic district, as designated in the national register of historic places;

(ii) The east capitol campus, which includes state-owned grounds described in RCW 79.24.500;

(iii) Sylvester park;

(iv) The old capitol building;

(v) Capitol lake;

(vi) Marathon park;

(vii) Heritage park;

(viii) Centennial park; and

(ix) Capitol gateway park.

(b) "Major work" includes any statue, monument, sculpture, work of art, memorial, or other structural or landscape feature, including a garden or memorial grove, of notable impact to viewers and its surroundings. The impact of a work is defined by the combined effect of its subject matter, size, placement, and the degree to which it commands the environmental context into which it is set. The term does not include any such item located within the interior of a structure.

(c) "Proposing entity" means any individual or group advancing a proposal for removal or relocation of major works on state capitol grounds.

(d) "State capitol committee" means the state capitol committee established in RCW 43.17.070.

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