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**SUBSTITUTE HOUSE BILL 1280**

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**State of Washington**

**55th Legislature**

**1997 Regular Session**

**By** House Committee on Capital Budget (originally sponsored by Representatives Honeyford, Koster, Sheldon, Sump, Boldt, D. Sommers, McMorris, Clements, Crouse, Dunn, Schoesler, Johnson, DeBolt, Mulliken, Thompson, Mielke and D. Schmidt)

Read first time 03/05/97.

1 AN ACT Relating to public art and educational displays; and  
2 amending RCW 43.17.200, 43.17.210, 28A.335.210, 28B.10.025, and  
3 43.19.455.

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

5 **Sec. 1.** RCW 43.17.200 and 1983 c 204 s 4 are each amended to read  
6 as follows:

7 (1) Except as provided in subsection (2) of this section, all state  
8 agencies including all state departments, boards, councils,  
9 commissions, and quasi public corporations shall allocate, as a  
10 nondeductible item, out of any moneys appropriated for the original  
11 construction of any public building, an amount of one-half of one  
12 percent of the appropriation to be expended by the Washington state  
13 arts commission for the acquisition of works of art. The works of art  
14 may be placed on public lands, integral to or attached to a public  
15 building or structure, detached within or outside a public building or  
16 structure, part of a portable exhibition or collection, part of a  
17 temporary exhibition, or loaned or exhibited in other public  
18 facilities. In addition to the cost of the works of art the one-half  
19 of one percent of the appropriation as provided herein shall be used to

1 provide for the administration of the visual arts program by the  
2 Washington state arts commission and all costs for installation of the  
3 works of art. For the purpose of this section building shall not  
4 include highway construction sheds, warehouses or other buildings of a  
5 temporary nature.

6 (2) Subsection (1) of this section does not apply to the  
7 construction of any building, structure, or facility under the control  
8 of the department of corrections.

9 **Sec. 2.** RCW 43.17.210 and 1990 c 33 s 575 are each amended to read  
10 as follows:

11 The Washington state arts commission shall determine the amount to  
12 be made available for the purchase of art in consultation with the  
13 agency, except where another person or agency is specified under RCW  
14 43.19.455, 28A.335.210, or 28B.10.025, and payments therefor shall be  
15 made in accordance with law. The designation of projects and sites,  
16 selection, contracting, purchase, commissioning, reviewing of design,  
17 execution and placement, acceptance, maintenance, and sale, exchange,  
18 or disposition of works of art shall be the responsibility of the  
19 Washington state arts commission in consultation with the directors of  
20 the state agencies. At least ten percent of the total value of art  
21 work contracted by the Washington state arts commission in each  
22 biennial period shall be created or fabricated by inmates through the  
23 division of correctional industries within the department of  
24 corrections. However, the costs to carry out the Washington state arts  
25 commission's responsibility for maintenance shall not be funded from  
26 the moneys referred to in RCW 43.17.200, 43.19.455, 28A.335.210, or  
27 28B.10.025, but shall be contingent upon adequate appropriations being  
28 made for that purpose.

29 **Sec. 3.** RCW 28A.335.210 and 1983 c 204 s 7 are each amended to  
30 read as follows:

31 The state board of education and superintendent of public  
32 instruction shall allocate, as a nondeductible item, out of any moneys  
33 appropriated for state assistance to school districts for the original  
34 construction of any school plant facility the amount of one-half of one  
35 percent of the appropriation to be expended by the Washington state  
36 arts commission for the acquisition of works of art. The works of art  
37 may be placed in accordance with Article IX, sections 2 and 3 of the

1 state Constitution on public lands, integral to or attached to a public  
2 building or structure, detached within or outside a public building or  
3 structure, part of a portable exhibition or collection, part of a  
4 temporary exhibition, or loaned or exhibited in other public  
5 facilities. The Washington state arts commission shall, in  
6 consultation with the superintendent of public instruction, determine  
7 the amount to be made available for the purchase of works of art under  
8 this section, and payments therefor shall be made in accordance with  
9 law. The designation of projects and sites, selection, contracting,  
10 purchase, commissioning, reviewing of design, execution and placement,  
11 acceptance, maintenance, and sale, exchange, or disposition of works of  
12 art shall be the responsibility of the Washington state arts commission  
13 in consultation with the superintendent of public instruction and  
14 representatives of school district boards of directors. At least ten  
15 percent of the total value of art work contracted by the Washington  
16 state arts commission in each biennial period shall be created or  
17 fabricated by inmates through the division of correctional industries  
18 within the department of corrections. However, the costs to carry out  
19 the Washington state arts commission's responsibility for maintenance  
20 shall not be funded from the moneys referred to under this section, RCW  
21 43.17.200, 43.19.455, or 28B.10.025, but shall be contingent upon  
22 adequate appropriations being made for that purpose: PROVIDED, That  
23 the superintendent of public instruction and the school district board  
24 of directors of the districts where the sites are selected shall have  
25 the right to:

26 (1) Waive its use of the one-half of one percent of the  
27 appropriation for the acquisition of works of art before the selection  
28 process by the Washington state arts commission;

29 (2) Appoint a representative to the body established by the  
30 Washington state arts commission to be part of the selection process  
31 with full voting rights;

32 (3) Reject the results of the selection process;

33 (4) Reject the placement of a completed work or works of art on  
34 school district premises if such works are portable.

35 Rejection at any point before or after the selection process shall  
36 not cause the loss of or otherwise endanger state construction funds  
37 available to the local school district. Any works of art rejected  
38 under this section shall be applied to the provision of works of art  
39 under this chapter, at the discretion of the Washington state arts

1 commission, notwithstanding any contract or agreement between the  
2 affected school district and the artist involved. In addition to the  
3 cost of the works of art the one-half of one percent of the  
4 appropriation as provided herein shall be used to provide for the  
5 administration by the Washington state arts commission and all costs  
6 for installation of the work of art. For the purpose of this section  
7 building shall not include sheds, warehouses or other buildings of a  
8 temporary nature.

9 The executive director of the arts commission, the superintendent  
10 of public instruction and the Washington state school directors  
11 association shall appoint a study group to review the operations of the  
12 one-half of one percent for works of art under this section.

13 **Sec. 4.** RCW 28B.10.025 and 1990 c 33 s 557 are each amended to  
14 read as follows:

15 The Washington state arts commission shall, in consultation with  
16 the boards of regents of the University of Washington and Washington  
17 State University and with the boards of trustees of the regional  
18 universities, The Evergreen State College, and the community college  
19 districts, determine the amount to be made available for the purchases  
20 of art under RCW 28B.10.027, and payment therefor shall be made in  
21 accordance with law. The designation of projects and sites, the  
22 selection, contracting, purchase, commissioning, reviewing of design,  
23 execution and placement, acceptance, maintenance, and sale, exchange,  
24 or disposition of works of art shall be the responsibility of the  
25 Washington state arts commission in consultation with the board of  
26 regents or trustees. At least ten percent of the total value of art  
27 work contracted by the Washington state arts commission in each  
28 biennial period shall be created or fabricated by inmates through the  
29 division of correctional industries within the department of  
30 corrections. However, the costs to carry out the Washington state arts  
31 commission's responsibility for maintenance shall not be funded from  
32 the moneys referred to under this section, RCW 43.17.200, 43.19.455, or  
33 28A.335.210, but shall be contingent upon adequate appropriations being  
34 made for that purpose.

35 **Sec. 5.** RCW 43.19.455 and 1990 c 33 s 576 are each amended to read  
36 as follows:

1        Except as provided under RCW 43.17.210, the Washington state arts  
2 commission shall determine the amount to be made available for the  
3 purchase of art under RCW 43.17.200 in consultation with the director  
4 of general administration, and payments therefor shall be made in  
5 accordance with law. The designation of projects and sites, selection,  
6 contracting, purchase, commissioning, reviewing of design, execution  
7 and placement, acceptance, maintenance, and sale, exchange, or  
8 disposition of works of art shall be the responsibility of the  
9 Washington state arts commission in consultation with the director of  
10 general administration. At least ten percent of the total value of art  
11 work contracted by the Washington state arts commission in each  
12 biennial period shall be created or fabricated by inmates through the  
13 division of correctional industries within the department of  
14 corrections. However, the costs to carry out the Washington state arts  
15 commission's responsibility for maintenance shall not be funded from  
16 the moneys referred to under this section, RCW 43.17.200, 28A.335.210,  
17 or 28B.10.025, but shall be contingent upon adequate appropriations  
18 being made for that purpose.

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