
SENATE BILL 5120

State of Washington 63rd Legislature 2013 Regular Session

By Senators Carrell, Rivers, Benton, Braun, and Bailey

Read first time 01/18/13. Referred to Committee on Ways & Means.

1 AN ACT Relating to expenditures for works of art; amending RCW
2 28A.335.210, 28B.10.027, and 43.17.200; creating a new section; and
3 providing an expiration date.

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

5 NEW SECTION. **Sec. 1.** The legislature recognizes that one of its
6 foremost duties is the prioritization and wise use of taxpayer funds.
7 During times of economic downturn, it is incumbent upon the legislature
8 to ensure limited state resources are spent prudently. Therefore, the
9 legislature intends to suspend spending on art related to capital
10 projects for the remainder of the 2011-2013 biennium and the 2013-2015
11 biennium.

12 **Sec. 2.** RCW 28A.335.210 and 2006 c 263 s 327 are each amended to
13 read as follows:

14 The superintendent of public instruction shall allocate, as a
15 nondeductible item, out of any moneys appropriated for state assistance
16 to school districts for the original construction of any school plant
17 facility the amount of one-half of one percent of the appropriation to
18 be expended by the Washington state arts commission for the acquisition

1 of works of art. However, no moneys may be expended, as of the
2 effective date of this section, on the acquisition of works of art
3 through the end of the 2013-2015 biennium, unless a contract for the
4 acquisition of art existed prior to the effective date of this section.

5 The works of art may be placed in accordance with Article IX, sections
6 2 and 3 of the state Constitution on public lands, integral to or
7 attached to a public building or structure, detached within or outside
8 a public building or structure, part of a portable exhibition or
9 collection, part of a temporary exhibition, or loaned or exhibited in
10 other public facilities. The Washington state arts commission shall,
11 in consultation with the superintendent of public instruction,
12 determine the amount to be made available for the purchase of works of
13 art under this section, and payments therefor shall be made in
14 accordance with law. The designation of projects and sites, selection,
15 contracting, purchase, commissioning, reviewing of design, execution
16 and placement, acceptance, maintenance, and sale, exchange, or
17 disposition of works of art shall be the responsibility of the
18 Washington state arts commission in consultation with the
19 superintendent of public instruction and representatives of school
20 district boards of directors. The superintendent of public instruction
21 and the school district board of directors of the districts where the
22 sites are selected shall have the right to:

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

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

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

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

32 Rejection at any point before or after the selection process shall
33 not cause the loss of or otherwise endanger state construction funds
34 available to the local school district. Any works of art rejected
35 under this section shall be applied to the provision of works of art
36 under this chapter, at the discretion of the Washington state arts
37 commission, notwithstanding any contract or agreement between the
38 affected school district and the artist involved. In addition to the

1 cost of the works of art the one-half of one percent of the
2 appropriation as provided in this section shall be used to provide for
3 the administration, including conservation of the state art collection,
4 by the Washington state arts commission and all costs for installation
5 of the work of art. For the purpose of this section building shall not
6 include sheds, warehouses, or other buildings of a temporary nature.

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

11 **Sec. 3.** RCW 28B.10.027 and 2005 c 36 s 3 are each amended to read
12 as follows:

13 All universities and colleges shall allocate as a nondeductible
14 item, out of any moneys appropriated for the original construction or
15 any major renovation or remodel work exceeding two hundred thousand
16 dollars of any building, an amount of one-half of one percent of the
17 appropriation to be expended by the Washington state arts commission
18 with the approval of the board of regents or trustees for the
19 acquisition of works of art. However, no moneys may be expended, as of
20 the effective date of this section, on the acquisition of works of art
21 through the end of the 2013-2015 biennium, unless a contract for the
22 acquisition of art existed prior to the effective date of this section.

23 The works of art may be placed on public lands of institutions of
24 higher education, integral to or attached to a public building or
25 structure of institutions of higher education, detached within or
26 outside a public building or structure of institutions of higher
27 education, part of a portable exhibition or collection, part of a
28 temporary exhibition, or loaned or exhibited in other public
29 facilities.

30 In addition to the cost of the works of art, the one-half of one
31 percent of the appropriation shall be used to provide for the
32 administration of the visual arts program, including conservation of
33 the state art collection, by the Washington state arts commission and
34 all costs for installation of the work of art. For the purpose of this
35 section building shall not include sheds, warehouses, and other
36 buildings of a temporary nature.

1 **Sec. 4.** RCW 43.17.200 and 2005 c 36 s 4 are each amended to read
2 as follows:

3 All state agencies including all state departments, boards,
4 councils, commissions, and quasi public corporations (~~shall~~) must
5 allocate, as a nondeductible item, out of any moneys appropriated for
6 the original construction of any public building, an amount of one-half
7 of one percent of the appropriation to be expended by the Washington
8 state arts commission for the acquisition of works of art. However, no
9 moneys may be expended, as of the effective date of this section, on
10 the acquisition of works of art through the end of the 2013-2015
11 biennium, unless a contract for the acquisition of art existed prior to
12 the effective date of this section. The works of art may be placed on
13 public lands, integral to or attached to a public building or
14 structure, detached within or outside a public building or structure,
15 part of a portable exhibition or collection, part of a temporary
16 exhibition, or loaned or exhibited in other public facilities. In
17 addition to the cost of the works of art, the one-half of one percent
18 of the appropriation as provided herein (~~shall~~) must be used to
19 provide for the administration of the visual arts program, including
20 conservation of the state art collection, by the Washington state arts
21 commission and all costs for installation of the works of art. For the
22 purpose of this section building (~~shall~~) does not include highway
23 construction sheds, warehouses or other buildings of a temporary
24 nature.

25 NEW SECTION. **Sec. 5.** This act expires July 1, 2015.

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