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**SUBSTITUTE HOUSE BILL 2809**

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**State of Washington                      65th Legislature                      2018 Regular Session**

**By** House Capital Budget (originally sponsored by Representatives Tharinger, Doglio, Peterson, McBride, and Van Werven)

READ FIRST TIME 02/02/18.

1            AN ACT Relating to efficiency updates for capital budget  
2 appropriations allocated for public art; amending RCW 28B.10.027 and  
3 43.17.200; amending 2015 3rd sp.s. c 3 s 7012 and 2018 c 2 s 7012  
4 (uncodified); and adding a new section to chapter 43.46 RCW.

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

6            **Sec. 1.** 2015 3rd sp.s. c 3 s 7012 (uncodified) is amended to  
7 read as follows:

8            FOR THE ARTS COMMISSION—ART WORK ALLOWANCE. (1) One-half of one  
9 percent of moneys appropriated in this act for original construction  
10 of school plant facilities is provided solely for the purposes of RCW  
11 28A.335.210.

12            (2) One-half of one percent of moneys appropriated in this act  
13 for original construction or any major renovation or remodel work  
14 exceeding \$200,000 by colleges or universities is provided solely for  
15 the purposes of RCW 28B.10.027.

16            (3) One-half of one percent of moneys appropriated in this act  
17 for original construction of any public building by a state agency  
18 identified in RCW 43.17.020 is provided solely for the purposes of  
19 RCW 43.17.200.

20            (4) ~~((At least eighty five percent of the moneys spent by the  
21 Washington state arts commission during the 2015-2017 biennium for~~

1 ~~the purposes of RCW 28A.335.210, 28B.10.027, and 43.17.200 must be~~  
2 ~~expended solely for direct acquisition of works of art. Art~~  
3 ~~allocations not expended within the ensuing two biennia will lapse.~~  
4 ~~The commission may use up to \$100,000 of this amount to conserve or~~  
5 ~~maintain existing pieces in the state art collection pursuant to RCW~~  
6 ~~28A.335.210.~~

7 ~~(5) The executive director of the arts commission shall appoint a~~  
8 ~~study group to review the operations of the one half of one percent~~  
9 ~~for works of art purchased or commissioned as required by RCW~~  
10 ~~28A.335.210, 28B.10.027, and 43.17.200. The findings of the review~~  
11 ~~must be reported annually to the office of financial management and~~  
12 ~~the fiscal committees of the legislature by August 15th. The review~~  
13 ~~must include, but is not limited to, the following: (a) Projects~~  
14 ~~purchased or commissioned per biennium; (b) partner agencies; (c)~~  
15 ~~funding sources by fiscal year; (d) artwork costs; (e) administrative~~  
16 ~~costs; (f) collection care costs; and (g) project status.)~~ Section 5  
17 of this act applies to the appropriations in chapter 3, Laws of 2015  
18 3rd sp. sess. and chapter 35, Laws of 2016 sp. sess.

19 **Sec. 2.** 2018 c 2 s 7012 (uncodified) is amended to read as  
20 follows:

21 FOR THE ARTS COMMISSION—ART WORK ALLOWANCE. (1) One-half of one  
22 percent of moneys appropriated in this act for original construction  
23 of school plant facilities is provided solely for the purposes of RCW  
24 28A.335.210.

25 (2) One-half of one percent of moneys appropriated in this act  
26 for original construction or any major renovation or remodel work  
27 exceeding \$200,000 by colleges or universities is provided solely for  
28 the purposes of RCW 28B.10.027.

29 (3) One-half of one percent of moneys appropriated in this act  
30 for original construction of any public building by a state agency  
31 identified in RCW 43.17.020 is provided solely for the purposes of  
32 RCW 43.17.200.

33 ~~(4) ((At least eighty-five percent of the moneys spent by the~~  
34 ~~Washington state arts commission during the 2017-2019 biennium for~~  
35 ~~the purposes of RCW 28A.335.210, 28B.10.027, and 43.17.200 must be~~  
36 ~~expended solely for direct acquisition of works of art. Art~~  
37 ~~allocations not expended within the ensuing two biennia will lapse.~~  
38 ~~The commission may use up to \$150,000 of this amount to conserve or~~

1 ~~maintain existing pieces in the state art collection pursuant to RCW~~  
2 ~~28A.335.210.~~

3 ~~(5) The executive director of the arts commission shall appoint a~~  
4 ~~study group to review the operations of the one half of one percent~~  
5 ~~for works of art purchased or commissioned as required by RCW~~  
6 ~~28A.335.210, 28B.10.027, and 43.17.200. The findings of the review~~  
7 ~~must be reported annually to the office of financial management and~~  
8 ~~the fiscal committees of the legislature by September 15th. The~~  
9 ~~review must include, but is not limited to, the following: (a)~~  
10 ~~Projects purchased or commissioned per biennium; (b) partner~~  
11 ~~agencies; (c) funding sources by fiscal year; (d) artwork costs; (e)~~  
12 ~~administrative costs; (f) collection care costs; and (g) project~~  
13 ~~status.) Section 5 of this act applies to the appropriations in~~  
14 ~~chapter 2, Laws of 2018.~~

15 **Sec. 3.** RCW 28B.10.027 and 2018 c 2 s 7013 are each amended to  
16 read as follows:

17 (1) All universities and colleges shall allocate as a  
18 nondeductible item, out of any moneys appropriated for the original  
19 construction or any major renovation or remodel work exceeding two  
20 hundred thousand dollars of any building, an amount of one-half of  
21 one percent of the appropriation to be expended by the Washington  
22 state arts commission with the approval of the board of regents or  
23 trustees for the acquisition of works of art.

24 (2) For projects funded in the ((~~2015-2017 capital budget and the~~  
25 ~~2017-2019~~)) capital budget, an institution of higher education,  
26 working with the Washington state arts commission, may expend up to  
27 ten percent of the projected art allocation for a project during the  
28 design phase in order to select an artist and design art to be  
29 integrated in the building design. The one-half of one percent to be  
30 expended by the Washington state arts commission must be adjusted  
31 downward by the amount expended by a university or college during the  
32 design phase of the capital project.

33 (3) The works of art may be placed on public lands of  
34 institutions of higher education, integral to or attached to a public  
35 building or structure of institutions of higher education, detached  
36 within or outside a public building or structure of institutions of  
37 higher education, part of a portable exhibition or collection, part  
38 of a temporary exhibition, or loaned or exhibited in other public  
39 facilities.

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

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

10 (1) All state agencies including all state departments, boards,  
11 councils, commissions, and quasi public corporations shall allocate,  
12 as a nondeductible item, out of any moneys appropriated for the  
13 original construction of any public building, an amount of one-half  
14 of one percent of the appropriation to be expended by the Washington  
15 state arts commission for the acquisition of works of art.

16 (2) For projects funded in the capital budget, a state agency,  
17 working with the Washington state arts commission, may expend up to  
18 ten percent of the projected art allocation for a project during the  
19 design phase in order to select an artist and design art to be  
20 integrated in the building design. The one-half of one percent to be  
21 expended by the Washington state arts commission must be adjusted  
22 downward by the amount expended by a state agency during the design  
23 phase of the capital project.

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

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

37 NEW SECTION. **Sec. 5.** A new section is added to chapter 43.46  
38 RCW to read as follows:

1           (1) At least eighty-five percent of the moneys spent by the  
2 Washington state arts commission during each biennium for the  
3 purposes of RCW 28A.335.210, 28B.10.027, and 43.17.200 must be  
4 expended solely for direct acquisition of works of art. The  
5 commission may use up to two hundred thousand dollars of this amount  
6 to conserve or maintain existing pieces in the state art collection  
7 pursuant to RCW 28A.335.210, 28B.10.027, and 43.17.200. Art  
8 allocations lapse if not expended within the two biennia following  
9 the biennium of allocation.

10           (2) The executive director of the arts commission shall appoint a  
11 study group to review the operations of the one-half of one percent  
12 for works of art purchased or commissioned as required by RCW  
13 28A.335.210, 28B.10.027, and 43.17.200. The findings of the review  
14 must be reported annually to the office of financial management and  
15 the fiscal committees of the legislature by September 15th of each  
16 fiscal year. The review must include, but is not limited to, the  
17 following: (a) Projects purchased or commissioned per biennium; (b)  
18 partner agencies; (c) funding sources by fiscal year; (d) artwork  
19 costs; (e) administrative costs; (f) collection care costs; and (g)  
20 project status.

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