

CERTIFICATION OF ENROLLMENT

**HOUSE BILL 2188**

Chapter 36, Laws of 2005

59th Legislature  
2005 Regular Session

STATE ART COLLECTION--CONSERVATION

EFFECTIVE DATE: 7/24/05

Passed by the House March 10, 2005  
Yeas 94 Nays 0

FRANK CHOPP

**Speaker of the House of Representatives**

Passed by the Senate April 5, 2005  
Yeas 41 Nays 0

BRAD OWEN

**President of the Senate**

Approved April 13, 2005.

CHRISTINE GREGOIRE

**Governor of the State of Washington**

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 2188** as passed by the House of Representatives and the Senate on the dates hereon set forth.

RICHARD NAFZIGER

**Chief Clerk**

FILED

April 13, 2005 - 3:29 p.m.

**Secretary of State  
State of Washington**

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HOUSE BILL 2188

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Passed Legislature - 2005 Regular Session

**State of Washington**                      **59th Legislature**                      **2005 Regular Session**

**By** Representatives Lantz, Kessler, Sells, Tom, McDermott, Conway,  
Kenney and Santos

Read first time 02/22/2005. Referred to Committee on Capital Budget.

1            AN ACT Relating to conservation of the state art collection; and  
2 amending RCW 28A.335.210, 28B.10.025, 28B.10.027, 43.17.200, 43.17.210,  
3 and 43.19.455.

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

5            **Sec. 1.** RCW 28A.335.210 and 1983 c 204 s 7 are each amended to  
6 read as follows:

7            The state board of education and superintendent of public  
8 instruction shall allocate, as a nondeductible item, out of any moneys  
9 appropriated for state assistance to school districts for the original  
10 construction of any school plant facility the amount of one-half of one  
11 percent of the appropriation to be expended by the Washington state  
12 arts commission for the acquisition of works of art. The works of art  
13 may be placed in accordance with Article IX, sections 2 and 3 of the  
14 state Constitution 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. The Washington state arts commission shall, in  
19 consultation with the superintendent of public instruction, determine

1 the amount to be made available for the purchase of works of art under  
2 this section, and payments therefor shall be made in accordance with  
3 law. The designation of projects and sites, selection, contracting,  
4 purchase, commissioning, reviewing of design, execution and placement,  
5 acceptance, maintenance, and sale, exchange, or disposition of works of  
6 art shall be the responsibility of the Washington state arts commission  
7 in consultation with the superintendent of public instruction and  
8 representatives of school district boards of directors. (~~However, the~~  
9 ~~costs to carry out the Washington state arts commission's~~  
10 ~~responsibility for maintenance shall not be funded from the moneys~~  
11 ~~referred to under this section, RCW 43.17.200, 43.19.455, or~~  
12 ~~28B.10.025, but shall be contingent upon adequate appropriations being~~  
13 ~~made for that purpose: PROVIDED, That~~) The superintendent of public  
14 instruction and the school district board of directors of the districts  
15 where the sites are selected shall have the right to:

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

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

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

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

25 Rejection at any point before or after the selection process shall  
26 not cause the loss of or otherwise endanger state construction funds  
27 available to the local school district. Any works of art rejected  
28 under this section shall be applied to the provision of works of art  
29 under this chapter, at the discretion of the Washington state arts  
30 commission, notwithstanding any contract or agreement between the  
31 affected school district and the artist involved. In addition to the  
32 cost of the works of art the one-half of one percent of the  
33 appropriation as provided herein shall be used to provide for the  
34 administration, including conservation of the state art collection, by  
35 the Washington state arts commission and all costs for installation of  
36 the work of art. For the purpose of this section building shall not  
37 include sheds, warehouses or other buildings of a temporary nature.

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

5       **Sec. 2.** RCW 28B.10.025 and 1990 c 33 s 557 are each amended to  
6 read as follows:

7       The Washington state arts commission shall, in consultation with  
8 the boards of regents of the University of Washington and Washington  
9 State University and with the boards of trustees of the regional  
10 universities, The Evergreen State College, and the community college  
11 districts, determine the amount to be made available for the purchases  
12 of art under RCW 28B.10.027, and payment therefor shall be made in  
13 accordance with law. The designation of projects and sites, the  
14 selection, contracting, purchase, commissioning, reviewing of design,  
15 execution and placement, acceptance, maintenance, and sale, exchange,  
16 or disposition of works of art shall be the responsibility of the  
17 Washington state arts commission in consultation with the board of  
18 regents or trustees. (~~However, the costs to carry out the Washington  
19 state arts commission's responsibility for maintenance shall not be  
20 funded from the moneys referred to under this section, RCW 43.17.200,  
21 43.19.455, or 28A.335.210, but shall be contingent upon adequate  
22 appropriations being made for that purpose.~~)

23       **Sec. 3.** RCW 28B.10.027 and 1983 c 204 s 9 are each amended to read  
24 as follows:

25       All universities and colleges shall allocate as a nondeductible  
26 item, out of any moneys appropriated for the original construction or  
27 any major renovation or remodel work exceeding two hundred thousand  
28 dollars of any building, an amount of one-half of one percent of the  
29 appropriation to be expended by the Washington state arts commission  
30 with the approval of the board of regents or trustees for the  
31 acquisition of works of art. The works of art may be placed on public  
32 lands of institutions of higher education, integral to or attached to  
33 a public building or structure of institutions of higher education,  
34 detached within or outside a public building or structure of  
35 institutions of higher education, part of a portable exhibition or

1 collection, part of a temporary exhibition, or loaned or exhibited in  
2 other public facilities.

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

10 **Sec. 4.** RCW 43.17.200 and 1983 c 204 s 4 are each amended to read  
11 as follows:

12 All state agencies including all state departments, boards,  
13 councils, commissions, and quasi public corporations shall allocate, as  
14 a nondeductible item, out of any moneys appropriated for the original  
15 construction of any public building, an amount of one-half of one  
16 percent of the appropriation to be expended by the Washington state  
17 arts commission for the acquisition of works of art. The works of art  
18 may be placed on public lands, integral to or attached to a public  
19 building or structure, detached within or outside a public building or  
20 structure, part of a portable exhibition or collection, part of a  
21 temporary exhibition, or loaned or exhibited in other public  
22 facilities. In addition to the cost of the works of art, the one-half  
23 of one percent of the appropriation as provided herein shall be used to  
24 provide for the administration of the visual arts program, including  
25 conservation of the state art collection, by the Washington state arts  
26 commission and all costs for installation of the works of art. For the  
27 purpose of this section building shall not include highway construction  
28 sheds, warehouses or other buildings of a temporary nature.

29 **Sec. 5.** RCW 43.17.210 and 1990 c 33 s 575 are each amended to read  
30 as follows:

31 The Washington state arts commission shall determine the amount to  
32 be made available for the purchase of art in consultation with the  
33 agency, except where another person or agency is specified under RCW  
34 43.19.455, 28A.335.210, or 28B.10.025, and payments therefor shall be  
35 made in accordance with law. The designation of projects and sites,  
36 selection, contracting, purchase, commissioning, reviewing of design,

1 execution and placement, acceptance, maintenance, and sale, exchange,  
2 or disposition of works of art shall be the responsibility of the  
3 Washington state arts commission in consultation with the directors of  
4 the state agencies. ~~((However, the costs to carry out the Washington  
5 state arts commission's responsibility for maintenance shall not be  
6 funded from the moneys referred to in RCW 43.17.200, 43.19.455,  
7 28A.335.210, or 28B.10.025, but shall be contingent upon adequate  
8 appropriations being made for that purpose.))~~

9 **Sec. 6.** RCW 43.19.455 and 1990 c 33 s 576 are each amended to read  
10 as follows:

11 Except as provided under RCW 43.17.210, the Washington state arts  
12 commission shall determine the amount to be made available for the  
13 purchase of art under RCW 43.17.200 in consultation with the director  
14 of general administration, and payments therefor shall be made in  
15 accordance with law. The designation of projects and sites, selection,  
16 contracting, purchase, commissioning, reviewing of design, execution  
17 and placement, acceptance, maintenance, and sale, exchange, or  
18 disposition of works of art shall be the responsibility of the  
19 Washington state arts commission in consultation with the director of  
20 general administration. ~~((However, the costs to carry out the  
21 Washington state arts commission's responsibility for maintenance shall  
22 not be funded from the moneys referred to under this section, RCW  
23 43.17.200, 28A.335.210, or 28B.10.025, but shall be contingent upon  
24 adequate appropriations being made for that purpose.))~~

Passed by the House March 10, 2005.

Passed by the Senate April 5, 2005.

Approved by the Governor April 13, 2005.

Filed in Office of Secretary of State April 13, 2005.