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**SENATE BILL 5346**

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**State of Washington 68th Legislature 2023 Regular Session**

**By** Senators Schoesler, Dozier, Braun, Gildon, Wagoner, Liias, Kuderer, Rolfes, Torres, Warnick, and C. Wilson

AN ACT Relating to encouraging the use of student art in school construction; and amending RCW 28A.335.210, 43.46.095, and 43.17.205.

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

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

(1) The superintendent of public instruction shall allocate, as a nondeductible item, out of any moneys appropriated for state assistance to school districts for the original construction of any school plant facility the amount of ((~~one-half of one~~)) .5 percent of the appropriation to be expended by the school board of directors or by the Washington state arts commission for the acquisition of works of art in accordance with subsection (2) of this section. The works of art may be placed in accordance with Article IX, sections 2 and 3 of the state Constitution on public lands, integral to or attached to a public building or structure, detached within or outside a public building or structure, part of a portable exhibition or collection, part of a temporary exhibition, or loaned or exhibited in other public facilities. ((~~The Washington state arts commission shall, in consultation with the superintendent of public instruction, determine the amount to be made available for the purchase of works of art under this section, and payments therefor shall be made in accordance with law.~~)) For the purpose of this section, building shall not include sheds, warehouses, or other buildings of a temporary nature.

(2) A school board of directors acquiring works of art pursuant to subsection (1) of this section must inform the superintendent of public instruction whether it will acquire the art as authorized under (a) or (b) of this subsection. The superintendent of public instruction must, in consultation with the school board of directors, determine the amount to be made available for the purchase of works of art under this section, and payments therefor shall be made in accordance with law.

(a)(i) A school board of directors may elect, through resolution, to acquire works of art directly from the school district's students. The designation of projects and sites, selection, contracting, purchase, commissioning, reviewing of design, execution and placement, acceptance, maintenance, and sale, exchange, or disposition of works of art shall be the responsibility of the school board of directors in consultation with the superintendent of public instruction. Nothing in this subsection precludes the school board of directors from consulting the Washington state arts commission.

(ii) If a school board of directors elects to acquire works of art directly from the school district's students, and there is a surplus of money remaining after the art has been acquired, the school board of directors may contribute the surplus money to the nonstate share of construction costs of the school plant facility.

(b) The school board of directors may allow, through resolution, the Washington state arts commission to expend the moneys for the acquisition of works of art. The designation of projects and sites, selection, contracting, purchase, commissioning, reviewing of design, execution and placement, acceptance, maintenance, and sale, exchange, or disposition of works of art shall be the responsibility of the Washington state arts commission in consultation with the superintendent of public instruction and representatives of school district boards of directors. The superintendent of public instruction and the school district board of directors of the districts where the sites are selected shall have the right to:

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

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

((~~(3)~~)) (iii) Reject the results of the selection process;

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

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

(3) The executive director of the arts commission, the superintendent of public instruction, and the Washington state school directors' association shall appoint a study group to review the operations of the ((~~one-half of one~~)) .5 percent for works of art under subsection (2)(b) of this section.

**Sec.**  RCW 43.46.095 and 1990 c 33 s 578 are each amended to read as follows:

All works of art purchased and commissioned under the visual arts program shall become a part of a state art collection developed, administered, and operated by the Washington state arts commission. All works of art previously purchased or commissioned under RCW 43.46.090, 43.17.200, 43.19.455, 28B.10.025, or 28A.335.210(2)(b) shall be considered a part of the state art collection to be administered by the Washington state arts commission.

**Sec.**  RCW 43.17.205 and 1990 c 33 s 574 are each amended to read as follows:

The funds allocated under RCW 43.17.200, 28A.335.210(2)(b), and 28B.10.025 shall be subject to interagency reimbursement for expenditure by the visual arts program of the Washington state arts commission when the particular law providing for the appropriation becomes effective. For appropriations which are dependent upon the sale of bonds, the amount or proportionate amount of the moneys under RCW 43.17.200, 28A.335.210(2)(b), and 28B.10.025 shall be subject to interagency reimbursement for expenditure by the visual arts program of the Washington state arts commission ((~~thirty~~)) 30 days after the sale of a bond or bonds.

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