

**WAC 25-48-108 Right of first refusal--Discovery of new technology.** (1) Any agency, institution, person, firm, or corporation which has been denied a permit because the historic archaeological resource would be destroyed beyond mitigation by their method of salvage shall have the right of first refusal for a permit at a future date should technology be found which would make salvage possible without destroying the historic archaeological resource.

(2) Such rights may be assigned, but it is the responsibility of the parties to the assignment to provide written evidence of the assignment to the department, including the correct name and mailing address of the assignee.

(3) Upon receipt of a complete permit application and determination that a new technology can salvage the resource, the director shall notify by certified mail, return receipt requested, the holder of the right of first refusal of a permit application that a new technology exists and the holder has sixty days from the receipt of the director's determination to submit its own permit application and thereby exercise its first refusal right, or the right shall be extinguished.

(4) If the person, firm, corporation, institution, or agency that possesses the first refusal right for a permit does not exercise its first refusal right within the sixty-day time period, the department shall send to that entity a notice by certified mail, return receipt requested, that the entity's right of first refusal has been extinguished.

[Statutory Authority: RCW 27.53.030, [27.53.]060, [27.53.]080 and 1988 c 124 §§ 1, 3, 5, 6 and 7. 88-23-004 (Order 88-06), § 25-48-108, filed 11/4/88.]

**WAC 25-48-120 Appeals relating to permits.** Any affected person may request a hearing to appeal a denial, suspension, or revocation of a permit or extinguishment of a right of first refusal under WAC 25-48-108 to the director. Said request must be in writing and filed with the director within twenty-one calendar days of receipt of notice of the denial, suspension, revocation, or extinguishment.

[Statutory Authority: RCW 27.53.030, [27.53.]060, [27.53.]080 and 1988 c 124 §§ 1, 3, 5, 6 and 7. 88-23-004 (Order 88-06), § 25-48-120, filed 11/4/88. Statutory Authority: RCW 27.34.220 and 27.44-.020. 86-13-001 (Order 11), § 25-48-120, filed 6/5/86.]

**WAC 25-48-125 Listing of areas where permits are required to protect historic archaeological sites on aquatic lands.** The following is a list of those areas where permits are required to protect historic archaeological sites on aquatic lands:

- Lake Washington.
- Elliott Bay.
- Columbia River Bar.

[Statutory Authority: RCW 27.53.030, [27.53.]060, [27.53.]080 and 1988 c 124 §§ 1, 3, 5, 6 and 7. 88-23-004 (Order 88-06), § 25-48-125, filed 11/4/88.]

## Title 30 WAC ARTS COMMISSION

### Chapters

<p>30-16 30-20 30-24 30-28 30-32 30-36 30-40 30-44 30-48</p>	<p>Partnership program. Institutional support program. Artist fellowship program. State-wide services. Cultural enrichment program. Artists-in-residence program. Art in public places program. Governor's arts awards. Community development program.</p>
--	--

### Chapter 30-16 WAC PARTNERSHIP PROGRAM

#### WAC

<p>30-16-010 30-16-020 30-16-030 30-16-040 30-16-050 30-16-060 30-16-070  30-16-080  30-16-090 30-16-100 30-16-110 30-16-120</p>	<p>Purpose. Definitions. Description—Program purpose and goals. Applicant eligibility. Project eligibility. Project limitations and exclusions. Funding categories, deadlines and application procedures. Financial responsibility of applicants and subapplicants. Review procedures. Special conditions. Payment procedures. Evaluation methods.</p>
--	--

**WAC 30-16-010 Purpose.** The purpose of this chapter is to provide the public and the commission's constituents with those rules that apply to the partnership program. Those rules found in chapters 30-01 through 30-12 WAC also apply.

[Statutory Authority: RCW 43.46.040. 87-11-001 (Order 2, Resolution No. 87-1), § 30-16-010, filed 5/7/87.]

**WAC 30-16-020 Definitions.** In addition to the definitions found in WAC 30-01-030 and 30-12-020 the following definitions shall apply to this chapter:

(1) "Applicant" means a legally incorporated organization or unit of government.

(2) "Umbrella organization" means an eligible organization as defined in WAC 30-16-040 that is willing to serve as the applicant for a subapplicant.

(3) "Subapplicant" means a group that does not itself meet the definition of applicant.

(4) "Matching" means the sharing of costs for the program or project between the commission and the applicant.

(5) "Cash match" means an amount of money committed by the applicant to the project.

(6) "Fiscal year" means the period beginning July 1 and ending June 30 of the following year.

(7) "In-kind contributions" means the value of materials or services provided to the applicant by volunteers or outside parties at no cash cost to the applicant.

(8) "Appeal" means any request by an applicant to the commission for reconsideration of a previous decision on an application to the partnership program.

(9) "Project period" means the dates setting the start and end of a project as proposed or contracted for an award.

(10) "Award" means the financial assistance committed or paid to an eligible applicant for a project approved by the commission.

[Statutory Authority: RCW 43.46.040. 87-11-001 (Order 2, Resolution No. 87-1), § 30-16-020, filed 5/7/87.]

**WAC 30-16-030 Description--Program purpose and goals.** (1) The commission will support the projects of nonprofit arts organizations through the partnership program.

(2) The commission will review applications for projects that:

(a) Are of high artistic quality and available to the general public;

(b) Engage the services of professional artists;

(c) Increase the number and variety of arts opportunities in communities in the state of Washington;

(d) Serve people not generally involved in the arts;

(e) Involve cooperation among existing arts and community organizations;

(f) Will generate a reasonable earned income;

(g) Demonstrate significant local funding support;

(h) Will enhance an organization's artistic growth or develop administrative capabilities.

[Statutory Authority: RCW 43.46.040. 87-11-001 (Order 2, Resolution No. 87-1), § 30-16-030, filed 5/7/87.]

**WAC 30-16-040 Applicant eligibility.** (1) Applicants eligible for financial support through the partnership program are: Any arts organization, arts council, arts commission, or sponsor with at least a one-year history of arts activity since the date of incorporation; that qualifies as a nonprofit, tax-exempt organization under Section 501(c)(3) of the Internal Revenue Code of 1954 (as amended), or any public, tax-supported institution or agency.

(2) A subapplicant may submit its application through an eligible applicant that is willing to serve as an umbrella organization.

(3) An umbrella organization acting on behalf of a subapplicant:

(a) Does not sponsor or present the arts event;

(b) Is not expected to provide financial support to the subapplicant;

(c) May not deduct administrative fees or indirect costs from the commission's award;

(d) Assumes all fiscal accounting and reporting responsibilities associated with an award contract;

(e) May act as an umbrella for more than one subapplicant;

(f) Is not intended to serve individual artists' projects.

[Statutory Authority: RCW 43.46.040. 87-11-001 (Order 2, Resolution No. 87-1), § 30-16-040, filed 5/7/87.]

**WAC 30-16-050 Project eligibility.** Projects and services may be in any arts discipline. Priority will be given to projects which have a significant portion of their budgets covered by local funding sources and earned income. Projects which have been funded in the past include but are not limited to: Public performances, exhibitions, poetry readings, commission of new works, guest artists, residencies, royalty fees, touring events, anthologies, composers, costume design, music rentals, documentary films, clinicians, choreographers, or consultant services.

[Statutory Authority: RCW 43.46.040. 87-11-001 (Order 2, Resolution No. 87-1), § 30-16-050, filed 5/7/87.]

**WAC 30-16-060 Project limitations and exclusions.**

(1) Those activities or projects which can only be considered in limited circumstances are as follows:

(a) Free activities. The commission will consider supporting free programs or performances only when there is clear evidence that an admission charge is inappropriate or restricted by formal policy.

(b) Long-range planning, studies, and surveys. The commission recognizes the need for and encourages planning at all levels for activities involving the arts. To that end, the commission accepts applications from qualified organizations for financial support for planning projects which may include, but are not limited to: Long-range planning, arts-related surveys, community forums, and feasibility studies.

(c) Activities for youth. The commission believes that activities for the benefit of youth are of vital importance to the full development of these future citizens. To that end, the commission provides through programs other than the partnership program, activities and services which enable youth to benefit from contact with professional artists and their work. The primary purpose of the partnership program is to fund arts activities by nonprofit organizations for the benefit of the general public. Activities specifically for youth are considered only when the proposed activity creates an exceptional opportunity for the participating youth, or when the proposed activity would establish a model for future youth programming within the state.

(d) Touring arts events. Touring of professional arts events will be considered only when there is a clear demonstration of sponsor interest and cash match from the sponsor. Tours may be organized by artists or performing groups, but only a direct cash match from the local sponsor will be accepted.

(e) Other state agencies. State agency projects will generally not be given priority for funding by the commission except where it is clearly demonstrated that funds for the project could not be realized through normal appropriations and when a project is not otherwise available in the community.

(2) Those activities which are excluded from partnership program support are as follows:

(a) Renovation, remodeling, restoration, or new construction;

(b) Purchase of permanent equipment or real property;

- (c) Requests for general operating support;
- (d) Travel outside the state of Washington, except when benefitting a substantial number of Washington residents such as cooperative projects with neighboring states;
- (e) Tuition assistance for college, university, or other formal course of study;
- (f) Scholarships;
- (g) Awards to individuals;
- (h) Projects that have already been started or completed;
- (i) Replacement of funds normally budgeted for a project;
- (j) Amateur activities not under the direct guidance of recognized professionals;
- (k) Touring of nonprofessional arts programs;
- (l) Projects normally considered part of an educational institution's curriculum;
- (m) Projects offered by an educational institution and not open to the general public;
- (n) Students' projects;
- (o) Projects involving payments to individuals with less than one year of independent professional experience beyond training;
- (p) Requests to offset existing deficits;
- (q) Projects involving any type of entry fee for artists;
- (r) Projects which exclusively or primarily benefit the membership of the organization or preclude reasonable access by the general public;
- (s) Projects involving an individual's expenses to attend conferences, seminars or workshops;
- (t) Payment for hospitality expenses as prohibited by state laws;
- (u) The creation of new works by regularly employed personnel of the applicant organization unless it is clearly demonstrated that the project is not normal function of the employee.

[Statutory Authority: RCW 43.46.040. 87-11-001 (Order 2, Resolution No. 87-1), § 30-16-060, filed 5/7/87.]

**WAC 30-16-070 Funding categories, deadlines and application procedures.** The commission offers three categories of funding in the partnership program. Applicants are eligible to apply for one award in each category during each fiscal year. The commission makes awards on a first-come, first-served basis until all available funds for each fiscal year have been committed. The dates pertaining to the project period must be considered by the applicant to determine the proper application deadline in all categories. Expenses which are anticipated by the applicant to be covered by commission funds must not be incurred outside the project period. The project must start and end within a single fiscal year (July 1 through June 30).

(1) Short-term project support is for matching requests up to seven hundred fifty dollars. Arts councils and arts commissions may apply in this category for technical assistance expenses associated with organizational development. Completed applications must be received in the commission office not later than six weeks before the starting date of the project.

(2) Program support is for matching requests over seven hundred fifty dollars. Each year, the commission will establish deadlines and publish those deadlines in the regular media, the commission's newsletter, and with the application form. Applicants must generally allow a minimum of four months from submittal to the month in which the project will start (i.e., the project starts in the fifth month,) in order to meet the usual deadlines. Completed applications must be postmarked or delivered to the commission office by 5:00 p.m. on the established deadlines.

(3) Staff support is for matching requests over seven hundred fifty dollars to nonprofit organizations for the creation of a key administrative or artistic position. The position must be new or expanded. Commission support of a staff position will be limited to three years with a decreasing level of support each year. Successful applicants must reapply for each year of subsequent support. Applicants must generally allow a minimum of four months from submittal to the month in which the position will start (i.e., the position starts in the fifth month) in order to meet the usual deadlines. Completed applications must be postmarked or delivered to the commission office by 5:00 p.m. on the established deadlines.

If both staff support and program support are requested, they must be applied for at the same time.

Application to the partnership program shall be made on a form to be prescribed by the commission. The form will be available at the commission office as provided in WAC 30-01-060.

[Statutory Authority: RCW 43.46.040. 87-11-001 (Order 2, Resolution No. 87-1), § 30-16-070, filed 5/7/87.]

**WAC 30-16-080 Financial responsibility of applicants and subapplicants.** (1) The amount requested from the commission may not exceed fifty percent of the total project cost.

(2) Applicants must demonstrate a reasonable effort to secure local funds and generate earned income to match the amount requested from the commission. In some cases, in-kind contributions may be credited toward the required one-to-one match for funds. The commission will favor a cash match and priority will be given to those applications showing a greater cash match.

(3) In those cases where the applicant is serving as an umbrella, the financial responsibility for matching funds rests solely with the subapplicant.

[Statutory Authority: RCW 43.46.040. 87-11-001 (Order 2, Resolution No. 87-1), § 30-16-080, filed 5/7/87.]

**WAC 30-16-090 Review procedures.** The evaluation and review of applications is based on the written responses to the information and materials requested in the application and the application instructions. The review procedures are as follows:

(1) Review by the staff to determine eligibility and completeness;

(2) Evaluation by the staff resulting in recommendations to a review committee of commissioners;

(3) Evaluation by individual commissioners;

(4) Evaluation by the review committee resulting in recommendations to the full commission;

(5) Evaluation and a final decision by the full commission;

(6) If funding for a particular project has been denied by the commission, reapplication or reconsideration of the same project will not be accepted within the same fiscal year in any funding category;

(7) The review, and any subsequent appeal, will be conducted in accordance with chapter 30-08 WAC.

[Statutory Authority: RCW 43.46.040, 87-11-001 (Order 2, Resolution No. 87-1), § 30-16-090, filed 5/7/87.]

**WAC 30-16-100 Special conditions.** As a condition of the award contract, the commission requires the recipient of funds to provide assurance of compliance with all state and federal laws and regulations pertaining to the following:

(1) Fair labor standards, including minimum wage and working conditions;

(2) Civil rights, including prohibitions against discrimination on the basis of race, color, creed, disability, national origin, sex, age, and marital status;

(3) Handicapped access—Section 504 of the Rehabilitation Act of 1973 prohibits discrimination against the handicapped. Please note that National Endowment for the Arts regulations under this law apply to federal funds awarded through the commission. All recipients of awards are subject to the provisions of these regulations;

(4) Audits—The commission requires free access to accounting records for funds expended under the terms of the contract award for the purpose of audits, examination, reference or transcription.

[Statutory Authority: RCW 43.46.040, 87-11-001 (Order 2, Resolution No. 87-1), § 30-16-100, filed 5/7/87.]

**WAC 30-16-110 Payment procedures.** Applicants should be prepared to finance their projects until reimbursed by the commission. Payment will be made quarterly or at the end of the quarter following completion of the project. Payments will only be made for those expenses that take place within the project period as provided in the award contract. All awards are contingent upon receipt by the commission of anticipated funding from the National Endowment for the Arts and the state of Washington.

[Statutory Authority: RCW 43.46.040, 87-11-001 (Order 2, Resolution No. 87-1), § 30-16-110, filed 5/7/87.]

**WAC 30-16-120 Evaluation methods.** (1) All applicants must be prepared to provide access to events for two members of the commission or its staff if an on-site evaluation is requested by the commission. On-site evaluation will be conducted in accordance with WAC 30-12-150.

(2) Each organization awarded funding is required to submit a written final report on a form provided by the commission. Future funding is contingent upon receipt and acceptance of the report by the commission as stipulated in the contract.

[Statutory Authority: RCW 43.46.040, 87-11-001 (Order 2, Resolution No. 87-1), § 30-16-120, filed 5/7/87.]

## Chapter 30-20 WAC INSTITUTIONAL SUPPORT PROGRAM

### WAC

30-20-010	Purpose.
30-20-020	Definitions.
30-20-030	Description—Program purpose and goals.
30-20-040	Applicant eligibility.
30-20-050	Funding intent—Limitations and exclusions.
30-20-060	Funding formula.
30-20-070	Application procedures.
30-20-080	Financial responsibility of institutions.
30-20-090	Review procedures.
30-20-100	Special conditions.
30-20-110	Payment procedures.
30-20-120	Evaluation methods.

**WAC 30-20-010 Purpose.** The purpose of this chapter is to provide the public and the commission's constituents with those rules that apply to the institutional support program. Those rules found in chapters 30-01 through 30-12 WAC also apply.

[Statutory Authority: RCW 43.46.040, 87-11-001 (Order 2, Resolution No. 87-1), § 30-20-010, filed 5/7/87.]

**WAC 30-20-020 Definitions.** In addition to the definitions found in WAC 30-01-030 and 30-12-020 the following definitions shall apply to this chapter:

(1) "Applicant" means a legally incorporated organization or unit of local government.

(2) "Matching" means the sharing of costs for the program or project between the commission and the applicant.

(3) "Cash match" means an amount of money committed by the applicant to the project.

(4) "Fiscal year" means the period beginning July 1 and ending June 30 of the following year.

(5) "In-kind contributions" means the value of materials or services provided to the applicant by volunteers or outside parties at no cash cost to the applicant.

(6) "Appeal" means any request by an applicant to the commission for reconsideration of a previous decision on an application to the institutional support program.

(7) "Project period" means the dates setting the start and end of a project as proposed or contracted for an award.

(8) "Award" means the financial assistance committed or paid to an eligible applicant for a project approved by the commission.

(9) "Primary arts institutions" are those organizations which:

(a) Serve as models of artistic and administrative achievement;

(b) Provide the highest quality of service to a broad segment of the public;

(c) Are recognized for their stature on a state, regional, or national level;

(d) Make a significant contribution to the arts discipline in which they specialize; and

(e) By the scope of their operations, generate a positive economic impact beyond their immediate locale.

[Statutory Authority: RCW 43.46.040. 87-11-001 (Order 2, Resolution No. 87-1), § 30-20-020, filed 5/7/87.]

**WAC 30-20-030 Description--Program purpose and goals.** The institutional support program recognizes the high value and quality of services contributed to the state's cultural life by its primary professional arts institutions, and offers these institutions greater lead time to plan and make commitments for programs and services by formula funding.

[Statutory Authority: RCW 43.46.040. 87-11-001 (Order 2, Resolution No. 87-1), § 30-20-030, filed 5/7/87.]

**WAC 30-20-040 Applicant eligibility.** Potential applicants must meet the following criteria in order to be considered in the institutional support program.

(1) Applicants must qualify as a nonprofit, tax-exempt organization under 501(c)(3) of the Internal Revenue Code of 1954 (as amended), or as a public, tax-supported institution or agency.

(2) Applicants must have an annual income from all sources of not less than three hundred thousand dollars.

(a) The annual income must be substantially cash, earned or contributed.

(b) In-kind contributions, volunteered services, transfers of capital or gifts of capital funds, and funds derived from work-study, work-training, or other educational programs will not be included in the commission's assessment of annual income.

(c) Income derived from special one-time events or grants that may temporarily inflate an institution's budget in a given year may be excluded in the commission's assessment of annual income.

(d) Should an institution funded under the program the previous year fall below the minimum income requirement for the current year, it will be granted a one-time, one-year grace period to reestablish eligibility.

(3) Applicant institutions must create and produce in one or more of the following art forms: Dance, music, opera, theatre, visual arts, media arts and literature. Excluded are organizations engaged primarily in sponsoring arts events, education, the humanities, recreation, or research; agencies of state or federal governments; and arts service organizations.

(4) Applicants must have had their principal place of business and performed services in the state for at least five years.

(5) Applicants must demonstrate substantial support from, and significant impact on, the community served or the state as a whole. Support is indicated by, but not limited to, earned, contributed and sustaining fund income, attendance, and number of public presentations.

(6) Institutions must have full-time paid professional administration and offer professional performances, productions, exhibitions or other services. A history of sound management must be evident. Organizations are not required by the commission to be union signatories, but must pay all artists minimum scale using a nationally recognized artists' labor organization as a guide.

(7) The applicant's performances, productions, exhibitions and other services must be regularly scheduled within the state of Washington.

(8) Should an institution funded under the program the previous fiscal year subsequently fail to meet any of the eligibility criteria, the commission may suspend further funding to the institution under the program, with the exception of subsection (2) of this section as provided by subsection (2)(d) of this section.

[Statutory Authority: RCW 43.46.040. 87-11-001 (Order 2, Resolution No. 87-1), § 30-20-040, filed 5/7/87.]

**WAC 30-20-050 Funding intent--Limitations and exclusions.** (1) Qualifying applicants may apply for funds through the institutional support program, or they may waive this privilege and elect to apply in the competitive partnership programs as described in chapter 30-16 WAC.

(2) The commission's intent is to support a portion of the total operating costs, including program and administrative, of each participating institution. Prorated administrative costs, such as salaries and office overhead are eligible for support.

(3) Funds from the commission may not be used for capital expenditures, endowments, hospitality expenses, existing deficits, or out-of-state programming.

[Statutory Authority: RCW 43.46.040. 87-11-001 (Order 2, Resolution No. 87-1), § 30-20-050, filed 5/7/87.]

**WAC 30-20-060 Funding formula.** Funding is awarded on a formula basis to those institutions determined by the commission to meet the eligibility criteria of the program.

(1) Each institution participating in the program will receive a base amount of ten thousand dollars.

(2) The balance of program funds will be distributed by the percentage each institution's income represents of the total income of all participating institutions.

[Statutory Authority: RCW 43.46.040. 87-11-001 (Order 2, Resolution No. 87-1), § 30-20-060, filed 5/7/87.]

**WAC 30-20-070 Application procedures.** (1) Institutions currently accepted in the program must submit materials in two steps.

(a) Upon notification from the commission of an application intent deadline, the institution must submit:

(i) A letter stating the institution's intent to continue participation in the program;

(ii) A completed standard arts reporting form (as revised) for the last completed financial year;

(iii) A corresponding certified audited financial statement for the last completed financial year.

(b) After notification from the commission of the proposed award and an application deadline, the institution must submit:

(i) A plan for use of the proposed award on a form provided by the commission;

(ii) A resolution of the institution's board designating those officials authorized to sign the application and the contract with the commission;

(iii) A copy of the institution's Internal Revenue Service determination letter.

(2) Applicants seeking participation in the program must submit materials in two steps.

(a) To indicate interest in participation in the program, the applicant must submit to the commission:

(i) A letter stating the applicant's interest in being considered in the program;

(ii) A completed preapplication form to be provided by the commission;

(iii) A completed standard arts reporting form (as revised) for the last completed financial year;

(iv) A corresponding certified audited financial statement for the last completed financial year;

(v) A copy of the applicant's Internal Revenue Service determination letter.

(b) After notification from the commission of eligibility for the program, the proposed award and an application deadline, the applicant must submit:

(i) A plan for use of the proposed award on a form provided by the commission;

(ii) A resolution of the institution's board designating those officials authorized to sign the application and the contract with the commission.

(3) The commission will only consider additional institutions when sufficient additional funds above current fiscal year level have been appropriated to the commission for that purpose.

(4) Successful applicants and participating institutions must reapply for each fiscal year of subsequent support.

(5) Completed applications must be postmarked or delivered to the commission office by 5:00 p.m. on the established deadlines.

(6) Expenses which are anticipated by the institution to be covered by commission funds must not be incurred outside the project period as submitted in the program application. The project must start and end within a single fiscal year (July 1 through June 30).

[Statutory Authority: RCW 43.46.040, 87-11-001 (Order 2, Resolution No. 87-1), § 30-20-070, filed 5/7/87.]

**WAC 30-20-080 Financial responsibility of institutions.** The amount awarded by the commission may not exceed fifty percent of the total project cost. Institutions must demonstrate a reasonable effort to secure local funds and generate earned income to match the award from the commission.

[Statutory Authority: RCW 43.46.040, 87-11-001 (Order 2, Resolution No. 87-1), § 30-20-080, filed 5/7/87.]

**WAC 30-20-090 Review procedures.** (1) The evaluation and review of applications from institutions currently accepted in the program is based on the written responses to the information and materials requested in the application and the application instructions. The review procedures are as follows:

(a) Review by the staff to determine eligibility and completeness;

(b) Evaluation by the staff resulting in recommendations to a review committee of commissioners;

(c) Evaluation by individual commissioners;

(d) Evaluation by the review committee resulting in recommendations to the full commission; and

(e) Evaluation and a final decision by the full commission.

(2) The review of new applicants seeking entry to the program is as follows:

(a) Review by the staff to determine eligibility and completeness from the preapplication materials;

(b) Review if appropriate, by a panel of professionals from the discipline of the applicant;

(c) Evaluation by individual commissioners;

(d) Evaluation by a review committee resulting in recommendations to the full commission; and

(e) Evaluation and a final decision by the full commission.

(3) The review, and any subsequent appeal as permitted by chapter 30-08 WAC, will be conducted in accordance with that chapter.

[Statutory Authority: RCW 43.46.040, 87-11-001 (Order 2, Resolution No. 87-1), § 30-20-090, filed 5/7/87.]

**WAC 30-20-100 Special conditions.** As a condition of the award contract, the commission requires the institution to provide assurance of compliance with all state and federal laws and regulations pertaining to the following:

(1) Fair labor standards, including minimum wage and working conditions;

(2) Civil rights, including prohibitions against discrimination on the basis of race, color, creed, disability, national origin, sex, age, and marital status;

(3) Handicapped access—Section 504 of the Rehabilitation Act of 1973 prohibits discrimination against the handicapped. Please note that National Endowment for the Arts regulations under this law apply to federal funds awarded through the commission. All recipients of awards are subject to the provisions of these regulations;

(4) Audits—The commission requires free access to accounting records for funds expended under the terms of the contract award for the purpose of audits, examination, reference or transcription.

[Statutory Authority: RCW 43.46.040, 87-11-001 (Order 2, Resolution No. 87-1), § 30-20-100, filed 5/7/87.]

**WAC 30-20-110 Payment procedures.** Institutions should be prepared to finance their projects until reimbursed by the commission. Payment will be made quarterly or at the end of the quarter following completion of the project. Payments will only be made for those expenses that take place within the project period as provided in the award contract. All awards are contingent upon receipt by the commission of funding from the National Endowment for the Arts and the state of Washington.

[Statutory Authority: RCW 43.46.040, 87-11-001 (Order 2, Resolution No. 87-1), § 30-20-110, filed 5/7/87.]

**WAC 30-20-120 Evaluation methods.** (1) All institutions must be prepared to provide access to events for two members of the commission or its staff if an on-site

evaluation is requested by the commission. On-site evaluation will be conducted in accordance with WAC 30-12-150.

(2) Each institution awarded funding is required to submit a written final report on a form provided by the commission. Future funding is contingent upon receipt and acceptance of the report by the commission as stipulated in the contract.

[Statutory Authority: RCW 43.46.040. 87-11-001 (Order 2, Resolution No. 87-1), § 30-20-120, filed 5/7/87.]

**Chapter 30-24 WAC  
ARTIST FELLOWSHIP PROGRAM**

**WAC**

30-24-010	Purpose.
30-24-020	Definitions.
30-24-030	Program purpose and goals.
30-24-040	Eligibility.
30-24-050	Selection criteria.
30-24-060	Program procedures.
30-24-070	Ownership of work.
30-24-080	Commission liability.
30-24-090	Responsibilities—Recipients.
30-24-100	Evaluation methods.

**WAC 30-24-010 Purpose.** The purpose of this chapter is to provide the public and the commission's constituents with those rules that apply to artist fellowships.

[Statutory Authority: RCW 43.46.040. 87-11-001 (Order 2, Resolution No. 87-1), § 30-24-010, filed 5/7/87.]

**WAC 30-24-020 Definitions.** In addition to the definitions found in WAC 30-01-030 and 30-12-020, the following definitions shall apply to this chapter:

- (1) "Literary arts" shall include poetry, fiction, and literary or arts criticism.
- (2) "Two dimensional visual arts" shall include painting, drawing, print-making, photography, multimedia, and two dimensional crafts.
- (3) "Three dimensional visual arts" shall include relief and sculpture in the round and three dimensional crafts.
- (4) "Performing arts" shall include music composition, choreography, and playwrighting.

[Statutory Authority: RCW 43.46.040. 87-11-001 (Order 2, Resolution No. 87-1), § 30-24-020, filed 5/7/87.]

**WAC 30-24-030 Program purpose and goals.** Artist fellowships are awarded to professional artists of exceptional talent. The awards provide funds to create new work, to improve skills, or to pursue activities considered important for artistic development.

[Statutory Authority: RCW 43.46.040. 87-11-001 (Order 2, Resolution No. 87-1), § 30-24-030, filed 5/7/87.]

**WAC 30-24-040 Eligibility.** Professional artists currently residing in the state of Washington who are not enrolled in an educational degree program in the field in which they are applying are eligible. Priority will be given to artists who have not previously received a

fellowship award from the commission in any category in the past five years.

[Statutory Authority: RCW 43.46.040. 87-11-001 (Order 2, Resolution No. 87-1), § 30-24-040, filed 5/7/87.]

**WAC 30-24-050 Selection criteria.** The selection panels will use the following criteria in making their recommendation to the commission:

- (1) The primary criterion is the creative ability of the applicant as demonstrated by work submitted and representing at least five years of work;
- (2) The statement describing the applicants' plans for artistic development.

[Statutory Authority: RCW 43.46.040. 87-11-001 (Order 2, Resolution No. 87-1), § 30-24-050, filed 5/7/87.]

**WAC 30-24-060 Program procedures.** The commission will use the following procedures for notification, applications, and selection of the fellowship recipients:

- (1) The commission will notify the public that the fellowships are available, including the application deadline and the application form. The notification will be made through the use of the commission's mailing lists and notice to the general media.
- (2) Application will be made on a form provided by the commission that includes a description of additional materials required for each artistic discipline.
- (3) The applications will be reviewed by selection panels made up of artists representing the specific artistic disciplines for the fellowship categories. The selection panels will make recommendations to a committee of the commission.
- (4) The committee of the commission will review the selection panel recommendations and make a recommendation to the full commission.
- (5) The commission will review the committee's recommendation and take final action on the award of the fellowships.
- (6) The commission will set the amount and the number of awards to be given each year.
- (7) Fellowships will be awarded once each year in the following categories on a rotating basis:
  - (a) In even-numbered years, awards will be given in the literary arts and two dimensional visual arts; and
  - (b) In odd-numbered years, awards will be given in the performing arts and three dimensional visual arts.
- (8) Each year, one award will be made to the top Washington state recipient of the Western States Regional Media Arts Fellowship Competition.
- (9) The commission does not require the production of a public service or the creation of a permanent work of art for public use as a result of the fellowship award. The artist is free to pursue whatever activities will best provide artistic development.

[Statutory Authority: RCW 43.46.040. 87-11-001 (Order 2, Resolution No. 87-1), § 30-24-060, filed 5/7/87.]

**WAC 30-24-070 Ownership of work.** Any work created during the time of the artist fellowship is retained by the artist, including all copyrights.

[Statutory Authority: RCW 43.46.040. 87-11-001 (Order 2, Resolution No. 87-1), § 30-24-070, filed 5/7/87.]

**WAC 30-24-080 Commission liability.** While every precaution will be taken to properly handle and protect application materials, the commission cannot be responsible for loss or damage that may occur by third parties during handling or shipping. Application materials will be returned by mail when return postage is provided by the applicant.

[Statutory Authority: RCW 43.46.040. 87-11-001 (Order 2, Resolution No. 87-1), § 30-24-080, filed 5/7/87.]

**WAC 30-24-090 Responsibilities--Recipients.** At the conclusion of the award period, the recipient must make a final report which will include a narrative accounting of the award period as it relates to the intent of the application. An optional personal presentation to the commission of work done during the period of the award or alternative ways the award furthered the recipient's artistic career is encouraged.

[Statutory Authority: RCW 43.46.040. 87-11-001 (Order 2, Resolution No. 87-1), § 30-24-090, filed 5/7/87.]

**WAC 30-24-100 Evaluation methods.** The commission will review the artist fellowships through site visits by members and staff.

[Statutory Authority: RCW 43.46.040. 87-11-001 (Order 2, Resolution No. 87-1), § 30-24-100, filed 5/7/87.]

**Chapter 30-28 WAC  
STATE-WIDE SERVICES**

WAC	
30-28-010	Purpose.
30-28-020	Program purpose and goals.
30-28-030	Criteria.
30-28-040	Evaluation methods.

**WAC 30-28-010 Purpose.** The purpose of this chapter is to provide the public and the commission's constituents with those rules that apply to state-wide services. Those rules found in chapters 30-01 through 30-12 WAC also apply.

[Statutory Authority: RCW 43.46.040. 87-11-001 (Order 2, Resolution No. 87-1), § 30-28-010, filed 5/7/87.]

**WAC 30-28-020 Program purpose and goals.** The commission may identify services not currently provided that have a state-wide impact, or affect many arts organizations or artists. In such instances, the commission may initiate a project involving one or more organizations to provide those services.

[Statutory Authority: RCW 43.46.040. 87-11-001 (Order 2, Resolution No. 87-1), § 30-28-020, filed 5/7/87.]

**WAC 30-28-030 Criteria.** (1) The criteria by which the commission shall designate a service as state-wide will include the following:

- (a) A demonstrated state-wide need for the service;

(b) The service is not currently provided in a coordinated manner state-wide;

(c) The service presently provided by independent entities could be more cost-effective if coordinated at a state-wide level;

(d) The service will increase the sharing of resources at a state-wide level;

(e) The service may be or become part of a larger regional, national, or international network.

(2) The commission will use the following criteria to determine eligibility for existing organizations to develop a state-wide service:

(a) The organization must have been incorporated in the state of Washington for no less than two years;

(b) The organization must have provided professional arts programming in the state of Washington for no less than two years;

(c) At the request of the commission, the organization must submit a preliminary plan for the delivery of the services on a form provided by the commission.

(3) In those instances where no organization exists which is capable of providing the identified services, the commission may assist in the creation and development of such an organization.

(4) The commission may waive matching requirements for state-wide services.

(5) Subsequent contracts for state-wide services will be initiated at the discretion of the commission. Subsequent contracts are subject to an annual review by the commission.

[Statutory Authority: RCW 43.46.040. 87-11-001 (Order 2, Resolution No. 87-1), § 30-28-030, filed 5/7/87.]

**WAC 30-28-040 Evaluation methods.** Contractors for the delivery of state-wide services shall submit an annual evaluation of their performance on a form provided by the commission.

[Statutory Authority: RCW 43.46.040. 87-11-001 (Order 2, Resolution No. 87-1), § 30-28-040, filed 5/7/87.]

**Chapter 30-32 WAC  
CULTURAL ENRICHMENT PROGRAM**

WAC	
30-32-010	Purpose.
30-32-020	Definitions.
30-32-030	Program purpose and goals.
30-32-040	Eligibility and delivery of program services--Schools.
30-32-050	Eligibility--Artists.
30-32-060	Application review process--Artists.
30-32-070	Contracting of artists.
30-32-080	Evaluation methods.

**WAC 30-32-010 Purpose.** The purpose of this chapter is to provide the public and the commission's constituents with those rules that apply to the cultural enrichment program. The rules found in chapters 30-01 through 30-12 WAC also apply.

[Statutory Authority: RCW 43.46.040. 87-11-001 (Order 2, Resolution No. 87-1), § 30-32-010, filed 5/7/87.]



**WAC 30-32-020 Definitions.** In addition to the definitions found in WAC 30-01-030 and 30-12-020, the following definitions shall apply to this chapter:

- (1) "CEP" means the cultural enrichment program administered by the commission.
- (2) "Common schools" means the public schools of Washington state as defined by RCW 28A.01.060.
- (3) "Performing arts" means the broad disciplines of music, dance, and drama and the various forms of expression and performances associated within them.

[Statutory Authority: RCW 43.46.040. 87-11-001 (Order 2, Resolution No. 87-1), § 30-32-020, filed 5/7/87.]

**WAC 30-32-030 Program purpose and goals.** The cultural enrichment program provides the best professional performing arts experiences not generally available to the common schools in Washington state. By the presentation of performances by professional artists and arts organizations and by accompanying study guide materials, the cultural enrichment program aims to enrich learning experiences, stimulate awareness and build positive attitudes toward the arts among students in kindergarten through 12th grade.

[Statutory Authority: RCW 43.46.040. 87-11-001 (Order 2, Resolution No. 87-1), § 30-32-030, filed 5/7/87.]

**WAC 30-32-040 Eligibility and delivery of program services—Schools.** (1) All common schools in the state of Washington are eligible to receive CEP services. Parochial schools are not eligible to receive CEP events in their facilities, however, parochial school students may be invited to join common school students in community facilities.

(2) The commission will deliver CEP services as follows:

- (a) CEP events will be provided at no cost;
- (b) The commission will determine the distribution of services and coordinate the schedule of events with local school district coordinators assigned to CEP. No applications are required;
- (c) CEP events will be presented in public school facilities and in community cultural facilities when school districts are able to bus students to the central location;
- (d) CEP events will be scheduled during school hours;
- (e) Study guides will be distributed to school district coordinators in the common schools.

[Statutory Authority: RCW 43.46.040. 87-11-001 (Order 2, Resolution No. 87-1), § 30-32-040, filed 5/7/87.]

**WAC 30-32-050 Eligibility—Artists.** All professional artists and arts organizations are eligible to apply to participate in the CEP. They must submit an application form provided by the commission in the prior fiscal year, to be filed by the deadline determined by the commission. Applications shall be made available by direct mail to artists on the commission's mailing list who have indicated interest in CEP and public notice of the competition will be made through the media.

[Statutory Authority: RCW 43.46.040. 87-11-001 (Order 2, Resolution No. 87-1), § 30-32-050, filed 5/7/87.]

**WAC 30-32-060 Application review process—Artists.** Artist applications are reviewed by an advisory panel comprised of educators and professional artists with expertise in music, dance, drama, and other arts disciplines. The recommendations of the advisory panel are presented to the commission's education committee which makes recommendations to the commission for final approval. Applications are rated according to the following criteria:

- (1) Ability to build rapport with student audiences;
- (2) Presentation of a program appropriate to the educational environment, grade level to be served, and the overall needs of CEP;
- (3) Record of offering professional quality programs in schools;
- (4) History of sound management.

[Statutory Authority: RCW 43.46.040. 87-11-001 (Order 2, Resolution No. 87-1), § 30-32-060, filed 5/7/87.]

**WAC 30-32-070 Contracting of artists.** Artists who have been selected for inclusion in the CEP shall be contracted by the commission for specific dates, location of events, performance fees, and allowable expenses as related to the program to be performed. The artist(s) will be responsible for providing the commission with information on their program and related educational materials to be included in study guides to accompany the event. The commission will be responsible for the final production and distribution of the study guides to the participating school districts.

[Statutory Authority: RCW 43.46.040. 87-11-001 (Order 2, Resolution No. 87-1), § 30-32-070, filed 5/7/87.]

**WAC 30-32-080 Evaluation methods.** Each year, the commission will convene an advisory panel to review the CEP. Individual performances shall be evaluated by participating schools with written reports on forms provided by the commission. Also, on-site monitoring of events will be conducted by the commission, its staff and advisors.

[Statutory Authority: RCW 43.46.040. 87-11-001 (Order 2, Resolution No. 87-1), § 30-32-080, filed 5/7/87.]

**Chapter 30-36 WAC  
ARTISTS-IN-RESIDENCE PROGRAM**

WAC	
30-36-010	Purpose.
30-36-020	Definitions.
30-36-030	Program purpose and goals.
30-36-040	Eligibility—Sponsors.
30-36-050	Eligibility—Artists.
30-36-060	Application review process—Sponsors.
30-36-070	Application review process—Artists.
30-36-080	Responsibilities—Sponsors.
30-36-090	Matching requirements.
30-36-100	Residency requirements.
30-36-110	Evaluation methods.

**WAC 30-36-010 Purpose.** The purpose of this chapter is to provide the public and the commission's constituents with those rules that apply to the artists-in-

residence program. Those rules found in chapters 30-01 through 30-12 WAC also apply.

[Statutory Authority: RCW 43.46.040, 87-11-001 (Order 2, Resolution No. 87-1), § 30-36-010, filed 5/7/87.]

**WAC 30-36-020 Definitions.** In addition to the definitions found in WAC 30-01-030 and 30-12-020, the following definitions shall apply to this chapter:

(1) "AIR" means the artists-in-residence program administered by the commission.

(2) "Sponsor" means any Washington state public school, school district, educational service district, private nonparochial school, college or university, or any cultural or community organization including local arts councils and commissions, retirement centers, libraries, hospitals, correctional centers, and other facilities for special populations.

(3) "Primary sponsor" means the applicant organization that takes the primary responsibility for managing the program at the local site, receives the greater part of the resident artist's time, and is responsible for coordination between the artist and the primary and secondary program sites.

(4) "Secondary sponsor" means the organization that shares a smaller part of the resident artist's time and may be responsible for a partial share of the cost of the program in cooperation with the primary sponsor.

(5) "Matching" means the sharing of costs for the program between the commission, primary sponsor and, if applicable, the secondary sponsor.

(6) "Special populations" means public or nonprofit institutions serving prison programs, incarcerated youth programs, and programs serving the mentally or physically disabled.

[Statutory Authority: RCW 43.46.040, 87-11-001 (Order 2, Resolution No. 87-1), § 30-36-020, filed 5/7/87.]

**WAC 30-36-030 Program purpose and goals.** The artists-in-residence program is a competitive matching grant program for sponsors seeking to integrate a working artist into the everyday life of a school, community center, or facility serving special populations so that participants can observe a professional artist at work and learn how to participate in that artist's process and form of artistic expression. The AIR program is designed to augment the arts in the basic curriculum of the common schools or to provide professional artistic programs in other sites.

[Statutory Authority: RCW 43.46.040, 87-11-001 (Order 2, Resolution No. 87-1), § 30-36-030, filed 5/7/87.]

**WAC 30-36-040 Eligibility--Sponsors.** All sponsors meeting the definitions under WAC 30-36-020(2) are eligible to apply to the commission's artists-in-residence program. Sponsors wishing to participate in the AIR program must file an application provided by the commission to be submitted in the prior fiscal year on the deadline determined by the commission. Applications are competitive on a state-wide basis and awards are subject to the level of funds available to the commission.

Applications must be submitted by the primary sponsor with a clear indication of a secondary sponsor and residency sites. Schools cannot be both a primary and secondary sponsor. The primary sponsor may contribute the secondary sponsor's share of the match for the program.

[Statutory Authority: RCW 43.46.040, 87-11-001 (Order 2, Resolution No. 87-1), § 30-36-040, filed 5/7/87.]

**WAC 30-36-050 Eligibility--Artists.** Professional artists in all arts disciplines are eligible to apply to participate in the AIR program. They must submit an application form provided by the commission in the prior fiscal year to be filed by the deadline determined by the commission. Application forms shall be made available by direct mail to all artists who are on the commission's mailing list and who indicate interest in the AIR program. Public notice of the competition will be made through the media.

[Statutory Authority: RCW 43.46.040, 87-11-001 (Order 2, Resolution No. 87-1), § 30-36-050, filed 5/7/87.]

**WAC 30-36-060 Application review process--Sponsors.** Sponsor applications are reviewed by an advisory panel and by the commission's education committee which make recommendations to the commission for final approval. The following criteria are applied to all applications:

- (1) Demonstrated need for the program;
- (2) A clearly defined plan for the artist at the primary and secondary sites;
- (3) A documented cash and in-kind match commitment as required by the commission;
- (4) A plan for meeting the personal needs of the artist including food, lodging, and studio space;
- (5) A strong commitment to and arrangements for local management of the program;
- (6) Specific plans for publicity, evaluation, and follow-up activities;
- (7) Recognition that artists hired for residencies are practicing professionals in their chosen field, not teachers, to be used as resources for students, teachers and community members, and not to be considered as substitutes for regular teachers or program personnel;
- (8) A clear indication that sponsor guidelines, as outlined by the commission, will be followed;
- (9) In addition to the specific program criteria above, the commission will consider an applicant's prior history in the AIR program, the distribution of artists and their artistic disciplines among all possible program sites, and the geographic distribution of the commission's resources;
- (10) In the case of schools, the commission will consider applicants' commitment to the arts in their basic curriculum as documented by arts classes offered and professional teaching staff.

[Statutory Authority: RCW 43.46.040, 87-11-001 (Order 2, Resolution No. 87-1), § 30-36-060, filed 5/7/87.]

**WAC 30-36-070 Application review process--Artists.** Artist applications are reviewed by artist selection

panels comprised of professional artists which make recommendations to the education committee and commission for final approval. Applications are rated on the strength of the applicant's artist abilities, philosophy in relation to the program's goals, and documented experience in youth and adult education programs. Approved artist applications are held until there is a sponsor request and then forwarded to a sponsor for final selection. Final selection of an artist is made either at interviews arranged by the commission or through a resume-sharing process among sponsors and the commission.

[Statutory Authority: RCW 43.46.040. 87-11-001 (Order 2, Resolution No. 87-1), § 30-36-070, filed 5/7/87.]

**WAC 30-36-080 Responsibilities--Sponsors.** Sponsors are required to establish an AIR planning committee to determine the objectives of the residency at both the primary and secondary sites. This committee should include educators, administrators, artists, and community members. This committee should:

- (1) Designate an on-site project coordinator;
- (2) Identify target groups to work with the artist(s);
- (3) Plan the work of the artist at all sites;
- (4) Apply to the commission for matching funds, contract with the commission and manage the overall residency project;
- (5) Select the resident artist(s) and notify the commission of the decision within ten days following artist interviews;
- (6) Oversee the duties as outlined in the original sponsor application.

[Statutory Authority: RCW 43.46.040. 87-11-001 (Order 2, Resolution No. 87-1), § 30-36-080, filed 5/7/87.]

**WAC 30-36-090 Matching requirements.** First and second year sponsors are required to match commission funds on a fifty-fifty basis. Third year (and above) sponsors are required to match fifty-five percent to the commission's forty-five percent. In-kind contributions cannot be considered as match.

[Statutory Authority: RCW 43.46.040. 87-11-001 (Order 2, Resolution No. 87-1), § 30-36-090, filed 5/7/87.]

**WAC 30-36-100 Residency requirements.** Sponsors and artists must adhere to the following residency requirements as set forth by the commission:

- (1) The artist may not work more than four hourly periods per day. During the remainder of the day, the artist pursues his or her own artwork;
- (2) Contact-period classes should not exceed thirty participants;
- (3) Classroom teachers or sponsor representatives should remain in the artist's sessions at all times;
- (4) The standard residency must be at least ten days in length. One hour is reserved for a teacher workshop. Three hours are to be spent at the secondary sponsor site;
- (5) Artists are hired by the primary sponsor on a contract, and are paid in full upon satisfactory completion of services at the end of the residency. Long-term resident artists are paid in agreed upon installments;

(6) All materials and supply costs are covered by the sponsors;

(7) Sponsors and artists must evaluate the residency and submit reports on a form provided by the commission. A final report is due thirty days after the end of the contract period;

(8) The commission reserves the right to waive or revise scheduling and matching requirements for special populations.

[Statutory Authority: RCW 43.46.040. 87-11-001 (Order 2, Resolution No. 87-1), § 30-36-100, filed 5/7/87.]

**WAC 30-36-110 Evaluation methods.** The commission evaluates the artists-in-residence program as follows:

- (1) Evaluation forms provided by the commission are required to be completed and returned by each sponsor and participating artist;
- (2) Written evaluations by students and participants in each residency are optional, but encouraged by the commission;
- (3) Site visits by commissioners, AIR program manager and other staff are conducted as time and budget allow;
- (4) Every two years, the national endowment for the arts conducts an in-depth evaluation in conjunction with its funding of the program through the commission.

[Statutory Authority: RCW 43.46.040. 87-11-001 (Order 2, Resolution No. 87-1), § 30-36-110, filed 5/7/87.]

**Chapter 30-40 WAC  
ART IN PUBLIC PLACES PROGRAM**

WAC	
30-40-010	Purpose.
30-40-020	Authority.
30-40-030	Definitions.
30-40-040	Program purpose and goals.
30-40-050	Fiscal procedures/eligibility.
30-40-060	Maintenance/deaccessioning.
30-40-070	Program procedures.
30-40-080	Rejection of art.
30-40-090	Evaluation methods.

**WAC 30-40-010 Purpose.** The purpose of this chapter is to provide artists, state agencies, universities, colleges and community colleges, common schools, and the public with rules that apply to the art in public places program.

[Statutory Authority: RCW 43.46.040. 87-11-001 (Order 2, Resolution No. 87-1), § 30-40-010, filed 5/7/87.]

**WAC 30-40-020 Authority.** The Washington state arts commission is authorized by RCW 43.46.040 to adopt rules and is authorized under RCW 43.46.090 to administer the art in public places program. Under this authority, the commission develops, maintains and presents to the public the state art collection. The specific statutes these rules are intended to implement are: RCW 43.46.090, 43.46.095, 43.17.200, 43.17.205, 43.17.210, 43.19.455, 28A.58.055, 28B.10.025, and 28B.10.027.

[Statutory Authority: RCW 43.46.040, 87-11-001 (Order 2, Resolution No. 87-1), § 30-40-020, filed 5/7/87.]

**WAC 30-40-030 Definitions.** In addition to the definitions found in WAC 30-01-030 and 30-12-020, the following definitions shall apply to this chapter:

(1) "Agency" means the agency with one-half of one percent of its capital construction appropriations designated for the acquisition of works of art under RCW 43.17.200, 43.19.455, 28A.58.055, and 28B.10.025, as follows:

(a) RCW 43.17.200 designates all state agencies, departments, boards, councils, commissions, and quasi-public corporations.

(b) RCW 43.19.455 designates all state agencies under the department of general administration.

(c) RCW 28A.58.055 designates "common schools" (public schools) recognized by the state of Washington.

(d) RCW 28B.10.025 designates the University of Washington, Washington State University, regional universities, The Evergreen State College and community college districts.

(2) "Agency project committee" means an advisory committee that works with the commission to develop a designated art project. The agency project committee shall be appointed at the commission's request by the administration of the agency receiving the project and may consist of three to seven members representing: Agency administration, project architect, artists or art professionals, community members, and building users. The commission may recommend representatives to the agency project committee.

(3) "Art selection panel" means a body appointed by the commission to review, recommend, and select artists for projects according to project specifications. Panels will vary in size and be comprised of artists, art professionals.

(4) "Maintenance" means the ongoing upkeep required for artworks to retain their structural and aesthetic integrity.

(5) The "state art collection" means all works of art and select design models commissioned or purchased under RCW 43.17.200, 28A.58.055, 28B.10.025, 43.46.090, and 43.19.455. Individual works are held in trust under the terms of an interagency agreement by agencies working in partnership with the commission. Development, administration, and management of the overall collection, including maintenance, deaccessioning and loan policies, archival recordkeeping and documentation, shall be carried out by the commission.

(6) The "artist resource bank" means a file of artists' slides and materials maintained by the commission. Artists included in the artist resource bank are selected by art selection panels through competitions and considered for project selection by agency project committees, primarily in the common schools.

(7) "Deaccessioning" means the removal of a work of art from the state art collection by the commission.

[Statutory Authority: RCW 43.46.040, 87-11-001 (Order 2, Resolution No. 87-1), § 30-40-030, filed 5/7/87.]

**WAC 30-40-040 Program purpose and goals.** (1) The legislature recognizes this state's responsibility to foster culture and the arts and its interest in the viable development of its artists and craftsmen.

(2) The legislature declares it to be a priority of this state that a portion of appropriations for capital expenditures be set aside for the acquisition of works of art to be placed in public buildings or on public lands.

(3) To provide high quality works of art in public places in the state of Washington.

[Statutory Authority: RCW 43.46.040, 87-11-001 (Order 2, Resolution No. 87-1), § 30-40-040, filed 5/7/87.]

**WAC 30-40-050 Fiscal procedures/eligibility.** (1) Construction eligibility. Funding for works of art are generated through the capital budget under the following statutes:

(a) RCW 43.17.200 (state agencies) – applies to construction of any new building and/or additions to an existing building (structure). Excludes highway construction sheds, warehouses and other buildings of a temporary nature.

(b) RCW 28A.58.055 (common schools) – applies to construction of any new building and/or additions to an existing building (structure).

(c) RCW 28B.10.027 (universities, colleges and community colleges) – applies to construction of any new building and/or additions to an existing building (structure). Renovation and remodel work exceeding two hundred thousand dollars are included. Excluded are sheds, warehouses and other buildings of a temporary nature.

(2) Calculation of funds. The amount to be made available for works of art is to be calculated as follows:

(a) (RCW 43.17.200 and 28B.10.027) For each eligible appropriation, the one-half of one percent formula is to be applied to architecture and engineering fees, total building cost and equipment costs.

(b) (RCW 28A.58.055) For each eligible appropriation, the one-half of one percent formula is to be applied to the total state matching funds to school districts.

(3) Determination of funds. The commission, in consultation with the director of general administration and/or the directors of state agencies, the superintendent of public instruction, and school district boards of directors, and the boards of regents or trustees of universities, colleges and community colleges, shall determine the funds to be made available for art under RCW 43.17.210, 43.19.455, 28A.58.055, and 28B.10.025.

(4) Supplementing funds for art. The one-half of one percent expenditure is a required minimum for works of art. State agencies, universities, colleges and community colleges, and common schools may designate more than this amount in planning for a project. Other private and public funding sources may provide supplemental grants and matching funds.

(5) Transfer of funds. The commission maintains the fiscal system for all one-half of one percent funds for art. After project funds for art have been determined, the commission requests transfer of the funds for art to the commission. The transaction is made through an invoice voucher billing from the commission to the agency,

and the agency transfers the funds to the commission through a journal voucher.

The funds are transferable to the commission at the time the law providing for the appropriation becomes effective. In the case of projects governed by the sale of bonds, the funds for art shall be eligible for transfer thirty days after the sale of the bond(s).

(6) Reappropriation of funds. Upon timely notification by the commission, the agency shall request reappropriation of the unspent funds for art in the coming biennium. The reappropriation of funds is made by the commission transferring the funds back to the agency through a journal voucher, and upon reappropriation, requesting the return transfer of funds for art to the commission.

(7) Use of funds for art. The one-half of one percent funds for art may be used for expenses incurred in the design, fabrication and installation of works of art, artists' expenses and the commission's administrative expenses.

Funds for art may not be used for administrative expenses of the agency or architect; expenses of the agency as agreed upon for the preparation and installation of the work, dedication, and insurance, or for the maintenance of the works of art.

(8) Determination of projects and sites. The commission, in consultation with the director of general administration and/or the directors of state agencies, the superintendent of public instruction, and school district boards of directors, and the boards of regents or trustees of universities, colleges and community colleges, shall determine the projects and sites to be designated for works of art under RCW 43.17.210, 43.19.455, 28A.58.055, and 28B.10.025.

(9) Contracting and expenditure.

(a) The commission is responsible for contracting and expending the one-half of one percent funds for art.

(b) The artists enter into a contract with the commission to create a new work or transfer title of an existing work according to the terms of the contract.

(c) The agency will comply with the terms of the interagency agreement as negotiated with the commission.

(10) Waiver of funds. School districts under the superintendent of public instruction may elect to waive their use of art funds. Waiver of funds for art will not cause loss of or otherwise endanger state construction funds. These funds are subsequently not available to the school district but shall be applied to works of art according to RCW 28A.58.055 at the discretion of the commission.

[Statutory Authority: RCW 43.46.040. 87-11-001 (Order 2, Resolution No. 87-1), § 30-40-050, filed 5/7/87.]

**WAC 30-40-060 Maintenance/deaccessioning.** (1) Maintenance responsibilities. The agency is responsible for all routine maintenance operations required on a periodic basis as specified by the artist in his/her maintenance specifications report. The commission is responsible for any extraordinary repair or unscheduled

maintenance required to restore a structurally or aesthetically diminished artwork to its original intent and function.

(2) Deaccessioning. Works of art will be removed from the state art collection if it has been determined by the commission that the work:

(a) Has been lost or stolen;

(b) Presents a safety hazard in its present condition; or that

(c) The restoration of the work's structural or aesthetic integrity is:

(i) Technically infeasible;

(ii) Disproportionate to the value of the work.

[Statutory Authority: RCW 43.46.040. 87-11-001 (Order 2, Resolution No. 87-1), § 30-40-060, filed 5/7/87.]

**WAC 30-40-070 Program procedures.** (1) Placement of works of art/projects and sites. Artwork may be placed 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. Funds are designated for projects and sites as follows:

(a) State agencies – funds may be used within the jurisdiction of the agency or on any public land, building or structure of any state agency, including new and existing buildings, state park lands, and structures which may include bridges and waterways.

(b) Common schools – funds may be used within the jurisdiction of the school district or at any common school facility within the state. Funds under this section may not be designated to projects and sites outside of the common schools system.

(c) Universities, colleges and community colleges – funds may be used within the jurisdiction of the university, college or community college which generated the funds for art, and with the permission of the board of regents or trustees, designated to other projects and sites at other institutions of higher education. Funds under this section may not be designated to projects and sites at other state agencies or within the common school system.

(d) Any temporary relocation of an artwork initiated by the agency must be registered with the commission. Placement of works of art outside the agency must be processed through the loan procedures of the commission.

(2) Project specifications. The commission works with the agency project committee to develop the project specifications considering the available budget, sites and project approach.

The commission will determine whether a project is to be a commission or purchase of art. Design fees will be paid according to the commission's fee structure for design proposals and may vary according to the number of artist finalists and scope of design work as agreed upon by the commission, artist(s) and agency.

(3) Method of selection of artists. The commission, in consultation with the director of general administration

and/or the directors of state agencies, the superintendent of public instruction, and school district boards of directors, and the boards of regents or trustees of universities, colleges and community colleges, is responsible for the selection of artists and determines the method of selection which may be:

(a) Open competition – participation is open to any qualified professional artist.

(b) Limited competition – the art selection panel will recommend to the commission a list of artists who will be invited to submit.

(c) Direct selection – the artist will be recommended as the artist(s) by the art selection panel.

(d) Artist resource bank – the agency project committee will select the artist or works of art from a resource bank of available artists and works of art screened by art selection panels and approved by the commission. The artist is responsible for submitting slides, materials, and/or proposals in accordance with specifications set forth by the commission.

(4) Selection criteria. The highest priority is given to quality, the artistic excellence of the artist and proposed artwork, and evidence of the artist's ability to execute the work. Consideration will also be given to the structural and aesthetic integrity of any existing or proposed work.

In order to achieve diversity in the state art collection, priority consideration may be given to artists who are not currently under contract, have not recently had work purchased or commissioned, or who are not represented in the state art collection. Diversity of individual artists may be represented by scale, style or geographic placement.

(a) Special considerations for selection of projects under the superintendent of public instruction – the school district board of directors may appoint a representative to the agency project committee in order to participate in the selection of artists through the commission's artist resource bank selection process. In some cases, a separate art selection panel will be established by the commission to which the school district board of directors may appoint a representative.

(5) Reviewing of design, execution, placement and acceptance. The commission, in consultation with the director of general administration and/or the directors of state agencies, the superintendent of public instruction, and school district boards of directors, and the boards of regents or trustees of universities, colleges and community colleges, is responsible for reviewing the design, execution, placement and acceptance of the works of art under the art in public places program.

(6) Artist responsibilities. The artists enter into a contract with the commission to create a new work of art or transfer title of an existing work according to the terms of the contract.

[Statutory Authority: RCW 43.46.040. 87-11-001 (Order 2, Resolution No. 87-1), § 30-40-070, filed 5/7/87.]

**WAC 30-40-080 Rejection of art.** (1) Selections by school districts. The school district board of directors and the superintendent of public instruction may reject

the results of the selection process or reject the placement of a work of art if the work is portable. Works that are integrated into the structure of the building, commissioned for a specific site where the aesthetic integrity of the work is dependent upon the site and/or works that physically cannot be moved without incurring a large expense are not considered portable. The determination as to whether a work of art is portable or not shall be made by the commission in consultation with the school district and artist. If the selection process or a work of art is rejected, the art funds are subsequently not available to the school district for uses other than art. The funds for art and/or works of art will be used in other school districts at the discretion of the commission.

(2) Selections by state agencies and universities, colleges and community colleges. The agency may request the commission to reconsider the selection of an artist or work of art based on the original project specifications. On receipt of such a request, the commission will review the project and may meet with the artist, agency representative, member(s) of the art selection panel and commission staff. These participants may elect to reschedule the project, request an alternative design from the artist, or reassign project funds or the selected work to an alternative site.

[Statutory Authority: RCW 43.46.040. 87-11-001 (Order 2, Resolution No. 87-1), § 30-40-080, filed 5/7/87.]

**WAC 30-40-090 Evaluation methods.** The commission will review the art in public places program through reports of the state agencies, common schools, universities, colleges and community colleges on a form provided by the commission, reports submitted by artists and program staff, and by periodic reviews by the commission's visual arts committee.

[Statutory Authority: RCW 43.46.040. 87-11-001 (Order 2, Resolution No. 87-1), § 30-40-090, filed 5/7/87.]

## Chapter 30-44 WAC GOVERNOR'S ARTS AWARDS

### WAC

30-44-010	Purpose.
30-44-020	Program purpose and goals.
30-44-030	Eligibility.
30-44-040	Nomination procedures.
30-44-050	Program procedures.

**WAC 30-44-010 Purpose.** The purpose of this chapter is to provide the public and the commission's constituents with those rules that apply to the governor's arts awards.

[Statutory Authority: RCW 43.46.040. 87-11-001 (Order 2, Resolution No. 87-1), § 30-44-010, filed 5/7/87.]

**WAC 30-44-020 Program purpose and goals.** The governor's arts awards is a program sponsored and administered by the commission. The commission recommends the award recipients to the governor who has final approval authority. The governor's arts awards recognize those individuals and organizations who have

contributed significantly to the arts and cultural development of the state of Washington.

[Statutory Authority: RCW 43.46.040, 87-11-001 (Order 2, Resolution No. 87-1), § 30-44-020, filed 5/7/87.]

**WAC 30-44-030 Eligibility.** In order for the commission to consider an individual or organization for a governor's arts award, the nominee must:

- (1) Be a current resident of the state of Washington, or have been a resident of the state of Washington during the time the contributions were made and/or achievements accomplished;
- (2) Not have been a previous recipient.

[Statutory Authority: RCW 43.46.040, 87-11-001 (Order 2, Resolution No. 87-1), § 30-44-030, filed 5/7/87.]

**WAC 30-44-040 Nomination procedures.** Nominations will be made on a form provided by the commission. In addition to the form, nominations should include information outlining the significant achievements and/or contributions of the nominee. The nomination form is available at the commission office. The commission may recommend individuals or organizations not nominated in a current year, but who have been nominated in past years. The commission may recommend as many recipients as it deems appropriate.

[Statutory Authority: RCW 43.46.040, 87-11-001 (Order 2, Resolution No. 87-1), § 30-44-040, filed 5/7/87.]

**WAC 30-44-050 Program procedures.** The commission will generally use the following procedures for notification and selection of recipients:

- (1) The commission will notify the public that nominations are open, including the deadline and a sample of the form. The notification will be made through the use of the commission's mailing lists and notice to the general media.
- (2) An ad hoc committee of commissioners and advisors will review the nominations and make their recommendations to the commission.
- (3) The commission will review the committee's recommendations for nominations and advise the governor of its decisions. The governor has final approval authority.
- (4) Following the governor's acceptance of the award recipients, the staff will make arrangements for the presentation of the awards and notify the recipients of the time and place.
- (5) Each year the commission will select one or more works of art to present to the recipients.
- (6) The governor's arts awards may be suspended for a period of time due to circumstances beyond the commission's control.

[Statutory Authority: RCW 43.46.040, 87-11-001 (Order 2, Resolution No. 87-1), § 30-44-050, filed 5/7/87.]

## Chapter 30-48 WAC COMMUNITY DEVELOPMENT PROGRAM

### WAC

30-48-010	Purpose.
30-48-020	Definitions.
30-48-030	Program purpose and goals.
30-48-040	Eligibility.
30-48-050	Application review process—Technical assistance.
30-48-060	Application—Community challenge award.
30-48-070	Evaluation methods.

**WAC 30-48-010 Purpose.** The purpose of this chapter is to provide the public and the commission's constituents with those rules that apply to the community development program administered by the commission. Those rules found in chapters 30-01 through 30-16 WAC also apply.

[Statutory Authority: RCW 43.46.040, 87-11-001 (Order 2, Resolution No. 87-1), § 30-48-010, filed 5/7/87.]

**WAC 30-48-020 Definitions.** In addition to the definitions found in WAC 30-01-030 and 30-12-020, the following definitions shall apply to this chapter:

- (1) "Local arts council" means a private, nonprofit organization, designated under Section 501(c)(3) as a tax-exempt organization by the Internal Revenue Service, created to represent, serve and promote multidisciplinary arts, artists, and arts organizations within its community jurisdiction.
- (2) "Local arts commission" means a governmental agency created to represent, serve and promote interdisciplinary arts, artists, and arts organizations within its legal jurisdiction.
- (3) "Local arts agency" means either a local arts council or arts commission.
- (4) "Technical assistance" means the transmittal of information, skills, and/or resources that help to improve the ability of an organization to accomplish its purpose.
- (5) "Consultant" refers to an individual outside the employment of the commission who may provide needed expertise under a contract or subgrant.
- (6) "Community challenge award" means a category of the commission's partnership program for selected local arts agencies.

[Statutory Authority: RCW 43.46.040, 87-11-001 (Order 2, Resolution No. 87-1), § 30-48-020, filed 5/7/87.]

**WAC 30-48-030 Program purpose and goals.** The purpose of the community development program is to assist local arts councils and commissions to attain an effective federal-state-local partnership in support of the arts. The goals of the community development program are:

- (1) To improve local arts councils and arts commissions in the state of Washington by providing technical and financial assistance.
- (2) To advocate the needs and goals of local arts councils and arts commissions.

(3) To enhance the sharing of information and expertise within the network of local arts councils and arts commissions within the state, region, and nation.

[Statutory Authority: RCW 43.46.040. 87-11-001 (Order 2, Resolution No. 87-1), § 30-48-030, filed 5/7/87.]

**WAC 30-48-040 Eligibility.** All local arts councils and arts commissions in the state of Washington are eligible to receive the services of the commission's community development program. Local arts agencies requesting service will be considered on a first come, first served basis within the available resources of the commission.

[Statutory Authority: RCW 43.46.040. 87-11-001 (Order 2, Resolution No. 87-1), § 30-48-040, filed 5/7/87.]

**WAC 30-48-050 Application review process-- Technical assistance.** Requests for technical assistance should be made to the commission as follows:

(1) For one-day on-site visits or presentations by a member of the commission's staff or consultant, qualified organizations must call or write to outline the nature of the service to be rendered, the date, location and time of the site visit and the expected outcome. The commission may authorize either staff or a consultant to respond to the request.

(2) For services requiring more than a one-day site visit by the staff or consultant, the organization must submit a dated letter of request at least six weeks in advance with the following information:

(a) A brief description of the project or need requiring technical assistance;

(b) A formal request for assistance signed by an authorized staff member and member of the board;

(c) Estimated timeline for the project;

(d) Indication of agreement to assign a liaison person from the organization to work with and assist the staff or consultant.

The commission will review each request and respond within ten days. Decisions to provide extended technical assistance on site will be considered on the basis of available staff time and/or budget to engage a consultant.

(3) Requests for funding will follow the procedures outlined under chapter 30-16 WAC pertaining to the partnership program. Local arts agencies are eligible to apply for funds to support consultants and/or various short-term and long-term projects.

[Statutory Authority: RCW 43.46.040. 87-11-001 (Order 2, Resolution No. 87-1), § 30-48-050, filed 5/7/87.]

**WAC 30-48-060 Application--Community challenge award.** The commission may invite one or more local arts agencies each year to participate in its community challenge award program. These awards are designed specifically to help local arts agencies expand their local base of support and services to their constituents. Local arts agencies may request consideration for this funding category following discussion and preapplication planning with the staff. Organizations may be invited to proceed with a formal application only after the

commission has reviewed a preliminary proposal and acted to authorize the commitment of funds in advance of a formal review of the application. These awards will be contingent each year on the availability of funds within the partnership program. The following information will be required for a formal application:

(1) A formal plan for a financial challenge to local government or businesses;

(2) Documentation of the organization's development and stability including documenting the sources for a two to one match representing new or additional funding;

(3) A formal project plan developed by the organization's board, staff, and primary constituents including an outline of expanded programs, services, and public participation;

(4) Evidence of sound management through budget documents, long-range plans, history of staff employment, and board minutes;

(5) Qualified organizations must also meet general and specific requirements of the partnership program as described under chapter 30-16 WAC.

[Statutory Authority: RCW 43.46.040. 87-11-001 (Order 2, Resolution No. 87-1), § 30-48-060, filed 5/7/87.]

**WAC 30-48-070 Evaluation methods.** The commission will review the community development program through site visits by members and staff. Reports will be required of all clients receiving technical assistance or matching grants. Consultants will also be required to file reports on their services to both the local arts agency and the commission. Final report forms will be required by the commission.

[Statutory Authority: RCW 43.46.040. 87-11-001 (Order 2, Resolution No. 87-1), § 30-48-070, filed 5/7/87.]

## Title 34 WAC

### COMMISSION ON ASIAN-AMERICAN AFFAIRS

#### Chapters

- |       |                     |
|-------|---------------------|
| 34-02 | General provisions. |
| 34-04 | Public records.     |

#### Chapter 34-02 WAC

#### GENERAL PROVISIONS

#### WAC

- |           |   |
|-----------|---|
| 34-02-010 | Organization and operation of the commission on Asian-American affairs. |
|-----------|---|

**WAC 34-02-010 Organization and operation of the commission on Asian-American affairs.** (1) The commission on Asian-American affairs, hereinafter referred to as the commission, is a commission in the office of the governor established by RCW 43.117.030. The commission exists to improve the well-being of Asian-Pacific Americans by helping to insure their participation in the