

# Title 30 WAC

## ARTS COMMISSION

### Chapters

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### DISPOSITION OF CHAPTERS FORMERLY CODIFIED IN THIS TITLE

#### Chapter 30-16 PARTNERSHIP PROGRAM

- 30-16-010 Purpose. [Statutory Authority: RCW 43.46.040. 87-11-001 (Order 2, Resolution No. 87-1), § 30-16-010, filed 5/7/87.] Repealed by 95-15-040, filed 7/12/95, effective 8/12/95. Statutory Authority: RCW 43.46.040.
- 30-16-020 Definitions. [Statutory Authority: RCW 43.46.040. 87-11-001 (Order 2, Resolution No. 87-1), § 30-16-020, filed 5/7/87.] Repealed by 95-15-040, filed 7/12/95, effective 8/12/95. Statutory Authority: RCW 43.46.040.
- 30-16-030 Description—Program purpose and goals. [Statutory Authority: RCW 43.46.040. 87-11-001 (Order 2, Resolution No. 87-1), § 30-16-030, filed 5/7/87.] Repealed by 95-15-040, filed 7/12/95, effective 8/12/95. Statutory Authority: RCW 43.46.040.
- 30-16-040 Applicant eligibility. [Statutory Authority: RCW 43.46.040. 87-11-001 (Order 2, Resolution No. 87-1), § 30-16-040, filed 5/7/87.] Repealed by 95-15-040, filed 7/12/95, effective 8/12/95. Statutory Authority: RCW 43.46.040.
- 30-16-050 Project eligibility. [Statutory Authority: RCW 43.46.040. 87-11-001 (Order 2, Resolution No. 87-1), § 30-16-050, filed 5/7/87.] Repealed by 95-15-040, filed 7/12/95, effective 8/12/95. Statutory Authority: RCW 43.46.040.
- 30-16-060 Project limitations and exclusions. [Statutory Authority: RCW 43.46.040. 87-11-001 (Order 2, Resolution No. 87-1), § 30-16-060, filed 5/7/87.] Repealed by 95-15-040, filed 7/12/95, effective 8/12/95. Statutory Authority: RCW 43.46.040.
- 30-16-070 Funding categories, deadlines and application procedures. [Statutory Authority: RCW 43.46.040. 87-11-001 (Order 2, Resolution No. 87-1), § 30-16-070, filed 5/7/87.] Repealed by 95-15-040, filed 7/12/95, effective 8/12/95. Statutory Authority: RCW 43.46.040.
- 30-16-080 Financial responsibility of applicants and subapplicants. [Statutory Authority: RCW 43.46.040. 87-11-001 (Order 2, Resolution No. 87-1), § 30-16-080, filed 5/7/87.] Repealed by 95-15-040, filed 7/12/95, effective 8/12/95. Statutory Authority: RCW 43.46.040.
- 30-16-090 Review procedures. [Statutory Authority: RCW 43.46.040. 87-11-001 (Order 2, Resolution No. 87-1), § 30-16-090, filed 5/7/87.] Repealed by 95-15-040, filed 7/12/95, effective 8/12/95. Statutory Authority: RCW 43.46.040.
- 30-16-100 Special conditions. [Statutory Authority: RCW 43.46.040. 87-11-001 (Order 2, Resolution No. 87-1), § 30-16-100, filed 5/7/87.] Repealed by 95-15-040, filed 7/12/95, effective 8/12/95. Statutory Authority: RCW 43.46.040.
- 30-16-110 Payment procedures. [Statutory Authority: RCW 43.46.040. 87-11-001 (Order 2, Resolution No. 87-1), § 30-16-110, filed

5/7/87.] Repealed by 95-15-040, filed 7/12/95, effective 8/12/95. Statutory Authority: RCW 43.46.040.

- 30-16-120 Evaluation methods. [Statutory Authority: RCW 43.46.040. 87-11-001 (Order 2, Resolution No. 87-1), § 30-16-120, filed 5/7/87.] Repealed by 95-15-040, filed 7/12/95, effective 8/12/95. Statutory Authority: RCW 43.46.040.

### Chapter 30-20

#### INSTITUTIONAL SUPPORT PROGRAM

- 30-20-010 Purpose. [Statutory Authority: RCW 43.46.040. 87-11-001 (Order 2, Resolution No. 87-1), § 30-20-010, filed 5/7/87.] Repealed by 95-15-040, filed 7/12/95, effective 8/12/95. Statutory Authority: RCW 43.46.040.
- 30-20-020 Definitions. [Statutory Authority: RCW 43.46.040. 87-11-001 (Order 2, Resolution No. 87-1), § 30-20-020, filed 5/7/87.] Repealed by 95-15-040, filed 7/12/95, effective 8/12/95. Statutory Authority: RCW 43.46.040.
- 30-20-030 Description—Program purpose and goals. [Statutory Authority: RCW 43.46.040. 87-11-001 (Order 2, Resolution No. 87-1), § 30-20-030, filed 5/7/87.] Repealed by 95-15-040, filed 7/12/95, effective 8/12/95. Statutory Authority: RCW 43.46.040.
- 30-20-040 Applicant eligibility. [Statutory Authority: RCW 43.46.040. 87-11-001 (Order 2, Resolution No. 87-1), § 30-20-040, filed 5/7/87.] Repealed by 95-15-040, filed 7/12/95, effective 8/12/95. Statutory Authority: RCW 43.46.040.
- 30-20-050 Funding intent—Limitations and exclusions. [Statutory Authority: RCW 43.46.040. 87-11-001 (Order 2, Resolution No. 87-1), § 30-20-050, filed 5/7/87.] Repealed by 95-15-040, filed 7/12/95, effective 8/12/95. Statutory Authority: RCW 43.46.040.
- 30-20-060 Funding formula. [Statutory Authority: RCW 43.46.040. 87-11-001 (Order 2, Resolution No. 87-1), § 30-20-060, filed 5/7/87.] Repealed by 95-15-040, filed 7/12/95, effective 8/12/95. Statutory Authority: RCW 43.46.040.
- 30-20-070 Application procedures. [Statutory Authority: RCW 43.46.040. 87-11-001 (Order 2, Resolution No. 87-1), § 30-20-070, filed 5/7/87.] Repealed by 95-15-040, filed 7/12/95, effective 8/12/95. Statutory Authority: RCW 43.46.040.
- 30-20-080 Financial responsibility of institutions. [Statutory Authority: RCW 43.46.040. 87-11-001 (Order 2, Resolution No. 87-1), § 30-20-080, filed 5/7/87.] Repealed by 95-15-040, filed 7/12/95, effective 8/12/95. Statutory Authority: RCW 43.46.040.
- 30-20-090 Review procedures. [Statutory Authority: RCW 43.46.040. 87-11-001 (Order 2, Resolution No. 87-1), § 30-20-090, filed 5/7/87.] Repealed by 95-15-040, filed 7/12/95, effective 8/12/95. Statutory Authority: RCW 43.46.040.
- 30-20-100 Special conditions. [Statutory Authority: RCW 43.46.040. 87-11-001 (Order 2, Resolution No. 87-1), § 30-20-100, filed 5/7/87.] Repealed by 95-15-040, filed 7/12/95, effective 8/12/95. Statutory Authority: RCW 43.46.040.
- 30-20-110 Payment procedures. [Statutory Authority: RCW 43.46.040. 87-11-001 (Order 2, Resolution No. 87-1), § 30-20-110, filed 5/7/87.] Repealed by 95-15-040, filed 7/12/95, effective 8/12/95. Statutory Authority: RCW 43.46.040.
- 30-20-120 Evaluation methods. [Statutory Authority: RCW 43.46.040. 87-11-001 (Order 2, Resolution No. 87-1), § 30-20-120, filed 5/7/87.] Repealed by 95-15-040, filed 7/12/95, effective 8/12/95. Statutory Authority: RCW 43.46.040.

### Chapter 30-24

#### ARTIST FELLOWSHIP PROGRAM

- 30-24-010 Purpose. [Statutory Authority: RCW 43.46.040. 87-11-001 (Order 2, Resolution No. 87-1), § 30-24-010, filed 5/7/87.] Repealed by 95-15-040, filed 7/12/95, effective 8/12/95. Statutory Authority: RCW 43.46.040.



- 030, filed 5/7/87.] Repealed by 95-15-040, filed 7/12/95, effective 8/12/95. Statutory Authority: RCW 43.46.040.
- 30-48-040 Eligibility. [Statutory Authority: RCW 43.46.040. 87-11-001 (Order 2, Resolution No. 87-1), § 30-48-040, filed 5/7/87.] Repealed by 95-15-040, filed 7/12/95, effective 8/12/95. Statutory Authority: RCW 43.46.040.
- 30-48-050 Application review process—Technical assistance. [Statutory Authority: RCW 43.46.040. 87-11-001 (Order 2, Resolution No. 87-1), § 30-48-050, filed 5/7/87.] Repealed by 95-15-040, filed 7/12/95, effective 8/12/95. Statutory Authority: RCW 43.46.040.
- 30-48-060 Application—Community challenge award. [Statutory Authority: RCW 43.46.040. 87-11-001 (Order 2, Resolution No. 87-1), § 30-48-060, filed 5/7/87.] Repealed by 95-15-040, filed 7/12/95, effective 8/12/95. Statutory Authority: RCW 43.46.040.
- 30-48-070 Evaluation methods. [Statutory Authority: RCW 43.46.040. 87-11-001 (Order 2, Resolution No. 87-1), § 30-48-070, filed 5/7/87.] Repealed by 95-15-040, filed 7/12/95, effective 8/12/95. Statutory Authority: RCW 43.46.040.

### Chapter 30-01 WAC

#### WASHINGTON STATE ARTS COMMISSION

##### WAC

- 30-01-010 Purpose.
- 30-01-020 Authority.
- 30-01-040 Description of commission's purpose and goals.
- 30-01-050 Organization.
- 30-01-060 Office location and hours—Correspondence to staff.

##### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 30-01-030 Definitions. [Statutory Authority: RCW 43.46.040. 86-08-072 (Order 1, Resolution No. 86-1), § 30-01-030, filed 4/1/86.] Repealed by 95-15-040, filed 7/12/95, effective 8/12/95. Statutory Authority: RCW 43.46.040.

**WAC 30-01-010 Purpose.** The purpose of this chapter is to ensure compliance by the Washington state arts commission with the provisions of chapters 43.46, 34.05, and 42.17 RCW.

[Statutory Authority: RCW 43.46.040. 95-15-040, § 30-01-010, filed 7/12/95, effective 8/12/95; 86-08-072 (Order 1, Resolution No. 86-1), § 30-01-010, filed 4/1/86.]

**WAC 30-01-020 Authority.** The Washington state arts commission is authorized by RCW 43.46.040 to adopt rules under the provisions of the Administrative Procedure Act, chapter 34.05 RCW.

[Statutory Authority: RCW 43.46.040. 95-15-040, § 30-01-020, filed 7/12/95, effective 8/12/95; 86-08-072 (Order 1, Resolution No. 86-1), § 30-01-020, filed 4/1/86.]

**WAC 30-01-040 Description of commission's purpose and goals.** (1) The commission is charged with the conservation and development of the state's artistic resources as described in RCW 43.46.005. It is a citizens' commission consisting of nineteen members appointed by the governor and two members of the legislature. It is authorized by RCW 43.46.050 to study, plan, and advise the governor, state departments, and the legislature regarding cultural development. Through the authority granted by RCW 43.46.055, the commission may administer any activity, and

assist any person or agency in programs or projects related to the growth and development of the arts and humanities.

(2) Statement of purpose. The commission has adopted as its mission: The arts are essential to the quality of life for all of Washington's citizens. The Washington state arts commission states its dedication to the support of the promotion, growth, development, and preservation of the arts within the state. The commission strives to foster artistic merit and ensure accessibility to all citizens of the state.

(3) Goals. To work toward this mission, the commission will promote throughout the state:

- (a) Artistic development, growth, and preservation;
- (b) Artistic expressions of the many cultures which contribute to Washington's diversity;
- (c) The arts as basic to the education of all citizens;
- (d) Access, equity, and local empowerment in all its activities; and
- (e) Organizational skills development, stability and continuity, and managerial expertise.

[Statutory Authority: RCW 43.46.040. 95-15-040, § 30-01-040, filed 7/12/95, effective 8/12/95; 86-08-072 (Order 1, Resolution No. 86-1), § 30-01-040, filed 4/1/86.]

**WAC 30-01-050 Organization.** (1) Officers. The officers of the commission shall be chairperson, first vice-chairperson, and second vice-chairperson.

(2) Election of officers. At the last meeting of the fiscal year, the current chairperson shall appoint a nominating committee. At the first meeting of the next fiscal year, the nominating committee will report its recommendations for officers, after which nominations shall be open to the floor. An election shall be held and the member receiving the highest number of votes for each of the three positions shall be declared elected to the position for the coming year. The officers shall act as chairperson, first vice-chairperson, and second vice-chairperson until the next election or successors are elected. Vacancies may be filled by the chairperson between annual elections of officers.

(3) Duties of officers.

(a) The chairperson shall preside at all meetings of the commission, shall act as principal spokesperson for the commission, represent the commission between meetings, appoint standing and ad hoc committees, appoint committee chairpersons, remove members of committees, act as an ex officio member of all standing committees, provide a regular report to the commission regarding recent actions and activities, and perform other duties that pertain to the office. The chairperson shall lead commission activities in close partnership with the executive director, and coordinate with the executive director in the planning and arrangements for all meetings of the commission.

(b) The vice-chairperson shall act as chairperson in the absence or incapacity of the chairperson.

(c) The second vice-chairperson shall act as chairperson in the absence or incapacity of both the chairperson and the first vice-chairperson.

(d) All officers can act as an ex officio member of all standing committees.

(4) Interim committee. The chairperson, first vice-chairperson, second vice-chairperson, and one commissioner at-large appointed by the chairperson shall constitute the

interim committee. The interim committee may act on behalf of the commission between regular meetings when such action is necessary to authorize staff implementation of a required function in a timely manner. Any committee action shall be ratified at the next regular meeting of the commission.

(5) Committees. The chairperson shall appoint such committees as the commission or the chairperson shall deem necessary to carry on the business of the commission. A committee may act on behalf of the commission between regular meetings when such action is necessary to authorize staff implementation of a required function in a timely manner, and when such action has been specifically authorized in advance by a majority vote taken at a regular meeting of the commission. Any committee action shall be ratified at the next regular meeting of the commission.

(6) The executive director is appointed by the governor.

[Statutory Authority: RCW 43.46.040. 95-15-040, § 30-01-050, filed 7/12/95, effective 8/12/95; 86-08-072 (Order 1, Resolution No. 86-1), § 30-01-050, filed 4/1/86.]

#### **WAC 30-01-060 Office location and hours—**

**Correspondence to staff.** (1) The official administrative location of the commission and its staff is at the Washington State Arts Commission, 234 E. 8th Avenue, Olympia, Washington, 98504-2675 (360) 753-3860. The commission office shall be open each day for the transaction of business from 8:00 a.m. to 5:00 p.m. (Saturdays, Sundays, and legal holidays excepted, and except for business relating to public records, which is governed by WAC 30-04-040).

(2) Address for written communications. All written communications with the commission shall be addressed as follows: Washington State Arts Commission, 234 E. 8th Avenue, P.O. Box 42675, Olympia, Washington, 98504-2675.

[Statutory Authority: RCW 43.46.040. 95-15-040, § 30-01-060, filed 7/12/95, effective 8/12/95; 86-08-072 (Order 1, Resolution No. 86-1), § 30-01-060, filed 4/1/86.]

### **Chapter 30-02 WAC DEFINITIONS**

#### **WAC**

30-02-010 Definitions.

**WAC 30-02-010 Definitions.** The following definitions shall apply throughout this title:

(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.335.210, 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.335.210 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 universi-

ties, 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 members representing: Agency administration, artists or art professionals, community members, and building users. Committee nominations should strive to be balanced by gender, ethnically diverse, and represent the constituencies of the agency. The commission may recommend representatives to the agency project committee.

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

(4) "Applicant" means a legally incorporated organization, unit of government, or individual.

(5) "Art scholar" means a folklorist, art historian, aesthetician, art critic, or other scholar of the arts recognized as a professional by peers in the field.

(6) "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 and/or art professionals. Panel nominations should strive to be balanced by gender, ethnically diverse, and represent the variety of contemporary artistic production.

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

(8) "Award" means the financial assistance committed through a contract or paid to an eligible applicant.

(9) "Chairperson" means that person elected pursuant to RCW 43.46.040.

(10) "Commission" means the Washington state arts commission.

(11) "Commissioners" mean the members of the commission who are appointed pursuant to RCW 43.46.015.

(12) "Committee chairpersons" mean those persons appointed by the chairperson of the commission as described in WAC 30-01-050(3).

(13) "Committees" mean those subgroups of the commission appointed by the chairperson as described in WAC 30-01-050(5).

(14) "Complimentary tickets" are any free admissions provided by arts organizations to commissioners or staff for evaluation purposes.

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

(16) "Evaluators" are individuals requested to make recommendations regarding programs, selections, and issues before the commission based on their expertise, training, or experience in a given field.

(17) "Executive director" means that person employed pursuant to RCW 43.46.045 to carry out the functions of that chapter.

(18) "Financial assistance" means money provided to applicants from federal, state, or private funds of the commission.

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

(20) "Folk artist" means those most valuable and most authentic practitioners of the folk and traditional arts that have been brought up within a traditional community, learning the repertoire from their own seniors and absorbing the style as they live the life that the style and the repertoire represent.

(21) "Grant" means award or financial assistance.

(22) "Grantee" means an institution, organization, arts group, or individual receiving a grant.

(23) "Literary arts" shall include poetry, fiction, and literary or arts criticism.

(24) "Local arts commission" means a governmental agency created to represent, serve, and promote interdisciplinary arts, artists, and arts organizations within its legal jurisdiction.

(25) "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.

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

(27) "Matching component" means an amount of money or the value of materials or services provided by the applicant.

(28) A "Native American" is a person of recognized North American Indian descent through tribal affiliation or general tribal community recognition.

(29) "Nonprofit" means incorporation under the nonprofit laws of the state of Washington or another state, and determination by the Internal Revenue Service (IRS) that the incorporated entity is exempt from taxation under Section 501(c)(3) of the IRS code.

(30) "Panels" mean those individuals from which the commission, as a part of its regular practice, may seek advice in order to provide a comprehensive professional perspective in the decision-making process, and may include commissioners.

(31) "Performing arts" mean the broad disciplines of music, dance, and drama and the various forms of expression and performances associated within them.

(32) "Postmark" means the date affixed to letters, parcels or packages by the United States Postal Service (USPS), either through the USPS postmark stamp or USPS meter tape.

(33) "Professional artist" means a person generally recognized by critics and peers as a professional producing high quality work on a regular basis. Other indicators of professionalism include frequent or consistent exhibitions, performances, readings, publications, purchases by museums, commissions, honors and awards, and art training. Students enrolled in an ongoing formal art education program and avocational practitioners are not considered professional. Hereinafter, professional artist will be referred to as "artist."

(34) "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function

prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.

(35) "Special populations" mean public or nonprofit institutions serving prison programs, incarcerated youth programs, and programs serving the mentally or physically disabled, and youth-at-risk.

(36) "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.

(37) "Staff" means those persons employed by the executive director pursuant to RCW 43.46.045.

(38) The "state art collection" means all works of art and select design models commissioned or purchased under RCW 43.17.200, 28A.58.055, 28A.335.210, 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 if funded, deaccessioning and loan policies, archival recordkeeping and documentation, shall be carried out by the commission.

(39) "Support" means financial, technical, or information assistance provided by the commission and the staff to individuals or organizations.

(40) "Technical assistance" means the transmittal of information, skills, and/or resources that help to improve the ability of an institution, organization, arts group, or individual to accomplish its purpose.

(41) "Three-dimensional visual arts" shall include relief and sculpture in the round and three-dimensional crafts.

(42) "Traditional artist" means those most valuable and most authentic practitioners of the folk and traditional arts that have been brought up within a traditional community, learning the repertoire from their own seniors and absorbing the style as they live the life that the style and the repertoire represent.

(43) "Two-dimensional visual arts" shall include painting, drawing, print-making, photography, multimedia, and two-dimensional crafts.

(44) "Washington state arts commission" means the commission established pursuant to RCW 43.46.015.

(45) "Writing" means handwriting, typewriting, printing, photostating, and every other means of recording, any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums, and other documents.

[Statutory Authority: RCW 43.46.040, 95-15-040, § 30-02-010, filed 7/12/95, effective 8/12/95.]

## Chapter 30-04 WAC PUBLIC RECORDS

### WAC

30-04-010	Purpose.
30-04-020	Public records available.
30-04-030	Public records officer.

30-04-040	Inspection and copying.
30-04-050	Requests for public records.
30-04-060	Copying.
30-04-070	Exemptions.
30-04-080	Review of denials of public records requests.
30-04-090	Protection of public records.
30-04-120	Records index.

**DISPOSITION OF SECTIONS FORMERLY  
CODIFIED IN THIS CHAPTER**

30-04-100	Adoption of form. [Statutory Authority: RCW 43.46.040. 86-08-072 (Order 1, Resolution No. 86-1), § 30-04-100, filed 4/1/86.] Repealed by 95-15-040, filed 7/12/95, effective 8/12/95. Statutory Authority: RCW 43.46.040.
30-04-110	Request for public record form. [Statutory Authority: RCW 43.46.040. 86-08-072 (Order 1, Resolution No. 86-1), § 30-04-110, filed 4/1/86.] Repealed by 95-15-040, filed 7/12/95, effective 8/12/95. Statutory Authority: RCW 43.46.040.

**WAC 30-04-010 Purpose.** The purpose of this chapter is to ensure compliance by the Washington state arts commission with the provisions of RCW 42.17.250 through 42.17.320 dealing with public records.

[Statutory Authority: RCW 43.46.040. 86-08-072 (Order 1, Resolution No. 86-1), § 30-04-010, filed 4/1/86.]

**WAC 30-04-020 Public records available.** All public records of the commission as defined in WAC 30-01-030(9), are available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.17.310 and WAC 30-04-070.

[Statutory Authority: RCW 43.46.040. 86-08-072 (Order 1, Resolution No. 86-1), § 30-04-020, filed 4/1/86.]

**WAC 30-04-030 Public records officer.** The commission's public records shall be in the charge of the public records officer designated by the executive director. The person so designated shall be located in the office. The public records officer shall be responsible for the following: The implementation of commission policy in regard to the release of public records, coordinating the staff of the office in this regard, and generally insuring staff compliance with the public disclosure requirements of chapter 42.17 RCW.

[Statutory Authority: RCW 43.46.040. 86-08-072 (Order 1, Resolution No. 86-1), § 30-04-030, filed 4/1/86.]

**WAC 30-04-040 Inspection and copying.** Public records shall be available for inspection and copying from 9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m., Monday through Friday, (excluding Saturdays, Sundays, and legal holidays). All public records of the commission are located at the Washington State Arts Commission, 234 E. 8th Avenue, Olympia, Washington.

[Statutory Authority: RCW 43.46.040. 95-15-040, § 30-04-040, filed 7/12/95, effective 8/12/95; 86-08-072 (Order 1, Resolution No. 86-1), § 30-04-040, filed 4/1/86.]

**WAC 30-04-050 Requests for public records.** In accordance with the requirements of chapter 42.17 RCW, that agencies prevent unreasonable invasion of privacy, protect public records from damage or disorganization and prevent excessive interference with essential functions of the agency, public records may be inspected or copied, or copies

of such records may be obtained, by members of the public upon compliance with the following procedure:

(1) A request shall be made in writing upon a form prescribed by the commission which shall be available at the location indicated above. The form shall be presented to the public records officer, or to another designated member of the staff if the public records officer is not available. The request shall include the following information:

- (a) The name of the person requesting the record;
- (b) The time of day and calendar date on which the request was made;
- (c) The nature of the request;
- (d) If the matter requested is referenced within the current index maintained by the public records officer, a reference to the requested record as it is described in such current index;
- (e) If the requested matter is not identifiable by reference to the current index, an appropriate description of the record requested.

(2) The public records officer, or staff person assisting the member of the public making the request, will ascertain whether or not the information requested is exempt from public inspection and copying as outlined in WAC 30-04-070 and further defined in RCW 42.17.310. Included therein, but not limited to, are such exemptions as personal information that may violate the rights of privacy of the individual, national defense information, certain aspects of real estate appraisals as outlined in RCW 42.17.310 (1)(g), and other particular information.

(3) Only after a determination has been made that all or such portion of a public record as is not deleted may be inspected shall such public record or portion thereof be made available for inspection by a member of the public.

(4) In all cases, it shall be the obligation of the public records officer, or staffperson to whom the request is made, to:

- (a) Locate the specific document(s) requested by the member of the public in the most timely manner possible;
- (b) Assist the member of the public in appropriately identifying the public record requested;
- (c) Protect and otherwise prevent damage to the public record being inspected and copied;
- (d) Prevent disorganization of file folders or document containers;
- (e) Remain in the company of the member of the public at all times during which a public document is being inspected, and provide the fullest assistance possible;
- (f) Prevent excessive interference with the other essential functions of the agency.

(5) Only the staff and members of the commission may open files to gain access to commission records.

(6) No public record of the commission may be taken from the premises of the commission by a member of the public.

(7) Public inspection of commission records shall be done only in such locations as are approved by the public records officer, which locations must provide an opportunity for staff to ensure that no public record of the commission is damaged, destroyed, unreasonably disorganized or removed from its proper location or order by a member of the public.

(8) Public records of the commission may be copied only on the copying machine of the commission unless other arrangements are authorized by the public records officer.

[Statutory Authority: RCW 43.46.040. 95-15-040, § 30-04-050, filed 7/12/95, effective 8/12/95; 86-08-072 (Order 1, Resolution No. 86-1), § 30-04-050, filed 4/1/86.]

**WAC 30-04-060 Copying.** No fee shall be charged for the inspection of public records. The commission shall charge an appropriate cost determined by the agency for copies of public records and the use of commission copy equipment. This charge is the amount necessary to reimburse the commission for its actual cost incident to such copying. If the public records officer deems it more efficient to have copying done outside the agency, the charges will be based on the actual cost of such outside copying service. For all copying service charges incurred, an invoice will be sent to the requestor. Reimbursement is payable within fifteen days of receipt of invoice payable to the Washington state arts commission.

[Statutory Authority: RCW 43.46.040. 95-15-040, § 30-04-060, filed 7/12/95, effective 8/12/95; 86-08-072 (Order 1, Resolution No. 86-1), § 30-04-060, filed 4/1/86.]

**WAC 30-04-070 Exemptions.** (1) The commission reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 30-04-050 is exempt under the provisions of RCW 42.17.310.

(2) The commission reserves the right to allow the public to only inspect certain public records where there is reason to believe that the ability to copy such records would be a violation of contractual copyright agreements.

(3) In addition, pursuant to RCW 42.17.260, the commission reserves the right to delete identifying details when it makes available or publishes any public record in any cases where there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 42.17 RCW. The public records officer will justify such deletion in writing.

(4) All denials of requests for public records must be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the withheld.

[Statutory Authority: RCW 43.46.040. 86-08-072 (Order 1, Resolution No. 86-1), § 30-04-070, filed 4/1/86.]

**WAC 30-04-080 Review of denials of public records requests.** (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by rendering a written request for review. The written request shall specifically refer to the written statement by the public records officer or other staffperson which constituted or accompanied the denial.

(2) Immediately after receiving a written request or review of a decision denying a public record, the public records officer or other staffperson denying the request shall refer it to the executive director or designee. The executive director shall immediately consider the matter and either affirm or reverse such denial. In any case, the request shall

be returned with a final decision, within two days following the written request for review of the original denial.

(3) Administrative remedies shall not be considered exhausted until the executive director has returned the petition with a decision or until the close of the second business day following the request for review, whichever occurs first.

[Statutory Authority: RCW 43.46.040. 86-08-072 (Order 1, Resolution No. 86-1), § 30-04-080, filed 4/1/86.]

**WAC 30-04-090 Protection of public records.** (1) Records are available for inspection and copying at the location and during office hours identified in WAC 30-04-040 and then only in the presence of an authorized staffperson of the commission and with the aid and assistance of such staffperson.

(2) The viewing of those records that require specialized equipment shall be limited to the availability of that equipment located at the commission office and the availability of authorized staff to operate that equipment.

(3) The viewing of those public records that require specialized equipment shall be by appointment only. The request for an appointment shall be made on the request for public record form as provided by the commission. Staff shall acknowledge such request for an appointment within two working days of the receipt of such request and will provide the requester with the date(s) that such an appointment could be kept by an authorized staffperson.

[Statutory Authority: RCW 43.46.040. 95-15-040, § 30-04-090, filed 7/12/95, effective 8/12/95; 86-08-072 (Order 1, Resolution No. 86-1), § 30-04-090, filed 4/1/86.]

**WAC 30-04-120 Records index.** The commission shall provide a current records index based on those records available in the commission office and outlined on the commission's schedule for archival of official agency records. Those records which are considered exempt for the purposes of WAC 30-04-070 and RCW 42.17.310 shall be so noted on the index.

[Statutory Authority: RCW 43.46.040. 86-08-072 (Order 1, Resolution No. 86-1), § 30-04-120, filed 4/1/86.]

## Chapter 30-08 WAC PRACTICE AND PROCEDURE

### WAC

- 30-08-010 Purpose.
- 30-08-020 Uniform procedure rules.
- 30-08-030 Commission meetings.
- 30-08-040 Commission meetings—Public participation.
- 30-08-050 Commission meeting materials.
- 30-08-060 Committee meetings.
- 30-08-070 Appeal procedure—Awards and contracts.

**WAC 30-08-010 Purpose.** The purpose of this chapter is to ensure compliance by the Washington state arts commission with the provisions of chapters 42.17 and 42.30 RCW, in particular those sections which deal with procedures and meetings.

[Statutory Authority: RCW 43.46.040. 86-08-072 (Order 1, Resolution No. 86-1), § 30-08-010, filed 4/1/86.]

**WAC 30-08-020 Uniform procedure rules.** Practice and procedure in and before the commission are governed by the uniform procedural rules codified in the Washington Administrative Code, WAC 1-08-005 through 1-08-590, as now or hereafter amended, which rules the commission adopts as its own, subject to any additional rules the commission may choose to adopt. The commission reserves the right to make whatever determination is fair and equitable should any question not covered by its rules come before the commission, said determination to be in accordance with the spirit and intent of the law.

[Statutory Authority: RCW 43.46.040. 86-08-072 (Order 1, Resolution No. 86-1), § 30-08-020, filed 4/1/86.]

**WAC 30-08-030 Commission meetings.** (1) General schedule. The commission shall meet at least five times each year and at such other times as determined to be necessary. The meetings of the commission shall all be "regular" or "special meetings" as those designations are applied in chapter 42.30 RCW. Meetings may be called, subject to the notice requirements of chapter 42.30 RCW, at any time and place by the chairperson or a majority of the commissioners.

(2) Notice. Twenty days notice of all meetings shall be given by mailing a copy of the notice and draft agenda to each commissioner and to any person who has made a written request to the commission to receive meeting notices.

(3) Special or emergency meetings. The twenty-day notice may be waived for special or emergency meetings upon consent of a majority of the commission. In such cases, the provisions of RCW 42.30.080 will govern due notification of the time, place and business to be transacted.

(4) Executive session. An executive session may be called by the chairperson or a majority of the commission. Executive sessions shall deal only with matters authorized by chapter 42.30 RCW.

(5) Conference calls. Given the geographic distribution of the commissioners, the chairperson may convene a meeting by conference call if the situation warrants immediate action by the full commission, subject to the notice requirements of chapter 42.30 RCW.

(6) Rules of order. The commission shall generally follow *Roberts Rules of Order*, newly revised, in conducting its business meetings.

(7) Quorum. A simple majority of the regularly appointed and acting members of the commission shall constitute a quorum. If all twenty-one positions are filled, the quorum shall be eleven.

(8) Voting rights. All officers of the commission shall have the right to vote on all matters before the commission, just as any other commissioner.

(9) Minutes. Minutes shall be kept of the proceedings of all commission meetings.

(10) "Program guidelines" are guidelines and/or applications booklets which are published by the commission and constitute policy and/or interpretive statements and substantive changes cannot be added to or changed except at open public meetings.

[Statutory Authority: RCW 43.46.040. 95-15-040, § 30-08-030, filed 7/12/95, effective 8/12/95; 86-08-072 (Order 1, Resolution No. 86-1), § 30-08-030, filed 4/1/86.]

**WAC 30-08-040 Commission meetings—Public participation.** Any person or organization is encouraged to offer its points of view to the commission.

(1) Any person or organization wishing to make a formal presentation at a scheduled meeting of the commission shall notify the executive director in writing at least ten days prior to the time of the meeting. The commission or executive director may waive the ten-day notice period in the event the proposed presentation is of critical importance to the operation of the commission.

(a) Such notification shall contain the name of the person or organization that desires to make a presentation; the address and phone number of the person or organization; and the topic to be presented or discussed.

(b) Permission to make a presentation to the commission shall be granted by the executive director in consultation with the chairperson, as authorized by the commission.

(c) Confirmation of permission to make a presentation to the commission shall be made if at all possible, by the staff prior to the meeting of the commission, and shall include the date and time of the meeting, and the time set for the formal presentation.

(2) The chairperson shall have the discretion to recognize anyone in the audience who indicates at the time of the meeting a desire to speak at such meeting. Depending on the number of individuals wishing to speak or the commission's sense of the business it must conduct, the chairperson may limit the time for comment to a reasonable period.

[Statutory Authority: RCW 43.46.040. 95-15-040, § 30-08-040, filed 7/12/95, effective 8/12/95; 86-08-072 (Order 1, Resolution No. 86-1), § 30-08-040, filed 4/1/86.]

**WAC 30-08-050 Commission meeting materials.** The commission and its staff will make every effort to make commission meeting materials available for viewing by the public at the time of the meeting, pursuant to WAC 30-04-010 through 30-04-120, except as otherwise provided by RCW 42.17.310. Due to the unpredictability of attendance at meetings, extra copies of meeting materials will be distributed until depleted. Requests can be made to the staff to provide copies by mail.

[Statutory Authority: RCW 43.46.040. 86-08-072 (Order 1, Resolution No. 86-1), § 30-08-050, filed 4/1/86.]

**WAC 30-08-060 Committee meetings.** Committees shall follow the same procedures as the full commission.

[Statutory Authority: RCW 43.46.040. 86-08-072 (Order 1, Resolution No. 86-1), § 30-08-060, filed 4/1/86.]

**WAC 30-08-070 Appeal procedure—Awards and contracts.** The commission shall provide a procedure for applicants to appeal the commission's decisions when there is evidence that information available at the time of the commission's action was either not considered included in the review or was not clearly understood.

(1) Appeals may not be made based on new information not available at the time of the original decision.

(2) Appeals must be presented in writing to the executive director, outlining the nature of the appeal.



(3) The executive director, in consultation with the chairperson shall accept or reject the appeal.

(4) Upon confirmation that the appeal is legitimate, the executive director shall notify the commission and arrange for an appeals hearing at the next scheduled commission meeting. The appeal may be presented by the applicant at that time. The appeal must be presented in its entirety at that time and shall be considered final.

(5) The commission shall defer action to the next meeting of the commission, and must make it known to the applicant, at which time the final decision will be made.

(6) After final commission action on the appeal, the executive director or a designated staffperson shall notify the applicant of the decision in writing, within five working days after the date of the commission action.

(7) Administrative remedies shall not be considered exhausted until the applicant has received the written description of the commission's decision and action on the appeal or ten working days since the decision have passed, whichever occurs first.

(8) Appeals may not be made during the public portion of a commission meeting agenda and the commission shall not take action on any such presentations that may be made without the above review by the executive director and chairperson.

[Statutory Authority: RCW 43.46.040. 86-08-072 (Order 1, Resolution No. 86-1), § 30-08-070, filed 4/1/86.]

## Chapter 30-12 WAC GENERAL RULES

### WAC

- 30-12-010 Purpose.
- 30-12-030 Panels.
- 30-12-040 Support of individual artists.
- 30-12-050 Support of arts institutions.
- 30-12-060 Support of Washington artists and organizations.
- 30-12-080 Special populations.
- 30-12-090 Native American arts.
- 30-12-100 Ethnic communities.
- 30-12-110 Geographic distribution of services.
- 30-12-130 Continuing support.
- 30-12-150 Complimentary tickets.
- 30-12-160 Credits and endorsements of local programs.
- 30-12-170 Budget line items.

### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 30-12-020 Definitions. [Statutory Authority: RCW 43.46.040. 86-08-072 (Order 1, Resolution No. 86-1), § 30-12-020, filed 4/1/86.] Repealed by 95-15-040, filed 7/12/95, effective 8/12/95. Statutory Authority: RCW 43.46.040.
- 30-12-070 Commissioning or purchase—Works of art. [Statutory Authority: RCW 43.46.040. 86-08-072 (Order 1, Resolution No. 86-1), § 30-12-070, filed 4/1/86.] Repealed by 95-15-040, filed 7/12/95, effective 8/12/95. Statutory Authority: RCW 43.46.040.
- 30-12-120 School, college and university activities. [Statutory Authority: RCW 43.46.040. 86-08-072 (Order 1, Resolution No. 86-1), § 30-12-120, filed 4/1/86.] Repealed by 95-15-040, effective 8/12/95. Statutory Authority: RCW 43.46.040.
- 30-12-140 Conflict of interest—Subcontractor's board members. [Statutory Authority: RCW 43.46.040. 86-08-072 (Order 1, Resolution No. 86-1), § 30-12-140, filed 4/1/86.] Repealed by 95-15-040, filed 7/12/95, effective 8/12/95. Statutory Authority: RCW 43.46.040.

**WAC 30-12-010 Purpose.** The purpose of this chapter is to provide the public and the commission's constituents with those rules that apply generally to all commission programs and services, specifically, those that involve competitive application for support, awards or contracts for artistic services. In addition, each commission program has additional rules that apply which are contained in this chapter.

[Statutory Authority: RCW 43.46.040. 95-15-040, § 30-12-010, filed 7/12/95, effective 8/12/95; 86-08-072 (Order 1, Resolution No. 86-1), § 30-12-010, filed 4/1/86.]

**WAC 30-12-030 Panels.** (1) Panels are comprised of individuals whose expertise can address specific issues and program needs.

(2) Panel members are authorized to serve by the executive director, and may be reimbursed for their services and/or their travel expenses.

(3) Panels may refrain from making a recommendation, if, in their opinion, there is insufficient information or merit in the material under review.

(4) All panel recommendations are subject to the review and approval of the commission.

[Statutory Authority: RCW 43.46.040. 95-15-040, § 30-12-030, filed 7/12/95, effective 8/12/95; 86-08-072 (Order 1, Resolution No. 86-1), § 30-12-030, filed 4/1/86.]

**WAC 30-12-040 Support of individual artists.** The commission recognizes the central role of the artist in the creation and performance of artistic works. The commission will support and encourage these individuals through direct and indirect financial, technical, and information services.

[Statutory Authority: RCW 43.46.040. 86-08-072 (Order 1, Resolution No. 86-1), § 30-12-040, filed 4/1/86.]

**WAC 30-12-050 Support of arts institutions.** The commission recognizes arts institutions as primary components of the state's cultural life. This assistance will contribute to the continued economic stability of the arts institutions and therefore full service to the general public.

[Statutory Authority: RCW 43.46.040. 95-15-040, § 30-12-050, filed 7/12/95, effective 8/12/95; 86-08-072 (Order 1, Resolution No. 86-1), § 30-12-050, filed 4/1/86.]

**WAC 30-12-060 Support of Washington artists and organizations.** The commission may give priority to projects involving resident artists and arts organizations; this does not preclude the use of outside artists/arts organizations capable of providing programs or services to Washington residents that are not available within Washington state or those that supplement the artists/arts organizations available in the state.

[Statutory Authority: RCW 43.46.040. 95-15-040, § 30-12-060, filed 7/12/95, effective 8/12/95; 86-08-072 (Order 1, Resolution No. 86-1), § 30-12-060, filed 4/1/86.]

**WAC 30-12-080 Special populations.** The commission encourages projects designed to reach special populations who are not regularly served by arts events.

[Statutory Authority: RCW 43.46.040. 95-15-040, § 30-12-080, filed 7/12/95, effective 8/12/95; 86-08-072 (Order 1, Resolution No. 86-1), § 30-12-080, filed 4/1/86.]

**WAC 30-12-090 Native American arts.** The commission encourages the maintenance, continuance and promotion of Native American cultural art forms whether traditional or contemporary, existing or new creations. Preference will be given to Native American artists in projects involving their culture.

[Statutory Authority: RCW 43.46.040. 95-15-040, § 30-12-090, filed 7/12/95, effective 8/12/95; 86-08-072 (Order 1, Resolution No. 86-1), § 30-12-090, filed 4/1/86.]

**WAC 30-12-100 Ethnic communities.** The commission encourages projects by ethnic communities who have been underserved by traditional funding sources. The commission is particularly supportive of projects that promote ethnic cultures through their traditional art forms and those that promote cross-cultural exposure within the community.

[Statutory Authority: RCW 43.46.040. 95-15-040, § 30-12-100, filed 7/12/95, effective 8/12/95; 86-08-072 (Order 1, Resolution No. 86-1), § 30-12-100, filed 4/1/86.]

**WAC 30-12-110 Geographic distribution of services.** The commission believes that access to the arts is equally important to all residents of the state. To make available arts opportunities among as many communities as possible, the commission may give special consideration to projects in communities which do not have reasonable access to high quality arts events or the resources to support them.

[Statutory Authority: RCW 43.46.040. 86-08-072 (Order 1, Resolution No. 86-1), § 30-12-110, filed 4/1/86.]

**WAC 30-12-130 Continuing support.** Financial support from the commission must be considered by all recipients as supplementary to their normal sources of revenue and should not be expected to continue beyond the period of time as defined in any current contractual relationship with the commission.

[Statutory Authority: RCW 43.46.040. 86-08-072 (Order 1, Resolution No. 86-1), § 30-12-130, filed 4/1/86.]

**WAC 30-12-150 Complimentary tickets.** The following procedures are intended to guide the commission in its efforts to maintain an active liaison with its constituents [constituents], to appraise the work of the artistic community as it relates to commission programs, and to assure compliance with RCW 42.18.200 which defines the laws regarding the acceptance of anything of economic value by a state employee.

In the context of the commission's duties to evaluate its clients, commissioners or staff may request or accept complimentary tickets or free admissions to arts events which are presented by applicants for grants or events funded in whole or in part by the commission. In order for the receipt of complimentary tickets to be clearly within the work of the commission, the following conditions must be observed:

(1) It must be necessary or appropriate to see an event in order to evaluate an applicant or recipient of financial support.

(2) Performances or exhibitions of all applicants or recipients of financial support should be attended. If the number of applicants or recipients for support makes it impractical to attend performances or exhibitions of all, only those events involving excessive travel or which are clearly unnecessary to attend in order to evaluate the organization may be omitted.

(3) There should be a limit on the number of commissioners or staff attending an event. Generally, free admissions shall be limited to two persons.

(4) Those who attend an event must be prepared to evaluate it in the context of commission guidelines and rules.

(5) A written evaluation, in a standard evaluation format, will be required from each commission or staff evaluator.

(6) Each applicant or recipient of financial support will be required to provide the commission with two complimentary tickets to events, if so requested.

(7) The executive director or designee will authorize on-site evaluations and appoint the person or persons to perform the evaluation based upon their expertise and ability to report on the case.

(8) The executive director or his/her designee will notify the applicant or recipient of the assigned evaluation, the persons to perform the evaluation and request that admission be provided at no cost to the evaluator(s) at a time convenient to the client and evaluator(s).

[Statutory Authority: RCW 43.46.040. 86-08-072 (Order 1, Resolution No. 86-1), § 30-12-150, filed 4/1/86.]

**WAC 30-12-160 Credits and endorsements of local programs.** The commission recognizes its potential for serving its constituents by the inclusion of credits in promotional information or documentation, to encourage funding from other sources. These credits shall not be considered an endorsement of the organization or individual but will constitute a factual accounting of past and/or present support to the organization or individual by the commission.

[Statutory Authority: RCW 43.46.040. 95-15-040, § 30-12-160, filed 7/12/95, effective 8/12/95; 86-08-072 (Order 1, Resolution No. 86-1), § 30-12-160, filed 4/1/86.]

**WAC 30-12-170 Budget line items.** The commission will not endorse state budget line items and legislative provisos requested by individual arts organizations.

[Statutory Authority: RCW 43.46.040. 86-08-072 (Order 1, Resolution No. 86-1), § 30-12-170, filed 4/1/86.]

## Chapter 30-14 WAC AWARDS PROGRAM

### WAC

30-14-010	Scope of chapter.
30-14-020	Purpose.
30-14-030	Eligibility.
30-14-040	Application form.
30-14-050	Application deadlines.
30-14-060	Application review process.
30-14-070	Application review criteria.

- 30-14-080 Appeals procedure.
- 30-14-090 Contracting.
- 30-14-100 Disbursement of funds.
- 30-14-110 Evaluation methods.

**WAC 30-14-010 Scope of chapter.** This chapter contains general rules affecting the awards program including eligibility, application requirements, application review criteria, and the review process for awards funded by or through the commission. Further rules are in chapter 30-01 WAC (Washington state arts commission), chapter 30-08 WAC (Practice and procedure), and chapter 30-12 WAC (General rules).

[Statutory Authority: RCW 43.46.040. 95-15-040, § 30-14-010, filed 7/12/95, effective 8/12/95.]

**WAC 30-14-020 Purpose.** The commission provides awards to develop, sponsor, and promote the growth and development of the arts in the state of Washington. These awards may include but are not limited to operating support; specific arts projects; artist fellowships; technical assistance services; staff support; conference travel; or services coordinated at a regional, statewide, multistate, or national level for a targeted audience or public benefit.

[Statutory Authority: RCW 43.46.040. 95-15-040, § 30-14-020, filed 7/12/95, effective 8/12/95.]

**WAC 30-14-030 Eligibility.** Nonprofit arts or community organizations, units of government, or artists may be eligible to apply for an award from the commission. Eligibility for specific awards varies and is published in the program guidelines. The commission establishes and publishes guidelines on an annual or biennial basis.

[Statutory Authority: RCW 43.46.040. 95-15-040, § 30-14-030, filed 7/12/95, effective 8/12/95.]

**WAC 30-14-040 Application form.** The general public is notified of competitions by announcement to the media and notices in other regular publications. All applications must be completed and submitted in the format prescribed by the commission. The forms are available from the commission at the agency's official address and are included with the published guidelines. Printed copies of the guidelines will be distributed by direct mail to award applicants for the last three fiscal years and those who request an application.

[Statutory Authority: RCW 43.46.040. 95-15-040, § 30-14-040, filed 7/12/95, effective 8/12/95.]

**WAC 30-14-050 Application deadlines.** Applications must be filed by the deadlines determined by the commission and published in the guidelines.

[Statutory Authority: RCW 43.46.040. 95-15-040, § 30-14-050, filed 7/12/95, effective 8/12/95.]

**WAC 30-14-060 Application review process.** The evaluation and review of applications is based on the written response and support materials provided with the application. Applications are reviewed initially by staff for eligibility. Once eligibility is determined, applications are then reviewed by a panel that makes funding recommendations. The panel's

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recommendations are presented to a commission committee, which makes recommendations to the commission for final review, approval, and funding amounts. The executive director may make decisions on award contracts which do not exceed two thousand dollars without a specific delegation, with those actions to be reviewed and ratified at the next regular meeting of the commission. The commission may make specific delegations to the executive director which exceed two thousand dollars, at their discretion.

[Statutory Authority: RCW 43.46.040. 95-15-040, § 30-14-060, filed 7/12/95, effective 8/12/95.]

**WAC 30-14-070 Application review criteria.** Applications will be reviewed according to the current guideline criteria for the type of award sought. Criteria may include but not be limited to state residency; type of non-profit status; length of history of arts programming; type of organization; type of proposal; timing of the proposal; artistic discipline; artistic excellence, quality, and merit; artistic credentials and professional work experience; prevailing wages; public benefit; benefit to state residents; public or community involvement; operating budget size; management practices; long-range planning; compliance with previous award contracts; financial stability; community support; access to other sources of financial and technical assistance; geographic isolation; distribution of cultural and artistic opportunities state-wide; opportunities for culturally diverse presentations or events; preservation of culturally specific artistic traditions; arts education opportunities; social relevance or other nonpolitical considerations.

[Statutory Authority: RCW 43.46.040. 95-15-040, § 30-14-070, filed 7/12/95, effective 8/12/95.]

**WAC 30-14-080 Appeals procedure.** Award appeals will be conducted in accordance with chapter 30-08 WAC.

[Statutory Authority: RCW 43.46.040. 95-15-040, § 30-14-080, filed 7/12/95, effective 8/12/95.]

**WAC 30-14-090 Contracting.** Applicants who have been approved for funding will be issued contracts based on a fiscal year beginning July 1 and ending June 30, or within the biennium. The commission may establish a matching component in the award contract.

[Statutory Authority: RCW 43.46.040. 95-15-040, § 30-14-090, filed 7/12/95, effective 8/12/95.]

**WAC 30-14-100 Disbursement of funds.** Applicants should be prepared to finance their projects until reimbursed by the commission. The award contract will contain a payment schedule attachment. All requests for payment(s) must be made on the state of Washington invoice voucher provided by the commission with the contract.

[Statutory Authority: RCW 43.46.040. 95-15-040, § 30-14-100, filed 7/12/95, effective 8/12/95.]

**WAC 30-14-110 Evaluation methods.** Award recipients will be required to submit a written final report in the format prescribed by the commission, no later than forty-five days following completion of the award contract. Future funding is contingent upon receipt and acceptance of

the final report by the commission. Failure to provide an acceptable final report will result in the ineligibility of the award recipient for a length of time to be determined by the commission. Each award recipient must be prepared to provide access to events for members of the commission, agency staff, or independent reviewers, if an on-site evaluation is requested by the commission.

[Statutory Authority: RCW 43.46.040. 95-15-040, § 30-14-110, filed 7/12/95, effective 8/12/95.]

### Chapter 30-18 WAC ARTS IN EDUCATION

#### WAC

30-18-010	Scope of chapter.
30-18-020	Program purpose.
30-18-030	Eligibility for artists in residence.
30-18-040	Eligibility for grantees.
30-18-050	Application form.
30-18-060	Application review process.
30-18-070	Application review criteria.
30-18-080	Contracting of artists.
30-18-090	Contracting of grantees.
30-18-100	Disbursement of funds.
30-18-110	Evaluation methods.

**WAC 30-18-010 Scope of chapter.** This chapter contains general rules affecting arts in education program eligibility, review criteria, and application requirements for projects funded by or through the commission. Further rules are in chapter 30-01 WAC (Washington state arts commission), chapter 30-08 WAC (Practice and procedure), and chapter 30-12 WAC (General rules).

[Statutory Authority: RCW 43.46.040. 95-15-040, § 30-18-010, filed 7/12/95, effective 8/12/95.]

**WAC 30-18-020 Program purpose.** Arts in education (AIE) program supports the unique contributions to arts education made by artists and arts organizations, offers arts curriculum grants to public schools, and supports other activities that promote the arts as basic to the education of all Washington citizens. The major emphasis is K-12 education.

[Statutory Authority: RCW 43.46.040. 95-15-040, § 30-18-020, filed 7/12/95, effective 8/12/95.]

**WAC 30-18-030 Eligibility for artists in residence.** All professional artists and art scholars residing in Washington state or within a fifty-mile radius of a Washington state city are eligible to apply to be rostered as artists in residence. Once rostered, artists in residence may select folk artists to work with them during the residency.

[Statutory Authority: RCW 43.46.040. 95-15-040, § 30-18-030, filed 7/12/95, effective 8/12/95.]

**WAC 30-18-040 Eligibility for grantees.** (1) Residency sponsors are any Washington school, school district, private nonparochial school, preschool, college, or university. In addition, any Section 501(c)(3) of the IRS Code (nonprofit) or government agency may apply as a sponsor. This includes local arts councils and commissions,

retirement homes, hospitals, correctional facilities, libraries, museums, and agencies serving special populations.

(2) Arts curriculum grantees are Washington state public school districts and schools. Government and other nonprofit agencies working in collaboration with their local schools, incorporated as not-for-profit in the state of Washington, and having federal IRS tax-exempt status, also are eligible to apply.

(3) Arts education project grantees are Washington arts organizations and may apply to fund arts education projects developed in partnership with schools.

(4) Performing artists and arts organizations are professional performing artists residing in Washington state and arts organizations located in Washington state and they may apply to perform in schools and to serve one-week, rural residencies that combine performances and workshops. Professional performing arts organizations with facilities in Washington state may apply to provide mainstage performances for students.

(5) Applications are competitive on a state-wide basis and grants are subject to the level of funds available to the commission.

[Statutory Authority: RCW 43.46.040. 95-15-040, § 30-18-040, filed 7/12/95, effective 8/12/95.]

**WAC 30-18-050 Application form.** (1) Public notice of competitions will be made through the media and in other agency publications. Application forms are available from the commission and published with the program guidelines.

(2) Applications shall be sent by direct mail to those who have requested placement on the AIE mailing list or to those who request an application.

(3) All applications must be completed and submitted in the format prescribed by the commission. Applications must be submitted by the deadline determined by the commission.

[Statutory Authority: RCW 43.46.040. 95-15-040, § 30-18-050, filed 7/12/95, effective 8/12/95.]

**WAC 30-18-060 Application review process.** Applications will be reviewed by a panel. The recommendations of the panel are presented to the commission's education committee which makes recommendations to the commission for final approval.

[Statutory Authority: RCW 43.46.040. 95-15-040, § 30-18-060, filed 7/12/95, effective 8/12/95.]

**WAC 30-18-070 Application review criteria.** Applications will be reviewed according to the current guideline criteria to ensure that the applicant(s) will promote a comprehensive and sequential arts education program at the site(s) of service.

[Statutory Authority: RCW 43.46.040. 95-15-040, § 30-18-070, filed 7/12/95, effective 8/12/95.]

**WAC 30-18-080 Contracting of artists.** Artists who have been selected for inclusion in the roster may be contracted by the commission or directly by grantees within a fiscal year beginning July 1 and ending June 30 or within the biennium.

[Statutory Authority: RCW 43.46.040. 95-15-040, § 30-18-080, filed 7/12/95, effective 8/12/95.]

**WAC 30-18-090 Contracting of grantees.** Grantees that have been selected based on panel recommendations and approved by the commission may be contracted within a fiscal year beginning July 1 and ending June 30 or within the biennium. The commission may establish a matching component in the contract.

[Statutory Authority: RCW 43.46.040. 95-15-040, § 30-18-090, filed 7/12/95, effective 8/12/95.]

**WAC 30-18-100 Disbursement of funds.** Reimbursement must be requested on state of Washington invoice voucher forms and must include all final documentation as required in the contract.

[Statutory Authority: RCW 43.46.040. 95-15-040, § 30-18-100, filed 7/12/95, effective 8/12/95.]

**WAC 30-18-110 Evaluation methods.** Evaluation forms provided by the commission are required to be completed and returned by each grantee, artist, and school. Also, on-site monitoring of events will be conducted by the commission and/or staff. When appropriate, outside professional evaluators may be hired, advise staff, and prepare evaluation reports.

[Statutory Authority: RCW 43.46.040. 95-15-040, § 30-18-110, filed 7/12/95, effective 8/12/95.]

## Chapter 30-22 WAC FOLK ARTS

### WAC

30-22-010	Scope of chapter.
30-22-020	Program purpose.
30-22-030	Eligibility.
30-22-040	Application form.
30-22-050	Application review process.
30-22-060	Application review criteria.
30-22-070	Contracting.
30-22-080	Disbursement of funds.
30-22-090	Evaluation methods.

**WAC 30-22-010 Scope of chapter.** This chapter contains general rules affecting folk arts program eligibility, review criteria, and application requirements for projects funded by or through the commission. Further rules are in chapter 30-01 WAC (Washington state arts commission), chapter 30-08 WAC (Practice and procedure), and chapter 30-12 WAC (General rules).

[Statutory Authority: RCW 43.46.040. 95-15-040, § 30-22-010, filed 7/12/95, effective 8/12/95.]

**WAC 30-22-020 Program purpose.** The folk arts (FA) program supports and preserves a variety of diverse traditional artists and cultures in the state of Washington.

[Statutory Authority: RCW 43.46.040. 95-15-040, § 30-22-020, filed 7/12/95, effective 8/12/95.]

**WAC 30-22-030 Eligibility.** All traditional artists are eligible to apply to participate.

(1997 Ed.)

[Statutory Authority: RCW 43.46.040. 95-15-040, § 30-22-030, filed 7/12/95, effective 8/12/95.]

**WAC 30-22-040 Application form.** (1) Public notice of competitions will be made through the media and in other agency publications. Application forms are available from the commission and published with the program guidelines.

(2) Applications shall be sent by direct mail to those who have requested placement on the FA mailing list or to those who request an application.

(3) All applications must be completed and submitted in the format prescribed by the commission. Applications must be submitted by the deadline determined by the commission.

[Statutory Authority: RCW 43.46.040. 95-15-040, § 30-22-040, filed 7/12/95, effective 8/12/95.]

**WAC 30-22-050 Application review process.** Artist applications are reviewed by a panel. The recommendations of the panel are presented to the commission's underserved committee which makes recommendations to the commission for final approval.

[Statutory Authority: RCW 43.46.040. 95-15-040, § 30-22-050, filed 7/12/95, effective 8/12/95.]

**WAC 30-22-060 Application review criteria.** Applications will be reviewed according to the current guideline criteria to ensure that the applicant(s) fosters the preservation of traditional folk arts.

[Statutory Authority: RCW 43.46.040. 95-15-040, § 30-22-060, filed 7/12/95, effective 8/12/95.]

**WAC 30-22-070 Contracting.** Artists who have been approved by the commission for funding will be issued contracts based on available funding. Partners who collaborate on specific projects with the approval of the executive director will be issued contracts based on available funding. Contracts will be issued within a fiscal year beginning July 1 and ending June 30 or within the biennium.

[Statutory Authority: RCW 43.46.040. 95-15-040, § 30-22-070, filed 7/12/95, effective 8/12/95.]

**WAC 30-22-080 Disbursement of funds.** Reimbursement must be requested on state of Washington invoice voucher forms and must include all documentation as required in the contract. The commission may establish a matching component in the contract.

[Statutory Authority: RCW 43.46.040. 95-15-040, § 30-22-080, filed 7/12/95, effective 8/12/95.]

**WAC 30-22-090 Evaluation methods.** Final reports will be required by the commission and must be completed and returned by each contractor by the ending date of the contract. Also, on-site monitoring of events will be conducted by the commission and/or its staff.

[Statutory Authority: RCW 43.46.040. 95-15-040, § 30-22-090, filed 7/12/95, effective 8/12/95.]

## Chapter 30-26 WAC

## COMMUNITY ARTS DEVELOPMENT PROGRAMS

## WAC

30-26-010	Scope of chapter.
30-26-020	Program purpose.
30-26-030	Eligibility.
30-26-040	Application form.
30-26-050	Application review process.
30-26-060	Application review criteria.
30-26-070	Contracting.
30-26-080	Disbursement of funds.
30-26-090	Evaluation methods.

**WAC 30-26-010 Scope of chapter.** This chapter contains general rules affecting community arts development programs eligibility, review criteria, and application requirements for projects funded by or through the commission. Further rules are in chapter 30-01 WAC (Washington state arts commission), chapter 30-08 WAC (Practice and procedure), and chapter 30-12 WAC (General rules).

[Statutory Authority: RCW 43.46.040. 95-15-040, § 30-26-010, filed 7/12/95, effective 8/12/95.]

**WAC 30-26-020 Program purpose.** The community arts development (CAD) programs assist the citizens of Washington, in the communities where they live, in enhancing their individual and community sense of well-being, and in making their lives more meaningful through the arts. The CAD program works to fulfill this mission by providing leadership, financial support, technical assistance, information and general guidance and encouragement to the varied constituencies, and by forming working community development partnerships with other local, regional, state and national organizations.

[Statutory Authority: RCW 43.46.040. 95-15-040, § 30-26-020, filed 7/12/95, effective 8/12/95.]

**WAC 30-26-030 Eligibility.** All citizens of the state of Washington including but not limited to local arts councils and commissions, arts producing and presenting organizations, and artists are eligible for assistance under these programs. New and emerging organizations are the first priority of the programs, along with those which are rural, inner-city or serve other underserved communities. Eligibility for specific funded programs varies and is published in the program guidelines.

[Statutory Authority: RCW 43.46.040. 95-15-040, § 30-26-030, filed 7/12/95, effective 8/12/95.]

**WAC 30-26-040 Application form.** (1) Public notice of competitions will be made through the media and in other agency publications. Application forms are available from the commission and published with the program guidelines.

(2) Applications shall be sent by direct mail to those who request an application.

(3) All applications must be completed and submitted in the format prescribed by the commission. Applications must be submitted by the deadline determined by the commission.

[Statutory Authority: RCW 43.46.040. 95-15-040, § 30-26-040, filed 7/12/95, effective 8/12/95.]

**WAC 30-26-050 Application review process.** Applications are reviewed by a panel. The recommendations of the panel are presented to the commission's underserved committee which makes recommendations to the commission for final approval.

[Statutory Authority: RCW 43.46.040. 95-15-040, § 30-26-050, filed 7/12/95, effective 8/12/95.]

**WAC 30-26-060 Application review criteria.** Applications will be reviewed according to the current guideline criteria to ensure that the stated CAD purposes are accomplished.

[Statutory Authority: RCW 43.46.040. 95-15-040, § 30-26-060, filed 7/12/95, effective 8/12/95.]

**WAC 30-26-070 Contracting.** Applicants which have been approved by the commission for funding will be issued contracts based on available funding. Contracts will be issued within a fiscal year beginning July 1 and ending June 30 or within the biennium. The commission may establish a matching component in the contract.

[Statutory Authority: RCW 43.46.040. 95-15-040, § 30-26-070, filed 7/12/95, effective 8/12/95.]

**WAC 30-26-080 Disbursement of funds.** Reimbursement must be requested on state of Washington invoice voucher forms and must include all documentation as required in the contract.

[Statutory Authority: RCW 43.46.040. 95-15-040, § 30-26-080, filed 7/12/95, effective 8/12/95.]

**WAC 30-26-090 Evaluation methods.** Final reports will be required by the commission and must be completed and returned by each contractor by the date specified in the contract. On-site monitoring of events may be conducted by the commission, its staff, and/or outside professional evaluators.

[Statutory Authority: RCW 43.46.040. 95-15-040, § 30-26-090, filed 7/12/95, effective 8/12/95.]

## Chapter 30-40 WAC

## ART IN PUBLIC PLACES PROGRAM

## WAC

30-40-010	Purpose.
30-40-020	Authority.
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.

DISPOSITION OF SECTIONS FORMERLY  
CODIFIED IN THIS CHAPTER

30-40-030 Definitions. [Statutory Authority: RCW 43.46.040. 87-11-001 (Order 2, Resolution No. 87-1), § 30-40-030, filed 5/7/87.] Repealed by 95-15-040, filed 7/12/95, effective 8/12/95. Statutory Authority: RCW 43.46.040.

**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, inventories, 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.335.210, 28B.10.025, and 28B.10.027.

[Statutory Authority: RCW 43.46.040, 95-15-040, § 30-40-020, filed 7/12/95, effective 8/12/95; 87-11-001 (Order 2, Resolution No. 87-1), § 30-40-020, 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). Excluded are highway construction sheds, warehouses or other buildings of a temporary nature.

(b) RCW 28A.335.210 (common schools) - applies to construction of any new building and/or additions to an existing building (structure). Excluded are sheds, warehouses, or other buildings of a temporary nature.

(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.335.210) For each eligible appropriation, the one-half of one percent formula is to be applied to the

total moneys appropriated for state assistance 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.335.210, 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 appropriate billing from the commission to the agency, and the agency transfers the funds to the commission.

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.

(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.335.210, 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 shall be applied to works of art according to RCW 28A.335.210 at the discretion of the commission.

[Statutory Authority: RCW 43.46.040. 95-15-040, § 30-40-050, filed 7/12/95, effective 8/12/95; 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 as funded 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 and disposed of according to the process established in the commission's deaccession policy 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 unfeasible;
  - (ii) Disproportionate to the value of the work.
- (d) The environment/architectural support (on which a site-specific work depends) is to be destroyed or modified as to distort the artist's initial intent.

[Statutory Authority: RCW 43.46.040. 95-15-040, § 30-40-060, filed 7/12/95, effective 8/12/95; 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, including new and existing buildings, 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 and members of the agency and the commission will recommend 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 merit 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 a diverse state art collection, which represents the varied means of contemporary art-making processes, 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.

(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.

(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. 95-15-040, § 30-40-070, filed 7/12/95, effective 8/12/95; 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 unspent art funds are subsequently not available to the school district for uses other than art. The funds for art and/or works of art may be used in other school districts at the discretion of the commission in consultation with the office of the superintendent of public instruction.

(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 proposal. 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 unspent project, request an alternative design from the artist, or reassign project funds to another artist, or the selected work to an alternative site.

[Statutory Authority: RCW 43.46.040. 95-15-040, § 30-40-080, filed 7/12/95, effective 8/12/95; 87-11-001 (Order 2, Resolution No. 87-1), § 30-40-080, filed 5/7/87.]

**WAC 30-40-090 Evaluation methods.** The commission may 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. 95-15-040, § 30-40-090, filed 7/12/95, effective 8/12/95; 87-11-001 (Order 2, Resolution No. 87-1), § 30-40-090, filed 5/7/87.]

**Chapter 30-44 WAC**

**GOVERNOR'S ARTS AND HERITAGE AWARDS**

**WAC**

- 30-44-010 Scope of chapter.
- 30-44-020 Program purpose.
- 30-44-030 Eligibility.
- 30-44-040 Nomination form.
- 30-44-050 Nomination review process.
- 30-44-060 Nomination review criteria.

**WAC 30-44-010 Scope of chapter.** This chapter contains general rules affecting the governor's arts and heritage awards (GAHA) program eligibility, review criteria,

and nomination requirements. Further rules are in chapter 30-01 WAC (Washington state arts commission), chapter 30-08 WAC (Practice and procedure), and chapter 30-12 WAC (General rules).

[Statutory Authority: RCW 43.46.040. 95-15-040, § 30-44-010, filed 7/12/95, effective 8/12/95; 87-11-001 (Order 2, Resolution No. 87-1), § 30-44-010, filed 5/7/87.]

**WAC 30-44-020 Program purpose.** The governor's arts awards recognizes those individuals and organizations who have contributed significantly to the arts and cultural development of the state of Washington. The governor's heritage awards recognizes those individuals and organizations who have contributed significantly to the cultural heritage and traditional arts of the state of Washington.

[Statutory Authority: RCW 43.46.040. 95-15-040, § 30-44-020, filed 7/12/95, effective 8/12/95; 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 or heritage 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. 95-15-040, § 30-44-030, filed 7/12/95, effective 8/12/95; 87-11-001 (Order 2, Resolution No. 87-1), § 30-44-030, filed 5/7/87.]

**WAC 30-44-040 Nomination form.** (1) Public notice of nominations will be made through the media and in other agency publications. Nomination forms are available from the commission and published with the program guidelines.

(2) Nomination forms shall be sent by direct mail to every Washington address on the agency mailing list, and to those who request a nomination form.

(3) All nomination forms must be completed and submitted in the format prescribed by the commission. Nominations must be submitted by the deadline determined by the commission.

(4) The commission may recommend individuals or organizations not nominated in a current year, but who have been nominated in past years.

[Statutory Authority: RCW 43.46.040. 95-15-040, § 30-44-040, filed 7/12/95, effective 8/12/95; 87-11-001 (Order 2, Resolution No. 87-1), § 30-44-040, filed 5/7/87.]

**WAC 30-44-050 Nomination review process.** (1) An ad hoc committee of commissioners and/or panel advisors will review the nominations and will present their recommendations to the commission.

(2) The commission will review the committee's recommendations for nominations and advise the governor of its decisions. The governor has final approval authority.

(3) Following the governor's approval of the award recipients, the staff will make arrangements for the presentation of the awards and notify the recipients of the time and place.

(4) Each year the commission will present to the recipients a certificate, medallion, or work of art in token of their achievement.

(5) 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. 95-15-040, § 30-44-050, filed 7/12/95, effective 8/12/95; 87-11-001 (Order 2, Resolution No. 87-1), § 30-44-050, filed 5/7/87.]

**WAC 30-44-060 Nomination review criteria.**

Nominations will be reviewed according to the current guideline criteria to ensure that significant contributions, and/or artistic accomplishments, and/or preservational and promotional achievements are demonstrated.

[Statutory Authority: RCW 43.46.040. 95-15-040, § 30-44-060, filed 7/12/95, effective 8/12/95.]