
SENATE BILL 6597

State of Washington 62nd Legislature 2012 Regular Session

By Senators Keiser, Tom, Fain, Kastama, Murray, and Schoesler

Read first time 02/14/12. Referred to Committee on Ways & Means.

1 AN ACT Relating to the sale of works of art in the state art
2 collection; and adding new sections to chapter 43.46 RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.46 RCW
5 to read as follows:

6 (1)(a) The Washington state arts commission shall conduct an
7 inventory of all works of art purchased and commissioned or under the
8 care of:

9 (i) The visual arts program that have become a part of the state
10 art collection under RCW 43.46.090, 43.17.200, 43.19.455, 28B.10.025,
11 or 28A.335.210; and

12 (ii) The department of enterprise services.

13 (b) The Washington state arts commission must complete the
14 inventory by October 1, 2012, and every two years thereafter.

15 (2)(a) The Washington state arts commission shall, in communication
16 with others, including, but not limited to, the directors of state
17 agencies, the superintendent of public instruction and the school
18 district boards of directors, the boards of regents of the University
19 of Washington and Washington State University, and with the boards of

1 trustees of the regional universities, The Evergreen State College, and
2 the community college districts, determine appropriate works of art to
3 be made available for public auction.

4 (b) The Washington state arts commission must create a list of art
5 work with an estimated value of at least five million dollars to be
6 offered for sale at a public auction.

7 The Washington state arts commission may contract with an appraiser
8 to determine the value of the art work included on the list. The
9 appraisal, at a minimum, must be an estimate of the market value of the
10 piece of art work.

11 (c) The Washington state arts commission must incorporate on their
12 agency's web site a listing of all the works of art with their
13 appraised value. The art works' listing on the web site must be made
14 available to the public at least thirty days in advance of the public
15 auction. Notice of the public auction must be made at least thirty
16 days in advance of the event.

17 (d) Sales by public auction under this section shall be conducted
18 under the direction of the Washington state arts commission or by an
19 authorized representative selected by the commission.

20 (e) The works of art shall be sold to the highest bidder at public
21 auction. A minimum bid must be set for each item, if the bids are not
22 sufficient or appropriate, the art item may be withdrawn from the
23 auction.

24 (i) On or before the time specified in the auction notice, the
25 Washington state arts commission or authorized representative must
26 determine a preapproval process for prospective bidders that may
27 include a deposit in cash or by credit card, or certified check,
28 cashier's check, or money order made payable to the Washington state
29 arts commission.

30 (ii) If a deposit is required, the successful bidder's deposit must
31 be retained by the Washington state arts commission and the difference,
32 if any, between the deposit and the total amount due must on the day of
33 the sale be paid in cash, certified check, cashier's check, bank draft,
34 or money order, made payable to the commission. Other deposits, if
35 any, shall be returned to the respective bidders at the conclusion of
36 the sale.

37 (f) The Washington state arts commission must conduct an auction by
38 June 2013 and every two years thereafter.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.46 RCW
2 to read as follows:

3 (1) The Washington art work sales account is created in the custody
4 of the state treasurer. All moneys received from the sale of art work
5 under section 1 of this act must be deposited in the account.

6 (2) Moneys in the account may be used for the costs and expenses
7 necessarily incurred in the managing and administering of the public
8 auctions under section 1 of this act.

9 (3) Only the executive director of the Washington state arts
10 commission or their designee may authorize expenditures from the
11 account. The account is subject to allotment procedures under chapter
12 43.88 RCW, but an appropriation is not required for expenditures.

13 (4) Each fiscal year, after expenses have been deducted for:

14 (a) The managing and administering of the public auctions; and

15 (b) Any financial obligations to the artists, according to the
16 artist's contract;

17 the remaining revenue must be distributed as follows:

18 (i) Forty percent shall be retained in the account by the
19 Washington state arts commission to be used for the visual arts program
20 including, but not limited to, conservation of the state art
21 collection, art education, and encouraging aspiring professional
22 artists; and

23 (ii) Sixty percent shall be transferred to the Washington
24 opportunity pathways account under RCW 28B.76.526 to fund state need
25 grants for higher education students.

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