
SENATE BILL 5940

State of Washington 59th Legislature 2005 Regular Session

By Senators Thibaudeau, Fraser and Kohl-Welles

Read first time 02/15/2005. Referred to Committee on Ways & Means.

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

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

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

7 The state board of education and superintendent of public
8 instruction shall allocate, as a nondeductible item, out of any moneys
9 appropriated for state assistance to school districts for the original
10 construction of any school plant facility the amount of one-half of one
11 percent of the appropriation to be expended by the Washington state
12 arts commission for the acquisition of works of art. The works of art
13 may be placed in accordance with Article IX, sections 2 and 3 of the
14 state Constitution on public lands, integral to or attached to a public
15 building or structure, detached within or outside a public building or
16 structure, part of a portable exhibition or collection, part of a
17 temporary exhibition, or loaned or exhibited in other public
18 facilities. The Washington state arts commission shall, in
19 consultation with the superintendent of public instruction, determine

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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