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SENATE BILL 5163

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State of Washington

61st Legislature

2009 Regular Session

By Senators Hobbs, Schoesler, Berkey, Hewitt, Sheldon, Zarelli, Pflug, Carrell, and Roach

Read first time 01/15/09. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to removing the requirement to purchase art for  
2 public buildings during the 2009-2011 biennium; amending RCW  
3 28A.335.210, 28B.10.027, and 43.17.200; and providing an expiration  
4 date.

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

6 **Sec. 1.** RCW 28A.335.210 and 2006 c 263 s 327 are each amended to  
7 read as follows:

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

1 commission shall, in consultation with the superintendent of public  
2 instruction, determine the amount to be made available for the purchase  
3 of works of art under this section, and payments therefor shall be made  
4 in accordance with law. The designation of projects and sites,  
5 selection, contracting, purchase, commissioning, reviewing of design,  
6 execution and placement, acceptance, maintenance, and sale, exchange,  
7 or disposition of works of art shall be the responsibility of the  
8 Washington state arts commission in consultation with the  
9 superintendent of public instruction and representatives of school  
10 district boards of directors. The superintendent of public instruction  
11 and the school district board of directors of the districts where the  
12 sites are selected shall have the right to:

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

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

19 ~~((+3))~~ (c) Reject the results of the selection process;

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

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

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

1       (2) During the 2009-2011 biennium, one hundred percent of moneys  
2 appropriated for the original construction of any school plant facility  
3 may be used for the original construction.

4       **Sec. 2.** RCW 28B.10.027 and 2005 c 36 s 3 are each amended to read  
5 as follows:

6       (1) Except as provided in subsection (3) of this section, all  
7 universities and colleges shall allocate as a nondeductible item, out  
8 of any moneys appropriated for the original construction or any major  
9 renovation or remodel work exceeding two hundred thousand dollars of  
10 any building, an amount of one-half of one percent of the appropriation  
11 to be expended by the Washington state arts commission with the  
12 approval of the board of regents or trustees for the acquisition of  
13 works of art. The works of art may be placed on public lands of  
14 institutions of higher education, integral to or attached to a public  
15 building or structure of institutions of higher education, detached  
16 within or outside a public building or structure of institutions of  
17 higher education, part of a portable exhibition or collection, part of  
18 a temporary exhibition, or loaned or exhibited in other public  
19 facilities.

20       (2) In addition to the cost of the works of art, the one-half of  
21 one percent of the appropriation shall be used to provide for the  
22 administration of the visual arts program, including conservation of  
23 the state art collection, by the Washington state arts commission and  
24 all costs for installation of the work of art. For the purpose of this  
25 section building shall not include sheds, warehouses, and other  
26 buildings of a temporary nature.

27       (3) During the 2009-2011 biennium, one hundred percent of moneys  
28 appropriated for the original construction or any major renovation or  
29 remodel work exceeding two hundred thousand dollars of any building may  
30 be used for the original construction, renovation, or remodel.

31       **Sec. 3.** RCW 43.17.200 and 2005 c 36 s 4 are each amended to read  
32 as follows:

33       (1) Except as provided in subsection (2) of this section, all state  
34 agencies including all state departments, boards, councils,  
35 commissions, and quasi public corporations shall allocate, as a  
36 nondeductible item, out of any moneys appropriated for the original

1 construction of any public building, an amount of one-half of one  
2 percent of the appropriation to be expended by the Washington state  
3 arts commission for the acquisition of works of art. The works of art  
4 may be placed on public lands, integral to or attached to a public  
5 building or structure, detached within or outside a public building or  
6 structure, part of a portable exhibition or collection, part of a  
7 temporary exhibition, or loaned or exhibited in other public  
8 facilities. In addition to the cost of the works of art, the one-half  
9 of one percent of the appropriation as provided herein shall be used to  
10 provide for the administration of the visual arts program, including  
11 conservation of the state art collection, by the Washington state arts  
12 commission and all costs for installation of the works of art. For the  
13 purpose of this section building shall not include highway construction  
14 sheds, warehouses or other buildings of a temporary nature.

15 (2) During the 2009-2011 biennium, one hundred percent of moneys  
16 appropriated for the original construction of any public building may  
17 be used for the original construction.

18 NEW SECTION. **Sec. 4.** This act expires June 30, 2011.

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