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**SENATE BILL 5346**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Senators Schoesler, Dozier, Braun, Gildon, Wagoner, Lias, Kuderer, Rolfes, Torres, Warnick, and C. Wilson

Read first time 01/12/23. Referred to Committee on Early Learning & K-12 Education.

1 AN ACT Relating to encouraging the use of student art in school  
2 construction; and amending RCW 28A.335.210, 43.46.095, and 43.17.205.

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

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

6 (1) The superintendent of public instruction shall allocate, as a  
7 nondeductible item, out of any moneys appropriated for state  
8 assistance to school districts for the original construction of any  
9 school plant facility the amount of ~~((one-half of one))~~ .5 percent of  
10 the appropriation to be expended by the school board of directors or  
11 by the Washington state arts commission for the acquisition of works  
12 of art in accordance with subsection (2) of this section. The works  
13 of art may be placed in accordance with Article IX, sections 2 and 3  
14 of the state Constitution on public lands, integral to or attached to  
15 a public building or structure, detached within or outside a public  
16 building or structure, part of a portable exhibition or collection,  
17 part of a temporary exhibition, or loaned or exhibited in other  
18 public facilities. ~~((The Washington state arts commission shall, in~~  
19 ~~consultation with the superintendent of public instruction, determine~~  
20 ~~the amount to be made available for the purchase of works of art~~  
21 ~~under this section, and payments therefor shall be made in accordance~~

1 ~~with law.~~) For the purpose of this section, building shall not  
2 include sheds, warehouses, or other buildings of a temporary nature.

3 (2) A school board of directors acquiring works of art pursuant  
4 to subsection (1) of this section must inform the superintendent of  
5 public instruction whether it will acquire the art as authorized  
6 under (a) or (b) of this subsection. The superintendent of public  
7 instruction must, in consultation with the school board of directors,  
8 determine the amount to be made available for the purchase of works  
9 of art under this section, and payments therefor shall be made in  
10 accordance with law.

11 (a) (i) A school board of directors may elect, through resolution,  
12 to acquire works of art directly from the school district's students.  
13 The designation of projects and sites, selection, contracting,  
14 purchase, commissioning, reviewing of design, execution and  
15 placement, acceptance, maintenance, and sale, exchange, or  
16 disposition of works of art shall be the responsibility of the school  
17 board of directors in consultation with the superintendent of public  
18 instruction. Nothing in this subsection precludes the school board of  
19 directors from consulting the Washington state arts commission.

20 (ii) If a school board of directors elects to acquire works of  
21 art directly from the school district's students, and there is a  
22 surplus of money remaining after the art has been acquired, the  
23 school board of directors may contribute the surplus money to the  
24 nonstate share of construction costs of the school plant facility.

25 (b) The school board of directors may allow, through resolution,  
26 the Washington state arts commission to expend the moneys for the  
27 acquisition of works of art. The designation of projects and sites,  
28 selection, contracting, purchase, commissioning, reviewing of design,  
29 execution and placement, acceptance, maintenance, and sale, exchange,  
30 or disposition of works of art shall be the responsibility of the  
31 Washington state arts commission in consultation with the  
32 superintendent of public instruction and representatives of school  
33 district boards of directors. The superintendent of public  
34 instruction and the school district board of directors of the  
35 districts where the sites are selected shall have the right to:

36 ~~((1))~~ (i) Waive its use of the one-half of one percent of the  
37 appropriation for the acquisition of works of art before the  
38 selection process by the Washington state arts commission;

1       ~~((2))~~ (ii) Appoint a representative to the body established by  
2 the Washington state arts commission to be part of the selection  
3 process with full voting rights;

4       ~~((3))~~ (iii) Reject the results of the selection process;

5       ~~((4))~~ (iv) Reject the placement of a completed work or works of  
6 art on school district premises if such works are portable.

7       Rejection at any point before or after the selection process  
8 shall not cause the loss of or otherwise endanger state construction  
9 funds available to the local school district. Any works of art  
10 rejected under this section shall be applied to the provision of  
11 works of art under this chapter, at the discretion of the Washington  
12 state arts commission, notwithstanding any contract or agreement  
13 between the affected school district and the artist involved. In  
14 addition to the cost of the works of art the one-half of one percent  
15 of the appropriation as provided in this section shall be used to  
16 provide for the administration, including conservation of the state  
17 art collection, by the Washington state arts commission and all costs  
18 for installation of the work of art. ~~((For the purpose of this  
19 section building shall not include sheds, warehouses, or other  
20 buildings of a temporary nature.))~~

21       (3) The executive director of the arts commission, the  
22 superintendent of public instruction, and the Washington state school  
23 directors' association shall appoint a study group to review the  
24 operations of the ~~((one-half of one))~~ .5 percent for works of art  
25 under subsection (2)(b) of this section.

26       **Sec. 2.** RCW 43.46.095 and 1990 c 33 s 578 are each amended to  
27 read as follows:

28       All works of art purchased and commissioned under the visual arts  
29 program shall become a part of a state art collection developed,  
30 administered, and operated by the Washington state arts commission.  
31 All works of art previously purchased or commissioned under RCW  
32 43.46.090, 43.17.200, 43.19.455, 28B.10.025, or 28A.335.210(2)(b)  
33 shall be considered a part of the state art collection to be  
34 administered by the Washington state arts commission.

35       **Sec. 3.** RCW 43.17.205 and 1990 c 33 s 574 are each amended to  
36 read as follows:

37       The funds allocated under RCW 43.17.200, 28A.335.210(2)(b), and  
38 28B.10.025 shall be subject to interagency reimbursement for

1 expenditure by the visual arts program of the Washington state arts  
2 commission when the particular law providing for the appropriation  
3 becomes effective. For appropriations which are dependent upon the  
4 sale of bonds, the amount or proportionate amount of the moneys under  
5 RCW 43.17.200, 28A.335.210(2)(b), and 28B.10.025 shall be subject to  
6 interagency reimbursement for expenditure by the visual arts program  
7 of the Washington state arts commission (~~thirty~~) 30 days after the  
8 sale of a bond or bonds.

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