

AMENDATORY SECTION (Amending WSR 95-15-040, filed 7/12/95, effective 8/12/95)

WAC 30-01-020 Rule-making 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.]

AMENDATORY SECTION (Amending WSR 10-02-089, filed 1/6/10, effective 2/6/10)

WAC 30-01-040 (~~(Description of)~~) Commission's purpose (and goals). ~~((1))~~ The Washington state arts 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 four 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 and 43.46.081. 10-02-089, § 30-01-040, filed 1/6/10, effective 2/6/10. 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.]

NEW SECTION

WAC 30-01-055 Responsibilities. (1) Board responsibilities.

(a) Approves the commission budget each fiscal year and biennium;

(b) Approves the commission's strategic plan and goals each biennium;

(c) Approves all grants, except when such authority is specifically delegated to the executive director;

(d) Approves changes to rosters, as specified in these rules;

(e) Fulfills other responsibilities as established in Title 30 WAC; and

(f) May delegate specific responsibilities to staff.

(g) Officers of the board serve as specified in WAC 30-08-080 (Board officers and committees).

(2) Executive director responsibilities.

(a) Manages the agency;

(b) Approves and signs contracts;

(c) Acts as official spokesperson for the commission;

(d) Fulfills other responsibilities as established in Title 30 WAC and as otherwise determined by the board; and

(e) May delegate specific responsibilities to staff.

(3) Staff responsibilities.

Under the direction of the executive director, staff develop and implement the commission's strategic plan, budget, and programs. Staff have the authority to:

(a) Manage programs, including development of application forms, guidelines, and review criteria, and convene and manage panels to review applications;

(b) Define and publish definitions in addition to those in chapter 30-02 WAC (Definitions), as necessary to implement commission programs;

(c) Negotiate, prepare, and administer contracts; and

(d) Fulfill other responsibilities as established in Title 30 WAC and otherwise as determined by the board or executive director.

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AMENDATORY SECTION (Amending WSR 10-02-089, filed 1/6/10, effective 2/6/10)

WAC 30-01-060 Office hours and contact information. The offices of the Washington state arts commission (~~(is)~~) are open from 8:00 a.m. to 5:00 p.m. Monday through Friday except (~~weeks that include~~) on state legal holidays and other posted office closures. Written correspondence should be addressed to P.O. Box 42675, Olympia, WA 98504-2675. Additional information is available on the commission's web site at www.arts.wa.gov. (~~For business hours and contact information related to public records see WAC 30-04-040.~~)

[Statutory Authority: RCW 43.46.040 and 43.46.081. 10-02-089, § 30-01-060, filed 1/6/10, effective 2/6/10. 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.]

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 30-01-010	Purpose.
WAC 30-01-050	Organization.

NEW SECTION

WAC 30-02-005 Scope of this chapter. This chapter is to define terms necessary for the public to use commission programs and services, and to understand the rules of the commission. Staff may define and publish additional definitions as necessary to implement commission programs.

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AMENDATORY SECTION (Amending WSR 95-15-040, filed 7/12/95, effective 8/12/95)

WAC 30-02-010 Definitions. The following definitions shall apply throughout ((this)) Title 30 WAC:

~~((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 universities, 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.))~~

"Accession" means to formally acquire a work of art for the state art collection, including the action of assigning an accession or control number to the work of art.

"Appeal procedure" means the procedure as established in WAC 30-12-036 (Request for review of denied applications) whereby an applicant must request a review of a denied application.

"Application form" means the printed or electronic forms created and published by staff to be used in commission program applications.

"Application guidelines" means the published document that provides the public with information on how to apply for commission programs, including eligibility requirements, review criteria, deadlines, timelines, and appeal procedure. Application guidelines may be published in a printed format and/or in electronic format accessible through the commission's web site.

"Art advisory committee" means a committee formed by staff and a partner agency to develop plans and overall project specifications, and to make funding allocation decisions related to the state art collection.

"Art in public places program" means the visual art program of the commission established by the legislature in RCW 43.46.090 to acquire works of art and to develop, administer, and operate the state art collection.

"Art selection committee" means a committee formed by a partner agency, and approved by staff, to review, recommend, and select artists to create works of art for the state art collection, or to review, recommend, and select works of art for or from the state art collection, through a process facilitated by staff.

"Artistic excellence" means evidence of some or all of the following: Mastery of skills and techniques, professional approaches to process and presentation, communication of unique vision or perspective, evidence of extensive experience.

"Artistic merit" means artistic quality and significance, potential impact on the artistic and/or cultural development of a community; potential to broaden access to, expand and diversify the audiences for, or strengthen communities through the arts.

"Arts professional" means an individual who has formal artistic or arts management training and/or professional arts-related work experience.

"Board" means the board of commissioners appointed to the Washington state arts commission pursuant to RCW 43.46.015.

"Chair" means the chair of the board, elected pursuant to WAC 30-08-050 and fulfilling duties as established in Title 30 WAC.

"Collections management" means the ongoing care, preservation, and maintenance of the state art collection, including activities such as the management of conservation, restoration, deaccession, documentation, inventory, labeling, loans, and re-siting of works of art.

"Commission" means the collective entity of the Washington state arts commission, including the board, executive director, and staff.

"Commissioner" means an individual appointed to the board of the Washington state arts commission.

"Conservation" means treatment of malfunctioning or damaged works of art for the purpose of bringing them to a stable condition so that future routine and special maintenance can be effective. Conservation-related activities may also include examination and documentation.

"Curator" means a qualified visual arts professional with past curatorial experience selected to recommend works of art for acquisition to the state art collection.

"Deaccession" means board action to remove an accessioned work of art from the state art collection.

"Disability" is defined in RCW 49.60.040(7).

"Eligibility requirements" means published standards by which applications are reviewed to determine if they meet the minimum required qualifications to apply for a commission program.

"Executive director" means that person employed pursuant to RCW 43.46.045 to carry out the functions of that chapter and Title 30 WAC.

"Grant" means a contract for arts or cultural services between the commission and an organization or individual.

"Inventory" means a periodic survey of the physical state and current location of works of art in the state art collection.

"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.

"Panel" means a group of individuals convened by staff to review nominations and applications, based on published review criteria, in order to make selection recommendations to the board or executive director.

"Partner agency" means a state agency, K-12 public school, university, college, community college, or other public entity working with the art in public places program.

"Professional artist" means a person who has formal artistic training; and/or has professional exhibition, performance, or publication experience; and/or who is recognized by critics and peers as skilled in art making.

"Public artist roster" means the board approved list of professional artists eligible to create visual works of art for the state art collection.

"Re-siting" means the relocation of a work of art in the state art collection within the jurisdiction of a partner agency or between partner agencies.

"Restoration" means treatment that returns a malfunctioning or damaged work of art to a known or assumed state, often through the addition of non-original material.

"Review criteria" means the standards used by panels to evaluate applications.

"Roster" means a list of approved arts professionals who have the skills and experience to address the needs of a specific commission program.

"Routine maintenance" means a regular procedure to preserve a work of art in the state art collection in proper condition: Clean, presentable, and in working order.

"Site responsive" means created, planned, or intended for a particular site. A site responsive work of art addresses both the physical characteristics of its location (size, environment, lighting, public use, etc., of the site) and the community in which it is situated (neighborhood, users of site, historical population, etc.).

"Special maintenance" means anticipated but infrequent activities required to maintain aesthetic and/or structural aspects of the works of art in the state art collection, including integrity of the overall surface and/or individual elements.

"Staff" means employees of the Washington state arts commission, under the direction of the executive director, pursuant to RCW 43.46.045, employed to carry out the functions of that chapter, and Title 30 WAC.

"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.

"Teaching artist" means professional artists who are dedicated to arts education as an integral part of their professional practice, and who have cultivated skills as an educator in concert with their skills as artists.

"Underserved" means populations whose opportunities to experience the arts are limited by geography, ethnicity, economics, or disability.

"Washington state arts commission" means the collective entity of the Washington state arts commission, including the board and staff.

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

AMENDATORY SECTION (Amending WSR 10-02-089, filed 1/6/10, effective 2/6/10)

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 42.56.040 through 42.56.520~~)) chapter 42.56 RCW dealing with public records.

[Statutory Authority: RCW 43.46.040 and 43.46.081. 10-02-089, § 30-04-010, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 43.46.040. 86-08-072 (Order 1, Resolution No. 86-1), § 30-04-010, filed 4/1/86.]

AMENDATORY SECTION (Amending WSR 10-02-089, filed 1/6/10, effective 2/6/10)

WAC 30-04-020 Public records available. All public records of the commission ((~~as defined in WAC 30-02-010(34),~~)) are available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.56.210 and WAC 30-04-070.

[Statutory Authority: RCW 43.46.040 and 43.46.081. 10-02-089, § 30-04-020, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 43.46.040. 98-24-073, § 30-04-020, filed 11/30/98, effective 12/31/98; 86-08-072 (Order 1, Resolution No. 86-1), § 30-04-020, filed 4/1/86.]

AMENDATORY SECTION (Amending WSR 10-02-089, filed 1/6/10, effective 2/6/10)

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 42.56 RCW.

[Statutory Authority: RCW 43.46.040 and 43.46.081. 10-02-089, § 30-04-030, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 43.46.040. 86-08-072 (Order 1, Resolution No. 86-1), § 30-04-030, filed 4/1/86.]

AMENDATORY SECTION (Amending WSR 10-02-089, filed 1/6/10, effective 2/6/10)

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 ~~((except weeks that include state))~~, excluding legal holidays and other posted office closures. All public records of the commission are located at the ~~((Washington State Arts Commission, 711 Capitol Way S., Suite 600, Olympia, WA 98504))~~ office address published on our web site at www.arts.wa.gov.

[Statutory Authority: RCW 43.46.040 and 43.46.081. 10-02-089, § 30-04-040, filed 1/6/10, effective 2/6/10. 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.]

AMENDATORY SECTION (Amending WSR 10-02-089, filed 1/6/10, effective 2/6/10)

WAC 30-04-050 Requests for public records. In accordance with the requirements of chapter 42.56 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))~~ commission, 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 listed in WAC 30-04-040. The form shall be presented))~~ (including electronic mail) 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 42.56.210. 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 42.56.260, 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)).~~

(2) If the request is for a list of individuals, the requestor shall certify that the request is not for commercial purposes except as provided under RCW 42.56.070(7).

[Statutory Authority: RCW 43.46.040 and 43.46.081. 10-02-089, § 30-04-050, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 43.46.040. 95-15-040, § 30-04-050, filed 7/12/95, effective

NEW SECTION

WAC 30-04-055 Response to public records request. (1) The public records officer shall respond to public records requests within five business days by:

(a) Providing the record;

(b) Acknowledging receipt of the request and providing a reasonable estimate of the time the commission will require to respond to the request; or

(c) Denying the public record request. Responses refusing in whole or in part the inspection of a public record shall include a statement of the specific exemption authorizing the withholding of the record (or any part) and a brief explanation of how the exemption applies to the record(s) withheld.

(2) Additional time to respond to the request may be based upon the need to:

(a) Clarify the intent of the request;

(b) Locate and assemble the information requested;

(c) Notify third persons or agencies affected by the request;

or

(d) Determine whether any of the information requested is exempt and that a denial should be made as to all or part of the request.

(3) In acknowledging receipt of a public record request that is unclear, the public records officer may ask the requestor to clarify what information the requestor is seeking. If the requestor fails to clarify the request, the public records officer need not respond to it.

(4) If the public records officer does not respond in writing within five working days of receipt of the request for disclosure, the person seeking disclosure shall be entitled to:

(a) Consider the request denied; and

(b) Petition the public records officer under WAC 30-04-080.

(5) If the public records officer responds within five working days acknowledging receipt of the request and providing an estimate of the time required to respond to the request, and the requestor feels the amount of time stated is not reasonable, the person seeking disclosure shall be entitled to petition the public records officer for a review of the estimate of time. The procedures set out in WAC 30-04-080 shall apply to this review.

(6) Only after a determination has been made that all, or such portion of a public record as is not redacted, may be inspected, shall such public record or portion thereof be made available for inspection by appointment.

(7) The request for an appointment shall be made in writing to the public records officer. The public records officer shall acknowledge such request for an appointment within two business days of the receipt of such request and will provide the requestor with the date(s) that such an appointment could be kept by an authorized staff person.

(8) 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.

(9) In all cases, it shall be the obligation of the public records officer 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; and

(f) Prevent excessive interference with the other essential functions of the commission.

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AMENDATORY SECTION (Amending WSR 95-15-040, filed 7/12/95, effective 8/12/95)

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))~~ ten cents per black and white copy. Specialized records, including color copy, will be duplicated at 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 and/or duplicating done outside the ~~((agency))~~ commission, the charges will be based on the actual cost of such outside copying and/or duplicating service. For all copying and/or duplicating 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. The commission may require that all charges be paid in advance of release of the copies of the records.

[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.]

AMENDATORY SECTION (Amending Order 1, Resolution No. 86-1, 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 to the public records officer. The written request shall specifically refer to the written statement by the public records officer or other (~~staffperson~~) staff 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~~) staff 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 business 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.]

AMENDATORY SECTION (Amending WSR 10-02-089, filed 1/6/10, effective 2/6/10)

WAC 30-04-120 Records index. The commission shall (~~provide~~) establish 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 42.56.210 shall be so noted on the index~~), which shall be made available for public review.

[Statutory Authority: RCW 43.46.040 and 43.46.081. 10-02-089, § 30-04-120, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 43.46.040. 86-08-072 (Order 1, Resolution No. 86-1), § 30-04-120, filed 4/1/86.]

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 30-04-090

Protection of public records.

AMENDATORY SECTION (Amending WSR 10-02-089, filed 1/6/10, effective 2/6/10)

WAC 30-08-010 ((Purpose.)) Scope of this chapter. The ((purpose of this)) chapter is to ensure compliance by the board of the Washington state arts commission with the provisions of chapters 42.56 and 42.30 RCW, in particular those sections which deal with procedures ((and meetings)) for the board.

[Statutory Authority: RCW 43.46.040 and 43.46.081. 10-02-089, § 30-08-010, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 43.46.040. 86-08-072 (Order 1, Resolution No. 86-1), § 30-08-010, filed 4/1/86.]

AMENDATORY SECTION (Amending WSR 10-02-089, filed 1/6/10, effective 2/6/10)

WAC 30-08-020 Uniform procedure rules. Practice and procedure in and before the ((commission)) board are governed by the uniform procedural rules codified in the Washington Administrative Code, WAC 10-08-001 through 10-08-252, as now or hereafter amended, which rules the ((commission)) board adopts as its own, subject to any additional rules the ((commission)) board has adopted or may choose to adopt. ((The commission)) Should any question not covered by its rules come before the board, the board reserves the right to make ((whatever)) a determination that is fair and equitable ((should any question not covered by its rules come before the commission, said determination to be)), and in accordance with the spirit and intent of the law.

[Statutory Authority: RCW 43.46.040 and 43.46.081. 10-02-089, § 30-08-020, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 43.46.040. 86-08-072 (Order 1, Resolution No. 86-1), § 30-08-020, filed 4/1/86.]

AMENDATORY SECTION (Amending WSR 95-15-040, filed 7/12/95, effective 8/12/95)

WAC 30-08-030 ((Commission)) Board meetings. (1) General schedule. The ((commission shall meet)) board meets at least ((five)) four times each fiscal year and at such other times as determined to be necessary. ((The)) All meetings of the commission ((shall all be)) are "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)) chair or by a majority of the commissioners.

(2) Notice. Twenty calendar days notice of all meetings shall be given by posting on the commission's web site notification of the date, time and location of the meeting, and by mailing ((a copy of the notice and draft agenda)) or e-mailing the same 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))~~ the chair. 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))~~ chair or a majority of the ~~((commission))~~ board. 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))~~ Meeting formats. Meetings may be convened in-person and/or by conference call, on-line, or other alternative format as determined by the chair and the executive director, subject to the requirements of the Open Public Meetings Act, chapter 42.30 RCW.

(6) Rules of order. The ~~((commission shall generally))~~ board generally follows 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))~~ commissioners constitute a quorum. If all ~~((twenty one))~~ twenty-three positions are filled, the quorum ~~((shall be eleven))~~ is twelve.

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

~~(9) ((Minutes.))~~ Meeting materials. Staff makes meeting materials available to the public at the time of the meeting, and following the meeting upon request.

(10) Minutes ~~((shall be kept))~~ of the proceedings of all ~~((commission))~~ board meetings are kept and published on the commission web site.

~~((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.]

AMENDATORY SECTION (Amending WSR 95-15-040, filed 7/12/95, effective 8/12/95)

WAC 30-08-040 ((Commission)) Board 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)) board shall notify the executive director in writing at least ten days prior to the time of the meeting. The ((commission)) chair 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)) board shall be granted by the executive director in consultation with the ((chairperson, as authorized by the commission)) chair.

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

(2) The ((chairperson)) chair 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)) chair's sense of the business ((it)) the board must conduct, the ((chairperson)) chair 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.]

NEW SECTION

WAC 30-08-080 Board officers and committees. (1) Officers. The officers of the board shall be chair, first vice-chair, and second vice-chair.

(a) Election of officers.

(i) At the last meeting of the fiscal year, the current chair shall appoint a nominating committee. At the first meeting of the next fiscal year, the nominating committee shall report its

recommendations for officers, after which nominations shall be open to the floor. An election shall be held and the commissioner 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 chair, first vice-chair, and second vice-chair until the next election or successors are elected.

(ii) Vacancies may be filled by the chair between annual elections of officers.

(b) Duties of officers.

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

(ii) The first vice-chair shall act as chair in the absence or incapacity of the chair.

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

(2) Interim committee. The chair, first vice-chair, second vice-chair, and at least one commissioner at-large appointed by the chair shall constitute the interim committee.

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

(3) Committees of the board. The chair shall appoint such committees as the board or the chair deem necessary to carry on the business of the board.

A committee may act on behalf of the board 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 board. Any committee action shall be ratified at the next regular meeting of the board.

[]

NEW SECTION

WAC 30-08-090 Conflict of interest. The requirements of state ethics laws apply to all board members operating in their role as a commissioner, including prohibitions against conflicts of interest, pursuant to chapter 42.52 RCW.

(1) Conflict of interest at board and board committee meetings.

(a) When a member of the board will benefit, directly or indirectly, from a grant, project, issue, or other matter before the board or a committee of the board, he/she shall notify the chair, executive director, or fellow committee members. In relation to approval of specific grants or grant lists, indicators of a conflict include financial or management ties to a specific project, such as salary, ownership, hands-on management or directorship by the commissioner, or a member of the commissioner's household or immediate family.

(b) A commissioner with a conflict of interest shall recuse himself/herself from the decision by taking the following actions:

(i) Recuse himself/herself from board/committee discussion regarding the specific grant, project, issue, or matter;

(ii) Recuse himself/herself from the board/committee vote on the specific grant, project, issue, or matter;

(iii) Refrain from attempting to influence the remaining commissioners at their discussion and vote regarding the specific grant, project, issue, or matter.

(c) Recusal may include leaving the room, if so requested by the chair or fellow committee members.

(d) If possible, where there is a known conflict of interest regarding an action item at a board meeting, the item will be scheduled in such a manner that the commissioner can participate in other action items.

(2) Perceived conflict of interest at a board or committee meeting. Any member of the board or committee who feels that he/she has no prohibited conflict of interest but does have a personal or professional interest which the public might misconstrue in the particular situation, may either voluntarily recuse, as identified above; or disclose the interest to those present, and if there is no objection from anyone present, proceed to discuss and vote on the item. If there is an objection the chair shall determine if recusal is necessary and appropriate.

[]

NEW SECTION

WAC 30-08-100 Complementary tickets and other gifts. In compliance with chapter 42.52 RCW, Ethics in public service, board and staff of the commission will not accept gifts of complementary tickets or other gifts that will influence or create the appearance of influence on commission decisions.

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REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 30-08-050	Commission meeting materials.
WAC 30-08-060	Committee meetings.
WAC 30-08-070	Appeal procedure--Awards and contracts.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 30-14-010	Scope of chapter.
WAC 30-14-020	Purpose.
WAC 30-14-030	Eligibility.
WAC 30-14-040	Application form.
WAC 30-14-050	Application deadlines.
WAC 30-14-060	Application review process.
WAC 30-14-070	Application review criteria.
WAC 30-14-080	Appeals procedure.
WAC 30-14-090	Contracting.
WAC 30-14-100	Disbursement of funds.
WAC 30-14-110	Evaluation methods.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

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

REPEALER

The following chapter of the Washington Administrative Code is repealed:

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

REPEALER

The following chapter of the Washington Administrative Code is repealed:

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

AMENDATORY SECTION (Amending WSR 10-02-089, filed 1/6/10, effective 2/6/10)

WAC 30-41-010 Purpose. The Washington state arts commission is authorized by RCW 43.46.081 to establish and administer the poet laureate program. The poet laureate shall serve a two-year term, and engage in activities to promote and encourage poetry within the state, including, but not limited to, readings, workshops, lectures, and/or presentations for ((Washington)) educational institutions and communities in geographically diverse areas ((over a two-year term)).

[Statutory Authority: RCW 43.46.040 and 43.46.081. 10-02-089, § 30-41-010, filed 1/6/10, effective 2/6/10.]

AMENDATORY SECTION (Amending WSR 10-02-089, filed 1/6/10, effective 2/6/10)

WAC 30-41-020 Procedures. (1) ~~((Selection of))~~ The process for selecting a poet laureate ((shall be made by a committee appointed and coordinated by the commission. The committee may)) is managed pursuant to WAC 30-12-017 (Applications) and WAC 30-12-030 (Panels), unless otherwise noted in this section.

(2) A member of the staff serves on the panel, which may also include representatives of the board, the Washington state library, the education community, the Washington commission for the humanities, publishing, and the community of Washington poets.

~~((+2))~~ (3) ~~The ((commission and the committee shall establish))~~ panel establishes review criteria to be used for the selection of a poet laureate. ((In addition to other criteria)) Competition frequency, and application forms and guidelines shall be established((, the poet laureate must be a published poet, a resident of Washington state, active in the poetry community, and willing and able to promote poetry in the state of Washington throughout the two year term)) and published by staff.

~~((3) The recommendation of the poet laureate selection committee shall be forwarded to the commission, which shall appoint the poet laureate with the approval of the governor.))~~ (4) The board shall review the panel's recommendations and advise the governor of its decisions. The governor has final approval authority.

(5) Following the governor's approval of the poet laureate, staff shall inform the board and the appointee.

(6) If the governor fails to approve the appointee, the commission shall restart the application process.

[Statutory Authority: RCW 43.46.040 and 43.46.081. 10-02-089, §

30-41-020, filed 1/6/10, effective 2/6/10.]

AMENDATORY SECTION (Amending WSR 10-02-089, filed 1/6/10, effective 2/6/10)

WAC 30-41-030 Compensation. The poet laureate shall receive compensation at a level determined by the (~~commission~~) executive director. Travel expenses shall be provided in accordance with RCW 43.03.050 and 43.03.060.

[Statutory Authority: RCW 43.46.040 and 43.46.081. 10-02-089, § 30-41-030, filed 1/6/10, effective 2/6/10.]

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 30-41-040 Term limits.

AMENDATORY SECTION (Amending WSR 95-15-040, filed 7/12/95, effective 8/12/95)

WAC 30-44-010 Scope of this 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.]

AMENDATORY SECTION (Amending WSR 95-15-040, filed 7/12/95, effective 8/12/95)

WAC 30-44-020 Program purpose. The governor's arts and heritage awards recognize(~~(s)~~) 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.]

AMENDATORY SECTION (Amending WSR 95-15-040, filed 7/12/95, effective 8/12/95)

WAC 30-44-030 Eligibility. (1) In order for the commission to consider an individual or organization for a governor's arts or heritage award, the nominee must:

~~((1))~~ (a) 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))~~ (b) Not have been a previous individual recipient;

(c) Not have been a previous organizational recipient within the last twenty years.

(2) The commission may establish additional eligibility requirements to be published in application guidelines.

[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.]

AMENDATORY SECTION (Amending WSR 95-15-040, filed 7/12/95, effective 8/12/95)

WAC 30-44-040 ((Nomination form.)) Application and presentation of awards. (~~(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.)~~ (1) Applications are managed pursuant to WAC 30-12-017 (Applications) and WAC 30-12-030 (Panels), unless otherwise noted in this section.

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

The board shall review the panel's recommendations for nominations and advise the governor of its decisions. The governor has final approval authority.

[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.]

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 30-44-050	Nomination review process.
WAC 30-44-060	Nomination review criteria.

AMENDATORY SECTION (Amending WSR 95-15-040, filed 7/12/95, effective 8/12/95)

WAC 30-12-010 ((Purpose.)) Scope of this chapter. ((The purpose of)) This chapter is to ((provide the public and the commission's constituents with those)) establish 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)) of the Washington state arts commission. Additional rules for specific programs are established in application guidelines, and in chapter 30-40 WAC (Art in public places program), 30-41 WAC (Poet laureate program), and 30-44 WAC (Governor's arts and heritage awards).

[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.]

NEW SECTION

WAC 30-12-015 Grants. (1) The commission provides grants through a competitive process to organizations or individuals for the purpose of developing, sponsoring, and promoting the growth and development of the arts in the state of Washington.

(2) Application cycles, forms, guidelines, eligibility requirements, and review criteria are established and published by staff.

(3) The application process is managed pursuant to WAC 30-12-017 (Applications) and applications are reviewed by a panel pursuant to WAC 30-12-030 (Panels).

(4) The board reviews panel recommendations and approves grants, except as noted below.

(a) The executive director may approve grants which do not exceed three thousand dollars. Such actions are reviewed and ratified at the next meeting of the board.

(b) The board may delegate to the executive director approval of grants which exceed three thousand dollars. Such actions are reviewed and ratified at the next meeting of the board.

[]

NEW SECTION

WAC 30-12-016 Rosters. (1) Staff may establish a roster to address program needs.

(2) Application cycles, forms, guidelines, eligibility requirements, and review criteria are established and published by staff.

(3) The application process is managed pursuant to WAC 30-12-017 (Applications) and applications are reviewed by a panel pursuant to WAC 30-12-030 (Panels).

(4) Staff may eliminate a roster due to changes in priorities, program needs, or resources, subject to the review and approval of the board.

(5) Removal from a roster.

(a) Staff have the authority to remove individuals from a roster for the following reasons:

(i) Individual on the roster fails to inform staff of new contact information;

(ii) Individual on the roster requests to be removed;

(iii) Individual on the roster is deceased;

(iv) Expiration of roster term limit, as published in application guidelines;

(v) Violation of the terms of a commission-related contract;

(vi) Any other reason specified in published application guidelines.

(b) Removed individuals may apply to the next roster competition, except if removed for violation of the terms of a commission-related contract or for other reasons as specified in application guidelines.

[]

NEW SECTION

WAC 30-12-017 Applications. (1) Application cycles, forms, guidelines, eligibility requirements, and review criteria are established and published by staff.

(2) Application forms and guidelines are published on the commission web site no fewer than twenty calendar days prior to the deadline for submitting applications, pursuant to RCW 34.05.413.

(3) Applications that arrive or are postmarked by the published deadline as specified in application guidelines are reviewed by staff to determine if the application meets published eligibility requirements.

(4) Staff convene a panel to review eligible applications pursuant to WAC 30-12-030 (Panels).

[]

AMENDATORY SECTION (Amending WSR 95-15-040, filed 7/12/95, effective 8/12/95)

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

~~(2) Panel members))~~ convened by staff and are authorized to serve by the executive director ~~((, and))~~.

(2) Panels may include citizens, commissioners, and staff and will be three to seven members.

(a) Panelists are selected in order to achieve a balance of relevant expertise, and representation of diverse geographic and cultural communities, as appropriate to the program and review criteria.

(b) Panel members may be reimbursed for their services and/or their travel expenses. Commissioners and staff are not reimbursed for their panel services, but may be reimbursed for their travel expenses.

(3) Staff provide panel members an orientation, including conflict of interest rules pursuant to WAC 30-12-035 (Conflict of interest in panels and program committees).

(4) Panel members are expected to apply their critical judgment and expertise to evaluate applications based on the review criteria.

(5) The record of panel deliberations is comprised of: The names and qualifications of the panel members; panel orientation materials; declared conflicts of interest or recusals; scoring sheets; a summary of comments; and the panel's recommendations to the board.

~~((3))~~ (6) Panels may refrain from scoring an application, or making a recommendation, if, in their opinion, there is insufficient information ((or merit)) in the material under review.

~~((4))~~ (7) All panel recommendations are subject to the review and approval or ratification of the ((commission)) board.

[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.]

NEW SECTION

WAC 30-12-035 Conflict of interest in panels and program committees. (1) The requirements of state ethics laws apply to all panels and program committees, including prohibitions against conflicts of interest, pursuant to chapter 42.52 RCW.

(2) When a member of a panel or program committee will benefit, directly or indirectly, from a grant, project, or other matter before the panel or committee, he/she shall notify the staff convening the panel or committee. Indicators of a conflict include financial or management ties to a specific application, proposal, submission or other matter, such as salary, ownership, hands-on management or directorship by the panelist or a member of the panelist's household or immediate family.

(3) Panel and program committee members who have a conflict of interest must recuse themselves from the decision by taking the following actions:

(a) Recuse himself/herself from panel/committee discussion regarding the specific application, proposal, submission or other matter;

(b) Recuse himself/herself from the panel/committee vote on the specific application, proposal, submission or other matter;

(c) Refrain from attempting to influence the remaining panel/committee members in their discussion and vote regarding the specific application, proposal, submission or other matter.

(4) In a panel/program committee meeting, recusal shall include leaving the room for the discussion and vote on the item with which the panel/committee member has a conflict of interest. The panel/committee members may participate in discussion that leads to preparation of the list of recommendations, including scoring of other applications.

(5) Perceived conflict of interest at a panel/committee meeting.

Any member of the panel/committee who feels that he/she has no prohibited conflict of interest but does have a personal or professional interest which the public might misconstrue in the particular situation, may either voluntarily recuse, as identified above, or disclose the interest to those present and, if there is no objection from anyone present, proceed to discuss and vote on the item. If there is an objection, the panel/committee member shall recuse himself/herself.

(6) Panel recommendations presented to the board for approval shall identify all conflicts of interest stated during the panel process.

[]

NEW SECTION

WAC 30-12-036 Request for review of denied applications. (1)
By this section, the commission adopts RCW 34.05.482 and 34.05.485 through 34.05.494 for the use of brief adjudicative proceedings when an application for a commission program has been denied and the applicant requests review of the denial.

(2) Brief adjudicative proceeding. If the board denies an application for a commission program, the applicant may challenge the board's decision by requesting a brief adjudicative proceeding.

(a) A request for a brief adjudicative proceeding must be filed in writing to the executive director within twenty-one calendar days of the date the denial was sent to the applicant, and must state the reason(s) for the request.

(b) The executive director or his/her designee acts as the presiding officer in the brief adjudicative proceeding.

(c) The presiding officer provides an opportunity for both the applicant and the commission to explain their views of the board's decision.

(i) The applicant and presiding officer may consult with staff to examine the application process, including application guidelines, composition of the panel, panel orientation materials, declared conflicts of interest or recusals; scoring sheets; summaries of panel comments as available; and the panel's recommendations to the board.

(ii) The presiding officer may rely on his/her examination of the application process, additional information provided by the applicant and the commission, and any other relevant information resulting from the presiding officer's inquiries.

(d) Initial order. When the presiding officer has reached a decision, the presiding officer will notify the applicant and the commission in a brief written statement explaining the reasons for the decision and advising the parties of the right to seek administrative review of the presiding officer's decision.

(e) The presiding officer's brief written statement is an initial order. If neither party requests review of the initial order as authorized by RCW 34.05.488 and 34.05.491, the presiding officer's initial order automatically becomes the final order.

(3) Administrative review of the initial order. The chair will conduct an administrative review of the presiding officer's initial order if the chair receives a written or oral request for review from either the applicant or the commission within twenty-one days after service of the initial order.

(a) The chair or the chair's designee acts as the reviewing

officer in administrative review of an initial order.

(b) If neither party requests review, the reviewing officer may nonetheless review an initial order without notice to the parties, but the reviewing officer will not take any action on review that is less favorable to either party than the initial order, without giving that party notice and an opportunity to explain that party's view of the matter;

(c) The reviewing officer ensures that the matter meets the criteria in RCW 34.05.482(1) for brief adjudicative proceedings and that both the applicant and the commission have the additional opportunity, as part of the review, to explain their views of the matter to the reviewing officer;

(d) The reviewing officer may rely on the record of the application process, additional explanations provided by the parties, and any other relevant information resulting from the reviewing officer's inquiries;

(e) The reviewing officer enters a written order within twenty-one calendar days of the request for review, or, if the review was conducted without a request from either party, the reviewing officer enters a written order within twenty-one days of service of the presiding officer's initial order. The reviewing officer's order is a final order containing a brief statement of the reasons for the decision and notifying the parties of the availability of judicial review by a superior court pursuant to RCW 34.05.510 through 34.05.598;

(f) If the reviewing officer does not enter a written order within twenty-one calendar days after the request for review, the request is deemed to have been denied, and the initial order from the presiding officer becomes the final order subject to judicial review by a superior court pursuant to RCW 34.05.510 through 34.05.598.

(4) Record of review. The commission maintains, as its official record of the matter, all documents that were considered or prepared by the presiding officer for the brief adjudicative proceeding or by the reviewing officer if an administrative review was conducted.

(a) The presiding officer for the brief adjudicative proceeding, the reviewing officer on administrative review, and the superior court on judicial review may consider matters outside the commission's official record, subject to the limitations of RCW 34.05.558 and 34.05.562.

(b) If a party files a petition for judicial review by a superior court pursuant to RCW 34.05.510 through 34.05.598, staff will prepare and transmit the official record to the superior court as required by RCW 34.05.566.

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NEW SECTION

WAC 30-12-037 Accessibility complaints. (1) If a person believes an event, service, or facility funded by the commission has discriminated based upon a disability, he/she may do one of the following:

- (a) File an informal complaint directly with the commission;
- (b) File a complaint with the Washington state human rights commission; or
- (c) Seek private legal counsel.

(2) If a person believes an event, service, or facility funded by the commission has discriminated for a reason other than disability, he/she should contact the Washington state human rights commission.

(3) If a person believes the commission has directly discriminated against him/her for any reason, he/she is advised to contact the Washington state human rights commission.

(4) Responding to informal complaints submitted to the commission. Staff will respond to complaints of discrimination based upon disability at/within/by a commission-funded event, service, or facility. Staff will work with its grantees to address the complaint. If access or an access plan is not satisfactorily attained within thirty days, staff will encourage the complainant to contact the Washington state human rights commission, to which staff will forward the complaint and any relevant records as determined by staff.

(5) If the complaint is verified and the grantee organization is found to be in noncompliance by the Washington state human rights commission, staff may put a hold on pending payment of any grant funds from the commission as well as withhold final decisions on any pending applications until that organization has addressed its noncompliance issues.

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AMENDATORY SECTION (Amending WSR 95-15-040, filed 7/12/95, effective 8/12/95)

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))~~ commission's logo or other credits may be used to indicate commission support for organizations or individuals who have received grants, membership on a roster, or sponsorship.

[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.]

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 30-12-040	Support of individual artists.
WAC 30-12-050	Support of arts institutions.
WAC 30-12-060	Support of Washington artists and organizations.
WAC 30-12-080	Special populations.
WAC 30-12-090	Native American arts.
WAC 30-12-100	Ethnic communities.
WAC 30-12-110	Geographic distribution of services.
WAC 30-12-130	Continuing support.
WAC 30-12-150	Complimentary tickets requested for the purpose of evaluation.

AMENDATORY SECTION (Amending Order 2, Resolution No. 87-1, filed 5/7/87)

WAC 30-40-010 ((Purpose.)) Scope of this chapter. ((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 specifically to the art in public places program to acquire and conserve works of art in the state art collection.

[Statutory Authority: RCW 43.46.040. 87-11-001 (Order 2, Resolution No. 87-1), § 30-40-010, filed 5/7/87.]

AMENDATORY SECTION (Amending WSR 95-15-040, filed 7/12/95, effective 8/12/95)

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 and is authorized by RCW 43.46.040 to adopt rules to do so. Staff has the authority to develop, administer, and manage 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.]

AMENDATORY SECTION (Amending WSR 95-15-040, filed 7/12/95, effective 8/12/95)

WAC 30-40-050 ((Fiscal procedures/eligibility.)) Funding.
(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)) Pursuant to RCW 43.46.090 through 43.46.095, one-half of one percent of the state's capital appropriation for the original construction of specific public buildings is set aside for the administration, acquisition, and conservation of works of art for the state art collection.

(b) The formula is applied to escalated maximum allowable construction cost, and may be applied to architecture and engineering fees and equipment cost.

(c) Funding is generated by construction of any new building and/or additions to an existing building or structure except for highway construction sheds, warehouses, or other temporary buildings. In addition, funding is generated by any renovation and remodel work exceeding two hundred thousand dollars at universities, colleges, and community colleges. Renovation and remodel work does not include repair, maintenance, or replacement of building systems, such as HVAC, plumbing, wiring, fire sprinklers, roofs, insulation, lighting, or other system that keeps the building functional and safe.

(2) Partner agency eligibility and site requirements of funds.

(a) All state agencies including all state departments, boards, councils, commissions, and quasi-public corporations; all universities, colleges, community colleges, and technical colleges; and the office of the superintendent of public instruction who appropriates state funding to school districts for the original construction of school plant facilities, shall apply the formula.

(b) Works of art must be placed in public buildings or on public lands. In siting works of art, priority is given to state properties and K-12 public schools.

(c) Works of art may be sited in a location other than the construction site generating the funding.

(3) Use of funds.

(a) Staff is responsible for negotiating contracts and expending funds.

(b) Funds may be used for works of art in the state art collection that are:

- (i) Integral to or attached to a public building or structure;
- (ii) Detached inside or outside a public building or structure;
- (iii) On or part of the landscape;
- (iv) Permanent or temporary;
- (v) Part of a portable exhibition or collection.

(c) Funds may be used for expenses incurred in the design, fabrication, and installation of works of art, artists' fees and expenses, staff administrative expenses, and conservation.

(d) Funds shall not be used for the partner agency's administrative expenses, architectural or professional design services, site preparation, public event expenses, insurance, or maintenance of the work of art.

(e) Funds shall not be used for clock towers, electrically powered water features, memorials, logos, signage, or the depiction of school mascots.

(4) Determination of funds. ((The commission)) Staff shall determine the funds that are available for projects and sites, in consultation with the partner agency; director of general administration ((and/or the)); directors of state agencies(()); the superintendent of public instruction(()) and school district boards of directors((and)); or 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)) (5) Supplemental funds ((for art)). The one-half of one percent ((expenditure)) formula is a required minimum for works of art. ((State)) Partner 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)) additional funds from other sources. Works of art acquired using supplemental funding become part of the state art collection.

((5)) (6) Transfer of funds. ((The commission maintains the fiscal system for all one half of one percent funds for art.)) After project funds for works of art ((have been)) are determined, ((the commission)) staff may request((s)) 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)) from the partner agency.~~

(7) Pooling of funds.

(a) Funds from multiple construction projects may be combined as part of a pooling program among partner agencies, and/or to fund larger works of art.

(b) Only K-12 school districts with applicable state assisted construction project funds may apply for K-12 pooled funds.

(c) Eligible K-12 school districts may apply for pooled funds pursuant to WAC 30-12-017 (Applications), 30-12-030 (Panels), and in accordance with published application guidelines.

[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.)) Collections management. ~~((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.)~~ (1) Staff manage the state art collection as funded, including conservation, restoration, deaccession, inventory, loans, and re-siting.

(2)(a) The commission enters into interagency agreements with partner agencies hosting sites for works of art in the state art collection. The interagency agreement is in effect throughout the partner agency's possession of the work(s) of art.

(b) Partner agencies are responsible for all routine and special maintenance for works of art in the state art collection, which they hold as stated in the interagency agreement.

(i) Routine maintenance includes activities such as surface dusting, replacement of lights, cleaning of glass or Plexiglas, removal of debris, or oiling of moving parts.

(ii) Special maintenance typically involves non-art specific skills including, but not limited to, the application of paint and/or sealant to certain works of art, mortar replacement, or landscape maintenance.

(3) Collections management policy includes:

(a) Conservation/restoration. The commission is responsible for the conservation and restoration of the state art collection. Staff determine conservation and restoration priorities and actions.

(b) Deaccession. The board has authority to formally remove works of art from the state art collection when those works of art

meet the removal criteria in the collection management policy. Removal of works of art follows the procedures outlined in the collection management policy.

(c) Gifts and transfers. The commission does not accept gifts and transfers of works of art to the state art collection.

(d) Insurance. The state art collection is self-insured.

(e) Inventory. Staff inventory the state art collection in accordance with the state administrative and accounting manual.

(f) Loans of works of art. Works of art may be loaned for temporary exhibition in accordance with the collection management policy. The executive director approves, and staff coordinate outgoing loans.

(g) Re-siting. Staff manage the re-siting of works of art from the state art collection. Re-siting is intended to provide a long-term, secure, and visible home for a work of art. Priority for re-siting is given to the original partner agency when possible.

(i) If re-siting within the original partner agency jurisdiction is not feasible, then the work of art becomes available for re-siting to other partner agencies, in accordance with the collection management policy.

(ii) Re-siting may not be feasible for physically integrated or site-responsive works of art. Priority may be given to partner agencies that have generated funding pursuant to WAC 30-40-050 (Funding) but have not received a public art project.

(h) Additional collections management policies are established in art in public places program guidelines and are approved by the board and published on the commission's web site.

[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.]

NEW SECTION

WAC 30-40-100 Art acquisition committees. (1) Art advisory committees. Staff may recommend that a partner agency form an art advisory committee. Staff may appoint members of the committee. The committee may include, but is not limited to, members of an established art selection committee. The art advisory committee does not select artists or make decisions regarding artist proposals.

(2) Art selection committees. At staff request, an art selection committee shall be formed by the partner agency receiving the project. The committee is convened and facilitated by staff according to published program guidelines.

(a) Committee members may include partner agency administration, visual artists or visual art professionals,

community members, board members and trustees, and building/location users. A balanced representation, reflecting the partner agency and the site's constituencies, should be appointed to the committee. Staff may recommend appointees to the committee.

(b) A preferred committee size is from three to seven members, depending on the method of acquisition of works of art.

(i) For commissioning works of art, the minimum committee size is five members. The committee shall select the artist and approve the artist's concept.

(ii) For direct purchase of curated existing works of art, the minimum committee size is five members. The committee will approve the selection of artists and work(s) of art.

(iii) For re-siting works from the state art collection, the minimum committee size is three members. The committee shall select the work(s) of art to be permanently re-sited.

[]

NEW SECTION

WAC 30-40-110 Acquisition of works of art. (1) The commission enters into an interagency agreement with any partner agency generating one-half of one percent funds and/or hosting a site for a work of art in the state art collection.

(2) Methods of selecting artists and works of art.

(a) Commissioning new works of art. The primary method of acquisition is by commissioning new works of art through an art selection committee. The public artist roster (WAC 30-40-120) is the tool for selecting artists for commissioning except as specified in (d) of this subsection.

(b) Curated purchase. Staff facilitates a process whereby a curator recommends work(s) of art for art selection committee approval. The curator roster (WAC 30-40-130) is the tool for selecting curators for recommendations except as specified in (d) of this subsection.

(c) Re-siting. Works of art may be re-sited with any partner agency pursuant to WAC 30-40-060 (3)(g) and in accordance with the collection care policy.

(d) Open competition. In consultation with the director of a partner agency, staff may elect to manage an open competition for artists to be considered for the commissioning of a new work(s) of art or for curators to recommend existing works of art through a curated purchase. The open competition process is managed pursuant to WAC 30-12-017 (Applications) and 30-12-030 (Panels) unless otherwise noted in this subsection.

(i) A partner agency art selection committee may act as the panel

for the application review process.

(ii) In addition to artists who apply to the open competition, the art selection committee will review and consider all eligible artists from the public artist roster.

(iii) Artwork selection committee decisions regarding acquisitions are final and do not need board approval.

[]

NEW SECTION

WAC 30-40-120 Public artist roster. (1) The public artist roster is managed pursuant to WAC 30-12-017 (Applications), 30-12-030 (Panels), and 30-12-016 (Rosters).

(2) Artists can apply and be accepted onto the public artist roster as either an individual or as an artist team. Should an artist team dissolve, all individuals on the team will be removed from the public artist roster.

(3) An artist or artist team on the public artist roster is considered inactive and not eligible for a new contract:

(a) For a period of two years from the date a commissioning contract is signed; and/or

(b) While under a proposal contract.

[]

NEW SECTION

WAC 30-40-130 Curator roster. (1) The curator roster is managed pursuant to WAC 30-12-017 (Applications), 30-12-030 (Panels), and 30-12-016 (Rosters).

(2) An art selection committee will select curators presented to the committee by the staff. Geography, media, specialty, and availability will be considered.

(3) A curator on the roster is not eligible for a new contract while under a current contract with the commission.

[]

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 30-40-040

Program purpose and goals.

WAC 30-40-070
WAC 30-40-080
WAC 30-40-090

Program procedures.
Rejection of art.
Evaluation methods.