

Washington State Arts Commission – Art in Public Places Program Statutes

Revised Code of Washington (RCW)

RCW 43.46.090 Commission as reflecting state's responsibility – Acquisition of works of art for public buildings and lands – Visual arts program established.

The legislature recognizes this state's responsibility to foster culture and the arts and its interest in the viable development of the state's artists by the establishment of the Washington state arts commission. The legislature declares it to be a policy of this state that a portion of appropriations for capital expenditures be set aside for the acquisition of works of art to be placed in public buildings or lands. There is hereby established a visual arts program to be administered by the Washington state arts commission.

[1983 c 204 § 1; 1974 ex.s. c 176 § 1.]

Notes: **Severability -- 1983 c 204:** "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

[1983 c 204 § 11.] Allocation of moneys for acquisition of works of art -- Expenditure by arts commission -- Conditions: RCW [43.17.200](#). Colleges and universities, purchases of works of art -- Procedure: RCW [28B.10.025](#). Purchase of works of art -- Procedure: RCW [43.19.455](#). School districts, purchases of works of art -- Procedure: RCW [28A.335.210](#).

RCW 43.46.095 State art collection.

All works of art purchased and commissioned under the visual arts program shall become a part of a state art collection developed, administered, and operated by the Washington state arts commission. All works of art previously purchased or commissioned under RCW [43.46.090](#), [43.17.200](#), [43.19.455](#), [28B.10.025](#), or [28A.335.210](#) shall be considered a part of the state art collection to be administered by the Washington state arts commission. [1990 c 33 § 578; 1983 c 204 § 2.]

Notes: **Purpose -- Statutory references -- Severability -- 1990 c 33:** See RCW [28A.900.100](#) through [28A.900.102](#). **Severability -- 1983 c 204:** See note following RCW [43.46.090](#).

RCW 43.17.205 Purchase of works of art – Interagency reimbursement for expenditure by visual arts program.

The funds allocated under RCW [43.17.200](#), [28A.335.210](#), and [28B.10.025](#) shall be subject to interagency reimbursement for expenditure by the

visual arts program of the Washington state arts commission when the particular law providing for the appropriation becomes effective. For appropriations which are dependent upon the sale of bonds, the amount or proportionate amount of the moneys under RCW [43.17.200](#), [28A.335.210](#), and [28B.10.025](#) shall be subject to interagency reimbursement for expenditure by the visual arts program of the Washington state arts commission thirty days after the sale of a bond or bonds. [1990 c 33 § 574; 1983 c 204 § 3.]

Notes: **Purpose -- Statutory references -- Severability -- 1990 c 33:** See RCW [28A.900.100](#) through [28A.900.102](#). **Severability -- 1983 c 204:** See note following RCW [43.46.090](#).

For State Agencies

RCW 43.17.200 Allocation of moneys for acquisition of works of art – Expenditure by arts commission – Conditions.

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

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[2005 c 36 § 4; 1983 c 204 § 4; 1974 ex.s. c 176 § 2.]

Notes: **Severability -- 1983 c 204:** See note following RCW [43.46.090](#). Acquisition of works of art for public buildings and lands -- Visual arts program established: RCW [43.46.090](#). Purchase of works of art: interagency reimbursement for expenditure by visual arts program: RCW [43.17.205](#); procedure: RCW [43.19.455](#). State art collection: RCW [43.46.095](#).

RCW 43.17.210 Purchase of works of art – Procedure.

The Washington state arts commission shall determine the amount to be made available for the purchase of art in consultation with the agency, except where another person or agency is specified under RCW [43.19.455](#), [28A.335.210](#), or [28B.10.025](#), and payments therefor shall be made in accordance with law. The designation of projects and sites, selection, contracting, purchase, commissioning, reviewing of design, execution and placement, acceptance, maintenance, and sale, exchange, or disposition of works of art shall be the responsibility of the Washington state arts commission in consultation with the directors of the state agencies. [2005 c 36 § 5; 1990 c 33 § 575; 1983 c 204 § 5.]

Notes: **Purpose -- Statutory references -- Severability -- 1990 c 33:** See RCW [28A.900.100](#) through [28A.900.102](#). **Severability -- 1983 c 204:** See note following RCW [43.46.090](#).

RCW 43.19.455 Purchase of works of art – Procedure.

Except as provided under RCW [43.17.210](#), the Washington state arts commission shall determine the amount to be made available for the purchase of art under RCW [43.17.200](#) in consultation with the director of general administration, and payments therefor shall be made in accordance with law. The designation of projects and sites, selection, contracting, purchase, commissioning, reviewing of design, execution and placement, acceptance, maintenance, and sale, exchange, or disposition of works of art shall be the responsibility of the Washington state arts commission in consultation with the director of general administration.

[2005 c 36 § 6; 1990 c 33 § 576; 1983 c 204 § 6; 1974 ex.s. c 176 § 3.]

Notes: **Purpose -- Statutory references -- Severability -- 1990 c 33:** See RCW [28A.900.100](#) through [28A.900.102](#). **Severability -- 1983 c 204:** See note following RCW [43.46.090](#). Acquisition of works of art for public buildings and lands -- Visual arts program established: RCW [43.46.090](#). Allocation of moneys for acquisition of works of art -- Expenditure by arts commission -- Conditions:

RCW [43.17.200](#). State art collection: RCW [43.46.095](#).

For Colleges and Universities

RCW 28B.10.025 Purchases of works of art – Procedure.

The Washington state arts commission shall, in consultation with the boards of regents of the University of Washington and Washington State University and with the boards of trustees of the regional universities, The Evergreen State College, and the community college districts, determine the amount to be made available for the purchases of art under RCW [28B.10.027](#), and payment therefor shall be made in accordance with law. The designation of projects and sites, the selection, contracting, purchase, commissioning, reviewing of design, execution and placement, acceptance, maintenance, and sale, exchange, or disposition of works of art shall be the responsibility of the Washington state arts commission in consultation with the board of regents or trustees. [2005 c 36 § 2; 1990 c 33 § 557; 1983 c 204 § 8; 1977 ex.s. c 169 § 8; 1974 ex.s. c 176 § 4.]

Notes: **Purpose -- Statutory references -- Severability -- 1990 c 33:** See RCW [28A.900.100](#) through [28A.900.102](#). **Severability -- 1983 c 204:** See note following RCW [43.46.090](#). **Severability -- Nomenclature -- Savings -- 1977 ex.s. c 169:** See notes following RCW [28B.10.016](#). Acquisition of works of art for public buildings and lands -- Visual arts program established: RCW [43.46.090](#). Allocation of moneys for acquisition of works of art -- Expenditure by arts commission -- Conditions: RCW [43.17.200](#). Purchase of works of art -- Interagency reimbursement for expenditure by visual arts program: RCW [43.17.205](#). State art collection: RCW [43.46.095](#).

RCW 28B.10.027 Allocation of moneys for acquisition of works of art – Expenditure by arts commission – Conditions.

All universities and colleges shall allocate as a nondeductible item, out of any moneys appropriated for the original construction or any major renovation or remodel work exceeding two hundred thousand dollars of any building, an amount of one-half of one percent of the appropriation to be expended by the Washington state arts commission with the approval of the board of regents or trustees for the acquisition of works of art. The works of art may be placed on

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public lands of institutions of higher education, integral to or attached to a public building or structure of institutions of higher education, detached within or outside a public building or structure of institutions of higher education, part of a portable exhibition or collection, part of a temporary exhibition, or loaned or exhibited in other public facilities.

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

[2005 c 36 § 3; 1983 c 204 § 9.]

Notes: **Severability** -- 1983 c 204: See note following RCW [43.46.090](#).

For Common Schools

RCW 28A.335.210 Purchase of works of art – Procedure.

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

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

- (1) Waive its use of the one-half of one percent of the appropriation for the acquisition of works of art before the selection process by the Washington state arts commission;
- (2) Appoint a representative to the body established by the Washington state arts commission to be part of the selection process with full voting rights;
- (3) Reject the results of the selection process;
- (4) Reject the placement of a completed work or works of art on school district premises if such works are portable.

Rejection at any point before or after the selection process shall not cause the loss of or otherwise endanger state construction funds available to the local school district. Any works of art rejected under this section shall be applied to the provision of works of art under this chapter, at the discretion of the Washington state arts commission, notwithstanding any contract or agreement between the affected school district and

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the artist involved. In addition to the cost of the works of art the one-half of one percent of the appropriation as provided in this section shall be used to provide for the administration, including conservation of the state art collection, by the Washington state arts commission and all costs for installation of the work of art. For the purpose of this section building shall not include sheds, warehouses, or other buildings of a temporary nature.

The executive director of the arts commission, the superintendent of public instruction, and the Washington state school directors association shall appoint a study group to review the operations of the one-half of one percent for works of art under this section. [2005 c 36 § 1; 1983 c 204 § 7; 1982 c 191 § 2; 1974 ex.s. c 176 § 5. Formerly RCW 28A.58.055.]

Notes: **Findings -- Purpose -- Part headings not law -- 2006 c 263:** See notes following RCW [28A.150.230](#). **Implementation -- 1983 c 204 § 7:** "Implementation of section 7 of this 1983 act shall become effective upon approval by the arts commission, the superintendent of public instruction and the Washington state school directors association." [1983 c 204 § 10.] "Section 7 of this 1983 act," was the 1983 c 204 amendment to RCW [28A.58.055](#), now recodified as RCW [28A.335.210](#). **Severability -- 1983 c 204:** See note following RCW [43.46.090](#). **Severability -- 1982 c 191:** "If any provision of this amendatory act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1982 c 191 § 14.] Acquisition of works of art for public buildings and lands -- Visual arts program established: RCW [43.46.090](#). Allocation of moneys for acquisition of works of art -- Expenditure by arts commission -- Conditions: RCW [43.17.200](#). Purchase of works of art -- Interagency reimbursement for expenditure by visual arts program: RCW [43.17.205](#). State art collection: RCW [43.46.095](#).