

**Chapter 30-40 WAC  
ART IN PUBLIC PLACES PROGRAM**

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**WAC**

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**DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER**

30-40-030	Definitions. [Statutory Authority: RCW 43.46.040. WSR 87-11-001 (Order 2, Resolution No. 87-1), § 30-40-030, filed 5/7/87.] Repealed by WSR 95-15-040, filed 7/12/95, effective 8/12/95. Statutory Authority: RCW 43.46.040.
30-40-040	Program purpose and goals. [Statutory Authority: RCW 43.46.040. WSR 87-11-001 (Order 2, Resolution No. 87-1), § 30-40-040, filed 5/7/87.] Repealed by WSR 10-23-102, filed 11/16/10, effective 12/17/10. Statutory Authority: Chapter 43.46 RCW.
30-40-070	Program procedures. [Statutory Authority: RCW 43.46.040. WSR 95-15-040, § 30-40-070, filed 7/12/95, effective 8/12/95; WSR 87-11-001 (Order 2, Resolution No. 87-1), § 30-40-070, filed 5/7/87.] Repealed by WSR 10-23-102, filed 11/16/10, effective 12/17/10. Statutory Authority: Chapter 43.46 RCW.
30-40-080	Rejection of art. [Statutory Authority: RCW 43.46.040. WSR 95-15-040, § 30-40-080, filed 7/12/95, effective 8/12/95; WSR 87-11-001 (Order 2, Resolution No. 87-1), § 30-40-080, filed 5/7/87.] Repealed by WSR 10-23-102, filed 11/16/10, effective 12/17/10. Statutory Authority: Chapter 43.46 RCW.
30-40-090	Evaluation methods. [Statutory Authority: RCW 43.46.040. WSR 95-15-040, § 30-40-090, filed 7/12/95, effective 8/12/95; WSR 87-11-001 (Order 2, Resolution No. 87-1), § 30-40-090, filed 5/7/87.] Repealed by WSR 10-23-102, filed 11/16/10, effective 12/17/10. Statutory Authority: Chapter 43.46 RCW.

**WAC 30-40-010 Scope of this chapter.** This chapter is to provide 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: Chapter 43.46 RCW. WSR 10-23-102, § 30-40-010, filed 11/16/10, effective 12/17/10. Statutory Authority: RCW 43.46.040. WSR 87-11-001 (Order 2, Resolution No. 87-1), § 30-40-010, filed 5/7/87.]

**WAC 30-40-020 Authority.** The Washington state arts commission 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. 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: Chapter 43.46 RCW. WSR 10-23-102, § 30-40-020, filed 11/16/10, effective 12/17/10. Statutory Authority: RCW 43.46.040. WSR 95-15-040, § 30-40-020, filed 7/12/95, effective 8/12/95; WSR 87-11-001 (Order 2, Resolution No. 87-1), § 30-40-020, filed 5/7/87.]

**WAC 30-40-050 Funding.** (1) Calculation of funds.

(a) Pursuant to RCW 43.17.200, 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) 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, fees for art selection committee participation, 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. Staff shall determine the funds that are available for projects and sites, in consultation with the partner agency; director of general administration; directors of state agencies; the superintendent of public instruction and school district boards of directors; or the boards of regents or trustees of universities, colleges, and community colleges. (RCW 43.17.210, 43.19.455, 28A.335.210, and 28B.10.025.)

(5) Supplemental funds. The one-half of one percent formula is a required minimum for works of art. Partner agencies may designate additional funds from other sources. Works of art acquired using supplemental funding become part of the state art collection.

(6) Transfer of funds. After project funds for works of art are determined, staff may request transfer of the funds from the partner agency.

(7) Pooling of funds.

(a) Staff may determine that funds from multiple construction projects may be combined as part of a pooling program or to fund larger works of art within a partner agency.

(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), WAC 30-12-030 (Panels), and in accordance with published application guidelines.

[Statutory Authority: RCW 43.46.040 and 43.46.090 through 43.46.095. WSR 18-19-054, § 30-40-050, filed 9/14/18, effective 10/15/18. Statutory Authority: RCW 43.46.040. WSR 18-02-086, § 30-40-050, filed 1/2/18, effective 2/2/18. Statutory Authority: Chapter 43.46 RCW. WSR 10-23-102, § 30-40-050, filed 11/16/10, effective 12/17/10. Statutory Authority: RCW 43.46.040. WSR 95-15-040, § 30-40-050, filed 7/12/95, effective 8/12/95; WSR 87-11-001 (Order 2, Resolution No. 87-1), § 30-40-050, filed 5/7/87.]

**WAC 30-40-060 Collections management.** (1) Staff manage the state art collection as funded, including conservation, restoration, deaccession, inventory, loans, resiting, recordkeeping and documentation.

(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 nonart 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 review criteria in the collections management policy. Removal of works of art follows the procedures outlined in the collections 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 collections management policy. The executive director approves, and staff coordinate outgoing loans.

(g) Resiting. Staff manage the resiting of works of art from the state art collection. Resiting is intended to provide a long-term, se-

cure, and visible home for a work of art. Priority for resiting is given to the original partner agency when possible.

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

(ii) Resiting may not be feasible for physically integrated or site-responsive works of art.

(h) Collections management policies are approved by the board and published on the commission's website.

[Statutory Authority: RCW 43.46.040. WSR 18-02-086, § 30-40-060, filed 1/2/18, effective 2/2/18. Statutory Authority: Chapter 43.46 RCW. WSR 10-23-102, § 30-40-060, filed 11/16/10, effective 12/17/10. Statutory Authority: RCW 43.46.040. WSR 95-15-040, § 30-40-060, filed 7/12/95, effective 8/12/95; WSR 87-11-001 (Order 2, Resolution No. 87-1), § 30-40-060, filed 5/7/87.]

**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. The makeup of the committee should be gender-balanced and culturally diverse. 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 curator, selection of artists, and work(s) of art.

(iii) For resiting 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 resited.

[Statutory Authority: RCW 43.46.040. WSR 18-02-086, § 30-40-100, filed 1/2/18, effective 2/2/18. Statutory Authority: Chapter 43.46 RCW. WSR 10-23-102, § 30-40-100, filed 11/16/10, effective 12/17/10.]

**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) Resiting. Works of art may be resited with any partner agency pursuant to WAC 30-40-060 (3)(g) and in accordance with the collection care policy.

(d) An open call. In consultation with the director of a partner agency, staff may elect to manage an open call 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 call process is managed pursuant to WAC 30-12-017 (Applications) and WAC 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 call, the art selection committee may 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.

[Statutory Authority: RCW 43.46.040. WSR 18-02-086, § 30-40-110, filed 1/2/18, effective 2/2/18. Statutory Authority: Chapter 43.46 RCW. WSR 10-23-102, § 30-40-110, filed 11/16/10, effective 12/17/10.]

**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) An artist or artist team on the public artist roster is considered inactive and, therefore, 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.

[Statutory Authority: Chapter 43.46 RCW. WSR 10-23-102, § 30-40-120, filed 11/16/10, effective 12/17/10.]

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

[Statutory Authority: Chapter 43.46 RCW. WSR 10-23-102, § 30-40-130, filed 11/16/10, effective 12/17/10.]