

(1) On July 1, 1982, there shall be an adjustment for those whose right to compensation was established on or after July 1, 1971, and before July 1, 1982. The adjustment shall be determined by multiplying the amount of compensation to which they are entitled by a fraction, the denominator of which shall be the average monthly wage in the state under RCW 51.08.018 for the fiscal year in which such person's right to compensation was established, and the numerator of which shall be the average monthly wage in the state under RCW 51.08.018 on July 1, 1982.

(2) In addition to the adjustment established by subsection (1) of this section, there shall be another adjustment on July 1, 1983, for those whose right to compensation was established on or after July 1, 1971, and before July 1983, which shall be determined by multiplying the amount of compensation to which they are entitled by a fraction, the denominator of which shall be the average monthly wage in the state under RCW 51.08.018 for the fiscal year in which such person's right to compensation was established, and the numerator of which shall be the average monthly wage in the state under RCW 51.08.018 on July 1, 1983.

(3) In addition to the adjustments under subsections (1) and (2) of this section, further adjustments shall be made beginning on July 1, 1984, and on each July 1st thereafter for those whose right to compensation was established on or after July 1, 1971. The adjustment shall be determined by multiplying the amount of compensation to which they are entitled by a fraction, the denominator of which shall be the average monthly wage in the state under RCW 51.08.018 for the fiscal year in which such person's right to compensation was established, and the numerator of which shall be the average monthly wage in the state under RCW 51.08.018 on July 1st of the year in which the adjustment is being made.

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CHAPTER 204

[Engrossed House Bill No. 867] VISUAL ARTS PROGRAM—FUNDING

AN ACT Relating to public art; amending section 1, chapter 176, Laws of 1974 ex. sess. and RCW 43.46.090; amending section 2, chapter 176, Laws of 1974 ex. sess. and RCW 43.17.200; amending section 3, chapter 176, Laws of 1974 ex. sess. and RCW 43.19.455; amending section 5, chapter 176, Laws of 1974 ex. sess. as amended by section 2, chapter 191, Laws of 1982 and RCW 28A.58.055; amending section 4, chapter 176, Laws of 1974 ex. sess. as amended by section 8, chapter 169, Laws of 1977 ex. sess. and RCW 28B.10.025; amending section 43.46.040, chapter 8, Laws of 1965 and RCW 43.46.040; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.10 RCW; adding new sections to chapter 43.17 RCW; and adding a new section to chapter 43.46 RCW.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 1, chapter 176, Laws of 1974 ex. sess. and RCW 43.46-.090 are each amended to read as follows:

The legislature recognizes this state's responsibility to foster culture and the arts and its interest in the viable development of her artists and craftsmen 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 ~~((used for public buildings))~~ placed in public buildings or lands. There is hereby established a visual arts program to be administered by the Washington state arts commission.

NEW SECTION. Sec. 2. There is added to chapter 43.46 RCW a new section to read as follows:

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.58.055 shall be considered a part of the state art collection to be administered by the Washington state arts commission.

NEW SECTION. Sec. 3. There is added to chapter 43.17 RCW a new section to read as follows:

The funds allocated under RCW 43.17.200, 28A.58.055, 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.58.055, 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.

Sec. 4. Section 2, chapter 176, Laws of 1974 ex. sess. and RCW 43.17-.200 are each amended to read as follows:

All state agencies ~~((or departments))~~ including all state departments, boards, councils, commissions, and quasi public corporations shall ~~((expend))~~ allocate, as a nondeductible item, out of any moneys appropriated for the original construction of any ((state)) 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 ~~((which may be an integral part of the structure, attached to the structure, detached within or outside of the structure, or can be exhibited by the agency in other public facilities. In case the amount shall not be required in toto or in part for any project, such unrequired amounts may be accumulated and expended for art in other projects of the agency. Expenditures for works of art as provided for herein shall be contracted for separately from~~

~~all other items in the original construction of any state building)).~~ 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 by the ~~((contracting agency, the architect and))~~ 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.

NEW SECTION. Sec. 5. There is added to chapter 43.17 RCW a new section to read as follows:

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.58.055, 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. However, the costs to carry out the Washington state arts commission's responsibility for maintenance shall not be funded from the moneys referred to in RCW 43.17.200, 43.19.455, 28A.58.055, or 28B.10.025, but shall be contingent upon adequate appropriations being made for that purpose.

Sec. 6. Section 3, chapter 176, Laws of 1974 ex. sess. and RCW 43.19.455 are each amended to read as follows:

Except as provided under section 5 of this 1983 act, the Washington state arts commission shall determine the amount to be made available for the purchase of art ((for each project under supervision of)) 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 ((of)), contracting, purchase, commissioning ((of artist for)), reviewing of design, execution and placement ((of, and the)), acceptance, maintenance, and sale, exchange, or disposition of works of art ((for such project)) shall be the responsibility of the Washington state arts commission in consultation with the director of general administration. However, the costs to carry out the Washington state arts commission's responsibility for maintenance shall not be funded from the moneys referred to under this section, RCW 43.17.200, 28A.58.055, or 28B.10.025, but shall be contingent upon adequate appropriations being made for that purpose.

Sec. 7. Section 5, chapter 176, Laws of 1974 ex. sess. as amended by section 2, chapter 191, Laws of 1982 and RCW 28A.58.055 are each amended to read as follows:

The state board of education and 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 ~~((which may be an integral part of the structure, attached to the structure, detached within or outside of the structure, or can be exhibited in other public facilities by the school district. In case the amount shall not be required in toto or in part for any project, such unrequired amounts may be accumulated and expended for art in other projects of the school district))~~. 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 ~~((for each such project))~~ under this section, and payments therefor shall be made in accordance with law. The designation of projects and sites, selection ((of)), contracting, purchase, commissioning ((of artist for)), reviewing of design, execution and placement ((of, and the)), 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 ((the)) representatives of school district boards of directors. However, the costs to carry out the Washington state arts commission's responsibility for maintenance shall not be funded from the moneys referred to under this section, RCW 43.17.200, 43.19.455, or 28B.10.025, but shall be contingent upon adequate appropriations being made for that purpose: PROVIDED, That 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.

~~((Waiver or))~~ 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 ~~((or funds waived))~~ under this section shall be applied to the provision of works of art under this chapter ((43.17, 43.19, 28B.10 and 28A.58 RCW)), at the discretion of the Washington state arts commission, notwithstanding any contract or agreement between the affected school district and the artist involved. ~~((Expenditures for works of art as provided for herein shall be contracted for separately from all other items in the original construction of any state building))~~. 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 by the ~~((contracting agency, the architect, and))~~ 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.

Sec. 8. Section 4, chapter 176, Laws of 1974 ex. sess. as amended by section 8, chapter 169, Laws of 1977 ex. sess. and RCW 28B.10.025 are each amended to read as follows:

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 ~~((for each project under the supervision of such boards of regents or trustees))~~ under section 9 of this 1983 act, and payment therefor shall be made in accordance with law. The designation of projects and sites, the selection ((of)), contracting, purchase, commissioning ((of artist for)), reviewing of design, execution and placement ((of, and the)), acceptance, maintenance, and sale, exchange, or disposition of works of art ((for such project)) shall be the responsibility of the Washington state arts commission in consultation with the board of regents or trustees ((having supervision of such project)). However, the costs to carry out the Washington state arts commission's responsibility for maintenance shall not be funded from the moneys referred to under this section, RCW 43.17.200, 43.19.455, or 28A.58.055, but shall be contingent upon adequate appropriations being made for that purpose.

NEW SECTION. Sec. 9. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.10 RCW a new section to read as follows:

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 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 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.

NEW SECTION. Sec. 10. 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.

NEW SECTION. Sec. 11. 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.

Passed the House April 22, 1983.
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CHAPTER 205

[Substitute Senate Bill No. 3026]

RADIOACTIVE OR HAZARDOUS CARGO TRANSPORTATION

AN ACT Relating to radioactive or hazardous cargo; adding a new section to chapter 47.48 RCW; adding a new section to chapter 47.01 RCW; prescribing penalties; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. There is added to chapter 47.48 RCW a new section to read as follows:

The chief or other officer of the Washington state patrol may prohibit the transportation of placarded radioactive or hazardous cargo over the highways of the state, or a portion thereof, if weather or other conditions create a substantial risk to public safety. For the purposes of this section hazardous cargo shall mean hazardous materials as defined in RCW