

HOUSE BILL REPORT

SB 5792

As Passed House - Amended:

March 6, 2020

Title: An act relating to making statutory requirements and policies for cultural access programs the same in all counties of the state.

Brief Description: Making statutory requirements and policies for cultural access programs the same in all counties of the state.

Sponsors: Senators Salomon, Wellman, Walsh and Honeyford.

Brief History:

Committee Activity:

Housing, Community Development & Veterans: 3/22/19, 3/26/19 [DPA], 2/5/20, 2/25/20 [DP].

Floor Activity:

Passed House - Amended: 3/6/20, 80-17.

Brief Summary of Bill (As Amended by House)

- Eliminates requirements for cultural access programs related to public school access and financial allocation that apply only to counties with a population more than 1.5 million.
- Applies requirements related to public school access and financial allocation for counties with a population of less than 1.5 million to all counties regardless of size.
- Establishes additional requirements for all cultural access programs related to public school access and community preservation and development authorities.

HOUSE COMMITTEE ON HOUSING, COMMUNITY DEVELOPMENT & VETERANS

Majority Report: Do pass. Signed by 8 members: Representatives Ryu, Chair; Morgan, Vice Chair; Jenkin, Ranking Minority Member; Gildon, Assistant Ranking Minority Member; Frame, Johnson, J., Leavitt and Ramel.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Staff: Cassie Jones (786-7303).

Background:

Cultural Access Program.

Counties and cities are authorized to establish a Cultural Access Program (CAP) that allocates funds to cultural organizations providing programming or experiences to the general public. The funding must be used for a public benefit that generally relates to increasing access, outreach, and opportunities. The primary purpose of a qualifying cultural organization must be the advancement and preservation of: science or technology, the visual or performing arts, zoology, botany, anthropology, heritage, or natural history. Funding for the CAP is raised through a sales and use tax or a property tax (counties with a population over 1.5 million cannot use property tax). The tax must be authorized by a majority of votes through a proposition submitted to a general or special election.

Any county or contiguous group of counties is authorized to set up a CAP. A city may establish a CAP if the county in which it is located forfeits its option to create a CAP, or did not propose a CAP to voters prior to 2017.

Public School Access. Each CAP must also include a public school cultural access component that increases access to cultural experiences for public school students. In a county with a population over 1.5 million, every public school must be provided with specific benefits to increase student access to designated regional and community-based cultural organizations. The level and frequency of the benefits should be scaled based on percentage of students at the school receiving free or reduced-price lunch. These benefits must include:

- transportation for students to participate in at least one CAP opportunity;
- a centralized service for cultural organizations to coordinate opportunities for students;
- coordination with organizations to maximize student access and increase cost efficiency;
- preparing and maintaining a readily accessible guide to opportunities;
- the development of tools to correlate activities with school curricula; and
- partnerships between schools and cultural organizations.

Funding Allocation. When voters approve a CAP for a county or city, the program must reserve funds for three areas before allocating to designated organizations. The three areas are startup costs, basic program and administrative costs, and public school access costs. The thresholds for cost allocations, requirements for eligible organizations, and guidelines for allocation differ by county population. The following table outlines these differences.

Allocation & Guidelines	Population Under 1.5M	Population Over 1.5M
Program and Administrative Costs	County determines the amount of funding to reserve for program and direct administrative costs.	Up to 1.25 percent of total costs may be allocated as administrative costs.

Public School Cultural Access Program	County determines percentage of total funds reserved annually for the required public school component.	10 percent of funds must go to this program annually.
Remaining Funds	All remaining funds go to the entity designated by the county to allocate among eligible cultural organizations that meet guidelines and criteria established by the county or city.	<p>Regional Cultural Organization 70 percent of funds are distributed proportionally to eligible regional cultural organizations based on combined annual revenue and attendance.</p> <p>Community-Based Organizations 30 percent of funds are distributed to eligible community-based cultural organizations or a community preservation and development authority.</p>
Report Public Benefits	Organizations that receive funds for a project must report the public benefits realized to the designated entity.	Funded regional cultural organizations must provide annual reports of public benefits provided and participation, as well as projections for the following year.

Summary of Amended Bill:

The public school access program and fiscal allocation requirements for CAPs that apply only to a county with a population of more than 1.5 million are eliminated. The public school access program and fiscal allocation requirements for counties with a population of less than 1.5 million now apply to all counties regardless of population size.

Additional requirements for all CAPs related to public school access and community preservation and development authorities are created. Public school CAPs are required to provide every school in the county or city a list of appropriate off-site and on-site cultural experiences for each grade level, every year, including information regarding available transportation funding for off-site cultural experiences. Public school CAPs are also required to provide transportation to off-site cultural experiences for all students at all schools in the county or city that are located within a school district in which at least 40 percent of the district's students are eligible for the federal free and reduced-price school meals program. A county or city may limit its spending on the transportation benefit to no more than 5 percent of tax revenues collected each year. A county or city is required to determine the procedures to be used in considering the award of funding to community preservation and development authorities if any exist within the jurisdiction. The procedures must ensure that the community preservation and development authorities' projects and programs are eligible and considered for support.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) It is critically important that communities have places to share culture and history. This bill gives King County the same flexibility as every other county in establishing a CAP. There are weaknesses in current law that were revealed by the failed CAP proposition in King County. The funding prescriptions are complex and difficult for voters to understand. They do not address equity, inclusion, and changing demographics, and they prevented the forming of a coalition for establishing a CAP in King County. The current CAP law contains language specific to King County that restricts it with respect to school programs. Some schools are too far away to travel to cultural and arts performances on field trips; flexibility is needed to allow schools to bring these programs into the schools. The restrictive language should be removed so King County can have the flexibility that other counties have with respect to CAPs.

This bill will allow for equitable access throughout King County and will address historical inequalities in providing cultural services. The existing laws are restrictive and prioritize large regional organizations. More flexibility is needed to address equity concerns and the needs of a changing world. The flexibility created in this bill will positively impact the community by fostering programs that improve quality of life, equity, and employment. Cultural Access Programs also create potential for economic development. A CAP is vital to making equitable access to cultural opportunities possible in King County. Everyone deserves equitable access to cultural, science, and arts programming. This bill should be passed without amendments.

(Opposed) None.

Persons Testifying: April Putney, King County; Manny Cawaling, Inspire Washington; Brian Carter, 4Culture; Tony Gomez, Tacoma Arts Live; Lorie Hoffman, Shoreline-Lake Forest Parks Council; Sharon Williams, Central District Forum for Arts and Ideas; Dominica Myers, Seattle Opera; Ariel Bradler, Theatre Puget Sound; and Sheree Wen, United Nations Educational, Scientific and Cultural Organization Washington.

Persons Signed In To Testify But Not Testifying: None.