

HOUSE BILL REPORT

SB 5792

As Reported by House Committee On:
Housing, Community Development & Veterans

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].

**Brief Summary of Bill
(As Amended by Committee)**

- Eliminates requirements for cultural access programs related to public school access and financial allocation that apply only to counties with a population of 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.

HOUSE COMMITTEE ON HOUSING, COMMUNITY DEVELOPMENT & VETERANS

Majority Report: Do pass as amended. Signed by 9 members: Representatives Ryu, Chair; Morgan, Vice Chair; Jenkin, Ranking Minority Member; Gildon, Assistant Ranking Minority Member; Barkis, Entenman, Frame, Leavitt and Reeves.

Staff: Cassie Jones (786-7303).

Background:

Cultural Access Program.

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.

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 and 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 cultural 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 cultural 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.

The requirement that a county determines the percentage of funds to be reserved for the public school cultural access program is modified to also require the county to determine what it will allocate to transportation needs to implement the public school cultural access program.

Amended Bill Compared to Original Bill:

The amended bill makes the following changes to the original bill:

- modifies the requirement that a county determine the percentage of funds to be reserved for the public school cultural access program by also requiring the county to determine what it will allocate to transportation needs to implement the public school cultural access program.

Appropriation: None.

Fiscal Note: Not requested.

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

Staff Summary of Public Testimony:

(In support) The CAP legislation was passed in 2015. The legislation contained special provisions for King County; the rules for King County are much more prescriptive than the rules for other counties. This bill would allow King County to create a CAP under less prescriptive rules. King County is committed to the goals of CAPs but it struggled to meet the prescriptive CAP requirements for King County. Many people did not see the benefits of the CAP and the ballot measure to create a CAP in King County failed. More flexibility in financial allocation requirements would help King County craft a CAP that people see has benefits.

The loss of the campaign in King County revealed weaknesses in the CAP requirements related to financial allocation. Large organizations are favored over smaller organizations and resources are not distributed equally among geographic regions. The CAP needs to be simplified. School superintendents want more flexibility in the public school access component, including more in-school cultural components.

Simplifying the regulations will lead to greater equity in who is able to access arts, heritage, and science programs throughout the region. Public school partnerships with cultural organizations are critical to ensuring access for students, including those with special needs. This is an issue of equity; removing the prescriptive funding mandates allows for a more equitable distribution of funding. Tacoma's CAP was able create access for all students regardless of income. There was a transportation set-aside to ensure students could attend programs. Very small nonprofits are able to participate alongside larger organizations.

(Opposed) None.

Persons Testifying: Senator Salomon, prime sponsor; Becky Bogard, Cultural Access Washington; Claudia Balducci, King County Council; Manny Cawaling, Cultural Access Washington; Josh LaBelle, Seattle Theater Group; Dominica Myers, Seattle Opera and Shoreline Arts Council; Chris Moore, Washington Trust for Historic Preservation; and Christina Blocker, Tacoma Creates Campaign.

Persons Signed In To Testify But Not Testifying: None.