

Date of Hearing: April 16, 2024

ASSEMBLY COMMITTEE ON ARTS, ENTERTAINMENT, SPORTS, AND TOURISM

Mike Gipson, Chair

AB 2720 (McCarty) – As Introduced February 14, 2024

SUBJECT: Department of General Services: infrastructure projects: artwork

SUMMARY: This bill would require the Department of General Services (DGS) to establish a process to allow for 1% of state capital infrastructure improvement project budgets to be set aside for the commission, purchase, and installation of artworks throughout the state.

Specifically, **this bill:**

- 1) Requires DGS to establish a process to allow for 1% of state capital infrastructure improvement project budgets to be set aside for the commission, purchase, and installation of artworks throughout the state.
- 2) Requires DGS to consult with the California Arts Council (CAC) as part of this process.

EXISTING LAW:

- 1) Declares that a centralization of business management functions and services of state government is necessary to take advantage of specialized techniques and skills, provide uniform management practices, and to insure a continuing high level of efficiency and economy. DGS is created to provide centralized services including, but not limited to, planning, acquisition, construction, and maintenance of state buildings and property; purchasing; printing; architectural services; administrative hearings; government claims; and accounting services. DGS shall develop and enforce policy and procedures and shall institute or cause the institution of those investigations and proceedings as it deems proper to assure effective operation of all functions performed by the department and to conserve the rights and interests of the state. (Government Code (GOV) Section 14660)
- 2) Allows the director of Director of DGS to acquire title to real property in the name of the state whenever the acquisition of real property is authorized or contemplated by law, if no other state agency is specifically authorized and directed to acquire it. (GOV 14660)
- 3) Allows the Director of DGS, on behalf of the state, to enter into an agreement to convert an existing lease or leases for real property located in the City of Sacramento into a lease-purchase agreement for the purpose of acquiring office and parking facilities, and any other improvements, betterments, and facilities related thereto to provide office space for any state agency. The total purchase price, excluding financing costs, shall not exceed the market value as determined by the DGS. The state may incur costs of financing, including, but not limited to, interest during acquisition of these facilities, interest payable on any interim loan from the Pooled Money Investment Account, a reasonably required reserve fund, and the costs of issuance of interim financing or permanent financing, planning funds, and funds for environmental documents that may be necessary for acquisition of these facilities. (GOV 14660.1(a))

- 4) Creates the CAC, consisting of 11-members who serve four-year, staggered terms. Nine members are appointed by the Governor, subject to Senate confirmation, and the Speaker of the Assembly and the Senate Committee on Rules appoint one member each. (GOV 8751)
- 5) Directs CAC to encourage artistic awareness, participation, and expression; to help independent local groups develop their own arts programs; to promote employment of artists and those skilled in crafts in the public and private sector; to provide for exhibition of artistic works in public buildings; and, to enlist the aid of all state agencies in the task of ensuring the fullest expression of artistic potential. (GOV 8753)

FISCAL EFFECT: Unknown. This measure has been keyed fiscal by the Legislative Counsel.

COMMENTS:

- 1) Author's statement. According to the author, "AB 2720 requires 1% of DGS-approved construction costs to be used to acquire and install public art from California artists in state buildings when renovated, restored, or constructed. This is an opportunity to make a generational investment in California artists that contribute greatly to our strong and diverse culture based on the nationally-renowned Art in Public Places (APP) program at the City of Sacramento."
- 2) Background. Public art is often recognized as a method of providing a greater sense of identity for communities. It has been found to provide a positive impact by supporting economic growth, sustainability, and cultural identity. Public art is often site-specific, meaning it is created in response to the place and community in which it resides. Though an asset to the community, the development and management of public art can be a complex process.¹

Public art is typically developed and managed by a municipal agency such as a local arts agency or private entity such as a nonprofit arts organization. It may also be artist-driven, self-funded, and created outside of an institutional framework. Public art projects, especially when publicly funded, are typically part of development or construction projects that are part of a larger urban development or cultural plan.

The City of Sacramento's APP program was established in 1977 to expand public experiences of visual art by installing artworks in public spaces. It includes a collection of 650 artworks, of which more than 60% are by local and regional artists. With support from the Arts, Culture and Creative Economy Commission, the Art in Public Places staff oversees the development of a public art master plan, long range planning, policy and procedures and reviews and approves artist selection and projects.²

- 3) The Arts Council. CAC was created in 1975 under then Governor Jerry Brown to increase access to the arts for all Californians. CAC's impact has grown over the years, especially

¹ <https://housingmatters.urban.org/articles/how-public-art-can-improve-quality-life-and-advance-equity>

² <https://www.cityofsacramento.gov/ccs/oac/public-art>

through efforts that brought arts programming to underserved communities and populations across the state, such as rural communities, inner city neighborhoods, prisons and schools.

CAC's Executive Director also leads the Creative Economy Workgroup, which is working to develop a strategic plan to expand workforce opportunities to benefit the state's creative sector, with a focus on developing new and additional pathways into California's competitive creative fields.

- 4) Arguments in support. According to the California Arts Advocates in support of the bill, "We support AB 2720 because a percentage for art programs are one effective way for states to foster access to the arts and increase the aesthetic value of state-owned public buildings and public places... Beyond providing employment and artistic opportunities for artists and craftsmen, public art can benefit the broader community economically. When labor, materials and services are secured locally, an installation's economic footprint may extend far beyond the artist's bottom line. Once completed, public art installations may attract residents and visitors and contribute to ongoing economic productivity."
- 5) Policy considerations. As this bill moves forward, the author could consider adding language to the bill to ensure that the funds and payments for artwork commissioned or purchased through this process are provided to California resident original artists, or their family members if the original artist is deceased. Additionally, provisions could be added to ensure that artwork purchases appropriately represent the cultural diversity of the state, or of the location where the installation of the artwork will occur.

REGISTERED SUPPORT / OPPOSITION:

Support

California Arts Advocates

Opposition

None on file.

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