

## State Arts Agency Council Terms, Powers and Duties

### Introduction

Every state arts agency (SAA) is led by a supervisory body known as a council, commission or board. These councils, as they are commonly called, are mandated by state statutes. In addition, the National Endowment for the Arts (NEA) requires SAAs to have "an independent board, council, or commission whose members serve in an advisory or policy-making capacity" for the SAA to be eligible to receive NEA Partnership Agreement funding.

Though they consist of citizens and, in some cases, political appointees sharing their expertise and service for free or for small stipends, councils are robust instruments of organizational governance as well as government oversight. Like boards of directors for nonprofit organizations, councils provide leadership through strategic planning, regularly scheduled meetings and public visibility. And as public servants, council members work to ensure state arts agencies fulfill their legal responsibilities. In these functions, SAA councils facilitate public support of the arts.

This report considers the legislated powers and duties common to many SAA councils as well as each council's specific operating terms, such as:

- the number of council members
- how council members and chairs are selected
- how long council members serve
- the governor's and/or legislature's role

NASAA compiled data on council terms, powers and duties from state statutes and, in some cases, state administrative codes and council bylaws. Statutory language for council terms was not found for several SAAs, so these are not addressed in this document.

NASAA is sharing this research to facilitate better understanding of council functions and requirements. For elected officials, policymakers and the general public, knowledge about SAA councils can illuminate why public funding for the arts is important and how citizens help direct its strategic use. For SAA staff and council members, this information provides a nationwide baseline of data about councils to enable comparisons and inform governance decisions.

### SAA Council Terms by the Numbers

**Average number of council members:** 15

**How council members are selected:**

- *Governor appoints* in 40 states (in 15, advice and consent of another state body required)
- *Governor and legislature both appoint* according to formula in 8 states

**Do members serve term or at governor's pleasure?**

- *Term limit* in 47 states (in 5, governor has discretion to remove members prior to term end)
- *Combination of term and at pleasure* of governor or appointing authority in 4 states

**Term lengths:**

- *3-year term* in 21 states
- *4-year term* in 12 states
- *5-year term* in 8 states
- *6-year term* in 2 states
- *Term lengths vary* in 7 states

**Consecutive terms allowed?**

- Consecutive terms *allowed* in 40 states (in 1 additional state, they are allowed only for legislative members of the council)
- Consecutive terms *not allowed* in 9 states

**How chair is selected:**

- *Council elects* in 21 states
- *Governor appoints* in 27 states (in 10, appointee must be from council)

**Does chair serve term, at governor's pleasure or at council's pleasure?**

- *At pleasure of governor* in 20 states
- *At pleasure of council* in 2 states
- *Term* in 24 states

## Council Powers

In general, *powers* refers to the financial and administrative roles of councils. (Compliance, it should be noted, is a component of many financial and administrative powers.) Perhaps the most important financial power is serving as the state's designated agent to receive and disburse NEA Partnership Agreement funding. In some states, councils are also responsible for managing money for the arts allocated by other federal agencies. Another power is accepting grants, gifts, donations and bequests from private sources. Related powers, available in only some states, include soliciting donations and administering legislatively established arts endowments and/or trust funds. Every council, however, is tasked with establishing policies and procedures for awarding grants and other financial assistance.

Administratively, many councils hire and supervise SAA executive directors. Councils may appoint advisory panels and contract experts as necessary. Other administrative powers include initiating and coordinating work with other state agencies—as well as *other states' agencies*—and entering into contracts and agreements with individuals, nonprofit organizations, the federal government and other institutions. Finally, councils set, adopt and implement the procedures and guidelines necessary for SAAs to realize their statutory roles and responsibilities.

## Council Duties

In contrast to *powers*, council *duties* refers to the policy goals lawmakers set for SAA councils. In most states, council duties outnumber council powers. Similarly, duties are often more specific than powers. For example, in some states, statutes assign programmatic duties to councils, such as advising or managing the state's art collection, commissioning the governor's official portrait or implementing the state's poet laureate program. Most council duties, however, operate at the higher policy level and can be grouped in three categories: leadership and advocacy, technical assistance, and accountability.

Through leadership and advocacy (see box at right), council members aim to increase participation in the arts, support state policies that benefit the arts and generally serve as ambassadors of the arts. Technical assistance duties include advising other state agencies on their efforts that impact the arts and working with local governments, community groups and other organizations to create and implement cultural programming. Accountability is manifest in routine council reporting to governors and/or state legislatures about SAA goals and activities.

### SAA Council Leadership and Advocacy Duties

**Advise** the governor, legislature and/or state agencies on issues relating to arts and culture

**Encourage** interest in and study of state's cultural heritage and resources

**Increase** participation in and appreciation of the arts

**Advocate** for state policies in support of the arts in effort to cultivate cultural resources

**Promote** excellence, inclusion, education and diversity in the arts

**Support and embody** freedom of artistic expression

**Collect and share** information about state's cultural resources, demand for and participation in the arts, and state policies impacting the arts

**Articulate** to the federal government—as well as to nationwide foundations and nonprofits—how the arts can be supported and harnessed in the state's best interest

**Create and realize** SAA's strategic plan

**Foster** the creative economy by encouraging arts in education, tourism and community development

## Council Terms

| State | Number of Council Members | Council Members: How Selected?   | Council Members: Serve Term or at Governor's Pleasure? | Council Members: Number of Years/Term? | Council Members: Consecutive Terms Allowed? | Council Officers: How Selected?        | Council Officers: Serve Term, at Governor's Pleasure or at Council's Pleasure?   |
|-------|---------------------------|--|--|--|---|--|--|
| AL    | 15                        | governor appoints from council's nominees  | term   | 6                                      | no  | council elects chair and vice chair    | council's pleasure, according to statute; chair elected at each annual council meeting and holds office until successor is elected, according to by-laws |
| AK    | 11                        | governor appoints  | term (but governor may remove members)                 | 3                                      | yes   | governor appoints chair and vice chair | governor's pleasure  |
| AZ    | 15                        | governor appoints  | term   | 3                                      | yes   | governor appoints chair and vice chair | governor's pleasure  |
| AR    | 17                        | governor appoints  | term   | 4                                      | yes   | council elects chair and vice chair    | council's pleasure   |
| CA    | 11                        | mixture: governor (with legislative confirmation) and legislature appoint according to formula | term   | 2, 3 or 4, according to formula        | yes   | council elects chair                   | term   |
| CO    | 11                        | governor appoints  | term   | 3                                      | yes   | governor appoints chair                | governor's pleasure (but no more than 6 consecutive years)   |

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|-------|---------------------------|--|--|---|---|--|---|
| CT    | 23 + 5 ex officio         | mixture: governor and legislature appoint according to formula | term   | co-terminus with the term of appointing authority | no  | n/a                                    | n/a   |
| DE    | 16                        | governor appoints  | term   | 3   | yes   | governor appoints chair                | governor's pleasure   |
| DC    | 18                        | mayor appoints with legislative advice and consent             | term   | 3   | yes   | mayor appoints chair                   | term  |
| FL    | 15                        | mixture: governor and legislature appoint according to formula | term   | 2 or 4, according to formula                      | yes   | council elects chair                   | term  |
| GA    | 9 + 2 ex officio          | governor appoints  | term   | 3   | yes   | governor appoints chair                | term  |
| HI    | 9                         | governor appoints  | term   | 4   | yes   | governor appoints chair                | term  |
| ID    | 13                        | governor appoints  | term   | 4   | yes   | governor appoints chair and vice chair | governor's pleasure   |

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|-------|---------------------------|--|--|--|---|---|---|
| IL    | 21                        | governor appoints  | term   | 4                                      | yes   | governor appoints chair   | n/a   |
| IN    | 15                        | governor appoints  | term   | 4                                      | no  | council elects chair, vice chair and secretary  | term  |
| IA    | 15                        | governor appoints  | term   | 3                                      | yes   | governor appoints chair and vice chair  | governor's pleasure   |
| KS    | 12                        | mixture: governor and legislature appoint according to formula | term   | 3                                      | n/a   | council elects chair and vice chair   | term  |
| KY    | 15                        | governor appoints  | term   | 4                                      | yes   | governor appoints chair and vice chair; council elects other officers                             | governor's pleasure (chair and vice chair) and term (other officers)        |
| LA    | 22                        | governor appoints  | term   | 4                                      | yes   | governor appoints chair; council elects vice chair, secretary, parliamentarian and other officers | term  |

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|-------|---------------------------|---|---|--|---|--|---|
| ME    | 15-21 (18 average)        | governor appoints   | term  | 3                                      | yes   | governor appoints chair and vice chair                   | governor's pleasure   |
| MD    | 17                        | mixture: governor and legislature appoint according to formula          | term (but legislative members serve at governor's pleasure) | 3                                      | yes   | council elects chair, vice chair and secretary-treasurer | term  |
| MA    | 19                        | governor appoints   | term  | 3                                      | yes   | governor appoints chair and vice chair                   | governor's pleasure   |
| MI    | 15                        | governor appoints with legislative advice and consent                   | term  | 4                                      | yes   | governor appoints chair and vice chair                   | governor's pleasure   |
| MN    | 11                        | governor appoints with legislative advice and consent                   | term (but governor may remove members)                      | 4                                      | yes   | council elects chair and other officers                  | term  |
| MS    | 15                        | governor appoints   | term  | 5                                      | no  | council elects chair and other officers                  | term  |
| MO    | 15                        | director of Department of Economic Development (parent agency) appoints | term  | 5                                      | no  | governor appoints chair and vice chair                   | governor's pleasure   |

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|-------|---------------------------|--|--|--|---|--|---|
| MT    | 15                        | governor appoints with legislative advice and consent                  | term   | 5  | yes   | governor appoints chair and vice chair; council elects executive committee | governor's pleasure (chair and vice chair) and council's pleasure (executive committee) |
| NE    | 15                        | governor appoints with legislative advice and consent                  | term   | 3  | yes   | governor appoints chair and vice chair                                     | governor's pleasure   |
| NV    | 9                         | governor appoints  | term   | 4  | yes   | council elects chair, vice chair and treasurer                             | term  |
| NH    | 15                        | governor appoints with confirmation of New Hampshire Executive Council | term   | 5  | yes   | governor appoints chair  | term  |
| NJ    | 17 + 3 ex officio         | governor appoints with legislative advice and consent                  | term   | 3 (but legislative members' terms are coextensive with legislative term) | no (except for legislative members)         | council elects chair and vice chair  | term  |
| NM    | 15                        | governor appoints  | term   | 3  | yes   | governor appoints chair; council elects vice chair and secretary           | governor's pleasure (chair) and term (vice chair and secretary)                         |

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|-------|---------------------------|--|--|--|---|--|---|
| NY    | 21                        | governor appoints with legislative advice and consent  | term   | 5                                      | yes   | governor appoints chair and 2 vice chairs      | governor's pleasure   |
| NC    | 24                        | governor appoints  | term (but governor may remove members)                 | 3                                      | yes   | governor appoints chair                        | governor's pleasure   |
| ND    | 9                         | governor appoints  | term   | 5                                      | no  | governor appoints chair and vice chair         | governor's pleasure   |
| OH    | 15 + 4 ex officio         | mixture: governor (with legislative confirmation) and legislature appoint according to formula | term   | 1 or 5, according to formula           | yes   | governor appoints chair and vice chair         | governor's pleasure   |
| OK    | 15                        | governor appoints with legislative advice and consent  | term   | 3                                      | yes   | council elects chair, vice chair and secretary | term  |
| OR    | 9                         | governor appoints  | term   | 4                                      | yes   | council elects chair                           | council's pleasure  |



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|-------|---------------------------|--|--|--|---|---|---|
| PA    | 19                        | mixture: governor (with legislative confirmation) and legislature appoint according to formula | term (but legislative members serve at pleasure of appointing authority) | 3                                      | yes   | governor appoints chair and vice chair                    | governor's pleasure   |
| RI    | 14                        | governor appoints with legislative advice and consent  | term   | 3                                      | yes   | council elects chair, vice chair and secretary            | term  |
| SC    | 9                         | governor appoints with legislative advice and consent  | term   | 3                                      | yes   | n/a   | n/a   |
| SD    | 11                        | governor appoints  | term (but governor may remove members)                                   | 3                                      | yes   | council elects chair, vice chair, secretary and treasurer | term  |
| TN    | 15                        | governor appoints  | term   | 5                                      | no  | council elects chair and other officers                   | term  |
| TX    | 17                        | governor appoints with legislative advice and consent  | term   | 6                                      | yes   | governor appoints chair; council elects other officers    | governor's pleasure (chair) and term (other officers)                       |
| UT    | 13                        | governor appoints with legislative advice and consent  | term   | 4                                      | yes   | governor appoints chair                                   | term  |

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|-------|---------------------------|--|---|--|---|--|---|
| VT    | 19 + 1 ex officio         | SAA's membership elects and governor appoints according to formula | term (but governor's appointee serves at governor's pleasure) | 3  | yes   | council elects chair, vice chair and secretary/treasurer | term  |
| VA    | 13                        | governor appoints with legislative advice and consent              | term  | 5  | no  | council elects chair                                     | term  |
| WA    | 23                        | mixture: governor and legislature appoint according to formula     | term  | 3 (but legislative members' terms are coextensive with legislative term) | yes   | council elects chair                                     | term  |
| WV    | 15 + 1 ex officio         | governor appoints with legislative advice and consent              | term  | 3  | no  | council elects chair                                     | term  |
| WI    | 15                        | governor appoints  | term  | 3  | yes   | n/a  | n/a   |
| WY    | 10                        | governor appoints with legislative advice and consent              | term (but governor may remove members)                        | 3  | yes   | council elects chair and vice chair                      | term  |

## More Information

Additional details on council terms as well as the statutory language establishing them are available from NASAA upon request. For information, contact NASAA Research Manager [Paul Pietsch](#).

The National Assembly of State Arts Agencies (NASAA) is the membership organization that serves the nation's state arts agencies. NASAA helps state arts agencies fulfill their many citizen service roles by providing knowledge services, representation and leadership programs that strengthen the state arts agency community. NASAA also serves as a clearinghouse for data and research about public funding and the arts. For more information on the work of state arts agencies, call 202-347-6352 or visit [www.nasaa-arts.org](http://www.nasaa-arts.org).