



Executive Directors Peer Group Session Summary

October 24, 2024

Executive directors from the nation's state and jurisdictional arts agencies and regional arts organizations met to network and discuss timely leadership issues affecting their agencies. These notes capture the discussion highlights. For additional details, please contact [Kelly Barsdate](#).

NASAA Update

NASAA President and CEO Pam Breaux briefed state arts agencies on the top findings of NASAA's 2024 member interviews, based on 135 discussions with 54 member agencies. She emphasized NASAA's role as a community of care positioned to support state arts agencies who operate within a wide range of political realities. She noted the impact of executive orders and legislative actions that curtail state arts agency programs and services, especially those that prioritize historically underserved populations. NASAA's goal is to strengthen and serve all state arts agencies and we'll be in continual dialogue with members about how best to address the entire spectrum of state arts agency needs. In the meantime, any members facing policy challenges are encouraged to contact NASAA for support.

Breakout Groups

Participants divided into two groups to exchange stories and ideas on topics suggested by members at earlier gatherings.

Group 1: Repositioning State Arts Agencies / "Shaking the Etch A Sketch"

Several state arts agencies recently have initiated overhauls of their roles, structures, policies or procedures. This breakout group included comments from some of those states. Miah Michaelson (ED-IN) invited discussion about opportunities to challenge old state arts agency paradigms, improve how our field does business and maximize our ability to have an impact.

The **Oklahoma Arts Council** shared how it strategically nurtured relationships that build enduring goodwill for the agency across governors' administrations and legislative term

limits. Over the past decade, the agency has faced more than 20 legislative threats, from defunding attempts to proposed restrictions on public art. Yet, through consistent relationship building and respectful dialogue, it has managed to constructively and respectfully engage lawmakers who may have initially questioned why the state should invest in the arts. Former opponents may not all have become ardent champions, but many are no longer vocal opponents—demonstrating why a collaborative stance is important.

Building partnerships also allowed the agency to foster understanding and highlight the role of the arts in issues that matter to Oklahomans. Recently, the agency partnered with the Mexican Consulate to showcase Latino artists in the governor's gallery. This exhibition, which supported the governor's outreach efforts to a key constituency, became a channel for discussions about cultural diplomacy. The event eventually led to Oklahoma establishing a consulate office—a milestone both for the state and for the Arts Council's mission.

Special projects reframe how the agency talks about art and inclusion, focusing on shared values, like community representation and the recognition of trailblazing leaders. For example, a women's leadership mural in the state capitol was completed in partnership with the conservative Women's Caucus and Commission on the Status of Women. This collaboration strengthened the arts council's credibility across political lines and built valuable social capital. The agency also collaborated with the Veterans Caucus to honor Choctaw Code Talkers and secured additional support for a Congressional Medal of Honor plaque. Working with unexpected allies, like the Tobacco Settlement Endowment Trust, furthered the agency's funding and broadened its impact.

One major focus for the **Oregon Arts Commission** is the possibility of becoming an independent state agency. Currently, the state arts agency is part of Business Oregon. It operates with two boards—the Oregon Arts Commission and the Oregon Cultural Trust. (The Cultural Trust, established in 2001, offers a unique statewide tax credit, allowing donations to registered nonprofits to be matched and returned as a 100% state tax credit.)

The agency's current structure includes separate funding streams and budgets for each organization. However, competing time demands and an escalation of field needs have prompted a reevaluation. Two studies were conducted to examine structural options and the potential for increased impact. Both recommended a unified governance structure and a move outside of Business Oregon, to become a quasi-public agency. There is precedent for that structure in Oregon with the Tourism and Film Commissions. Such a change could facilitate greater operational agility and responsiveness to the changing needs of the arts field.

In 2021, joint board meetings were held to initially explore these ideas. Recently, the governor's office expressed renewed interest in reexamining the potential for change. A joint committee has been formed to identify next steps. Currently the group is

considering what quasi-independent status would mean for both boards and for agency programs. Looking ahead, the agency will need to consider how a unified structure could integrate services and public outreach while preserving the unique brand and mission of each entity. This would be a fundamental shift, but one that could enhance the impact and efficiency of arts support in Oregon.

The **Michigan Arts and Culture Council** recently completed an overhaul of its grant policies and procedures. It started with an intention to optimize programs amid stagnant or declining funding. With a small staff, the agency needed to streamline grants to free up capacity for other initiatives. Initially, they focused on finding ways to reduce time in grant making. But an unexpected situation arose: two legal challenges targeted the agency's grant practices. This led the agency to collaborate closely with the state attorney general's office to reassess all operations and eliminate any areas of potential vulnerability.

Eventually the agency decided to rebuild from its foundational legislation, aiming to be as transparent and compliant as possible. Instead of multiple grant categories, the agency now has only two: mission based grants for arts and culture organizations and experience based grants for non-arts entities that want to provide arts and culture programming. Organizations that meet compliance requirements are eligible for a flat funding amount, and the arts council requires a 25% match to receive support. Applications and awards are standardized, ensuring transparency and fairness across diverse applicant types. The agency no longer uses external review panels. Compliance reviews are done entirely in-house. Two program staff members handle each application, conducting a thorough check. This process is purely objective (not interpretive). Only fully compliant applications move forward.

To further strengthen compliance, the agency enacted 15 board resolutions focusing on policies and procedures and secured an executive order formalizing its grant authority going back to 2009.

Despite a few initial bumps, this year's implementation was largely successful. They received over 830 applications and awarded funding to 500. The agency leveled the playing field by removing the budget tiers and related funding caps. Previously, larger organizations could access more funding, while smaller ones received less. Now, all applicants are eligible for the same cap, regardless of size.

Group 2: Policy Trends Affecting the Arts

David Platts (ED-SC) facilitated a roundtable discussion about legislation that is affecting the creative sector or the work of state arts agencies.

Numerous states discussed the need for policy solutions around **predatory ticketing practices**. Unscrupulous actors (or automated "bots") purchase large blocks of tickets to arts events, driving up the competition for seats and manipulating ticket prices

through dynamic or "surge" pricing. Tickets are then resold at an outrageous markup. Deceptive advertising obfuscates the purchase process, making it difficult for consumers to understand who is selling the tickets and what the prices and fees are.

- A recently enacted bill in Maryland bans speculative ticketing and makes resale platforms accountable for any fraudulent tickets sold or listed on their site.
- A bill passed in North Carolina focuses primarily on transparency. The total price of admission must be clear and only reasonable fees may be added at checkout.
- Last year, Connecticut amended a law on entertainment ticket advertising to require vendors to disclose prices.
- A proposed law in Washington attempted to tackle price inflation, exorbitant fees and fraudulent sales of nonexistent seats. However, the bill language was geared toward large sports venues and left small arts nonprofits at a disadvantage. The state continues to grapple with these complex issues.
- A number of federal bills have been proposed in Congress.
- Executive directors noted that bills focusing exclusively on transparency without allocating resources to enforcement were unlikely to have the desired impact on the arts sector.
- The National Conference of State Legislatures (NCSL) recently published a summary of state policy actions on this topic: <https://www.ncsl.org/financial-services/event-ticket-sales-2024-legislation>

California reported on emerging policy issues affecting **public art**. A commercial paint contractor filed a complaint with the Contractors State License Board about unlicensed artists working on fabrications and murals. This prompted the board to issue a reminder about contractor license requirements for the installation or creation of artistic works in public and private places. Such services require a contractor's license if the activity meets the definition of "contractor" in state code. Confusion over this regulation has resulted in numerous delays and headaches for municipal art projects across California.

Another topic of conversation was "**return to work**" requirements that conclude remote work arrangements and require state employees to be in their offices full time. This presents a challenge for some state arts agencies that already have limited staff capacity and face recruitment and retention problems due to low public-sector compensation.

- Texas is anticipating that a law will be enacted that ends remote work for all state employees.
- Nebraska's executive order was (unsuccessfully) challenged by the state's labor disputes board.

- Maryland's return-to-work policy allows exceptions for positions with field duties. The state arts agency is invoking this clause.
- California called all state workers back to the office earlier this year. Some exceptions are being made for state employees who live outside a certain geographic radius of the state capital.
- South Carolina is opening three regional offices in different locations across the state. In addition to providing more worker locations and making the council a more attractive employer, this will make the agency more accessible to constituents.
- Numerous additional states (including Idaho, West Virginia, Virginia and Kentucky) have already enacted or are expected to enact laws requiring state employees to return to their offices.

Twenty six states have enacted bills prohibiting public agencies from doing **diversity, equity and inclusion (DEI)** work.

- Alabama enacted a new law that prohibits DEI training and prevents any state agency from conducting programs that promote DEI. Additional restrictions on grants are anticipated. Public agencies will need to develop contract language with explicit prohibitions on using state grant money to support any DEI work.
- California has been unable to use race as a factor in grant decisions since the passage of Proposition 209 almost 20 years ago.
- The advocacy group in Maryland is seeking legislative action to advance cultural equity across the state.
- New Mexico is prioritizing the recruitment of new grantees and is finding ways to factor need into its funding formula. Priority points are tied to disability and race. Other state offices are looking to the arts council for advice on this complex issue.

Artificial intelligence (AI) was another policy trend explored by the group. Given lack of federal action on this issue, numerous states have attempted to legislate AI issues.

- Connecticut passed an AI Bill of Rights (mostly dealing with data privacy) last year. A new 2024 law extends its scope to the private sector.
- The Vermont legislature passed an aggressive data privacy law. However, the governor vetoed it and the legislature failed to override.
- NCSL has published a summary of [state AI legislation enacted in 2024](#). NCSL also subsequently released a [summary of federal and state policy actions pertaining to AI](#).

Mentions of **additional policy topics** included:

- The Maryland legislature passed an [Arts Incubator Workgroup bill](#) that forms a committee to investigate systems of support for individual artists. The effort was not initiated by the advocacy group or the arts council, but both are rising to the opportunity. The state arts agency is coordinating the group's work, which may generate recommendations to increase support for the arts across the state.
- Massachusetts is seizing a window of opportunity with a governor and lieutenant governor who are highly supportive of the arts. The governor created a new [Cultural Policy Development Advisory Council](#) to make policy recommendations on the creative economy, creative workforce development and creative placemaking. The agency is also rethinking the requirements for its creative district certification program and is advocating to add the arts into state science, technology, engineering and math policy.
- Several other state arts agencies (California, Delaware, Illinois, Vermont and Washington) have similar efforts underway to develop [formal plans and initiatives](#) to advance creative economy and the creative workforce.
- Massachusetts is looking for opportunities to raise the policy acumen and civic engagement of artists and strengthen the creative workforce through college and university arts curricula. A partnership with MITx and the Sloan School of Management will develop a new 12-week course on business and entrepreneurship for creatives. Participation will be free.

Future Peer Sessions

Executive directors will convene virtually throughout 2025 and will gather in person at the next Executive Forum (location to be announced soon). NASAA welcomes suggestions from executive directors to help shape all future meetings. To offer ideas or to volunteer to facilitate, please contact [Kelly Barsdate](#).