

Notes on the Process of Working With Your State Legislature

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Executive Summary

No “silver bullet” argument exists that will convince all state legislators of the value of public funding of the arts. Those who seek to make effective public arts funding arguments to legislators are faced with the challenge of crafting arguments that will succeed in the highly complex, variable legislative environment. Variable factors affecting legislatures include constantly changing legislative environments, leadership structure, and priorities.

The dynamics of this complex process requires that the arguments appealing to legislators be situational and flexible. Thus, a thorough analysis of the legislative context is an essential first step in crafting an effective argument in support of public arts funding. This analysis must be based on a review of issues that are important to legislators and their constituents, not what arts advocates think should be important to them. Only when the argument for public arts funding is crafted in a way that addresses the key priorities of legislators and their supporters will it succeed.

One of the most pervasive themes in state legislatures across the country today is the need to support the growing costs of basic state services while keeping taxes low and state government small. This theme takes many forms, however several common elements most significantly affect the environment for public arts funding.

- The Western U.S. is experiencing a period of voluntary downsizing of government. In the region, and particularly in Montana, there is a prevailing view that government should do less, and citizens should be more self-sufficient. The purported rewards for this self-sufficiency include the promise of lower taxes and less government interference in the dealings of individuals and businesses.
- Even as government is being downsized, many legislatures face major financial challenges that often require their immediate attention. Among these critical cost issues are the financial impact of federal-government welfare reform, the need to maintain a sometimes neglected physical infrastructure of schools and roads, the challenge of funding schools equitably while improving quality, and the need to support a growing prison population.
- Legislators in Montana cite the need for long-term tax reform as a top priority for the next session. This need is fueled by the large number of state residents living on fixed incomes, making tax increases difficult, if not impossible.

Given these “immediate” concerns, the arts seem to many Montana legislators, particularly those who are predisposed to oppose public funding for the arts, to be a luxury that the state cannot afford. This legislative attitude has a number of implications:

- While arguments can be made that the arts contribute positively to the economic prosperity of the state, the pressure to support basic state services with limited funding may have created a threshold of financial support for the arts in Montana that legislators are simply not willing to exceed in any meaningful way at this time.
- Several legislators believe that state arts agency is “lucky” to retain its current funding, and should not expect any increase for some time. Maintaining financial support at current levels may be the best that state arts agencies can hope for given the current—and perhaps the long-term political climate.
- The relatively small budget of the state arts agency can actually help it make a case for sustained funding levels. Demonstrating how the Montana Arts Council creates significant and beneficial impacts in the state, both economic and qualitative, with a very small amount of money can help diffuse the arguments of many of the agency’s detractors.

In addition to understanding the legislative environment and the resulting attitudes that affect public arts funding, there are strategies that can be used to increase communication and understanding with legislators on both sides of the argument.

- Develop a long-term legislative advocacy plan for Montana through a process that includes communication with as many legislators from both parties as possible. Work on a legislative agenda is a year-round task and cannot be confined to the legislative session.
- Cultivate a constituent arts community throughout the state, with the Montana Arts Council providing strong leadership. While business people and other individuals can provide crucial testimony for the efficacy of the Council’s work, the Council must take a strong position in helping to establish reasonable expectations and an attainable agenda for arts advocacy in the state.
- The advocacy plan should provide a clear detail of the key issues targeted for legislative support, and must include in areas other than simply an increase in funding. A detailed analysis of all forms of support will be an important component in the long-term legislative strategy, and will allow legislators to support the Council politically, even if additional financial support is not possible.
- The Council should also develop compelling arguments for funding the arts, particularly those that speak to economic development. In addition, the Council may benefit from preparing answers in advance to anticipated attacks in order to diffuse opposition early in the process.
- The Council may want to consider other cultural agencies in the states as partners in a coalition for broad support of cultural activities. Public agencies like

those devoted to education, humanities, and history can make effective partners for arts agencies, and cooperative efforts can serve to increase both the political and financial support for all partners.

Periodic evaluations of the advocacy plan, and the emerging relationship between the Council and the Legislature are critical. Some particularly effective means of evaluation may include post-session review meetings, and meetings hosted by the Council for legislators and constituents. State legislators often receive scant appreciation for their work. A regular stream of notes and calls of legitimate appreciation from the arts community can be helpful in the development of a long term positive legislative relationship.

It is important to note that in its current capacity, the Montana Arts Council already performs many of the activities recommended in this report. The very fact of instituting a comprehensive, formalized plan for advocacy that includes significant input from legislators should help to increase the visibility of the work the Council already does, and increase the awareness of the importance of that work. An effective advocacy plan can only be developed by the Montana Arts Council, that understands the issues facing the state and the tenor of the legislature better than any other party.

Introduction

Throughout approximately thirty years of existence, state arts agencies across the country have depended upon strong and productive relationships with their state legislatures. For more than twenty of those thirty years, the arts agencies generally enjoyed supportive and relatively conflict-free relationships with these governing bodies. In the past ten years, however, prompted by political and social changes sweeping the country, state arts agencies have become ever more enmeshed in difficult and often conflict-charged legislative environments.

Although the Montana Arts Council's relationship with its state legislature could be characterized as "difficult", many other state arts agencies have experienced similar challenges and overcome them. In fact many of the state arts agencies that have succeeded in this area have emerged with stronger legislative and arts-community support than they enjoyed prior to the crisis. The purpose of this paper is to suggest ways that the relationship between the Montana Legislature and the Montana Arts Council can be improved and set on a path that will result in the realization of a long-term productive partnership.

A first step in the process of inter-organizational relationship development is to identify the key issues extant in the legislative environment. Interviews were conducted with key legislators from across the state in order to explore these issues. While the interviews revealed little that was new, they confirmed the presence of several critical legislative concerns that have affected and will continue to affect legislative support for the Montana Arts Council. Because many of the legislators interviewed mentioned the importance of the state's role in economic development, a section of this paper probes some of the rationales that state legislators have adopted when they support economic development projects and programs that benefit the private sector. Those arguments are then related to and interpreted in relation to the arts.

This paper offers specific advice regarding a variety of processes, practices and procedures that can be enacted to improve the Montana Arts Council's relationship with the Montana Legislature. All of the recommendations are built on the understanding that a highly consultative approach is the most effective strategy. The approach is grounded in the understanding that successful legislative actions emerge from extensive interaction with legislators and their constituents, characterized by an attitude of openness and an ongoing willingness to adapt to changing conditions.

This paper is about processes, and the reader is encouraged to focus on these processes and their structure rather than on the reported details of specific situations. Rapidly changing legislative environments will make many of the factual details reported here obsolete in a very short time. However, the processes detailed have a utility that will transcend individual legislative situations. The processes listed in this paper could form the basis for a long-term approach to a productive relationship between the Council and the Legislature. Used effectively, these processes could establish a foundation for a constructive long-term relationship.

Montana and the Arts Today

The context for public arts funding is different in every state and the state of Montana has its own set of contextual features that affect the structure of and legislative attitude toward such funding. The fact that the state of Montana has a number of features that make it substantially different than most other states presents arts advocates in Montana with unique challenges. In order to be successful, arts advocates need to craft a public arts program that is congruent with the aspirations and limitations inherent in that the structure of Montana's cultural and legislative environment.

With approximately 880,000 residents, Montana is the 44th ranking state by population. In spite of its vast geographic spaces, over half (53%) of the state's population resides in urban areas. By far, the largest employers in the state are the state government (22,800 workers) and the federal government (21,800 workers).

The state's total expenditures in 1996 totaled more than \$2.3 billion, 43% of which was derived from the state's general fund. Only five states (New Hampshire, North Dakota, South Dakota, Vermont, and Wyoming) had lower overall state budget levels. Montana's state government's largest expenditures for single functions are education—32%, highways—10%, and health/hospitals—5% of annual expenditures. The Montana Arts Council budget of \$1.1 million accounts for less than one tenth of one percent of the state's annual expenditures.

A number of legislators in Montana are committed to a continuing reduction in the size of state government. Much of the legislative focus is centered on activities these legislators view as central to state government such as education and highway development, and on limiting state expenditures on programs not thought to be central to the mission of the state, such as welfare. Legislators in Montana also report feeling pressure to enact long-term tax reform, and believe that new tax increases are extremely unlikely. Not only is the political climate strongly anti-tax, but one legislator reports that the large number of state residents who are retirees or who live on a fixed income make income tax increases all but impossible. A freeze on property taxes is also a popular political item, according to legislators. The limited time in legislative sessions often necessitates that members select one issue to pursue, and in the current environment, it is very unlikely that the arts will be a top priority.

Judging by the recent trend, the arts in Montana only reach the top of the legislative agenda when they are targeted for elimination as either a frivolous expense, or antithetical to the values of taxpayers. The former argument, although unfortunate, is typically easier to defeat, since the budgets of state arts agencies are seldom large enough to matter in the budget balancing process. Values-related arguments can be far more divisive, and require constant vigilance and support from friendly legislators and constituents to combat.

In this environment, it would be a mistake to conceptualize legislative arts support only in terms of the state budget allocation. While the allocation of funds for the Council is an

appropriate measure of support, to pursue funding as the sole means by which the Legislature can assist the arts can put members in a difficult position politically, and can shortchange the additional types of contributions that supporters can make.

Planning for Advocacy

The Montana Arts Council has the opportunity to adopt a broad-based, long-term approach to dealing with the Legislature. Most of the members interviewed for this effort agree that the worst of the attacks should be behind the Council, and that despite the vicious previous session, the Council should be able to build new bridges with current and incoming legislators. Following are some important next steps for that process. The Montana Arts Council, with its thorough knowledge of the state and the State Legislature, is in the best position to develop a formal plan for advocacy.

In order to take advantage of as many legislative opportunities as possible and to succeed in a variety of legislative environments, a state's arts community should develop a broad-based legislative agenda. Such an agenda allows the arts community's interaction with the legislature to touch many more issues of concern to both legislators and the public, and it allows the arts community the opportunity to explore multiple avenues that can lead to legislative success. Following are five possible next steps to consider when a legislative agenda is developed:

1) Start a Long-Term Planning Process that Includes Legislators

In developing a long-term plan for arts advocacy in Montana, significant efforts should be made to include legislators as well as key constituents in the process. This typically begins with visits to legislators outside of the legislative season by arts community representatives. During those meetings, the record and benefits of the agency should be shared. In addition, the agenda items under consideration by the arts community should be identified and the legislator's advice on the proposed agenda items should be sought. The legislators should also be encouraged to suggest possible arts agenda items.

Include Opposition Legislators

When developing the legislative arts agenda, meetings should be held first with the traditional supporters of arts legislation and then with legislative leadership. Consider selecting key returning legislators who have opposed the Council in the past to be cultivated in private. Working with these individuals to craft programs and services to their agendas will help to soften their opposition and quell the unvoiced agendas among opposition coalitions to eliminate all support for the Council. Frequently, meetings with such individuals provide the arts community with an opportunity to better inform members of the legislature about their work. In addition the sessions with non-supporters help arts community representatives develop a better understanding of the reasons a legislator may choose to not support the arts, and develop effective strategies to deal with opposition.

Although from time to time a political party or a caucus of that party may officially take a stand against state arts funding, the two major parties operating in the country today typically hold no broad-based or deep opposition to public arts funding at the leadership level. Because of this fact, and also because members of all parties have

at various times been strong advocate for public arts funding, casting a discussion of the issue in partisan terms is not productive.

Orient Incoming Legislators

The Council might consider hosting a session at which they introduce incoming members to their programs and services, and deal with supporters and opposition alike in an up front manner that indicates that they are willing to work with all sides. The existence of term limits increases the urgency to work with new members. Term limits mean that the Arts Council will have a shorter length of time to work with any single member, and thus their early support will be crucial. In addition, the greater velocity of legislative turnover will increase the proportion of the Legislature that is new, necessitating efforts to garner support from this potentially large block of supporters.

2) Develop a Leadership Position with Key Individuals in the Arts Community

Manage Expectations

In order to effectively play their part in the agenda-building process, the arts community must be constantly educated as to the legislative reality in which the arts community operates. Such ongoing education limits the possibility that members of the arts community will have unrealistic expectations of the legislative process and attempt to present the legislature with an agenda that is entirely unrealistic. An appropriate role for the Montana Arts Council is to work with the arts community to ensure that the community is consulted, informed and supportive of the legislative arts agenda that is finally agreed upon.

Cultivate Business Leaders as Spokespeople

At the same time, the Council should consider soliciting individuals in the state to work Legislative leaders on their behalf. In every state, there are key individuals who can influence policy. Business leaders are particularly effective spokespersons for the arts, if they can personally testify to the value of the arts industry in the state, in the form of bringing valuable employees, or consumers.

Programs like the “State of the Arts” Speakers program are an excellent tool for encouraging interested individuals from all political persuasions to express support for public funding of the arts. It is crucial that after individuals in the community have been engaged through programs such as this, they are engaged as active and vocal supporters of the arts, since they are likely to have influence with otherwise opposed state representatives.

3) Select Key Agenda Items to Pursue

All too often the one and only item on the arts community's agenda with the legislature is the expansion of state funding for the arts. This year may not be the year to argue for increased funding. Instead, the Council may want to begin

gathering support for key programs, or long-term planning efforts in anticipation of the time when a critical mass of support may be available to fund additional programs.

Building the legislative agenda with an open mind is a key success criterion. Members of the arts community should keep an open mind as to what might become part of a legislative arts agenda. In some instances non-money related legislative actions can have a greater positive impact on the arts industry in a state than additional dollars. For example, a supportive legislature may find it difficult to increase the level of discretionary funds to a state arts agency but may discern that activities such as altering state statutes to encourage improvements in arts education, establishing a state fine arts academy in the Department of Education and/or relaxing state building codes for artists working in unincorporated areas, may be realistic and attainable goals for a session.

In addition, supportive legislatures can provide invaluable ‘behind the scenes’ defenses against attacks on the existence of the agency, and help to keep the agency from becoming a public scapegoat for waste- or values-related attacks.

4) Prepare Key Arguments in Support of Public Funding for the Arts in Advance

While the economic arguments described in this report are essential to the Council's advocacy efforts, there are still many other important benefits of the arts that are not as easily quantified. Some additional arguments that resonate with legislators interviewed for this report include the benefits to children from arts and music education, the ‘quality of life’ benefits for all residents, and the role the arts and culture play in preserving history.

Emphasize Efficiency

Many legislators report that downsizing government and increased efficiency are priorities in Montana. By emphasizing the significant impact that the Montana Arts Council makes with a very small amount of money, the Council can directly address legislators’ own goals of smaller, more efficient government. Because legislators likely to be influenced by such arguments are often “no-nonsense,” “just the facts,” individuals, this type of strategy requires a well-thought-out presentation of programs and services of the Council, supported by all quantitative data that is available.

Lobby for Discretionary Funds

In addition, the Council should continually prepare arguments in support of discretionary funds. Although an increase in funding may not be likely in the present environment, consistently requesting such an increase is an important act and should be a perennial legislative arts agenda item. State funds are used by an arts agency to support the needs of a state's arts community. An adequate level such funds helps ensure that the arts community has the flexibility to respond to the challenges it faces and to design and support initiatives that benefit both the arts community and the residents of the state. In addition, the power of state funds to

leverage private, corporate and local government support is well documented. Ensuring a growing pool of state funds to maximize this leveraged support is an important objective.

Prepare Advance Strategies for Responding to Criticism

The Council may benefit from brainstorming in advance possible criticisms of the agency and preparing responses in advance. Anticipating the kind of attacks that might come is helpful, in that more considered and effective responses can be drafted given the additional lead time. In addition, such issue attacks may be easily quashed in the early stages if thorough responses are available in a very short time, preventing them from reaching crisis stage.

Consider Building a Coalition of Support for Cultural and Educational Activities

The arts often fail to become a top priority for the legislature because of their relatively insignificant size. It is important to remember, however, that the arts can engage in collaborative activities that increase their own influence and effectiveness. Notably, partnerships with education, history and the humanities have been effective in other states. Some legislators interviewed for this project believed that a cultural coalition would be effective in the state, but fear that the political climate will not support such an effort at this time.

In Montana, where education is the top budget item, the arts would do well to form strong alliances in this area. It is essential that coalition partners not be viewed as cash cows, whose budgets and legislative support can be carved out for use of the arts. Rather, collaborative efforts should focus on how the combined efforts of all partners can increase support for all, and result in increased benefits to state residents through improved and efficient programs and services. Successful collaborations can also be used increase the visibility and appreciation of all partner agencies.

Difficult political times can be the impetus for forging lasting partnerships. If all parties in a cooperative effort agree on explicit goals for a program, and develop a process for development and enactment of the program in advance, it is often possible to create effective programs that a single agency alone could not enact. An important component of such coalition building is that all parties view such an exercise as a benefit for all agencies, rather than as a zero-sum game in which an agency can only succeed at the expense of another.

The most important component of a broad-based legislative agenda is adaptability. Issues that are most important to the Montana legislature include education and infrastructure. Thus, it is important for the Arts Council to set realistic goals for their interactions with the legislature, the cultivate political support from all quarters, and to pursue a full-time approach to managing the legislature.

Economic Arguments that Influence Legislators

Most legislators themselves agree that the most compelling arguments to for public support of the arts are economic in nature. In this section of the paper, basic economic arguments for the arts are outlined, along with parallels in private economic development, such as enterprise zones and business loans. A comprehensive economic impact study would help to sharpen these arguments, and the council might consider ways to fund such a study in the near future. The influence of the arts on a healthy and diverse commercial economy becomes immediately apparent to the most reluctant supporters when the black-and-white figures are outlined in detail.

Public Support for Commercial Activities

Throughout history, state governments have voiced their reluctance to subsidize private business efforts, but nevertheless, have constantly stepped forward with public funds to support development in the private sector when the present and/or future health of a state's economy appeared to justify such action.

Today, the superficial sentiment of a "smaller government" is stronger than it has ever been. However, the public's acceptance of and expectation for such support is now a common feature of private sector thinking, particularly as it relates to activities that are thought to stimulate economic growth. Financial subsidies for commercial businesses, and sports and entertainment facilities are among the most common and most widely accepted.

Following are some key elements of economic need that appear to stimulate public acceptance of cross-sector subsidies:

- The need to equalize the health of an economy across a state. The fact that some areas of a state are economically advantaged while others languish or appear to plateau has created a dynamic of demand for state support for private-sector enterprises. State legislatures want to bring economic health to their regions and when they run out of ways to accomplish stimulus through normal public-sector means, they use direct private sector assistance as an appropriate tool. Frequently, the choice elected officials must make is whether to support a private sector enterprise with public funds, save jobs and maintain the health of the local economy or stand in opposition to such support and lose access to the most effective tool they have at their disposal to keep their local economies healthy. It is important to note that the public perceives the health of its local economy in very immediate terms and readily compares their local situation with that of similar communities in the state.
- The need to enter into public-private partnerships in order to maintain the health of major industries. Every state has at least one major industry that is essential to the economic health of the entire state economy and/or regions within that economy. Faced with changes in the economic health of these existing major industries, state

governments often feel compelled to provide them with public subsidies in order to ensure that the industries continue to contribute to the health of the overall economy. Often these industries are "dying" industries and the state's interest is not to revive and expand them so much as to make their demise less catastrophic and unexpected.

- The need to remain competitive in attracting new business activity. As business activity has become less location-dependent, states have entered into an aggressive competition to lure new business to their state, and to keep existing business from leaving to reap greater benefits elsewhere. This process, which has been widely criticized as a zero-sum game, has resulted in the creation of a number of fiscal-benefit mechanisms that are directed to the private sector. This type of activity has long existed in state tax law, however in the past twenty years, states have invented a panoply of programs that address this need. In spite of the fact that many of the programs are widely criticized and that in recent years a number of states have curtailed them, one can point to a number of instances where the availability of such funds have had an immediate and substantial impact on the health of a state's economy.
- The need to build the state's economic infrastructure in a way that will prepare it for the future. Preparing for the future security of the state's economy is a responsibility that states have assumed. While many would dismiss a state's involvement in any level of "state planning of the economy," in fact all states are engaged in such activity to a greater or lesser degree. The fact that the state takes an active role in the education of the future workforce, supports research that may benefit the state economy in the future, and supports the development of capital-intensive infrastructure such as roads, airports and industrial parks are but a few examples of how a state invests public funds in resources and infrastructure that will better ensure a healthy economy in the future.

The Parallel Between Public Funding of the Arts and Commercial Subsidies

The State of Montana sponsors many initiatives that encourage economic growth, increase state services to rural areas, and stimulate employment. These initiatives have largely been structured as incentive and subsidy programs to commercial businesses, with the objective to "help Montana's potential and existing businesses develop, survive and prosper." Such programs that generally transfer funds from the public to the private sector are generally accepted by Montana's residents. State support for the arts in Montana also can be viewed through the lens of these programs.

Although the public periodically objects to such transfers, they are largely accepted today, even in a climate where a political philosophy that values limited government is dominant. Neither good nor bad in themselves, the subsidies offered the private sector in Montana provide some insights into the value of state arts funding. The following review of some of the principal Montana incentive and subsidy programs and their

relationship to state arts support clearly demonstrates that the Montana Arts Council accomplishes many of the same goals at a very modest cost to the state.

- Encouraging economically diverse communities and rural economic development.

The state's rural development program provides support and direct assistance to local and regional development efforts throughout five regions encompassing the state. Five Regional Development Officers (RDOs) travel in their designated region and help to identify economic development needs and priorities, and assist in leveraging available resources. The primary goals of the RDO are to administer the CDBG and JIL programs, help to create an inventory of Montana businesses, provide technical assistance and identify resources for community development projects.

Arts Parallel: The "Arts are Central to Our Communities" grants of the Montana Arts Council provide funds for rural and underserved Montana communities. These grants fund remote organizations become a stable source of income (much of it from out-of-state sources), jobs, and spending in local communities. In addition, the work the Council does to plan arts development, convene regional meetings and to structure new programs for the specific benefit of rural areas has strong parallels to the efforts other state agencies are extending to these areas.

- Fostering the growth and health of commercial business. Montana owned businesses employing fewer than 10 full-time employees and with revenues of less than \$500,000 can receive loans of up to \$35,000 to fund "economically sound business projects that are unable to obtain commercial funding." Montana also makes available state and federal subsidies for the Community Development Block Grant Loan Program. The CDBG program is designed to meet business financial needs that are not fully met by the private sector, with the goal of encouraging job growth and diversifying the state's economic base.

Arts Parallel: Although Montana does not currently provide direct subsidies for individual artists, using its overall budget the Council performs many valuable services that help artists who work in the state, and indeed employ other artists.

- Job Investment Loans (JILs) for business expansion, job creation and job retention. The program provides a portion of necessary funding for businesses that meet one of the following objectives: 1) promote investment of private capital, expansion of local tax bases, and creation of permanent jobs, 2) involve basic economic activities, 3) involve the procession, refining, and marketing of Montana's natural resources. Additionally, a bill in the most recent legislature sought to expand the work of Small Business Development Centers throughout Montana to provide confidential regulatory compliance assistance to small business.

Arts Parallel: The "Organizational Excellence" Grants awarded by the Montana Arts Council serve a similar purpose of providing support for organizations that have a

proven track record of excellence. These grants allow exceptional organizations to remain a stable source of jobs and expenditures in local communities.

- Encouraging national and international trade of Montana-made products. The Trade program coordinates the activities of the state's overseas offices in Taiwan and Japan and works in conjunction with Montana business promotion efforts. The program provides technical assistance in facilitating national and overseas trade, in-depth marketing reports, and trade leads to Montana companies, special promotions for Montana-made products and services.

Arts Parallel: The state's support of the Montana Arts Council encourages the growth of a Montana-based arts industry and the commercial work of Montana-based artists. The effect of the state's support and endorsement of these arts organizations is felt beyond the mere financial investment; it fosters stability in organizations and increases their capacity to secure financial support from other sources.

Thus, there are many significant parallels between the activities of state arts agencies and other economic stimulus programs. While direct economic impact numbers can be compelling, these additional arguments help to more accurately portray the overall effect of a strong arts industry in a state.

Evaluation of the Effort

Following any advocacy activity, regardless of its size and scope, the arts community and its leaders should set aside the time to formally evaluate the effort. Because the legislative process is so complex, limiting the number of mistakes in judgment and/or tactics the arts community makes in the process is important. Some successful approaches to evaluation that have been successfully pursued are detailed below.

- **Hosting a Post-Session Review with Legislators**
State legislators can be harsh critics of efforts that do not succeed, but they are committed to the legislative process and usually will offer analysis and advice even to those they do not agree with. Evaluation sessions with state legislators can offer special insights into the origins of the motivations and perceptions of legislators. Such sessions also provide the arts community with another opportunity to engage in a meaningful dialogue with legislators.

In addition, such sessions present the opportunity for arts leaders and individuals in the community to express their appreciation of the support they received from legislators during the session.

- **A Session Review with the Legislative Staff**
Depending upon the legislative staff culture and the approved practices of each state, members of the legislative staff may be available to participate in a formal evaluation of legislative activity. If staff members are not available for formal evaluation sessions, they can be met with informally and in those sessions.
- **Informal Evaluation Meetings with Lobbyists and Others**
Lobbyists and representatives of special interest groups can offer additional insights into the dynamics of a legislative session. Many of these individuals and the organizations they represent may have been allies in a legislative arts initiative. The session also provides the arts community with an influential audience with which to share information and solicit advice.
- **A Review of the Session with the Arts Community**
Those in the arts community who have been active in legislative work, should be debriefed about their experiences on a regular basis. Many of these persons will have contacted their area legislators regarding arts issues and may have received candid evaluative information from the legislators. In addition, those in the arts community who have been active in legislative affairs deserve the courtesy of a conversation regarding their analysis of the manner in which the arts agenda fared in the legislature. An important component of this review is simply to convey appreciation for the work of individuals in the community on behalf of arts leadership.
- **A Legislative Review with the Governing Board of the State Arts Agency**
The members of a state arts agency governing board are responsible for providing

leadership to the state legislative arts agenda. Because their direction of and commitment to the effort is essential for it to succeed, members of the governing board need to spend time annually evaluating what they have done to exercise their appropriate duties. The exercise of such duties may not always entail lobbying the legislature for new funds but appointment to the governing board of a state arts agency implies at its base a commitment to the maintenance of a positive relationship with the members of the state legislature and active work on the state arts agencies approved legislative agenda.

Conclusion

The Montana Arts Council clearly faces a difficult task of arguing for public support of the arts in a highly partisan legislature that has at times reverted to personal attacks, and has ignored the wishes of their constituents. However, there are many strategies the Council can employ to diffuse the situation. Among the many arguments that can be employed in order to make the case for the Montana Arts Council, some of the most important are economic arguments, and parallels with commercial economic subsidies. In addition, supporting a broad legislative arts agenda that is employed and evaluated year-round can generate important political support for the Council.

Most importantly, the Council may need to view level funding as the goal for a number of years. With the move for less overall public funding, and the pressing needs of education and infrastructure, it may be too much to expect increases in state support. Rather, survival of the agency and improved relations with the legislature may be a reasonable and attainable goal through this difficult political time.

Appendix: General Comments about Working with the State Legislature

State legislatures are complex systems that increasingly operate in a state of uncertainty. Term limits especially have made the actions of legislatures much less predictable than they were just a few years ago. Although no single set of rules can guarantee success in this increasingly difficult environment, there are approaches to working with legislators that increase the likelihood that arts issues will advance in the legislature. Following is a list of some of the most important of these:

- **Maintaining a Mindset that is Open to Change**

Legislators work with issues of change on a daily basis. One of the most elementary -manifestations of this is the necessity of constantly adapting their positions on issues to successfully pass legislation. This is accomplished in a context that largely recognizes the need to compromise and the necessity to accommodate the interests of others. Those who work with arts issues in the legislature must understand that they are enmeshed in an environment where even the most strongly held positions are seldom sustained. In this context, arts community representatives must remain open to adapting their legislative program, compromising their priorities if necessary, and reshaping the nature of what they seek in order to advance all or a part of their legislative arts agenda. While individuals and groups that hold uncompromising positions occasionally succeed in the legislature, most do not work in that environment over time unless they adapt to the ingrained legislative environment of legislative change and compromise.

- **Viewing Legislators as Problem Solvers**

Legislators commonly seek elective office because they wish to use the governmental system to solve problems. This problem-solving perspective is important for the arts community to keep in mind when working with state legislators. Even though a legislator may not agree with the need to support the arts with public funds, that same legislator is likely to want to help the arts community solve its problems. The solution the legislator has in mind may not be an approach that the arts community prefers, however, legislators who have opposed public arts funding have often been the source of creative solutions to statewide arts problems.

- **All Legislators are Potential Supporters**

No matter how negative a stand a legislator may have taken on arts issues that legislator should never be dismissed or vilified. In the pressure of the legislative season, some find this approach difficult, but retaining communication with even one's staunchest enemy inevitably pays dividends. Remaining in contact generates familiarity. Such familiarity may not breed support for your cause, but it can generate respect. There are a number of examples of vocal opponents of arts funding and legislation helping assisting arts advocates through indirect means. These means

include activities such as offering of advice concerning the attitudes of other legislators and volunteering to lower the level of negativity in a speech opposing an arts position. Legislators who do not support state involvement in the arts seldom experience unexpected conversions to the cause. Working with them has, however moved some harsh critics to a position of moderation and communication has been known to contribute to the slow building of respect. This process takes time and may not be pleasant. Nevertheless the effort is worthwhile. A legislator who has been written off as a permanent opponent and then vilified has no motivation to change any his/her stand.

- Conflict with Legislators Can be Managed

Periodically, legislators engage in episodes of intense conflict with agency heads and/or constituents. While such conflict may never be entirely eliminated, it can be analyzed and from that analysis one or both of the parties engaged in the conflict can activate a strategy that will bring the behavior surrounding intense conflict to a more comfortable and productive level. Solicitation of advice from those who have studied behaviors related to conflict may need to be consulted in order for arts advocates to craft the most appropriate conflict management strategy.

- Never Tell Legislators Anything but the Truth

Legislators operate in a world where the truth of a situation is often difficult to discern. In addition, legislators are frequently confronted by overly eager advocates who may not choose to convey the truth about a situation in the misguided belief that not telling the truth will aid their cause. Legislators appreciate truth and the presentation of accurate facts. The legislative friends of a cause must feel comfortable with the facts, data and arguments presented for their use. If those elements are rooted in the truth, they add to a legislator's credibility. If such items are based on questionable facts and assumptions, they hold the potential to embarrass the legislator. Truthfulness in tactical and strategic legislative actions is also important. Due to the press of business and the limited legislative staff available, legislators often rely on citizens to convey messages and build consensus for elements of strategy. Truthfulness in these actions is essential to the development of a legislative coalition that will take appropriate legislative action.

Those who do not generally tell the truth in legislative situations can enjoy short-term legislative, however in the long term, success for them becomes somewhat elusive as they become isolated from the important informal core activities of the legislative process.

- Legislators Need to Hear From their Constituents

The work of legislators is regularly evaluated in the legislators home district by the voters. Legislators want to be reelected and they also want to effectively serve the people of the district that has placed its trust in them. There are few more effective

spokespersons than those who speak to the legislator in their home district. Indeed, the nature of state government is such that many legislators, particularly those in rural districts, are easily swayed by a few constituents. One Texas legislator characterized five contacts from individuals in his home district as a “flood of calls”.

In Montana, it is interesting to note that legislators and the citizens they represent can operate in opposition. Recently the Legislature undertook a “backdoor” attempt to undo a citizens initiative that bans corporations from financing public policy initiatives out of corporate treasuries. This kind of opposition is not without precedent, however, it is unusual for a representative body to so boldly oppose constituent desires. In cases such as this, publicly exposing inconsistencies in legislator behavior can be the only recourse.

- Make Legislative Relations a Year-Round Priority

Human nature motivates many in the arts community to contact their state legislators only during the session. While in-session contact is useful, even more valuable is a longer conversation with a state legislator in the home district when the legislator is not in session and has more time. The legislatures interviewed for this paper agree that there exists little time for in-depth conversations during the session, and that they are open to and appreciative of contact outside of the session. This advice relates both to the staff of arts agencies, as well as their constituents. Certainly the more often constituents can have meaningful contact with their legislator the more productive the results are likely to be.

- The Support of Legislative Leadership is Important

The legislative leadership of each house of the legislature is important to the success of any arts agenda. In most states the leadership has broad discretionary power to move legislation forward--or not and to assign legislation to friendly committees or--not. Although leadership is very busy during the session, they should constantly be informed of the position of the arts community and be encouraged to support that position. Like all other legislators, leadership responds to calls from constituents and is available to be further informed of the needs of the arts community outside of the legislative session.

Legislative Staff can be Important to Your Success

As in any other organizational structure, the support staff of the legislature is important to the functioning of the organization. That staff frequently knows where the facts surrounding an issue lie and the important technical details surrounding the bureaucratic history of an issue. Legislative research staff can help decode previous legislative action and critique legislation to ensure it will operate in the manner a constituent group projects it will. Similarly, most secretaries in the legislature know a great deal about the functioning of the legislative system and are critical to ensuring access to legislators.

Term Limits Matter

The onset of term limits in state legislatures has introduced a new and unpredictable dynamic into the system. In Montana, this issue was cited as contributing to the “divisive” atmosphere in the legislature. Where in prior years the arts community could educate and cultivate a legislator over a ten-to-twenty year period as he/she advanced toward a leadership position, one finds that the time to work with prospective and sifting legislative leaders has been severely compressed by term limits. In addition to the fact that one faces the challenge of connecting with and passing on a great deal of information to a rapidly rotating group of legislators communication in a very brief time period, some are discovering that term limits are turning some legislators into more aggressive, limited-issue legislators. The reason posited for this is that if a legislator knows they will have a limited amount of time in the governing body, they may concentrate on a few highly visible issues that will assist them in their advancement within the governmental system.

Above all, legislators accountable to the residents of the state they are elected to represent. The job of state legislator can be time-consuming and under-appreciated, and these individuals often find themselves pulled in many directions. While they may not always be able to respond as vocal advocates to the arts, most will respond to well-reasoned advances and arguments with respect, if not outright support. In a charged political environment like the Montana Legislature, where making friends can be near impossible for arts advocates, simply not making enemies may be enough.