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My Turn: Arts council restructuring presents great opportunities

As Alaska faces the most severe fiscal crisis since statehood, Alaskans are responding in a variety of ways. These responses are individual, as people adjust their spending habits and economic choices, and collective, as government locally and statewide seeks ways to economize, become more efficient and reconsider methods of doing business that have gone unchanged for decades.

The Alaska State Council on the Arts (ASCA) is Alaska's state arts agency, and over the years has done an admirable job ensuring that Alaskans enjoy the arts in their daily lives, and reap the economic, emotional and other benefits of artistic and cultural activity. I am a huge believer in ASCA's work, and have a direct interest in and responsibility for what the agency does as I serve as chairman of ASCA's 11-member volunteer board. Even before the fiscal crisis reached its current, acute phase, we at ASCA were thinking proactively about what we could do to provide more and better services with the least amount of government funding. In the last year, we have focused intently on the possibilities for positive change, and potential rewards that may come from rising to meet the challenges we face.

ASCA was created and continues to exist as an agency of the state of Alaska in order to be able to receive crucial matching funds from the National Endowment for the Arts. The National Arts & Humanities Act mandates placement within state government and a dollar-for-dollar appropriation to trigger federal moneys. But this is a minimum requirement, which doesn't place an upper limit on what ASCA can do. The Council has crafted and put forward a plan to restructure the agency to allow for the highest level of operational efficiency and maximum ability to leverage non-governmental sources of funding, to support individual artists, arts organizations, arts education programs and all ASCA's other important programs and activities.

This past week, identical pieces of legislation were introduced in the Alaska Legislature, sponsored by the House and Senate Education Committees. House Bill 137 and Senate Bill 66 are designed to keep ASCA firmly established as a state agency, but to change structural elements that have caused problems in the past and thus open up opportunities for improved operations in the future.

ASCA's restructuring bills keep the Council housed for administrative purposes as it is currently within the Alaska Department of Education & Early Development. ASCA would be reconstituted as a public corporation, giving it more operational independence. Key changes include taking ASCA out from under the unhelpful and burdensome State Procurement Code, substituting appropriate procurement rules. Because ASCA uses

substantial amounts of private foundation funds to provide services, the strictures of the existing way of doing business have caused a host of unnecessary problems without providing any actual benefit to the public.

ASCA's budget will still be controlled by the provisions of the Executive Budget Act, allowing legislative and executive branch oversight, and openness and transparency for all Alaskans. ASCA's grant-making processes, public arts programs and capacity enhancement efforts will be run as they currently are, and Council members and staff will remain subject to all the provisions of the Executive Branch Ethics Act. Council members will still have to file annual Public Official Financial Disclosure forms to disclose any potential conflicts to the public.

Over the past decade, ASCA has been fairly and equitably treated by the Alaska Legislature, and the minimal funding needed to keep the agency in existence has been duly appropriated. At the same time, ASCA has found ways to partner with private foundations to significantly expand activities, especially in arts education. ASCA is now poised to be able to expand our work to serve more Alaskans in fields beyond arts education, and restructuring will help make this happen.

Every state and territory in the nation has an arts agency, and there have been few efforts across the field to move away from continued operations as run-of-the-mill government agencies. A misguided effort to privatize the state arts agency in Kansas ended disastrously, with the complete loss of all federal funds in that state and the loss of artistic and cultural opportunities to the people living there. ASCA's restructuring effort is informed by this example of how not to do it, and is carefully balanced between changing things that will make a difference but keeping the affiliation with state government that justifies public funding and ensures accountability and responsiveness to the public.

HB 137 and SB 66 will be heard in the coming weeks by the House and Senate Education Committees, and if successfully reviewed by these panels, will move on to the Finance Committees. ASCA hopes to see this legislation pass after being carefully considered, and enacted into law before the beginning of the new fiscal year in July. This outcome will enable ASCA to be part of the solution to the fiscal crisis, continuing to support a vital economy in the great land and the highest quality of life for all of us so fortunate as to call Alaska home.

Benjamin Brown is a lifelong Alaskan and an attorney who lives in Juneau. He serves as chairman of the Alaska State Council on the Arts.