

Panel on Health Care for Artists

Lobbying 101

by James Brown in Fractured Atlas Newsletter Winter 2005: The Advocacy Issue

In 2001 The Actors' Fund, a nonprofit organization devoted to the social welfare of entertainment professionals, discovered that more than 70% of entertainment industry union members were unable to afford COBRA (the extension of union or employer health insurance) when they became ineligible for their union benefits. We at the Actors' Fund quickly realized that new state legislation was needed that would offer a subsidy to help pay the premiums.

So The Actors' Fund formed the Entertainment Industry Health Insurance Coalition, comprised of 26 unions, social service organizations, theatre owners and producing companies, and began a lobbying effort to persuade New York State to pay for half the cost of COBRA for industry union members who had lost their eligibility for benefits. Although some Coalition members had lobbied for bills in the past, this was the first effort by The Actors' Fund, which was coordinating the effort.

It took more than four years, but the bill was voted into law and signed (after an initial veto) by Governor Pataki in the fall of 2004. By the end of 2005, the COBRA Subsidy program has already kept more than 500 actors, singers, musicians, writers, directors, choreographers, and backstage workers - and their families - insured.

So. How did we do it?

I have listed below some basic elements of lobbying based on our experience with the COBRA Subsidy. Hopefully it will prove useful to you and to other advocates who are interested in creating or changing law to answer the needs of their constituents.

Identify a specific problem that new legislation (or an amendment to current law) can address. We knew that more than 70% of those in the entertainment industry who were offered COBRA declined to elect it, usually because of its cost (approx. \$335 a month). As a result, almost all of them went without insurance until they became eligible again for a union plan. Securing subsidization at the state level would help remedy this.

Put together a coalition. As we were taught in high school physics, energy organizes a system. In advocacy, this organizing energy is the idea or the cause. Identify other organizations that would benefit from this legislation and get them interested. (There are two reasons for a coalition: one, it will cost money - the more contributors the better; and two, you'll need company along the way - it's a long haul.)

Work out the essential features of the legislation, and draft a version of the bill. Ideally this comes from the coalition members. In our case, it dealt with levels of assistance, definitions of "entertainment industry members," and finding a reasonable income-eligibility. Be clear about the essential features. For us, it was this: the state

would pay half the cost of the COBRA premium for up to 12 months for any income-eligible member of the entertainment industry and their families.

Clearly define the reasons why this legislation needs to pass. Your arguments need to be honed to the clarity and brevity of talking points - you will have to repeat them often. Our main argument for the COBRA Subsidy: the entertainment industry is an economic engine for the state, and the state should contribute to the health care of the people who make that entertainment.

Hire a lobbyist. The lobbyist will help you refine the legislation and the arguments for it, help you get in-person meetings with legislators and/or their staff, and perhaps most importantly locate a source, preferably one that already exists, for funding the program.

Find sponsors and co-sponsors for the bill. Here the lobbyist can be very valuable by pointing you in the direction of legislators who have a history of sponsoring legislation related to yours. In our case, we found a Democrat in the Assembly (Richard Brodsky) and a Republican in the Senate (first Roy Goodman, then Kemp Hannon) to introduce the bill.

Keep the pressure on. Bills need to move through committees in both houses to make it to the floor for a vote, and your bill is in competition with hundreds of others. A constant (but not overwhelming) stream of e-mails, letters, and phone calls is critical for keeping the bill visible and viable.

Understand that your fight has more than one round. The first year your bill may not make it out of committee. The second year it may make it to a vote in only one of the houses. The third year it may be passed in both houses, then pocket vetoed (not acted on) by the Governor as happened with the COBRA Subsidy bill. [Note: each state has its own procedures for a bill to become law. This relates to the procedure in New York State.] If the issue it was meant to address is still relevant and its sponsors are still behind it, find out what the problem is (your lobbyist is a good guide) with the bill and, if it doesn't compromise the intent, fix it.

Of course, all of this takes time and effort, and if you or your organization is unable to commit to lobby for a new piece of legislation, you might consider finding current legislation in your state to support. Your state arts council, and arts service organizations such as Fractured Atlas, should be able to let you know what's out there in the committees and legislatures, and how you and your organization can help move it along.

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