

THURSDAY, JUNE 14, 2018

10:35 A.M.

ACTING SPEAKER AUBRY: The House will come to order.

In the absence of clergy, let us pause for a moment of silence.

(Whereupon, a moment of silence was observed.)

Visitors are invited to join the members in the Pledge of Allegiance.

(Whereupon, Acting Speaker Aubry led visitors and members in the Pledge of Allegiance.)

(Applause)

A quorum being present, the Clerk will read the Journal of Wednesday, June 13th.

Mr. Morelle.

MR. MORELLE: Mr. Speaker, I move to dispense with the further reading of the Journal of Wednesday, June 13th and ask that the same stand approved.

ACTING SPEAKER AUBRY: Without objection, so ordered.

Mr. Morelle.

MR. MORELLE: Yes. Good morning, Mr. Speaker; good morning, ladies and gentlemen, guests. We have a full and active day today and in just a moment, I'll describe what our day will look like, but I do want to note that on this day in 1777, the Continental Congress adopted a resolution stating that "the flag of the United States be 13 alternate stripes red and white" and that "the Union be 13 stars, white in a blue field, representing a new Constellation." The national flag became aptly known as the "Stars and Stripes." And this is particularly appropriate as today is celebrated across the country as Flag Day.

And under the heading of, "Did you know," did you know that the Town of Rye, New York, represented by our friend who represents the 91st Assembly District, Mr. Otis, who is making his way in the Chambers as I speak, but that the Town of Rye, New York was once part of Connecticut? Both New York and Connecticut back in the 17th Century claimed Rye as within their boundaries until 1683 which, yes, is the 17th Century, when Connecticut decided to formally cede the area to New York. And we are blessed that that happened, otherwise Mr. Otis would be in Hartford, Connecticut this morning

instead of Albany, New York.

So, with that historical note, let me just describe a little bit of history we will make today, as well. Members have on their desks a main Calendar, as well as a debate list. After any introductions and housekeeping, and I note there are a number of introductions and members of our extended family here, we will continue to consent where we left off on the main Calendar yesterday. We will begin with Rules Report No. 143 which members will find on page 11 of the main Calendar. We will also, during the day, work off the debate list. Members, if you're on the following Committees, please pay special attention to announcements by the desk for Committee meetings: The Committee on Codes, Ways and Means and Rules. I note these Committees will produce an A-Calendar which we may take up this morning into the afternoon, as well.

Before I ask for any introductions and housekeeping, Mr. Speaker, let me note, again, as I have over the last several days, we are in the final days of the legislative Session. So, the speed with which we can move and get everyone's work concluded will depend in part on how much members stay in or around the Chambers and we can access them for votes and continue to move our Session forward. So, I do want to thank people in advance for their cooperation and their patience as we work through our final days, and hope today will be a very successful day in that regard.

With that said, Mr. Speaker, I note we have introductions. If we have housekeeping, as well, this would be the

appropriate time to take those up.

ACTING SPEAKER AUBRY: Certainly. First, introductions.

Mr. Goodell for the purposes of a (sic) introduction.

MR. GOODELL: Thank you very much, Mr. Speaker, for allowing me to interrupt our proceedings for a special introduction. Today, we have with us a very special guest. He used to be the Floor Leader for the Republican Assembly. I think all of us would be delighted if you were still the Floor Leader, myself included.

(Applause)

And I can only speak this fast for a very limited time, but if you would please extend the greetings to our former colleague, a great Assemblyman, Tom McKeivitt.

(Applause)

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Goodell, the Speaker and all the members, Tom, we welcome you back to the New York State Assembly. We extend to you, as always part of the family, the privileges of the floor and the applause that you got is in no small measure to the joy we have because you have joined us, and the fact that Mr. Goodell has shown us how great you really were.

(Laughter)

Again, thank you so very much. We -- we hope you will come back and visit us often. Thank you.

(Applause)

Mr. Morelle.

MR. MORELLE: Yes, thank you, Mr. Speaker. I don't want to violate the Assembly Rules by helping to add to an introduction, but I'm also delighted to see my dear friend who I had the opportunity to work with when he was in Mr. Goodell's seat. So, welcome back, Tom.

As I mentioned earlier, we have a number of family members here today. It always, I think, bears repeating that when you're a member here, your family is part of our family and we're delighted to have members of that family here today. They are not strangers to this Chamber. We are delighted to see the Crespo family here. His beautiful wife, Verna, and his two adorable children, Raquel and Graciela, Raquel being five years old, Graciela is four. I think when they started coming here they were literally babies and they are beautiful, such a wonderful family and I know that they are the better parts of the family. We're stuck with Mr. Crespo, but those two beautiful faces, we're delighted to always have them in the Chamber to visit with their friends and to watch them grow into healthy young, young family. So, please extend all the cordialities of the House to our friends, the Crespo family.

(Applause)

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Morelle, the Speaker and all the members, we welcome the Crespo family here to the New York State Assembly. We have memories of you before you have memories, and so we're just so

pleased that you're here. What a gorgeous family. Continue to be supportive and keep him shining and bright, and I know you do that. Thank you so very much.

(Applause)

Mr. Ashby for an introduction.

MR. ASHBY: Mr. Speaker, thank you. I'd like to introduce students from my district from the school of Chatham. Parents and teachers have accompanied them here, and I think we were all grateful for their help on the Pledge this morning. And I know that they're anxious to get on with their tour and learn and help us remember Flag Day today, as well. So if you could please extend to them the cordialities of the House, I'd appreciate it.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Ashby, the Speaker and all the members, we welcome this tremendous class of students and their advisors and parents here to the New York State Assembly. We extend to you the privileges of the floor. Thank you for coming and sharing this morning with us. It does enhance this Chamber when young people are here watching and being a part of our proceedings, and your voices are always so strong and inspiring. Thank you so much. Continue your great education. Thank you.

(Applause)

Mr. Morelle.

MR. MORELLE: Yes, thank you, Mr. Speaker. I am also privileged to introduce another dear colleague's family who have

ventured up to Albany today to observe our proceedings. Ms. Hyndman's family has joined us and we're so excited to have them. First of all, her youngest daughter, Nyla, who is about to leave second grade and move to third. She's also joined by her niece, Keira, and her mom and dad. And I do note that Stanley and Yvonne Hyndman are here to visit with us and I have been encouraging and asking Ms. Hyndman to bring her mom because we had such a great time at the Caucus meeting earlier this year. And she finally broke down and brought her up so I could visit with her, but I'm so excited that they're in the Chamber. And as -- as I indicated, we're always so happy when members of our families come up and spend time with us and we want to make sure that we extend all the privileges of the floor to Ms. Hyndman's beautiful family.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Morelle, the Speaker, all the members from Queens, all of our members, we welcome the Hyndman family here to the New York State Assembly. We extend to you the privileges of the floor. As family, we are always delighted that you get to share with us in her extended family, because we are family here, and come to the -- and watch these proceedings and watch her as she does what has been -- she has been elected to do, which is represent her district. Thank you so very much. Thank you for the support that you provide.

(Applause)

Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker. I'd like

to begin with resolutions on page 3 of the main Calendar, beginning with Assembly Resolution No. 1370 by Mrs. Gunther.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly Resolution No. 1370, Rules at the request of Mrs. Gunther. Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim June 11-15, 2018 as Meningitis B Awareness Week in the State of New York.

ACTING SPEAKER AUBRY: On the resolution, all those in favor signify by saying aye; opposed, no. The resolution is adopted.

THE CLERK: Assembly Resolution No. 1371, Rules at the request of Ms. Lupardo. Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim June 15, 2018 as Elder Abuse Awareness Day in the State of New York.

ACTING SPEAKER AUBRY: On the resolution, all those in favor signify by saying aye; opposed, no. The resolution is adopted.

THE CLERK: Assembly Resolution No. 1372, Rules at the request of Mr. Ra. Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim June -- July 15, 2018 as Pet Fire Safety Day in the State of New York.

ACTING SPEAKER AUBRY: On the resolution, all those in favor signify by aye; opposed, no. The resolution is adopted.

THE CLERK: Assembly Resolution No. 7 -- 1373, Rules at the request of Ms. Malliotakis. Legislative Resolution

memorializing Governor Andrew M. Cuomo to proclaim June 21, 2018 as Yoga Day in the State of New York, in conjunction with the observance of International Day of Yoga.

ACTING SPEAKER AUBRY: On the resolution, all those in favor signify by saying aye; opposed, no. The resolution is adopted.

THE CLERK: Assembly Resolution No. 1374, Rules at the request of Mr. DenDekker. Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim June 2018 as Post-Traumatic Stress Injury Awareness Month, and June 27, 2018 as Post-Traumatic Stress Injury Awareness Day in the State of New York.

ACTING SPEAKER AUBRY: On the resolution, all those in favor signify by saying aye; opposed, no. The resolution is adopted.

THE CLERK: Assembly Resolution No. 1375, Rules at the Request of Mr. Murray. Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim June 30, 2018 as Arthrogryposis Awareness Day in the State of New York.

ACTING SPEAKER AUBRY: On the resolution, all those in favor signify by saying aye; opposed, no. The resolution is adopted.

We do have housekeeping this morning.

On a motion by Mr. Mosley, page 8, Rules Report No. 71, Bill No. 10829-A, amendments are received and adopted.

On a motion by Mrs. Barrett, page 11, Rules Report No. 131, Bill No. 10836-A, amendments are received and adopted.

Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker. I'd like to begin consenting on page 11 of the main Calendar, starting with Rules Report No. 143 by Ms. Rosenthal.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A00558-A, Rules Report No. 143, L. Rosenthal, Dinowitz, M. G. Miller, Mosley, Cook, Hooper. An act to amend the Real Property Law, in relation to non-preferential opportunity for use of amenities in certain buildings and apartments.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A01093, Rules Report No. 144, Dinowitz, Gottfried, L. Rosenthal, Mosley, Pichardo, Cook, Crespo, Benedetto, Davila, Bichotte, Joyner, Walker, Rodriguez, Blake, Barron. An act to amend the Administrative Code of the City of New York, in relation to surcharges for the installation or use of certain appliances in housing accommodations subject to rent control.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A01568, Rules Report No. 145, Skoufis, Titone, Cusick, Morelle, Cymbrowitz, Colton, Nolan, Solages, Santabarbara, Perry, Ramos, Lupardo, Arroyo, Hooper, Stirpe, Steck, Otis, Malliotakis, Weinstein. An act to amend the Insurance Law, in relation to standards for prompt investigation

and settlement of claims arising from states of emergency.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A02333, Rules Report No. 146, Thiele, Otis. An act to amend the Environmental Conservation Law, in relation to prohibiting the use of pentachlorophenol with regard to new or existing transmission utility poles or facilities.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A02874-A, Rules Report No. 147, Galef, Stec, McDonald, Abinanti, Magnarelli, Seawright, Rivera, Hyndman, Williams, D'Urso, Hooper, Cook, Stirpe, Errigo, Blake. An act to amend the Real Property Tax Law and the Real Property Law, in relation to the taxation of property owned by a cooperative corporation.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A02923-A, Rules Report No. 148, Perry, Skoufis. An act to amend the Vehicle and Traffic Law, in relation to establishing a distinctive "Jamaican Bobsled Team" number plate.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: On a motion by Mr. Perry, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker. I'm delighted to note that the Jamaican Bobsled Team distinctive plates represents our first vote of the day, and I'm sure no one wants to miss the opportunity to cast their vote on this, so I'd remind any member whose not in the Chambers to make their way. Those of you who are with us, please cast your first vote of the day.

ACTING SPEAKER AUBRY: First vote of the day, ladies and gentlemen. If you are in your seats, please vote now. If you are in the sound of our voice, please proceed to the Chamber and cast your ballot.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A02954-B, Rules Report No. 149, McDonald, Blake, Morinello, Brabenec, M. G. Miller, Ortiz. An act to amend the General Municipal Law, in relation to authorizing educational institutions to pay the salaries and compensation of school crossing guards.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record

the vote.

(The Clerk recorded the vote.)

Mr. Montesano to explain his vote.

MR. MONTESANO: Thank you, Mr. Speaker. You know, I -- I looked at this bill and -- and the issues surrounding it. You know, everybody pays in their taxes a portion to the police departments that cover their area that provide school crossing guards, especially home down (sic) in Nassau County - I can't speak for the other counties - we pay a substantial amount of tax to the police department to provide school crossing guards, which they do. In order to now have to have schools, even if they choose to or not choose to, put them in the spot to have to contribute to the school crossing guards, as far as their salary and benefits I think puts them in an awkward position. It's an obligation of the local law enforcement departments to provide these safety measures to the schools at their crossings. So, I just don't think it's a necessary burden that we shift to the schools, because it's not going to be a cost-savings to anyone. So, under these circumstances, I'll be voting in the negative. Thank you.

ACTING SPEAKER AUBRY: Mr. Montesano in the negative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A03545-A, Rules Report No. 151, Perry. An act to amend the Criminal Procedure Law,

in relation to establishing the Chance to Help Notification Act.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A03830-A, Rules Report No. 152, L. Rosenthal. An act to amend the Cooperative Corporations Law and the Not-for-Profit Corporation Law, in relation to requiring the board of directors of residential cooperative corporations and not-for-profit corporations to provide tenants with changes to the by-laws in writing within 10 days of adoption; in relation to notification to tenants of changes affecting occupancy or the rules of the building.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A05106, Rules Report No. 153, Crespo, Ramos, Pichardo, Rodriguez, Rivera, Arroyo, McDonough, Hooper, Raia, Murray, Simon, Kim, Montesano, Mosley, Dickens, Colton, Weprin, Cook, Barron, Davila, Wallace. An act to amend the General Business Law and the Banking Law, in relation to prohibiting a consumer reporting agency or lender from using certain information to determine an individual's credit worthiness.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A05270-C, Rules Report No. 154, Morelle. An act to amend the General Business Law, in relation to certain rental vehicle protections; to amend Chapter 656 of the Laws of 2002 amending the General Business Law relating to rental vehicle protections, in relation to making such provisions permanent; to amend a chapter of the Laws of 2018, amending Chapter 656 of the Laws of 2002 amending the General Business Law relating to rental vehicle protections, as proposed in legislative bills numbers S. 8317 and A. 11097, in relation to making such provisions permanent; and providing for the repeal of certain provisions upon expiration thereof.

ACTING SPEAKER AUBRY: On a motion by Mr. Morelle, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Bill No. A05826-A, Rules Report No. 155, Jaffee, Englebright, L. Rosenthal, Titone, Simon, Davila, Ortiz,

Weprin, Steck, Cook, D'Urso, Crespo, Mosley, De La Rosa, Gottfried, Fahy, Seawright. An act to amend the Penal Law, in relation to requiring semiautomatic pistols manufactured or delivered to any licensed dealer in this State to be capable of microstamping ammunition.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A06868-A, Rules Report No. 157, Dickens, Ortiz. An act to amend the Parks, Recreation and Historic Preservation Law, in relation to providing for the People's History Project.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect on the 120th day.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07237-B, Rules Report No. 158, Cusick, Pichardo, Abinanti, Fahy. An act to amend the Education Law, in relation to permitting certain physicians to practice medicine in New York State if they are licensed to practice in another state or territory.

ACTING SPEAKER AUBRY: On a motion by Mr.

Cusick, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect on the 180th day.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07501-A, Rules Report No. 159, Abbate, Hooper. An act to authorize the Port Authority of New York and New Jersey to offer a certain retirement option to Port Authority Police Officers Eddy Stelter, Scarlet M. Cooper, William A. Mudry, John F. Fitzpatrick, and Hugh A. Johnson.

ACTING SPEAKER AUBRY: On a motion by Mr. Abbate, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07689-A, Rules Report No. 160, L. Rosenthal, D'Urso, Thiele, Skoufis, Cusick, Joyner. An act to amend the Mental Hygiene Law, in relation to prohibited practices by providers of substance use disorder services.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08205-B, Rules Report No. 161, McDonald, Jenne, Lupardo, Crespo, D'Urso, Montesano, Raia, Crouch, Woerner, Steck, Jones. An act to amend the Executive Law, in relation to regulatory fines for small businesses.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08375-A, Rules

Report No. 162, Abbate, Palumbo. An act to amend the Retirement and Social Security Law, in relation to the certification of a deputy sheriff as a police officer.

ACTING SPEAKER AUBRY: Read the last section.

(Pause)

On a motion by Mr. Abbate, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. -- Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker, for allowing a brief interruption so we can acknowledge several dozen young people who have joined us in the back of the Chamber as guests of Mr. Brindisi and Mr. Miller. They are from Oneida County, and they are sixth grade students at the ER Hughes Elementary School, which is in the New Hartford School District. And as a former Utican by birth, I'm always happy to see friends from Oneida County, but we're delighted to have these young people in the Chamber. I do want to acknowledge that we have a number of their teachers here: Mr. Martin, Mrs. Roberts, Mrs. Fornino and Ms.

Angel. And I also want to point out that there are also two other members of this delegation that I want to acknowledge. First of all, Mr. Brindisi's sister, Eva Pearlman, who is a chaperone and a parent, as well as his nephew, Jeremy Pearlman. And we're always, obviously, delighted to have all of them in the Chamber, and particularly those who are members of the extended family here. I hope these young people enjoy their time with us and observe the proceedings and go home and tell their friends how much they learned when they were in the New York State Assembly. If you'd please extend the privileges of the House.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Brindisi, Mr. Brian Miller, the Speaker and all the members, we welcome you here to the New York State Assembly. We extend to you the privileges of the floor. You're a fine group of looking sixth graders. We thank you for visiting with us and your teachers and supervisors who have come with you. Continue to pursue your education. We hope you have a great summer and will do excellent in the next year. Thank you so very much for being here. And to the Brindisi family, thank you. Thank you for sharing your -- your relative with us. He is a treasure here in the New York State Assembly and we are always pleased to have his family here with us. Thank you.

(Applause)

The Clerk will read.

THE CLERK: Assembly No. A08393-A, Rules

Report No. 163, L. Rosenthal. An act to amend the Election Law, in relation to voter notification of special elections.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Morelle.

MR. MORELLE: Yes, thank you, Mr. Speaker. I'd like to take up, off the debate list, Calendar No. 946 by Mr. Gottfried, which is on page 97 of the main Calendar.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A04738-A, Calendar No. 946, Gottfried, Abinanti, Barron, Benedetto, Bichotte, Blake, Bronson, Carroll, Colton, Cook, Crespo, Cymbrowitz, Dilan, Dinowitz, Englebright, Gantt, Hikind, Hunter, Hyndman, Jaffee, Jenne, Joyner, Kim, Lavine, Lifton, Lupardo, M. G. Miller, Mosley, Paulin, Peoples-Stokes, Perry, Pichardo, Ramos, Richardson, Rivera, Rodriguez, L. Rosenthal, Seawright, Simotas, Steck, Stirpe, Thiele, Titone, Titus, Walker, Weinstein, Weprin, De La Rosa, D'Urso, Jean-Pierre, Wright, Williams, Vanel, Solages, Wallace, Barrett, Pheffer Amato, Niou, Ortiz, Dickens, Taylor, Pellegrino, Epstein,

Simon, Fernandez, Espinal. An act to amend the Public Health Law and the State Finance Law, in relation to enacting the "New York Health Act" and to establishing New York Health.

ACTING SPEAKER AUBRY: An explanation has been requested, Mr. Gottfried, but before you attempt to do that, why don't we get a little order in the House. We are on debate, ladies and gentlemen. That means that we need quiet. If you have conversations, please take them outside of the House. Members should be in their seats. Members should be in their seats, or if you need to confer, please take it outside the bar of the Assembly.

We're almost there. You can make this a long day, ladies and gentlemen, if you don't cooperate. I certainly don't want to be here 'til midnight.

(Pause)

Proceed, Mr. Gottfried.

MR. GOTTFRIED: Thank you, Mr. Speaker. You know, I start with a basic principle that no New Yorker should have to go without health care or suffer financially to get it. That's not, unfortunately, the world we live in. But it is clear that the most practical and the most cost-effective way to achieve that, and I would say the only way to achieve that is by taking insurance companies out of the picture and enacting what you could call improved Medicare for all, single-payer, what have you. You know, Washington is not about to do that, but New York State can.

Almost every problem that we face in health and

health care, whether as patients or health care providers or employers or taxpayers is made worse and harder to solve because of the way we organize and pay for health care. It keeps us from taking control of our health care. It keeps from taking real responsibility for our health care. Now, the Affordable Care Act made a lot of improvements, but its fundamental flaw is that it leaves us in the hands of insurance companies. And that means ever-rising premiums, more and more health plans with ever-rising deductibles and co-pays, and more and more restricted provider networks and higher and higher out-of-network charges, costs that are distributed without any regard for ability to pay and costs that are real obstacles to care and to family financial stability.

In a given year, a-third of households, a-third of households that have health insurance report having at least one family member who went without health care that year because of cost and, in most cases, it was for a serious condition. The New York State Department of Taxation and Finance, in their analysis of who takes the -- the medical cost deduction on their taxes found that 140,000 New York taxpayers, 140,000 New York taxpayers spent more than half their income in one year on medical expenses, and 96,000 New Yorkers spent more than 100 percent of their income on health care. That's not acceptable. And we have a society where more and more employers, which is where most of us get our health coverage, are either shifting more and more of the cost of that coverage to the workers who can least afford it, or dropping it entirely.

It is a system with built-in enormous wasteful costs. Insurance companies spend 15 percent or more of every premium dollar on administrative costs and marketing and profit, all costs that do nothing to make anybody healthier. Health care providers, doctors, hospitals, physical therapists spend five times what their counterparts in Canada do on administrative costs to fight with insurance companies, and it's about 20 to 25 percent of the health care dollar.

New York can and must do better, and that's what the New York Health Act is all about. It would provide universal complete health coverage to every New Yorker, all 20 million of us. It would guarantee complete choice of doctor and hospital and other health care providers. There would be no restricted provider network and, therefore, no out-of-network charges. There would be no premium, deductible or co-pays; instead, the system would be funded by broad-based taxes based on ability to pay. It means we would be ending the regressive tax that we now pay to insurance companies that is both regressive, not based on ability to pay, and dramatically higher than it needs to be. New Yorkers would be spending on the whole \$45 billion less on health care and health coverage than we do today. And, as I said, it would be funded fairly through a broad-based tax, progressively graduated so the higher parts of your salary or your income would be taxed at a higher rate than the lower part of your salary or income, and it would be a tax applied both to payroll income and to currently taxable non-payroll income like dividends and -- and capital gains. Ninety-eight percent of households would be spending

less than they are today.

How does this arithmetic work? First of all, we take about \$71 billion in savings for insurance company costs that we would be avoiding, provider costs that we would be avoiding, having more power to negotiate prices down with drug companies. There would be some increased costs, about \$26 billion --

ACTING SPEAKER AUBRY: Mr. Raia, why do you raise?

MR. GOTTFRIED: I will not yield to a question at this time, I will yield at the end.

ACTING SPEAKER AUBRY: Mr. -- you have expired the time that you have for explaining a vote -- of explaining the bill. We do have a time for that.

MR. GOTTFRIED: Excuse me?

ACTING SPEAKER AUBRY: If you would wrap up. I said the time that allowed to explain a vote has expired.

MR. GOTTFRIED: Okay. Then I will sit down and be happy to yield to questions.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Raia.

MR. RAIA: Thank you, Mr. Speaker. I'm starting my clock now. Will Mr. -- Chairman Gottfried yield for many questions?

ACTING SPEAKER AUBRY: Mr. Gottfried, will you yield?

MR. GOTTFRIED: Yes.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. RAIA: Good morning, Richard. Thank you very much. We've been at this many times over so I'm just going to jump right in. You described what obviously sounds like a great panacea. Can you tell me who is providing all the numbers that your legislation is based upon? Is there one particular individual, a professor, I guess Gerald Benjamin -- not Gerald Benjamin, excuse me; Gerald Friedman from the University of Massachusetts. He's really the sole source of where you're getting all your projections from, correct?

MR. GOTTFRIED: No.

MR. RAIA: Oh, okay.

MR. GOTTFRIED: The calculations are based -- I mean, he pulled a lot of numbers -- Gerry Friedman who is the Chair of the Economics Department at the University of Massachusetts Amherst who has studied this issue very extensively, pulled together a lot of numbers from a variety of different sources, well-documented statistics. We've looked, though, at those statistics directly on our own, not just relying on -- on his report. There have been a variety of analyses by different consulting firms over the years of single-payer proposals in various states and, by and large, they all show substantial savings. Some show that a plan would break even. They all show that there is no way to achieve universal coverage that is -- that is anywhere near as cost-effective as a single-payer system.

MR. RAIA: Well, obviously the economist that you're relying on for many of your estimates has received quite a bit of criticism from his peers. I'm sure you've seen the letter from the past four Chairs of the Council of Economic Advisors to Presidents Clinton and Obama. They call Friedman's claims about single-payer, quote/unquote "extreme" and note that quote/unquote "no credible economic evidence supports his claims."

MR. GOTTFRIED: Well, first of all --

MR. RAIA: In fact, Nobel Prize-winning economist Paul Krugman called Friedman's analytical skills quote/unquote "horrificing" and states that quote/unquote "good ideas don't need to be sold with fairy dust."

MR. GOTTFRIED: Well, first of all, some of that criticism was raised in the context of economists who were closely tied to the Obama Health Plan and to Hillary Clinton who were attacking Friedman because he was defending not this bill, but Bernie Sanders' proposal. That's number one. And, number two, the bulk of the attacks on Friedman in that context were directed at his estimates of national economic growth and how that would affect the financing of the Sanders plan. None of that has anything to do with the New York Health Act numbers. We don't get to discussing economic growth and, again, the numbers that are in Friedman's report are not his numbers, they are -- they are numbers from a variety of undisputed sources.

For example, the fact that -- that Medicare, traditional

Medicare runs on about a 2 percent administrative cost and that insurance companies spend 15 to 20 percent on administrative costs in marketing and profit. Those basic numbers are absolutely sound and if you want to get into discussing some of the people who have criticized some of those numbers, I'd be happy to.

MR. RAIA: We can do that at another time.

MR. GOTTFRIED: But that's the core question and I don't know -- I haven't seen any effective refutation of those numbers.

MR. RAIA: Well, even Mr. Friedman is quoted as saying he has a unique way or a different way of looking at the world, right? That was quoted in the *New York Times*.

MR. GOTTFRIED: Well, we all have a unique way of looking at the world. The question is whether the numbers about the administrative costs and the savings and the increased care, increased utilization and the like, the question is whether those numbers are sound. We're not discussing Gerry Friedman's outlook on life, we're discussing the numbers. And if under the law insurance companies are entitled to charge 15 to 20 percent of the premium to be for administrative costs and marketing and -- and -- and profit, having nothing to do with health care, since every insurance company uses up that entire amount, no one's ever heard of an insurance company that didn't, certainly not in this State. Those numbers are sound.

MR. RAIA: I believe -- what's -- the total cost of this is what, \$255 billion?

MR. GOTTFRIED: No. We currently spend about \$280 billion or will next year, about \$280 billion on health care in New York, from all sources. Under the New York Health Act, that number would be taken down dramatically for net savings of \$45 billion.

MR. RAIA: Yeah, but you're still looking at \$91 billion in additional revenue.

MR. GOTTFRIED: You're looking at \$91 billion as an alternative to \$135 billion in premiums, deductibles and co-pays and out-of-network charges. You can't look at the number in isolation; you have to ask what is it compared to. The \$91 billion is \$45 billion less than what New Yorkers -- than the \$135 billion that New Yorkers are spending today. And I don't know about you, if I had the choice between spending \$135 for something and \$91 for the same thing, I'd go for \$91.

MR. RAIA: But we're assuming that's based on solid information. Now, the -- you're also relying on, what, \$100 billion from the Federal government? What happens if they decide they don't want to participate in a -- in a, you know, a pilot project?

MR. GOTTFRIED: Well, first of all, the bulk of the money we get from Washington is -- is Medicaid and the New York Health Act would not touch the money we get from Medicaid. Medicaid would be surrounded by the New York Health Act, which is not anything that the Federal government has any business caring about. The -- New York, from the very start of the Medicaid program,

has covered millions of people that the Federal government doesn't provide matching money for and has provided services that the Federal government does not provide matching money for. And so, the fact that 20 million New Yorkers would be participating in the program does not affect at all the money we get from the Federal government for Medicaid, as long as we continue to document to them what we're using their money for.

On Medicare, it would be best if the Federal government had the good sense to save themselves money by -- by sending New York a lump-sum payment to go into the New York Health Trust Fund to cover what they would have been spending on Medicare in New York, but if they choose not to do that, that's okay. We can run the program as a wraparound, essentially as a medi-gap policy. Or, even better, we can create one big Medicare Advantage Plan in New York that, unlike other Medicare Advantage Plans, would not have restricted provider networks, et cetera, and draw down even more money from Washington because they overpay Medicare Advantage Plans, and we could -- we could fold Medicare in that way. So, yes, cooperation from Washington on the Medicare side would be great, but we are not depending on that.

MR. RAIA: Can we agree there's, what, about 930,000 uninsured in New York State, 4.7 percent of the population?

MR. GOTTFRIED: It's somewhere above or below a million, yes.

MR. RAIA: Okay. Let's talk -- now, I actually agree

with you that the Affordable Care Act has actually worked in New York because we have more choices and selections to choose from than many other states. Can you tell me what the highest priced exchange plan is?

MR. GOTTFRIED: No.

MR. RAIA: Okay, I will. In Nassau and Suffolk County, the county I represent, it's about \$1,110 a month, \$13,000-and-change per year. Do you know how much it would cost to just simply insure every uninsured person using the highest-priced plan available on the exchange? I'll save you -- I'll save you the answer; it's \$12.34 billion. So, we can have 100 percent insured rate in New York State for \$12 billion, but, yet, you want to spend \$255 billion.

MR. GOTTFRIED: No, that's not true. First of all, under your proposal, we would be continuing to waste an enormous amount of money on expenditures that don't make anybody any healthier. Number two, if we provide that coverage to those uninsured people, depending on -- you'd have to tell me a lot more about how you're going to provide a structure for it. If you're going to heavily subsidize it, you're going to have a lot of people moving into that plan, particularly people who are -- who are going to be higher users of health care, because that's who would be attracted to it. Adverse selection, which is what that's called, would then drive up the cost of that plan enormously and before you know it, it would go bankrupt.

MR. RAIA: Well, I -- I haven't put forth a plan, I'm

just stating numbers.

MR. GOTTFRIED: Part of what is essential -- part of what is essential to the New York Health Act is that all New Yorkers, rich and poor, healthy and sick are in one pool funded without enormous waste, funded based on ability to pay and without adverse selection. What you're suggesting doesn't do any of those things.

MR. RAIA: Well, I haven't put forth a plan, I'm just citing statistics and dollars and cents.

MR. GOTTFRIED: I know that. And, by the way, I'd love it if you would.

MR. RAIA: Oh, well, maybe we can work on that for next year. Your economist, Professor Friedman, projects that 150,000 people would lose their jobs due to this bill, but claims 99 percent will regain employment in only two years. You're aware that every single country that has implemented a single-player plan or socialized medicine has taken up to 10 years to implement that plan. So, you think 150,000 people are going to be gainfully employed in just two years?

MR. GOTTFRIED: I don't agree with any of what you've just said. I don't know any country that took 10 years to implement a single-payer system.

MR. RAIA: Virtually all of them, and I'll get you the statistics, Richard.

MR. GOTTFRIED: Well, I visited Taiwan --

MR. RAIA: So did I.

MR. GOTTFRIED: I visited --

MR. RAIA: And Taiwan doesn't pay for --

ACTING SPEAKER AUBRY: Gentlemen, gentlemen, gentlemen, gentlemen.

MR. RAIA: Fair enough.

ACTING SPEAKER AUBRY: You asked a question, he answers. You ask a question.

MR. GOTTFRIED: I visited Taiwan five years after their right-wing party adopted a single-payer system and it was in full swing. And I talked with a group of American business leaders who were living in Taiwan and I asked them what they thought of the plan and they thought it was terrific. In Canada, it was implemented almost immediately. When Lyndon Johnson signed the Medicare Law in 1965, 11 months later it was paying claims. This notion that it takes 10 years to implement, I don't know where that comes from, not from history, not from anybody's experience.

MR. RAIA: Well, I'll provide you with the --

MR. GOTTFRIED: And, by the way, if it takes 10 years to implement, well then -- which I don't accept, then the transition from the current employment probably wouldn't happen overnight, but neither of those facts is true. And I hope you're not suggesting that a system that deprives people of health care, that kills people, that drives people into bankruptcy more than any other cause in our country, I hope you're not suggesting that we should continue

that concept as a jobs program. The New York Health Act provides for some of its revenue to be used for job training and transition, and when you put \$45 billion back into the pockets of New Yorkers, you will almost immediately create a couple of hundred thousand jobs or more and you will be turning New York into an employment magnet because employers in New York will be spending a whole lot less than they are today for health coverage for their workers.

MR. RAIA: Richard, I was in Taiwan two years ago and I got the opportunity to ask the Minister of Health many questions about their single-payer plan. And I asked -- the first question was how do you finance -- one of the largest cost-drivers are nursing homes in our system and I asked the Minister of Health and he said, *Well, we take care of our families so we really don't have people in nursing homes*; that's number one. Number two, I asked, you know, another major driver for -- for our health care system is the mentally-ill and the Minister of Health actually told me, *We have no mentally-ill in Taiwan*. So, if you take out two of the largest cost-drivers, of course you can have a -- a single-payer health care plan, Richard.

MR. GOTTFRIED: Well, first of all, the numbers that you and I have been discussing here today are -- are only for care other than long-term care. So, whether nursing -- whether -- as someone from Taiwan told me a number of years ago, they said, *We have eight million nursing homes in Taiwan*, meaning households. But, the numbers we've been talking about have nothing to do with the

cost of nursing homes or long-term care. As for mental health care, the fact that the Minister from Taiwan tells you that they don't have any mentally-ill people doesn't mean that they don't spend a chunk of money on mental health care, it means that he chose to tell you that they don't have mentally-ill people in Taiwan. I can assure you that's not true.

MR. RAIA: I can only -- thank you. I'll be back for another 15 minutes. Thank you.

ACTING SPEAKER AUBRY: Mr. Raia, thank you very much.

Mr. Zebrowski.

MR. ZEBROWSKI: Thank you, Mr. Speaker. Will the sponsor yield for a couple questions?

ACTING SPEAKER AUBRY: Will you yield, Mr. Gottfried?

MR. GOTTFRIED: Certainly.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. ZEBROWSKI: Thank you, Mr. Gottfried. Last time we debated this bill, I asked a few questions and I'd just like to augment that a little bit. So, I know we spent a lot of time in the prior debate and a little bit this morning talking about the theoretical aspects of a single-payer system and how taking out the profit margin of the insurance companies, that we can provide cheaper and better health insurance. When I talked to some of my constituents about the -- about this bill or the issues in general, they're generally supportive.

I guess what their question oftentimes is to me is, *Well, A, will I be able to see the same doctors and, B, will I be paying more or less if this bill were implemented?* So, how do you generally answer those sort of simple questions?

MR. GOTTFRIED: Well, on the question of choice of provider, most of your constituents today don't get to see the doctor of their choice unless they pay a lot out-of-pocket. They get to see the doctor that their insurance plan has in their provider network. Under the New York Health Act, there will be no restricted provider network. Twenty million New Yorkers will be entitled to go to any doctor, any physical therapist, any hospital in New York. No restricted provider network. Secondly, whether they will be paying more or less. Unless they are really wealthy people, they will be paying substantially less than they are paying today in premiums and deductibles and co-pays and -- and out-of-pocket charges.

MR. ZEBROWSKI: One of the unfortunate things about our health care system is the great disparity between what people pay and what they get. So, I may be sitting down with someone who has a great collective -- collectively-bargained health insurance plan that they are very happy with, and an hour later, I may have someone in my office who is currently working as a freelance, fill-in-the-blank, and struggling on the exchanges, seeing increases every year. So, how can I tell both those people -- I'm quite confident for the person that's struggling right now that under this plan they would be better, but what do we tell those folks believe that, you

know, they have 15, 20 years in a current career, they've collectively bargained, they have a good health insurance plan, that they'll also be paying less or similar.

MR. GOTTFRIED: Yeah.

MR. ZEBROWSKI: Is there anyway to assure them?

MR. GOTTFRIED: Well, a couple of things. One, is that in the -- in the labor movement, having the -- a union health plan was one of the -- was and still is one of the proud things that the union movement offers. Increasingly, though, unions understand that -- that the collectively-bargained health plan is an enormous burden on the workers and on collective bargaining because every collective bargaining session is a usually retreating fight to protect the health plan with the union having really no leverage left to fight for higher wages or better benefits or vacations, et cetera. And so, increasingly the labor movement sees collectively-bargained health care as a great thing, but an enormous weight around the neck of the union and its members. A union that has negotiated with management to pay for the bulk or all of the cost of the health plan will instead negotiate with management to pay the bulk or all of the payroll tax under New York Health, which the bill allows. They will have an easier time negotiating that because they will be negotiating with the employer to pay a larger share of a smaller dollar amount. So, put all that dynamic together, as I said, unless you're talking to a very high income constituent, it is guaranteed that they will be spending a lot less for better coverage under this bill.

MR. ZEBROWSKI: When you say a "higher income constituent," but, you know, I talk to folks all the time that some pay 10 percent, some pay 0, some pay 25 percent, some pay 33 percent or 50 percent of their current health insurance plan. So, what about those folks? What can I tell them after this bill passes, you know, what you pay in taxes will surely be the same or if not less than what you're paying now?

MR. GOTTFRIED: Well, the bill says that at least 80 percent of the payroll tax will be paid by the employer, and up to 20 percent payable by the worker. And it says "at least and up to" to accommodate a bargaining situation. And, again, a -- if an employer has bargained to pay more than 80 percent of the cost of the premium, it'll be easier to get them to pay that same percentage or more of the lower number, which is the payroll tax. Also, an awful lot of those plans, even with the employer paying the bulk of the premium, and, by the way, with almost every collective bargaining round, in most cases the employer is chiseling down what the employer pays. But even apart from that, usually the worker then hits a deductible and co-pays and out-of-network charges, and under the New York Health Act, there would be no deductibles or co-pays or out-of-network charges.

MR. ZEBROWSKI: Is it safe to say under the bill that as I have this conversation with my constituents that I can say to them, *If this bill were to pass both Houses and be signed by the Governor, I will at some point have specific facts and figures I can show you.* My understanding is under this bill if we pass it, there'd be

a second part of the bill where it would have to come back to us and at that point after a study, I can show my constituents, *This is what you'd be paying and you compare it to what you're paying now.*

MR. GOTTFRIED: Yes. The bill does not have specific tax brackets and rates, nor could it, at this point, partly because we don't know what the State's overall income will be some number of years from now when we're ready to -- when the plan is enacted and implemented. But the Governor, under the bill, will submit legislation to us with specific brackets and rates. We will -- it will be up to us to enact that. So, you will have hard numbers.

MR. ZEBROWSKI: Thank you, Mr. Gottfried.

MR. GOTTFRIED: Yes.

MR. ZEBROWSKI: On the -- Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. ZEBROWSKI: Mr. Speaker, it's an absolute travesty that there are people in all of our districts that struggle to take care of themselves, to take care of their families, that each and every day and each and every year as they go through a health insurance process, that they have no control over ever-rising costs, and there's really nothing more important than them being able to take care of their own health or their families' health. So, when we look at bills like this, we always have to look at those folks in our district that I can't imagine a bigger priority for us then to provide insurance, to provide coverage, to provide health care to people that are absolutely

struggling.

At the same time, Mr. Speaker, one of the different -- difficulties of this debate is that you have folks in your district that fortunately have good health insurance, that are maybe part of a union or have an employer that provides good health insurance, and we can't forget those folks and we can't just cast them aside and say, *Well, your concerns about your current health insurance don't matter because we may have people in a situation that isn't as advantageous.* So, this balancing act is often times what is difficult in any health insurance debate, whether it's on the State level or on the Federal level.

So, what I think is most important about this bill, and I want to thank the sponsor, is that we're doing something in New York. We are trying to figure out a way to balance both these -- both those that have good health insurance and those that don't, but we need to give our constituents some facts. We need to give them some figures. They sit down at the dinner table and they are going to compare what they pay. Some of my constituents pay a couple hundred dollars a month, some pay \$6- or \$700 a month. Some are paying thousands and thousands of dollars a month in order for their health insurance.

But the reason why I'm going to vote for this bill is not only with the hope that we can develop a plan that will cover everybody, that will provide health insurance, that will finally make the State of New York and hopefully encourage our Federal government to do more for those that struggle each and every day, but

that we can also tell people that currently have health insurance, here's what the plan is. Because too often in this debate we're dealing with theory and we're really not giving our constituents the tools necessary for them to evaluate and I think come around to support a bill like this. Because it's almost unanimous, it's not unanimous, but when I talk about, they want to give their neighbor that is struggling with health insurance, health insurance. But they also want to make sure that they will be able to pay for whatever the new plan is, they'll be able to see their current doctor tomorrow that they're able to see today and that they'll be able -- that their plan won't be harmed.

So for that reason, Mr. Speaker, because I think it's well thought out, that we can discuss this and the fact that I'll be able to go back to my district in Rockland County and say, *Here's what it is*, before it's dropped on people, that's why I'll be supporting this bill. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Phillip Steck.

MR. STECK: On the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. STECK: A frequent thing that I've heard from opponents of this bill, even within my own party, is that, *We don't need another big government program*. And that is what ideology might teach us. Practicality, however, demonstrates that this is an area where government simply and historically has functioned more efficiently than private insurance. Our current health insurance

system is woefully inefficient. When Medicaid is added to private insurance, and that Medicaid has to be provided to cover people private insurance won't, administrative overhead is eating up as much as 40 percent of the dollars we spend on health care. We need a less expensive, more readily-accessible system.

Other advanced nations have met this challenge, and we should, too. Medicare, which is a single-payer system for the elderly, spends less than 3 percent on administrative costs.

Furthermore, the Medicare tax which is 2.9 percent, half employer and half employee-paid, each pays 1.45 percent, has not increased since 1986, while private health insurance has gone up several hundred times during that same period. Medicare has done all this while insuring the least healthy population in the United States.

New York Health Act would save nearly \$45 billion in the first year alone, thanks to reduced administrative costs, and 98 percent of households would pay less for coverage than they do now. The system would also end the local share of Medicaid funding which is increasing our property taxes in this State, creating the potential for significant property tax relief for my constituents.

Business needs to support single-payer above all sectors of our society. Business needs to get past anti-government ideology, get on board and support this proposal, because it is business that would benefit the most from the lower costs. In the movie, *Fix It*, which you can get on the Internet and I would heartily recommend this to colleagues and constituents alike, a businessman

who is a member of the Conservative Party of Canada complained that he was unable to open a similar business in the United States because the cost of health insurance was prohibitive. The high cost of health insurance is a highly-significant factor in making America business less competitive.

It is very ironic. One of the most historically conservative parties in the world, the *Kuomintang* in Taiwan, long trumpeted by the American Right as staunch anti-Communist adopted single-payer health insurance with great success. The New York Health Act would also help us by reducing auto insurance costs, Workers' Compensation costs and medical malpractice costs, because all those programs duplicate health insurance coverage.

Let's move forward and enact a critical cost-savings measure that will alleviate substantial financial stress on our businesses and our constituents. We have secretaries paying \$10,000-a-year for health insurance. We should not continue this absurdity in the name of an outdated free market ideology as if there really is a free market in health care. And I would point out that the -- one thing that I think is highly inappropriate is to refer to this as socialized medicine. This is not control over medicine in any way, shape or form. It is, however, quite frankly, socialized health insurance.

As I have noted before, the Provincial Canadian Prime Minister who first implemented -- implemented a single-payer system was voted by the citizens of Canada as the greatest living

Canadian. Dick Gottfried deserves a similar New York title for his persistence on this issue over the many years and for which I offer my hearty congratulations. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Raia for a second.

MR. RAIA: Thank you, Mr. Speaker. The sponsor has been discussing this bill for 20 years, or close to 20 years, and I have great respect for him. He really does believe what he's talking about. And he's also very good at running down the clock. So, I have about 50 questions that I already know the answer to because my first boss up here, John Cochrane, Assemblyman Cochrane, taught me never to ask a question on the floor of the Assembly that you don't already know the answer. So, I'm going to ask questions and answer them and I'm not going to -- upfront, I'm not going to yield to anybody. They can utilize their own time to respond to -- to what I'm saying after I'm done.

So here we go. In California, whose also -- which is a state that's also trying to do something similar, they have 39.45 million people, approximately twice the size of New York. California estimates the single-payer plan, their single-payer plan will be \$400 billion a year. Their analysis was done by the California Legislature, not one particular individual where we're relying on most of -- of what their projections are. So, New York is half the size of California, but single-payer here would only be a quarter-of-the-cost. I don't know; that sounds like fuzzy math to me.

Let's see. The size of the State Budget if we adopt single-payer would be approximately \$375 billion; \$255 billion for single-payer, approximately \$50 billion for education, approximately \$70 billion for transportation, et cetera, everything else. So, that means that 85 percent of all State spending would go to health care. I'm pretty sure New Yorkers don't want us spending 85 cents of every tax dollar on a doctor visit.

The bill, as we mentioned before, calls for full implementation in two years. Well, we already know that that's going to be a pipe dream. Every other country that has single-payer health care currently has private insurance plans that compete with the public payer, which helps keep those costs lower. It's also begun privatizing aspects of coverage to move away from the model that we're advocating here today. Many of us on the Health Committee are familiar with the Medicaid Redesign Team, the MRT, and its initiatives to help lower the cost of Medicaid. A major part of the MRT has been the introduction of managed care plans that have saved New York State nearly \$16 billion in the past seven years. I contend that if we go this route, we're going to backtrack on many of those accomplishments; in fact, the CMS awarded New York State an \$8 billion waiver for DSRIP based on the savings achieved by implementing managed care.

And it's not just New York. The Federal government is finding that public payer systems work best when private plans help administer them. Medicare Advantage is a widely successful and

popular program that is privately administered. Using the experts, quote/unquote "estimates," there's a total new tax revenue New York would need to raise is around \$91 billion. The tax revenue New York collects from all sources right now is \$71.6 billion. So, even according to what everybody acknowledges is an excessively conservative estimate, we would need to more than double the total taxes New York collects to provide coverage for fewer than one million still uninsured New Yorkers.

More importantly, Professor Friedman projects that 150,000 people would lose their jobs due to this bill, but claims 99 percent of them will regain employment in only two years. I'm pretty sure that's not realistic, and history tells us that's the case, because the last time New York lost 150,000 jobs, according to the New York State Department of Labor, was 2007-9 during the Great Recession. We lost 219,000 jobs, and Upstate still hasn't fully recovered. According to Professor Friedman, he expects those 150,000 jobs to regain employment within two years. Do you know when the last time New York lost 150,000 jobs and regained them in two years? Never. So -- and then, what's the value of those lost wages, those 150,000 people? Mr. -- Professor Friedman doesn't take that into account, but my people have and it's about \$10 billion.

Do you know how many employees of health insurance companies are -- are in Manhattan County alone? Ten thousand insurance employees that will lose their job. That doesn't count for the brokers, the underwriters and the third-party

administrators and the vendors, and the list goes on. Do you know how many employees of health insurance companies work right here in Albany County? More than 3,700, and that doesn't count the brokers, underwriters, third-party administrators, and the list goes on. Now, Professor Friedman doesn't take into account the estimates of Avik Roy who claims we're going to lose 90,000 jobs just because the financial sector is going to flee New York like you've never seen, to Connecticut.

If this passes, people can't keep their Medicare Advantage Plan. If this passes, people who get their coverage through labor unions can't keep that. If this passes, people who like their employer's health care plan can't keep that either, because New York would mandate there be no other competing plans.

Mr. Speaker, I'm not willing to gamble the future of New York's economy on primarily the best guesstimates of a Professor who themselves readily admits they have a different way at looking at the world. I'm not going to be in a position to tell the roughly 2,500 people in my district or in Suffolk County that are going to lose their jobs that they have to sacrifice for the greater good. I think we need to put the brakes on this and figure out a real way that these individuals are going to find gainful employment, because turning them into care coordinators ain't gonna cut it.

Mr. Speaker, it's a noble idea to try and ensure that everybody has equal health care, but those people that like their plans can't keep them. We've already -- I've already put forth a potential

idea that could do this for far less. I certainly will be exploring it, because I have a feeling we're going to be back here next year debating this bill again, and I look forward to that opportunity. So, in advance, I'd like to thank the Chairman for -- for his zealous debate and I truly enjoy working with him as the Ranking Member on the Health Committee. And on that note, I will sit down, mind my P's and Q's and let others pick up the pace and hopefully we can get out of here at a reasonable hour.

(Laughter)

Thank you, Mr. Speaker.

ACTING SPEAKER PICHARDO: Thank you, Mr. Raia.

Mr. Morelle.

MR. MORELLE: Yes, thank you, sir, for allowing a brief interruption. I'd like to ask members of the Rules Committee to make their way to the Speaker's Conference while the debate continues, members of the Rules Committee, Speaker's Conference Room.

ACTING SPEAKER PICHARDO: Members of the Rules Committee, Speaker's Conference Room. Rules Committee in the Speaker's Conference Room.

Apologize for the interruption.

Mr. Barclay.

MR. BARCLAY: Thank you, Mr. Speaker. Would the sponsor yield?

ACTING SPEAKER PICHARDO: Do you yield, Mr. Gottfried?

MR. GOTTFRIED: Certainly.

ACTING SPEAKER PICHARDO: The sponsor yields.

MR. BARCLAY: This will be quick, because I have to go to the Rules Committee meeting. I'm trying to get my arms around the economics of this, Mr. Gottfried. I think you -- you said earlier in the debate, \$280 billion we're going to spend on health care next year; is that correct?

MR. GOTTFRIED: Yes.

MR. BARCLAY: Private and public?

MR. GOTTFRIED: Yes.

MR. BARCLAY: Your bill takes away any private insurance, so, we'll be spending in New York publicly \$280 billion next year; is that correct?

MR. GOTTFRIED: No. About \$140 billion of that is public health coverage today, Medicaid, Medicare and a couple of other programs. About \$135-, give or take, is private health insurance. Of that, we will have a net -- net savings of about \$45 billion. Some of that net savings will also come out of Medicaid, and that will take us down to replacing that \$135- with about \$90- so instead of about \$280-, we will be spending about \$235- total.

MR. BARCLAY: I'm getting -- I'm sorry, I'm getting a little confused.

MR. GOTTFRIED: So we will -- we will be saving \$45 billion net.

MR. BARCLAY: And how is that savings realized?

MR. GOTTFRIED: As I said, that savings comes from dramatic reduction in administrative costs, marketing and profit on the insurance -- on the payer side, and a dramatic reduction in the administrative costs for fighting with insurance companies on the provider side.

MR. BARCLAY: Doesn't the --

MR. GOTTFRIED: Plus -- oh, plus more effective negotiation of prices with drug companies from having one plan bargaining on behalf of 20 million covered lives.

MR. BARCLAY: Insurance companies currently have the -- by law under both Federal and State law, medical loss ratio where they have to pay 85, is it 85 percent of every premium dollar on health care; is that correct?

MR. GOTTFRIED: Well, depending on the insurance company, some of them can spend less than 85 percent. And that's why I say about 15 percent of every premium dollar is that non-health benefit cost, whereas this plan, the New York Health Act, will spend about 2 percent.

MR. BARCLAY: Does any other State have single-payer health care?

MR. GOTTFRIED: In this country? Not yet.

MR. BARCLAY: And other states, I know Mr. Raia

referred to California looking at it, they say \$400 billion. Where Colorado put a ballot measure out that got rejected because, in my opinion, because of the cost. Vermont, the former Governor ran on single-payer and then when he got into office, he realized the cost of the single-payer was going to be more -- twice as much as their overall budget. Why do we think we can do it in New York cheaper?

MR. GOTTFRIED: Well, first of all, in California, the reason the plan there got shelved was because the bill that their State Senate passed did not have a funding mechanism in it, and so when it got to the Assembly, the Speaker said, *This isn't ready for prime time*. This bill has a funding mechanism. If you look at the California study that Mr. Raia cited, it actually says that the cost of -- the public component of the cost would be not \$400 million -- billion, but about \$200 billion. I've said that for New York, it would be about \$91 billion. If you consider that California is about twice our size, the numbers actually are consistent pretty much with what I've said.

Colorado, their referendum went down primarily because -- and it's a problem with referendums in the last week or two of the campaign, the insurance industry came in with millions and millions of dollars of misleading TV ads and scared a lot of people. That doesn't tell you whether single-payer is a good idea, it tells you whether going up against a major corporate power in a referendum is a good idea.

As for Vermont, their analysis -- one of their analyses explicitly ignored a lot of administrative savings. Their plan did not

fully bring in all of their health economies, so they lost a lot of potential savings. Their tax was not progressively graduated and, therefore, the average Vermonter would have had to pay more than they would if it had been a progressively graduated tax. And, finally, unlike New York, Vermont does not have an enormous chunk of very high taxable wealth, because it's primarily a -- a tourism and agricultural economy. And so, our tax numbers would work very well here in New York. So, California, Colorado, Vermont do not give us any reason to have pause about New York.

MR. BARCLAY: Can you -- just to follow up a little bit on the payment for this. Assuming your numbers are correct, what does the legislation say as far as how you're going to collect the additional revenue? Can you go through that? It's a payroll tax, and what -- what else?

MR. GOTTFRIED: Part of it would be a tax on payroll income defined as income that is now subject to the Medicare Part B tax. Part of it would be a tax on non-payroll income that is currently subject to the New York State personal income tax, dividends, capital gains and the like.

MR. BARCLAY: Has the financial sector weighed in on this bill?

MR. GOTTFRIED: I don't know. If you're asking whether they are the first group of Americans who would say, yes, please tax my income; probably not.

MR. BARCLAY: Probably not. They're also one of

the biggest taxpayers in New York State. If we lose them, we'll --

MR. GOTTFRIED: Yeah, and -- and -- and they would be -- there -- as employers, they would be spending less than they are now, and -- and you have to factor that in, that their health coverage costs would be dramatically less. And, you know, part of the answer to all these questions is unless you say that it's okay to have a large chunk of New Yorkers going without health care or having to suffer financially to get it, if that's not acceptable to you, what's your plan? And any number of consulting firms, Urban Institute, RAND - not just Gerry Friedman - have looked at that question and have all concluded that the most cost-effective and efficient way to provide universal health coverage is through a single-payer system.

MR. BARCLAY: I guess that's where we're --

MR. GOTTFRIED: Nobody has studied -- that I've ever heard of, nobody has studied this and come to a different conclusion.

MR. BARCLAY: I guess that's where we would differ and we're very skeptical, at least I'm very skeptical that the government's going to be able to solve this problem. With -- we have 10 -- how many people are on private insurance now in New York State?

MR. GOTTFRIED: Ahh...

MR. BARCLAY: Do you know?

MR. GOTTFRIED: Something less than -- probably around 10 million.

MR. BARCLAY: Ten million, that's my understanding. How many of those are self-insured?

MR. GOTTFRIED: You mean employers with self-insured plans?

MR. BARCLAY: Correct.

MR. GOTTFRIED: Probably about half, give or take.

MR. BARCLAY: That's my understanding, too. With that number, knowing that you cannot -- they won't be subject to the single-payer in New York State, would that screw up your numbers at all?

MR. GOTTFRIED: Well, they would -- they would all be paying the New York Health Act Tax, ERISA doesn't stop us from taxing. Every one of those self-insured plans would have the choice of continuing to spend their stockholders' and their workers' money on a plan that provides less benefit than their workers could get just for the asking from the New York Health Act while still paying the New York Health Act taxes, that would be one choice. Or, they could get smart and say, *Why are we going to keep spending billions of dollars of our money on a self-insured plan when we're paying the New York Health Act Tax and our workers can get complete coverage just for the asking.* So, yeah, we can't outlaw self-insured plans, but only, it's hard to imagine any employer that in its right mind would maintain one.

MR. BARCLAY: Thank you, Mr. Gottfried. Finally,

as you recall, President Obama during the Obamacare debate said if you like your plan, you can keep it. If this becomes law and I like my plan, can I keep my plan?

MR. GOTTFRIED: If you like your plan, you will be able to have everything that is paid for by your current plan paid for. Every doctor that your current plan lets you go to, you will be able to go. Every hospital that your current plan goes to, you will be able to go to.

MR. BARCLAY: In other words --

MR. GOTTFRIED: And, you can also go to every other doctor and hospital in the State and get a lot of health care that your plan won't pay for and you won't have to pay out-of-pocket.

MR. BARCLAY: Thank you, Mr. Gottfried.

MR. GOTTFRIED: Yeah.

ACTING SPEAKER PICHARDO: Mr. Ra.

MR. RA: Thank you, Mr. Speaker. Will the sponsor yield?

ACTING SPEAKER PICHARDO: Do you yield, Mr. Gottfried?

MR. GOTTFRIED: Yes.

ACTING SPEAKER PICHARDO: The sponsor yields.

MR. RA: So, just a few questions here and I'm going to start with a very basic one that kind of has been touched on, but, you know, we've had this debate before and I -- and I continue to have

trouble wrapping my brain around the concept that, you know, we have our current Medicaid system that covers roughly one-third of the population, correct, of -- of our State, maybe a little less?

MR. GOTTFRIED: About six-and-a-half million out of about 19 or 20 million, yes.

MR. RA: So if that is costing us about \$62 billion, how can we cover basically three times as many people for merely 50 percent more of the cost?

MR. GOTTFRIED: Well, first of all, we would continue to be doing the Medicaid spending and drawing down the Federal money. Second of all, a very large portion of our health care costs are in the Medicare population; we would continue to be drawing down the Medicare money. So, what we would be paying for with the New York Health Act is the roughly \$135 billion that isn't government-funded health care already. We would be saving about \$45 billion of that. That gets you to the \$90 billion that the New York Health Act taxes would need to raise.

MR. RA: Okay.

MR. GOTTFRIED: So, out of the \$280- that we're now spending, \$140- is government spending today that will continue. About \$135- is insurance-covered spending plus out-of-pocket that will be ratcheted down to about \$90-.

MR. RA: All right. So, one of the things you've -- you've talked about and I think we've had this discussion before on -- on the floor is this -- this concept that there's going to be great savings

from the fact that this plan is going to be much more efficient in terms of administrative costs. And the estimate, I believe, is 2 percent?

MR. GOTTFRIED: Yes.

MR. RA: And you just mentioned a minute ago the Urban Institute that, you know, in their analysis of the concept of single-payer have basically come to the conclusion that they don't see how it could go below around 6 percent, which is obviously three-times higher than that 2 percent number. Do you --

MR. GOTTFRIED: Yeah, that's because -- and, first of all, let's remember that a few years ago, the Urban Institute did a report for New York State that still said that a single-payer plan is the least costly and most efficient way to provide coverage for every New Yorker. But that 6 percent figure, here's where that number comes from: About 36 percent of Medicare is Medicare Advantage, which has your 15, 18 percent, more or less, administrative cost. About 70 percent of Medicare is traditional Medicare at about a 2 percent cost. If you do simple arithmetic, if 30 percent of the plan costs about 15 or 18 percent and 70 percent of the plan costs about 2 percent, what you come out with is Urban Institute's 6 or 8 percent figure. So, yeah, Medicare overall runs at about a 6 or 8 percent administrative cost, but that's because almost a-third of it is run at outrageously costly levels because it's run through insurance companies. Traditional Medicare, which is the model we would be adopting, runs at about 2 percent and that number, when you do the correct arithmetic, is perfectly consistent with the Urban Institute and some other people's 6

or 8 percent claim, because they're not talking about traditional Medicare, they're talking about Medicare when you include the excessive costs of Medicare Advantage.

MR. RA: Okay. Would -- would you agree that, you know, one of the best ways we can kind of analyze this bill is by looking at our current Medicaid system and then extrapolating that across the population?

MR. GOTTFRIED: Well, not entirely, for two reasons. Number one, the current Medicaid program uses insurance companies to administer it. And, by the way, the DSRIP program that Mr. Ra -- Mr. Raia mentioned is gradually moving away from that concept by relying increasingly on integrated provider systems and -- and -- and having those systems do care coordination which is, by the way, the model in the New York Health Act; we're just not having managed care plans in the midst. Second of all, you know, the Comptroller just came out with a report that said, *Oh my God, Medicare spent millions of dollars -- or billions of dollars --*

MR. RA: Over \$1 billion.

MR. GOTTFRIED: -- *in wrongful payments because they were paying Medicaid money for people who actually had private health insurance.* That's one problem with our current system. People spend a lot of time and effort and money trying, often not successfully, to figure out which plan covers this patient. And that's how Medicaid went astray in that Comptroller's report. Under the New York Health Act, under any single-payer system, you would have

none of that kind of worrying about duplicate payers.

MR. RA: Well, and this report I know just came out yesterday, I believe.

MR. GOTTFRIED: Yup.

MR. RA: It was \$1.2 billion in unnecessary spending and, you know, it -- it was an issue I wanted to raise on the floor and I assumed that that would be your response, that there --

MR. GOTTFRIED: Yeah.

MR. RA: -- would only be a single-payer, so you wouldn't have this issue, but --

MR. GOTTFRIED: Right. And also -- and also, by the way, that was I think over six years, so the number's a little less exciting when you divide it by six, but still, it's waste and it's waste cost.

MR. RA: It's still about \$200 million a year.

MR. GOTTFRIED: Yeah.

MR. RA: That's not nothing.

MR. GOTTFRIED: Right. I said, it's -- it's still waste, but it is waste that is a direct consequence of a multi-payer system.

MR. RA: But, you know, assuming then you don't have that issue, there -- there still, I think, is a concern that is raised by -- by, you know, a report like that in terms of how the system is being administered. Just -- just because there's not multiple people to bill, it -- it still shows, you know, a lack of -- of certain, I don't know,

cost controls or whatever that --- that we would have. And, yeah, it's great to say, okay we're going to have a single-payer, but that single-payer is still going to be our taxpayers. So, somebody still has to be watching out for the financial side of this program. We can't just say, okay, there's a single-payer so let's just pay whatever it is.

MR. GOTTFRIED: Well, and actually, for the last, I guess going back to about '05, so for the last dozen or so years, in New York we have had a dramatically ramped up Medicaid fraud and waste operation between the Medicaid Inspector General and the Comptroller's Medicaid Fraud Unit. And in the private insurance world, they don't do anywhere near as good a job actually as Medicaid now does in catching fraud, partly because no one payer oversees the whole thing, partly because insurance companies don't have the legal tools that the State has in the Medicaid Program, partly because sometimes insurance companies kind of look the other way if they're trying to keep a -- a -- a treasured hospital in their network, which creates -- which certainly impairs their ability to be tough on fraud and waste. So, the insurance industry actually does not do anywhere near as good a job at dealing with fraud and waste as New York's Medicaid Program currently does.

MR. RA: Okay. Let me ask you about --

MR. GOTTFRIED: I'm not talking about ancient history, I'm talking about today.

MR. RA: Let me ask you about another report that was done by the State Comptroller's Office a couple years ago. You

know, you mentioned that there would be great savings from, you know, being able to be this sole entity that is going to negotiate with -- with providers and drug manufactures and all of that. In 2015, there was -- there was something put out by the Comptrol -- Comptroller that basically said that the State had failed to obtain approximately \$170 million in drug rebates and discounts under our Medicaid program. Again, covering roughly a third of our population. Why would we do better when this was covering our entire population?

MR. GOTTFRIED: Well, first of all, at that time Medicaid -- the State was only doing rebate work for a tiny fraction of the Medicaid Program, because in 2011 we gave the whole Medicaid Drug Program back to the managed care plans. Each managed care plan only bargains on behalf of its few thousands enrollees. Nobody is bargaining for 20 million New Yorkers. We would be able to do a much better job if -- if we were bargaining not only for a fraction of Medicaid recipients, but for me and you and wealthy New Yorkers and -- and everybody in between.

You know, people look at Medicare and say it's shocking that Congress said that Medicare can't bargain with drug companies under Medicare Part D, and I think most people understand that drug companies make out like bandits under Medicare Part D because Congress chose to bar Medicare from negotiating with them. Under the New York Health Act, we would not be making that choice. We would be having New York on behalf of 20 million patients bargaining with drug companies.

MR. RA: But, I -- I mean, I'm not sure that this failure to achieve that savings is -- is just, okay, they -- they would have had better negotiating power if they were representing more people. It was a failure to go after a cost-savings and, I don't know, we've seen in any number of areas --

MR. GOTTFRIED: Well --

MR. RA: -- you know, we have so much evidence over the years of billions of dollars that go to waste and fraud and abuse and sometimes it seems like, you know, we're -- we're -- we're too comfortable with -- with that money going away that could be, you know, that could be spent on somebody's care.

MR. GOTTFRIED: Well, and I guess one thing I'd say is that the Comptroller doesn't study the failure to -- to get every dollar they can by insurance companies or by pharmaceutical benefit managers, which operate completely under the cover of darkness and none of us knows what kind of money is coming into their pockets or how good a job they're doing at bargaining with drug companies or how much of the savings they are passing on to their insurance company clients. So, yeah, if the only people that get audited and have the audits published in the paper is the Medicaid Program, you and I have no idea how much waste and -- and -- and lack of taking advantage of savings goes on in the insurance world.

MR. RA: Well, I --

MR. GOTTFRIED: But the Medicaid Program, even with its limited ability today spends a lot less on drugs than the health

plan that covers you and me.

MR. RA: Well, I think despite our disagreements on this bill, I think if there's one thing we could agree on it's the need for some transparency with respect to PBMs, so I'm glad you brought that up.

MR. GOTTFRIED: I have a bill you can co-sponsor.

MR. RA: Yes, I am. One -- one other question, you know, the New York State Department of Health has this study that's been commissioned through RAND. Do we know when that's coming out? Are we putting the cart before the horse by not waiting to see what the results of that are?

MR. GOTTFRIED: Well, it's not the Department of Health, it's the New York State Health Foundation. Yes, they have the RAND people doing a study. It's excepted out sometime later this year. You know, any time we debate this bill, there will be some other study that's coming out next year, but we move forward. The RAND -- RAND has done analyses, RAND and other major consultants have done analyses of single-payer proposals in other states. A year or two ago RAND did an analysis of an Oregon single-payer program and, you know, they didn't -- their conclusion was not as -- was not as positive as mine, but their conclusion was that, A, it would basically break even with current spending and, B, was, again, the most efficient and -- and cost-effective way to expand health coverage. So, they weren't as positive in their look at Oregon and in a couple of other states as I am for New York, but, you know,

frankly, if we just broke even and provided universal health coverage and nobody having to go bankrupt and nobody having to put off care because they can't afford it, if -- if all we did was break even, I'd say that was something to celebrate.

MR. RA: So just -- just, lastly, so obviously one of our concerns and I think largely the reason we're having this debate is the cost -- cost of health care, right? And I understand that, you know, you're -- a lot of this is built on the assumption that we're -- we're paying a lot to private insurers and -- and we can be more efficient if -- if the government were just to step in to provide health care. But we've seen even under, you know, the Affordable Care Act the continuation of just skyrocketing costs of care and I don't think that is solely attributed to private insurance. So, what are the cost controls in this that will stop the continued inflation of costs?

MR. GOTTFRIED: The cost controls are -- first of all, we'd have a system that unlike private insurance companies has a real incentive to promoting primary and preventative care and keeping its enrollees as healthy as possible, because insurance companies know that if they invest a lot in making you healthy today, in five years you're probably going to be the customer of some other insurance company and that other insurance company will reap the benefit of their investment in your primary care. A single-payer system has no such disincentive to invest in keeping you healthy.

Secondly, a single-payer system bargaining with providers has the incentive to -- to reach a -- a reasonable mid --

mid-ground in payment. There will be downward pressure because legislators will always be pressing the plan to keep taxes down, but there will be upward pressure because it will be the health plan that we and all of our constituents are covered by. And so, that balance of downward and upward pressure is what will guarantee that the system keeps on an even keel. And the fact that we and all of our constituents will be in the same health plan with wealthy New Yorkers, with the Governor, with people with -- with power and influence, the fact that we will all be in the same boat and covered by the same plan is what is a key factor in what will make sure that providers are not paid wildly, but paid reasonable rates so that New York is a place where doctors and hospitals will want to do business.

ACTING SPEAKER AUBRY: Mr. Ra's time has expired.

And now we will go to Mr. Byrne.

MR. BYRNE: Thank you, Mr. Speaker. Will Chairman Gottfried yield for a few questions?

MR. GOTTFRIED: Yes.

ACTING SPEAKER AUBRY: Mr. Gottfried will yield.

MR. BYRNE: Thank you, Mr. Gottfried. It's always a pleasure serving on the Health Committee and I know there's a lot of bills that we report to the floor that improve the health of our residents. This is one, though, I have some serious concerns about, so I wanted to chat with you on the -- this great -- great floor, the

People's Chamber.

You talked about the goal of this legislation and how it's really to provide quality health care for all New Yorkers. Would you say it's accurate that this goal would also, say, that it's to improve quality, access and affordability for all New Yorkers? Would that be a --

MR. GOTTFRIED: Yes.

MR. BYRNE: -- fair statement?

MR. GOTTFRIED: Yes.

MR. BYRNE: Okay. I think it's a very admirable -- admirable goal and I definitely laud you for that and all our colleagues for that, I just, again, have concerns that this will get us to that.

Regarding a private -- some of this has been asked or answered, so I'm going to try to narrow this down a little bit. For New Yorkers that do have private health insurance plans, do you have any idea how many actually like their current health insurance plans?

MR. GOTTFRIED: Well, I've seen some polls saying that, you know, 60 percent or something like that of New Yorkers are satisfied with our health care system. You know, if your -- if your car is never in an accident, you're probably satisfied with your car insurance. It's just when you have an accident and the insurance company doesn't pay you that you may have a problem. If you look at the -- the standard curve of -- of utilization of health care services, the vast majority of us in a given year hardly consume any health care services. So, yeah, we tend to be pretty happy with the

health care system. If you don't submit a bill, you don't know that your insurance company is going to jerk you around, but if you're -- but there are an awful lot of New Yorkers who do need to use their coverage and discover that they've got a several thousand dollar deductible and their insurance coverage is essentially not worth anything to them, because they can't meet the deductible. That's a large part of the problem. So, yeah, a lot of people don't hate their insurance company yet.

MR. BYRNE: So, okay. So, as one of our colleagues said before, there's a little bit of a balancing act, but the Gallup Poll that I read from November of last year said 77 percent of people actually still like their health insurance plan, and I would be concerned about anything that could remove their existing plan from them, even if, as you suggest that it would provide similar or the same options, or even more.

MR. GOTTFRIED: By the way, the Gallup people also consistently find that a third of households with health insurance report that a household member in that year went without health care, usually for a serious condition, because they couldn't pay for it. So, if they say they like their health plan, an awful lot of them may like their health plan, but they're having to go without care because they can't pay for it.

MR. BYRNE: Okay. Moving on to another question, just because I do have limited time, Mr. Gottfried. You mentioned it a couple times on the floor today about the marketing

dollars spent in private health insurance plans. Do you have a figure on how much that would be?

MR. GOTTFRIED: I'm not sure what percent of the 15 to 18 percent of non-benefit cost is marketing.

MR. BYRNE: So the reason I ask that is you're aware that the State of New York spends money on marketing, on -- whether it's economic development programs, the State spends quite a bit of money on marketing, as well.

MR. GOTTFRIED: Yes.

MR. BYRNE: Would you envision us spending marketing dollars on this program?

MR. GOTTFRIED: No, just like, you know, we don't spend a lot of money marketing public schools. The government doesn't run ads, you know, trying to encourage you to sign up for Social Security. They may occasionally run some informational ads, but you don't have to market something that is available to everyone for the asking.

MR. BYRNE: Okay. And going to a little bit to the cost controls that my colleague from behind me just mentioned and you give a pretty thorough explanation about -- it sounds like you were saying the Legislature was part of that cost control with the upward pressure and the downward pressure; is that what you're saying, that the people in this Body would be part of that cost control? We would put a cap, essentially?

MR. GOTTFRIED: We will be, certainly, an

influential part of the constituency of the plan, yes.

MR. BYRNE: So at what point, when, if the cost inflates, do we say we're not -- we're not going to expand the cost of this program, and at what point will people be denied or delayed access to the health care, as we've seen in other countries?

MR. GOTTFRIED: Yeah. Well, actually, delaying and denying care, if you look at statistics of countries around the world, America is one of the worst in terms of providing -- in terms of delay and denial of care with our current system. Most countries that have universal publicly-funded coverage have dramatically better numbers than we do on access to care. So, I don't think we get to a point of -- that you're describing because I don't think New Yorkers are going to tell their legislators and their Governor that they want that to happen. They're going to tell their legislators and their Governor the opposite.

MR. BYRNE: So you do envision this plan growing and growing and I know you've said that it would need \$91 billion in new revenue, right, in addition, but you envision the cost of this program actually growing beyond that, and you need to fund it.

MR. GOTTFRIED: Well, first of all, you're saying \$91 million in new revenue. Instead of \$135 billion coming out of our pockets, instead \$91 billion will come out of our pockets. By me, that's not \$91 billion in new, new spending or new revenue. By me, that's \$45 billion. Will the cost of health care continue to grow like the cost of bread and rent and everything else, I'm sure it will.

MR. BYRNE: Now, I've -- I know I've heard from constituents, I know you participated in forums throughout the State and I wasn't able to participate personally, but I watched online and I do appreciate that, because you've been able to answer questions, both pro and con on this legislation. There's been branding of this health plan as "Medicare for all." Do you truly believe that's an accurate description, or is it, since you're saying that this is actually beyond Medicare, would it be more accurate to say this is an expansion of Medicaid and it would be more of a "Medicaid for all?"

MR. GOTTFRIED: Well, I always say "improved Medicare for all," because there's a lot that Medicare doesn't cover. There are services it doesn't cover, there is a -- Medicare has co-insurance that the individual has to pay. That's why we almost always say "improved Medicare for all."

MR. BYRNE: And as I think it was mentioned before by some of our colleagues, the funding mechanism from the Federal government, you would require a -- a waiver for that. If not, you said that there was another work around. Can you explain that again? Quickly.

MR. GOTTFRIED: Yes. We could run the New York Health Act essentially as a wraparound like a Medicare gap policy for people on Medicare. We could run it as a giant Medicare Advantage Plan, but without a restricted provider network, in which case we would draw down the enhanced funding that Medicare gives to Medicare Advantage Plans. Ideally, the Federal government would

come to its senses and say every month we'll send you a check for what we would have spent on Medicare in New York and put that in the New York Health tank.

MR. BYRNE: So, for the Medicare recipients today, this would -- although I know you believe it would be improved, this would fundamentally change their benefits and what they paid into, right?

MR. GOTTFRIED: It would change their benefits in that they would get coverage for a lot of things they don't get today and they would be paying out-of-pocket dramatically less than they are paying today. No deductibles, no co-pay. New York would be picking up the Part B premium. So, yes, it would change, it would change enormously for the better.

MR. BYRNE: And it would be expanded to everybody, but you don't -- you'd have everyone paying into it right now like I pay into Medicare, right, but I'm not a beneficiary. I'm a little young for that right now.

MR. GOTTFRIED: Right.

MR. BYRNE: So you would have -- it wouldn't be that same balance as you have with the existing Medicare Program, correct? Would it be different?

MR. GOTTFRIED: I'm sorry?

MR. BYRNE: So, you'd have everyone paying through the payroll tax and their income tax, right?

MR. GOTTFRIED: Yes, all 20 million of us would

be contributing to the cost of the system, just like all New York taxpayers contribute to school aid and the correctional system and paving the State highways. We all pay for the fire department even though the vast majority of us never use their services.

MR. BYRNE: Okay. Thank you, Mr. Gottfried.

On the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. BYRNE: While I applaud the -- the sponsor of this legislation for going after such a laudable goal of improving quality access and affordability for health care, again, I still don't believe this is the answer to -- to meet that goal. Certainly, we -- we want to improve access to care, maintain quality of care, make it more affordable, but if -- if we continue to add to the crushing tax burden when we're already ranked the highest total tax State in the nation, we need to do better. And when I look at this bill, I know there's been a lot of different brandings to it, whether it was "Medicare for all," "Medicaid for all," I look at this is and I look at this as "Albany Care" and I think we need to do better. And for the 77 percent of the people who like their health insurance plans and use that as their way to pay for health care, we should -- we should be encouraging choice and options and flexibility. We shouldn't be limiting choice. I mean, today's Flag Day. This great country is about freedom, opportunities and choice. I think we should be giving more options, not taking them away.

I think it was mentioned before by one of my

colleagues about some of the things that this State does, whether it's Medicaid. I saw a report from the State Comptroller's Office that said that we had over \$1 billion spent on Medicaid, that those dollars shouldn't have been spent, there were people that had private health plans. And we need to fix our roads, we need to fix our bridges and our subways and I feel maybe we should be focusing on that and once we get that done, maybe we can tackle health care. But before we get that done, I'm just -- I'm not confident that the State of New York is the right -- the right group to tackle this question. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Oaks.

MR. OAKS: Thank you, Mr. Speaker. On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. OAKS: I join many others today in listening to the debate as we consider this bill, but I have a number of major concerns about this legislation. Certainly, health care, as my colleague was just mentioning, it is extremely complex, extremely difficult for any of us to get a grasp on, and certainly for the individuals who have delved into this issue, certainly we're all concerned about the coverage of New Yorkers' access to health care.

But if you said to me let government do it, we'll do it more efficiently and more effectively, for me that often doesn't compute. And the examples could be listed over the years with this year of ways that government doesn't do it best. And the overall costs, and I like to look at this from a State Budget perspective from costs,

certainly the sponsor suggests there will be overall savings. Early assumption, the figure of \$45 billion was just talked about. More recent focus that it may be more similar cost as what there is today. There's some others who've looked at this who would suggest that the costs could go not less, not the same, but even \$140 billion higher than what they are today. So, it makes me concerned that we are being asked to today to pass legislation that there's not certainty or not close to clarity of where this bill might take us.

If you look at New York State, I was looking back, the State Budget when I first started in the Legislature, 1993, \$57.9 billion. Today, it's \$168.3; it nearly tripled over those 26 years. If we did this bill today using the numbers, some that have been proposed by those who sponsor this bill, we could in one fell swoop double or nearly double the State Budget to nearing or going over \$300 billion. If we use those individuals' numbers who look and say this is underestimating costs, it could actually push the cost of State spending in total to over \$400 billion. Those are numbers that are mind-boggling to me.

Another thing is I would suggest that if we come up short. This is based on a payroll tax of bringing in money. If we should come up short on the payroll tax, does this bill or would it add more responsibility on the backs of those who pay personal income tax, sales tax -- just to give you some perspective as we're throwing these numbers around. In the current State Budget, \$168.3 billion, we raised \$59 billion from the PIT, the Personal Income Tax, and around

\$14 billion from sales tax; that's \$73 billion. Even the \$91 billion that's proposed as a low amount, we would be adding in resources that -- that would come to the State well beyond what the personal income tax and the sales tax combined provide. Another thing is for those rates, we are unable to give any clarity. What rate would the employer pay and what rate would the individual on our payroll tax, what would we be paying? That's clear now. Obviously, that would be difficult to identify I'm sure at this point. The one thing that is clear is it suggests that it would be progressively higher rates for those in the higher tax rate.

So, we tax the higher income people in New York at a higher rate, a surcharge that we have on them now. Federal tax reform is taking away some of the deductions and whatever that would -- are going to leave them paying net overall higher taxes from being in New York, and now if we pass this bill and create a payroll tax, those individuals are going to be paying, again, at a higher rate. Some have suggested with the first tax they're concerned about higher -- higher income New Yorkers staying here. Certainly, with the Federal one, there's a lot of concern been expressed by the Executive, by individuals on this floor; how does that impact those individuals staying here? Should we do this that would be a triple whammy, which would give those individuals a greater reason to perhaps take their resources, take their business, take their home and move it to another place.

When I mentioned those billions of dollars earlier,

\$200- or, you know, \$168 billion now moving over \$300-, \$400 billion, I've never used the word -- in speaking about the State Budget, I've never -- I've always spoken in millions and billions. I fear that my successor who is going to be -- as the Ranker on Ways and Means, should we do this, the State Budget is going to be starting to be talked about in the terms of trillions. I don't think that's where we need to be going as a State. I'll be casting my vote in the negative. Thank you.

ACTING SPEAKER AUBRY: Mr. Morelle.

MR. MORELLE: Yes, thank you, sir, for allowing an interruption. I'd like to ask members of the Ways and Means Committee to join Ms. Weinstein in the Speaker's Conference Room, Ways and Means.

ACTING SPEAKER AUBRY: Ways and Means, Speaker's Conference Room.

Mr. Ashby.

MR. ASHBY: Thank you, Mr. Speaker. On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. ASHBY: I want to echo what my colleague, Mr. Oaks, was saying and I think what he's getting at is moral hazard. And I'd like to acknowledge that from the perspective of a health care educator, a clinician, a therapy practice owner and a patient of single-payer health care through our VA system.

If we look at this, over the decade, just in the last decade, our -- our VA budget has gone up tremendously, \$93.7 billion in 2009 to now \$198.6 billion for Fiscal Year 2019. Is this what we

want to undertake here in New York? I think we also have to look at when we make any changes to health care, we have to look at the cost, the access that it's going to provide and the quality. And making a change as drastic as this is going to have a profound impact on all of those things, not necessarily the way that maybe the drafter intended.

When I went to the VA last year to get a blood test done, because I found out that a clotting disorder ran in my family, I got my blood test done, they ran a panel and I got the paper back. The report back said that they weren't going to run the test because I hadn't had a blood clot yet. Even though it's hereditary, even the disease is hereditary. So, this is the kind -- this is the kind of stuff that goes on in single-payer health care. Who is there to advocate for me? How -- how do I go about getting this? Well, I'm thankful and I have the ability to go elsewhere perhaps and do that. Under this system, would these people that are currently being insured through New York State have that ability? How would they navigate this? Does government have the track record of providing a service like that? I would certainly argue no to that. And for that reason, my vote will be in the negative. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Melissa Miller.

MS. MILLER: Thank you. Will the sponsor yield for a few questions?

ACTING SPEAKER AUBRY: Mr. Gottfried, will you yield?

MR. GOTTFRIED: Yes.

ACTING SPEAKER AUBRY: The sponsor yields.

MS. MILLER: Thank you, Chairman. I try to approach things from the perspective of a regular person, and because I typically represent so much of the chronically ill/special needs population, I have a few targeted questions that might be a little bit more detailed than what other people would be asking, so please bear with me if you would.

You said that under this plan we would be able to keep the same coverage as our current plans. So, let me be specific, if I could. For somebody like my son, Oliver, who has pretty complex levels of care. He, for instance, needs liquid oxygen which insurance will cover, versus an oxygen concentrator. Something like Medicaid will not cover liquid oxygen. Would a single-payer health plan cover a liquid oxygen system? Somebody who is typically on chronic oxygen every single day, an oxygen concentrator is not really an ideal system.

MR. GOTTFRIED: Well, the bill, obviously, since it's less than 2,000 pages long, does not list every service it covers and every product it covers. It does say that anything that is covered under our health plan as State employees, anything covered by Medicare, anything covered by Medicaid, anything covered by our current State Insurance Law mandates, anything covered by -- covered by Workers' Comp, by car insurance, and anything that the plan chooses to add would be covered under the bill.

MS. MILLER: Yes, that says "oxygen" or "home

oxygen." It doesn't necessarily specify the delivery systems of oxygen, so that would be a glitch.

MR. GOTTFRIED: And you may -- you may have a health plan that covers liquid oxygen. I don't know the nature of the coverage that applies to your son, but I would -- I would venture to say that there are a lot of people in New York who have private health insurance who probably do not have access to liquid oxygen. So, again, the bill does not and could not and should not list every prescription medication, every treatment, et cetera, et cetera. That would be determined by the plan.

MS. MILLER: Well, my point is that --

MR. GOTTFRIED: Within the law that I talked about, there is no law today that I know of that assures you that next year your son's coverage will continue to include liquid oxygen.

MS. MILLER: My point being that you're saying that there would not need to be changes in care from your current plan. And I fear for a population of very sick individuals that there would very much need to be a change in their care.

MR. GOTTFRIED: Well, you know --

MS. MILLER: The next point would be nursing care, private duty nursing care in the home. Currently --

MR. GOTTFRIED: But, by the way, just before we leave the topic of liquid oxygen, let's all agree that next year, you could wake up and find out that your son's insurance company has decided not to cover liquid oxygen and there's nothing today that New

York would be doing about that.

MS. MILLER: Oh, believe me. I've had -- I've spent my, you know, fair share of both of my children's lives battling insurance companies.

MR. GOTTFRIED: Right.

MS. MILLER: I have had nothing but battles with insurance companies.

MR. GOTTFRIED: Right.

MS. MILLER: I agree that something needs to be done.

MR. GOTTFRIED: Right.

MS. MILLER: I'm not arguing that point at all. So, that -- we're on the same side there.

MR. GOTTFRIED: And that the current system doesn't assure you at all of access to liquid oxygen, okay.

MS. MILLER: As far as private duty nursing goes. So, it's no secret that the current reimbursement rates through Medicaid, Medicare are too low and that there is a critical shortage of nursing in the home care environment. Would this plan address that issue and make the rates more competitive so that this population would actually have the coverage that they need and the support that they need to be in the home care environment, in the home environment?

MR. GOTTFRIED: Well, first of all, as currently written, the bill would not replace whatever arrangements are in place

for long-term care. It would not be expanded to include long-term care at the start, although I expect that after we get the results of the RAND study that was talked about earlier, I intend to amend the bill to include long-term care at the start.

Secondly, today there is no law that requires that anybody's payment rate, whether it's Medicaid or Medicare or commercial coverage, there's no requirement that your son's private duty nurse or any other provider be paid at a rate that is reasonably related to the cost of efficiently providing the care and at a high enough rate to ensure an adequate supply of that care. There is no such requirement today that is a requirement under the New York Health Act. So, while, certainly, the bill does not say, because it is less than 200 -- 2,000 pages, it does not say what the salary of a private duty nurse will be, it does have language that in almost every case, I believe particularly in the case of -- of home care as you're discussing would result in higher rates of pay.

MS. MILLER: So it would make higher. Are there limits to coverage or caps on coverage, care?

MR. GOTTFRIED: Absolutely not.

MS. MILLER: None. So, there's no \$1 million cap, lifetime cap?

MR. GOTTFRIED: No. No lifetime cap, no yearly cap, nothing in that ballpark.

MS. MILLER: Okay. And do you have any estimate at all -- at all on what the tax increase would be?

MR. GOTTFRIED: Well, again, the reduction in spending would be from about \$135 billion to about \$91 billion; so, it's not an increase, it's a reduction. The Friedman report that has been discussed has sample brackets and rates in it. The bill doesn't specify brackets and rates for the reasons I mentioned earlier, but the bill -- the report has a hypothetical set of taxes -- of brackets and rates and it is on the basis of that set of brackets and rates that we conclude that 98 percent of New York households, or 98 percent of New Yorkers would be spending less than they are today.

I can get you a copy of the report and you can see for a given household how for almost every household what the tax rate would be is substantially less than the cost of health coverage today.

MS. MILLER: Thank you.

Mr. Speaker, on the bill.

ACTING SPEAKER D. ROSENTHAL: On the bill.

MS. MILLER: So, as Chairman Gottfried says, I have literally been jerked around by insurance companies for both of my children's entire life; yet, I don't see this as an answer. I've spent over 20 years battling insurance companies for both of my sick children. I do believe that this current system is broken and in need of serious change. What I live and have to fight every single day just to get their basic needs covered is exhausting and awful, but this doesn't fix this for all. It's not for all.

We've been in this Medicaid system for a long time. I've experienced the bureaucracy and the red tape. Ridiculously long

wait times for authorizations, for appointments, for the providers to get paid with absolutely no apologies for it. That's why, as my colleagues have pointed out, that's with one-third of the population. Once this is implemented with everybody, I can't even imagine what's going to happen. It's frankly very scary. You say that all New Yorkers will get the same coverage, but, frankly, not all New Yorkers can wait for that care. So, that's why I will not be voting for this. Thank you.

ACTING SPEAKER D. ROSENTHAL: Mr. Walter.

MR. WALTER: Thank you, Mr. Speaker. On the bill.

ACTING SPEAKER D. ROSENTHAL: On the bill.

MR. WALTER: I first want to address, because it's been mentioned a number of times, the fallacy of the Medicare cost being only 3 percent or 2 percent administration. It's just not reality. Think about what isn't calculated into that figure, first, okay. Collections of premiums. The IRS and the Social Security Administration take that; that's off budget expenditures. Health and Human Services covers accounting, auditing, fraud, building cost, all of those administrative costs that our private insurance carriers have to calculate in their administrative costs are not calculated into Medicare's administrative costs.

But the most important thing we're ignoring when we talk about Medicare administrative costs as a percentage is that we are dealing with the sickest population, our seniors. Think about this. If

you spend -- it costs the same to administer a program no matter what level of care that person needs. So, 30 percent -- let's say it costs \$30 for someone who uses \$100 worth of services. Well, that's a 30 percent rate of administration cost. If that same person uses \$1,000, will that percentage of administrative cost just drop to 3 percent and that's how we get this magical number of Medicare only costing 3 percent to administer. If we actually look at a more relevant figure, which is cost-per-participant, we find that our private insurers are less expensive to -- as far as administrative costs go, than our Medicare rates are.

So, when we talk about the cost of administering this program being only 2 percent, that is a fallacy and that is why \$91 billion of additional revenue shouldn't even be talked about in this setting. Reality is it's more like \$225 billion additional in cost. And we're not talking about Medicare for all, we're talking about Medicaid for all. So, go back to your districts and tell all of your people who are on private insurance right now or Medicare that we are going to move you from your Medicare policy and your wraparound coverages and your private insurance, we're taking you and putting you on fee-for-service Medicaid, because that's exactly what this program is, fee-for-service Medicaid. And what has been the problem with fee-for-service Medicaid over the last several decades? It's incredibly expensive and those costs grow exponentially and there -- you just take a look at what we've experienced over the last few years. We've moved away from fee-for-service Medicaid on to managed Medicaid

because we can't afford to continue down that path.

What's the other problem with fee-for-service Medicaid? Is our providers don't get reimbursed enough. Most hospitals will admit to you that they subsidize their cost of care through private insurance. That's not taken into account in this either. So those costs that we're going to incur are going to increase exponentially. We cannot afford this. It's incredibly expensive. The amount of taxes that are going to have to be raised will drive every business in this State right out the door. There's nothing limiting the number of people that might come in for services. There's no residency requirements other than to say, *Yeah, I'm here for -- I'm here for care. I'm a resident of New York.* You make that claim, you don't have to prove citizenship, you don't have to prove anything. You just get off of the bus and you get your services. That's what's going to happen. You're going to have people coming in for medical coverage from across the State border and going right back out.

There is no way that the State of New York can afford this, and there's no way that the -- our constituents want to be moved from their private insurance coverage and their Medicare coverage on to Medicaid. And think about this: What do you spend most of your time in your districts doing as far as constituent service? Cutting through red tape. Battling with government agencies to get services for our constituents.

The previous speaker talked about doing battle with insurance companies. Just think about doing battle with the State of

New York and what our constituents go through on a daily basis already. No matter what that service is. Now, make it health care. For every single person in your district that you're going to have to help manage get through that system. The government doesn't do this better than the private sector, and it certainly doesn't do it cheaper, and that's why I'm opposed to this bill and that's why I'll be voting no.

ACTING SPEAKER D. ROSENTHAL: Mr. Norris.

MR. NORRIS: Will the sponsor yield for some questions?

ACTING SPEAKER D. ROSENTHAL: Will the sponsor yield?

MR. GOTTFRIED: Certainly.

ACTING SPEAKER D. ROSENTHAL: The sponsor yields.

MR. NORRIS: Thank you, Mr. Chairman. I'm concerned about the impact on small businesses in the State of New York for this New York Health Act, proposed New York Health Act. So, could you please specifically explain to me the breakdown to how much the employer will pay and how much the employee will pay under your proposed plan.

MR. GOTTFRIED: Well, the payroll tax would be progressively graduated, which means since most small businesses have lower-wage employees than big corporations, or certainly that would be where their wages are concentrated, the progressively graduated rate would be lower for small businesses and for their

owners, who today are probably struggling in the individual market, which is the worst place to be. Under the bill, the payroll tax would be paid 80 percent or more if they choose by the -- by the employer, 20 percent by the worker. And, again, for a small business owner, they today are probably struggling to provide health insurance for themselves and their family. This would eliminate that struggle. They are today either struggling to pay for the exorbitant cost of private insurance, or they're not providing coverage for their workers, in which case they are constantly at risk of losing good employees to larger employers who do provide coverage. That would no longer be a problem under the New York Health Act.

MR. NORRIS: Okay. Under the 20 percent for the employees, would that also include capital gains and dividends?

MR. GOTTFRIED: The -- there would be a separate tax on non-payroll income. And that, of course, would be paid by the person earning that income.

MR. NORRIS: Okay. Now, under the Affordable Care Act, it's my understanding that if you have under 50 employees, there is an exception that you don't need to provide the -- the health care to the employee. Would there be any exception for small businesses in the State of New York under your plan?

MR. GOTTFRIED: There -- do you mean would there be an exemption from paying the tax? No, there would not.

MR. NORRIS: Will there be any --

MR. GOTTFRIED: Although, as I explained, it

would be per employee, including the owner, it would almost certainly be dramatically less than what they are now spending on health insurance.

MR. NORRIS: Okay. Well, would there be, in terms of the small businesses, any tax incentives or tax credits for this contribution of the payroll tax?

MR. GOODELL: Well, as a payroll tax, even under the -- the new Federal law, it would be deductible from Federal tax for the employer.

MR. NORRIS: Okay. And now, in terms of how premiums are paid now in the State of New York, it's usually a flat fee per policy, it's my understanding; would that be correct?

MR. GOTTFRIED: That is correct. Without any -- regardless of whether it's a policy on a multimillion dollar CEO or the lowest paid receptionist or other worker in the company, yes.

MR. NORRIS: Now under your plan, will it be a per-plan payment?

MR. GOTTFRIED: Under the bill, there would -- there would -- it would be a progressively graduated tax on payroll income, so that someone in a low bracket would pay a very small or zero percentage, your -- your higher -- the chunk of income in -- in a higher bracket would be taxed at a higher rate. A chunk of income at a higher bracket than that would be taxed at a higher rate. So, it -- the tax rate would be based on your income.

MR. NORRIS: So would it be fair to say that if an

employer pays lower wage jobs in the State of New York, they would pay less for the payroll tax as a whole?

MR. GOTTFRIED: Exactly, yes.

MR. NORRIS: Okay. And would it be fair to say that higher paying jobs in the State of New York, the employer would be taxed more for incentivizing people to bring good paying jobs to the State of New York?

MR. GOTTFRIED: Yes. And, you know, I've always believed that the -- the dollar that puts bread on the table should be taxed at a lower rate than the dollar that puts caviar on toast.

MR. NORRIS: Okay. I just have a couple of more questions, Mr. Chairman. How is "residency" defined within your plan?

MR. GOTTFRIED: It -- "residency" is defined as New York being your principal place of abode and the -- the Health Commissioner would be authorized to make regulations defining that more specifically.

MR. NORRIS: Okay. And then in the State of New York, we do have a lot of out-of-state individuals who come in here who work in the State of New York, whether it be Pennsylvania, Connecticut, New Jersey --

MR. GOTTFRIED: Yes.

MR. NORRIS: -- how would the out-of-state workers be treated under this plan?

MR. GOTTFRIED: They would be subject to the

same tax because we don't want to give employers an incentive to only hire people from New Jersey or Connecticut, obviously. But, because those out-of-state employees would not be participating in New York Health, the bill allows the employer and the employee to deduct from the New York Health Tax what they spend on health coverage for the worker or for themselves.

MR. NORRIS: Okay. And what is the anticipated time to administer the New York Health Plan, your plan?

MR. GOTTFRIED: I'm sorry, could you speak a little --

MR. NORRIS: I'm sorry. How long would it take for this plan to be implemented if it were to be adopted into law?

MR. GOTTFRIED: We don't know that. I'm sure it will take longer than the implementation of Medicare, which as I said, in 1965, it was implemented in 11 months, which is, just to me, mind-boggling. Based on experience with New York, I assume it will take a couple of years to get fully up and running.

MR. NORRIS: And if an individual under your proposed plan is -- is denied a surgery or a treatment, will there be an appeal process, and who will be part of that appeal process?

MR. GOTTFRIED: Yes. The existing process in the law for internal review and external appeal, and the external appeal is done by an independent entity, that would be built into the system.

MR. NORRIS: Thank you, Mr. Chairman.

MR. GOTTFRIED: You're welcome.

MR. NORRIS: Just quickly on the bill.

ACTING SPEAKER D. ROSENTHAL: On the bill.

MR. NORRIS: I -- I just have grave concerns myself on behalf of the constituents and the small businesses in the State of New York that this proposed New York plan, it's just not the plan that will create a good business environment here in the State of New York. It has great concern, it adds more taxes, it adds more burdensome regulations, it adds more fees, and we simply cannot afford that in the State of New York. And for that, I'll be voting in the negative.

Thank you very much, Mr. Chairman.

ACTING SPEAKER D. ROSENTHAL: Mr.
DiPietro.

MR. DIPIETRO: Thank you -- thank you, Mr.
Speaker. Would the Chairman yield for a couple of questions?

ACTING SPEAKER D. ROSENTHAL: Will the
sponsor yield?

MR. GOTTFRIED: Yes.

ACTING SPEAKER D. ROSENTHAL: The sponsor
yields.

MR. DIPIETRO: Thank you, Mr. Gottfried. As a
small business owner, I was interested in some of those comments.
Could you explain a little further the 80/20 percent that the employer
is going to pick up of the employees' health care? You mentioned that
it saves them money because now they're covered. Can you explain

that a little bit?

MR. GOTTFRIED: Yeah. If you -- if you've got an employee -- let's say you've got an employee who is at the -- more or less the -- the median income -- or median household income in New York, which is, I think, about \$60- or \$70,000, today, health coverage for that worker costs about... in the neighborhood of 15 or 20 percent of payroll. Under the New York Health Tax, it would be more like about 6 or 8 percent of payroll because it's a progressively graduated tax.

MR. DIPIETRO: This is -- but this is for small businesses that provide health insurance today, correct?

MR. GOTTFRIED: Well, it's for any small business. As I said, if they're -- if they're not providing coverage today, then the owner of the company is either going without health coverage, or buying it in the individual market for himself or herself and family, in which case they're paying an enormous amount of money. And it also means they are constantly at risk of losing good employees who they train to jobs where they can get health coverage.

MR. DIPIETRO: What -- what's -- what is your number per employee of the savings, say per month? Is it -- that the employee is -- the employer is going to pick up? Is it about \$400 per employee? What were the numbers on that?

MR. GOTTFRIED: Well, again, it -- it depends on the employee's income. The hypothetical brackets and rates that are in Professor Friedman's study would say that for a -- if I'm recalling

correctly, that for a median income worker, which is to say someone making \$60-, \$70,000 a year, the tax would be 6 to 8 percent of -- of the worker's payroll income.

MR. DIPIETRO: What about the businesses, like myself, that employ a lot of part-time workers, we would still be -- the employee -- the employee -- excuse me, the employer would still be responsible for that full health care coverage payment?

MR. GOTTFRIED: Well, if they're working part-time, they're getting paid a lot less than a full-time worker, proportionally, and the tax rate would be based on the amount on -- on of their payroll income. So, if a full-time worker is making \$60,000, the tax would be a lot higher than on a part-time worker who is making say, \$30,000.

MR. DIPIETRO: Right. Let's -- so hypothetically, let's say, because I think it's -- I think the number is over -- well over 50 percent of small businesses, I think it's about 52 or something, don't offer health insurance to their employees. So, when you said like someone like me would save money because I'm in the marketplace at the high rate, if I have 10 or 12 -- let's say 10 employees, and I'm going to pick up approximately, say \$400 a month for each one, that's \$4,000 times 12, just doing a quick math, that's about \$48,000 my business will have to pick up, versus right now if I'm just insuring myself, would be about \$11,000 to \$12,000. So, I am going -- my business is now going to take on a \$36-, \$38,000-a-year hit, a small business. That could put me out of business. So, I'm

trying to run those numbers. Maybe you can help me with that.

MR. GOTTFRIED: Well, first of all, I don't know anything about your family situation, but if a small business owner is trying to cover his or herself and family, they're going to be spending a lot more than \$11,000 a year. Second of all, their workers, when they go out to try to recruit workers and they're not offering health coverage, their workers know that the salary is worth a lot less because they're either going to have to go without health coverage or they're going to have to spend a lot of money out-of-pocket for that health coverage. And as a small business owner, you've got a much higher rate of turnover, which is not good for a business, from what I hear, because you're constantly losing people to companies that provide coverage. So, yes, there would be a few percentage point increase in your payroll costs because you'll be paying maybe 6 or 7 percent on top of whatever the current payroll is. But, you'll be saving money on your own coverage, and you'll have a much more stable and loyal workforce.

MR. DIPIETRO: Thank you, Mr. Gottfried.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. DIPIETRO: Well, unfortunately, that's pie in the sky thinking, that people in small business are going to just automatically accept that -- that payroll increase. And I can tell you right now that in my business, it -- another \$30- to \$40,000 hit by the government would be out of business and that would put

approximately 10 people out of -- out of employment. Fifty to 60 percent of small businesses under 25 employees don't offer insurance. So, now you're mandating that they do, and then saying, *Well, you know what? You'll keep your workers.* Well, four of my workers have worked for me over 30 years, so I don't have that problem. And a lot of small businesses don't have that problem.

So, again, that's all hypothetical theory, but when you're in the real world, employers are going to get whacked and the jobs are going to dry up. I would predict with over 50 percent of the small businesses that don't offer insurance, when they get stuck with this mandate, yeah, they're going to save a couple thousand on their insurance, but they're going to be picking up anywhere from \$30- to \$70,000 that most small businesses operate on a margin of about \$50- to \$100,000 profit. Most small businesses people don't make a lot of money, the Ma and Pa stores, like I am, that's what they live on. And when you do that, you're putting them out of business. Automatically, within a year, they'll be gone. That's not hypothetical, that's fact. Because I've run the numbers. So, that and a lot of other reasons, I'll be voting in the negative. Thank you, Mr. Speaker.

ACTING CLERK AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: Mr. Gottfried.

MR. GOTTFRIED: I want to speak on the bill
before --

ACTING SPEAKER AUBRY: On the bill, Mr.

Gottfried.

MR. GOTTFRIED: Yes. Thank you. You know, we've -- we've heard a lot of numbers today that, when you look underneath the number, they turn out not to say what -- what's claimed. You know, the -- the number about California being \$400 billion, it turns out that actually if you look at the California number, and what it really says about state spending, it's actually almost completely consistent with my estimate that New York would be spending, \$91 billion instead of \$135 billion.

You know, we -- we do -- we were just hearing about small business. You have to wonder, the employees who've been going without employer health coverage for 30 years or so, how is their health care being paid for? Is -- are they going to the hospital uninsured, and our health care premiums are subsidizing the hospital to provide them care? Are they struggling to pay for health insurance out-of-pocket? In which case, we're really depriving a lot of our constituents of the ability to earn a living. Are they -- are some of them on Medicaid? In which case our local property taxpayers are paying for their health coverage.

You know, people ask whether, you know, could government do this? All I can say is it's a good thing that in the 1780s we didn't have an education insurance industry out publishing reports saying that, *Oh, my God, if we try to have public schools and we tell people, Do you want your child going to a government school?* We would never have had public schools in this State. I don't know

anybody in this Chamber who has run for the Assembly on a platform that it's high time that we get rid of those government-run and government-funded schools, and go back to having everybody buy their own education for their children. If anybody is thinking of running on that platform this year, I'd be interested in hearing about it. I don't think so.

I haven't heard anybody say that, you know, *The fire department, it's, you know, it's paid for by taxpayers, and they're all civil servants, and my God, some of them are union, you know, we need to get corporate fire departments and let everybody pay to have their own fire put out.* I haven't heard anybody campaign on that platform.

You know, I started out by saying that every -- every New Yorker should have access to the health care they need, and that no New Yorker should have to suffer financially to get it. Nobody today has disagreed with that proposition, that everybody should have access to health care and nobody should have to suffer financially to get it. Nobody here today, or in any other forum that I've ever heard of, has come up with a proposal that meets that test, that makes sure that every New Yorker gets health coverage, and that they won't have to suffer financially to get it. I haven't heard anyone, in all the years I've been talking about this issue, come up with an alternative that meets that test.

Not every consulting firm, the RAND corporation, the Urban Institute, lots of people that make more than all of us

combined as consultants, not every one of them has come up with savings estimates as substantial as the -- as the numbers that I think are real. But every one of them that I've ever heard of, by any credible study or consulting firm, every one of them says that if you want to -- if you want to provide universal health coverage, there is nothing that does it, or that does at as efficiently and cost-effectively as a single-payer health plan. Some of them say, *Well, you're not really going to have a savings, you're kind of going to break even.* And I would say that's not as good as saving \$45 billion a year for New Yorkers? But even if we break even, but nobody has to go without health care, nobody has to say, *I've got this pain but, you know, if I ignore it it'll go away, and I can't meet the deductible,* and six months later they're dead, if breaking even means that never has to happen again to anybody's mother or father or child in New York, I'd be happy to be the sponsor of a bill that does that.

And today, the leading cause of personal bankruptcies is health care costs. If the worst you can say about the New York Health Act is it will break even, but nobody in New York will ever again have to go bankrupt for health care costs, that would be a good day. And when Taxation and Finance tells us that 140,000 New York taxpayers spend more than half their income in a year on health care costs, and 96,000 New Yorkers spend more than 100 percent of their income on health care costs, if even a health plan that breaks even means that that never happens again, that's pretty good.

And so again I say, does anybody have an

alternative? If they have, they've been hiding it under a rock. If you believe that every New Yorker has a right to health care, and if you believe that they shouldn't have to suffer financially to get it, and if nobody has offered a plan that gets you close to that at all, and certainly not at anywhere near as efficiently and cost-effectively as the New York Health Act -- even the consultants who don't think we're going to save billions of dollars, even if you agree with those consultants, getting the New York Health Act enacted will be a pretty good day for New Yorkers.

I think everybody wants to make a living and get to keep some of it and be treated with fairness and respect. The way we pay for health care today does not do that. A single-payer system would treat every New Yorker, every patient, every doctor, every employer, every taxpayer with fairness and respect and enable us all to make a living and get to keep some of it. I am delighted to have the opportunity, again, in a couple of moments, to vote yes.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Ortiz to explain his vote.

MR. ORTIZ: Thank you, Mr. Speaker, for allowing me to explain my vote. I would like to commend the sponsor of this piece of legislation, the single-payer plan. I think this is one of the --

a step forward plans to ensure that every New Yorker in New York State will be able to have a plan they don't need to worry about when there's one particular issue, which has to do with preexisting condition. Preexisting condition has been under the attack in Washington. The Obamacare has been under the attack in Washington. As we continue to see all these flourishing from Washington, New York State should be the lead, and begin to lead in order to have a single-payer plan in New York that is for all New Yorkers. As we are standing here today debating this bill, and I'm listening to the numbers and -- and listening to all the rhetoric that is coming out, one of the important thing that we have to understand is that the insurance company are the one that is treating us, not the doctor. When we go to the -- to the doctor, most of the insurance company are the one who making the decision on what is good for us and what is bad for us. At some point, most of the bad stuff is what is good for us, according to the insurance company dilemma. So, therefore, Mr. Speaker, I just would like to applaud the Speaker for bringing this to the floor. I hope that we will see the light at the end of the tunnel, where this bill finally can become to be real in New York State and give every single one the opportunity to be treated with respect. And, therefore, I will be voting in the affirmative.

ACTING SPEAKER AUBRY: Mr. Ortiz in the affirmative.

Mr. Raia.

MR. RAIA: Thank you -- thank you, Mr. Speaker. I

commend the sponsor. He -- he is taking a -- thinking bold, thinking large, has been at this for a long time. You know, if he could guarantee those numbers, I'd co-sponsor the bill. The problem is, many of those numbers come from an economist that even President Clinton and Obama's advisors call "extreme" and have no credible economic evidence. We're talking about an economist that a Nobel Prize winning economist Paul Krugman called "horrifying." We're talking about an economist who, in his own words, says he has a different way of looking at things. If we weren't the test case, I'd feel a lot more comfortable.

But under this bill, it will triple the size of our economy -- 85 percent of every dollar will be spent on doctors' visits. When we find out that the projections don't work, where's that money going to come from? I'm going to tell you: Education; it's going to come from our infrastructure; it's going to come from our public protection. Those numbers go down. And we see that every time we have a deficit, those areas take a hit.

Then there's the problem of losing over 150,000 jobs. Maybe those people voting yes should actually take a look at how many jobs are going to be affected in their district before they vote yes and ask themselves, what are they going to tell their constituents that will no longer have a job? That they have to sacrifice for the greater good? We have 20 million people in New York State. There's 900,000 or so uninsured. There are better ways to make sure that that small percentage of the State gets taken care of.

Medicaid for all is not the answer. I've talked to countless people on Medicaid, they hate the program. They have trouble getting to see doctors, specialty doctors. We are going to send thousands of jobs fleeing New York State. Think about that. Thank you. I vote in the negative.

ACTING CLERK AUBRY: Mr. -- Ms. Glick, excuse me.

MS. GLICK: Thank you, Mr. Speaker. To explain my vote. We stand alone in all of the industrialized nations by not having this type of universal coverage and an administrated government plan. When people were all losing their minds over Obamacare, they were standing out there, *Save my Medicare, keep government off my health care*. Because people didn't know their Medicare was a government administered program. We would be saving individuals who have small businesses that can't qualify as a group, who pay through the nose, have to have enormous -- they -- deductibles, just to have catastrophic coverage. We know that if people have access to health care earlier on, they will, in fact, be healthier. We pour money, in this country, out the door and we don't have the best medical outcomes in the world. That is left to other countries that have programs like this.

So -- and, of course, large corporations that have lots of part-time workers, keeping their salaries low, we pay for those folks because they're eligible for Medicare (sic). They're willing to work, but the corporation isn't willing to pay for their health benefits. This

is an appropriate measure for an enlightened 21st Century State. I am proud to vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Cahill.

MR. CAHILL: Thank you, Mr. Speaker. I applaud the sponsor, the lead sponsor of this measure and applaud his staying power for carrying this bill. It passed the first time in 1992 in this House, that is a long time ago, and I applaud him for his continued work on this legislation. And I also applaud my colleagues who on the floor today pointed out to us, very accurately, that this is not going to be simple; that it is not going to be easy, and that this measure is not perfect.

But I would ask us all to look at the alternatives. Go back home, your hospitals are collapsing. Talk to your family practice doctors, they are going bankrupt. Talk to the small employer who had just made the wrenching decision that he can no long -- he or she can no longer provide insurance for his or her employees. Talk to the folks who design these systems and ask them what the future holds. Talk to your county legislators and ask them what's bankrupting their budget. Look at our own budget, and look at what is growing in our budget, not just our Medicaid costs, but our employee health insurance costs are growing by leaps and bounds. This bill doesn't spend one penny more. This bill organizes the spending that we already have.

It is a not a perfect solution. It is not a simple solution, but how much longer are we going to wait for the Federal

government to come in and rescue us? How much longer do we have to wonder whether the health care that we pay for will be there when we need it? A vote yes on this bill is an answer yes to the question of whether health care will be here when we need it, for us, for our parents, for our children. I urge a yes vote, and I vote in the affirmative.

ACTING CLERK AUBRY: Mr. Barron.

MR. BARRON: Thank you, Mr. Speaker, to explain my vote. You know, I think this is a very, very timely bill. You know, there are countries all over the world, this government has as 4 trillion budget, \$4-plus trillion, yet, little countries like Cuba, struggling countries in Africa, struggling countries in Latin America and Europe, all can provide health care, free, single-payer, for their citizens, but this country can't. No, I think this will help small businesses. It would help individuals. It surely would stop bankruptcy, or put a halt to some of the health-related bankruptcy. This is the right thing to do. I just wish we would just tax the rich only, and not us, let them pay for everything, dividends and... and capital gains, let them pay the whole thing, and then tell us that they're going to leave, which they never do. Or say that it's going to shut businesses down and everybody's going to be unemployed. It never happens. You know, those baseless fears that they always subscribe to our bills that never, ever happen.

So, yes, corporations are leaving, but some are coming in. This is the right thing to do. And it's an improved

Medicare overall, improved Medicare for all, and I compliment the sponsor of this bill and I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Miller.

MS. MILLER: Thank you. I do thank the sponsor for recognizing that a change needs to be made. I really do. I believe that the insurance industry is broken. As I said, I've been battling this for most of my adult life. But, do you know how many people I've spoken with, from family members who've lived overseas, friends on Facebook with sick children that come here to get appointments with specialists because of the enormous wait times where they live; that they just can't wait when they have a sick family member. Not having any provision right now for long-term care in this plan is, frankly, scary. What happens for those individuals? I always advocate for addressing people and their individual needs. And the claim that you're covering offering all. All, it's like fitting everybody into a silo. All means all; you can't claim you're covering all when you're not covering all. This isn't survival of the fittest. It seems those that can't wait are getting left out.

I just feel -- you -- you said that this isn't a perfect solution, but it's -- it's not a tested solution. I just don't have confidence that it's ready yet. I agree that something desperately needs to be done, I just don't feel that it's ready yet.

ACTING CLERK AUBRY: Ms. Pellegrino.

MS. PELLEGRINO: Thank you, Mr. Speaker, to explain my vote. Make no mistake, this is a (sic) historic moment.

The New York Health is a landmark of progress and will benefit all New Yorkers. It is the right, compassionate thing to do, and it is the smart thing to do. As representatives of the public, we have a responsibility to make sure that every citizen, rich or poor, has equal access to health care.

Right now, our system is broken, and Washington is only making it worse. Here in Albany, we are sending a message to every New Yorker that we will not abandon them as Washington does. We will work together to make sure that our constituents and businesses and communities that make up our districts are healthy and strong. The New York Health Act guarantees that every New Yorker, regardless of wealth, income, age or preexisting conditions can access and afford the care that they need, whether it's primary or preventative, maternity, vision, dental, hearing care, prescription drugs or rehabilitation. It also removes the heavy burden of health care costs currently drowning small businesses, and hampering economic growth.

By passing the New York Health Act, my Assembly colleagues and I are sending not just the emphatic message that we care for the health of our constituents, but that our -- our economy and the general welfare of our State is our best importance. We should be proud of New York's progressive legislative history, and I for one am proud of being part of carrying on that legislative tradition here in the People's House. I'd like to thank and commend the sponsor of this bill, as well as the thousands of the advocates and the activists who

worked tirelessly to educate the public on the benefits of this bill. I withdraw my request and vote proudly in the affirmative.

ACTING SPEAKER AUBRY: Mr. Phillip Steck.

MR. STECK: Thank you very much, Mr. Speaker.

The comparison here is between premiums. It's not about tax increases or increased government spending, it's about a premium charged by a government compared to a premium charged by private insurers, plus the very, very high cost of paying for Medicaid through our taxes. Insurance is about spreading cost. Do I like my private insurer? I do, for the most part, but, there's no way my private insurer can compete when it spreads cost among its own subscribers as to compare it to spreading cost across 20 million New Yorkers.

Some of these arguments really are desperate. This is not Medicaid at all. Medicaid is a means-tested program that provides health insurance for the poor. There are a lot of regulations, a lot of supervision that goes along with that task, both of physicians and of the beneficiaries of the program. This is a program like Social Security and Medicare, it simply takes in money and pays claims. This is a job-creating bill because business needs to lower the cost of health insurance to expand. If health insurance costs are lower in this State, it will attract business to this State.

Finally, there is no comparison with the Veterans Administration. The Veterans Administration is socialized medicine, not a single-payer system. Many studies say, by the way that the VA is an outstanding health care system as a whole. That's not to deny

that in private insurance, the VA and any program, you're not going to have some horror stories that can be crowded out to try and discredit the VA, as the President has done in an effort to privatize that great and time-honored institution.

I feel that the single-payer designed by the Chair of our Health Committee is, as Assemblywoman Pellegrino said, historic. It needs to happen. I proudly vote in the affirmative. Thank you, Mr. Speaker.

ACTING CLERK AUBRY: Mr. Epstein.

MR. EPSTEIN: Thank you, Chair. I rise to explain my vote. I want to acknowledge that the system is broken now. It's broken for thousands and thousands of New Yorkers who face bankruptcies. People have lost wages because of health care. People who can't deal with their own health issues because they can't get preventative services. This bill is a critical solution to the problem, health care for all New Yorkers. Something that we should stand for and believe in.

As we -- as the sponsor has pointed out, this is going to improve the economy, provide jobs. And that's what we're about. That's why we're standing here. I encourage people to vote in favor of this bill. I'll be voting in favor of it. I withdraw my objection -- my opportunity.

ACTING CLERK AUBRY: Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. I think there are other alternatives that we, as a Legislature, should be

seriously considering. And I would start by the proposition that more people would be covered by health insurance if health insurance wasn't expensive as it is today. In fact, the cost elasticity of health insurance is very high. Running up to 1 percent increase in health insurance costs results in up to 1 percent drop in the number of people that are covered.

So, what can we do, short of outlawing all private insurance and having a complete government takeover in New York State? Well, we could start by looking at our own laws and rules and regulations that drive up health insurance. For example, this Legislature has approved over \$4.7 billion, billion on taxes on health insurance. Let's start by taking the taxes off health insurance so the cost goes down. Let's stop hiding taxes under health insurance premiums that are too high.

The other thing we've done is we've added one mandated coverage after another. We have now have over -- nearly 60 mandated coverages. You cannot buy a basic health insurance policy in New York. It's illegal. But there are a lot of our residents who would like to buy a basic health insurance policy that doesn't cost as much. And the sad thing is, as we've raised the cost of health insurance, as we've taxed the living daylights out of it, as we've added more and more mandates, what's happened is that our employers have added higher and higher deductibles and, as a matter of fact, you don't have any health insurance until you met the deductible.

So, maybe it would be helpful if we, as legislators,

focused on how we can reduce the cost of health insurance so that more people can be covered, rather than looking at a proposal that will triple or quadruple our costs. Thank you very much, Mr. Speaker.

ACTING CLERK AUBRY: Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker. I'd like to ask members of the Committee on Codes to join Mr. Lentol in the Speaker's Conference Room. Codes Committee in the Speaker's Conference Room.

ACTING SPEAKER AUBRY: Codes Committee, Speaker's Conference Room.

Mr. Morelle.

MR. MORELLE: Thank you, sir. I'd like to take a number of bills up off the debate list. I'll give you the first three that I would like to take up first: Rules Report No. 47 by Mr. Brindisi, which is on page 5 of the main Calendar, then go to Rules Report No. 60, 6-0, by Ms. Weinstein on page 7 of the main Calendar, and in this grouping, finish with Calendar -- or -- yes, Calendar No. 7-5 by Mr. Dinowitz on page 32.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A08164-B, Rules Report No. 47, Brindisi. An act to amend the Retirement and Social

Security Law, in relation to impairments of health, presumption and staph/MRSA.

ACTING CLERK AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

ACTING SPEAKER PICHARDO: Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10479, Rules Report No. 60, Weinstein. An act to amend the Local Finance Law, in relation to the sale of bonds and notes of the City of New York, the issuance of bonds or notes with variable rates of interest, interest rate exchange agreements of the City of New York, the refunding of bonds, and the down payment for projects financed by bonds; to amend Chapter 868 of the Laws of 1975 constituting the New York State Financial Emergency Act for the City of New York, in relation to a pledge and agreement of the State; and to amend Chapter 142 of the Laws of 2004, amending the Local Finance Law relating to interest rate exchange agreements of the City of New York and refunding bonds of such city, in relation to the effectiveness thereof.

ACING SPEAKER PICHARDO: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER PICHARDO: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, Mr. Speaker, to explain my vote. When New York City was on the edge of financial bankruptcy in the 1970s, we authorized them to sell bonds at a private sale without competitive bidding because they were having trouble selling the bonds to anybody. They're no longer in that situation. Every other municipality, with a few exceptions across New York State, they sell their bonds at a competitive bid; open, transparent, published and they sell the bonds to the highest bidder. And whenever you set up a situation where you don't have open, competitive, transparent financial transactions, and you have the possibility of making millions and millions of dollars of profit, you open the door for potential fraud, collusion, abuse, government corruption at any level.

So, the rationale to allow the City of New York to sell these bonds at a private sale, that rationale is no longer apply -- and it doesn't apply, hasn't applied in decades. We should require the City of New York to sell their bonds at an open competitive sale, just like municipalities all across New York State do and, thereby, reduce the likelihood of fraud and corruption. Thank you very much. As a result, I'll be voting no.

ACTING SPEAKER PICHARDO: Mr. Goodell in the negative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A01085-A, Calendar No. 75, Dinowitz, Weprin, Skoufis, Gottfried, Arroyo, Joyner. An act to amend the General Obligations Law, in relation to requirements for the use of plain language in consumer transactions.

ACTING SPEAKER PICHARDO: On a motion by Mr. Dinowitz, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect on the 180th day.

ACTING SPEAKER PICHARDO: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Morelle.

MR. MORELLE: Yes, thank you, sir. I'd like to take the following three bills up off the debate list in the following -- in -- in this order: Calendar No. 478 by Mr. Weprin on page 67; follow that with Calendar No. 7 - I'm sorry, excuse me - Calendar No. 576 by

Mr. Abbate, that's on page 76; and conclude this group with Calendar No. 748 by Mrs. Galef on page 85.

ACTING SPEAKER PICHARDO: The Clerk will read.

THE CLERK: Senate No. S05337, Calendar No. 478, Hannon (Weprin, Gottfried, Cymbrowitz, Mosley, Paulin, Dickens, DenDekker, Colton, Dilan, Zebrowski, Jones, Brindisi, Fahy, Hikind, Rodriguez, Pheffer Amato, Dinowitz, M. G. Miller, Titone, Vanel, D'Urso, Pellegrino, Crespo, Galef, Thiele, Magee, Ortiz, McDonald, Rivera, Ramos, Quart, Steck, Skoufis, Santabarbara, Benedetto, Cusick, Kim, Abinanti, Lentol, Carroll, Joyner, Hooper, Buchwald, Abbate, Taylor--A06838). An act to amend the Public Health Law, in relation to body imaging scanning equipment; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER PICHARDO: Read the last section.

THE CLERK: This act shall take effect on the 120th day.

ACTING SPEAKER PICHARDO: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Malliotakis to explain her vote.

Members, please.

Thank you.

MS. MALLIOTAKIS: I just wanted to --

ACTING SPEAKER PICHARDO: Proceed.

MS. MALLIOTAKIS: I want to commend the sponsor for this legislation. It is long overdue. This legislation is going to protect both inmates and officers at our correctional facilities. It's going to ensure that contraband, blades, drugs are being detected and it will prevent a lot of people from being injured and hurt in the future. So, thank you very much to the Speaker for allowing it to come for a vote.

ACTING SPEAKER PICHARDO: Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08057-B, Calendar No. 576, Abbate, Brabenec, Brindisi, Lupardo, Hunter, Walter, B. Miller. An act to amend the Civil Service Law, in relation to the minimum qualifications to serve as a fire chief in any fire department, fire district or fire protection district that employs five or more paid firefighters.

ACTING SPEAKER PICHARDO: Read the last section.

THE CLERK: This act shall take effect on the 30th day.

ACTING SPEAKER PICHARDO: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you very much, Mr.

Speaker. Last time this bill came up, there were 53 no votes because it applied to every single fire department across New York State, including the smallest volunteer fire departments. Many of our volunteer fire departments are wrestling with just having enough people on the roster to show up, and this would have made it almost impossible for them to get a chief, by imposing unreasonable training standards for volunteers. The bill has subsequently been amended to exempt volunteer fire departments and those fire departments that have four or fewer members that are paid. And, as a result, the Fire Chiefs Association has changed its position and I will, as well. And so, while I voted against it last year, I will be voting for it this year. Thank you very much, Mr. Speaker.

ACTING SPEAKER PICHARDO: Mr. Goodell in the affirmative.

ACTING SPEAKER AUBRY: Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08766-A, Calendar No. 748, Galef, Schimminger, Mosley, Cook, Gunther, Morinello, Lawrence, Errigo, B. Miller, Raia, Montesano, Giglio, Hawley, Crouch, Ortiz, DenDekker, Byrne. An act to amend the Public Authorities Law, in relation to the ceremonial designation of the "Bear

Mountain Bridge" as the "Purple Heart Veterans Memorial Bridge".

ACTING SPEAKER AUBRY: On a motion by Mrs. Galef, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker. I'd like to take one more bill off the debate list, if I can: Calendar No. 829 by Mr. Abinanti on page 89 of that Calendar.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. -- Assembly No. A01992, Calendar No. 829, Abinanti, Rozic, Skoufis, Crespo, Cook, Hikind, McDonough, Palumbo, Santabarbara, Hooper, Zebrowski, Gottfried, Steck, Simon, Mosley, Jaffee, Barron, Blake, Solages, Cahill, Colton, Brabenec, Englebright, Weprin. An act to amend the Transportation Law, in relation to the creation of a toll-free hotline and a website where motorists can report potholes.

ACTING SPEAKER AUBRY: On a motion by Mr. Abinanti, the Senate bill is before the House. The Senate bill is

advanced. Read the last section.

THE CLERK: This act shall take effect on the 120th day.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Fitzpatrick to explain his vote.

MR. FITZPATRICK: Thank you, Mr. Speaker. On behalf of Mr. Abinanti, let me just say thank you to everyone for their support of this legislation, which he has worked very, very hard on and looks forward to a great success for our motorists who traverse the State of New York. Thank you.

(Laughter)

ACTING SPEAKER AUBRY: Well, that changed my vote.

(Laughter)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Morelle.

MR. MORELLE: I do want to, Mr. Speaker, thank Mr. Abinanti for exercising restraint during that roll call.

(Laughter)

We should all model ourselves after him.

(Laughter)

I'd like to continue consenting, sir, beginning on page 16 of the main Calendar, Rules Report No. 164 by Ms. Simotas.

ACTING CLERK AUBRY: The Clerk will read.

THE CLERK: Assembly No. A08401-C, Rules Report No. 164, Simotas, Otis, Dinowitz, Dickens, Quart, De La Rosa, Niou, Rivera, Mosley, Barron, McDonald, Zebrowski, Crouch, Simon, Gottfried, Cahill, Giglio, Hevesi, Pellegrino, Galef, Glick, Weprin, L. Rosenthal. An act to amend the Public Health Law and the Executive Law, in relation to establishing a sexual assault victim bill of rights; and to amend the Executive Law, in relation to maintenance of sexual assault evidence, establishing a victim's right to notice prior to destruction.

ACTING CLERK AUBRY: Read the last section.

THE CLERK: This act shall take effect on the 180th day.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08402-A, Rules Report No. 165, Abbate, Colton. An act to amend the Retirement and Social Security Law, in relation to transfer of retirement membership for certain employees of SUNY within the Professional, Scientific and

Technical Bargaining Unit.

ACTING CLERK AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08686-A, Rules Report No. 166, Barnwell, Dickens, Vanel, Weprin, Williams, Crespo, Hevesi, Simotas, Lavine, Seawright, Quart, Taylor. An act to establish a commission to be known as the "New York Seawall Study Commission"; and providing for the repeal of such provisions upon expiration thereof.

ACTING CLERK AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Barnwell to explain his vote.

It shouldn't be as long as the wall is going to be.

MR. BARNWELL: No.

(Laughter)

I appreciate you allowing me to explain my vote.

Thank you to Chairman Englebright for helping me pass this bill, and his staff, which was -- which were great. So, just so -- I know I have two minutes. So, to show how important a seawall is, in Galveston, Texas in 1900, it was a Category 4 hurricane that struck -- that struck the -- the island. And there was not a seawall there at that point. Eight thousand to 12,000 people perished. Okay? That was the -- the worst national disaster in the history of the United States in regard to people dying. A Category 4 hurricane struck there in 1915 after they built the seawall, 53 people died. Now, while that's tragic, compared to thousands upon thousands of people, obviously, it's -- it showed the seawall did -- did its -- did what it was supposed to do. So, this bill will study where we should put a seawall in New York City, and that's really it. So, thank you for allowing me to explain my vote. I -- I don't want Hevesi's vote, so that's okay.

(Laughter)

But everyone else, please vote for the bill. Thank you.

(Laughter)

ACTING CLERK AUBRY: Mr. Hevesi to explain his vote.

(Laughter/Applause)

MR. HEVESI: Will Mr. Barnwell yield for 12 questions?

(Laughter)

ACTING SPEAKER AUBRY: Inappropriate. Sit

down.

(Laughter)

MR. HEVESI: That's good to know.

ACTING SPEAKER AUBRY: Ms. Malliotakis to explain her vote.

MS. MALLIOTAKIS: I'm just so happy to see that so many people on the other side of the aisle are in support of building a wall. Thank you.

(Laughter/Boos)

ACTING SPEAKER AUBRY: Mr. Raia to explain his vote.

MR. RAIA: I'm actually not going to make a joke here. If you build -- if you build a wall across Manhattan, that water's got to go somewhere, and I know where it's going to go, all over Long Island. So, I would hope that any study that takes place will take a look at the ancillary effects on what will happen to Long Island. Thank you. But I will vote yes.

ACTING SPEAKER AUBRY: Mr. Raia in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08704-A, Rules Report No. 167, Magnarelli, Braunstein, Taylor, Gunther, Santabarbara, D'Urso, Hunter, Cook, Lavine, DenDekker. An act to

amend to amount the State Law, in relation to designating "Here Rests in Honored Glory" the Official State Hymn of Remembrance in honor of all American veterans.

ACTING CLERK AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Castorina to explain his vote.

MR. CASTORINA: Actually, will the sponsor yield, Mr. Speaker?

ACTING CLERK AUBRY: Too late for that, Mr. Castorina, only can you explain.

MR. CASTORINA: I was -- well, I was just hoping that Mr. Magnarelli could hum a few bars, because I'm not familiar with the song.

(Laughter)

Thank you.

(Laughter)

ACTING CLERK AUBRY: Mr. Castorina in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08705-A, Rules

Report No. 168, Cusick, Seawright. An act to amend the Banking Law, in relation to requiring a notice to be posted on all automated teller machines regarding skimming.

ACTING CLERK AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A08743-A, Rules Report No. 169, Pheffer Amato, M. G. Miller, D'Urso, Jones, Weprin, M. L. Miller, Hyndman, D. Rosenthal, DenDekker, B. Miller, Rozic, Carroll, Quart, Hevesi, Barnwell, Braunstein, Cusick, Simotas, Titone, Vanel, Aubry, Titus, Cook. An act in relation to prohibiting the imposition and collection of a fare, toll, rental, rate, charge or other fee on the Cross Bay Veterans Memorial Bridge.

ACTING CLERK AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Pheffer Amato to explain her vote.

MS. PHEFFER AMATO: Thank you -- is it on?

Okay. Thank you, Mr. Speaker, for the opportunity to explain my vote. The purpose of this bill is to end the inequitable, unjustified and undeniably burdensome toll on the Cross Bay Veterans Memorial Bridge, a bridge that runs directly through my Assembly District, and the only tolled interborough, intercounty bridge in our State. The Cross Bay Veterans Memorial Bridge carries the Cross Bay Boulevard through Broad Channel and Jamaica Bay to the

Rockaway Peninsula. Both sites -- both sit in the Borough of Queens. The toll on the Cross Bay Bridge was implemented only to cover the cost of construction, and at that time started at 10 cents per trip. The toll -- toll has since grown to \$4.25 per trip. Queens residents are required to pay the toll several times a day in order -- in order to go to and from work, to their local precincts, transport children back and forth to school, and do your everyday errands, and especially to go to the beach.

This toll divides our community. It artificially creates an economic barrier. It hampers tourism, and keeps the areas most impacted by Superstorm Sandy from having a full and thorough economic recovery. This toll has outlived its original stated purpose of paying for the bridge, and has absolutely no purpose, besides supplementing the MTA budget on the backs of hard-working Queens families. I am certain the cost of ending this toll would be made up several times over with the freedom and ease and the access that would bring to the South Queens communities and the Rockaway Peninsula. Eliminating this toll on this bridge is now -- the time is now to do this. I am not the first to take this step, but I hope to be the last. It is inequitable for my community, and I appreciate this Chamber's support. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mrs. Pheffer Amato in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08798-A, Rules Report No. 170, Quart. An act to amend the Criminal Procedure Law, in relation to orders of adjournment in contemplation of dismissal and sealing of defendant records.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A08869, Rules Report No. 171, Thiele, Titone, Zebrowski, Pellegrino. An act to amend the Public Service Law, in relation to energy conservation and lost revenues.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A08881, Calendar 1 -- Rules Report No. 172, Magnarelli, McDonald, Santabarbara. And act to amend the Not-for-Profit Corporation Law, in relation to the effective date for the tax exempt status of the real property of a land bank.

ACTING CLERK AUBRY: On a motion by Mr. Magnarelli, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08888-A, Rules Report No. 173, Gunther, Jaffee. An act to amend the Mental Hygiene Law, in relation to telepsychiatry.

ACTING CLERK AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.

The bill is passed.

THE CLERK: Assembly No. A08983, Rules Report No. 174, D'Urso, Williams, Cook, Errigo, Galef. An act to amend the Vehicle and Traffic Law, in relation to tire safety.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A09010, Rules Report No. 175, Abbate, Weprin. An act to amend the Retirement and Social Security Law, in relation to disability retirement benefits for sheriffs, deputy sheriffs, undersheriffs, and correction officers in Nassau County.

ACTING SPEAKER AUBRY: On a motion by Mr. Abbate, the Senate bill is before the House. The Senate bill is advanced. Home rule message is at the desk. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A09540-A, Rules Report No. 176, Ryan. An act to authorize the County of Erie to offer an optional 20-year retirement plan to certain deputy sheriffs employed by such county.

ACTING CLERK AUBRY: On a motion by Mr. Ryan, the Senate bill is before the House. The Senate bill is advanced and the Home rule message is at the desk. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A09596-A, Rules Report No. 177, Weinstein. An act to amend the Tax Law, in relation to the enforcement of delinquent tax liabilities by means of the suspension of licenses to operate a motor vehicle.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A09627, Rules Report No. 178, Dinowitz, De La Rosa. An act to amend the Public Authorities Law, in relation to allowing two automatic free transfers for riders using pay-per-ride MetroCards.

ACTING SPEAKER AUBRY: The bill is laid aside.

On a motion by Mr. Dinowitz, the Senate bill is before the House. The Senate bill is advanced. The bill is laid aside.

THE CLERK: Assembly No. A09651-B, Rules Report No. 179, Cusick, Simotas, Pellegrino. An act to amend the Real Property Tax Law, in relation to authorizing an exemption from taxation for certain energy systems.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect March 1st, 2019.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10082-B, Rules Report No. 180, Titone, Jean-Pierre, D'Urso, Mosley, L. Rosenthal, Englebright, Ortiz, M. G. Miller, Dinowitz, Ra, Montesano, Murray, McDonough, Niou, Gunther, Williams, Weprin, Colton, Norris, Byrne, Glick, Blake, Cook, Skoufis, Brabenec, O'Donnell, Woerner,

Davila, Galef, Santabarbara. An act to amend the General Business Law, in relation to certain lease agreements concerning dogs and cats.

ACTING SPEAKER AUBRY: On a motion by Mr. Titone, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect on the 90th day.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10193-B, Rules Report No. 181, Hunter, Barron. An act to amend the Multiple Residence Law, in relation to unlawful occupation.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. 10198-A, Rules Report

No. 182, Pellegrino, Seawright, Barron, Lavine, Raia. An act directing the Department of Transportation to study the weight limitations for fire vehicles with pneumatic tires.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10251, Rules Report No. 183, McDonald. An act to amend to authorize the City of Cohoes, in the County of Albany, to offer certain retirement options to Police Officer Jeffrey Bressette.

ACTING SPEAKER AUBRY: Home rule message is at the desk. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10311-B, Rules

Report No. 184, Wallace. An act directing the Commissioner of the Division of Homeland Security and Emergency Services to develop a plan to increase the number of skills required as part of the Firefighter Certification, or the Firefighter Recruit I and II Certifications, which can be completed at a trainee's home department or online.

ACTING CLERK AUBRY: Read the last section.

THE CLERK: This act shall take effect on the 90th day.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker.

Members have on their desks an A-Calendar. I now move to advance the A-Calendar.

ACTING SPEAKER AUBRY: On Mr. Morelle's motion, the A-Calendar is advanced.

Mr. Morelle.

MR. MORELLE: Yes, thank you, Mr. Speaker. I'd like to directly take up Rules Report No. 228 by Mr. Skoufis on page 5 of the A-Calendar.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A09969-A, Rules Report No. 228, Skoufis, Brabenec. An act in relation to the formation and -- of and elections in new towns.

ACTING SPEAKER AUBRY: On a motion by Mr. Skoufis, the Senate bill is before the House. The Senate bill is advanced. Home rule message is at the desk. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker. Ladies and gentlemen, thank you for your cooperation today. I do note a couple of things, just for people's edification. Next week will be long days, long nights, so be prepared. The fewer questions I get about what time we're leaving will be better for my psyche next week.

(Laughter)

And for all of you, I'm sure, as well.

(Laughter)

I -- I do note that neither Mr. Crouch nor Mr. Otis have announcements to make this afternoon. But -- but, ladies and gentlemen, just a moment, please. In just a moment, Mr. Speaker, I

would ask for any further housekeeping and resolutions. But before I do that, there is a privileged resolution by Ms. Solages, and I understand a number of members would like to speak to it. So, if you would put that up on the floor right now, I'd appreciate that.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly Resolution No. 1376, Ms. Solages. Legislative Resolution commemorating June 14th, 2018 as Flag Day.

ACTING SPEAKER AUBRY: Ms. Solages on the resolution.

Mr. Barron on the resolution.

MR. BARRON: Thank you very much, Mr. Speaker. I rise on this particular resolution -- Mr. Speaker, could we get some...

ACTING SPEAKER AUBRY: Certainly. Ladies and gentlemen, shh.

MR. BARRON: I rise to speak on this resolution because many Americans were quick to point out the racism in the Confederate Flag, but they fail to point out the racism in the American Flag.

(Boos)

It has affected many of us --

Mr. Speaker, could you tell them to stop the rude booing and not mess with my time.

ACTING SPEAKER AUBRY: We will -- we will be respectful of all views, please.

MR. BARRON: If you don't like it, get up and say something.

The American Flag, Americans don't want to point out the racism in the American Flag. The Declaration of Independence said that we hold these truths to be self-evident, that all men, not women, not black people, not Africans, white men are created equal with certain inalienable rights, those -- and the pursuit of life, happiness and all of that stuff. It wasn't applied to us. In that very declaration, when you look at its complaints, it was a list of complaints against the King of England. The complaints was taxation, with -- no taxation without representation. There were complaints about how the Army was treating them terribly. There were also complaints about how they couldn't even trade with other countries. But there was another complaint in there that said they was upset with the King because the King incited insurrections amongst them, and caused the Indian savages to fight in warfare against them. This is how this country started. Then after they finished their Revolutionary War, Betsy Ross and Francis Hopkinsons (sic) -- whoever you determine, stitched the first flag, the American Flag. While they were stitching the flag, we were catching stitches in slavery, suffering from some of the most brutal treatment the human mind could conjure up.

And then you had Francis Scott Key, who came along with *The Star Spangled Banner*. And Francis Scott Key was an attorney, he was a -- a prosecutor, and he was a slaveholder. And he

saw in 1812, during the 1812 War, in 1814, Fort Henry (sic) was being bombed, *The bombs bursting in the air*, and Francis Scott Key, a slaveholder, a racist, started to pen *The Star Spangled Banner*, which you love so much. There's a stanza in that that they don't say anymore. When he talked about the hurling and the slaves that he said should be in their graves, because there were mercenaries, American mercenaries, hired by the British Royal Navy to fight against America, and enslaved Africans were also encouraged to fight against America, because they would be granted their freedom. So, they left that part out. But, in fact, it was the British who was looking to abolish slavery. So, the colonies didn't want to abolish slavery, they already stole the land from the indigenous people, then stole us, so they decided that they would have a revolutionary war because of they -- the way they were treated.

That's the real American history. That's what this flag means to me. So, when I see you pledge allegiance to this (indicating), you have your politics, I have mine. So, on behalf of all the NFL players who their white owners are telling them if they want to protest The National Anthem, they have to go in the locker room and do it, I tell them to be men, to stand up like men and protest this flag, because it has the same symbolism as the Confederate Flag to some of us, because it was born in racism.

With that, I want to do this for the soldiers with my last time left. For those who are in the NFL, when they play the National Anthem, this is what you should do to The National Anthem

-- (inaudible/steps away from mic)

(Kneeling/indicating)

MEMBER: No props. Point of order.

ACTING SPEAKER AUBRY: Mr. --

Mr. Ra has a Point of Order.

MR. RA: The Rules of the Chamber prevent the use of props, Mr. Speaker.

ACTING SPEAKER AUBRY: Your Point of Order is well taken.

Please, members, we do not use props in the House as we speak.

Mr. Raia on the resolution.

MR. RAIA: Thank you, Mr. Speaker. I'm -- I'm not using a prop, I'm just going to point what's already on my desk. But on behalf of the countless Americans that have died in war, in battles, protecting our ideals, it's -- it's very fulfilling to know that the reason the prior speaker can get up and do what he did is because of what that flag stands for. Thank you, Mr. Speaker.

(Applause)

ACTING SPEAKER AUBRY: Mr. Ra.

MR. RA: Thank you, Mr. Speaker. You know, this resolution recognizes -- and there's a reason we recognize June 14th as Flag Day. Way back in 1777 in the Second Continental Congress, they adopted the Stars and Stripes as the flag of this country. And there's a lot of symbolism in our flag. The colors of the flag

symbolize things. The red symbolizes hardiness and valor, the white symbolizes purity and innocence, and blue represents vigilance, perseverance and justice. And I've got to tell you, the highlight of my day today was listening to those school children in the back recite our Pledge of Allegiance when we started Session today.

So, are we perfect as a country? No. But we should never stop striving to be better. But that flag stands for that continuing striving to be what Ronald Reagan called *mankind's best hope*. So, I'm proud to recognize today as Flag Day. I commend the sponsor for this resolution and I thank my colleagues for supporting it. Thank you.

ACTING SPEAKER AUBRY: Mr. Lalor.

MR. LALOR: Thank you, Mr. Speaker. If you believe that the United States of America for which our flag stands has been anything but a force for good in the world, on balance, has been a force for human freedom over the last 240 years, if you don't believe that, you're really not paying attention to history. We're imperfect, but if you look at what the United States has done on balance in our history, we have liberated people, we have liberated continents; we have set an example for the world. Our soldiers not only defend us, we defend other countries. We have provided humanitarian relief. And as we speak right now, thousands of Americans are around the world providing for other countries. We've asked for very little in return.

Last week was D-Day, the commemoration of

D-Day, 74 years, and you think about all the American lives lost in Europe, and the only land that the United States holds in Europe, in France on those beaches are the American cemeteries. And I think that says a lot. And when I think about the flag, I think of flag raisings, like on Mount Suribachi and Iwo Jima when imperial Japan was trying to take over the world. A brutal, brutal regime was stopped. And a big part of that was the Pacific Campaign, and a big part of the inspiration behind the success of that campaign was our Marines raising that flag on Suribachi.

And you fast-forward a couple of decades, President Kennedy said, *I want to go to the Moon by the end of the year -- by the end of the decade*, and we were there by 1969. And what did we do on the Moon? We raised that flag as a symbol of our ingenuity, as a symbol of our determination, as a symbol of pushing boundaries and trying to expand our horizons. And remember that day 17 years ago, September 11th, 2001, a dark, dark day; 3,000 Americans killed. The beginning of the recovery started when three New York City Firemen raised that will flag down on Ground Zero, not that far from here.

And on a personal note, when I was a young Marine carrying a machine gun in Iraq in the early days of Operation Iraqi Freedom, we got our first mail call on -- on Easter Sunday in 2003. And I got some -- I got some cookies and some -- some notes from my family members, and my father also included American -- an American flag in that care package. And we put it up in what we called our "hooch". We presented it and flew it proudly. And soon all

the other squads and platoons in our unit wrote home and said, *Hey, send us a flag*. And all these young Marines, long -- a long way from home, drew inspiration and hope from having that flag near us every day.

So, I am very proud of our flag. I'm proud to say I defended it. I think everyone in this room should defend it, we all -- we all took an oath to defend our Constitution. I think we should do that. And Flag Day, an important day, I'm glad that we have this resolution and I commend the sponsor. Thank you.

ACTING SPEAKER AUBRY: Mr. Ashby.

MR. ASHBY: Thank you, Mr. Speaker. I, too, would like to acknowledge the importance of this resolution and thank -- thank the sponsor for bringing it up. I would hope that my colleague, Mr. Barron, would acknowledge also, not only the mistakes that were made in the past, but the growth that this country has afforded all people, and continues to afford all people. And would also look around this room and the support of our flag, and what it continues to do for people around the country and the world. And that's not possible without young men and women laying down their lives every single day, every day, so we can perpetuate this great experiment, and continue on with the freedoms that we hold so dearly, and to even allow for some of the things, whether they were spectacles or demonstrations that took place today, they embrace that, they protect those very freedoms. So I would hope that my colleague would also acknowledge that today, and I'm proud to support this

resolution. Thank you.

ACTING SPEAKER AUBRY: Mr. Epstein.

MR. EPSTEIN: Thank you, Mr. Speaker. The right to protest is enshrined in the U.S. Constitution. Exercising that right is a highest form of patriotism. Increasingly, we see shameful efforts to stifle Americans who speak out against many injustices in our country: Systemic racism, sexism, income equality, poverty that breeds these atrocities, police brutality and mass incarceration that people of color are subject to every day. Eight-nine percent of the 8,000 people sitting in Rikers Island are Black and Latino. Seventy-nine percent are awaiting trial. Kalief Browder sat in Rikers for three years without having ever been convicted of a crime, and then he took his own life.

In New York City we see -- witness these horrors every day, like the -- the killing of Eric Garner. We owe those who have suffered such grave injustices the ability to speak out, like Colin Kaepernick has on the national stage. Risking his own career, he's used this platform to push forward the issues around racial injustice and police brutality in this country. His peaceful act of taking a knee during the national anthem has earned him undue retaliation that has jeopardized his career.

Here in our own backyard, in Albany, peaceful protesters, the Poor People's Campaign, have been intimidated with frivolous bills for their peaceful actions here in this Chamber, in this building. It's an outrageous effort to attempt to silence those who are

standing up for the rights of people who have been historically marginalized.

So, in the spirit of Flag Day, I would ask my colleagues to sit and reflect on the origins of our country, the values on which it was founded on, dissent and protests, the revolutionary spirit the flag represents. Let's ensure that we're living up to those values every day. Thank you.

ACTING SPEAKER AUBRY: Ms. Glick.

MS. GLICK: Thank you, Mr. Speaker. I had no intention of speaking on this measure. Flag Day, June 14th, in my home, was always celebrated as my parents' anniversary. So, it sort of overshadowed the meaning of the flag. But in hearing the conversation today, I think back, it is an imperfect country. We strive, but there are principles that are alleged that attend to this flag.

Throughout our history, there have been actions by the government that have tarnished that flag. In World War II, Americans responded to the cries of Europeans, particularly the Brits, who stood up to Nazi atrocities. And we responded. But there were also people trying to flee the Nazis, and this country denied them refuge, just as this country today is denying refuge to people fleeing violence that is beyond our personal imaginations.

Most recently, this flag has been tarnished with the disgraceful and outrageous tearing apart of families at the border, removing children from their families, from their mothers and fathers. That is not what this flag is supposed to stand for. We are not

supposed to stand for undermining the very basic humanity of people, and that is what is being done in our name today by our government. It is shocking, it is horrifying, and I do not believe there is another Administration in memory -- I don't believe that Ronald Reagan, for all of the reasons I disagreed with him, I don't believe Ronald Reagan, who believed there should be a path to citizenship for people who were here without documentation - as there have been people who have come to our shores without documentation since we became a country - I do not believe, that he would be proud of what is happening today in our name.

So, I celebrate the freedom and the hope and the promise that the flag is -- has always been intended to be a beacon across the world, but that beacon has been shut off and it no longer represents the hope, the dream. And it is because I have taken an oath to uphold the Constitution, I stand here today to say these words because the beacon should not be shut off, it must be reignited. Democracy must be restored. And this flag will, again, be a beacon to the world.

ACTING SPEAKER AUBRY: Mr. Taylor.

MR. TAYLOR: Thank you, Mr. Speaker. Like so many of my colleagues, I, too, am a former military -- proud to serve in the military as a military police officer and all that it represented. And still, I rise because of the hope that the flag offers, but I -- I think we are disillusioned if we stand here today and do not believe that this flag encumbers all of those things that my colleague pointed out.

But, yet, we must strive on. There's so many things that we need to accomplish, but we have to, I think, begin with understanding these things have happened. It exists. It's part of our history, and we can't have one without the other. And when we speak to those things I think it's offensive, at least I feel offended, that some folks will talk about how great this is. You know, it wasn't great growing up in the South where I was. And when I leave here, I drive all the way to New York City with a bow and tie on, because when I'm stopped by police, I want to make sure that there's room for discussion. I live in that world. I live in two worlds. And when you're driving, it doesn't matter what you've done, it really -- you don't have to do anything.

So, I live in a world that I -- I thank and I try to honor this flag, but I live in a culture that doesn't honor who I am. I live in a place where people are bigoted and they see my skin complexion before they see me. I instruct my son that when he drives his vehicle, *Take no people with you.* I instruct my son that when he's stopped, *Turn on the light* -- I run a whole drill about my child and what he should do when stopped by the police. I don't know if my colleagues across the aisle living beside me have that conversation -- have ever had that conversation. I want my child home. And I'm concerned when he's stopped by law enforcement. All law enforcement is not bad, but sometimes our complexion makes people nervous. And to make him at ease, I tell my son: *Do this, do this, and do this.* And he's graduating from Penn State. He's going to be fine. He's a

wonderful young man. But he needs to understand the rules of the game.

And so, we live in an imperfect society. But let us not forget that a lot of folks labored to make these stripes. And, again, I put on a uniform, I served to -- and I took the oath to protect this country. And I do. I honor that. But, I -- I want us to be on a fair, level playing field when we have a discussion about the past, because people kind of romanticize the past, and the past may have been those things for you, but not in my neighborhood.

And -- and so, if we're going to be here and we're going to represent this great State, we have to realize that there are a lot of people that didn't have, and whether you want to acknowledge it or not, folks are privileged. Privileged. And it may not, it's just the way life is in your neighborhood. But in my neighborhood, it's different. So, I just want us to -- and, again, I want to commend the Speaker for -- I'm sorry, my colleague for introducing this resolution. And on Flag Day we should celebrate. But in that celebration, just look back at where we've come from and where yet we have to go to. That's the purpose of the flag: To remind us where we've been and where we yet have to get to. Thank you, Mr. Speaker.

(Applause)

Mr. Colton.

MR. COLTON: Mr. Speaker, you know, I have always believed that there are certain principles that we must follow, and there are certain aspirations that we have all have and concerns

and needs. And it is by bringing people together that we have the best chance of achieving those aspirations and meeting the needs and concerns of others. There is no one in this room who is perfect. There is no nation in this world who is perfect. Human nature is such that there is evil in the world. But I don't intend to concede the value and the symbolism of a flag, of a flag that people have died for. They are not dying for evil things or bad things that might have happened, they are dying because they believe in certain principles and aspirations. And it is by focusing on those principles, we aspire to freedom, we aspire to democracy, we aspire to bringing out the best in people. That is what the flag symbolizes.

Have we achieved it? No. Is it, in fact, true that there are many wrongs and injustices, many people who have suffered from racism, from hunger, from all kinds of things that are bad? That may be true, but I don't intend to concede the aspirations that our flag represents, and that's why I wear a flag on my lapel every day. Because we must concentrate on bringing people together, on aspiring to do better. And when we concentrate on the things that we have in common, we can overcome the things that are bad that don't belong as part of our nation, as part of our world.

So, yes, I believe we can honor the flag as a symbol for our ideals and our aspirations. And I believe we must work to overcome the many evils that do exist throughout the whole world, not just in our nation, in every nation. And by doing that, we have the best chance of overcoming them. So, I want to commend the sponsor

for introducing this resolution. And I see it as a resolution that recognizes the ideals and the aspirations of this country and of all people of good will, to overcome the things that we are not proud of, to bring us together to achieve the good and the ideals that we should be aspiring to. So, I believe that we need symbols, and I think we should try to bring out the good in the symbols that we unite around.

ACTING SPEAKER AUBRY: Mr. Crespo.

MR. CRESPO: Thank you, Mr. Speaker. On the resolution. I -- I, too, was not expecting to share some thoughts, but something that I -- I must share. And, for one, I appreciate the history lesson that was presented to us. Those are not stories, those are facts about who we are as a nation and what we've been through and a history that many may want to brush off or wash off, but cannot be forgotten. Especially when we're reminded of it every single day in policies that we're attempting to change here in this Chamber.

But I must say this -- and there's a lot of things that I could, you know, talk about, but some have already been well-presented, the treatment of immigrants being one of them; the treatment of people of color in our policing and -- and over-policing in some communities is another. But I want to touch on a number, 4,645. For those of you who are not familiar with that number, that is the number in a recent Harvard study of the -- of deaths in Puerto Rico because of Hurricane Maria. And I mention that number in reference to this flag, because I was born in Puerto Rico, I'm an American citizen, and proudly will support this resolution and proudly have this

flag on my desk, because I'm an American citizen. American citizen because I was born in Puerto Rico. American citizen because for the last 100 plus years, Puerto Rico has been a part of this nation, but as a colony. Call it a commonwealth if you want to be poetic about it. Make no mistake about it, it's a colony. A colony that saw the most devastating natural disaster in its history, thousands of American citizens died, and it's still begging in Congress for some assistance. And -- and yes, some things have been done, but make no mistake about it, the treatment of the people of Puerto Rico and the U.S. Virgin Islands has been a stain and an insult to the very democracy we all want to celebrate.

And -- and I'll remind folks that, you know, when they talk about the military and our veterans and, yes, I celebrate each and every one of them as well, including the thousands upon thousands, the hundreds of thousands over the years of Puerto Rican veterans who have also died, who have also served, and who wherever they are in Heaven now are looking down of the embarrassment of the treatment of their lineage by the very country and flag that they sacrificed to defend.

So, what -- what I suggest is that while I celebrate this flag - and we all have should - and we all, as been eloquently stated by other speakers, you know, need to aspire to the very best of what we stand for and -- and understand that yes, there are very negative things and stains in history that we won't be able to forget, or deny. There is no symbol that is pure. On Earth, everything carries

with it the good and the bad; it's just a balance of life. I am a person of faith. And, yet, the very teachings and the very book that I base some of that is stained as well by -- by its own history. Things that have been done in the name of He who I credit with life, are not necessarily a great history to-- to acknowledge, but -- but they're true.

And so, much like that, this is another one. I celebrate this flag. I want my community in Puerto Rico to continue to be proud American citizens. And I believe that the issue of status for all the territories needs to be resolved in order for every American to feel like an American. I can't begin to tell you how many tears -- how many -- how many families have been destroyed because of a tragedy, and the very flag that we've been... I don't want to say forced, although, you know, we're talking about facts and history. Puerto Rico didn't call on -- people in Puerto Rico didn't call on the American government to invade back in 1898, but -- but the Americans came in and liberated us from Spain, yet, made us a part of the American experiment, only to treat us differently over the years.

So, on behalf of every Puerto Rican who has fought in a war to defend this flag, on behalf of the 4,645 lives lost in Puerto Rico because of Hurricane Maria, and their families still struggling, I ask all of you who are voting for this and who want the very best for our nation and who support this flag, to remember them, as well, and to acknowledge that if we are to become all those great things that this flag represents, then we need to start being honest about the faults that we have. We need to start addressing these things in a very real way

and putting aside partisan politics and just treating Americans for what they are: The very people promised life, liberty and the pursuit of happiness. I'll be voting -- support the resolution.

ACTING SPEAKER AUBRY: Mr. Pichardo.

MR. PICHARDO: Thank you, Mr. Speaker. And a lot -- like a lot of my colleagues, I wasn't planning on speaking on this resolution, but I was moved to do so from the conversations that have been having back and forth about the symbolism and what this flag means. And I've always tried to come to grips for myself and what this flag symbolizes for myself, for my family, for my fellow Americans of all races, colors, creeds, sexual orientations, and the like. I know that this flag is stitched together by the sacrifices of many Americans throughout the ages to push for a more perfect union. It is stitched together like heroes who participate as part of the Tuskegee Airmen, or particular, Dr. Roscoe Brown, who is the President of Bronx Community College that I have the honor of representing, and suffered the injustices from his entire life so that he is considered as American as any of my colleagues. It is like my brother, Jose, who served in the 101st Airborne during Operation Iraqi Freedom and served his country valiantly with dignity to the point that he is such a humble man, he doesn't talk about his experiences, but at the same time, I know that inside he is proud that he served his country valiantly and proudly.

Ultimately, what we are trying to accomplish here and remember what this flag means is to push the idea that we are

striving for a more perfect union. But at the same time, we need to acknowledge the black marks in the past that have represented this flag, like 100 years ago I'm pretty sure I wouldn't be able to share the same bathrooms as some of my colleagues are. The idea that right now, as my colleague so eloquently stated, that there are 4,645 lives that were lost because of the ineptitude and the ignorance of our Federal government to intercede and support them in their time of need. My wife is Puerto Rican. My daughter is Puerto Rican. My nephew, who was born yesterday, is Puerto Rican. They deserve, and our families deserve to have the same rights and respect that any other American in this Chamber or across the country deserve to have. We need to make sure that folks, regardless of their race, their creed, their skin color are respected, because that is what these ideals of this flag are supposed to signify. Again, it's been said that this experiment hasn't been perfect, but it is our duty to call out individuals who push our communities further apart. But more importantly, recognize the stains and the injustices that have allowed certain people to get into power.

Now, what this -- what this flag also means for me is that a young man from the Dominican Republic back in the 1970s was able to emigrate here, meet his wife, start a family, and that his son would be to sit in this Legislature, debating bills as impactful that will reverberate for this entire country. That's what also this flag means to me. But at the end of the day, we need to make sure that we look at this holistically and never forget our brothers and sisters either in

Puerto Rico or anywhere else in the world, and that the American exceptionalism that I believe in is that we open our hands and we open our hearts to help our brothers and sisters in need. I proudly support this resolution.

ACTING SPEAKER AUBRY: Mr. Murray.

MR. MURRAY: Thank you, Mr. Speaker. I'm speaking now because I have so many mixed emotions, because listening to my colleagues and some of the things they say, you're right, we have black marks, we do have some bad times in our history, and as they say, *Those who choose to forget history are doomed to repeat it.* We don't want those things repeated. At the same time, this flag, it means something different to everyone. It's a symbol. It symbolizes this great nation. It symbolizes that we strive to be better. It symbolizes the -- the continuing effort to get past some of the bad and to be as good as we can. I don't think I've ever found the flag of Utopia because I don't think it exists. There's nothing perfect in this world, but we're trying.

We have millions of people every year trying to come to this nation because it represents hope. It represents opportunity. Men and women willing to lay their lives on the line and -- and give it all to preserve these freedoms and this opportunity to -- for those, I actually -- I feel sorry for those that see this flag and see doom and despair. I really feel sorry for you if you just see negative when you see this flag, because I see hope. I see freedom. I see goodness. As one of my colleagues said before, in one of our darkest times in our

history in our lifetime, when we were attacked, this nation was attacked, we were down, we were hurting, we were in tears, we were struggling to find hope. And you know what brought it to us? When we did raise that flag right after September 11th. And it brought us all together. All of us, not asking what is your party affiliation, it didn't matter about race or religion or gender, it mattered that we were all Americans, we were in this together. And that's what this symbolizes.

I'm proud of this flag. I will forever be proud of this flag and the efforts that we all make to continually strive to be better. And to me, that's what that represents. So, I proudly support this resolution and I thank my colleague.

ACTING SPEAKER AUBRY: Mr. Rivera.

MR. RIVERA: Mr. Speaker -- Mr. Speaker, thank you very much. When my mother first brought me to this great city -- this great State of ours, it was on September 10th, 1947. Over a million people from Puerto Rico arrived during that decade, the '40s. I, my mother, my two sister (sic). I recall my first day in school, 1948, the teacher asked me, *What's your name?* I said, *My name is Jose Angel Rivera Padilla de Cruz.* The teacher say, *What?* *Jose Angel Rivera Padilla de Cruz.* She said, *No, your name is Joseph.* I gave up. First moment I -- I compromised. I said, *Teacher, my name is Jose Rivera.* She said, *I can work with that, because if -- if I call all of you by your full name, I will have no time to -- to give you a good education.* There were 40 kids in that class, all of us arrived recently at that moment. Then she say, *Get up.* We all got up. She said, *I'm*

going to teach you all a song that for the rest of you life will live with you. So, when that teacher started singing, *Oh, say, can you see...* I thought that song was being dedicated to me.

(Laughter)

And I -- whenever I go before a group of -- class of youngsters, I share my experience. We were homeless for six months. So I can tell a story. Growing up in our school system, you hear a lot of things. I learned a lot.

Let me -- let me share something with all of you, that my friend here, my -- one of my leader -- not my leader, shared about 1898. Prior to 1898, 1776, volunteers and recruits in the Spanish Army, along with Cuban were part of the soldiers who kept the British very busy in the southern part of the United States while United States were beginning to get out of being a colony from England. We contributed. Because those people in those days, our people, my people in those days believed that they were investing finally in a country, in a flag, that will really accept all of us as equal.

Listen, this is just a continuation of growing pain that we're going through in this country. We've been through this. The Civil Rights struggle was not easy for the African-American. It was not easy for Martin Luther King. It was not easy for Rosa Parks. It was not easy for Medgar Evers. But that struggle taught us a lot, that you can struggle. There are other, like my (inaudible) by any means necessary, but we struggle. And the important thing is that we got involved in struggling.

Now, let's go back to 1917. There was a big community in the City of New York, Puerto Rican and Cuban and Spanish. Big community. And they used to gather at Chimney Hall, which was located on 26th Street, 25th Street and 6th Avenue. Today, 6th Avenue is known as the Avenue of the Americas. You know why? Because this is not the only flag flying by itself there, the Avenues of American. Every country, from South and Central America is represented, with the exception of my flag. This is the Puerto Rican flag (indicating). 1917, there was a proud American soldier. His uniform --you can look it up, I'm going to give his name, Pedro Albizu Campo. His military uniform looked like something like my brother, Charles Barron, outfit, Albizu Campo, a First Lieutenant in the U.S. Army. But because he looked like Charles Barron, all right, America in those days after they invaded us, they were smart, those guys, they were very brilliant. They took the cream of the crop from our country and they tell them to lead us for the future, to be our leaders. Albizu Campo was one of them. A young man that came -- was brought here to study from Puerto Rico in his American uniform, and he was put -- he was sent to Harvard University. There he met the Irish community. And it was that dark-skinned Puerto Rican in those days who came up with the idea to create a Committee to free Ireland. Look it up. Look it up.

That same soldier, American soldier, always taught us, listen, these are difficult times. Don't take it out on the flag, because under that flag, there are good people. This is not like that

movie from Marlon Brando the -- *The Ugly American*, look it up.
That movie -- most of you were not born, but that movie came out,
The Ugly American, but the behavior of the ugly Americans --

ACTING SPEAKER AUBRY: Mr. --

MR. RIVERA: -- under the flag continues --

ACTING SPEAKER AUBRY: Mr. Ramos --

MR. RIVERA: Rivera or Ramos?

ACTING SPEAKER AUBRY: Mr. Rivera.

MR. RIVERA: Okay, good.

-- continues. We're going through difficult, painful
moment. I just hope that you remember -- some of you laugh when
somebody said, *Build a wall*, and they're happy and you laugh. It's not
a joke. You build a wall, finish up this and I will go and I'm going to
climb over it. Number one, the Mexican did not build a wall when all
of you were migrating to Arizona. God did not build a wall. The
Mexican did not build a wall. And we all struggle --

ACTING SPEAKER AUBRY: Mr. --

MR. RIVERA: -- to be part of this great society --

ACTING SPEAKER AUBRY: Mr. Rivera, your
time has elapsed.

MR. RIVERA: So having said that, I could go on for
hours -- (microphone shut off)

ACTING SPEAKER AUBRY: Mr. Goodell.

Thank you, Mr. Rivera. We will look forward to part
two.

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. I, believe it or not, was very hesitant to speak, because the flag has a special significance to me. In -- in 2001, my daughter joined the Marine Corps. Came home, she was a senior, she said, *Dad, I'm joining the Marine Corps*. She had already been accepted to the college of her choice. And I said, *Really?* Apparently, some recruiter had made the statement that the Marine Corps was looking for a few good men. And she took that as a quite a challenge. She joined the Marine Corps and signed up for heavy equipment maintenance. Another surprise to me, for a great daughter, great in school, I wasn't sure she could change a tire.

But in 2004, she volunteered for a Special Unit. And she went to Iraq with the Marine Corps' first Mortuary Affairs unit. And this was at a time when the Marines were retaking Fallujah. And when she came back, I reached out to her, it was obvious that she was a mess. And she said, *Dad, you just wouldn't understand*. Eventually, she got her life back together enough to go to community college, and when she graduated she went on to SUNY Fredonia. She went back afterwards, and with the help of a professor, wrote a book about her experience. And after she had written the manuscript, she put it aside for months, because it was too painful to proofread. Eventually, she published it, and I got a copy of the book and I read it. And my daughter was right, I did not and could not understand what she went through.

But I want to share just one passage from that book that relates to our flag. And her job in Iraq was to process all the fallen soldiers. And when they were done inventorying everything, doing all the recordkeeping, this is what she wrote, "We would then put the remains in a clean box, in a clean body bag and put the bag in a metal box that we called an 'aluminum transfer case,' similar to a coffin. We then placed the case in a reefer where it stayed cool and when it was time to take..." the flight -- "take it to the flight deck to go home, we would drape an American Flag over that box and carry out a procession, a separate one for each set of remains. Four of us, one at each corner of the case, would walk it through two rows of Air Force personnel who were there to do the flying. They would all salute the remains as we walked through. They would salute as if they were saluting the President of the United States, as if they were saluting their own fallen family members, ramrod straight backs, their arms at a 45-degree angle. There was such a strong emotion contained in that salute."

I didn't run for office because I thought New York State was perfect, or that the United States was perfect. I ran for office because I hoped that my service in some way would make it better. But when I see that flag, it reminds me of the men and women who put their life on the line in an effort to make our country greater. All of us are here with the hopes that our input will make this great State even greater, and this great country each more great. But we need to remember that the flag was something that was bought at an

incredible price by our young men and women who put everything on the line to give us the opportunity to contribute in the future.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Ramos.

MR. RAMOS: Mr. Speaker, I salute this flag. I commend this flag. I love this flag and I support this resolution. But I truly feel that what I see is what this flag is, not everybody sees in the same way. What I feel the principles of this flag are, are not seen the same, and that's apparent in -- in this discussion that we hear today. While I look at this flag and I see a flag that, to me, represents we welcome your immigrants with open arms, we welcome your poor. Other people will see this flag and say, no, we only welcome people with Ph.D.s. And we openly welcome people from Norway and Anglo countries, and not from Haiti. Other people think that when they see this flag.

When I look at this flag, I look at a flag that's humane, and I believe its principles are something humane, while others see absolutely no problem with ripping a child away from a mother who's breastfeeding in the immigration -- in an immigration jail. This flag has certain principles, represents certain things. But men have historically taken the principles of that flag and usurped it into something else, from the founding of this country. I believe in this flag. I believe in what this flag is today. It wasn't always the flag that it is today because when it was first sewn, it flew over people who were imprisoned and who were in slavery. It flew over women who

were not allowed to vote and were treated as property. And it flew over many who were -- who did not have that same equal rights. It flew over Founding Fathers who owned other human beings, including George Washington, who had slaves escape from him. What kind of conditions were they living in? Thomas Jefferson, who actually raped slaves.

And for somebody to stand up here and say, *You know, I love this flag, and somebody who says anything about this history is disrespecting the many men and women who died in wars*, I think their idea is very different from what my idea is. Because the men and women who -- who died in the war since the inception of this country, included people of color. The Revolutionary War that created this country had black men fighting in it, who at the end were not given -- they were not given freedom. Slavery continued. Same thing in the Civil War. People of color fought in that war, in the Spanish American War, in World War I, World War II, blacks and Hispanics fought in that war side by side with those veterans that you say we're disrespecting by bringing up some -- some stains in our history. They fought for this country, but they couldn't use the same bathroom that their colleagues could use. And they died for this country, as well. That's what I see. That's what I see when I see sacrificing when I see our soldiers. And I also see my right to get up here and talk about that so that we can have a more perfect union, so that we don't repeat those mistakes, so that we remind ourselves that when we look at the flag, we don't see neo-Nazis and KKK as good

people, the same as people who are protesting against what those institutions stand for.

We live in two different worlds. I stood up today, as everybody else did, and pledged allegiance to this flag, this flag that I love so much. But it is with much pride that we ask this flag and its citizens to live up to its ideals.

ACTING SPEAKER AUBRY: Mr. Johns.

MR. JOHNS: Yeah, thank you, Mr. Speaker. I rise today to add my voice to this resolution, thanks to the sponsor of the resolution. You know, the flag means a lot to me. You can see I'm wearing a flag tie today. And I always remember June 14th because it was my mother's birthday, so... she'd be 104 today. And... so I -- I always knew the flag was -- you know, Flag Day was coming and I made sure I brought the ties in advance.

But going back, my father was a World War II veteran. And he was injured, he was blown up in the Battle of the Bulge. He joined the U.S. Army in the 1930s during the Depression, became a Sergeant, probably could have stayed here and trained the troops, but he volunteered, he went to the European Theater of Operation, stormed the beaches at Normandy, made it all the way through until January of '45 with the Battle of the Bulge, which was "the" biggest, the most deadly. He was blown up, he got a lot of shrapnel in his legs, so gangrene set in then and back in those days, you couldn't Medivac people out. So when they finally got him out and on a plane back to England, it turned out it was a German refugee

doctor that had to amputate one leg. And the other leg was -- he was -- it was kind of mangled up, as well.

So, he spent a couple of years at Walter Reed Army Hospital down in Washington, D.C. That's where my mom and dad met. And my mother would tell us stories, not only about what my father went through, but about some of the dark times that some of my colleagues have talked about, about how, no matter what went wrong down in Washington back in the late '40s, they would always find a black man and pin the blame on him so everybody could feel good, and maybe a rapist or a murderer would be taken off the street.

And in the late '50s, my mother took my brother and I, and we were little kids, and my brother was even younger than me, she took us down not only Gettysburg, but down into Virginia, back in the days when we saw drinking fountains that said, "Whites Only". Bathrooms that said, "Whites Only". My mother said, *Look at this*. We didn't know. To be honest with you, the town we were from, there were no black people. But, she pointed this out and said, *This is going to be gone someday, you need to see this*. And so I know of the dark history. I learned it at a young age.

But our country's got a lot of good history, as well. We freed Europe from the Nazi aggression. Freed the Far East from Japan, Japanese aggression. And I can tell you I'm proud of this country, with all its faults. I'm proud of all my friends and colleagues here. You know that... get a little -- get a little choked up about this, but the country that we live in right now, as bad as it is, we have

millions of people that want to come to America and millions more that sneak into this country. This country may be is bad, we have a lot of faults, I think we're getting better. But people still want to come here. We are still, I think, the "shining city on the hilltop" that Ronald Reagan used to talk about. And hopefully, we will get better.

But I do want to acknowledge that this resolution is a great thing. As I say, I wore the flag in honor of the day. And thank you so very much for allowing me to speak on this. Thank you, Mr. Speaker.

Mr. Lentol.

MR. LENTOL: I know that I'm the last speaker, Mr. Speaker, so I'll be very brief. I -- I wasn't going to speak and I didn't want to stay because I have to be home, but this is an important resolution that we all have to address. And it isn't black and white, but it is black and white, isn't it?

And so, this is one of those things that we really have to think about hard. And I've thought about it as I've heard all of the speakers address the issue. And I just want to say one thing: I have two flags up here (indicating). I have the flag of the United States of America, and I have a Gay Pride flag. And I just want to say that I'm proud of both of them being on my desk. And I'm not trying to use any props either, Mr. Speaker.

So, my grandfather was elected to this Body as an immigrant who came from Italy in the 1800s and became a member of the Assembly in 1919, 100 years ago. And he cleaned spittoons in a

barber shop as he grew up, with no education whatsoever, and began to learn English, as a person who spoke only Italian when he got here. And he became a member of the Assembly by educating himself without any formal education because he lived in a country that allowed him to do it at the time. And I can't tell you that it wasn't -- there wasn't persecution of Italians in that era, because there was. And he was persecuted, just like a lot of people who came from different parts of the country. But he had one advantage over somebody with dark skin, because he was light skinned and was able to kind of escape the color line.

So, when I think of this flag, I think proudly of this flag and I support this resolution and I'm proud that a Haitian-American is the sponsor of this resolution, because she understands the value of the flag of the United States of America, like I do.

And I also look at the other flag and understand that I was in an opponent of gay rights at one time in my life, that I was an opponent of gay marriage. But my head was turned around because I recognized that if I wanted to stand for equal rights, I had to stand for equal rights for everyone. And I no longer am ashamed of this flag showing that I -- that I support gay rights, just as I am no longer ashamed of the flag of the United States of America. And I understand the shortcomings that we have, and we will overcome those shortcomings in time. And it won't be too late, because I believe in our country. I believe in the values that were put forward, and

we're living through a period that makes it hard, Mr. Speaker, to maybe stand erect and proud of the United States of America because of what we believe -- some us believe it has gone astray.

But we will find our way back and we will, once again, be proud of this flag. And I am always going to be proud of this flag forever, in spite of its shortcomings, because after all, I am an American, and all of us in this Chamber are Americans. And I submit that we should stand proudly and always salute the flag of the United States of America.

ACTING SPEAKER AUBRY: Mr. Barnwell.

MR. BARNWELL: Thank you for allowing me to speak. I also wasn't to going to speak, I know everyone wants to get home. This country has a lot of sins to -- to atone for. And everyone has said a -- a great deal on -- on all sides, and they're all right. But the one thing I will say is is that what it means to the people is all different, but when someone -- when a -- when a grieving widow or a grieving parent dies -- I'm sorry. When -- when the soldiers dies, what does the parent get? What does the wife get? What does the husband get? They get the flag. That's the last thing some people have of -- of their -- of their child or their -- their brother or their sister.

So, you know, it means a lot to a lot of different people, and -- but to some people, it's all they have left. And I think that's what people should remember when they think about the flag.

ACTING SPEAKER AUBRY: On the resolution, all those in favor signify by saying aye; opposed, no. The resolution is

adopted.

Mr. Morelle.

MR. MORELLE: Thank you, ladies and gentlemen.

Mr. Speaker, do you have any further housekeeping and resolutions?

ACTING SPEAKER AUBRY: Certainly, Mr. Morelle.

On a motion by Ms. Solages, page 93, Calendar No. 876, Bill A-8788-A, amendments are received and adopted.

On a motion by Ms. Joyner, page 94, Calendar No. 902, Bill No. 1936, amendments are received and adopted.

On behalf of Mrs. Barrett, Bill No. 2809-A, Assembly bill recalled from the Senate. The Clerk will read the title of the bill.

THE CLERK: An act to require the Department of Environmental Conservation.

ACTING SPEAKER AUBRY: There is a motion to reconsider the vote by which the bill passed the House.

The Clerk will record the vote.

(The Clerk recorded the vote.)

The Clerk will announce the results.)

(The Clerk announced the results.)

The bill is before the House, the amendments are received and adopted.

On behalf of Ms. Rosenthal, Bill No. 8393-A,

Assembly bill recalled from the Senate. The Clerk will read the title of the bill.

THE CLERK: An act to the amend Election Law.

ACTING SPEAKER AUBRY: There is a motion to reconsider the vote by which the bill passed the House.

The Clerk will record the vote.

(The Clerk recorded the vote.)

The Clerk will announce the results.

(The Clerk announced the results.)

The bill is the before the House, the amendments received and adopted.

On behalf of Mr. Vanel, Bill No. 8783-A, Assembly Bill recalled from the Senate. The Clerk will read the title of the bill.

THE CLERK: An act to establish the Digital Currency Task Force.

ACTING SPEAKER AUBRY: There is a motion to reconsider the vote by which the bill passed the House. The Clerk will record the vote.

(The Clerk recorded the vote.)

The Clerk will announce the results.

(The Clerk announced the results.)

The bill is before the House and the amendments are received and adopted.

On behalf of Ms. Pellegrino, Bill No. 10157, Assembly bill recalled from the Senate. The Clerk will read the title

of the bill.

THE CLERK: An act to amend the Banking Law.

ACTING SPEAKER AUBRY: There is a motion to reconsider the vote by which the bill passed the House. The Clerk will record the vote.

(The Clerk recorded the vote.)

The Clerk will announce the results.

(The Clerk announced the results.)

The bill the before the House and the amendments are received and adopted.

On behalf of Ms. Lupardo, Bill No. 10774, Assembly Bill recalled from the Senate. The Clerk will read the title of the bill.

THE CLERK: An act creating the Radon Task Force.

ACTING SPEAKER AUBRY: There is a motion to reconsider the vote by the bill passed the House.

The Clerk will record the vote.

(The Clerk recorded the vote.)

The Clerk will announce the results.

(The Clerk announced the results.)

The bill is before the House, the amendments are received and adopted.

We have numerous other resolutions, which we will take up in one vote. On the resolutions, all those in favor signify by saying aye; opposed, no. The resolutions are adopted.

(Whereupon, Assembly Resolution Nos. 1377-1379 were unanimously approved.)

Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker. I now move that the Assembly stand adjourned until Friday, June 15th, tomorrow is a Legislative day, and that we reconvene at 1:00 p.m. on Monday, 1:00 p.m., June 18th. Monday will be a Session day.

ACTING SPEAKER AUBRY: The Assembly stands adjourned.

(Whereupon, at 4:38 p.m., the Assembly stood adjourned until Friday, June 15th, Friday being a legislative day, and to reconvene on Monday, June 18th at 1:00 p.m., Monday being a Session day.)