



NEW YORK

100 State Street
Suite 440
Albany, NY 12207
518-434-1262
NFIB.com

Testimony to the New York State Senate and Assembly Health Committees Regarding the New York Health Act

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Testimony delivered by Greg Biryla, NFIB New York State Director

Thank you very much to Chairmen Rivera and Gottfried for inviting our organization to share our perspective and the perspective of our members on this important legislation.

I also thank committee staff who have worked diligently to organize these hearings across the state.

I am Greg Biryla, New York State director for NFIB, the nation's and the state's leading small business advocacy association.

NFIB is a member driven organization representing close to 300,000 small businesses across this country and close to 11,000 in New York State.

NFIB members are the businesses that define our neighborhoods and imbue our communities with character and value: local hardware stores, independent restaurants, florists and barbers, roofers, landscapers and mechanics; fitness and retail boutiques.

These are NFIB members.

Small businesses employ nearly half the state's workforce, 4.1 million New Yorkers. When they succeed, communities succeed.

A strong, vibrant small business eco-system supports local tax bases, governments and schools. 63 cents of every dollar spent at a local small business is reinvested into the community.

Unfortunately, the single greatest obstacle to the sustained growth and vibrancy of small business in New York State *is New York State*.

Our property taxes, income taxes, energy costs, health insurance costs, workers' compensation and general liability insurance are all among the most expensive in the nation. These combine with new and changing workplace mandates and regulations that, while sometimes well-intended, are often poorly communicated, overly burdensome, and enforced with revenue in mind rather than compliance.

A recent Siena research poll found a majority of voters believe it's even harder for businesses to succeed than it was just five years ago.¹

The required taxes and unprecedented new state spending needed to fund a government-run single-payer health care program would be the largest state-based tax increase in recent history.

Close to \$140 billion in new state taxes, with that number climbing higher by tens of billions should federal health program waivers be declined.²

These taxes that would largely be paid for by employers -- including small businesses -- already struggling under the aforementioned burdens.

The argument has been made that the new taxes associated with the New York Health Act don't represent a new cost burden, but merely a cost-shift from premiums, copays, and deductibles to taxes.

For small businesses who don't currently offer health coverage to all employees or the self-employed, this could be a cataclysmic tax hike. Employers who do not offer coverage for every employee could pay \$1,200 to \$1,800 more per worker, on average, because of the New York Health Act's mandatory payroll taxes.

Only 36 percent of New York businesses employing less than 50 people, provide health insurance. For businesses with 10 employees or less, it's 28 percent.³ In New York, the average NFIB member employs 10 people.

According to the New York State Comptroller's office, businesses with fewer than 10 employees provided around 957,000 jobs with total payroll close to \$43 billion, or around \$45,000 per employee.⁴

These are the small businesses of New York State and for the majority of them, the New York Health Act represents unprecedented new taxes on their livelihood.

¹ Siena College Research Institute Poll: <https://scri.siena.edu/2019/04/16/voters-strongly-say-permanent-property-tax-cap-plastic-bag-ban-are-good-for-ny/>

² [Estimating The Effects Of A Single Payer Proposal In New York](#), Rand Corporation.

³ U.S. Department of Health & Human Services: [Medical Expenditure Panel Survey, Table II.A.2 Percent of private-sector establishments that offer health insurance by firm size and State: United States, 2018](#).

⁴ [Small Business in New York State: And Economic Snapshot](#): Office of the New York State Comptroller.

The nature of the New York Health Act's bifurcated payroll tax is even more pronounced for sole proprietors who would be responsible for both the "employer" and "employee" portions of the payroll tax.

For many small businesses that do offer health coverage, the graduated payroll tax will surpass the current costs of provided employee health benefits.

A payroll tax's cost burden increases with employee pay. Increasing the costs of labor will act as a perverse incentive to eliminate jobs, invest resources elsewhere, limit growth and hiring.

A 2017 survey of NFIB's membership in New York found that 76 percent of our small business members oppose government run health care.

Conservative estimates predict the NY Health Act will directly and immediately eliminate tens of thousands of jobs. Perhaps more. These estimates don't and can't take into consideration the full potential economic and employment impact for industries outside the health service sector but will unquestionably be harmed by the elimination of private sector health professions and additional state taxes.

As mentioned several times during these hearings, New York is as close as it's ever been to achieving universal health coverage for its populace. It is our opinion that the state's energies would be better directed towards identifying innovative and responsible ways to extend coverage to the remaining 5% and to decrease the cost of coverage for all New Yorkers.

Thank you again for the time today.

