

**MONDAY, APRIL 29, 2019**

**3:21 P.M.**

ACTING SPEAKER AUBRY: The House will come to order.

Before our prayer, let us pause for a moment of silence in honor of our former colleague, Thomas Hanna, of Monroe County who passed away on Friday. While we honor him and other colleagues who we have lost during our traditional memorial later in this Session, it is fitting to dedicate a moment of silence as a remembrance of his dedication to public service and our loss and our sense of loss. We will also dedicate this moment of silence to the victims in San Diego.

(Whereupon, a moment of silence was observed.)

Pastor Melanie Ollet will say a prayer.

PASTOR MELANIE OLLET: Please join me in

whatever posture of prayer feels most natural to you. Holy One, we come before You this afternoon with joy for all You have done in our lives. You have brought us safely here today from our homes all across this great State. You have called us into leadership. You have moved us from the comfort of our former lives into lives dedicated to justice and helping our neighbors. You have protected our families as we have traveled back and forth to serve Your people here in New York. Today, Holy One, we pause to give You thanks before we undertake the important work that lies before us. We recognize You as the Giver of all our many blessings. Help us to remember our many blessings as we go about our workday this week and into a new month. We admit that sometimes it can be easy to get caught up in the busyness of our work each day and not take the time to give You thanks. We admit that it can be easy for us to get caught up in the busyness of our work each day and not take time to pray for our neighbors around us who are hurting. In this moment, we take a holy pause to remember why we are called to this work. We take a moment to think of those whom we seek to help. We take a breath to think of those who are in pain today. We pray especially for the Jewish community and the members of the Chabad Synagogue in California who mourn hatred and loss at the end of the most holy week of Passover. Give all those suffering due to hatred and violence anywhere Your peace. Grant us here power of self-reflection enough to recognize where we might hold unseen prejudice in our own hearts so that we can confront it and eliminate it as we seek to serve all of

our constituents in our great diverse State. As we prepare to do the work set before us on our busy agendas, endow us with wisdom so that we would make decisions that better the lives of all our neighbors. Help us to be good listeners to those who share their concerns with us. Allow us the strength to put the needs of others before our own so that we might bring You honor in all that we do. We pray all this together, recognizing that we might know you by different names, but all seek to serve the Holy One as one Body.

Amen.

MEMBERS: Amen.

ACTING SPEAKER AUBRY: 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.)

A quorum being present, the Clerk will read the Journal of Saturday, April 27th.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I move to dispense with the further reading of the Journal of Saturday, April 27th and that the same stand approved.

ACTING SPEAKER AUBRY: Without objection, so ordered.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I certainly want to welcome our colleagues, staff and all back into the Chambers.

Ready to finish doing the work of the people, but I would like to share a quote today. Mr. Speaker, this quote actually comes through our Aspire to Inspire, which is located on the Speaker's website in the left-hand corner, and it comes from a Linda Lambert, who is from Waterford, New York and she's a constituent of Assemblyman McDonald. And Linda sends us this quote from James Bryant Conant. James was a -- an American chemist, a transformative president of Harvard University, and the first United States Ambassador to West Germany. His quote is -- Mr. Speaker, if I could have the attention of the colleagues in the Chamber -- "Behold the turtle. He makes progress only when he sticks his neck out." Again, that's from James Bryant Conant. He was the former president of Harvard University.

Mr. Speaker and colleagues, we have on our cal -- on our desks a main Calendar. It has 37 new bills in it, beginning with Calendar No. 174. And after there are any introductions and/or housekeeping, we will take up resolutions beginning with page 3, and begin our consent on the new bills on page 4. At the conclusion, Mr. Speaker, of our day, the Minority will be offering up a Motion to Discharge. I would ask our colleagues to stay in and around the Chamber so we can give due diligence to that motion. And perhaps there will be a Majority conference and, of course, we will always consult with our colleagues on the other side of the aisle to see what their needs will be as well.

So with that, Mr. Speaker, that's a general outline of where we're going today, and if there are any introductions and/or

housekeeping, it would be a great time to do that.

ACTING SPEAKER AUBRY: Certainly, Mrs. Peoples-Stokes. We will start with Mr. Stern for the purposes of an introduction.

MR. STERN: Thank you, Mr. Speaker, and good afternoon to all of my colleagues. It is an honor to welcome Pastor Melanie Ollet, the inspirational leader of the West Hills United Methodist Church. Yesterday, Pastor Ollet led the celebration of the Church's 175th anniversary on Long Island. The West Hills United Methodist Church is a true treasure, preserving the traditions and history of the past 175 years. And during that time, the families of the congregation have gathered in a small white church to worship in faith and fellowship in good times and bad, and have stood as a beacon of light, shining their message of hope and love for our entire community. Later today, this Assembly will be presented for its consideration a resolution which will serve to congratulate the congregation of the West Hills United Methodist Church on this very special occasion.

Mr. Speaker, would you kindly welcome Pastor Melanie Ollet to the People's House and extend all of the cordialities of the House and the privileges of the floor. Thank you.

ACTING SPEAKER AUBRY: Certainly. Pastor Melanie, thank you so very much for joining us. Thank you for your patience this morning and for their prayer. Thank you so very much.

PASTOR OLLET: Thank you, Mr. Speaker. Thank

you, Mr. Stern.

(Applause)

ACTING SPEAKER AUBRY: For the purposes of an introduction, Ms. Buttenschon.

MS. BUTTENSCHON: Thank you, Mr. Speaker. On behalf of my colleagues in the Assembly, Assemblymembers Miller, Finch, Hunter, Barclay, Salka, Stirpe and Magnarelli, this opportunity today is to interrupt our proceedings is to welcome a vibrant group from the Joe Niekro Foundation to the Assembly Chamber. Joe Niekro Foundation is committed to supporting patients and families, research and treatment and awareness of brain aneurysms, AVMs and strokes. They provide education and the risk factors causing -- and the treatment of these conditions while providing funding and advancement in the field of neurology. As an Assembly, we will be passing a resolution this week for this group. Attending for this Foundation is the Rome Support Group, as well as a group from Syracuse, New York. We have many different families: The Woznicki family, the Bolton family, the Rikers, the Syakowskis, the D'Amicos, the DuFours, the Cosimenos, the Cooks, the Tuccis, the Auburns, the Nashes, the Fosters, the Lucases. And we were also lucky to have with us Crouse Hospital Neurological Director, Clinical Director, Jameson Crumb. At this time, would you provide the pleasures of the Assembly and welcome them, please?

ACTING SPEAKER AUBRY: Certainly. On behalf of Ms. Buttenschon, the Syracuse Delegation, the Speaker and all the

members, we welcome these tremendous families here to the New York State Assembly. We extend to you the privileges of the floor, hope that your trip here to Albany has been beneficial. Know that we admire you and support you in the work that you're doing. Thank you for what you do for others. Thank you very much.

(Applause)

Mr. Weprin for the purposes of an introduction.

MR. WEPRIN: Thank you, Mr. Speaker. I am honored to introduce a group of educators and outstanding students from PS 131, the Abigail Adams School in my district in Jamaica Estates. I'd like to recognize Principal Veronica DePaolo for organizing this visit on behalf of the school. PS 131 serves about 800 students from kindergarten through fifth grade. PS 131 opened 93 years ago, and has faithfully served the ever-changing community. It is an outstanding school in our State with great leadership. As a result, 71 percent of the students meet proficiency standards in English Language Arts, and 73 percent of the students meet the proficiency standards in mathematics. I'm glad that these young students are here to observe the legislative process, because they are -- they are our State's future leaders. Each of these students is a participant in government. They attend public school, exercise at public parks and utilize our public libraries. We make -- we need to make sure that their voices are heard when we make changes to these programs. And we need to make sure that we are the resources for them so that we can help develop our next generation of leaders. I'm glad to represent

them. Please extend your usual cordial welcome to the People's House.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Weprin, the Speaker and all the members, we welcome Abigail Adams here to the New York State Assembly. We extend to you all the privileges of the floor. We are so proud that you have come and shared with us. To the principal, to the parents and to the teachers association, all who are here, thank you. I hope that you have had a great day and that you will always come back and visit us because you are always welcome. Thank you so very much.

(Applause)

Mr. Cahill for an introduction.

MR. CAHILL: Thank you, Mr. Speaker. I rise today for the purposes of an introduction of some very fine young people from the Pioneer Academy of Science High School in Wayne, New Jersey which, I guess, would be the closest we have to a representative would be Mr. Cusick, being that it's New Jersey. They are here today to continue the celebration of the International Festival of Language and Culture, which included students from all over the world. In fact, there were 70 students from 20 different countries that participated Saturday in New York City at the International Festival of Language and Culture Colors of the World Festival. This festival originated in 2003 in the country of Turkey, and has been carried on for 17 years. Unfortunately, under the state -- current state of affairs in Turkey, this festival is actually banned there. However, the tradition is being



carried on in many countries, in many cities. Across New York State, we are very proud to have been the host community for one of the most recent versions of that Festival. We have with us today some of the participants from that Festival. I introduce to you from Bosnia a 10th grader named Halima -- and excuse my pronunciations -- Konjhodzic; from Egypt, Salma Saad; and from Montenegro and Poland, Izabella - here's where I'm really going to get myself in trouble - Bajraktarevic. These fine young people have been joining us today as we also continue our long tradition of celebrating Turkish culture with these other folks who are with us today. And it started out with a luncheon today, hosted in part by my good colleague and friend Steve Cymbrowitz, and also Robin Schimminger, Chair of the Turkish American -- Friends of Turkish Americans Legislators Association.

I ask you, Mr. Speaker, to extend the cordialities of the House to this fine group of people, and in particular, to the students from Wayne, New Jersey.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Cahill, Mr. Cymbrowitz, Mr. Schimminger, the Speaker and all the members, we welcome you here to the New York State Assembly. We extend to you the privileges of the House. This is the People's House, so you're always welcome, even if you're from New Jersey. And I'm sure you noticed how diverse schools we have in our State, and it just goes to speak to the need for diversity and understanding between people, and that I'm sure you're also developing. Thank you so very much. Know that you are always welcome here. Thank you.

(Applause)

Mr. Ramos.

MR. RAMOS: Mr. Speaker, it was on the same subject, and I -- I would also like to welcome my friends here from Turkish Cultural Center and the young -- young people who are part of the International Festival of Language and Culture. I saw their performance. They travel throughout the world trying to promote multiculturalism, they try and promote unity between -- and that we should celebrate our differences. Together with our Turkish friends here who are part of a movement that also celebrates our differences and that believes -- believes in a movement of the Muslim people that promoting good faith and foundations in other countries and extending a hand is the way to create a better condition for Muslims throughout the world. And their foundations have improved conditions in other countries as well.

So, Mr. Speaker, I join you in giving them that warm welcome and extending all those privileges of the House.

ACTING SPEAKER AUBRY: Certainly. Also, on behalf of Mr. Ramos, we welcome you here and hope that your trip has been beneficial and that you will always know that you're welcome and can come back. Thank you again.

(Applause)

We do have some housekeeping.

On a motion by Mr. Englebright, page 6, Calendar No. 186, Bill No. A02477-A, amendments are received and adopted.

On a motion by Mr. Zebrowski, page 6, Calendar No. 189, Bill No. A03408, amendments are received and adopted.

Also on a motion by the same member, page 12, Calendar No. 26, Bill No. A01973, amendments are received and adopted.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if we could now go to page 3 and take up the resolutions with the exception of 296.

ACTING SPEAKER AUBRY: Page 3, resolutions, the Clerk will read.

THE CLERK: Assembly Resolution No. 294, Mr. Magnarelli.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim April 21-27, 2019, as Abusive Head Trauma/Shaken Baby Syndrome 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. 295, Mr. Lavine.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim May 3, 2019, as Press Freedom Day in the State of New York, in conjunction with the observance of World

Press Freedom Day.

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

MRS. PEOPLES-STOKES: Mr. Speaker.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: If we could now go to page 4 beginning with Calendar No. 174 and take up these bills on consent.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A00652, Calendar No. 174, Bronson. An act to amend the Vehicle and Traffic Law, in relation to the operation of a motor vehicle by deaf or hard-of-hearing drivers.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A00950, Calendar No. 175, Cusick, Colton, Zebrowski, Ramos, Englebright, Galef, Cahill, Gottfried, Abinanti, Thiele, Lifton, Weprin, Mosley, Rozic, Santabarbara, Otis, Blake, Steck, Buchwald, Seawright, Lupardo, Simon, Carroll, D'Urso. Concurrent Resolution of the Senate and Assembly proposing an amendment to Section 1 of Article 2 of the Constitution, in relation to qualifications of voters.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A01047, Calendar No. 176, Simotas, Colton, Seawright, Blake, Otis, Ortiz, Wallace,

Bronson. An act to amend the Civil Service Law, in relation to a fair, non-biased compensation structure.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A01119, Calendar No. 177, Simotas, Jaffee, M.G. Miller, L. Rosenthal, Abinanti, Weprin, Blake, Ortiz, Simon, Colton, Steck, Seawright, Mosley, Galef. An act to amend the General Business Law, in relation to allowing a private right of action for improper debt collection.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A01370-A, Calendar No. 178, Abinanti, Thiele, Weprin. An act to amend the Mental Hygiene Law, in relation to duties of providers of service to people with developmental disabilities.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A01510-A, Calendar No. 179, Richardson, L. Rosenthal, Jaffee, Hyndman, Epstein, Sayegh, Blake, Simon, Barron, Gottfried. An act to amend the Criminal Procedure Law, in relation to a judicial diversion program for certain felony offenders.

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.)

MRS. PEOPLES-STOKES: Mr. Speaker.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, this is our first vote of the day. I would ask members who are in and around the Chambers to please come in and cast your vote in support of this legislation by Ms. Richardson.

ACTING SPEAKER AUBRY: First vote of the day, members. If you are in your seats, please vote. If you are in the sound of our voice, come to the Chamber and cast your vote.

Ms. Richardson to explain her vote.

MS. RICHARDSON: Mr. Speaker, I just want to take a [sic] opportunity to thank all of the members of the New York State Assembly and the leadership for allowing this bill to come to the floor. You know, I don't think that any of us believe that crime should be committed, but we do understand that it is important that we are giving second chances to first-time offenders or individuals who deserve judicial divergence. This is exactly what this bill does. I know that we will be helping a significant number of people restart again.

And so with that, I vote in the affirmative. Just thank you, again.

ACTING SPEAKER AUBRY: Ms. Richardson in the affirmative.

Ms. Malliotakis to explain her vote.

MS. MALLIOTAKIS: If I may, Mr. Speaker. If I may, Mr. Speaker, just a moment --

ACTING SPEAKER AUBRY: One minute.

Shh.

Thank you.

MS. MALLIOTAKIS: Thank you. If I may, Mr. Speaker, just a few moments to explain my vote. A couple of years ago we had a police officer named Randolph Holder, who was assassinated by an individual who used this diversion program to get out of jail and instead go to treatment, claiming that he was an addict. He had four felony drug convictions, he had 24 prior arrests, and he was released as a result. He never complied with this diversion program and, instead, he was on the street where he was looked for because he had a warrant for his arrest for an illegal firearm and he shot and killed Police Officer Randolph Holder. That person is now in prison, hopefully for the rest of his life. But at the time, Mayor Bill de Blasio had said that there was a loophole in the law that needed to be changed because people who had multiple felonies were going to diversion instead of jail where they belonged. Our Commissioner, Police Commissioner Bratton at the time, said that he also should not been on the street, but because of the loophole in the law, that was why he was allowed to be out in the street and kill our police officer. So what I would say is we shouldn't be expanding this and allowing more individuals to participate in a diversion program. The diversion program is meant to be for individuals who are a first, maybe even a second-time offender of a small crime, committing a small crime to feed their habit. And, yes, we should have compassion and try to help

them through the diversion program. But to have people with multiple felony convictions qualify for the diversion program, I think that is very problematic and it could lead to more lives being taken from us, as was with Police Officer Randolph Holder.

So in memory of Police Officer Randolph Holder, I'll be voting no and I urge the rest of you to do the same.

ACTING SPEAKER AUBRY: Ms. Malliotakis in the negative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A01779, Calendar No. 180, Peoples-Stokes, L. Rosenthal, Colton, Otis, Galef, Mosley, Hunter, Gottfried, Thiele, De La Rosa, Williams, Weprin, Glick, D'Urso, Crespo, Fahy, Fernandez, Reyes. An act to amend the Environmental Conservation Law, in relation to high local environmental impact communities.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A02064, Calendar No. 181, Englebright, Gottfried, Santabarbara, Ortiz, Dinowitz, Colton, Lifton, Glick, Fahy, Abinanti, Otis, Jean-Pierre, Lavine, Mosley, Simon, Galef, Jaffee, Cook, Rivera, D'Urso, Hunter, Steck, Peoples-Stokes, Williams, Bichotte, Ramos, Weprin, Titus, Hyndman, Seawright, Lupardo, L. Rosenthal, Barron, Walker, Carroll, Barrett, De La Rosa, Cahill, Thiele, Reyes, Gunther, Davila. Concurrent



Resolution of the Senate and Assembly proposing an amendment to Article 1 of the Constitution, in relation to the right to clean air and water and a healthful environment.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A02118, Calendar No. 182, Hunter, Weprin, Blake. An act to amend the Real Property Law, in relation to individuals with disabilities being able to terminate their leases when moving to a residence of a family member or entering certain facilities.

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. A02286, Calendar No. 183, Hunter, Colton, Thiele, L. Rosenthal, Rozic, Quart, Lifton, Dinowitz, Lupardo, Zebrowski, Paulin, Gottfried, Mosley, Galef, Jean-Pierre, Ortiz, Steck, Abinanti, De La Rosa, Weprin, Carroll, Solages, Glick, Lavine, Seawright, Epstein, Peoples-Stokes, Rodriguez. An act to amend the Environmental Conservation Law, in relation to water-saving performance standards.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A02333, Calendar No. 184, Otis, Brabenec, Thiele. An act to amend the Criminal Procedure Law, in relation to the definition of an accusatory instrument.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A02405, Calendar No. 185, Glick, Lupardo, Colton, Griffin, Epstein. An act to amend the Education Law, in relation to admission requirements for graduate-level teacher and educational leader programs.

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.)

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

(The Clerk announced the results.)

The bill is passed.

The Clerk will read.

THE CLERK: Assembly No. A02477-A, Calendar No. 186 has been amended on Third Reading.

Assembly No. A02902, Calendar No. 187, Pheffer Amato, Jones, Ortiz, Cook, Crespo, M.L. Miller, DiPietro, Wallace. An act to amend the Insurance Law, in relation to homeowners insurance deductibles triggers.

ACTING SPEAKER SIMON: The Clerk will read.

THE CLERK: Assembly --

ACTING SPEAKER SIMON: The bill is laid aside.

Sorry.

THE CLERK: Assembly No. A03360, Calendar No. 188, Carroll, Ortiz, D'Urso, Seawright, Gottfried, Blake. An act to amend the Election Law, in relation to first-class mailing of compliance unit notices.

ACTING SPEAKER SIMON: Read the last section.

THE CLERK: This act shall take effect December 15th.

ACTING SPEAKER SIMON: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Goodell.

MR. GOODELL: Madam Speaker, I apologize for interrupting. I ask that you withdraw the roll call and lay this bill aside.

ACTING SPEAKER SIMON: The roll call is withdrawn. The bill will be laid aside.

THE CLERK: Assembly No. A03408, Calendar No. 189 has been amended on Third Reading.

Assembly No. A03801, Calendar No. 190, Zebrowski, Galef, Abinanti, Magnarelli, Buchwald, Weprin, McDonough. An act to amend the Uniform Justice Court Act, in relation to establishing minimum educational requirements of certain

town and village justices.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A04538, Calendar No. 191, Glick, Hevesi, Stirpe, Wallace, Lifton, Colton, Griffin, Epstein. An act to amend the Education Law, in relation to the cumulative grade point average admission requirement for graduate-level teacher and educational leader programs.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A04766-B, Calendar No. 192, Buchwald. An act to amend the Lien Law, in relation to disclosing if the property subject to lien is real property improved or to be improved with a single-family dwelling.

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. A05187, Calendar No. 193, Thiele, Cook, Galef, Jaffee, Raia, Santabarbara, Zebrowski, McDonough, Rozic, L. Rosenthal. An act to amend the General Business Law, in relation to zone pricing of gasoline, and to amend Chapter 579 of the Laws of 2008, amending the General Business

Law relating to zone pricing of gasoline, in relation to zone pricing for retail motor fuel based on geographic location.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A05246, Calendar No. 194, Buchwald, Paulin. An act to amend the Tax Law, in relation to extending the period during which the City of White Plains is authorized to impose an additional sales and compensating use tax.

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.)

Mr. Lalor to explain his vote.

MR. LALOR: Thank you, Mr. Speaker. You know, my district is right on an interstate highway, Interstate 84. We're about 35 minutes from the Connecticut border, 35 minutes from the Pennsylvania border. As a result, in the Town of Fishkill there are dozens of hotels. They're growing by leaps and bounds. It's a big industry in our area. And these hotel and occupancy tax bills have come up over time, and for two reasons I've always opposed them. Number one, as a State we subsidize tourism. We take tax dollars out of hardworking New Yorkers' pockets and we say, *Here, let's give this to the tourism industry. Let's promote tourism.* Okay, and there is

some merit to that. And now today we're going to turn around and say, *You know what? We're going to tax tourism. We're going to tax people who are from out of town. Who cares if they pay the tax, it doesn't go to our residents.* That's the number one reason. Number two, even if a hotel has a big brand name, Hilton or a national chain on there, it's probably owned by a small business person or a small family of hotel owners, and they don't pay this tax directly. But you know what? When the municipality and the county need money, you know what they do? They come in and they audit these hotels. And then this little small business, because of what we did here today, has to hire accountants, lawyers, and even if they're doing everything by the books, they incur a really big cost of complying with this tax.

So for those reasons, I'll be voting against this tax and all similar taxes.

ACTING SPEAKER AUBRY: Mr. Lalor in the negative.

Are there any other votes? Announce the results.  
(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, will you recognize Mr. Morinello for a Motion to Discharge?

ACTING SPEAKER AUBRY: Mr. Morinello.

MR. MORINELLO: Thank you, Mr. Speaker. I move to discharge the Committee on Ways and Means from further

consideration of Assembly Bill No. A04177, sponsored by Minority Leader Kolb, for the purpose of bringing the same before the House for its immediate consideration and request permission to explain it.

New York State was an early implementer of the State EITC, which is the State Earned Income Tax Credit program and offers one of the largest fully-refundable supplement credits in the nation. Initially, it was set at 7.5 percent of the Federal credit in 1994. The New York State supplement to the Federal EITC has been raised six times since then, reaching 30 percent of the Federal EITC in 2003. Expanding the Earned Income Tax Credit would be in addition to the previously-enacted minimum wage increase, and it would add additional money in the taxpayer's pockets, boost the economy and create employment opportunities for the unemployed. A 2008 report personally funded by the Office of Temporary and Disability Assistance found that expanding the New York's Earned Income Tax Credit to 45 percent is estimated to potentially increase employment of single mothers by more than 21,000 into the labor force. The same report states that expanding the -- the EITC to 45 percent would reduce poverty by between 6,800 -- 68,000 and 98,000 persons. The Earned Income Tax Credit is an effective antipoverty tool that does not result in negative employment effects. Unfortunately, this credit has not been increased in New York State since 2003. This legislation is necessary to increase the amount of the Earned Income Tax Credit to 45 percent beginning January 2020.

For these reasons, I urge my colleagues to vote yes on

this legislation.

ACTING SPEAKER AUBRY: Certainly.

MR. MORINELLO: Thank you.

ACTING SPEAKER AUBRY: Not to get before ourselves, however, the Motion is in order.

Mrs. Peoples-Stokes on the motion.

MRS. PEOPLES-STOKES: Mr. Speaker, I just want to raise a couple of issues as it relates to the Motion. I will remind our colleagues that this is the honorable Body that actually created the State's Earned Income Tax Credit, and since 1994 it's actually been increased six times. And while I do, you know, think that we always should be looking towards increases, which is why in 2016 this honorable Body again increased the minimum wage to \$15 an hour and I fully suspect that should be Statewide by the end of this year. And so I do think that we have already put specific efforts on to this population, into this population. I am confident there will be more. The cost to the proposal that Mr. Morinello raises today would cause us to revisit our budget and negate some things that we've already approved.

And so with that, Mr. Speaker, I would ask my colleagues to be considerate of the budget process we just went through, hold in high regards the -- the, I guess, the effort that our colleagues have, but keep it mindful that we have just completed a budget, and for us to go in in negative \$500 million out of a budget just completed would be a bit of a challenge. And I'm not sure which



area folks would want to start in, but I can't think of not one for me, personally.

So, Mr. Speaker, with that I would urge my colleagues to be prudent and vote against this.

ACTING SPEAKER AUBRY: Certainly. Members are reminded that the motion before the House is a procedural question, not a vote on the merits of the bill.

On Mr. Morinello's motion, the Clerk will record the vote.

(The Clerk recorded the vote.)

Announce the results.

(The Clerk announced the results.)

The motion is lost.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, do we have any further housekeeping or resolutions?

ACTING SPEAKER AUBRY: We have housekeeping and resolutions, Mrs. Peoples-Stokes.

On behalf of Mr. Abinanti, Assembly bill recalled from the Senate. The Clerk will read the title of the bill.

THE CLERK: An act to amend the General Obligations Law.

ACTING SPEAKER AUBRY: 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 a motion by Mr. Perry, page 13, Calendar No. 50, Bill No. A00927, amendments are received and adopted.

We have numerous fine resolutions which we will take up with one vote.

On the resolutions, all those in favor signify by saying aye; opposed, no. The resolutions are adopted.

(Whereupon, Assembly Resolution Nos. 297-316 were unanimously adopted.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I move that Assembly stand adjourned until 2:00 p.m., Tuesday, April the 30th, tomorrow being a Session day.

ACTING SPEAKER AUBRY: The Assembly stands adjourned.

(Whereupon, at 4:45 p.m., the House stood adjourned until Tuesday, April 30th at 2:00 p.m., that being a Session day.)