

1 NEW YORK STATE SENATE

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4 THE STENOGRAPHIC RECORD

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9 ALBANY, NEW YORK

10 January 25, 2023

11 11:03 a.m.

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13
14 REGULAR SESSION

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18 SENATOR ROXANNE J. PERSAUD, Acting President

19 ALEJANDRA N. PAULINO, ESQ., Secretary

P R O C E E D I N G S

ACTING PRESIDENT PERSAUD: The
Senate will come to order.

I ask everyone present to please
rise and recite the Pledge of Allegiance.

(Whereupon, the assemblage recited
the Pledge of Allegiance to the Flag.)

ACTING PRESIDENT PERSAUD: In the
absence of clergy, let us bow our heads in a
moment of silent reflection or prayer.

(Whereupon, the assemblage respected
a moment of silence.)

ACTING PRESIDENT PERSAUD: Reading
of the Journal.

THE SECRETARY: In Senate, Tuesday,
January 24, 2023, the Senate met pursuant to
adjournment. The Journal of Monday, January 23,
2023, was read and approved. On motion, the
Senate adjourned.

ACTING PRESIDENT PERSAUD: Without
objection, the Journal stands approved as read.

Presentation of petitions.

Messages from the Assembly.

The Secretary will read.

THE SECRETARY: Senator Sanders

1 moves to discharge, from the Committee on Rules,
2 Assembly Bill Number 1322 and substitute it for
3 the identical Senate Bill 1325, Third Reading
4 Calendar 93.

5 Senator Hoylman-Sigal moves to
6 discharge, from the Committee on Finance,
7 Assembly Bill Number 1003 and substitute it for
8 the identical Senate Bill 1521, Third Reading
9 Calendar 155.

10 ACTING PRESIDENT PERSAUD: So
11 ordered.

12 Messages from the Governor.

13 Reports of standing committees.

14 Reports of select committees.

15 Communications and reports from
16 state officers.

17 Motions and resolutions.

18 Senator Gianaris.

19 SENATOR GIANARIS: Madam President,
20 please take up the reading of the calendar.

21 ACTING PRESIDENT PERSAUD: The
22 Secretary will read.

23 THE SECRETARY: Calendar Number 92,
24 Senate Print 1324, by Senator Krueger, an act to
25 amend the Public Health Law.

1 ACTING PRESIDENT PERSAUD: Read the
2 last section.

3 THE SECRETARY: Section 4. This
4 act shall take effect on the same date and in the
5 same manner as a chapter of the Laws of 2022.

6 ACTING PRESIDENT PERSAUD: Call the
7 roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT PERSAUD: Announce
10 the results.

11 THE SECRETARY: In relation to
12 Calendar Number 92, voting in the negative:
13 Senator O'Mara.

14 Ayes, 45. Nays, 1.

15 ACTING PRESIDENT PERSAUD: The bill
16 is passed.

17 THE SECRETARY: Calendar Number 93,
18 Assembly Print Number 1322, by Assemblymember
19 Bichotte Hermelyn, an act to amend the Penal Law.

20 ACTING PRESIDENT PERSAUD: Read the
21 last section.

22 THE SECRETARY: Section 2. This
23 act shall take effect immediately.

24 ACTING PRESIDENT PERSAUD: Call the
25 roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT PERSAUD: Announce
3 the results.

4 THE SECRETARY: In relation to
5 Calendar Number 93, voting in the negative:
6 Senator Oberacker.

7 Ayes, 45. Nays, 1.

8 ACTING PRESIDENT PERSAUD: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 133, Senate Print 345, by Senator Gounardes, an
12 act to amend the Civil Practice Law and Rules.

13 ACTING PRESIDENT PERSAUD: Read the
14 last section.

15 THE SECRETARY: Section 2. This
16 act shall take effect on the 60th day after it
17 shall have become a law.

18 ACTING PRESIDENT PERSAUD: Call the
19 roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT PERSAUD: Announce
22 the results.

23 THE SECRETARY: In relation to
24 Calendar Number 133, those Senators voting in the
25 negative are Senators Borrello, Lanza, Martins,

1 O'Mara, Rhoads and Walczyk.

2 Ayes, 40. Nays, 6.

3 ACTING PRESIDENT PERSAUD: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 134, Senate Print 473, by Senator Sepúlveda, an
7 act to amend the Surrogate's Court Procedure Act.

8 SENATOR LANZA: Lay it aside.

9 ACTING PRESIDENT PERSAUD: Lay it
10 aside.

11 THE SECRETARY: Calendar Number
12 135, Senate Print 60, by Senator Harckham, an act
13 in relation to directing the State Board of
14 Real Property Tax Services to conduct a study on
15 real property tax saturation.

16 ACTING PRESIDENT PERSAUD: Read the
17 last section.

18 THE SECRETARY: Section 4. This
19 act shall take effect immediately.

20 ACTING PRESIDENT PERSAUD: Call the
21 roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT PERSAUD: Announce
24 the results.

25 THE SECRETARY: Ayes, 48.

1 ACTING PRESIDENT PERSAUD: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 136, Senate Print 434, by Senator Skoufis, an act
5 to amend the Real Property Tax Law.

6 ACTING PRESIDENT PERSAUD: Read the
7 last section.

8 THE SECRETARY: Section 2. This
9 act shall take effect immediately.

10 ACTING PRESIDENT PERSAUD: Call the
11 roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT PERSAUD: Announce
14 the results.

15 THE SECRETARY: In relation to
16 Calendar Number 136, voting in the negative:
17 Senator Lanza.

18 Ayes, 47. Nays, 1.

19 ACTING PRESIDENT PERSAUD: The bill
20 is passed.

21 THE SECRETARY: Calendar Number
22 137, Senate Print 506, by Senator Thomas, an act
23 to amend the Social Services Law.

24 ACTING PRESIDENT PERSAUD: Read the
25 last section.

1 THE SECRETARY: Section 3. This
2 act shall take effect immediately.

3 ACTING PRESIDENT PERSAUD: Call the
4 roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT PERSAUD: Announce
7 the results.

8 THE SECRETARY: Ayes, 48.

9 ACTING PRESIDENT PERSAUD: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 138, Senate Print 439, by Senator Skoufis, an act
13 to amend the Insurance Law.

14 ACTING PRESIDENT PERSAUD: Read the
15 last section.

16 THE SECRETARY: Section 4. This
17 act shall take effect immediately.

18 ACTING PRESIDENT PERSAUD: Call the
19 roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT PERSAUD: Announce
22 the results.

23 THE SECRETARY: Ayes, 50.

24 ACTING PRESIDENT PERSAUD: The bill
25 is passed.

1 THE SECRETARY: Calendar Number
2 139, Senate Print 450, by Senator Gianaris, an
3 act to amend the Insurance Law.

4 ACTING PRESIDENT PERSAUD: Read the
5 last section.

6 THE SECRETARY: Section 2. This
7 act shall take effect on the first of January.

8 ACTING PRESIDENT PERSAUD: Call the
9 roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT PERSAUD: Announce
12 the results.

13 THE SECRETARY: Ayes, 50.

14 ACTING PRESIDENT PERSAUD: The bill
15 is passed.

16 THE SECRETARY: Calendar Number
17 147, Senate Print 131, by Senator Krueger, an act
18 to amend the Education Law.

19 ACTING PRESIDENT PERSAUD: Read the
20 last section.

21 THE SECRETARY: Section 2. This
22 act shall take effect immediately.

23 ACTING PRESIDENT PERSAUD: Call the
24 roll.

25 (The Secretary called the roll.)

1 ACTING PRESIDENT PERSAUD: Announce
2 the results.

3 THE SECRETARY: Ayes, 50.

4 ACTING PRESIDENT PERSAUD: The bill
5 is passed.

6 THE SECRETARY: Calendar Number
7 148, Senate Print 362, by Senator Thomas, an act
8 to amend the General Business Law.

9 ACTING PRESIDENT PERSAUD: Read the
10 last section.

11 THE SECRETARY: Section 6. This
12 act shall take effect on the 60th day after it
13 shall have become a law.

14 ACTING PRESIDENT PERSAUD: Call the
15 roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT PERSAUD: Senator
18 Thomas to explain his vote.

19 SENATOR THOMAS: Thank you,
20 Mr. President.

21 The nation is currently facing a
22 student loan debt crisis, as more than 44 million
23 Americans owe at least \$1.7 trillion in student
24 loan debt backed by the federal government, plus
25 another \$128 billion in private student loans.

1 New York's student loan borrowers
2 hold an estimated \$100 billion in outstanding
3 education debt, of which \$10.6 billion is private
4 student loan debt.

5 Over 90 percent of undergraduate
6 private student loans were cosigned. These
7 private student loans require at least one
8 borrower to be creditworthy, currently employed,
9 having a minimum credit score and, in most recent
10 years, meeting other criteria such as
11 debt-to-income ratio.

12 Many undergraduates would not meet
13 these requirements. Today, most of these student
14 loans for undergraduates must be cosigned by
15 someone like a grandparent or a parent. In the
16 past two decades, consumers aged 60 and up became
17 the fastest-growing group of student loan
18 borrowers.

19 Nationwide, there have been
20 thousands of complaints to state and federal
21 regulators from cosigners who are unable to
22 access documentation on their cosigned loan,
23 receive accurate information on loan payment
24 processing or notice of loan delinquency, or were
25 denied the right to cosign the release.

1 According to the CFPB report,
2 student loan servicers rejected 90 percent of
3 borrowers who applied for cosigner release.
4 Through stringent payment requirements, limited
5 notice of eligibility, and really bad company
6 practices, private student loan servicers created
7 challenges for borrowers seeking cosigner
8 release. And several attorney generals have sued
9 over these provisions and are just now beginning
10 to win on the merits.

11 This bill that we're going to pass
12 today mandates disclosures that are more robust,
13 prohibits restrictions that would permanently bar
14 cosigners from release, bars lenders from
15 requiring more than 12 months of consecutive
16 on-time payments for cosigner release, and grants
17 borrowers appeal rights when a lender denies a
18 request for such a release.

19 This bill is a step in the right
20 direction, giving protections to parents and
21 grandparents, and I urge all my colleagues to
22 vote in the affirmative.

23 Thank you.

24 ACTING PRESIDENT PERSAUD: Senator
25 Thomas to be recorded in the affirmative.

1 Announce the results.

2 THE SECRETARY: In relation to
3 Calendar Number 148, those Senators voting in the
4 negative are Senators Borrello, Helming, O'Mara,
5 Ortt, Stec and Walczyk.

6 Ayes, 53. Nays, 6.

7 ACTING PRESIDENT PERSAUD: The bill
8 is passed.

9 THE SECRETARY: Calendar Number
10 155, Assembly Print Number 1003, by
11 Assemblymember Lavine, an act in relation to
12 terms and conditions of employment of certain
13 nonjudicial officers.

14 ACTING PRESIDENT PERSAUD: Read the
15 last section.

16 THE SECRETARY: Section 2. This
17 act shall take effect immediately.

18 ACTING PRESIDENT PERSAUD: Call the
19 roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT PERSAUD: Announce
22 the results.

23 THE SECRETARY: Ayes, 59.

24 ACTING PRESIDENT PERSAUD: The bill
25 is passed.

1 Senator Gianaris, that completes the
2 reading of today's calendar.

3 SENATOR GIANARIS: Can we now move
4 to the controversial calendar, please.

5 ACTING PRESIDENT PERSAUD: The
6 Secretary will ring the bell.

7 The Secretary will read.

8 THE SECRETARY: Calendar Number
9 134, Senate Print 473, by Senator Sepúlveda, an
10 act to amend the Surrogate's Court Procedure Act.

11 ACTING PRESIDENT PERSAUD: Senator
12 Rhoads, why do you rise?

13 SENATOR RHOADS: Madam President,
14 will the sponsor yield to a question.

15 ACTING PRESIDENT PERSAUD: Will the
16 sponsor yield?

17 SENATOR SEPÚLVEDA: Through you,
18 Madam President, I do.

19 ACTING PRESIDENT PERSAUD: The
20 sponsor yields.

21 SENATOR RHOADS: Good morning.

22 SENATOR SEPÚLVEDA: Good morning.

23 SENATOR RHOADS: Just a question
24 that I had raised in committee -- through you,
25 Madam President -- with respect to the payment of

1 fees.

2 I was concerned during the committee
3 hearing that fees would be collected in advance
4 before the -- before papers were rejected by the
5 clerk, and whether those fees would be refunded
6 or credited to -- to the litigant, to the party.

7 SENATOR SEPÚLVEDA: Through you,
8 Madam President. So what this bill does is
9 basically creates consistency between what we do
10 in Supreme Court and what's done in Surrogate's
11 Court.

12 Usually in Supreme Court either you
13 file it or you e-file it. And if there are any
14 errors in the documents, the Supreme Court
15 e-filing -- with the clerk, if you go in person,
16 they will tell you what the specific error is,
17 they'll allow you to correct the error, and even
18 if you paid beforehand, they will still give you
19 credit for those documents and allow you to
20 resubmit a document.

21 On e-file, they will put a notation
22 telling you that your document has been rejected.
23 Then you call the clerk, and the clerk will
24 explain to you why the document was rejected, and
25 then they'll accept it and they won't -- they

1 won't require you to pay a second fee.

2 SENATOR RHOADS: Thank you.

3 SENATOR SEPÚLVEDA: That's it?

4 (Laughter.)

5 ACTING PRESIDENT PERSAUD: Oh, okay.

6 (Laughter.)

7 ACTING PRESIDENT PERSAUD: Are
8 there any other Senators wishing to be heard?

9 Senator Gianaris.

10 SENATOR GIANARIS: Madam President,
11 we've agreed, with Senator Lanza and our
12 colleagues, to restore this to the
13 noncontroversial calendar. So let's please take
14 it up that way.

15 ACTING PRESIDENT PERSAUD: The bill
16 is restored to the noncontroversial calendar.

17 Read the last section.

18 THE SECRETARY: Section 2. This
19 act shall take effect immediately.

20 ACTING PRESIDENT PERSAUD: Call the
21 roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT PERSAUD: Announce
24 the results.

25 THE SECRETARY: In relation to

1 Calendar Number 134, voting in the negative:

2 Senator O'Mara.

3 Ayes, 58. Nays, 1.

4 ACTING PRESIDENT PERSAUD: The bill
5 is passed.

6 Senator Gianaris, that completes the
7 reading of today's calendar.

8 SENATOR GIANARIS: Is there any
9 further business at the desk?

10 ACTING PRESIDENT PERSAUD: There is
11 no further business at the desk.

12 SENATOR GIANARIS: (Raising voice
13 over chamber noise.) Move to adjourn until
14 Monday, January 30th, at 3:00 p.m., with the
15 intervening days being legislative days.

16 (Laughter.)

17 ACTING PRESIDENT PERSAUD: On
18 motion, the Senate stands adjourned until Monday,
19 January 30th, at 3:00 p.m., with the intervening
20 days being legislative days.

21 (Whereupon, at 11:15 a.m., the
22 Senate adjourned.)

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