NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

January 25, 2023

11:03 a.m.

REGULAR SESSION

SENATOR ROXANNE J. PERSAUD, Acting President

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

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

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

ACTING PRESIDENT PERSAUD: So ordered.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Gianaris.

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

ACTING PRESIDENT PERSAUD: The Secretary will read.

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

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

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

Ayes, 45. Nays, 1.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

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

Ayes, 45. Nays, 1.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

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

O'Mara, Rhoads and Walczyk.

Ayes, 40. Nays, 6.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT PERSAUD: Lay it aside.

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

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 48.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

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

Ayes, 47. Nays, 1.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 48.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 50.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 50.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 50.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Senator Thomas to explain his vote.

SENATOR THOMAS: Thank you, Mr. President.

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

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

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

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

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

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

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

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

Thank you.

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

Announce the results.

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

Ayes, 53. Nays, 6.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

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

ACTING PRESIDENT PERSAUD: The Secretary will ring the bell.

The Secretary will read.

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

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

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

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

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

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR RHOADS: Good morning.

SENATOR SEPÚLVEDA: Good morning.

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

fees.

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

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

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

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

won't require you to pay a second fee.

SENATOR RHOADS: Thank you.

SENATOR SEPÚLVEDA: That's it?

(Laughter.)

ACTING PRESIDENT PERSAUD: Oh, okay.

(Laughter.)

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

Senator Gianaris.

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

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

Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to

Calendar Number 134, voting in the negative: Senator O'Mara.

Ayes, 58. Nays, 1.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

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

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

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

(Laughter.)

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

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