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NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

April 10, 2023

11:17 a.m.

REGULAR SESSION

SENATOR JEREMY A. COONEY, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

1 P R O C E E D I N G S

2 ACTING PRESIDENT COONEY: The  
3 Senate will come to order.

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

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

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

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

13 ACTING PRESIDENT COONEY: Reading  
14 of the Journal.

15 THE SECRETARY: In Senate,  
16 Saturday, April 8, 2023, the Senate met pursuant  
17 to adjournment. The Journal of Friday, April 7,  
18 2023, was read and approved. On motion, the  
19 Senate adjourned.

20 ACTING PRESIDENT COONEY: Without  
21 objection, the Journal stands approved as read.

22 Presentation of petitions.

23 Messages from the Assembly.

24 Messages from the Governor.

25 Reports of standing committees.

1 Reports of select committees.

2 Communications and reports from  
3 state officers.

4 Motions and resolutions.

5 Senator Gianaris.

6 SENATOR GIANARIS: Good morning,  
7 Mr. President.

8 On behalf of Senator Krueger, I wish  
9 to call up Senate Print 131, recalled from the  
10 Assembly, which is now at the desk.

11 ACTING PRESIDENT COONEY: The  
12 Secretary will read.

13 THE SECRETARY: Calendar Number  
14 147, Senate Print 131, by Senator Krueger, an act  
15 to amend the Education Law.

16 SENATOR GIANARIS: Move to  
17 reconsider the vote by which the bill was passed.

18 ACTING PRESIDENT COONEY: Call the  
19 roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 56.

22 ACTING PRESIDENT COONEY: The bill  
23 is restored to its place on the Third Reading  
24 Calendar.

25 SENATOR GIANARIS: I offer the

1 following amendments.

2 ACTING PRESIDENT COONEY: The  
3 amendments are received, and the bill will retain  
4 its place on the Third Reading Calendar.

5 SENATOR GIANARIS: Amendments are  
6 also offered to the following Third Reading  
7 Calendar bills:

8 By Senator Skoufis, Calendar Number  
9 389, Senate Print 3531;

10 And by Senator Fernandez, Calendar  
11 Number 473, Senate Print 4555.

12 ACTING PRESIDENT COONEY: The  
13 amendments are received, and the bills will  
14 retain their place on the Third Reading Calendar.

15 Senator Gianaris.

16 SENATOR GIANARIS: I move to adopt  
17 the Resolution Calendar.

18 ACTING PRESIDENT COONEY: All those  
19 in favor of adopting the Resolution Calendar  
20 please signify by saying aye.

21 (Response of "Aye.")

22 ACTING PRESIDENT COONEY: Opposed,  
23 nay?

24 (No response.)

25 ACTING PRESIDENT COONEY: The

1 Resolution Calendar is adopted.

2 Senator Gianaris.

3 SENATOR GIANARIS: There will be an  
4 immediate meeting of the Rules Committee in  
5 Room 332.

6 ACTING PRESIDENT COONEY: There  
7 will be an immediate meeting of the  
8 Rules Committee in Room 332.

9 SENATOR GIANARIS: The Senate will  
10 stand at ease.

11 ACTING PRESIDENT COONEY: The  
12 Senate will stand at ease.

13 (Whereupon, the Senate stood at ease  
14 at 11:19 a.m.)

15 (Whereupon, the Senate reconvened at  
16 11:24 a.m.)

17 ACTING PRESIDENT COONEY: The  
18 Senate will return to order.

19 Senator Gianaris.

20 SENATOR GIANARIS: Mr. President,  
21 there's a report of the Rules Committee at the  
22 desk. Can we please take that up.

23 ACTING PRESIDENT COONEY: The  
24 Secretary will read.

25 THE SECRETARY: Senator

1 Stewart-Cousins, from the Committee on Rules,  
2 reports the following bill:

3 Senate Print 6260, by  
4 Senator Krueger, an act making appropriations for  
5 the support of government.

6 SENATOR GIANARIS: Move to accept  
7 the report of the Rules Committee.

8 ACTING PRESIDENT COONEY: All those  
9 in favor of accepting the report of the  
10 Rules Committee signify by saying aye.

11 (Response of "Aye.")

12 ACTING PRESIDENT COONEY: Opposed,  
13 nay.

14 (No response.)

15 ACTING PRESIDENT COONEY: The  
16 report of the Rules Committee is accepted.

17 Senator Gianaris.

18 SENATOR GIANARIS: Please take up  
19 the supplemental calendar.

20 ACTING PRESIDENT COONEY: The  
21 Secretary will read.

22 THE SECRETARY: Calendar Number  
23 589, Senate Print 6260, by Senator Krueger, an  
24 act making appropriations for the support of  
25 government.

1                   SENATOR GIANARIS:    Is there a  
2 message of necessity and appropriation at the  
3 desk?

4                   ACTING PRESIDENT COONEY:    There is  
5 a message of necessity and appropriation.

6                   SENATOR GIANARIS:    Move to accept  
7 the message.

8                   ACTING PRESIDENT COONEY:    All those  
9 in favor of accepting the message please signify  
10 by saying aye.

11                                   (Response of "Aye.")

12                   ACTING PRESIDENT COONEY:    Opposed,  
13 nay.

14                                   (Response of "Nay.")

15                   ACTING PRESIDENT COONEY:    The  
16 message is accepted.  The bill is before the  
17 house.

18                   SENATOR LANZA:    Lay it aside.

19                   ACTING PRESIDENT COONEY:    Lay it  
20 aside.

21                                   Senator Gianaris, that completes the  
22 reading of the calendar.

23                   SENATOR GIANARIS:    Let's take up  
24 the controversial calendar, please.

25                   ACTING PRESIDENT COONEY:    The

1 Secretary will ring the bell.

2 The Secretary will read.

3 THE SECRETARY: Calendar Number  
4 589, Senate Print 6260, by Senator Krueger, an  
5 act making appropriations for the support of  
6 government.

7 SENATOR O'MARA: Good morning.

8 ACTING PRESIDENT COONEY: Senator  
9 O'Mara, why do you rise?

10 SENATOR O'MARA: Good morning,  
11 Mr. President. Thank you. I have a -- will have  
12 some questions on this bill. But first, through  
13 you, Mr. President, if Senator Krueger could  
14 explain the bill before us.

15 ACTING PRESIDENT COONEY: Does the  
16 sponsor yield?

17 SENATOR KRUEGER: Thank you very  
18 much. I'd be happy to.

19 ACTING PRESIDENT COONEY: The  
20 sponsor yields.

21 SENATOR KRUEGER: The bill is an  
22 extender to take us through next Monday, the  
23 17th.

24 Last week we were here and we passed  
25 an extender for a week, taking us through today.

1 And this would be a second extender, because --  
2 perhaps in preparation for the next question --  
3 no, there are no budget bills in print for us to  
4 vote on today. Hence, in order to ensure that  
5 the State of New York continue its government in  
6 operation, with its workers being paid, we need  
7 to pass an additional extender today.

8 SENATOR O'MARA: Through you,  
9 Mr. President, if Senator Krueger would yield for  
10 a question.

11 ACTING PRESIDENT COONEY: Will the  
12 sponsor yield?

13 SENATOR KRUEGER: Yes, I will.

14 ACTING PRESIDENT COONEY: The  
15 sponsor yields.

16 SENATOR O'MARA: Good morning,  
17 Senator. Thank you for that explanation.

18 You know, we knew last Monday,  
19 regardless of whether we had a budget done over  
20 the weekend or not, that we were going to have to  
21 do this extender today to make payroll on  
22 Wednesday for so many state workers.

23 So why are we doing this bill today,  
24 on a message of necessity, when we could have  
25 done a two-week last week and avoided having all

1 the members come back to Albany for this one  
2 item?

3 SENATOR KRUEGER: Thank you for  
4 that question.

5 And through you, Mr. President. I  
6 have no disagreement, but we don't do extender  
7 bills. The Governor passes down an extender  
8 bill. She sets the timeline and what's in it and  
9 then sends a message of necessity when it's come  
10 so late that the three days of aging could not  
11 happen.

12 So we in this house, both sides,  
13 have no choice today other than do we vote for  
14 this extender and continue government and the  
15 workers getting paid, or do we not. That's the  
16 only option in front of us.

17 SENATOR O'MARA: Through you,  
18 Mr. President, if Senator Krueger would yield for  
19 another question.

20 ACTING PRESIDENT COONEY: Will the  
21 sponsor yield?

22 SENATOR KRUEGER: Yes, I will.

23 ACTING PRESIDENT COONEY: The  
24 sponsor yields.

25 SENATOR O'MARA: So,

1 Senator Krueger, then this is all upon the  
2 Governor's back -- I suppose tweaking the  
3 Legislature to come back weekly because there is  
4 no budget done and there has been no submission  
5 to her demands in the budget that these  
6 majorities disagree with.

7 The -- you know, the Governor could  
8 have submitted an extender, knowing there was no  
9 budget on April 1st when we were here last,  
10 through next Monday the 17th, and saved the state  
11 the expense of calling the Legislature back here  
12 for one day last Monday and one day today.

13 Could not the Governor have done  
14 that at that time?

15 SENATOR KRUEGER: So legally, yes,  
16 the Governor could have done that.

17 As to the Governor's motivation,  
18 which was really the beginning of the Senator's  
19 question, I have no inside knowledge of what the  
20 Governor's motivation is for giving us two  
21 one-week extenders versus one two-week extender  
22 last Monday.

23 SENATOR O'MARA: Mr. President, if  
24 the Senator will continue to yield.

25 ACTING PRESIDENT COONEY: Will the

1 sponsor yield?

2 SENATOR KRUEGER: Certainly.

3 ACTING PRESIDENT COONEY: The  
4 sponsor yields.

5 SENATOR O'MARA: Senator Krueger,  
6 do you have any estimate for what it costs the  
7 taxpayers of New York to call this Legislature  
8 back into session for one day?

9 SENATOR KRUEGER: I don't believe I  
10 do.

11 I suppose someone could calculate  
12 the number of legislators that showed up, what  
13 their per diem would be for that trip. We all  
14 get paid -- or in this case, don't get paid --  
15 regardless of whether we're coming to Albany or  
16 not, so there's not a payroll question.

17 So no, I don't know. Do you know?  
18 I'm sorry. Through you, Mr. President, perhaps I  
19 may ask if my colleague knows.

20 SENATOR O'MARA: Thank you. I --  
21 you know, other than approximations, as you said,  
22 depending on how many members actually show up --  
23 I see most of our seats are filled over here. A  
24 few empty seats over there.

25 You know, roughly, my calculations

1 for per diems and mileage for the members comes  
2 in anywhere around sixty to \$70,000, I think.

3 Would you think that's all in the  
4 ballpark or close to the --

5 ACTING PRESIDENT COONEY: Will the  
6 sponsor yield?

7 SENATOR O'MARA: Will the sponsor  
8 yield.

9 SENATOR KRUEGER: Certainly.

10 ACTING PRESIDENT COONEY: The  
11 sponsor yields.

12 SENATOR KRUEGER: The sponsor will  
13 yield, and the sponsor will say she has not done  
14 those calculations.

15 So I'm willing to accept that my  
16 colleague's projection sounds reasonable, but I  
17 have no basis in knowing because I didn't go  
18 through the per diems and try to add them up  
19 before now.

20 SENATOR O'MARA: Thank you.

21 Mr. President, if the Senator will  
22 continue to yield.

23 ACTING PRESIDENT COONEY: Will the  
24 sponsor yield?

25 SENATOR KRUEGER: Yes.

1                   ACTING PRESIDENT COONEY:    The  
2    sponsor yields.

3                   SENATOR O'MARA:     Senator Krueger,  
4    are we any closer to a budget today than we were  
5    last Monday?

6                   SENATOR KRUEGER:    My understanding  
7    is yes, that we have made some progress and that  
8    the leadership continues to meet and will  
9    continue to meet.

10                  And I'm a glass-half-full kind of  
11    person, so I'm actually feeling more optimistic  
12    today than I was last Monday.

13                  SENATOR O'MARA:    Through you,  
14    Mr. President, if the Senator would yield.

15                  ACTING PRESIDENT COONEY:   Will the  
16    sponsor continue to yield?

17                  SENATOR KRUEGER:    Yes.

18                  ACTING PRESIDENT COONEY:   The  
19    sponsor yields.

20                  SENATOR O'MARA:    I would like to  
21    share your optimism, Senator Krueger, and I hope  
22    that's accurate.

23                  But as we stand here today, are  
24    there any table targets for any aspect of the  
25    budget at this point?

1                   SENATOR KRUEGER:    No, I don't  
2 believe the discussions are around specific table  
3 targets as much as around major policy issues  
4 still to be resolved within the budget, which of  
5 course have dollars attached to them.

6                   SENATOR O'MARA:    Thank you,  
7 Senator.

8                   Mr. President, if Senator Krueger  
9 would continue to yield.

10                  ACTING PRESIDENT COONEY:    Will the  
11 sponsor yield?

12                  SENATOR KRUEGER:    Yes.

13                  ACTING PRESIDENT COONEY:    The  
14 sponsor yields.

15                  SENATOR O'MARA:    So there's no  
16 table target or agreement on the overall  
17 education budget and its appropriation at this  
18 point, is that correct?

19                  SENATOR KRUEGER:    That is correct.  
20 We are not in a place where we have details that  
21 have been three-way-agreed that will actually  
22 eventually show up in budget language for us all  
23 to see.

24                  SENATOR O'MARA:    Through you,  
25 Mr. President, if the Senator will continue to

1 yield.

2 ACTING PRESIDENT COONEY: Will the  
3 sponsor yield?

4 SENATOR KRUEGER: Yes.

5 ACTING PRESIDENT COONEY: The  
6 sponsor yields.

7 SENATOR O'MARA: Senator Krueger,  
8 as you know, this is the time of the year and  
9 part of the problems with the late budget,  
10 particularly around education -- that's why I  
11 asked about that bill in particular -- where our  
12 school districts need to prepare their school  
13 budgets to send them out for a vote, and they  
14 don't know what they're getting.

15 So how are they able to plan for  
16 their budgets that have to go to a vote by the  
17 public when our budget here doesn't unfortunately  
18 have to go before the public, it's just before  
19 us? So how can our school districts be planning  
20 for that with these delays encroaching upon their  
21 time to be submitting their budget to their  
22 voters?

23 SENATOR KRUEGER: I do think that  
24 my colleague is right, that when you look at what  
25 is the impact of a later budget in any given

1 fiscal year, when you're doing straight extenders  
2 and you're assuring people that government will  
3 continue to operate and the people will -- the  
4 workers will continue to get paid, the  
5 recognition is there's not that much difference  
6 whether a budget is a couple of weeks late. With  
7 the one exception, I think as my colleague's  
8 pointed out, that we certainly want to get this  
9 done before I believe the May budget votes that  
10 take place in X percentage of the counties.

11 But I think in this year in  
12 particular, when you look at what the Governor  
13 originally proposed as funding for education and  
14 then look at both one-house bills, I think that  
15 reasonably most boards of elections or school  
16 districts who are trying to evaluate their budget  
17 projections can assume reasonably that the dollar  
18 amount will not be less than what the Governor  
19 proposed, and probably in some cases will be  
20 more, since both houses have put in some specific  
21 items they hope to see more of.

22 So if this was a year where we had a  
23 Governor who was starting out with a cut in  
24 school funding, I would be more concerned for the  
25 local districts in trying to decide their

1 budgets.

2                   Given what we know already, despite  
3 not having the final numbers, I think there is  
4 less reason to be concerned.

5                   SENATOR O'MARA:    Thank you,  
6 Senator.

7                   Mr. President, if the Senator will  
8 continue to yield.

9                   ACTING PRESIDENT COONEY:   Will the  
10 sponsor yield?

11                   SENATOR KRUEGER:    Yes.

12                   ACTING PRESIDENT COONEY:    The  
13 sponsor yields.

14                   SENATOR O'MARA:    Senator, are there  
15 any what we would call policy changes in this  
16 extender? Last week there were none. Are there  
17 any policy changes in this extender?

18                   SENATOR KRUEGER:    Yes.

19                   In the sense that while we have  
20 still not completed negotiations on the health  
21 program funding -- and there's quite a bit of  
22 categories in healthcare funding -- there was a  
23 time -- excuse me, there was something that we  
24 passed two years ago ending the 340B program in  
25 healthcare funding. And the concern by many

1 providers was that without this funding or  
2 alternative funding, they were going to be in  
3 serious trouble and even have to lay people off.

4 The Governor, I think in what I see  
5 as a good-faith effort to make clear that we are  
6 addressing this somehow in the budget  
7 negotiations, put in I believe \$9 million for  
8 this one week, specifically to go to the  
9 providers who as of April 1st would have lost  
10 340B funding because that was, from two years  
11 ago, sunseting April 1, 2023.

12 So I don't know whether you'd call  
13 that a policy change. I think that would be what  
14 you meant there.

15 SENATOR O'MARA: Thank you,  
16 Senator.

17 Through you, Mr. President, if  
18 Senator Krueger will continue to yield.

19 ACTING PRESIDENT COONEY: Will the  
20 sponsor yield?

21 SENATOR KRUEGER: Yes.

22 ACTING PRESIDENT COONEY: The  
23 sponsor yields.

24 SENATOR O'MARA: Yes, thank you,  
25 Senator, that was exactly the point I was trying

1 to make.

2 So it's technically not a policy  
3 change, but this is the first time we're funding  
4 that policy that was set up two years ago. Is  
5 that pretty accurate?

6 SENATOR KRUEGER: Well, actually --  
7 yes, I'm sorry. It's both.

8 We established that as of April 1st,  
9 funding would move out of one set of activities  
10 into pharmacy reimbursement -- so 340B would  
11 shift to more going to pharmacy reimbursements  
12 for the drugs -- but would actually be taken away  
13 from healthcare providers who are operating  
14 specific programs for chronically ill people --  
15 chronically ill low-income people; for example,  
16 people with HIV.

17 And so the Governor here is  
18 attempting to show that, as she referenced in her  
19 original Executive Budget -- but I think more  
20 both houses were pushing for more clarity and  
21 more of a commitment that we were actually going  
22 to be keeping whole the providers who were losing  
23 money through 340B because it was going to  
24 pharmacies instead, but we were going to try to  
25 make them whole with additional other funds

1 through healthcare.

2 And so even though that also will  
3 not have been completely resolved -- because we  
4 would be discussing a budget bill with that in it  
5 if it was -- I believe that her intention with  
6 that \$9 million for this week was to show she was  
7 making good that money would continue to flow to  
8 the providers who now technically have lost 340B  
9 as of April 1st.

10 SENATOR O'MARA: Thank you,  
11 Senator.

12 Mr. President, if the Senator will  
13 continue to yield.

14 ACTING PRESIDENT COONEY: Does the  
15 sponsor continue to yield?

16 SENATOR KRUEGER: Yes.

17 ACTING PRESIDENT COONEY: The  
18 sponsor yields.

19 SENATOR O'MARA: Can you explain to  
20 us, Senator Krueger, that \$9 million due to the  
21 change in the 340B program, is that state funds?  
22 Or is that just a different way of appropriating  
23 the federal Medicaid dollars that are coming in  
24 anyways?

25 SENATOR KRUEGER: We're trading

1 staff, so she can help --

2 SENATOR O'MARA: I noticed that.

3 SENATOR KRUEGER: So the groups  
4 getting the money are federally eligible for  
5 different healthcare funds, but the \$9 million  
6 that is in this extender is specifically state  
7 money.

8 SENATOR O'MARA: Thank you,  
9 Senator.

10 Mr. President, if the sponsor would  
11 continue to yield.

12 ACTING PRESIDENT COONEY: Does the  
13 sponsor yield?

14 SENATOR KRUEGER: Yes.

15 ACTING PRESIDENT COONEY: The  
16 sponsor yields.

17 SENATOR O'MARA: I guess the crux  
18 of my question is, is this change in the  
19 340B program, even though this -- this week's  
20 extender is \$9 million of state funds, not  
21 federal funds -- in the annual picture of this  
22 change in the program, how is that changing the  
23 cost of state funds versus federal Medicaid  
24 dollars that come in?

25 SENATOR KRUEGER: A second staff

1 person.

2                   So right now -- again, as I just  
3 answered earlier -- this will be state money, the  
4 \$9 million. And is, again, a statement by the  
5 Governor we believe is saying we're going to  
6 figure this out, but we haven't figured it out  
7 yet.

8                   340B money is federal. We are not  
9 giving that back. We are shifting what it's  
10 being used for, with some expectation -- at least  
11 by the one-house budget that this house passed --  
12 that there will be some kind of compromise  
13 combination ensuring that there's -- the 340B  
14 money is maximized and not sent back to the feds,  
15 but that there is additional money available to  
16 make sure that the other providers who will be  
17 losing 340B because of this change are kept  
18 whole.

19                   SENATOR O'MARA:     Thank you,  
20 Senator.

21                   Mr. President, if the Senator will  
22 continue to yield.

23                   ACTING PRESIDENT COONEY:     Will the  
24 sponsor yield?

25                   SENATOR KRUEGER:     Yes.

1                   ACTING PRESIDENT COONEY:    The  
2    sponsor yields.

3                   SENATOR O'MARA:    Thank you for  
4    that, Senator.  It doesn't really clear up the  
5    issue -- at least in my mind, anyways.  And the  
6    health area not being my particular bailiwick,  
7    I'll leave it at that confused state at this  
8    point for today.

9                   This extender today is for, what,  
10   about \$1.5 billion for the week?

11                  SENATOR KRUEGER:    Again, just a  
12   hundred million off.  We show 1.6 billion.  But  
13   1.6, 1.5, yes.

14                  SENATOR O'MARA:    Through you,  
15   Mr. President, if Senator Krueger would continue  
16   to yield.

17                  ACTING PRESIDENT COONEY:    Will the  
18   sponsor yield?

19                  SENATOR KRUEGER:    Yes.

20                  ACTING PRESIDENT COONEY:    The  
21   Senator yields.

22                  SENATOR O'MARA:    Last week's  
23   extender was somewhat over 400 million, so this  
24   is about more than triple.

25                  Can you explain why, one week to the

1 next week, there's such a variance in the flow of  
2 cash?

3 SENATOR KRUEGER: So like our  
4 personal budgets, some weeks you get hit with  
5 your insurance costs, your monthly rent. Some  
6 weeks you don't.

7 So what we are advised by the  
8 Governor's people is that this \$1.6 billion is in  
9 fact what's needed to cover the week's bills as  
10 of this week, this month. On another week it  
11 would be a different amount -- perhaps less  
12 again -- depending on what's owed that week.

13 SENATOR O'MARA: Through you,  
14 Mr. President, if the Senator will continue to  
15 yield.

16 ACTING PRESIDENT COONEY: Will the  
17 sponsor yield?

18 SENATOR KRUEGER: Yes.

19 ACTING PRESIDENT COONEY: The  
20 sponsor yields.

21 SENATOR O'MARA: So, Senator, so  
22 the last two weeks combined is just about  
23 \$2 billion for the two weeks. If you extrapolate  
24 those two weeks out over the year, that's a far  
25 cry from our \$220 billion that we have.

1                   So are you telling us that at  
2                   certain points over the year those weekly  
3                   payments are going to be far more substantial  
4                   than this, they're just not needed this week?

5                   SENATOR KRUEGER:    Yes, that is my  
6                   understanding.

7                   And I think if we were to take a  
8                   moment and go look at the Office of Comptroller,  
9                   you know, reports that come out on cash flow  
10                  moving in and out of the accounts of the state,  
11                  we would find that there are very extreme  
12                  differences between weeks and months of the year.

13                  So specifically what we are provided  
14                  by the Governor in this bill supposedly is  
15                  bills -- this provides funds for payroll and  
16                  fringe benefit costs, general state charge  
17                  payments, OTDA and safety net assistance and  
18                  family assistance direct benefits, Department of  
19                  Health Special Supplemental Nutrition Program for  
20                  Women, Infants and Children payments, AIDS Drug  
21                  Assistance Programs for New Yorkers reinvestment,  
22                  Indian Health Program, Department of Labor for  
23                  the continuation of unemployment insurance  
24                  benefits, Department of Transportation for mass  
25                  transit operating assistance, statutory payments

1 for blind veterans, and nonpersonal service  
2 payments.

3 I don't have a breakdown with me of  
4 the individual amount for each of those.

5 SENATOR O'MARA: Thank you,  
6 Senator Krueger.

7 Mr. President, if the Senator will  
8 continue to yield.

9 ACTING PRESIDENT COONEY: Will the  
10 Senator yield?

11 SENATOR KRUEGER: Yes.

12 ACTING PRESIDENT COONEY: The  
13 sponsor yields.

14 SENATOR O'MARA: Thank you for that  
15 general outline. I have a list of some of those  
16 more specific dollar items, and I don't need to  
17 get into that for this debate today.

18 You mentioned that the budget is  
19 being held up by some significant policy issues.  
20 Can you tell us or tell the people of New York  
21 what those issues are, the reason that we're not  
22 resolving a budget timely here?

23 SENATOR KRUEGER: No. I actually  
24 would have to defer to the two leaders of the two  
25 houses and the Governor to give you that answer.

1 It's a little bit above my pay grade.

2 SENATOR O'MARA: Senator Krueger,  
3 you understate your value.

4 (Laughter.)

5 SENATOR KRUEGER: Or my pay, one or  
6 the other.

7 (Laughter.)

8 SENATOR O'MARA: Well, one or the  
9 other.

10 Mr. President, if the Senator will  
11 continue to yield.

12 ACTING PRESIDENT COONEY: Will the  
13 sponsor yield?

14 SENATOR KRUEGER: Yes.

15 ACTING PRESIDENT COONEY: The  
16 sponsor yields.

17 SENATOR O'MARA: Senator Krueger,  
18 you know, there's -- certainly this time of year  
19 there's a lot of rumor, a lot of speculation  
20 around the halls of the Capitol, and certainly  
21 the media's interest in getting every tidbit they  
22 can.

23 But my understanding is that there  
24 has been sort of a three-way deal between the  
25 leaders on bail, which has been one of the

1 primary sticking points that we've heard  
2 throughout this process. Can you tell us what  
3 that three-way agreement is at this point?

4 SENATOR KRUEGER: I sincerely don't  
5 have the details. So no, I cannot,  
6 Mr. President.

7 SENATOR O'MARA: Thank you,  
8 Senator Krueger.

9 Mr. President, if the -- that's all  
10 I have, Mr. President.

11 Thank you.

12 SENATOR KRUEGER: Thank you.

13 ACTING PRESIDENT COONEY: Thank  
14 you, Senator.

15 SENATOR KRUEGER: Mr. President,  
16 before we continue, can I just remind my  
17 colleagues that apparently if we don't get this  
18 bill passed by noon, there's an impact on workers  
19 getting paid their next paycheck.

20 Thank you.

21 ACTING PRESIDENT COONEY: The  
22 12-minute warning.

23 Thank you, Senator Krueger.

24 Senator Rhoads, why do you rise?

25 SENATOR RHOADS: Mr. President, if

1 the sponsor will yield to a couple of questions.

2 ACTING PRESIDENT COONEY: Will the  
3 sponsor yield?

4 SENATOR KRUEGER: Yes, I will.

5 ACTING PRESIDENT COONEY: The  
6 sponsor yields.

7 SENATOR RHOADS: Thank you,  
8 Senator Krueger.

9 It's my understanding that the  
10 340B payments are actually payments that are  
11 received from the federal government and that the  
12 state is a pass-through, is that correct?

13 SENATOR KRUEGER: Yes, that is  
14 correct.

15 SENATOR RHOADS: Okay. And will  
16 the sponsor continue to yield.

17 ACTING PRESIDENT COONEY: Does the  
18 sponsor yield?

19 SENATOR KRUEGER: Yes.

20 ACTING PRESIDENT COONEY: The  
21 sponsor yields.

22 SENATOR RHOADS: And what we've  
23 done now with respect to the legislation that was  
24 passed two years ago, it's my understanding that  
25 we've decided to, instead of pass that money

1 through to its ultimate destination, to the FQHCs  
2 and to other organizations, that when it comes to  
3 prescription drugs, we're taking a portion of  
4 that and we are actually giving money -- we're  
5 taking over the program and giving a portion of  
6 the proceeds that these organizations would  
7 normally have, giving a portion of it back to  
8 them. Is that correct?

9 SENATOR KRUEGER: That is my  
10 understanding of continued negotiations. But  
11 there is nothing completely resolved.

12 So it is true that we -- when we  
13 passed the law two years ago, we were changing  
14 what the 340B funds would be used for  
15 specifically, and actually that change in law put  
16 New York State much more in the -- in consistency  
17 with most other states and how they are spending  
18 the 340B money.

19 SENATOR RHOADS: Thank you,  
20 Senator.

21 Will the sponsor continue to yield?

22 ACTING PRESIDENT COONEY: Does the  
23 sponsor yield?

24 SENATOR KRUEGER: Yes.

25 ACTING PRESIDENT COONEY: The

1 sponsor yields.

2 SENATOR RHOADS: Do we know, in  
3 total, how much money the state receives from the  
4 federal government in 340B?

5 SENATOR KRUEGER: We can get you  
6 that answer. Unfortunately, we don't have it  
7 right this second.

8 SENATOR RHOADS: Would the sponsor  
9 continue to yield?

10 ACTING PRESIDENT COONEY: Will the  
11 sponsor yield?

12 SENATOR KRUEGER: Yes.

13 ACTING PRESIDENT COONEY: The  
14 sponsor yields.

15 SENATOR RHOADS: Would the Senator  
16 agree that it is significantly more than the  
17 \$250 million that's in the budget that's supposed  
18 to go back to FQHCs and safety net hospitals?

19 (Pause.)

20 SENATOR KRUEGER: So, I'm sorry,  
21 we're not really getting a great answer for you  
22 with the three of us right now.

23 Our understanding is that the money  
24 would continue to come in from the federal  
25 government but would be differently used than it

1 has been used up until now, and so some of it  
2 would be reinvestment in the programs that  
3 currently receive it, and some of it would be  
4 going to the higher rate in reimbursement for the  
5 pharmacies, who have been pointing out that they  
6 get so little for handling the drugs for this  
7 population that they're actually in a crisis  
8 situation.

9                   But my understanding -- again,  
10 without knowing what the three-way decision will  
11 ever be at the end -- is that these funds will  
12 continue to be sent to us from the federal  
13 government in approximately the same amount we've  
14 been getting them, and be used for healthcare for  
15 these related populations, but in some variation  
16 from how they've been spent before.

17                   SENATOR RHOADS: Thank you.

18                   Will the sponsor continue to yield?

19                   ACTING PRESIDENT COONEY: Will the  
20 sponsor yield?

21                   SENATOR KRUEGER: Yes.

22                   ACTING PRESIDENT COONEY: The  
23 sponsor yields.

24                   SENATOR RHOADS: Senator, the money  
25 that's in the extender, the \$9 million that's

1 going specifically to drug assistance programs,  
2 including payments to the Ryan White Centers --  
3 so are these dollars that those centers would  
4 have ordinarily received directly from the state,  
5 through the federal government, but for the  
6 passage of our 340B amendments two years ago?

7 SENATOR KRUEGER: That is correct,  
8 yes.

9 SENATOR RHOADS: And the  
10 \$250 million --

11 ACTING PRESIDENT COONEY: Are you  
12 asking the sponsor to yield?

13 SENATOR RHOADS: Would the sponsor  
14 continue to yield.

15 ACTING PRESIDENT COONEY: Does the  
16 sponsor yield?

17 SENATOR KRUEGER: Of course.

18 ACTING PRESIDENT COONEY: The  
19 sponsor yields.

20 SENATOR RHOADS: The \$250 million  
21 that was in the Governor's proposed budget, that  
22 is money that would be going to these FQHCs in  
23 lieu of the payments that they would have  
24 received from the state as a pass-through from  
25 the federal government had this bill not been

1 passed two years ago?

2 SENATOR KRUEGER: Yes, I think that  
3 is correct. I had to think through how you were  
4 phrasing that.

5 SENATOR RHOADS: Would the Senator  
6 continue to yield.

7 ACTING PRESIDENT COONEY: Will the  
8 sponsor yield?

9 SENATOR KRUEGER: Yes.

10 ACTING PRESIDENT COONEY: The  
11 sponsor yields.

12 SENATOR RHOADS: The \$9 million,  
13 does that include any funding for safety net  
14 hospitals?

15 SENATOR KRUEGER: We don't think  
16 so.

17 Although I'm not saying that I know  
18 specifically whether there's any Ryan White  
19 programs that may also be affiliated with any  
20 safety net hospitals. Because in some places a  
21 hospital operates specific kinds of clinics on  
22 their facilities or in association with them. So  
23 in fairness, I don't know if -- because I don't  
24 have the list with me -- whether there are any  
25 programs attached to, so to speak --

1                   SENATOR RHOADS:    Would the  
2    sponsor --

3                   SENATOR KRUEGER:    -- safety net  
4    hospitals.

5                   SENATOR RHOADS:    Would the sponsor  
6    continue to yield.

7                   ACTING PRESIDENT COONEY:    Will the  
8    sponsor yield?

9                   SENATOR KRUEGER:    Yes.

10                  ACTING PRESIDENT COONEY:    The  
11    sponsor yields.

12                  SENATOR RHOADS:    So is it the  
13    sponsor's understanding that the only money that  
14    goes for AIDS drug assistance programs for  
15    Ryan White Centers that are in safety net  
16    hospitals would be the only funding that's going  
17    to safety net hospitals related to this  
18    \$9 million extender?

19                  SENATOR KRUEGER:    For one week,  
20    yes.

21                  SENATOR RHOADS:    Would the sponsor  
22    continue to yield.

23                  ACTING PRESIDENT COONEY:    Does the  
24    sponsor yield?

25                  SENATOR KRUEGER:    Yes.

1                   ACTING PRESIDENT COONEY:    The  
2    sponsor yields.

3                   SENATOR RHOADS:    What about the  
4    other money that's supposed to go to safety net  
5    hospitals?  Why was that not included in this  
6    extender?

7                   SENATOR KRUEGER:    There's a number  
8    of different programs being negotiated that  
9    involve money for safety net hospitals.  I'm  
10   assuming you mean specifically the 340B --

11                  SENATOR RHOADS:    Yes.

12                  SENATOR KRUEGER:    -- that was going  
13   to safety net hospitals up until now.

14                  SENATOR RHOADS:    Yes.

15                  SENATOR KRUEGER:    Okay.  So yes, we  
16   don't know what the final outcome of the  
17   negotiations with the Governor will be.  Hence, I  
18   don't know what amount of money from 340B, or  
19   equivalent purposes, will be available to safety  
20   net.

21                  If you're asking me as a human  
22   being, I would prefer that they were all  
23   continuing to get everything they needed.  But do  
24   I know the outcome of the negotiations in our  
25   final budget bills?  No, I do not.

1                   SENATOR RHOADS:    And would the  
2 sponsor continue to yield to what may be one  
3 final question.

4                   ACTING PRESIDENT COONEY:    Would the  
5 sponsor yield?

6                   SENATOR KRUEGER:    I'll give him one  
7 more, because they only have five minutes for  
8 everyone else.

9                   ACTING PRESIDENT COONEY:    The  
10 sponsor yields for one more.

11                   SENATOR RHOADS:    We can certainly  
12 agree, I'm sure, that safety net hospitals are  
13 incredibly important, because they are called  
14 safety net hospitals because they provide  
15 critical services, independent of traditional  
16 funding sources that hospitals would have, to  
17 provide services to our indigent population that  
18 are in need of health services.  They can't turn  
19 them away.

20                                In your view, Senator, should the  
21 Governor be including these safety net hospitals  
22 as part of these extender bills because they have  
23 payroll to make too?

24                   SENATOR KRUEGER:    No one gives me  
25 that option to write the extender bills.

1                   So in my opinion, safety net  
2 hospitals are a crucial resource for the state  
3 throughout the state. And as you point out, my  
4 colleague, this is specifically for low-income  
5 people with severe chronic illness, so that  
6 should absolutely be a priority for all of us  
7 when we are making investments.

8                   But I don't know what the final  
9 outcome will be. So I think we can all perhaps  
10 continue to lobby in that direction. I know if  
11 you look at our one-house bill, we were very  
12 clear that we thought that that should be -- that  
13 safety net hospitals should be included in  
14 continuation of these funds, and also put  
15 additional funds in for the safety net and  
16 distressed and public hospitals specifically.

17                   And again, I don't know what's  
18 happening with that budget negotiation either.

19                   SENATOR RHOADS: I thank the  
20 Senator, and you, Mr. President, for your  
21 indulgence.

22                   ACTING PRESIDENT COONEY: Thank  
23 you, Senator.

24                   Are there any other Senators wishing  
25 to be heard?

1           Seeing and hearing none, debate is  
2 closed. The Secretary will ring the bell.

3           Read the last section.

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

6           ACTING PRESIDENT COONEY: Call the  
7 roll.

8           (The Secretary called the roll.)

9           ACTING PRESIDENT COONEY: Announce  
10 the results.

11          THE SECRETARY: Ayes, 57.

12          ACTING PRESIDENT COONEY: The bill  
13 is passed.

14          Senator Gianaris, that completes the  
15 reading of the controversial calendar.

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

18          ACTING PRESIDENT COONEY: There is  
19 no further business at the desk.

20          SENATOR GIANARIS: For my  
21 colleagues in the Majority, there will be an  
22 immediate meeting of the Democratic Conference  
23 upon adjournment.

24          And with that, I move to adjourn  
25 until the call of the Temporary President of the

1 Senate, with the intervening days being  
2 legislative days.

3 ACTING PRESIDENT COONEY: There  
4 will be an immediate meeting of the Democratic  
5 Conference following the close of session.

6 On motion, the Senate stands  
7 adjourned until the call of the  
8 Temporary President of the Senate, with the  
9 intervening days being legislative days.

10 (Whereupon, at 11:57 a.m., the  
11 Senate adjourned.)

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