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

P R O C E E D I N G S

ACTING PRESIDENT COONEY: 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 COONEY: 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 COONEY: Reading of the Journal.

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

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

Presentation of petitions.

Messages from the Assembly.

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: Good morning, Mr. President.

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

ACTING PRESIDENT COONEY: The Secretary will read.

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

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

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

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

SENATOR GIANARIS: I offer the

following amendments.

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

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

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

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

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

Senator Gianaris.

SENATOR GIANARIS: I move to adopt the Resolution Calendar.

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

(Response of "Aye.")

ACTING PRESIDENT COONEY: Opposed, nay?

(No response.)

ACTING PRESIDENT COONEY: The

Resolution Calendar is adopted.

Senator Gianaris.

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

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

SENATOR GIANARIS: The Senate will stand at ease.

ACTING PRESIDENT COONEY: The Senate will stand at ease.

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

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

ACTING PRESIDENT COONEY: The Senate will return to order.

Senator Gianaris.

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

ACTING PRESIDENT COONEY: The Secretary will read.

THE SECRETARY: Senator

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

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

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

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

(Response of "Aye.")

ACTING PRESIDENT COONEY: Opposed, nay.

(No response.)

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

Senator Gianaris.

SENATOR GIANARIS: Please take up the supplemental calendar.

ACTING PRESIDENT COONEY: The Secretary will read.

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

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

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

SENATOR GIANARIS: Move to accept the message.

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

(Response of "Aye.")

ACTING PRESIDENT COONEY: Opposed, nay.

(Response of "Nay.")

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

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT COONEY: Lay it aside.

Senator Gianaris, that completes the reading of the calendar.

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

ACTING PRESIDENT COONEY: The

Secretary will ring the bell.

The Secretary will read.

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

SENATOR O'MARA: Good morning.

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

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

ACTING PRESIDENT COONEY: Does the sponsor yield?

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

ACTING PRESIDENT COONEY: The sponsor yields.

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

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

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

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

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR KRUEGER: Yes, I will.

ACTING PRESIDENT COONEY: The sponsor yields.

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

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

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

the members come back to Albany for this one item?

SENATOR KRUEGER: Thank you for that question.

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

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

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

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR KRUEGER: Yes, I will.

ACTING PRESIDENT COONEY: The sponsor yields.

SENATOR O'MARA: So,

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

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

Could not the Governor have done that at that time?

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

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

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

ACTING PRESIDENT COONEY: Will the

sponsor yield?

SENATOR KRUEGER: Certainly.

ACTING PRESIDENT COONEY: The sponsor yields.

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

SENATOR KRUEGER: I don't believe I do.

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

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

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

You know, roughly, my calculations

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

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

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR O'MARA: Will the sponsor yield.

SENATOR KRUEGER: Certainly.

ACTING PRESIDENT COONEY: The sponsor yields.

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

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

SENATOR O'MARA: Thank you.

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

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

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

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

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

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

ACTING PRESIDENT COONEY: Will the sponsor continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

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

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

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

SENATOR O'MARA: Thank you, Senator.

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

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

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

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

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

yield.

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

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

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

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

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

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

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

budgets.

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

SENATOR O'MARA: Thank you, Senator.

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

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

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

SENATOR KRUEGER: Yes.

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

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

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

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

SENATOR O'MARA: Thank you, Senator.

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

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

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

to make.

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

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

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

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

through healthcare.

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

SENATOR O'MARA: Thank you, Senator.

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

ACTING PRESIDENT COONEY: Does the sponsor continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

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

SENATOR KRUEGER: We're trading

staff, so she can help --

SENATOR O'MARA: I noticed that.

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

SENATOR O'MARA: Thank you, Senator.

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

ACTING PRESIDENT COONEY: Does the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

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

SENATOR KRUEGER: A second staff

person.

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

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

SENATOR O'MARA: Thank you, Senator.

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

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

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

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

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

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

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT COONEY: The Senator yields.

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

Can you explain why, one week to the

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

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

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

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

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

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

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

SENATOR KRUEGER: Yes, that is my understanding.

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

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

for blind veterans, and nonpersonal service payments.

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

SENATOR O'MARA: Thank you, Senator Krueger.

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

ACTING PRESIDENT COONEY: Will the Senator yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

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

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

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

It's a little bit above my pay grade.

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

(Laughter.)

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

(Laughter.)

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

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

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

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

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

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

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

SENATOR O'MARA: Thank you, Senator Krueger.

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

Thank you.

SENATOR KRUEGER: Thank you.

ACTING PRESIDENT COONEY: Thank you, Senator.

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

Thank you.

ACTING PRESIDENT COONEY: The 12-minute warning.

Thank you, Senator Krueger.

Senator Rhoads, why do you rise?

SENATOR RHOADS: Mr. President, if

the sponsor will yield to a couple of questions.

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR KRUEGER: Yes, I will.

ACTING PRESIDENT COONEY: The sponsor yields.

SENATOR RHOADS: Thank you, Senator Krueger.

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

SENATOR KRUEGER: Yes, that is correct.

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

ACTING PRESIDENT COONEY: Does the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

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

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

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

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

SENATOR RHOADS: Thank you, Senator.

Will the sponsor continue to yield?

ACTING PRESIDENT COONEY: Does the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT COONEY: The

sponsor yields.

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

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

SENATOR RHOADS: Would the sponsor continue to yield?

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

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

(Pause.)

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

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

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

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

SENATOR RHOADS: Thank you.

Will the sponsor continue to yield?

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

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

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

SENATOR KRUEGER: That is correct, yes.

SENATOR RHOADS: And the $250 million --

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

SENATOR RHOADS: Would the sponsor continue to yield.

ACTING PRESIDENT COONEY: Does the sponsor yield?

SENATOR KRUEGER: Of course.

ACTING PRESIDENT COONEY: The sponsor yields.

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

passed two years ago?

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

SENATOR RHOADS: Would the Senator continue to yield.

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

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

SENATOR KRUEGER: We don't think so.

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

SENATOR RHOADS: Would the sponsor --

SENATOR KRUEGER: -- safety net hospitals.

SENATOR RHOADS: Would the sponsor continue to yield.

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

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

SENATOR KRUEGER: For one week, yes.

SENATOR RHOADS: Would the sponsor continue to yield.

ACTING PRESIDENT COONEY: Does the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

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

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

SENATOR RHOADS: Yes.

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

SENATOR RHOADS: Yes.

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

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

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

ACTING PRESIDENT COONEY: Would the sponsor yield?

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

ACTING PRESIDENT COONEY: The sponsor yields for one more.

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

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

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

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

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

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

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

ACTING PRESIDENT COONEY: Thank you, Senator.

Are there any other Senators wishing to be heard?

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

Read the last section.

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

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Announce the results.

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT COONEY: The bill is passed.

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

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

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

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

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

Senate, with the intervening days being legislative days.

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

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

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