

To: Clients and Friends  
From: Manatt, Phelps & Phillips, LLP  
Date: June 23, 2014  
Subject: 2014 Legislative Session Concludes

By the time the New York State Senate concluded its business at 9:38 p.m. Friday evening (about eighteen hours after the State Assembly had already completed its work in the wee hours of Friday morning), the Legislature had passed a total of 658 bills during the course of the 2014 legislative session—617 of which now await the Governor’s final action. The final days of the session were typically hectic and chaotic, during which agreements were reached on a number of bills, including a package of bills addressing the heroin epidemic, legislation to modify teacher evaluations related to the Common Core education reforms and agreement on medical marijuana—the last of which was enthusiastically applauded by advocates, patients and their family members in the Senate balconies when that bill was debated and obtained final passage Friday afternoon.

While a number of important bills were enacted during the course of the session, the Legislature had been unable to reach agreement on a host of high profile issues, including public ethics reforms and expanded public financing of elections (beyond the public financing of the State Comptroller race enacted in the State Budget), legislation to extend certain rights and benefits to children of undocumented immigrants (the “DREAM Act”), an increase in the minimum wage and the ten-point Women’s Initiative, which had been a priority of Governor Andrew Cuomo over the past two years.

As one might expect during an election year—in which all 213 state legislative seats and all four statewide offices are on the ballot—the end of session was inevitably affected by political calculations by all parties. Just a few weeks before the session ended, Governor Cuomo pledged his best efforts to support a Democratic takeover of the Senate, now led by a coalition of Republicans and five Independent Democrats—a commitment that undoubtedly strained what had been a productive relationship with Senator Dean Skelos and his Senate Republican Conference. Whether the failure to reach agreement on some of these politically prominent issues will have a significant impact upon the outcome of the 2014 elections, especially related to control of the closely divided Senate, will only become clear after the votes are counted in November.

While the editorial writers and disappointed advocates for failed legislation will focus on what did not pass this session, the Assembly Democratic Majority and Senate Coalition reached

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agreement on a broad array of other issues. Earlier in the session, the Legislature also joined with other states in pledging reform of the Electoral College process by requiring New York's electors to be cast for the winner of the popular vote—a bill that has already been signed by the Governor, but requires the adoption of similar legislation by states with sufficient numbers of electoral votes to become effective. A host of local bills were passed by both houses, as well as legislation affecting many other aspects of New York's economic and social environment—including over a dozen bills relating to various animal species, such as bills that outlawed tattoos and piercings on companion animals, that outlaw the possession of ivory and rhinoceros horns, that prohibit stealing companion animals, that regulate shark fishing and big game hunting, and that require hand-washing capacity at petting zoos.

As is frequently the case, a host of new task forces and committees have been proposed to be established—subject to the Governor's approval—that would include a 21<sup>st</sup> Century workgroup for disease elimination and reduction, an online learning committee and a task force on disasters. Despite rumors to the contrary, an extensive set of technical amendments to the State's budget, which had been the subject of substantial negotiations during the final days of the session, did not emerge.

**Health:** In addition to the medical marijuana proposal and an eleven-bill package of bills on the heroin epidemic (including a bill that conforms state coverage to federal requirements and enhances utilization review protections for persons requiring treatment for addiction), the Legislature passed bills that required coverage of telehealth services, required audio discharge information to be provided to visually impaired hospital patients, extended the collaborative drug therapy management program, authorized a different approach to securing and maintaining graduate medical education funding in the Rochester region, established a registry of adult immunizations and addressed maternal depression and eating disorders.

**Human Services:** Bills were passed that addressed child abuse reporting issues, established immigration assistance services and created a Child Care Regulatory Review Task Force.

**Mental Health/Developmental Disabilities:** Although a bill that would have sought to delay the closure of state facilities was not enacted (after the Administration offered some assurances to the advocates for that legislation), bills were passed that required the Justice Center to establish procedures relating to the interviews of vulnerable patients, as well as a series of bills relating to the oversight of OMH and OPWDD programs. In addition, early in its final day of session, the State Senate confirmed Ann Marie T. Sullivan, M.D as the new Commissioner of Mental Health. The Department of Health and the Office of People with Developmental Disabilities continue to be led by acting commissioners.

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***Environmental/Energy:*** In addition to extending existing brownfields development legislation, the Legislature passed bills to require recycling film plastic, certifying green building requirements and addressing climate change.

***Education:*** In addition to some modifications to the teacher evaluation program related to the Common Core program, bills were passed to regulate suspensions of special education students, to enhance investigations of college campus crime and to establish an Early Learning Council.

***Not-for-Profit Reforms:*** Several bills were passed to amend various provisions of the Non-Profit Revitalization Act, including a bill to delay provisions relating to precluding employees from serving as the Chair of a Not-for-Profit Corporation, and to revise the New York State Grants Gateway.

***Economic Development:*** Legislation enhancing transparency at the Port Authority of New York, establishing a musical and theatrical production tax credit and a number of proposals intended to encourage the growth of the State's alcoholic beverage industry.

We will issue shortly an update on the substance and status of key bills passed by the Legislature and awaiting the Governor's review. If you have any questions regarding any of the issues discussed above or any other current state legislative matters, please do not hesitate to follow up with us. The Albany office can be reached at 518-431-6700 and the NYC office can be reached at 212-790-4500.