



NEW YORK STATE SENATOR

Rich Funke

## On the Importance of being Earnest... About Bill Drafting

SENATOR RICH FUNKE March 27, 2019

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## On the importance of being earnest....about bill drafting

Dear Neighbor-

In this addition of the insider, I've decided to take on an exciting topic-bill drafting! Don't all hit o

We get no shortage of good ideas for bills from constituents and sometimes I even think of a good idea. Making it a reality that gets tricky. A mistake in the section of law you amend, the language you use in the bill text and the memo can all spell trouble.

Let's start at the beginning. I have a great idea for a bill-what do I do? I usually go over it with staff. My staff takes the idea to work on the text. My staff will either put together a full draft of the legislation or refer it to the Legislative Bill Drafting Commission. What is that you ask? Well, it's a bi-partisan group of lawyers who draft bills properly. They are supposed to take your text or outline and check it for accuracy. They make sure all the proper definitions and make certain the bill is organized appropriately. Then they send you a draft for review and make changes until you are happy. Next, a memorandum is written to accompany the bill submitted to Senate revisions where it is formally introduced and put on the electronic system.

Sounds simple and easy right? Not so much. Even with all of that work and reviews, bills still encounter problems. One example happened a couple of weeks ago. A member from Long Island had a bill on the floor regarding notice of hearings on utility rate increases to residents on their bill. Sounds like a good idea. When it came to the Public Service Law. That section of law DOES NOT impact the Long Island Power Authority! In fact, it's in the Law. The member was given a heads up as it were and pulled the bill to amend it before he was called to the floor.

Remember the memorandum attached to the bill that, I mentioned? That can be problematic to a member who had a bill to require interpreters for various languages be available at every state agency. Even more so when I read the attached memorandum that also said it was applicable to counties. I had to pull the bill in Committee.

One thing I have figured out since I've been in the Senate is that when it comes to drafting laws, the Legislative Bill Drafting Commission as well as my Legislative staff do an excellent job on these bills. They are operational and workable. They are the unsung heroes of state government. Next Time-How a bill is drafted

