



How a Bill Becomes a Law in New York State Government

Generally

The job of the Senate is to work with the Assembly and the Governor to enact, amend or repeal statutes which make up the body of laws within which we live. This involves drafting, discussing and approving bills and resolutions.

This document is intended to help you better understand the process, and more significantly, to help you identify those points where your contribution is important -- and sometimes crucial.

The text shows the process in a simplified progression from "Idea" to "Law." At any step in the process, participation by a citizen or group of citizens is as easy as making a call, writing a letter, or signing a petition being sent to your Senator, any other legislator or the Governor.

The Idea

This is the starting point in the process, and the first point at which the citizen has a chance to have a say in the writing or rewriting of law.

Subjects of legislation are as varied as the range of human activities. Someone once said that legislation deals with birth and death, and everything in between.

Ideas for legislation come from many sources. A Senator may have an idea. One of his or her constituents may point out a need. A State official may propose a change. An organization may espouse a cause that requires a change in the law. There is no monopoly on ideas for legislation.

Often, one person's idea on how to solve a problem has resulted in good legislation to help solve the problems of many people.

Bill Drafting

Once an idea for a new law has been settled on, it must be put into bill form before it can be considered by the Senate. The actual drafting of legislation requires a specialized type of legal training and is usually done by the staff of the Legislative Bill Drafting Commission.

Sometimes, however, an interest group may have its own attorneys draft a bill, and lawyers working in various state agencies and the executive branch often submit their ideas for legislation in bill form.

Introduction

No law may be enacted in New York State unless it has been adopted by the Legislature in bill form. And to be adopted, it must first be introduced. With a single exception, bills can be introduced only by legislators or by standing committees of the Senate and Assembly. That exception is the Executive Budget, which is submitted directly by the Governor.

On introduction in the Senate, a bill goes to the Introduction and Revision Office, where it is examined and corrected, given a number, sent to the appropriate standing committee, entered into the Senate computer, deemed to have had its first and second readings and printed.

(Incidentally, "first reading", "second reading" and "third reading" are terms which linger in the legislative vocabulary from the days when each bill was read aloud in full in public session three times before final action could be taken.)

Committee Action

Just as we engage specialists for specialized problems such as legal or medical advice, so does the Senate engage specialists to study legislation. These specialists are members of Standing Committees who evaluate bills and decide whether to "report" them (send them) to the Senate floor for a final decision by the full membership. A committee agenda is issued each week listing the bills and issues each Senate committee will handle the following week. Committees often hold public hearings on bills to gather the widest possible range of opinion.

The committee stage is the second point at which the citizen's contribution is important. An expression of opinion on a proposed bill can be sent directly to the committee chairman, or it can be sent to your local Senator for relay to the committee members.

The committee system acts as a funnel through which the large number of bills introduced each session must pass before they can be considered. The system also acts as a sieve to sift out undesirable or unworkable ideas.

After consideration, the committee may report the bill to the full Senate for consideration, amend the bill, or reject it.

Amendments

Once a bill has been introduced, reported out by a committee and is on the calendar for consideration by the full Senate, it can still be amended. The sponsor of the bill, for example, can submit the changes to the Bill Drafting Commission; the bill, now in its amended form, retains its original number, but amended versions are denoted by a letter suffix A, B, C, D and so on for each time the bill is altered.

However, beyond this, any Senator may amend a given bill by offering amendments to it on the Senate floor, even if he or she is not one of the bill's sponsors.

This method allows all members access to a bill's language, opening it to the suggestions and opinions of members who may like the essential ideas of the bill, but disagree with the sponsor on one or more of the legislation's details. Moreover, since the amendments are offered in open session, all members can ask questions and discuss the merits of the proposed amendments.

The Calendar

The Daily Calendar is the agenda for Senate sessions and contains those measures which have come through the committee process. Bills take their place in order as they are reported from committee, and at this point are referred by their Calendar Number. This process allows additional time for your reaction against or for a bill.

Each bill has to be on the Senators' desks for three days before it can be voted on, unless the Governor authorizes and the Senate accepts a Message of Necessity for a certain bill. When bills reach the Order of Third Reading, they become ready for a final vote. If the sponsor of a bill realizes at this point that his bill may not have enough support for passage, or has a defect which may require an amendment, he may ask that it be laid aside, returned to committee for further study, or "starred" (placed in an inactive file).

By communicating your views on a particular issue to your Senator, you have another opportunity at this point to participate in the lawmaking process.

Passing a Bill

An Active list is prepared each day the Senate is in session. The Active list is the list of bills on the third reading calendar that the Senate will consider that day for a vote. The Active list is prepared by the Office of Majority Counsel, upon consultation with Senate Leadership.

When the bill comes up for consideration on the Order of Third Reading, it is subject to debate, discussion or explanation.

After the bill is called up for consideration, its title is read into the journal by the clerk, and debate, discussion or explanation can take place. When such debate, discussion and/or explanation is concluded, and the bill is called for a vote, the aye and no votes are taken and recorded. As the Senate has 63 members, in order for a bill to pass, it must receive at least 32 aye votes from the Senators (a majority of its members elected to the house).

If such a majority of the Senators approves, the bill is then sent by the Senate Desk to the Assembly.

In the Assembly, you again have a chance to influence the bill as it moves through a process basically the same as that in the Senate. It is referred to a committee for discussion, and if approved there, it goes to the full membership for a vote.

If the bill is approved in the Assembly without amendment, it goes on to the Governor. However, if it is changed, it is returned to the Senate for its reconsideration (with the new amendments).

(The reverse procedure is followed if the Assembly first passes a bill identical to a Senate measure or if the Senate amends an Assembly bill.)

Conference Committees

Sometimes the Senate and Assembly pass similar bills, but cannot easily reconcile the differences between them in a reasonable time frame. Pursuant to the New York State Constitution, a bill must be passed in identical form by both houses to become law.

Accordingly, in cases where there is minor differences in the two houses' bills, a procedural device called a conference committee can be used to iron out the differences.

The Senate Majority Leader and Assembly Speaker each appoint five members from their respective houses to serve on this committee. After agreement is reached, a bill is printed and processed like any other bill.

The Governor

As aforementioned, once an identical bill is passed by both houses, it can be sent to the Governor for his approval. The house that passed the bill first, is the house that transmits it to the Governor. They can send it to him anytime after the bill has passed both houses, but such bill must be sent before December 31st of the year in which it passed.

While the Legislature is in session, the Governor has 10 days (not counting Sundays) to sign or veto bills passed by both houses. Signed bills become law; vetoed bills do not. However, unlike the federal government, the Governor's failure to sign or veto a bill within the 10-day period means that it becomes law automatically.

Vetoed bills are returned to the house that first passed them, together with a statement of the reason for their disapproval. A vetoed bill can become law if two-thirds of the members of each house vote to override the Governor's veto.

If a bill is sent to the Governor when the Legislature is out of session, the rules are a bit different. At such times, the Governor has 30 days in which to make a decision, and failure to act ("pocket veto") has the same effect as a veto.

Citizen comment is an important part of the legislative process. Public opinion often affects the shape of a bill as well as its eventual success or failure. Remember, your input can play a crucial role in determining how a bill becomes a law.