

As Seen In

Nassau Lawyer

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From lawyer to legislator

This past January I received a phone call that would completely change my life. I was informed that I had received a nomination to run for an election for the New York State Assembly. The previous member, Maureen O'Connell, had been elected County Clerk in November, which left a vacancy to be filled. After a campaign season of twenty-nine days which included performing all of the necessary events, such as fund-raising, walking door to door and appearing at train stations, I was elected on February 28th. I had several days to attempt to wrap up the cases I was working on at the Town of Hempstead where I was a Deputy Town Attorney for nine years.

On March 6th, I arrived at the Legislative Office Building across the street from the Capitol to be signed up on the state payroll, take care of benefits, and be briefed about my staff budget and expenses. I was sworn into office at 1:00 p.m., and soon after was given my voting card (which looks like a credit card which is used to swipe in a device on my desk) for the session which began at 2:00 p.m.

Generally, the New York State Assembly meets from Mondays through Wednesdays. The first session starts on Monday at 2:00 p.m. and the final one is on Wednesdays, starting usually around 11:00 a.m. The length of a daily session is highly unpredictable. Sometimes it will only last an hour and half, while others can go for over 14 hours. Just a couple of years ago, one session went 30 hours straight.

One of the more interesting days in Albany is "Lobby Day" which is every Tuesday. It is day set aside for various groups who come to



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Albany and wish to speak to their representatives on any number of issues. This includes school districts, colleges, AARP, music educators, the American Legion, and also groups representing various professions, such as chiropractors, podiatrists, nurses, pharmacists, health food retailers, tree farm growers, and auto workers, just to name a few. The busiest lobby days are in March which coincides with the state budget deadline of April 1st. There were days where I met with as many as 12 different groups in one day, and there would be a line of more than 30 people outside my office waiting to see me. This leaves little time to actually meet with each group, but they always drop off a stack of literature to read at another time. On some days I have a stack of literature over a foot high, which I try to tackle that night or at another time.

The majority of bills that are presented before the Legislature are noncontroversial and do not have any debate on them. These are usually local in nature and include a real property exemption for a local church, or the naming of highway in honor of an individual. When bills are first listed on a calendar, they are voted on unless a member wants to debate it. This is done by "laying it aside." Any member of the Assembly has the authority to simply shout "lay it aside" when a bill is called. The bill is then set aside for debate at a later time. That debate might be later on that day, perhaps months later, or it may not come back on for debate at all.

Debate sometimes may entail the asking of just one or two questions to the sponsor to simply clarify the intent or effects of a bill. Some

debate can be much longer, such as that on the “Bigger, Better, Bottle Bill” (which would bring noncarbonated beverages, such as bottled water, into the deposit law) where the debate lasted approximately four and a half hours. Each member may speak on a bill for up to fifteen (15) minutes. After all of the members have had an opportunity to speak, then a member may speak for an additional fifteen (15) minutes for a total of thirty (30) minutes. While voting takes place, a member may also speak for an additional two (2) minutes to “explain my vote.”

In addition to attending sessions, there are committee assignments. I was assigned to be the ranking minority member on Alcoholism and Drug Abuse, and was also seated as a member on the Aging and Social Services committees. Just like in a session, there can be heated debate in a committee on reporting a bill. Some of votes in these committee meetings can be very close, and often may not fall along party lines. Some bills have another set of committees to go through. If a bill includes any type of penalty or imprisonment, then it must also be sent to the Codes committee. If there is any fiscal impact, then it must be sent to the Committee on Ways and Means, which is responsible for the budget and all fiscal matters.

With such a large number of bills being voted on so rapidly, people ask me how can you informatively vote on each one? We have a staff of approximately ten attorneys who are all assigned various areas of expertise (such as, health, or racing and wagering, etc.) They write comprehensive confidential memos on every bill that comes before us. These memos include the existing state of the law, how this bill changes the law, any fiscal impact, and what groups are in favor of the bill and which groups are opposed. After reading the memos it is then up to my own judgment as to how to vote. Most of the time it is an easy decision, but

with some bills that are going through the system, I have wrestled for several weeks on how to vote.

Although many bills are passed, few of them become law. Many bills are termed “one-house bills,” which mean they do not have a sponsor in the other house, or have little or no chance of getting passed in the other house. The purpose of these bills is to please some type of interest group to demonstrate that a member is at least doing his or her part in advancing legislation. The hope is that by passing these bills year after year, they will eventually be enacted.

One misperception I had is that the majority of the Assembly members would be attorneys. Today, approximately 20 percent of the assembly delegation have law degrees. In the past, this percentage was much higher. When I inquired with a staff member as to why this is the case, one explanation is that the pressures and time requirements of being a member of the Assembly, as well as running a law practice, have become more demanding over the years making it more difficult to do both.

Performing legislative activities in Albany is only half the job however. When I am back home in the district (which touches 17 communities from the Queens border in Floral Park, all the way down to Sunrise Highway in Merrick) I am even busier. There are little league events, eagle scout and gold award ceremonies, fire department installations, and veterans events, just to name a few. I even walked in five Memorial Day parades.

My work as an Assemblyman is the most time-consuming and hectic job I have ever had. However, it is also rewarding as I am able to help my 131,000 constituents by either supporting, or opposing various legislation, as well as assisting them with problems they may have with various levels of government.

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