

BILL DRAFTING BASICS

ACCG OFFERS REFERENCE MATERIAL AS A GENERAL SERVICE TO COUNTY OFFICIALS AND STAFF. THE INFORMATION PROVIDED HERE DOES NOT ESTABLISH AN ATTORNEY CLIENT RELATIONSHIP. ADDITIONALLY, THE INFORMATION PROVIDED SHOULD NOT BE INTERPRETED OR USED AS A SUBSTITUTE FOR A LEGAL OPINION FROM THE COUNTY ATTORNEY OR OTHER QUALIFIED COUNSEL. BEFORE MAKING LEGAL DECISIONS, COUNTY OFFICIALS SHOULD CONSULT WITH THE COUNTY ATTORNEY OR OTHER QUALIFIED COUNSEL.

I. INTRODUCTION

County attorneys and county staff may be called upon to draft local bills, general bills, or amendments thereto that will be considered by the General Assembly. While this process may appear to be like drafting a county ordinance, there are different requirements that must be met in the process of drafting legislation. The information contained in this study should help county attorneys and county staff navigate the basic mechanics and techniques used in this special type of drafting.

Background on the legal and constitutional requirements, as well as the enactment process, for local bills is beyond the scope of this study and is treated in detail in [County Home Rule & Local Legislation](#).

Please keep in mind that bill drafting is a highly technical skill and literally an art form. It takes years of training to master the ability to do it properly. This study provides only a skeletal outline which scratches the surface of some of the basic concepts, rules, and techniques.

II. OFFICE OF LEGISLATIVE COUNSEL

The [Office of Legislative Counsel](#) (OLC) is responsible for drafting bills and resolutions for members of the General Assembly. OLC lawyers act as legal counsel for the General Assembly and provide services to all members in their official capacities on a confidential, nonpartisan, and impartial basis.

Whether a bill draft is prepared solely by a county attorney or by working in conjunction with an OLC lawyer, all bills must be processed through OLC before they can be formally introduced. Although OLC lawyers may speak to county attorneys or county staff about general issues without special permission, they cannot work with county attorneys or county staff to prepare or amend legislation, or prepare notices of intent to introduce local legislation, until the legislative sponsor has granted them permission to do so.

The OLC webpage on the General Assembly website contains a Resources tab (<http://www.legis.ga.gov/Joint/legcounsel/en-US/Resources.aspx>) with links to helpful information items such as:

A Brief Guide to Legislation for Members and Officers of the Georgia General Assembly (http://www.legis.ga.gov/Joint/LegCounsel/Documents/A_BRIEF_GUIDE_TO_LEGISLATION_v18.pdf)

This guide is an especially helpful resource on how bills are drafted and serves as a basic primer on constitutional requirements.

Legislative Terminology

(http://www.legis.ga.gov/Joint/LegCounsel/Documents/Legislative_Terms_associated_with_GA_General_Assembly.pdf)

This document defines the most commonly used terms associated with the bill drafting and legislative process.

How a Bill is Passed (<https://georgiainfo.galileo.usg.edu/documents/legchart.pdf>)

This document provides a flow chart detailing the steps of how a bill is passed in the General Assembly.

III. TIPS BEFORE YOU START

{ACCG Legal utilizes MS Word as our word processing software and these drafting tips are based upon using MS Word.}

1) All bills and resolutions go through the OLC. Their bill drafting system was written in-house and is based upon an out-of-date version of WordPerfect software. Every draft done by ACCG Legal or by a county attorney or county staff must be converted by OLC to be entered into their system, so the more closely your work conforms to their system

requirements, the less reformatting is required on their end. This reduces the possibility for error, lessens their staff time, and results in increased turn-around time for a final product.

2) Use Time New Roman Font and manually select font size 13. MS WORD does NOT have a pull-down option for font size 13, but it will utilize font size 13 if you manually type the digits '13' in the font size box.

3) Select 'Justify' so that margins are aligned on the right and the left.

4) If possible, DO NOT send over a document with comments, track changes, or both still visible. Resolve all of these items and send a clean document.

5) Lines numbers may be added by selecting Page Layout then Line Numbers. Select Continuous. The OLC system will add line numbers regardless of whether you do or not. It is helpful to use line numbers as it assists both internal and external review of a draft before it ever gets to OLC.

6) If you are preparing a general bill and need to include language from the Official Code of Georgia Annotated (O.C.G.A.), try to avoid manually typing O.C.G.A. text. Go to the General Assembly website and copy and paste Code text from that source. It will be the closest analogue to the OLC proprietary database. As a second choice, get the Code text from a LexisNexis subscription. If you anticipate working on a particularly long draft, see if you can get an OLC lawyer to send you a document that already contains the Code text from their database. This usually requires that a legislator be involved and that they have given their express consent to our assistance in the drafting of the item.

IV. BILL STRUCTURE

A. LC Number.

Every bill drafted by OLC has a number at the upper right corner of every page (a running header). The first two digits following "LC" (an acronym for Legislative Counsel) indicate the attorney in OLC who drafted the measure. The list of current OLC lawyers and their corresponding LC numbers is available here:

<http://www.legis.ga.gov/Joint/legcounsel/Documents/Committee%20LC%20Number%20Lists/LCNUMBERS.pdf>

LC numbers are used in bills or resolutions. If the document is an amendment, the document header uses the acronym, AM instead of LC.

When a draft is prepared either by ACCG Legal or locally by the county attorney or staff, it is NOT necessary to place an LC number on the document. The better practice is to utilize a running header that contains a document name or description, for example “SPLOST REVISION”. Use the **Insert** tab and then select the Header pull-down menu for this function. It is also helpful to include a mechanism for distinguishing between different versions of a draft by including into the header the date of the draft or a designation such as V1, V2, etc.

There are several acronyms that appear as suffix variations in LC numbers that are used to identify a bill. For our example we will use LC 18 1000 as the base LC number identifying a bill as it has been introduced.

1) LC 18 1000ER. The ER suffix indicates that OLC has received a pre-drafted document and has made no changes to other it than ‘Editorial Revision’ consisting typically of grammar, spelling, and formatting. Sometimes, but not always, this suffix can indicate that only a minimum level of research has been conducted on the draft and that there may exist some level of legal concern.

2) LC 18 1000T. The T suffix indicates that OLC has received a pre-drafted document and has made no changes to it, hence it is ‘Typed’ only. Grammatical, typographical, formatting, and other errors are left intact. This suffix may indicate that the bill’s author requested that no changes be made in the submitted document. It also indicates that there are unresolved constitutional or legal concerns. For these reasons, ANY bill or amendment with a “T” should be scrutinized with care.

3) LC 18 1000-EC. The EC suffix indicates that OLC has received a pre-drafted document from, or is drafting a bill on behalf of, the Governor’s ‘Executive Counsel’. This suffix indicates that the bill is an Executive branch measure that is typically to be handled by the House member or Senator who is the Governor’s floor leader.

4) LC 18 1000S. The S suffix indicates that the document is a Substitute version intended to replace the version of a bill as it was introduced.

Note that LC number suffixes can be combined, e.g. LC 18 1000-ECS. This would indicate an Executive Counsel bill that is also a Substitute. Note further that all these suffixes also apply to amendments. The only difference there would be the prefix would be AM instead of LC.

B. Heading.

Each document will have one of two phrases in all CAPS. Either: “A BILL TO BE ENTITLED AN ACT” or “A RESOLUTION”.

This heading simply distinguishes between the 2 types of documents. It is built into the OLC drafting system, so it is fine if you include it, but not defective if you do not. A best practice would be to include the phrase.

C. Title.

1. In General.

The title of the bill, also referred to as the caption or preamble, is required by the Constitution and is the formal introduction that summarizes the substantive provisions of a bill.

Article III, Section V, Paragraph III of the Constitution specifies that an Act cannot contain matter different from what is expressed in the title of the Act. The Georgia Supreme Court has stated that this constitutional requirement does not mean that the substance of the entire Act must be repeated in the title. In other words, it is not required that every detail spelled out in the body of the Act must be mentioned in the title. Instead, a title should indicate the general object and subject matter to be dealt with and be broad enough to protect people against covert or surprise legislation. The phrase “and for other purposes” should always be added at the end of a bill's title and additionally, the phrase “to provide for related matters” may also be used as general catch-all phrases for items in the bill which might not be otherwise covered in the title language. A word of caution is warranted. These catch-all phrases ARE NOT a proper substitute for a properly and constitutionally assembled caption!

As a Best Practice Tip for novice, or even experienced bill drafters, it can be helpful to draft the title LAST. That way, a drafter knows for certain everything that has been placed in the draft and an appropriate title may then be constructed. Another

way of construction a title to be sure nothing is omitted is to draft the title in conjunction with drafting the body of the bill. In other words, when an individual bill section has been completed, go back to the title and add appropriate reference to what has just been drafted.

2. Specific Requirements.

Article III, Section V, Paragraph IV of the Constitution requires that the title of the bill must clearly state the law or section of the O.C.G.A. the bill is amending.

*No law or section of the Code shall be amended or repealed by **mere reference** to its title or to the number of the section of the Code; but the amending or repealing Act shall **distinctly describe** the law or Code section to be amended or repealed as well as the alteration to be made.*

Let's think about what this constitutional requirement means as a practical matter.

1. EXAMPLE FOR A GENERAL BILL:

WRONG – "...to amend Code Section 1-3-3 of the Official Code of Georgia Annotated".

RIGHT - "to amend Code Section 1-3-3 of the Official Code of Georgia Annotated, relating to definitions applicable to the entire Official Code of Georgia Annotated,"

See the difference? The 1st example merely refers to the number of the Code section being amended. The 2nd example refers to the Code section being amended and describes what that Code section does.

2. EXAMPLE FOR A LOCAL BILL:

WRONG – "...to amend an Act approved July 1, 1995, Ga. L. 1995, p. 10,"

RIGHT - "to amend an Act creating the board of commissioners of X County, approved July 1, 1995, Ga. L. 1995, p. 10,"

See the difference? The 1st example merely refers to the Act being amended. The 2nd example describes the subject of the Act being amended and refers and cites the Act being amended.

The required description is accomplished through language (sometimes referred to as a ‘relating to’ clause) which appears in both the title of the bill and in the directory language describing the amendment to be made. {Directory language is discussed at length beginning on p. 8.}

The “relating to” clause should be brief. Why? Because the purpose is to provide a reader of the bill with the constitutionally required “distinct description” being amended of the law.

As a Best Practice Tip for general bills, AVOID simply repeating the O.C.G.A. catch line of a Code section or other levels of the O.C.G.A. such as an article or chapter!

O.C.G.A. catchlines are part of the hierarchical table of contents and may not contain enough information to convey a “distinct description” when taken out of that hierarchical context. Take a second look at Example 1 above. The catch line of Code Section 1-3-3 is “Definitions.” A bill describing that Code section as “relating to definitions” will NOT comply with the “distinct description” requirement because it is essentially meaningless outside of the hierarchical context. A brief description is needed along the lines of “relating to definitions applicable to the entire Official Code of Georgia Annotated.” This identifies what type of definitions are being addressed.

Finally, the title of the bill may provide for an effective date. {Effective dates are treated at length beginning on p. 10.} It should in all cases provide for the General Repealer with the phrase "to repeal conflicting laws." The General Repealer is ALWAYS the last section of the bill.

D. Enacting Clause.

The enacting clause follows the caption and precedes the body of the bill and reads:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

It is a best practice to add this to any and all bill drafts due to the legal significance of the clause.

OLC will add this clause as a matter of course even if it is omitted from a draft. Why? Because the Supreme Court of Georgia has declared that the failure to include it will render the measure as a nullity and of no force and effect. The omission of this clause means a general or local bill is fatally defective.

E. Directory Language.

Directory language is the language immediately following a bill section number. What does it do?

Directory language the WHAT, WHERE, and HOW of the change or changes to the law which the bill proposes to be make. Reference is made to:

- 1) WHAT is being amended;
- 2) WHAT it relates to;
- 3) WHERE it is located; and
- 3) HOW it is to be changed.

1. EXAMPLE for a general bill:

“Code Section 1-3-3 of the Official Code of Georgia Annotated, relating to definitions applicable to the entire Official Code of Georgia Annotated, is amended by revising paragraph (1) to read as follows:”

The phrase “amended by revising” is utilized in order to lend emphasis to a change being made in a particular bill. The General Assembly FREQUENTLY amends the SAME provision of the O.C.G.A. with MULTIPLE bills in the SAME session. This drafting protocol assists in construing together ALL the CHANGES done by ALL the bills if they do not conflict with one another.

2. EXAMPLE for a local bill:

“An Act an creating the board of commissioners of X County, approved July 1, 1995, Ga. L. 1995, p. 10, is amended by revising subsection (b) of Section 3 as follows:”

F. Body of the Bill.

1. In General.

The body of the bill is that portion of the bill which makes substantive changes by:

- 1) ENACTING new material;
- 2) AMENDING existing material;
- 3) REPEALING existing material; or
- 4) Some combination of the preceding 3 items.

2. Body of a General Bill.

In general bills, O.C.G.A. text is changed in a bill using ~~striking~~ and underscoring.

If you are adding brand new material, for example a new Code section or perhaps a new Code chapter, all of the text is underscored.

Example:

“1-2-1. There is a limit to legislative foolishness; however, it will not be reached in this lifetime.”

In the case of making changes to a Code provision that already exists, it would be done by first copying and pasting the text into your document. Then altering it accordingly.

Example:

1) Cut and paste the text: “1-2-1. There is a limit to legislative foolishness; however, it will not be reached in this lifetime.”

2) Make alterations to the text: “1-2-1. There is a no limit to legislative foolishness; ~~however, it will not be reached in this lifetime.~~”

In the above, note that strikethroughs come FIRST. Then, language which is being added by underscores will FOLLOW.

RIGHT: a no

WRONG: no a

3. Body of a Local Bill.

In the case of local bills, strikethroughs or underscores are not utilized. Old text is simply omitted and replaced by new text.

G. Effective Date.

1. When Does a General Bill Become Law and Become Effective?

If a general bill has passed both chambers of the General Assembly, it is sent to the Governor. Under Article III, Section V, Paragraph XIII(a) of the constitution, a 40-day period occurs after the legislature adjourns *sine die*. Three things can happen. First, the Governor can sign a bill into law. Second, the Governor can veto a bill. Third, the Governor can choose to neither sign nor veto a bill, in which case the bill becomes law without the Governor's signature.

Under O.C.G.A. § 1-3-4 (a), a general law passed at a regular session which does not have an effective date clause automatically becomes effective on July 1 of that year. {This applies when the bill is signed, or becomes law without being signed, between January 1 and July 1. There are other rules if is signed, or becomes law without being signed, between July 1 and January 1.} So, if a drafter wanted to utilize this automatic default general law, then the bill would NOT have an effective date section and there will be NO clause in the caption about an effective date.

HOWEVER, a general bill can specify any future date as the date the bill is to become effective.

The most common format is to use a "Governor's effective date" provision. "This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval." The phrase "approved by the Governor" means the date the Act itself has been signed into law by the Governor. Recall that the signing period is a period of 40 days immediately following adjournment *sine die*. During this 40-day period, the Governor may sign Acts into law. The phrase "or becomes law without such approval" means the Act has not been signed or vetoed. In such a case, it would become effective upon the conclusion of the 40-day signing period.

The Governor may also veto legislation. If a measure is vetoed, it will appear in a veto letter, along with the reasons for the veto, in Volume III of that session's Georgia Laws compilation.

An effective date clause may also contain an applicability provision, *i.e.* language that shows how the measure is intended to be applied. "This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval and shall apply to causes of action arising on or after that date."

To further complicate matters, a bill can also have several effective dates specified for different provisions of the bill. In such a case, the caption would have to include a phrase "to provide for effective dates;".

Not only can there be multiple effective dates, but effective dates can also be triggered upon contingencies, such as making the bill subject to appropriation funding or subject to a referendum. In addition, effective dates can be delayed into the future.

2. When Does a Local Bill Become Law and Become Effective?

If a local bill has passed both chambers of the General Assembly, it is sent to the Governor. Under Article III, Section V, Paragraph XIII(a) of the constitution, a 40-day period occurs after the legislature adjourns *sine die*. Three things can happen. First, the Governor can sign a bill into law. Second, the Governor can veto a bill. Third, the Governor can choose to neither sign nor veto a bill, in which case the bill becomes law without the Governor's signature.

Once a local bill has been signed into law or has become law without the Governor's signature, it must be determined when that bill becomes effective. In other words, when does that law begin to operate? The matter is controlled by general law. Under O.C.G.A. § 1-3-4 (b), a local bill becomes effective on the day it is signed by the Governor OR the day upon which the local bill becomes law without the Governor's signature UNLESS the local itself specifies a different effective date. The phrase "or becomes law without such approval" means the Act has not been signed or vetoed. In such a case, it would become effective upon the conclusion of the 40-day signing period.

H. General Repealer.

This is a canned provision that appears at the end of EVERY bill. “All laws and parts of laws in conflict with this Act are repealed.”

This provision is a catch all repeal. It is ALWAYS accompanied by the caption phrase “to repeal conflicting laws;”.

This provision helps when a bill conflicts with but does not necessarily repeal an existing law. The General Assembly is presumed to know the law in effect at the time it enacts legislation, so the presumption is that the latest expression in time (the bill) will prevail where a conflict does result.

I. Specific Repealer.

1. General Bills.

A general bill can also contain a provision that specifically repeals a Code section or any degree of O.C.G.A. material. In this case, the bill would need to contain a provision that distinctly describes the material, and which uses repeal phrasing in the directory language. An appropriate provision would also need to be added to the caption. This is the preferred method over simply stating the text but showing it all as stricken. The reason is explained below by use of several examples.

When a bill is sent to the Governor, it is enrolled. As a part of the enrolling process, all striking and underscoring is resolved and hence removed from the bill.

During the legislative process, the text would appear as follows:

“1-2-1. There is a no limit to legislative foolishness; ~~however, it will not be reached in this lifetime.~~”

After enrollment, it would appear as follows:

“1-2-1. There is no limit to legislative foolishness.”

In the case of a repeal by strike through method, during the legislative process, the text would appear thus:

~~“1-2-1. There is a limit to legislative foolishness; however, it will not be reached in this lifetime.”~~

After enrollment, it would appear thus:

“ ”

In other words, it disappears completely. A blank is then what would appear in the Act as it is printed in Georgia. Laws.

2. Local Bills.

A local bill can also contain a provision that specifically repeals part or all the underlying local Act which is the subject of the bill. In this case, the bill would need to contain a provision that distinctly describes the material, and which uses repeal phrasing in the directory language. An appropriate provision would also need to be added to the caption.

EXAMPLE: “An Act an creating the board of commissioners of X County, approved July 1, 1995, Ga. L. 1995, p. 10, is repealed in its entirety.”

J. Severability and Nonseverability.

The concept of severability is one of statutory construction used by the courts. The premise is that when an entire statute cannot be sustained as a whole, a court will not declare the entire statute void but rather will uphold part of it there is a reasonable certainty that the remainder of the statute will accomplish the underlying legislative purpose. If the portion of a bill that the court is considering severing is so connected to the remainder that once removed, the rest of the bill cannot be given effect, then the court will not sever that portion and will declare the whole statute void.

If, as drafter, your intent is that a bill be severable, in other words if part is unconstitutional you still want a court to uphold the rest, then you DO NOT add a severability provision. General law already does so under O.C.G.A. § 1-1-3. For unknown reasons, many legislators absolutely insist that such a provision be added. It is pointless, confusing, and legally ineffective to do so.

The ONLY time the issue should be addressed is if you DO NOT want a bill to be severable. In that case, you place a specific nonseverability provision in the bill. Essentially, you simply reverse the wording of O.C.G.A. § 1-1-3 and insert it into the bill, with a corresponding clause in the caption.

K. Savings Clause.

The purpose of a saving clause is to preserve rights and duties that have already matured and proceedings that have already begun.

Article I, Section I, Paragraph X of the Constitution prohibits retroactive laws and the impairment of the obligation of contracts. Additionally, O.C.G.A. § 1-3-5 contains similar prohibitions such that "laws prescribe only for the future; they cannot impair the obligation of contracts, nor ordinarily have a retrospective operation."

Consequently, a saving clause is often unnecessary. HOWEVER, if your bill affects direct and collateral rights and duties, it is prudent to add such a clause. It is of particular importance in the case of criminal statutes to be certain that the prosecution of prior offenses is not abated.

There are multiple ways to craft these clauses. A common example is as follows: "This Act shall not apply to any offense committed before the effective date of this Act. Any such offense shall be punishable as provided by the statute in effect at the time the offense was committed."

L. Grandfather Clause.

A grandfather clause is a special type of savings clause. It has the effect of making a statutory change NOT apply to the rights of persons prior to the date of the change OR to situations which occurred before the date of the change.

The use of such a clause occurs frequently in the case of changing qualifications for a licensed or specialized position. Suppose that you wanted to license the practice of drafting statutes. However, your key drafter does not meet the qualifications. You would address the issue with a grandfather clause along the following lines: "All drafters of statutes shall be crazy in order to be licensed; provided that such requirement shall not

apply to persons engaged in the practice of drafting prior to the effective date of this Act if such persons were less than normal.”

V. NOTICE OF INTENT TO INTRODUCE LOCAL LEGISLATION.

This subject is treated at length in a separate study, *County Home Rule & Local Legislation*, beginning on p. 12.

VI. FINDING THE RELEVANT LAW

A. General Law

All general Acts of the General Assembly are printed in Volume I of the annual compilation, Georgia Laws. General Acts are then incorporated into the O.C.G.A. Text is available through the printed Code as well as online subscription services such as LexisNexis and West Law. Additionally, a free online version of the unannotated Code is available through the General Assembly website. At the following page:

<http://www.legis.ga.gov/en-US/default.aspx>

Look at the left side of the page under the heading **Georgia Government** and click on **Georgia Code** jump link.

B. Local Law

All local Acts of the General Assembly are printed in Volume II of the annual compilation, Georgia Laws. An index of matters for each particular year is contained in Volume III of Georgia Laws and a comprehensive index of local laws is contained in Volumes 42 and 42A of the O.C.G.A., commonly referred to as the ‘local laws index’.

Local governments are listed alphabetically, and entries are set forth under two main columns, *Current* and *Noncurrent*.

Finding material in the local laws index is a straightforward process. First, identify the local government entity. For purposes of our example, that entity is “X County”. Flip to the listing for X County and find the *Current* column. Next find the heading relevant to your search. Suppose you were looking for the laws regarding the board of commissioners for X County? Simply look for the subheading, **Commissioners**. Typically, the original enactment is listed and then followed in descending order by each amendment.

It is also a wise practice to look at other subheadings under X County. The reason is because not all amendments are necessarily to the original enactment or the subsequent chain of amendments. The General Assembly has on occasion utilized one or more local laws that may amend a board of commissioners or other local entity, but the amendment is in the form of a stand-alone Act. It can be a challenge to find these separate Acts. There is a colloquial expression which is commonly used in OLC for these hidden pitfalls, but it is not suitable for printing.

A researcher should use the local law index assemble a list of relevant entries of citations to Georgia Laws that consist of year and page number.

Once a list of local Acts has been prepared that are relevant to the drafting process, the next step is to locate the text. The best practice is to examine the list entries in ascending chronological order. The reason is that this will provide the researcher with the latest version of a section or sections. By using the citation, the searcher can then pull the appropriate year volume of Georgia Laws and turn to the cited page. Sets of Georgia Laws should be available at the county law library. OLC lawyers will use this search method exclusively as it is the official statement of the law.

In the event hard bound volumes of Georgia Laws are not available, some local Acts may be found on a county’s listings on MuniCode:

<https://library.municode.com/ga>

A researcher should note that on occasion, the numbering and organization of material may differ from what appears in Georgia Laws. As mentioned above, the material in Georgia Laws is the official statement of the law and should be followed in all cases.

There is an additional way to gain access to local laws. The Galileo website contains all Georgia laws through the most recently completed session of the General Assembly. The main page is located here:

https://dlg.usg.edu/collection/dlg_zlgl

Unfortunately, the current version of Galileo isn't user friendly like its former iteration. User instructions are located here:

https://kaltura.uga.edu/media/t/1_ztrr3v7h

ACCG is working with Galileo to try to get a **Year/Page Search** function restored to the site. Pending this, a user basically must open the book for the appropriate year and scroll through it until the correct page is located.

A word of caution is in order. First, the formatting of documents in Galileo is visually confusing and a reader should pay close attention to avoid margin errors in the text. Second, researching a chain of amendments to a local Act is a tedious and time-consuming process. Be patient, take your time, be thorough, and **Do Not Hurry**. Trying to skip steps or rush through things is a recipe for disaster and will almost assuredly result in something getting missed.

VII. TIPS AND BEST PRACTICES.

- 1) *Legislation should be written with a clear meaning.* Laws that are unclear or vague are more likely to be challenged or misinterpreted.
- 2) *For general bills, verify that the Code section that is being used as the base for the bill draft is the most recent version.*
- 3) *For local bills, verify, for example, that the provision of a county commission Act that is being used as the base for the bill draft is the most recent version.*

4) *Define terms.* Often there may not be a definition provided in the Code or in a local Act for what needs to be a term of art, or conversely there may be a definition, but it is not the one that needs to be used for that Code section or that local Act.

5) *Check all Code sections or provisions of a county commission Act that are cross referenced in the draft to ensure they are correct.* This is especially important in bills that have been carried over from the previous session.

6) *Review effective dates.* If a bill is carried over from one session to another, make sure the effective date is still valid. For bills that are creating or establishing something, think about the lead in time that may be necessary in order to implement the legislation when setting the effective date.

7) *Don't reinvent the wheel.* Many of the local bills that are introduced have been introduced before by other counties, such as homestead exemptions, redevelopment powers, form of government changes, etc. If your county needs to introduce a bill of this nature, check the General Assembly website at www.legis.ga.gov and search for local bills that were introduced in previous sessions for examples. Most local bills that are introduced in the House are assigned to the Intragovernmental Coordination Committee (ICC) and most local bills that are introduced in the Senate are assigned to State and Local Governmental Operations (SLGO).

8) *Check the LC number of the bill substitute (or in the case of an amendment, the AM number) to ensure that the version of the bill, substitute, or amendment is the latest version.* The last four digits can be compared to previous versions. Typically, the higher number will indicate the more recent version. This is especially important with bills that have multiple iterations.