

# Where Does a Bill Come From?

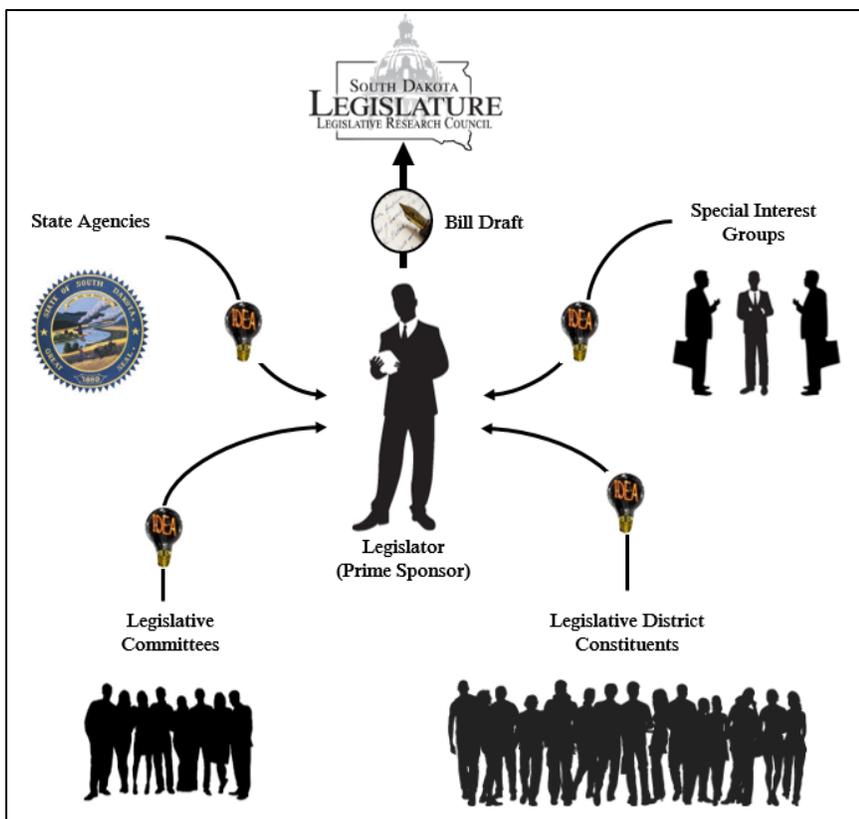


When state legislators are in Pierre for the annual legislative session, the majority of their time is spent discussing ideas for changes in state law. Ideas vary from changing only a word or two of a current law, an entire section of law, getting rid of a current state law, or creating a new law.

All of the ideas, regardless of their size or scope, must be presented to the Legislature in the form of bills. Bills are the proposals recorded on paper in a prescribed format.

Only legislators and legislative committees may present or introduce bills to the Legislature. However, ideas for bills come from a multitude of sources. First, legislators have their own ideas for bills stemming from their expertise in certain fields, experiences they have had, or observations they have made.

Special interest groups are another source of ideas. Members of these groups often ask legislators to sponsor bills promoting their interests.



Many ideas for bills come from government agencies. Each year several bills are introduced at the request of the Governor or on behalf of a department in state government. Those who work closely with state law are often able to recommend ways to improve it.

Finally, ideas for bills come from those individuals represented by the legislators, the constituents who live in their districts.

The next step is to put an idea into the form of a bill. Anyone can draft a bill, but the rules of the Legislature require that all bills be in the proper form and style.

A legislator wishing to introduce a bill generally brings the idea or a draft of the proposed bill to the Legislative Research Council, where staff members will either draft the bill or make final preparations on the bill drafted by others.

The legislator who begins to move the bill through the legislative process is known as the prime sponsor. The prime sponsor may introduce the bill independently or seek other legislators to act as co-sponsors of the bill. Senate bills have senators as prime sponsors, and House bills have representatives as prime sponsors. However, members of either house may co-sponsor any bill.



Bills may not be introduced until the first day of a legislative session. However, those elected to serve in the upcoming Legislature may pre-file bills with the Legislative Research Council, up to thirty days in advance of the first legislative day. Interim committees may pre-file legislation under the names of individual legislators who served on the committee. The rules require executive agencies to pre-file any legislation they wish to have considered.

A bill in proper form consists of three main parts: the title, the enacting clause, and the body.

- ♦ The title gives the reader a brief summary of the subject of the bill. The SD Constitution dictates that bills embrace only one subject, and that subject must be expressed in the title.
- ♦ The enacting clause, "BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA," is also required by the SD Constitution and indicates that everything listed below it is to become the law of the state.
- ♦ The body is the remainder of the bill, the part that will actually become law, if passed. It is divided into sections to make it easier to read and to reference.

In addition to the three main parts, a bill also includes a list of sponsors and a number. The name of the prime sponsor always appears first on the bill, and then the co-sponsors are alphabetically listed. If a committee sponsors a bill, then only the name of the committee is listed. A number is assigned to the bill upon introduction, which is used to identify the bill as it works its way through the process.

During session, legislators spend a majority of their time discussing bills, but bills are not the only proposals that come before the Legislature. Legislators may also introduce commemorations and resolutions. Commemorations express legislative recognition and listed below are four types of resolutions that may be introduced:

- ♦ A simple resolution is unique in that it pertains to and is acted on by only one house. A simple resolution may be used to make a request of the other house, to regulate procedure, or to refer a topic to the Executive Board of the Legislative Research Council for possible study by an interim study committee.
- ♦ A concurrent resolution does not have the force of the law and shall only be used to authorize interim studies, sessions or committees, to instruct a department of state government, or to petition federal agencies.
- ♦ A joint resolution is, by law, used to propose changes to the SD Constitution and submit them to the voters at the next election. It is also used to ratify or propose amendments to the United States Constitution. Unlike the previous two types of resolutions, a joint resolution only contains matters of legislation.
- ♦ A resolution of disapproval allows the Legislature to disapprove of any reorganization of the executive branch done by the Governor during the preceding year. It is the newest type of resolution and used less frequently than the others.

### Key Resources:

[How an Idea Becomes a Law](#)  
[Pre-filing of Bills](#)  
[Committee Introduction of Bills](#)  
[Enacting Clause](#)  
[One Subject Title](#)

### Key Terms:

*bill*  
*body of a bill*  
*concurrent resolution*  
*constituents*  
*co-sponsor*  
*enacting clause*  
*joint resolution*  
*legislative committee*  
*pre-filing*  
*prime sponsor*  
*resolution of disapproval*  
*simple resolution*  
*special interest groups*  
*title*

### Three Main Parts of a Bill

#### **Title:**

The single subject of the Bill

#### **Enacting Clause:**

"BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA,"

#### **Body:**

The language of the bill that will be used to change the South Dakota Codified Law once it passes the legislative process and is signed by the Governor.

### Did you know?

In 1957 the Legislature set two records. That year, 929 Bills were introduced and 525 Bills were enacted. This is the most bills introduced and enacted during a single session.