

WHERE DO BILLS COME From?

When state legislators are in Pierre every year for the annual session, the bulk of their time is spent discussing ideas for change in state law. Some of the ideas involve changing only a word or two of a current law; others involve rewriting an entire section of law. Still others include repealing or getting rid of a current state law.



All of the ideas, regardless of their size or scope, must be presented to the Legislature in the form of a bill. Bills are simply the ideas recorded on paper in a prescribed format. Only legislators and legislative committees may present or introduce bills to the Legislature, but ideas for bills come from a multitude of sources.



Often legislators have their own ideas for bills stemming from their expertise in a certain field or simply from an experience they've had or an observation they've made. For example, a teacher who is also a legislator, may sponsor a bill proposing a change in the education system he or she feels is necessary. Or, a legislator whose granddaughter is attacked by a vicious dog may seek to tighten the restrictions on keeping dangerous animals.

Special interest groups are another source of ideas. Members of these groups often ask legislators to sponsor bills promoting their interests. M.A.D.D. (Mothers Against Drunk Drivers), for instance, may persuade a legislator to sponsor a bill aimed at reducing the numbers of drunk drivers. Also, groups like the South Dakota Retailers' Association might seek sponsorship for bills addressing the concerns of small business owners.

Many ideas for bills come from government agencies. Each year several bills are introduced by legislators and committees 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. The Secretary of State, for example, may seek a change in an election law. The Attorney General might try to stiffen the penalty for a particular crime, or officials from the Department of Revenue may attempt to clarify a tax law.

Last, but not least, ideas for bills also come from those individuals represented by the legislators, the constituents. You do not have to be a state employee or a member of a special interest group to let your ideas be known. In fact, most legislators are very receptive to the suggestions and concerns of the people who live in their district. In one instance, some constituents complain to their legislator about having to leave the state to receive a certain medical treatment. In turn, their legislator sponsors a bill, which would allow them to receive the treatment in state. In another case, a constituent's problems with an insurance company lead a legislator to introduce a bill changing an insurance law. Whatever the circumstances, it takes only one individual with an idea to make a change.

Once a legislator has an idea in mind, the next step is to put the idea into the form of a bill. Though virtually anyone can draft a bill, the rules of the Legislature stipulate that all bills must be in the form and style dictated by the Legislative Research Council (LRC). Therefore, a legislator wishing to introduce a bill generally brings the idea or the draft of a proposed bill to the LRC where staff members either draft the bill or make final preparations on one 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 house members as prime sponsors. However, members of either house may co-sponsor any bill.

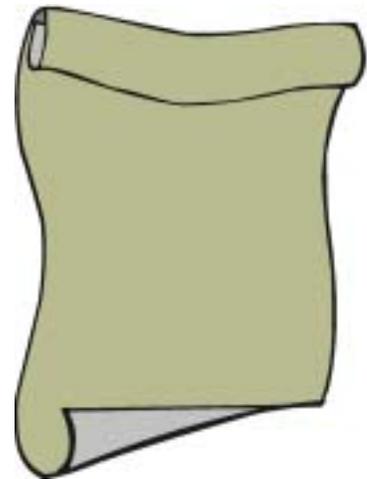


Although bills may not be officially introduced until the first day of a legislative session, those elected to serve in the upcoming Legislature may prefile bills with the Legislative Research Council up to thirty days in advance. Interim committees often prefile legislation under the names of individual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

have considered. They also must get permission from the chair of a legislative standing committee to do so.

A bill in its proper form consists of three main parts: the title, the enacting clause, and the body. The state constitution dictates that bills embrace only one subject, and that subject must be expressed in the title. Therefore, the title gives the reader a brief summary of the subject of the bill. The enacting clause, "BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA," is also prescribed by the constitution and shows that everything listed below it is to become the law of the state. If it is not included, the bill has no force of law. Lastly, the body is the remainder of the bill, the part that will actually become law. 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 the co-sponsors are alphabetically listed thereafter. If a committee is sponsoring a bill, then only the name of the committee is listed. A number is assigned to the bill upon introduction and is used to identify the bill as it works its way through the process.



Though legislators spend a majority of their time in sessions discussing bills, they are not the only proposals that come

before the Legislature. Listed below are four types of resolutions that may be introduced.

- (1) A simple resolution is unique in that it pertains to and is acted on by only one house. It is used primarily to express an opinion, express gratitude, or condolences, or to make a request of the other house.
- (2) A concurrent resolution expresses an opinion of the Legislature, but it has no force of law. Often it is used to persuade the Congress to act in a certain way or to make a request of the Governor or a government agency.
- (3) A joint resolution is, by law, used to propose changes to the state 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 must only contain matters of legislation.
- (4) 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 form of resolution and used less frequently than the others.