

Nine Steps to Draft a Bill

Step 1 Define the Goal

We want to stop the practice of steamboat racing.

Step 2 Powers of Congress

Make sure your law is constitutional or it will get thrown out. You should be able to explain which power of congress your bill is related to. If the constitution does not clearly say that you have this power, then under which power is it implied?

Step 3 Act or Resolution?

An Act creates a new law or modifies an existing law. A Resolution expresses the General Assembly's opinion and doesn't create or modify a law.

We are creating a law against steamboat racing, so we're drafting an Act.

If we wanted to express disapproval of steamboat racing without making it illegal, we would pass a resolution ... *A Resolution to Condemn Steamboat Racing.*

Step 4 Bill Title (or Caption)

This begins with the words "An Act To" or "A Resolution To" and continues with a brief summary of the bill's contents.

An Act to prohibit steamboat racing on Tennessee rivers and to provide punishment therefor.

Consider the title carefully because it can't be amended after the bill is introduced. If a bill is broader than its caption, it's unconstitutional. If changing an existing law, the title must mention the law being amended.

These requirements are based on the Tennessee Constitution: "No bill shall become a law which embraces more than one subject, that subject to be expressed in the title. All acts which repeal, revive or amend former laws, shall recite in their caption, or otherwise, the title or substance of the law repealed, revived or amended." (Article II, Section 17)

We aren't changing an existing law in our example, so none is mentioned in the title (also known as a caption). We can refer to an existing law by its Code section. If we were amending an existing law, we would add a phrase like this to the title:

Amends TCA 49-3-2001.

Step 5 Preamble | optional

A preamble is optional, but many people like to include them.

The Preamble is the "Whereas" clauses at the beginning of the bill that establish the rationale or context for the bill. A bill can have more than one, but don't get carried away. Sometimes less is more.

WHEREAS, the racing of steamboats on Tennessee rivers imperils the peace, safety and dignity of its citizens, and

WHEREAS, dozens of innocent citizens in recent years have been fearful for their lives because of this nefarious sport, therefore

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Step 6 Enacting or Resolving Clause

This is standard language that precedes the body of the bill.

We're writing an act, so the operative word is "Enacted". If it's a resolution, substitute the word "Resolved". It is typed in all capital letters.

BE IT ENACTED BY THE [number] GENERAL ASSEMBLY OF THE TENNESSEE INTERCOLLEGIATE STATE LEGISLATURE:

Step 7 Body of the Bill

Here is where we get down to business.

The body of the bill is broken into sections, each of which is numbered. A section may have more than one paragraph.

A section may have sub-sections, which are lettered. A sub-section may also have more than one paragraph.

Section 1. The captain of any steamboat that engages in a competition with one or more other steamboats to reach a destination shall be guilty of the crime of "Steamboat Racing".

Section 2. The sheriff of any county passed by the racing steamboats may arrest the captains of said steamboats and incarcerate them in the county jail.

Section 3. Upon conviction in a competent Court of law, the judge shall sentence the captain to one of the following punishments as the Court shall deem appropriate:

(a) For the first offense, a Class C misdemeanor.

(b) For the second and subsequent offenses, a Class B misdemeanor

(c) In the alternative, to pick up litter along the riverbank.

Step 8 Effective Date | Acts only; not Resolutions

The final section of the bill tells when it takes effect.

Section 4. This act shall take effect July 1, 2009.

The phrase "the public welfare requiring it" is added if the law takes effect less than 40 days after it's adopted, such as a bill that takes effect immediately.

Here is the relevant provision from the Tennessee Constitution: "No law of a general nature shall take effect until forty days after its passage unless the same or the caption thereof shall state that the public welfare requires that it should take effect sooner." (Article II, Section 20)

Step 9 Sponsors

Each bill must have at least one Senate sponsor and at least one House sponsor. The sponsors may be from different colleges. Multiple sponsors indicate the bill has more support.

Senate

Estes Kefauver, Tennessee Wesleyan

Howard Baker, University of Tennessee at Knoxville

House

Richard Fulton, Middle Tennessee State University

B. Carroll Reece, East Tennessee State University

Harold Ford Sr., Tennessee State University