2021 Legislative Drafting Seminar: Amendments to Bills and Resolutions

October 1, 2020
Jennifer S. N. Clark
Counsel
Overview

AMENDMENT BASICS
PRELIMINARY CONSIDERATIONS
GOAL
BILL VERSION
AMENDMENT FORMAT
TYPES OF AMENDMENTS
BONUS DRAFTING TIPS
AMENDMENT BASICS
WHAT

amend, vb. 1. To correct or make usu. small changes to . . . . 2. To change the wording of; specif., to formally alter (a statute, constitution, motion etc.) by striking out, inserting, or substituting words. . . .

Black’s Law Dictionary (11th Ed.)
WHO

Lobbyist

• NDCC Section 54-05.1-02 requires most people to register as lobbyists if they:
  1. Attempt to secure the passage, amendment, or defeat of any legislation by the Legislative Assembly or the approval or veto of any legislation by the Governor; or
  2. Attempt to influence decisions made by the Legislative Management or by an interim committee of the Legislative Management

• Exceptions

• Secretary of State
WHO

Friend or Foe
WHEN
### 2021 Legislative Deadlines

<table>
<thead>
<tr>
<th>Date</th>
<th>Legislative Day</th>
</tr>
</thead>
<tbody>
<tr>
<td>December 1-3, 2020</td>
<td>Organizational session²</td>
</tr>
<tr>
<td>December 4</td>
<td>Deadline for executive agencies and Supreme Court to file bills with the Legislative Council</td>
</tr>
<tr>
<td>January 5 (Tuesday)</td>
<td>1ˢᵗ  Session begins⁴ (State of the State Address⁴)</td>
</tr>
<tr>
<td>January 11 (Monday)</td>
<td>5ᵗʰ  More than six bills may be introduced by each Representative after this date</td>
</tr>
<tr>
<td>January 18 (Monday)</td>
<td>10ᵗʰ  Martin Luther King Day⁴  Deadline for Representatives to introduce bills. No more than three bills may be introduced by each Senator after this date. A Senate bill containing an appropriation clause may not be introduced after this date.</td>
</tr>
<tr>
<td>January 25 (Monday)</td>
<td>15ᵗʰ  Deadline for Senators to introduce bills</td>
</tr>
<tr>
<td>January 28 (Thursday)</td>
<td>18ᵗʰ  Deadline for introducing resolutions except amendments to the Constitution of North Dakota and study resolutions</td>
</tr>
<tr>
<td>February 8 (Monday)</td>
<td>25ᵗʰ  Deadline for referrals of bills in house of origin to Appropriations Committees</td>
</tr>
<tr>
<td>February 15 (Monday)</td>
<td>30ᵗʰ  George Washington's Birthday⁴</td>
</tr>
<tr>
<td>February 23 (Tuesday)</td>
<td>36ᵗʰ  Bills and resolutions except constitutional amendments and study resolutions must be reported out of committee in house of origin. Deadlines for introducing amendments to the Constitution of North Dakota and study resolutions</td>
</tr>
<tr>
<td>February 26 (Friday)</td>
<td>39ᵗʰ  Crossover date for bills²  Recession</td>
</tr>
<tr>
<td>March 1 and 2 (Monday and Tuesday)</td>
<td>40ᵗʰ  Reconsider from crossover break</td>
</tr>
<tr>
<td>March 5 (Friday)</td>
<td>42ⁿ  Study resolutions and proposed constitutional amendments must be reported out of committee</td>
</tr>
<tr>
<td>March 10 (Wednesday)</td>
<td>45ᵗʰ  Crossover date for resolutions</td>
</tr>
<tr>
<td>March 26 (Friday)</td>
<td>57ᵗʰ  Deadline for referrals of bills in second house to Appropriations Committees</td>
</tr>
<tr>
<td>April 2 (Friday)</td>
<td>62ⁿ  Good Friday⁴</td>
</tr>
<tr>
<td>April 7 (Wednesday)</td>
<td>65ᵗʰ  Bills and resolutions must be reported out of committee in second house</td>
</tr>
<tr>
<td>April 28 (Wednesday)</td>
<td>80ᵗʰ  Session limited to 80 legislative days⁵</td>
</tr>
</tbody>
</table>

¹Based on rules of the 60th Legislative Session adopted on December 5, 2018.
²Section 7 of Article IV of the Constitution of North Dakota. North Dakota Century Code Sections 54-03-02 and 54-03-1102.
³In 2019 the House and Senate scheduled the State of the Judiciary Address and the Tribal-State Relationship Message on the 1ˢᵗ legislative day.
⁴In 2019 the House and Senate were in session on Martin Luther King Day, George Washington's Birthday, and Good Friday.
⁵In 2019 the House and Senate made crossover on the 39ᵗʰ legislative day, Wednesday, February 20.
⁶Section 7 of Article IV of the Constitution of North Dakota limits regular sessions to 60 natural days during a brevement and defines a "natural day" as a period of 24 consecutive hours. House and Senate Rules 104 provide that a legislative day begins at 7:30 a.m., so each legislative day ends at 7:00 a.m. the following day.

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*North Dakota Legislative Council*

601 East Boulevard Avenue, Bismarck, ND 58505

📞 701.328.2916  💌 lcouncil@nd.gov  🌐 www.legis.nd.gov
WHERE

How a Bill Becomes Law

Bill Preparation
Bills are usually prepared by the Legislative Council for introduction by a legislator. If a bill is not prepared by the Legislative Council, the bill must be sponsored by the Legislative Council office for proper form and style.

Bill Introduction
After the preliminary business of opening a session, the presiding officer (the Lieutenant Governor in the Senate and the Speaker in the House) calls for an introduction of bills. Any legislator may hand the bill to the bill clerk.

Bill Number Assignment
The bill clerk assigns a number to the bill and the Chief Clerk of the House or the Secretary of the Senate reads the bill by title only (first reading of the bill - 4th Order of Business).

Committee Assignment & Introduction
The presiding officer refers the bill to the proper committee. In committee, the bill is explained and discussed.

Public Input
Public hearings are held on every bill.

Committee Recommendation & Report
The bill committee may:
- Report the bill unamended with or without amendment;
- Report the bill favorably with or without amendment;
- Report the bill without any recommendation and with or without amendment;
- Request the bill to be referred to another committee with or without any amendment.

Each committee reports to the House or Senate on the bills that have been referred to the committee.

Calendar Placement & Consideration of Amendment
All bills, regardless of type of committee report, will be placed on the calendar for first passage. If the committee recommends an amendment, the amendment is placed on the calendar and adopted or rejected before the bill is placed on the calendar.

Floor Debate
When a bill comes up on the calendar, the bill is debated. This is known as the second reading and is the time when the bill can be finally passed or defeated. Then the bill is debated on the floor of the House or Senate.

Chamber Consideration
After debate the bill is passed or defeated. If passed, the bill is delivered (engrossed) to the other house.

Second House Consideration
If the second house passes the bill in the same form, the bill is enrolled, signed by the presiding officers, and sent to the Governor. If the second house amends and then passes the bill, it is sent back to the first house for concurrence. If the first house does not concur, the presiding officers of both houses appoint a conference committee.

Conference Committee
The conference committee makes recommendations to both houses and both houses must approve the bill in the same form.

Enrollment
The bill then is enrolled signed by the presiding officers, and sent to the Governor. If signed or if forwarded to the Secretary of State without being signed, the bill becomes law (usually August 1 or July 1 for appropriations and revenue measures).

Veto Override
If vetoed the bill can still become a law by a 2/3 vote in both houses.

Voters’ Referral
A bill once passed may be repealed, whole or in part, through a vote of the electorate by means of a voter-发起 initiative.

Initiated Measure
A law may be proposed and acted upon by the electorate by means of an initiated measure.
WHERE

Following introduction - until the legislature no longer has possession of the bill or resolution

• First or second house – before or after crossover
• Standing committee
• Appropriations committee
• Senate floor amendment
• Conference committee
WHY?

Change substance of bill or resolution – Identified bill or resolution

Insert new substance – Unidentified bill
• Bill introduction deadline passed
• Revive language of failed bill
HOW

• This is your BFF for 80 Legislative Days
• www.legis.nd.gov/legislative-drafting-manual
Why do you care about this minutiae?
Words Have Meanings

FAILED TO FOLLOW THE DRAFTING MANUAL YOU HAVE

THAT IS WHY YOU FAIL
Questions?
PRELIMINARY CONSIDERATIONS
Preliminary Considerations

CONSTITUTION OF NORTH DAKOTA – SECTION 13

“... no bill may be amended ... in a manner which changes its general subject matter. No bill may embrace more than one subject, which must be expressed in its title ...”

*NDLDM page 6
Preliminary Considerations

SUBJECT MATTER

- Workers’ compensation
- PERS
- State land exchange
- Health insurance mandate

*NDLDM page 9
Questions?
GOAL
GOAL

Sixty-sixth Legislative Assembly

3. Aid and assist in every reasonable way to efficiently coordinate and conduct human services activities within the human service zone by private as well as public organizations.

4. Subject to subsection 18 of section 50-06-05.1, administer the supplemental nutrition assistance program in the human service zone in conformity with the Food Stamp Act of 1964, and enter an agreement for administering the supplemental nutrition assistance program with the department.

5. Subject to subsection 18 of section 50-06-05.1, administer the home energy assistance program in the human service zone and enter an agreement for administering the home energy assistance program with the department.

6. Charge and collect fees and expenses for services provided by the human service zone's staff in accordance with policies and fee schedules adopted by the department.

7. Supervise and administer designated child welfare services.

8. Supervise and administer human services.

9. Supervise and administer replacement programs with substantially similar goals, benefits, or objectives.

10. As necessary, supervise and administer experimental, pilot, statewide, regional, or transitional programs with substantially similar goals, benefits, or objectives.

11. Cooperate with any other human service zone to assure the conduct of initial and ongoing human services with respect to any applicant or eligible beneficiary who is physically present in a human service zone other than the human service zone of which the applicant or eligible beneficiary is a resident.

12. (Amended by SB 2345)

12. Employ a human service zone director who shall serve as the president of the human service zone board.

13. Collaborate with the department and other human service zones to ensure the provision of quality, effective, and efficient human services to the citizens of North Dakota.

Page 66, line 17, replace "As necessary" with "if applicable"

Page 66, line 18, after "programs" insert "under the director of the department and"

Page 66, line 18, replace "substantially similar" with "the"

Page 66, line 18, replace ". benefits, or objectives" with "of enhancing quality, effectiveness, and efficiency of programs and services"

Page 66, line 19, after "11" insert "Cooperate with the department or other human service zones in revising human service zone operations to reflect department guidelines or best practices that may be based on recommendations from experimental or pilot programs."

Page 66, line 23, replace "12" with "13."

Page 66, line 25, replace "13." with "14."
GOAL

Sixty-sixth Legislative Assembly

10. If applicable, supervise and administer experimental, pilot, statewide, regional, or transitional programs under the director of the department and with substantially similar goals, benefits, or objectives of enhancing quality, effectiveness, and efficiency of programs and services.

11. Cooperate with the department or other human service zones in revising human service zone operations to reflect department guidelines or best practices that may be based on recommendations from experimental or pilot programs.

12. Cooperate with any other human service zone to assure the conduct of initial and ongoing human services with respect to any applicant or eligible beneficiary who is physically present in a human service zone other than the human service zone of which the applicant or eligible beneficiary is a resident.

13. Employ a human service zone director who shall serve as the presiding officer of the human service zone board.

14. Collaborate with the department and other human service zones to ensure the provision of quality, effective, and efficient human services to the citizens of North Dakota.

Page No. 66

Sixty-sixth Legislative Assembly

11. Cooperate with the department or other human service zones in revising human service zone operations to reflect department guidelines or best practices that may be based on recommendations from experimental or pilot programs.

12. Cooperate with any other human service zone to assure the conduct of initial and ongoing human services with respect to any applicant or eligible beneficiary who is physically present in a human service zone other than the human service zone of which the applicant or eligible beneficiary is a resident.

13. Employ a human service zone director who shall serve as the presiding officer of the human service zone board.

14. Collaborate with the department and other human service zones to ensure the provision of quality, effective, and efficient human services to the citizens of North Dakota.
Amendments=Bill Drafting 2.0

Bill and resolution drafting rules . . . PLUS

• Bill Version
• Amendment Format
• Types of Amendments
Questions?
BILL VERSION

Amend proper bill version

• Correct version = version in the custody of committee clerk
• Most recent version on LC website is not necessarily the correct version to amend
  • Never amend “marked-up version” aka Christmas Tree
  • Never amend version “with” Senate, House, or Conference Committee amendments

TIP: If you don’t know which version to amend:
• NDLDM pages 61 and 65-68
• Check with committee clerk
• Ask someone who knows
### Bill Versions for SB 2265

Send me to Bill No. (9999): [ ]

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<th>Action</th>
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<td>19.0614.03000</td>
<td>INTRODUCED</td>
<td></td>
</tr>
<tr>
<td>19.0614.03004</td>
<td>Adopted by the Senate Education Committee</td>
<td></td>
</tr>
<tr>
<td>19.0614.04000</td>
<td>FIRST ENGROSSMENT</td>
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<td>19.0614.04001</td>
<td>Prepared by the Legislative Council staff for Senate Appropriations Committee</td>
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</tr>
<tr>
<td>19.0614.05000</td>
<td>SECOND ENGROSSMENT</td>
<td></td>
</tr>
<tr>
<td>19.0614.05006</td>
<td>Adopted by the House Education Committee</td>
<td></td>
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<td>19.0614.06000</td>
<td>SECOND ENGROSSMENT with House Amendments</td>
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<tr>
<td>19.0614.05008</td>
<td>Prepared by the Legislative Council staff for Representative Deltzer</td>
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<tr>
<td>19.0614.07000</td>
<td>SECOND ENGROSSMENT with House Amendments</td>
<td></td>
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<tr>
<td>19.0614.05018</td>
<td>Adopted by the Conference Committee</td>
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<td>19.0614.08000</td>
<td>SECOND ENGROSSMENT with Conference Committee Amendments</td>
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<td>19.0614.09000</td>
<td>Enrollment</td>
<td></td>
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<tr>
<td>Date</td>
<td>Chamber</td>
<td>Meeting Description</td>
</tr>
<tr>
<td>--------</td>
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<td>--------------------------------------------------------------</td>
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<tr>
<td>01/14</td>
<td>Senate</td>
<td>Introduced, first reading, referred Education Committee</td>
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<td>01/21</td>
<td>Senate</td>
<td>Committee Hearing 09:00</td>
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<tr>
<td>02/05</td>
<td>Senate</td>
<td>Reported back amended, do pass, amendment placed on calendar</td>
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<tr>
<td>02/06</td>
<td>Senate</td>
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<tr>
<td>02/07</td>
<td>Senate</td>
<td>Rereferred to Appropriations</td>
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<tr>
<td>02/13</td>
<td>Senate</td>
<td>Committee Hearing 08:30</td>
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<td>02/14</td>
<td>Senate</td>
<td>Reported back amended, do pass, amendment placed on calendar</td>
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<tr>
<td>02/15</td>
<td>Senate</td>
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</tr>
<tr>
<td>02/18</td>
<td>Senate</td>
<td>Laid over one legislative day</td>
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<tr>
<td>02/19</td>
<td>Senate</td>
<td>Amendment adopted, placed on calendar</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Second reading, passed, yeas 47 nays 0</td>
</tr>
<tr>
<td>02/20</td>
<td>House</td>
<td>Received from Senate</td>
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<td>02/27</td>
<td>House</td>
<td>Committee Hearing 04:00</td>
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<tr>
<td>03/27</td>
<td>House</td>
<td>Introduces, first reading, referred Education Committee</td>
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<tr>
<td>03/28</td>
<td>House</td>
<td>Amendment adopted</td>
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<tr>
<td>04/08</td>
<td>House</td>
<td>Reported back amended, do pass, amendment placed on calendar</td>
</tr>
<tr>
<td>04/09</td>
<td>House</td>
<td>Amendment adopted, placed on calendar</td>
</tr>
<tr>
<td>04/10</td>
<td>House</td>
<td>Second reading, passed as amended, yeas 74 nays 19</td>
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<tr>
<td></td>
<td>Senate</td>
<td>Returned to Senate (12)</td>
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<tr>
<td>04/11</td>
<td>Senate</td>
<td>Refused to concur</td>
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<td>04/15</td>
<td>House</td>
<td>Conference committee appointed Schable Rust Marcellais</td>
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<tr>
<td></td>
<td>Conference Committee</td>
<td>Conference committee appointed Owens Monson Sanford</td>
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<tr>
<td>04/24</td>
<td>Senate</td>
<td>Reported back from conference committee, amend, placed on</td>
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<td></td>
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<td>report adopted</td>
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<tr>
<td>04/25</td>
<td>Senate</td>
<td>Conference committee report adopted</td>
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<tr>
<td></td>
<td>House</td>
<td>Second reading, passed, yeas 47 nays 0, Emergency clause carried</td>
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<tr>
<td></td>
<td>Conference Committee</td>
<td>report adopted</td>
</tr>
<tr>
<td></td>
<td>House</td>
<td>Signed by Speaker</td>
</tr>
<tr>
<td>05/02</td>
<td>Senate</td>
<td>Signed by Governor 05/01</td>
</tr>
<tr>
<td></td>
<td>Senate</td>
<td>Sent to Governor</td>
</tr>
<tr>
<td>05/07</td>
<td>Senate</td>
<td>Filed with Secretary Of State 05/02</td>
</tr>
</tbody>
</table>
Questions?
AMENDMENT FORMAT
Pick up that red pen...seriously...
This is not the time to go paperless
AMENDMENT FORMAT

Format amendment by citation to page and line numbers

• Changes are listed in separate amendment instructions or transactions
• Changes are addressed in order: from top to bottom, left to right

Page 1, line 2, remove "decreasing"
Page 1, line 2, replace "to increase" with "and"
Page 1, line 8, replace "Conversion" with "Exchange"
Page 1, line 17, remove "convert residential child care"

TIP: Print a copy of the bill, grab a red pen, open your copy of the NDLDM, pop some popcorn, and physically mark up the changes you wish to make

*NNDLDM pages 61-65
PROPOSED AMENDMENTS TO HOUSE BILL NO. 1519

Page 1, line 1, replace "subsections" with "subsection"
Page 1, line 1, remove ", 38, and 40"
Page 1, line 1, remove the third comma
Page 1, remove line 2
Page 1, line 3, remove "subsection 4 of section 19-24.1-21"
Page 1, line 4, remove "and usable marijuana for minors"
Page 1, line 4, after "program" insert ", to provide for a legislative management study; and to declare an emergency"
Page 1, line 6, replace "Subsections 15, 28, and 40" with "Subsection 15"
Page 1, line 23, after "m." insert: "Anorexia nervosa:
   a. Bulimia nervosa;
   b. Anxiety disorder;
   c. Tourette syndrome;
   d. Ehlers-Danlos syndrome;
   e. Endometriosis;
   f. Interstitial cystitis;
   g. Neuropathy;
   h. Opioid use disorder;
   i. Opioid withdrawal;
   j. Migraine;
   k. Rheumatoid arthritis;
   l."
Page 1, line 24, replace "n." with "z."
Page 2, line 1, replace "o." with "aa."
Page 2, remove lines 11 through 30
Page 3, remove lines 1 through 30
Page 4, replace lines 1 through 8 with:

"SECTION 2. LEGISLATIVE MANAGEMENT STUDY - MEDICAL
MARIJUANA DEBILITATING MEDICAL CONDITIONS. During the 2019-20 interim,
the legislative management shall consider studying the list of debilitating medical
AMENDMENT FORMAT

- Multiple transactions per line
- Word repeated in line – “first” and “second”
  - Page 1, line 2, after the second “the” insert “department of human services”
- Whole words and numerals
  - Page 3, line 6, replace “section” with “sections”
  - Page 4, line 12, after “16.” insert “Board” means”
- Seek to save language
- Reference to punctuation
  - Page 5, line 20, after the second underscored period, insert . . .
  - Page 5, line 26, replace the underscored period with an underscored colon
  - Page 5, line 26, replace “, annually:” with an underscored period
- Multiple lines
  - Page 6, replace lines 6 through 14 with . . .
  - Page 8, remove the overstrike over lines 12 through 15
- Multiple pages
  - Page 10, remove lines 1 through 30
  - Page 11, remove lines 1 through 30
## AMENDMENT FORMAT

### TERMINOLOGY

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
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</thead>
<tbody>
<tr>
<td>after</td>
<td>before</td>
</tr>
<tr>
<td>remove</td>
<td>delete</td>
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<tr>
<td>underscored</td>
<td>underlined</td>
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<tr>
<td>replace</td>
<td>strike</td>
</tr>
<tr>
<td>insert</td>
<td>put/place/add</td>
</tr>
</tbody>
</table>
AMENDMENT FORMAT

Underscoring and overstriking

Text added or removed by amendment instruction is not underscored or overstruck unless it must be underscored or overstruck in the bill.

TIP: Amendment drafting is bill drafting 2.0

*NDLDM pages 14 and 61
AMENDMENT FORMAT

NOT underscored or overstruck:

• Title – no underscoring or overstriking

• Bill clause, such as amending or creating clause – no underscoring or overstriking

• Removal of new NDCC text – no overstriking

• Special clause, such as repeal, appropriation, application, or effective date clause – no underscoring or overstriking

• Resolution – no underscoring or overstriking
A BILL for an Act to amend and reenact section 34-14-09.2 of the North Dakota Century Code, relating to withholding of awarded paid time off; and to provide for application.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 34-14-09.2 of the North Dakota Century Code is amended and reenacted as follows:

1. If an employee separates from employment voluntarily, a private employer may withhold payment for accrued paid time off if:
   a. At the time of hiring, the employer provided the employee written notice of the limitation on payment of accrued paid time off;
   b. The employee has been employed by the employer for less than one year; and
   c. The employee gave the employer less than five days' written or verbal notice.

2. If an employee separates from employment, a private employer may withhold payment for paid time off that has been awarded by the employer but not yet earned by the employee. If, at the time of hiring, the employer provided the employee written notice of the limitation on payment of awarded paid time off.

3. As provided under section 34-14-05, an employee may report a violation under this section. If a report of violation is made within thirty days of the alleged violation, the labor commissioner shall investigate the merits of the claim. If a report is made more than thirty days following the alleged violation, the commissioner may investigate the merits of the claim.

SECTION 2. APPLICATION. This Act applies to separations from employment which occur on or after the effective date of this Act.
Sixty-fourth Legislative Assembly of North Dakota

Introduced by

Representatives Devlin, Hofstad, D. Johnson, Vigesaa
Senators Heckaman, Oehlke

1. A concurrent resolution directing the Legislative Management to study the impact on owners of
land that has been inundated by rising waters in Devils Lake and Stump Lake.
2. WHEREAS, Devils Lake and Stump Lake have inundated land once owned by landowners
surrounding the lakes; and
3. WHEREAS, as the navigable waters increased the inundated land became sovereign land
of the state, which deprives the previous owner of the ownership and use of the land; and
4. WHEREAS, landowners with land taken by the rising lakes want to ensure that when the
lakes recede the land returns to the landowners; and
5. WHEREAS, some landowners have paid property taxes on inundated land for many years
in the hope of regaining ownership when the water recedes and some have been required to do
so because the surface area of land used for the assessment determination for property tax
application does not take into account the current and exact boundary of the lake; and
6. WHEREAS, the surrounding landowners have suffered extreme hardship from loss of use
and ownership of their land and the added burden of paying property taxes on it, but have not
received any compensation from the state or federal government;
7. NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF
NORTH DAKOTA, THE SENATE CONCURRING THEREIN:
8. That the Legislative Management study the impact on owners of land that has been
inundated by rising waters in Devils Lake and Stump Lake; and
9. BE IT FURTHER RESOLVED, that the Legislative Management report its findings and
recommendations, together with any legislation required to implement the recommendations, to
the Sixty-fifth Legislative Assembly.
AMENDMENT FORMAT

North Dakota Century Code

- **Underscore** when creating new NDCC text
- **Overstrike** when taking out existing NDCC text
- Proposed new text is not overstruck when taken out – “remove” or “replace”
- Reinstatement of existing NDCC text – “remove overstrike” or remove entire section from bill

TIP: Changes are always made “after” a word or line, never before
AMENDMENT FORMAT NDCC

Page 13, line 24, remove "- Penalty"
Page 13, line 25, replace "report" with "statement"
Page 13, line 30, remove "A failure to"
Page 13, remove line 31
Page 18, remove lines 16 through 29
Page 19, remove lines 1 through 3
Page 19, line 7, remove "commission or an"
Page 19, line 7, after the second comma insert "or the commission"
Page 20, line 13, remove ", or"
Page 20, line 14, remove "the Constitution of North Dakota is amended to eliminate the authority"
Page 22, line 14, remove "or the commission"
Page 22, line 16, remove "or commission"
Page 22, line 18, remove "or commission"
Page 23, line 2, remove "or the commission"
Page 23, line 13, remove "or commission"
Page 23, line 14, remove "or commission"
Page 23, line 16, remove "or commission"
Page 23, line 17, after "to" insert "the ethics commission."
Page 23, line 18, overstrike "nor does this section apply to" and insert immediately thereafter "and"

Proposed new NDCC is removed or replaced
Reinstatement of existing NDCC by removal of entire section from bill
Creating new NDCC
Taking out existing NDCC
Tip Illustrations

TIP: If removing or overstriking AND at the same location adding additional language, the language added comes AFTER the language taken out - Single transaction

Page 1, line 6, replace “section” with “sections”

Page 2, line 14, overstrike “twelve months” and insert immediately thereafter “one year”

Page 2, line 14, replace the first “thirty” with “twenty-five”
AMENDMENT FORMAT

“Renumber accordingly”

EVERY set of amendments ends with this instruction directing Legislative Council to renumber sections of the bill if necessary

STOP This says you’ve reached the end of the amendments

• This instruction does NOT change bill section cross-references, which may be found in new NDCC text or special clauses, such as effective date clauses and appropriation clauses

• This instruction does NOT renumber NDCC sections or correct NDCC cross-references

*NDLDM page 64
"Renumber accordingly" takes care of these

"Renumber accordingly" does NOT take care of these
“Renumber accordingly” does NOT take care of these
Again, why do we care about all this minutiae?

TIP: NDCC Section 1-02-06.1 – Journal entry rule = rule of interpretation. Journal entry is presumed to be the bill or resolution signed and filed
Questions?
TYPES OF AMENDMENTS
TYPES OF AMENDMENTS

BILL TITLE

- Amend bill title if adding, removing, or replacing a bill section
- Do NOT underscore language added to bill title
- Do NOT overstrike language removed from bill title
- “Insert” or “replace” or “remove”

TIP: Don’t forget to review “relating to” language if subject matter changes and to review special language such as a penalty, continuing appropriation, or report to Legislative Management clause

TIP: Reviewing the bill title should be one of the final steps of amendment drafting. Remember Section 13 of the Constitution

*NDLDM pages 11-13 and 61
PROPOSED AMENDMENTS TO HOUSE BILL NO. 1119

Page 1, line 1, after "reenact" insert "subsection 8 of section 19-24.1-01, paragraph 1 of subdivision a of subsection 24 of section 19-24.1-01,"

Page 1, after line 6, insert:

"SECTION 1. AMENDMENT. Subsection 8 of section 19-24.1-01 of the North Dakota Century Code is amended and reenacted as follows:

8. Cannabinoid *tincturesolution* means a solution of alcohol consisting of a mixture created from cannabinoid concentrate; and other ingredients intended for consumption.

SECTION 2. AMENDMENT. Paragraph 1 of subdivision a of subsection 24 of section 19-24.1-01 of the North Dakota Century Code is amended and reenacted as follows:

(1) Cannabinoid *tincturesolution*:

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 8 of section 19-24.1-01 of the North Dakota Century Code is amended and reenacted as follows:

8. Cannabinoid *tincturesolution* means a solution of alcohol consisting of a mixture created from cannabinoid concentrate; and other ingredients intended for consumption.

SECTION 2. AMENDMENT. Paragraph 1 of subdivision a of subsection 24 of section 19-24.1-01 of the North Dakota Century Code is amended and reenacted as follows:

(1) Cannabinoid *tincturesolution*:

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Bill Clauses

AMENDING, CREATING, APPROPRIATION, OR OTHER SPECIAL CLAUSE
• Do NOT underscore language added to bill clause
• Do NOT overstrike language removed from a bill clause
• “Insert” or “replace” or “remove”

*NDLDM pages 61 and 63
Bill Clauses

A BILL for an Act to create and enact two new subsections to section 11-09-12 of the North Dakota Century Code, relating to the powers and duties of a county manager.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Two new subsections to section 11-09-12 of the North Dakota Century Code are created and enacted as follows:

Keep a separate true and correct account of the receipts and expenditures of each fund of the county.

Produce at any meeting of the board of county commissioners or of any committee appointed to examine the county manager's accounts, whenever ordered to do so by the board of county commissioners, all of the books and papers pertaining to the county manager's office.

NOTE: An extra line space is inserted between the two subsections to identify the break between the subsections.
Bill Clauses

SECTION 3. LEGISLATIVE MANAGEMENT STUDY - PUBLIC EMPLOYEES RETIREMENT SYSTEM PRESCRIPTION DRUG COVERAGE. During the 2019-20 interim, the legislative management shall study the feasibility and desirability of the public employees retirement system entering a separate contract for prescription drug coverage under the uniform group insurance program. The legislative management may contract with a private third party to assist in conducting the study and identifying pros and cons relating to a carve out for prescription drug coverage under the uniform group insurance program. The legislative management shall report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the sixty-seventh legislative assembly.

SECTION 4. APPLICATION. Section 2 of this Act applies to contracts entered by the public employees retirement system board on and after the effective date of this Act.

SECTION 5. EFFECTIVE DATE. Section 1 of this Act becomes effective on January 1, 2020.
Types of Amendments

CORRECTING INTERNAL REFERENCES

If a section of a bill or a section or subsection of NDCC is added, removed, or renumbered by amendment, check cross-references within bill and entire NDCC.

TIP: Checking for changes to bill and NDCC cross-references should be one of the final steps of amendment drafting.

*NDLDM page 61
Correcting NDCC References

8. "Genetic sibling" means individuals with genetic relationship of sister, brother, half-sister, or half-brother.

9. "Human service zone" means a county or consolidated group of counties administering human services within a designed area in accordance with an agreement or plan approved by the department.

10. "Identifying" includes full name, address, date of birth, telephone number, or anything that may lead to the identity of any previously undisclosed individual.

10:11. "Investigation" includes information obtained regarding the child's history, a preplacement adoption assessment of the prospective adoptive family, and an evaluation of the child's placement in the adoptive home.

11:12. "Minor" means an individual under the age of eighteen years.
TYPES OF AMENDMENTS

NORTH DAKOTA CENTURY CODE

Adding new text to NDCC = underscore

Taking out existing text from NDCC = overstrike

TIP: If both adding and taking out, overstrike first and then insert.

*NDLDM page 62
NDCC – Adding and Removing

Page 5, line 3, overstrike “exception” and insert immediately thereafter “issuance of the license”
Page 5, line 7, remove “two-year”
Page 5, line 8, overstrike “one or more of”
Page 5, line 9, overstrike “not”
Page 5, line 9, after “been” insert “substantially”
Page 5, line 11, after “subsection” insert “may not exceed two years and”
Page 5, line 13, overstrike “necessary”

2. Under subsection 1, a board may issue a two-year provisional license or temporary permit to a military spouse for which one or more of the licensure requirements under subsection 1 have not been substantially met. A board may not charge a military spouse any fees for a provisional license or temporary permit under this subsection. A provisional license or temporary permit issued under this subsection may not exceed two years and remains valid while the military spouse is making progress toward satisfying the necessary unmet licensure requirements. A military spouse may practice under a provisional license or temporary permit issued under this subsection until any of the following occurs:
TYPES OF AMENDMENTS

NORTH DAKOTA CENTURY CODE

Adding NDCC text

• Insert in an existing section of the bill creating or amending

• Insert a new section to the bill to create or amend
  • Place new section in proper position in bill
  • TIP: Remember to correct bill title and check cross-references within bill

*NDLDM pages 11-21 and 62-63
Adding NDCC Text – Existing Section

Page 2, line 18, after “receipt” insert "or the certificate of a member of the legislative assembly"
Adding NDCC Text –

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1001

Page 1, line 1, after "Act" insert "to create and enact a new section to chapter 57-01 of the North Dakota Century Code, relating to reports by the tax commissioner to the budget section regarding the auditing enhancement program and settlements of tax assessments; and"

Page 5, after line 14, insert:

"SECTION 7. A new section to chapter 57-01 of the North Dakota Century Code is created and enacted as follows:

Reports on auditing enhancement program and settlement of tax assessments.
The tax commissioner shall submit reports quarterly to the budget section on the progress made in collecting additional tax revenues under the auditing enhancement program and on settlements of tax assessments. For any settlements of tax assessments made during the quarterly period the reports must contain:

1. The amount assessed and the date assessed.
2. The amount collected and the date of collection.
3. An explanation of efforts to finalize collection including information regarding negotiations."

Renumber accordingly
TYPES OF AMENDMENTS

NORTH DAKOTA CENTURY CODE

Reinstating existing NDCC text proposed to be removed
• Remove overstrike
• Remove entire section from bill
• Remove repeal section from bill

TIP: Once you remove the overstrike, make sure section of bill still contains substantive changes. If no substantive changes remaining, remove section from bill

*NDLDM page 62
NDCC – Remove Entire Section

Page 4, remove lines 7 through 20

SECTION 6. AMENDMENT. Section 43-51-11 of the North Dakota Century Code is amended and reenacted as follows:


1. A board shall adopt rules to provide for or shall grant on a case-by-case basis exceptions to the board's license renewal requirements in order to address renewal compliance hardships that may result from:

   a. Activation of more than thirty days of a licensee who is a member of the national guard or armed forces of the United States.

   b. Service in the theater or area of armed conflict by a licensee who is a member of the regular active duty armed forces of the United States.

2. For purposes of this section, the term board includes the state board of accountancy, state electrical board, North Dakota real estate appraiser qualifications and ethics board, state real estate commission, secretary of state with respect to contractor licensing, North Dakota board of medicine, and state board of dental examiners.

SECTION 7. AMENDMENT. Section 43-51-11.1 of the North Dakota Century Code is amended and reenacted as follows:
TYPES OF AMENDMENTS

REMOVING PROPOSED NEW NDCC TEXT

• Remove or replace new language

• Remove entire section from bill

TIP: Once again, review section to make sure remaining section contains substantive changes

*NDLDM page 62
NDCC – Remove New Language

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BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA.

SECTION 1. A new section to chapter 50-11.1 of the North Dakota Century Code is created and enacted as follows:

Liability insurance.

1. As a condition of licensure under this chapter, each early childhood program shall establish proof of financial responsibility by filing with the department a written or electronically transmitted certificate of any insurance carrier duly authorized to do business in this state certifying a liability policy for the benefit of the early childhood program in effect. The certificate must meet the requirements established by the department.

2. An insurance carrier that certifies a liability policy under subsection 1 shall notify the department not later than ten days after cancellation or termination of the certified insurance policy by filing with the department a notice of cancellation or termination of the certified insurance policy.

provide proof liability insurance is carried by the early childhood program to assure against bodily injury and property damage.
```

Page 1, replace lines 8 through 12 with:

“provide proof liability insurance is carried by the early childhood program to insure against bodily injury and property damage.”

Page 1, line 13, replace “insurance carrier that certifies a liability policy under subsection 1” with “owner or operator of an early childhood program.”

Page 1, line 14, replace “certified” with “liability”.

Page 1, line 15, remove “by filing with the department a notice of cancellation or termination of”.

Page 1, line 16, remove “the certified insurance policy.”
Questions?
BONUS DRAFTING TIPS
BONUS DRAFTING TIPS

DEFINITIONS

• Adding a definition
  • Keep definitions in alphabetical order
  • Renumber NDCC
  • Check whether a definition is needed – does an applicable definition already exist?
  • Make sure you use the new defined term
  • Check cross-references (ENTIRE NDCC)

• Amending a definition – check whether NDCC uses this definition in other laws

• Removing a definition
  • Renumber
  • Check cross-references (ENTIRE NDCC)

TIP: When drafting, avoid use of cross-references to subsections
BONUS DRAFTING TIPS – Amending a Definition

Page 1, line 1, after "reenact" insert "subsection 8 of section 19-24.1-01, paragraph 1 of subdivision a of subsection 24 of section 19-24.1-01,"

Page 1, after line 6, insert:

"SECTION 1. AMENDMENT. Subsection 8 of section 19-24.1-01 of the North Dakota Century Code is amended and reenacted as follows:

8. "Cannabinoid tincturesolution" means a solution of alcohol, consisting of a mixture created from cannabinoid concentrate; and other ingredients intended for consumption.

SECTION 2. AMENDMENT. Paragraph 1 of subdivision a of subsection 24 of section 19-24.1-01 of the North Dakota Century Code is amended and reenacted as follows:

(1) Cannabinoid tincturesolution;"
PROPOSED AMENDMENTS TO HOUSE BILL NO. 1220
Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative management study of secured party notification.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY. During the 2019-20 interim, the legislative management in coordination with the secretary of state shall consider studying how the state's central indexing system can be used to provide notification to a secured lender when a super priority lien is filed on the collateral of a secured lender. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-seventh legislative assembly. If the secretary of state determines there is a solution using the central indexing system, the secretary of state may proceed with implementing the change prior to the sixty-seventh legislative assembly convening."

Renumber accordingly

*NDLDM page 65
BONUS DRAFTING TIPS

Amendments to bills that have been amended but not engrossed – typically second house Appropriations Committees

Conference committee amendments

*NDLDM pages 65-68
QUESTIONS?

North Dakota Legislative Drafting Manual

Call the Legislative Council
701.328.2916
THANK YOU

“Sloppy language leads to sloppy thought, and sloppy thought to sloppy legislation.”

- Dick Cavett, February 4, 2007