2023 Legislative Drafting Seminar: Amendments to Bills and Resolutions

October 4, 2022
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Overview

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

• What?
• Who?
• When?
• Where?
• Why?
• How?
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.)
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
### 2023 Legislative Deadlines

<table>
<thead>
<tr>
<th>Date</th>
<th>Legislative Day</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>December 5-7, 2022 (Monday through Wednesday)</td>
<td>Organizational session¹</td>
<td>Deadline for executive agencies and Supreme Court to file bills with the Legislative Council.</td>
</tr>
<tr>
<td>December 8 (Thursday)</td>
<td></td>
<td>No floor sessions, standing committees will meet.</td>
</tr>
<tr>
<td>January 3 (Tuesday)</td>
<td>1st</td>
<td>Session begins² (Tribal-State Relationship message, State of the Judiciary, and State of the State Address).</td>
</tr>
<tr>
<td>January 4 and 5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Wednesday and Thursday)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>January 9 (Monday)</td>
<td>3rd</td>
<td>No more than five bills may be introduced by each Representative after this date.</td>
</tr>
<tr>
<td>January 16 (Monday)</td>
<td>8th</td>
<td>Martin Luther King Day.² 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 23 (Monday)</td>
<td>13th</td>
<td>Deadline for Senators to introduce bills.</td>
</tr>
<tr>
<td>January 26 (Thursday)</td>
<td>16th</td>
<td>Deadline for introducing resolutions except amendments to the Constitution of North Dakota and study resolutions.</td>
</tr>
<tr>
<td>February 6 (Wednesday)</td>
<td>25th</td>
<td>Deadline for re-referrals of bills in house of origin to Appropriations Committees.</td>
</tr>
<tr>
<td>February 20 (Monday)</td>
<td>33rd</td>
<td>George Washington's Birthday³</td>
</tr>
<tr>
<td>February 21 (Tuesday)</td>
<td>34th</td>
<td>Bills and resolutions except constitutional amendments and study resolutions must be reported out of committee in house of origin. Deadline for introducing amendments to the Constitution of North Dakota and study resolutions.</td>
</tr>
<tr>
<td>February 24 (Friday)</td>
<td>37th</td>
<td>Crossover date for bills³</td>
</tr>
<tr>
<td>February 27 and 28 (Monday and Tuesday)</td>
<td>Recess</td>
<td></td>
</tr>
<tr>
<td>March 1 (Wednesday)</td>
<td>38th</td>
<td>Reconvene from crossover break</td>
</tr>
<tr>
<td>March 7 (Tuesday)</td>
<td>40th</td>
<td>Study resolutions and proposed constitutional amendments must be reported out of committee.</td>
</tr>
<tr>
<td>March 10 (Friday)</td>
<td>45th</td>
<td>Crossover date for resolutions</td>
</tr>
<tr>
<td>March 28 (Tuesday)</td>
<td>57th</td>
<td>Deadline for re-referrals of bills in second house to Appropriations Committees.</td>
</tr>
<tr>
<td>April 7 (Friday)</td>
<td>65th</td>
<td>Bills and resolutions must be reported out of committee in second house - Good Friday⁴</td>
</tr>
<tr>
<td>April 28 (Friday)</td>
<td>80th</td>
<td>Session limited to 80 legislative days⁴</td>
</tr>
</tbody>
</table>

¹Section 7 of Article IV of the Constitution of North Dakota. North Dakota Century Code Sections 54-03-02 and 54-03-01-02.
²In 2021 the House and Senate were in session on Martin Luther King Day and George Washington’s Birthday. Generally, both the House and the Senate have been in session on Good Friday.
³In 2021 the House and Senate made crossover on the 35th legislative day, Wednesday, February 24.
⁴Section 7 of Article IV of the Constitution of North Dakota limits regular sessions to 80 natural days during a biennium and defines a “natural day” as a period of 24 consecutive hours. House and Senate Rules 104 provide that a legislative day begins at 7:00 a.m., so each legislative day ends at 7:00 a.m. the following day.
WHERE

HOW A BILL BECOMES LAW

1. Overview
North Dakota’s biennial Legislative Assembly, composed of the House of Representatives and the Senate, is responsible for enacting laws and appropriating money necessary to operate the state government. Under the Constitution of North Dakota, the Legislative Assembly convenes the 1st Tuesday after the 3rd day in January during odd-numbered years and may meet for up to 50 legislative days during the biennium.

2. Bill Preparation
The Legislative Council—a nonpartisan staff of legal, fiscal, research, and administrative staff—researches and drafts bills for the Legislative Assembly.

3. Bill Introduction
Only members of the Legislative Assembly or state agencies, boards, and commissions can introduce a bill. After the preliminary business of opening a session, the presiding officer (the Lieutenant Governor in the Senate or the Speaker in the House) calls for an introduction of bills in each chamber.

4. Bill Number Assignment
After submission, the bill clerk assigns each bill a number. The Constitution of North Dakota requires every bill to be read on 2 separate days.

5. Committee Assignment & Introduction
After a bill has been assigned a bill number and the first reading has occurred, the bill is assigned to the corresponding House or Senate committee based on the subject matter of the bill.

6. Public Hearings
Upon arriving in committee, the bill receives a public hearing, which typically includes an explanation of the bill, input from the public, and committee discussion.

7. Committee Recommendation & Report
After receiving public input the committee makes a recommendation on the bill and reports the bill back to the House or Senate. The committee may report the bill:
- Favorable
- Unfavorably
- With or without amendments
- Without any recommendation
- Request the bill be referred to another committee, with or without amendments.

8. Calendar Placement & Consideration of Amendment
A bill, regardless of type of committee report, will be placed on the calendar for final passage.

9. Floor Debate
After a bill has been referred out of committee, and any amendments recommended by the committee either have been adopted or rejected by the house in which the bill was introduced, the members of the house in which the bill was introduced debate the merits of the bill and advocate for the defeat or passage of the bill.

10. Chamber Consideration
After the floor debate has concluded, members of the house of introduction will vote to either pass or defeat the bill.
- If the bill passes, the bill is delivered (messaged) to the second house.
- If the bill is defeated it does not proceed any further through the legislative process.

11. Second House Consideration
The second house takes the same steps taken by the house of introduction to refer the bill to the proper committee for discussion, public input, and committee recommendations.
- If the second house passes the bill in the same form in which it was passed by the house of introduction, the bill is enrolled, signed by the presiding officers, and sent to the Governor.
- If the second house adopts amendments to the bill, and passes the bill so amended, the bill is sent back to the house of introduction for concurrence.
- If the house of introduction concurs with the changes made by the second house, and passes the bill as amended, the bill is enrolled, signed by the presiding officers, and sent to the Governor.
- If the house of introduction does not concur with second house changes, conference committee members will be appointed.

12. Conference Committee
A conference committee consists of three members appointed from each house. The members of the conference committee discuss the bill and attempt to come to an agreement on the final language of the bill.

13. Enroll or File
After the bill is approved by the House and the Senate, the bill is enrolled, signed by the presiding officers, and sent to the Governor. If signed, or sent to the Secretary of State without being signed, the bill becomes law on August 1, or July 1 for appropriations, bills or revenue measures.

14. Veto Override
The Governor vetoes a bill, the Legislative Assembly can override the veto with a 2/3 majority vote in each house.

15. Voters’ Referal
Article II of the Constitution of North Dakota allows any group of 25 North Dakota voters to put a bill passed by the Legislative Assembly on the ballot to ask voters to reject the bill. This is called referring a measure. A majority of votes on the referred measure are affirmative, the bill is rejected and is law.

16. Initiated Measure
The Constitution of North Dakota preserves ordinary citizen’s rights to make and repeal laws. Any group of 25 North Dakota voters may collect signatures to put a new statute or constitutional provision on the ballot. This is called initiating a measure. If a majority of voters on the measure are affirmative, the measure becomes law.
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
• This is your BFF for 80 Legislative Days
• www.legis.nd.gov/legislative-drafting-manual
Questions?
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 pages 8-9
Questions?
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 15 of section 59-07-05.1, 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 59-07-05.1, 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. Employ a human service zone director who shall serve as the presiding officer 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.

GOAL

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."
Sixty-sixth
Legislative Assembly

10. As necessary, 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.

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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 VERSION
<table>
<thead>
<tr>
<th>DATE</th>
<th>CHAMBER</th>
<th>MEETING DESCRIPTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>01/14</td>
<td>Senate</td>
<td>Introduced, first reading, referred Education Committee</td>
</tr>
<tr>
<td>01/21</td>
<td>Senate</td>
<td>Committee Hearing 05/09</td>
</tr>
<tr>
<td>02/05</td>
<td>Senate</td>
<td>Reported back amended, do pass, amendment placed on calendar 70 0</td>
</tr>
<tr>
<td>02/06</td>
<td>Senate</td>
<td>Amendment adopted</td>
</tr>
<tr>
<td>02/07</td>
<td>Senate</td>
<td>Rereferred to Appropriations</td>
</tr>
<tr>
<td>02/13</td>
<td>Senate</td>
<td>Committee Hearing 08/30</td>
</tr>
<tr>
<td>02/14</td>
<td>Senate</td>
<td>Reported back amended, do pass, amendment placed on calendar 14 0 0</td>
</tr>
<tr>
<td>02/15</td>
<td>Senate</td>
<td>Laid over one legislative day</td>
</tr>
<tr>
<td>02/18</td>
<td>Senate</td>
<td>Laid over one legislative day</td>
</tr>
<tr>
<td>02/19</td>
<td>Senate</td>
<td>Amendment adopted, placed on calendar</td>
</tr>
<tr>
<td>02/20</td>
<td>Senate</td>
<td>Second reading, passed, yeas 47 nays 0</td>
</tr>
<tr>
<td>02/27</td>
<td>House</td>
<td>Received From Senate</td>
</tr>
<tr>
<td>03/27</td>
<td>House</td>
<td>Committee Hearing 04/00</td>
</tr>
<tr>
<td>03/27</td>
<td>House</td>
<td>Introduced, first reading, referred Education Committee</td>
</tr>
<tr>
<td>04/08</td>
<td>House</td>
<td>Reported back amended, do pass, amendment placed on calendar 1310</td>
</tr>
<tr>
<td>04/09</td>
<td>House</td>
<td>Amendment adopted</td>
</tr>
<tr>
<td>04/10</td>
<td>House</td>
<td>Rereferred to Appropriations</td>
</tr>
<tr>
<td>04/10</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>
</tr>
<tr>
<td>04/10</td>
<td>Senate</td>
<td>Returned to Senate (2)</td>
</tr>
</tbody>
</table>

JOURNAL
- SJ 199
- SJ 413
- SJ 423
- SJ 423
- SJ 582
- SJ 593
- SJ 625
- SJ 676
- SJ 727
- SJ 727
- SJ 1005
- HJ 1021
- HJ 1352
- HJ 1372
- HJ 1372
- HJ 1582
- HJ 1632
- HJ 1666
- SJ 1382
Questions?
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

*NDLDM 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 16"
Page 1, line 23, after "m." insert: "Anorexia nervosa:
   n. Bulimia nervosa;
   o. Anxiety disorder;
   p. Tourette syndrome;
   q. Ehlers-Danlos syndrome;
   r. Endometriosis;
   a. Interstitial cystitis;
   s. Neuropathy;
   t. Opioid use disorder;
   u. Opioid withdrawal;
   w. Migraine;
   x. Rheumatoid arthritis;
   y.*"
Page 1, line 24, replace "n." with "z."
Page 2, line 1, replace "n." 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 DEBLITATING MEDICAL CONDITIONS. During the 2019-20 interim, the legislative management shall consider studying the list of debilitating medical conditions."

701.328.2916 lcouncil@ndlegis.gov www.ndlegis.gov
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>
</tr>
</thead>
<tbody>
<tr>
<td>after</td>
<td>before</td>
</tr>
<tr>
<td>remove</td>
<td>delete</td>
</tr>
<tr>
<td>underscored</td>
<td>underlined</td>
</tr>
<tr>
<td>overstruck</td>
<td>struck</td>
</tr>
<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:

34-14-09.2. Limitations on accrued paid time off - Investigation.
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 employer gave the employee 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.
HOUSE CONCURRENT RESOLUTION NO. 3020

Sixty-fourth Legislative Assembly of North Dakota

Introduced by
Representatives Devlin, Hofstad, D. Johnson, Vigesaa
Senators Heckaman, Oehike

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 from left to right
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"
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
4. Total all funds $1,909,200 $536,160
5. Less estimated income 1,348,700 405,330
6. Total general fund $560,500 $130,830

7. The 2015-17 one-time funding amounts are not a part of the agency’s base budget for the
2017-19 biennium. The vetoed sixty-fifth legislative assembly
July 1, 2015, and ended June 30, 2017.

SECTION 3. EXEMPTION - VETERANS’ HOME CONSTRUCTION PROJECT FUNDING.
12. The unexpended amount remaining from the appropriation for the veterans’ home construction
project in chapter 53 of the 2009 Session Laws which was continued into the 2011-13 biennium
and the 2013-15 biennium under section 54-44.1-11 is not subject to the provisions of section
54-44.1-11 at the end of the 2013-15 biennium and may be continued into the 2015-17
biennium for paying expenses of the veterans’ home construction project.

SECTION 4. FUNDING TRANSFER - EXCEPTION - AUTHORIZATION. Notwithstanding
section 54-16-04, the veterans’ home may transfer up to $132,500 from the operating expenses
line item to the capital assets line item, for the biennium beginning July 1, 2013, and ending
June 30, 2015. The veterans’ home shall notify the office of management and budget of any
transfer made pursuant to this section.

SECTION 5. SHOP ADDITION PROJECT. The veterans’ home may use up to $708,200
from the Melvin Haggard memorial fund, litigation proceeds or other funds for the cost of
construction of a shop addition for the biennium beginning July 1, 2013, and ending June 30,
2015.

SECTION 6. EMERGENCY. Sections 4 and 5 of this Act are declared to be an emergency
measure.

"Renumber accordingly" does NOT take care of these

"Renumber accordingly" takes care of these
Sixty-sixth
Legislative Assembly

tetrahydrocannabinol of
plant of the genus cannabis.

Physician” means a physician licensed under chapter 43-17 to practice medicine in
the state of North Dakota.

“Physician assistant” means an individual licensed under chapter 43-17 to practice as
a physician assistant in the state.

“Posttraumatic stress disorder” means a patient meets the diagnostic criteria for
posttraumatic stress disorder under the “Diagnostic and Statistical Manual of Mental

“Processing” or “process” means the compounding or conversion of marijuana into a
medical marijuana product.

“Producing”, “produce”, or “production” mean the planting, cultivating, growing,
trimming, or harvesting of the plant of the genus cannabis or the drying of the leaves
or flowers of the plant of the genus cannabis.

“Qualifying patient” means an individual who has been diagnosed by a health care
provider as having a debilitating medical condition.

“Registry identification card” means a document issued by the department which
identifies an individual as a registered qualifying patient, registered designated
caregiver, or registered compassion center agent.

“Terminal illness” means a disease, illness, or condition of a patient:

a. For which there is not a reasonable medical expectation of recovery;
b. Which as a medical probability, will result in the death of the patient, regardless of
the use or discontinuance of medical treatment implemented for the purpose of
sustaining life or the life processes; and
c. As a result of which, the patient’s health care provider would not be surprised if
death were to occur within six months.

“Usable marijuana” means a medical marijuana product or the dried leaves or flowers
of the plant of the genus cannabis in a combustible delivery form. However, the term
does not include the dried leaves or flowers unless authorized through a written
certification and does not include a cannabinoid edible product. In the case of a
Why do we care about these details?

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.
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
Bill Title

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 tincture solution" 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 tincture solution;"


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 tincture solution" 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 tincture solution;"
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.
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.

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.

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
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”

1. The military-spouse pays any fees required by the board from which the applicant is seeking a license; and
2. The board determines the exception issuance of the license will not substantially increase the risk of harm to the public. A board with authority to require an applicant to submit to a statewide and national criminal history record check under section 12-60-24 may order such a record check under this subdivision.

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

Locations:
- Locate correct placement of new bill section within bill
- Update bill title
- Insert new section creating new section to NDCC
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:

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:1. 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:2. 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

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

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;"
BONUS DRAFTING TIPS – Hoghouse Amendment

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

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2321
In lieu of the amendments adopted by the House as printed on page 1062 of the House Journal, Engrossed Senate Bill No. 2321 is amended as follows:
Page 1, line 1, remove "to create and enact a new section to chapter 39-04 of the North Dakota"

Conference committee amendments

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1356
That the House accede to the Senate amendments as printed on page 1325 of the House Journal and page 1050 of the Senate Journal and that House Bill No. 1356 be further amended as follows:
Page 1, after line 17, insert:
"1."

*NDLDM pages 65-68
QUESTIONS?

North Dakota Legislative Drafting Manual

Call the Legislative Council
701.328.2916
“Sloppy language leads to sloppy thought, and sloppy thought to sloppy legislation.”
- Dick Cavett, February 4, 2007