

# **NORTH DAKOTA LEGISLATIVE DRAFTING MANUAL**

**2025**

## **Legislative Council**

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# INTRODUCTION - DRAFTING CHECKLIST

Bills and resolutions may be introduced by a legislator, a standing committee, or the Legislative Management. Senate and House Rules 401(1) provide in part:

Any bill or resolution that conforms to statutory requirements and these rules, within the number and time prescribed, may be introduced by any member, standing committee, or the Legislative Management, by filing the bill or resolution with the Secretary [Chief Clerk], who shall number consecutively each bill or resolution.

Joint Rule 208 provides:

Each executive agency and the Supreme Court shall file with the Legislative Council those bills, other than bills making appropriations, they wish to have introduced no later than the close of business on the day after the adjournment of the organizational session. Each filed bill is deemed introduced by the standing committee of the House or Senate with general jurisdiction over the subject matter of the bill; but if the filing entity receives the approval of a legislator to sponsor the bill, that bill is to be introduced by the legislator rather than by the standing committee. A bill sponsored by a legislator may not have more sponsors than the number allowed under Senate and House Rules 401. The director of the budget, Supreme Court, and Legislative Council shall deliver to the Legislative Council bill drafts making appropriations to implement the budget recommended by the Governor no later than the close of business on the seventh day after the adjournment of the organizational session, as required by North Dakota Century Code Section 54-44.1-07; however, those bill drafts are not deemed to be introduced but must be provided to the appropriations committees and printed in the journals of the Senate and the House of Representatives. The Legislative Council shall number and deliver bills introduced under this rule to the appropriate house for recording. Each bill introduced under this rule must be identified by noting the name of the agency or the court under the name of the sponsoring committee or legislator. The identification of a bill introduced by a standing committee may include the names of not more than five entities authorized to file bills under this rule.

**For 2025 legislation, the deadline for agency bill filing with the Legislative Council is 5:00 p.m., Thursday, December 5, 2024.** Under North Dakota Century Code Section 54-44.1-07, the deadline for appropriation bills implementing the Governor's budget is 5:00 p.m., Wednesday, December 11, 2024.

The original of each bill or resolution filed with the Secretary or Chief Clerk must be prepared in the form prescribed by the Legislative Council. (Senate and House Rules 404(5))

The Legislative Council approves the form and style of bills and resolutions pursuant to Senate and House Rules 405, which provide:

1. When a bill or resolution, with the requisite number of copies, is filed with the Secretary [Chief Clerk] without a notation attached to the covered copy stating that the bill or resolution was approved as to form and style by the Legislative Council, the Secretary [Chief Clerk] immediately shall cause that bill or resolution to be delivered to the Legislative Council with a written request that the bill or resolution be examined and receive a notation approving its form and style.
2. When the Legislative Council receives a bill or resolution from the Secretary [Chief Clerk] pursuant to this rule, it shall see that the bill or resolution is in the form and style required by law, legislative rule, and the drafting rules promulgated by the Legislative Council.

3. When the Legislative Council has ensured that the bill or resolution meets all requirements regarding form and style, the bill or resolution and all copies must be returned to the Secretary [Chief Clerk] with a notation of approval attached to the covered copy.
4. If the Legislative Council, due to the exercise of its responsibilities under this rule, is not able to deliver an approved bill or resolution to the Secretary [Chief Clerk] before expiration of the last legislative day for normal introduction, the Secretary [Chief Clerk], whenever such an approved bill or resolution is received, shall proceed to file it as if it had been received on the final legislative day for normal introduction.

This drafting manual is published to aid persons drafting bills, resolutions, and amendments. **Form and style review by the Legislative Council is not intended to detect all errors that might be made in drafting.** The drafter should heed the guidelines in this manual and not rely on form and style review by the Legislative Council to correct a defective bill draft. The Legislative Council will make some nonsubstantive corrections to bill drafts, if warranted, without notice to the drafter. **Bills or resolutions materially departing from the rules and guidelines set forth in this manual will not receive form and style approval.**

The following checklist reviews form and style requirements:

1. Do the words **Sixty-ninth Legislative Assembly of North Dakota** appear in the upper lefthand corner of the first page, and the words **Sixty-ninth Legislative Assembly** appear in the upper lefthand corner of each subsequent page?
2. Do the words **SENATE BILL NO.** or **HOUSE BILL NO.** appear at the top of the first page of the bill? An agency filing a bill for introduction as an agency bill under Joint Rule 208 may express a preference for the house of introduction but the final decision concerning house of introduction may be based upon relative workloads or other criteria.
3. Does the first page contain the words **Introduced by** followed with the name (or names) of the sponsor (or sponsors) below it? If an agency is filing the bill or resolution, is the correct title of the agency used?
4. Does the bill or resolution have a proper title? Are create sections referred to first, amend sections second, repeal sections third, and special clauses last? Does each group have a "relating to" clause?
5. Does the bill have the proper enacting clause or the resolution have the proper resolving clause?
6. Have the sections of the Century Code been listed properly in the title and have they been arranged in numerical order by Century Code section number in the body of the bill?
7. If the bill creates a new numbered section or chapter of the Century Code, has the Code Revisor of the Legislative Council approved the numbering?
8. If the bill renumbers an existing subsection because of deletion of a subsection from current law or insertion of a numbered subsection between existing subsections, have all cross-references to the renumbered subsection been corrected? If the bill repeals a section, have all cross-references to the repealed section been removed?
9. If the bill contains amendments or new sections to the Century Code, has new language been underscored, has language to be deleted been overstruck, and has current law being amended been **proofread against the Century Code**?
10. Is the overstruck material being replaced with new material situated **before** the underscored material?
11. Have all words been written out? Do not use abbreviations or acronyms.

12. Have all references to "and/or" been removed?

13. Do all created sections contain a caption?

For questions concerning the drafting of bills, resolutions, and amendments, please contact:

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# **PART 1 - PRELIMINARY CONSIDERATIONS**

Before drafting a bill based on an idea for a statutory change, the drafter should investigate whether a similar, identical, or conflicting law already exists. This law may be in the form of federal or state constitutional or statutory provisions. This summary will not attempt to cover all constitutional or statutory requirements relevant to the drafting of legislative documents, as that would require entire courses on constitutional law and legal research and writing. It is important, however, for a drafter to be mindful of constitutional and statutory limitations on legislation.

## **UNITED STATES CONSTITUTION**

Perhaps the most important limitation on state legislatures is Article 6 of the United States Constitution, known as the Supremacy Clause, which provides in part:

This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any state to the contrary notwithstanding.

Section 8 of Article 1 lists the powers reserved to Congress. There is an implied limitation on the power of the states to enact laws in areas reserved to the federal government. Included in the list of reserved powers is the regulation of interstate commerce, bankruptcy, and immigration.

Article 4 requires each state to give full faith and credit to the laws and judicial proceedings of other states. In addition, this article requires that citizens of each state be afforded all privileges and immunities of citizens of other states. This article also provides for extradition proceedings between states upon the demand of a state's Governor and guarantees to every state a republican form of government.

The United States Constitution contains numerous express limitations on state sovereignty. Section 10 of Article 1 declares a state may not:

1. Enter into any treaty, alliance, or confederation.
2. Grant letters of marque and reprisal.
3. Coin money.
4. Emit bills of credit.
5. Make anything but gold and silver coin a tender in payment of debts.
6. Pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts.
7. Grant any title of nobility.
8. Without consent of Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws.
9. Without consent of Congress, lay any duty of tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another state or with a foreign power, or engage in war.

Section 4 of Article 1 limits state control of elections for United States senators and representatives by requiring that state legislation be subject to regulations passed by Congress. Article 6 places additional limitations on the ability of states to determine qualifications of senators and representatives in Congress by prohibiting the use of any religious test as a requirement to qualify to hold a public office in the United States.

Amendments to the Constitution provide numerous fundamental restrictions on legislative powers. For instance, the Legislative Assembly may not:

- Prohibit religious freedom;
- Establish religion;
- Restrict freedom of speech or of the press;
- Deprive persons of equal protection of the law or the right to life, liberty, or property without due process;
- Deprive persons of the right of peaceable assembly, to bear arms, and to petition the government for redress of grievances;
- Infringe on the right to vote based on race or sex;
- Require, in time of peace, that a soldier be quartered in any house without the owner's consent;
- Make persons subject to unreasonable searches and seizures;
- In criminal actions, deny the defendant the right to a speedy trial by an impartial jury of peers, allow the defendant to know the charges, be confronted by witnesses and be supported by witnesses, or have assistance of counsel or be compelled to be a witness against oneself;
- Impose excessive bail or inflict cruel and unusual punishment;
- Deny, in suits at common law where the amount in controversy exceeds \$20, the right of trial by jury; or
- Subject a person to double jeopardy.

The United States Constitution is an instrument of grants, while the Constitution of North Dakota is one of limitations. The 10<sup>th</sup> Amendment to the United States Constitution provides that all powers not delegated to the United States nor prohibited to the states are reserved to the states.

## **CONSTITUTION OF NORTH DAKOTA**

The drafter should become familiar with the numerous provisions of the Constitution of North Dakota. The constitution consists of:

- Article I - Declaration of Rights,
- Article II - Elective Franchise,
- Article III - Powers Reserved to the People,
- Article IV - Legislative Branch,
- Article V - Executive Branch,
- Article VI - Judicial Branch,
- Article VII - Political Subdivisions,
- Article VIII - Education,
- Article IX - Trust Lands,
- Article X - Finance and Public Debt,
- Article XI - General Provisions,
- Article XII - Corporations Other Than Municipal,
- Article XIII - Compact With the United States,
- Article XIV - Ethics Commission, and
- Article XV - Term Limits.

Provisions that apply specifically to bill drafting are contained in Section 13 of Article IV of the Constitution of North Dakota, which provides:

**Section 13.** Each house shall keep a journal of its proceedings, and a recorded vote on any question shall be taken at the request of one-sixth of those members present. No bill may become law except by a recorded vote of a majority of the members elected to each house, and the lieutenant governor is considered a member-elect of the senate when the lieutenant governor votes.

No law may be enacted except by a bill passed by both houses, and no bill may be amended on its passage through either house in a manner which changes its general subject matter. No bill may embrace more than one subject, which must be expressed in its title; but a law violating this provision is invalid only to the extent the subject is not so expressed.

Every bill must be read on two separate natural days, and the readings may be by title only unless a reading at length is demanded by one-fifth of the members present.

No bill may be amended, extended, or incorporated in any other bill by reference to its title only, except in the case of definitions and procedural provisions.

The presiding officer of each house shall sign all bills passed and resolutions adopted by the legislative assembly, and the fact of signing shall be entered at once in the journal.

Every law, except as otherwise provided in this section, enacted by the legislative assembly during its eighty natural meeting days takes effect on August first after its filing with the secretary of state, or if filed on or after August first and before January first of the following year ninety days after its filing, or on a subsequent date if specified in the law unless, by a vote of two-thirds of the members elected to each house, the legislative assembly declares it an emergency measure and includes the declaration in the Act. Every appropriation measure for support and maintenance of state departments and institutions and every tax measure that changes tax rates enacted by the legislative assembly take effect on July first after its filing with the secretary of state or on a subsequent date if specified in the law unless, by a vote of two-thirds of the members elected to each house, the legislative assembly declares it an emergency measure and includes the declaration in the Act. An emergency measure takes effect upon its filing with the secretary of state or on a date specified in the measure. Every law enacted by a special session of the legislative assembly takes effect on a date specified in the Act.

The legislative assembly shall enact all laws necessary to carry into effect the provisions of this constitution. Except as otherwise provided in this constitution, no local or special laws may be enacted, nor may the legislative assembly indirectly enact special or local laws by the partial repeal of a general law but laws repealing local or special laws may be enacted.

### **Single Subject Rule**

The title and single subject requirements of Section 13 of Article IV of the Constitution of North Dakota were analyzed by the North Dakota Supreme Court in *Board of Trustees of The North Dakota Public Employees Retirement System v. North Dakota Legislative Assembly*, 2023 ND 185, 996 N.W.2d 873, as clarified, (Oct. 12, 2023). In this case, the court analyzed whether the title and substance of the Office of Management and Budget's appropriations bill violated Section 13. In its opinion, the court noted the title and single subject requirements of Section 13 are distinct, and the section can be violated in more than one way, including: (1) if a bill embraces two subjects, and both are fully expressed in the title; (2) if a bill embraces more than one subject and only one subject is expressed in the title; and (3) If an act embraces one subject and that subject is not expressed in the title.

In the case, the court held the title and substance of the Office of Management and Budget's appropriations bill violated Section 13 because the bill embraced more than one subject. The court reasoned the legislation was introduced as a general appropriations bill, and the changes to the title and substance of the bill made by both legislative bodies, including the addition of a provision related to the process for board member appointments and compensation, were not germane to appropriating funds for state government operations. The court reasoned, because the provisions were not germane, the bill embraced more than one subject in violation of Section 13, and the bill was therefore invalid in its entirety.

While the court provided minimal guidance with respect to determining whether a provision is germane for purposes of Section 13 specifically, the court cited case law in other states with similar constitutional single subject provisions as support for the court's decision to invalidate the bill. The case law from other states stood for the proposition that attaching substantive legislation to a general appropriations bill is unconstitutional under a constitutional single subject provision if the substantive legislation did not directly relate to the subject of the appropriation or have a natural connection to that subject.

### **Unlawful Delegation of Legislative Powers**

Some constitutional principles relevant to a bill drafter are not specifically provided for in either the state or federal constitutions. Rather, these principles result from interpretations of language found in those constitutions. One of the most important issues for a bill drafter to keep in mind is the principle of the delegation of legislative powers. This issue is closely related to the separation of powers doctrine.

Section 26 of Article XI of the Constitution of North Dakota provides that "[t]he legislative, executive, and judicial branches are coequal branches of government". Even though our constitution does not contain a general distribution clause **expressly** providing for the division of governmental powers among the legislative, executive, and judicial branches of government, the creation of those branches of government operates as an apportionment of the different classes of power. Because all branches derive their authority from the same constitution, there is an implied exclusion of each branch from the exercise of the functions of the others.

The unlawful delegation of legislative powers arises whenever a law attempts to give someone else, usually in the executive branch, the authority to make policy decisions without adequate guidelines. Legislative power cannot be delegated. The Legislative Assembly shall declare the policy of the law and shall definitively fix the legal principles that are to control the action taken. *Ralston Purina Co. v. Hagemeister*, 188 N.W.2d 405 (N.D. 1971); *MDU v. Johanneson*, 153 N.W.2d 414 (N.D. 1967).

A statute that incorporates by reference **standards from another source** (such as federal law or a professional code) **will be regarded as incorporating the standards that existed before the statutory reference**, because interpreting it to incorporate future changes would constitute an unconstitutional delegation of legislative authority to the body responsible for those standards. *McCabe v. Workers Compensation Bureau*, 567 N.W.2d 201 (N.D. 1997). However, an exception exists under Section 3 of Article X of the Constitution of North Dakota to allow adoption of future amendments to federal income tax laws by reference.

## **NORTH DAKOTA CENTURY CODE**

### **Drafting and Interpretation**

Century Code Chapters 1-01 and 1-02 contain provisions that apply to the drafting and interpretation of bills.

Chapter 1-01 has general provisions and many definitions that apply to the entire Century Code. Examples of words defined include children, coal, executor, gender, month, person,

population, property, rule, several, week, will, and year. **If the drafter wants a definition other than the one provided in Chapter 1-01 or in the definitions otherwise provided for in the title or chapter, the word must be defined in the bill.**

Section 1-02-10 provides that no part of the Century Code is retroactive unless expressly so declared. However, see *State v. Davenport*, 536 N.W.2d 686 (N.D. 1995) holding that intent of retroactive application may be implied.

Section 1-02-11 provides that no source note is a declaration by the Legislative Assembly as to the purpose, scope, or effect of any section to which the source note or Code Revisor's note relates.

Section 1-02-12 states a caption, source note, or cross-reference, whether designating an entire title, chapter, section, subsection, or subdivision, does not constitute any part of a statute. **A caption may not be used to determine legislative intent or the legislative history for any statute.** See also *State v. Thill*, 468 N.W.2d 643 (N.D. 1991); *Lipp v. Lipp*, 355 N.W.2d 817 (N.D. 1984); *Jochim v. Jochim*, 306 N.W.2d 196 (N.D. 1981).

Section 1-02-16 provides the repeal of an Act which repealed a former Act does not revive the former Act.

Section 1-02-20 provides that if any portion of a statute is adjudged to be invalid, such judgment does not affect or invalidate any other portion of that statute, but only that portion of the law directly involved in the controversy is affected by the judgment. Therefore, **severability clauses are not necessary in North Dakota legislation.** If the Supreme Court declares a portion of a law unconstitutional, the constitutional provisions of that law will stand, unless the provisions are so interrelated that none of the law can stand without the unconstitutional portion.

Section 1-02-37 provides all amendments and additions to the Century Code appearing in pocket part supplements must be cited as sections of the Century Code. Therefore, in cross-references and other references to the Century Code it is not necessary to add the words "as amended". This conclusion is further supported by Section 1-02-40, which states a reference to any portion of a statute applies to all reenactments, revisions, or amendments thereof.

Section 1-02-38 lists five items presumed in the enactment of every statute. The presumptions are that compliance with state and federal constitutions is intended, the entire statute is intended to be effective, a just and reasonable result is intended, a result feasible of execution is intended, and public interest is favored over any private interest.

Section 1-02-39 provides for aids in construing ambiguous statutes. If found to be ambiguous, a court may consider the object sought to be attained; the circumstances under which the statute was enacted; the legislative history; the common law or former statutory provisions, including laws upon the same or similar subjects; the consequences of a particular construction; the administrative construction of the statute; and the preamble.

Section 1-02-42 interprets the effective date provisions of Section 13 of Article IV of the Constitution of North Dakota. It provides that unless stated otherwise in the bill, the entire bill takes effect at the same time. This section lists considerations that determine which bills take effect on July first under the constitutional provision.

### **Restrictions on Legislation**

Section 54-03-25 relates to a legislative measure or amendment affecting workers' compensation benefits or premium rates. If Workforce Safety and Insurance determines that the measure or amendment will have an actuarial impact on the fund, the organization is required to submit, before the measure or amendment is acted upon, an actuarial impact

statement prepared, at the expense of the organization, by the actuary employed by the organization.

Section 54-35-02.4(5)(6) provides if a legislative measure or amendment to a measure affecting a public employees retirement program, public employees health insurance program, or public employees retiree health insurance program is introduced or considered in either house without a report from the Employee Benefits Programs Committee, the chairman and vice chairman of the Employee Benefits Programs Committee shall request an actuarial report from the program affected and shall provide the report to the standing committee to which the measure is referred. During the legislative session, the Employee Benefits Programs Committee chairman and vice chairman, working together, have sole authority to determine whether a legislative measure or amendment affects a program.

Section 54-01-05.5 requires a written report with regard to any bill introduced to authorize the sale or the exchange of state land. The report is to be prepared by the agency owning or controlling the land. This section authorizes the Commissioner of University and School Lands to provide a written assessment concerning the highest and best use of the land.

Section 54-03-28 requires a cost-benefit analysis provided by the Legislative Management be appended to a legislative measure mandating health insurance coverage of services before the measure may be referred to a committee of the Legislative Assembly.

### **LEGISLATIVE RULES**

Each house of the Legislative Assembly determines its own rules of procedure according to Section 12 of Article IV of the Constitution of North Dakota. Several of the rules in each house relate to the drafting of bills. The rules for each Legislative Assembly are adopted at the organizational session in December preceding a session. Therefore, the 2025 rules may not be the same as in 2023, although it is a fair presumption they will be quite similar. For the most part, the rules in effect for the Legislative Assembly in 2023 have been incorporated into this manual.

## PART 2 - BILLS

The drafter should pay careful attention to the general principles of legislative drafting. While many considerations are involved in the drafting process, a bill that is defective in structure or technical compliance will not accomplish its desired objective.

When beginning a bill draft, the drafter should determine whether a similar bill has been drafted previously. The drafter will save a considerable amount of time if a previous bill can be used as an example. However, drafters should not assume a previously drafted bill is correct, or even appropriate, in present circumstances. All items in a previous bill draft should be reviewed and verified to ensure accuracy and determine the need for any additional provisions or modified language. At the end of this part there are several examples intended to illustrate the principles discussed in this part.

### PARTS OF A BILL

There are five main parts to a bill: session identification, sponsor identification, title, enacting clause, and body. Each part is essential and must be complete.

#### Session Identification

The session identification pertains to the legislative session in which the bill is introduced. The words **Sixty-ninth Legislative Assembly of North Dakota** must appear on the first page of all bills introduced in the 2025 legislative session. The words **Sixty-ninth Legislative Assembly** must appear on each subsequent page. Review the examples in this manual for illustrations of the proper alignment of the appropriate phrase.

#### Sponsor Identification

The sponsor identification pertains to the legislators or legislative entities sponsoring the bill. It consists of the phrase **Introduced by** and the name (or names) of the sponsor (or sponsors). If the sponsor is a legislator, the sponsor's name should be preceded by either the word **Representative** or **Senator** or the plurals of these words when there is more than one sponsor.

Under Senate Rule 401 in effect during the 2023 legislative session, the number of sponsors of a Senate bill was limited to no more than six members of the Legislative Assembly. House Rule 401 in effect during the 2023 legislative session limited the number of sponsors of a House bill to no more than 12 members of the Legislative Assembly. Joint Rule 208 limits the number of agency sponsors of a bill to not more than five.

#### Title

The title of a bill lists the provisions of Century Code or Session Laws being created, amended, or repealed. Sections, chapters, and titles of the Century Code being created by a drafter can be numbered or unnumbered. Remember to consult the Code Revisor when creating a new section, chapter, or title of the Century Code. At the end of this part, Example 6 illustrates the creation of unnumbered, unlocated sections and Example 9 illustrates the creation of an unnumbered but located section.

The title of a bill also must briefly express the subject of the created, amended, or repealed sections. Except for bills creating unnumbered, unlocated sections of law, the subject of a bill is expressed in the "relating to" clauses. One relating to clause should describe the subject of all created sections, one relating to clause should describe the subject of all amended sections, and one relating to clause should describe the subject of all repealed sections. **Statements of legislative intent, testimony, and the use of adjectives that imply value judgments should be avoided in drafting clauses describing the contents of a bill.**



When drafting a title, consideration must be given to Section 13 of Article IV of the Constitution of North Dakota. That section provides that no bill may be amended on its passage through either house so as to change its general subject matter. In addition, no bill may embrace more than one subject, which must be expressed in its title, and a bill in violation of this provision is invalid to the extent of the violation (single subject rule - see page 7).

The title of a bill begins with the words **A BILL for an Act**. Items, if contained in the bill, should be listed in the title of the bill in the following order:

1. Description of the subject matter of unnumbered, unlocated provisions.
2. All new numbered or located sections, subsections, subdivisions, paragraphs, and subparagraphs being created in numerical order.
3. The sections, subsections, subdivisions, paragraphs, and subparagraphs being amended in numerical order.
4. The chapters and sections being repealed in numerical order (do not repeal parts of a section - see page 18).
5. A legislative intent statement (intent statements are discouraged - see page 85).
6. A Legislative Management or agency study suggestion or directive or a Legislative Management report.
7. A penalty.
8. An appropriation.
9. A transfer.
10. A provision for application.
11. A provision for retroactive application.
12. An effective date.
13. An expiration date.
14. A declaration of emergency.

If a bill creates, amends, or repeals provisions of the Century Code and provisions of the Session Laws, the Session Laws provisions should be listed after the Century Code provisions. The following bill title example contains all possible items, listed in the proper order:

A BILL for an Act to provide for the creation of certain banking corporations; to create and enact section 6-02-03.1, a new section to chapter 6-03, a new section to chapter 6-05, and two new sections to chapter 6-06 of the North Dakota Century Code, relating to bank deposit insurance, trust company requirements, and credit union records; to amend and reenact sections 6-02-03, 6-02-07, and, if House Bill No. 1044 of the sixty-ninth legislative assembly does not become effective, 6-03-01 of the North Dakota Century Code, relating to insurance requirements and organization certificates and certificates of authority of state banking associations; to repeal section 6-01-18 of the North Dakota Century Code and section 4 of chapter 350 of the 2013 Session Laws, relating to reports of insured institutions; to provide a statement of legislative intent; to provide for a legislative management study; to provide for a legislative management report; to provide a penalty; to provide an appropriation; to provide a continuing appropriation; to provide for a transfer; to provide for application; to provide for retroactive application; to provide an effective date; to provide an expiration date; and to declare an emergency.

An exception to the general rule governing the proper order of items in a bill title is appropriations bills. If the primary purpose of the bill is to provide an appropriation, and the bill also creates new law or amends the Century Code or Session Laws, the appropriation should be listed first in the title.

For the purpose of bill titles, the singular includes the plural. Thus, the title for a bill containing multiple appropriation sections and multiple effective date sections will read "to provide an appropriation; and to provide an effective date."

### **Enacting Clause**

A bill must contain an enacting clause after the title. The required enacting clause is:

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

A bill without this enacting clause violates Senate and House Rules 404(3). Century Code Section 16.1-01-09 sets out the enacting clause required for an initiated measure.

### **Body**

#### **Format**

The body of a bill is divided into numbered sections. Normally, a separate section of the bill is used for each section of the Century Code or Session Laws to be affected.

**The order items are listed in the body of the bill differs from the order in which they are listed in the title.** Sections of law being created or amended are listed first and must be arranged in numerical order by Century Code section number, without regard to whether the sections are created or amended. If an unnumbered section is created in a bill that also amends numbered sections, the unnumbered section should be placed among the numbered sections in the approximate logical placement of the new section in the Century Code. For example, if a bill creates an unnumbered section to Chapter 6-08 relating to the sale of banking institutions and also amends Sections 6-08-01 and 6-08-28 and the new section logically belongs between these two sections, it should be placed as the second section of the bill.

Sections of the bill amending Session Laws are listed after bill sections creating or amending the Century Code. Bill sections amending Session Laws must be listed in chronological order, and within chronological order in numerical order by chapter number.

Next, the repealed sections and chapters must be listed in numerical order in one repeal section (more than one repeal section may be used if repeals will have differing effective dates).

Lastly, the special clauses--appropriation clause, transfer clause, application clause, retroactive application clause, effective date clause, expiration date clause, and emergency clause--are placed in the same order as in the title. The following example of the body of a bill contains all of these items in the proper order:

**SECTION 1.** A new section to chapter 1-01 of the North Dakota Century Code is created and enacted as follows:

**SECTION 2. AMENDMENT.** Section 2-04-02 of the North Dakota Century Code is amended and reenacted as follows:

**SECTION 3.** A new subsection to section 3-05-01 of the North Dakota Century Code is created and enacted as follows:

**SECTION 4. AMENDMENT.** Subsection 2 of section 4.1-04-01 of the North Dakota Century Code is amended and reenacted as follows:

**SECTION 5. REPEAL.** Sections 5-03-05 and 6-02-09 of the North Dakota Century Code are repealed.

**SECTION 6. LEGISLATIVE MANAGEMENT STUDY - (INSERT SHORT DESCRIPTION OF STUDY TOPIC).** During the 2025-26 interim, the legislative

management shall consider studying (insert description of study topic). The study must include (list items the study must include). The legislative management shall report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the seventieth legislative assembly.

**SECTION 7. APPROPRIATION - TO WHOM - FOR WHAT PURPOSE.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$(insert amount in numerals), or so much of the sum as may be necessary, to (insert name of agency) for the purpose of (insert purpose), for the biennium beginning July 1, 2025, and ending June 30, 2027.

**SECTION 8. APPROPRIATION - TRANSFER.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$(insert amount in numerals), or so much of the sum as may be necessary, which the (insert name of agency) shall transfer to the (insert name of fund) during the biennium beginning July 1, 2025, and ending June 30, 2027.

**SECTION 9. APPLICATION.** Section 4 of this Act applies to contracts entered after July 31, 2025.

**SECTION 10. RETROACTIVE APPLICATION.** Section 2 of this Act applies retroactively to claims arising after July 31, 2023.

**SECTION 11. EFFECTIVE DATE.** Section 1 of this Act becomes effective on May 15, 2025.

**SECTION 12. EXPIRATION DATE.** Section 3 of this Act is effective through December 31, 2025, and after that date is ineffective.

**SECTION 13. EMERGENCY.** Section 1 of this Act is declared to be an emergency measure.

An exception to this rule for placement of special clauses exists when the primary purpose of the bill is to provide an appropriation. When substantive provisions are added to a bill that primarily serves to provide an appropriation, the appropriation section remains the first section of the bill.

#### **Use of Overstrike and Underscore**

Before a drafter applies amendments to Century Code or Session Laws language, the drafter shall ensure the language the drafter is applying amendments to **exactly matches** the existing law, including punctuation. A drafter shall mark with an overstrike any existing Century Code or Session Laws language the drafter wishes to delete. A drafter shall underscore any new language the drafter wishes to add. **New language (indicated by underscores) replacing old language (indicated by overstrikes) must be placed after the language being replaced.** Whenever possible, existing language should be retained. Punctuation within a Century Code or Session Laws section may not be changed unless handled as an amendment. **If a drafter wishes to change a word from singular to plural or vice versa, all of the old word must be overstruck and all of the new word must be underscored. A drafter may not simply add an underscored "s" to the end of a word stated in its singular form, or overstrike an "s" at the end of a word stated in its plural form.**

**All new law must be underscored. However, certain special clauses are not underscored, including effective date and expiration date clauses, emergency clauses, repealer clauses, Legislative Management study directives, and sections in appropriation bills which relate only to the appropriation provided.**

#### **Section Identification Number**

Each section of a bill is given a section identification number, starting with **SECTION 1** and numbering consecutively thereafter.

## AMENDING, CREATING, PENALTY, AND REPEALER CLAUSES

### Amending Clause

The purpose of the amending clause is to point out where the current and official version of the law being amended is located. The amending clause must refer to the section of law being amended. If the law being amended is not codified, the amending clause should refer to the proper section, chapter, and year of the Session Laws. In rare cases, it is necessary to amend a bill already passed during the same legislative session. In such cases, the amending clause must refer to the bill as approved. It may be necessary to amend an initiated measure that has been passed but not codified. In such cases, the amending clause must refer to the initiated measure as adopted.

The amending clause follows the section identification number. Variations in an amending clause depend upon the type of amendment.

The amending clause to amend a section of law found in the Century Code should refer to the Century Code as follows:

**SECTION 1. AMENDMENT.** Section 6-09-01 of the North Dakota Century Code is amended and reenacted as follows:

Legislation not of a general and permanent nature is normally not codified in the Century Code. Examples of typical nonpermanent sections are appropriations, bonding authorizations, building authorizations, and land sale authorizations.

The amending clause to amend a section of law not codified in the Century Code but compiled in the Session Laws should refer to the appropriate Session Laws as follows:

**SECTION 2. AMENDMENT.** Section 22 of chapter 95 of the 2023 Session Laws is amended and reenacted as follows:

The amending clause to amend a section of law amended by the Session Laws should refer to the appropriate section of the Century Code and Session Laws as follows:

**SECTION 3. AMENDMENT.** Section 40-18-15.1 of the North Dakota Century Code, as amended by section 159 of chapter 326 of the 2023 Session Laws, is amended and reenacted as follows:

The amending clause to amend a bill passed during the same legislative session should refer to the appropriate bill as follows:

**SECTION 4. AMENDMENT.** Section 6 of House Bill No. 1046, as approved by the sixty-ninth legislative assembly, is amended and reenacted as follows:

When amending a bill recently passed or to be passed, the only overstrike or underscore that should appear is that which makes the changes to provisions in the bill being amended.

The amending clause to amend a section of an initiated measure adopted but not codified is:

**SECTION 5. AMENDMENT.** Section 1 of initiated measure No. 1 as adopted at the (primary/general) election in 2024 is amended and reenacted as follows:

In some instances, the better practice may be to amend only a subsection of a section, especially if the entire section is quite long. This reduces the cost of printing bills. A good rule to use when deciding whether to repeat the whole section or to amend only a subsection is that if the whole section takes up more than one-half page in the Century Code, then amend only the relevant subsection. However, never sacrifice clarity for brevity. If the subsection standing alone can be understood in the proper context, or if the description in the title will allow the subsection standing alone to be understood in the proper context, it is

probably advisable to amend only the subsection. An example of an amending clause to amend a subsection is:

**SECTION 6. AMENDMENT.** Subsection 2 of section 26.1-04-05 of the North Dakota Century Code is amended and reenacted as follows:

In some cases, it may be advisable to amend more than one subsection in the same Century Code section. This may occur when amending a very long section. An example of an amending clause to amend multiple subsections is:

**SECTION 7. AMENDMENT.** Subsections 2 and 5 of section 26.1-04-05 of the North Dakota Century Code are amended and reenacted as follows:

In very limited instances, special amending clauses are necessary due to the nature of the subject matter being considered. **Contact the Legislative Council staff whenever the use of a special amending clause is being considered.** Examples of two special amending clauses are:

**SECTION 8. AMENDMENT.** Section 26.1-36-06 of the North Dakota Century Code as created by Senate Bill No. 2078, as approved by the sixty-ninth legislative assembly, is amended and reenacted as follows:

**SECTION 9. AMENDMENT.** If Senate Bill No. 2078 does not become effective, section 40-15-06 of the North Dakota Century Code is amended and reenacted as follows:

The complete text, including the Century Code number and caption, of the amended section of law follows the amending clause. If only a subsection is amended, only the number and text of the subsection follow the amending clause, and the Century Code number and caption are not used. If a subdivision, paragraph, or subparagraph is to be amended, it is usually advisable to include the text of the subsection (and thus amend the subsection) so the amendment is understandable by the reader.

Always proofread amended sections carefully against the text of the Century Code as it appears on the legislative branch website.

### **Creating Clause**

Drafters should avoid assigning Century Code numbers when creating a new chapter, section, or subsection of the Century Code. Any assignment of new Century Code title, chapter, or section numbers must be approved by the Code Revisor of the Legislative Council. When a bill containing a new, unnumbered title, chapter, or section of the Century Code is enacted, the Code Revisor will assign the proper number at the time the new law is published as a part of the Century Code. Avoiding the use of new chapter, section, or subsection numbers in bills creating new law will help to eliminate duplicate numbers appearing in other introduced bills.

Century Code numbers may not be reused after a section has been repealed. In addition, a section number may not be changed by overstriking the section number and inserting a new underscored section number. To change a section number, the section must be repealed and recreated.

In some cases, it may be important to place an unnumbered section or chapter in a specific chapter or title in order for general provisions contained in the chapter or title, such as definitions or penalty provisions, to apply to the new section of chapter. In such cases, the new material may be unnumbered but located in the specific title or chapter. The creating clause for a new unnumbered chapter to a title of the Century Code should read as follows:

**SECTION 1.** A new chapter to title 34 of the North Dakota Century Code is created and enacted as follows:

The creating clause for a new unnumbered section to a chapter of the Century Code should read as follows:

**SECTION 2.** A new section to chapter 40-47 of the North Dakota Century Code is created and enacted as follows:

The creating clause for a new numbered section of the Century Code should read as follows:

**SECTION 3.** Section 40-57-03.1 of the North Dakota Century Code is created and enacted as follows:

If the section is long, it may be easier to create a new subsection rather than amend the entire section. The creating clause for an unnumbered subsection is:

**SECTION 4.** A new subsection to section 49-22-20 of the North Dakota Century Code is created and enacted as follows:

In limited instances, special creating clauses are necessary due to the nature of the subject matter being considered. **Contact the Legislative Council staff whenever use of a special creating clause is being considered.** Examples of special creating clauses are:

**SECTION 5.** If Senate Bill No. 2460 is approved by the sixty-ninth legislative assembly and becomes effective, a new section to chapter 54-24.3 of the North Dakota Century Code is created and enacted as follows:

**SECTION 6.** If Senate Bill No. 2460 as approved by the sixty-ninth legislative assembly becomes effective, a new section to chapter 54-24.3 of the North Dakota Century Code is created and enacted as follows:

### **Caption**

The complete text, including the Century Code number (if used) and caption, of the relevant section of law follows the amending or creating clause. When a new section is created, a descriptive caption should be included. A caption gives a brief description of the content of a section. Well-written captions allow the section listing preceding a chapter to be used as a chapter table of contents. Section 1-02-12 provides that a caption is not part of the law. When a caption is not included in a new section, it will be inserted by the Code Revisor at the time the new law is published as part of the Century Code. A caption should not list every item contained in the section. However, the wording of a caption is important because Century Code index entries are based on the caption.

A dash is used to separate subject headings in a caption. The first word following a dash is capitalized. A period is used at the end of a caption. An example of a caption is:

**60-02-07. Public warehouse license - How obtained - Fee - Financial statement.**

### **Penalty Clause**

A provision for a penalty must be noted in the title of the bill. The penalty section should indicate the intended offense classification. Offense classifications are contained in Section 12.1-32-01. An example of a penalty clause **for a law to be codified outside Title 12.1** is:

**SECTION 1.** A new section to chapter 62.1-02 of the North Dakota Century Code is created and enacted as follows:

**Penalty.**

Any person who willfully violates this chapter is guilty of a class B misdemeanor.

Any penalty clause to be codified outside Title 12.1--the Criminal Code--must contain culpability language or the offense may be considered a strict liability offense. *State v. Rippley*, 319 N.W.2d 129 (N.D. 1982). Section 12.1-02-02 defines various kinds of culpability. Although

"willfully" furthers the purpose of subsection 2 of Section 12.1-02-02, it does not encompass "negligently". The appropriate level of culpability depends on the substantive provisions. An example of a penalty clause for a law to be codified within Title 12.1 (thus not containing culpability language) is:

**SECTION 2.** A new section to chapter 12.1-11 of the North Dakota Century Code is created and enacted as follows:

**Penalty.**

Any person who violates this chapter is guilty of a class B misdemeanor.

A penalty also must be noted in the title if a section of law is amended to provide for a penalty, change the degree of an existing penalty, or expand the application of an existing penalty. An example is:

**SECTION 3. AMENDMENT.** Section 20.1-04-13 of the North Dakota Century Code is amended and reenacted as follows:

**20.1-04-13. When harmful birds may be killed - Exception - Penalty.**

Any person may kill any harmful wild bird in this state during daylight hours. Any person who willfully kills a harmful wild bird during the period between sunset and sunrise is guilty of a class B misdemeanor.

### **Repealer Clause**

All provisions to be repealed by a bill must be referred to in the title of the bill. If several sections and a chapter of the Century Code are being repealed, the repeal section will read as follows:

**SECTION 1. REPEAL.** Sections 1-01-01, 1-01-02, 1-01-10, 1-01-14, and 1-01-16 and chapter 1-21 of the North Dakota Century Code are repealed.

Both sections and chapters of the Century Code may be repealed. However, **do not repeal parts of sections** such as subsections, subdivisions, paragraphs, or subparagraphs. The preferred method of deleting such material from the Century Code is to amend the section by overstriking the material to be deleted and renumbering the remaining material accordingly in the amendment.

When a bill draft is to repeal a provision of the Century Code, please search the Century Code for any references that will require change. If you are uncertain how to do this, **contact the Legislative Council staff before completing the bill draft.** The Council office will provide assistance in determining whether any references to the provision proposed for repeal, deletion, or renumbering need to be corrected (and thus included in the bill draft). **All references to the repealed, deleted, or renumbered provision throughout the entire Century Code should be corrected at the same time the provision is repealed, deleted, or renumbered to avoid future statutory construction problems.**

### **SPECIAL CLAUSES**

Special clauses, although an integral part of certain bills, are usually not published as permanent law in the Century Code. Therefore, special clauses do not have to be underscored.

#### **Savings or Constitutionality Clause**

A clause intended to protect the validity of certain portions of an Act is usually called a savings, severability, or constitutionality clause. **Do not use these clauses.** This type of clause is not necessary in North Dakota because the courts will generally hold all portions of an Act which stand alone to be constitutional even though some other portion of the Act may be unconstitutional. See *State ex rel. Link v. Olson*, 286 N.W.2d 262 (N.D. 1979); *Baird v. Burke County*, 205 N.W. 17 (N.D. 1925). Additionally, Section 1-02-20 is a statutory savings clause.

### Short Title Clause

**Short titles should not be used.** With statutory codification, every codified section has a Century Code number and is placed with provisions reflecting the subject matter involved. In addition, a chapter caption is developed based upon the chapter's content. Such clauses are usually not codified as part of the Century Code.

### Suspending Clause

Suspending the operation of a law should be used only in limited circumstances. Please contact the Legislative Council staff when considering suspension of a law.

### Appropriation Clause

An appropriation must be noted in the title of the bill. An appropriation clause, other than the primary appropriation clause in the agency appropriation bill, should include a descriptor of to whom the appropriation is made and for what purpose. For example: **SECTION 1. APPROPRIATION - DEPARTMENT OF COMMERCE - INTERNSHIP PROGRAM.**

The standard form for a lump sum general fund appropriation clause is:

**SECTION 1. APPROPRIATION - TO WHOM - FOR WHAT PURPOSE.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$(insert amount in numerals), or so much of the sum as may be necessary, to (insert name of agency) for the purpose of (insert purpose), for the biennium beginning July 1, 2025, and ending June 30, 2027.

If funds are available from more than one source and detail regarding estimated expenditures is available, such as the primary appropriation in the agency appropriation bill, the following is the standard appropriation clause:

**SECTION 2. APPROPRIATION.** The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from other funds derived from special funds and federal funds, to (insert name of agency) for the purpose of (insert purpose), for the biennium beginning July 1, 2025, and ending June 30, 2027, as follows:

Salaries and wages	\$(amount in numerals)
Operating expenses	(amount in numerals)
Equipment	(amount in numerals)
Capital improvements	(amount in numerals)
Grants, benefits, and claims	(amount in numerals)
Total all funds	\$(amount in numerals)
Less other funds	(amount in numerals)
Total general fund appropriation	\$(amount in numerals)

However, if the entire appropriation is from the general fund, the "Total all funds" and "Less other funds" lines should be eliminated and the language in the first paragraph relating to other funds derived from special funds and federal funds should be eliminated.

Also, if the entire appropriation is from federal and special funds, the "Total all funds", "Less other funds", and "Total general fund appropriation" lines should be replaced with a "Total other funds appropriation" line and the language in the first paragraph relating to the general fund should be eliminated.

Also, if the entire appropriation is from only special funds, the "Total all funds", "Less other funds", and "Total general fund appropriation" lines should be replaced with a "Total special funds appropriation" line and the language in the first paragraph relating to the general fund, other funds, and federal funds should be eliminated.



To be valid, an appropriation of public moneys must make a specific and direct appropriation of a definite sum of money for a specified purpose. *Menz v. Coyle*, 117 N.W.2d 290 (N.D. 1962); *Campbell v. Towner County*, 71 N.D. 616, 3 N.W.2d 822 (1942); *Langer v. State*, 69 N.D. 129, 284 N.W. 238 (1939).

If the appropriation is to be made from a special fund, the special fund should be named in place of the general fund. The time period during which the appropriation will be available should be specified in the bill.

If the appropriation includes the authority to transfer, the name of the agency given the authority to transfer and the fund to which the funds will be transferred should be named. The transfer authorization must be noted in the title of the bill.

**SECTION 3. APPROPRIATION - TRANSFER.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$(insert amount in numerals), or so much of the sum as may be necessary, which the (insert name of agency) shall transfer to the (insert name of fund) during the biennium beginning July 1, 2025, and ending June 30, 2027.

### **Application Clause**

An application clause may be used to indicate a date or occurrence to which the bill or a portion of the bill applies.

**SECTION 1. APPLICATION.** This Act applies to construction contracts executed on and after the effective date of this Act.

**SECTION 2. APPLICATION.** Sections 1 and 2 of this Act apply to any public improvement project for which a contract or agreement for plans, drawings, or specifications is executed after the effective date of this Act.

**SECTION 3. APPLICATION.** The change in term limits for board members under section 1 of this Act applies to board member appointments and reappointments made after July 31, 2025.

### **Retroactive Application Clause**

The application of an Act or part of an Act may be made retroactive. An emergency clause is not required when using this type of clause. Two examples of this type of clause are:

**SECTION 1. RETROACTIVE APPLICATION.** This Act applies retroactively to cases arising after July 31, 2023.

**SECTION 2. RETROACTIVE APPLICATION.** This Act is retroactive in application.

### **Effective Date Clause**

An effective date clause must be noted in the title of the bill. An effective date clause is used to provide an effective date for the bill, or specified sections in the bill, if an effective date is required other than the effective date provided by law. Section 13 of Article IV of the Constitution of North Dakota provides the time a bill becomes effective if the bill does not contain an effective date. Section 1-02-42 provides rules of construction relating to determining effective dates of legislation under the constitutional provision. If a bill must become effective before the time it would normally become effective under Section 13 of Article IV, the bill requires an emergency clause. Examples of types of effective date clauses are:

**SECTION 1. EFFECTIVE DATE.** This Act is effective for taxable years beginning after December 31, 2024.

**SECTION 2. EFFECTIVE DATE.** This Act becomes effective on January 1, 2026.

**SECTION 3. CONTINGENT EFFECTIVE DATE.** This Act becomes effective on the date the governor certifies to the secretary of state and to the director of the department of transportation and the legislative council that the federal restrictions on speed limits are no longer in effect, but only if that day is before August 1, 2027.

**SECTION 4. EFFECTIVE DATE.** Sections 4 and 5 of this Act become effective immediately upon its filing with the secretary of state and sections 1, 2, and 3 of this Act become effective on August 1, 2025.

**SECTION 5. CONTINGENT EFFECTIVE DATE.** Section 4 of this Act becomes effective on the date the proposed amendment to section 21 of article X of the Constitution of North Dakota as contained in Senate Concurrent Resolution No. 4037, as agreed to by the sixty-ninth legislative assembly and approved by the electors, becomes effective.

**SECTION 6. CONTINGENT EFFECTIVE DATE.** This Act is contingent on the passage of Senate Concurrent Resolution No. 4002 by the sixty-ninth legislative assembly and approval of that resolution by the electors of this state. If this Act takes effect, it becomes effective on January 1, 2027.

Please note that use of the "effective immediately" language in the fourth example requires that an emergency clause be part of the bill. The Act in the third example also may be effective before the usual effective date and may require an emergency clause.

Note the difference between examples 1, 2, and 4 and examples 3, 5, and 6 with respect to whether the effective date will take effect without action by anyone or whether the effective date is contingent on an event that may or may not happen.

Note any bill passed in a special session of the Legislative Assembly must have an effective date clause. Section 13 of Article IV of the Constitution of North Dakota provides an effective date only for bills passed during regular legislative sessions.

### **Expiration Date Clause**

An expiration date clause must be noted in the title of the bill. An expiration date clause is used to provide a time at which the bill, or a specified provision of the bill, expires. Examples of expiration date clauses are:

**SECTION 1. EXPIRATION DATE.** This Act is effective through July 31, 2026, and after that date is ineffective.

**SECTION 2. EXPIRATION DATE - SUSPENSION.** This Act is effective through July 31, 2027, and after that date is ineffective. North Dakota Century Code sections 9-10-07 and 32-03-07 are suspended from the effective date of this Act through July 31, 2027. Sections 9-10-07 and 32-03-07 as they existed on the day before the effective date of this Act become effective on August 1, 2027.

### **Emergency Clause**

To be passed as an emergency measure a bill must have a reference to the emergency in its title. The preferred terminology is **and to declare an emergency** at the end of the title. Examples of emergency clauses are:

**SECTION 1. EMERGENCY.** This Act is declared to be an emergency measure.

**SECTION 2. EMERGENCY.** Sections 3 and 4 of this Act are declared to be an emergency measure.

## **AMENDMENTS TO CENTURY CODE SECTIONS WITH EFFECTIVE DATE NOTATIONS**

In a Century Code section that contains an effective date or expiration date notation following the caption, the notation has the same effect as adding an effective date or expiration date clause to the bill draft, except the notation relates only to the version of the section with which it appears. Any amendment made to the version will be effective for the time shown in the notation. A drafter can change the effective date or expiration date noted in the language following the caption by overstriking and underscoring a new date in the notation. If a drafter amends the effective date or expiration date noted after the caption, the phrase "to provide an effective date" or "to provide an expiration date" must be included in the bill title.

There are situations that require special consideration:

1. If a bill has multiple sections, some having effective date or expiration date notations and some having none, and an effective date or expiration date clause is added at the end of the bill, it is necessary to avoid conflict between the effective date or expiration date clause and any effective date or expiration date notations. An exception is needed in the effective date or expiration date clause, such as:

**SECTION 1. EFFECTIVE DATE.** Except as otherwise provided in this Act, this Act becomes effective on January 1, 2026.

**SECTION 2. EXPIRATION DATE.** Except as otherwise provided in this Act, this Act is effective through July 31, 2027, and after that date is ineffective.

An alternative would be to specify in the effective date or expiration date clause the sections of the bill which are affected by the clause.

2. **Amending less than an entire section is strongly discouraged if the section has alternative versions with different effective date notations.** Amend a subsection of such a section only if there would be a substantial (two or more pages) savings in the length of the bill. Separate sections of the bill must be used for each version of the subsection being amended, a single reference to the Century Code section in the bill title is adequate, and the bill section amending clauses must refer to the effective date notation for each subsection. Examples of bill section amending clauses for these special circumstances are:

**SECTION 1. AMENDMENT.** Subsection 3 of section 39-02-03 of the North Dakota Century Code, as effective through December 31, 2025, is amended and reenacted as follows:

. . .

**SECTION 2. AMENDMENT.** Subsection 3 of section 39-02-03 of the North Dakota Century Code, as effective after December 31, 2025, is amended and reenacted as follows:

. . .

## EXAMPLES OF BILLS

This part contains examples of the forms used for various bills. The examples are not necessarily current law.

1. A Bill Title Illustrating the Order of Clauses
2. A Bill Amending a Section of the Century Code
3. A Bill Amending a Subsection of a Section of the Century Code
4. A Bill Amending Numerous Sections and Subsections of Sections of the Century Code (also illustrates an Agency Bill)
5. A Bill Amending a Section in a Chapter of the Session Laws (also illustrates an Agency Bill)
6. A Bill Creating New Unnumbered, Unlocated Section of Law (also illustrates an Agency Bill)
7. A Bill Creating a New Unnumbered Chapter to a Title of the Century Code
8. A Bill Creating a New Numbered Chapter of the Century Code
9. A Bill Creating a New Unnumbered Section to a Chapter of the Century Code
10. A Bill Creating a New Numbered Section of the Century Code
11. A Bill Creating New Unnumbered Subsections to a Section of the Century Code
12. A Bill Creating a New Numbered Subsection to a Section of the Century Code (also illustrates an Interim Committee Bill)
13. A Bill Repealing a Section of Existing Law (also illustrates a Delayed Bill)
14. A Bill Repealing a Chapter of Existing Law
15. A Bill Amending a Bill That Amended an Existing Section of the Century Code
16. A Bill Amending a Bill That Created a New Unnumbered Section of the Century Code
17. A Bill Amending a Bill That Created a New Numbered Section of the Century Code
18. A Section of a Bill Deleting a Subsection of a Section of the Century Code (also illustrates second page of a bill)
19. A Bill Inserting a New Subsection Between Two Subsections of a Section of the Century Code
20. A Bill Amending a Caption (Section Heading)
21. A Bill to Provide an Appropriation
22. A Bill to Provide an Appropriation to a Specific Entity for a Specified Purpose
23. A Bill Alternatively Amending a Section of the Century Code
24. A Bill Creating New Law by Adopting a Uniform Act
25. A Bill Amending a Section of the Century Code Published in Alternate Versions With Effective Dates in the Captions
26. A Section of a Bill Adopting an Update in Federal Law

**Example 1 - A Bill Title Illustrating the Order of Clauses**

Sixty-ninth  
Legislative Assembly  
of North Dakota

**SENATE BILL NO.**

Introduced by

Senator Puckett

Representatives Gant, Liebrandt

1 A BILL for an Act to provide for the creation of certain banking corporations; to create  
2 and enact section 6-02-03.1, a new section to chapter 6-03, a new section to chapter  
3 6-05, and two new sections to chapter 6-06 of the North Dakota Century Code,  
4 relating to bank deposit insurance, trust company requirements, and credit union  
5 records; to amend and reenact sections 6-02-03, 6-02-07, and, if House Bill No. 1044  
6 of the sixty-ninth legislative assembly does not become effective, 6-03-01 of the North  
7 Dakota Century Code, relating to insurance requirements and organization  
8 certificates and certificates of authority of state banking associations; to repeal  
9 section 6-01-18 of the North Dakota Century Code and section 4 of chapter 350 of  
10 the 2013 Session Laws, relating to reports of insured institutions; to provide a  
11 statement of legislative intent; to provide for a legislative management study; to  
12 provide for a legislative management report; to provide a penalty; to provide an  
13 appropriation; to provide a continuing appropriation; to provide for a transfer; to  
14 provide for application; to provide for retroactive application; to provide an effective  
15 date; to provide an expiration date; and to declare an emergency.

16 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**Example 2 - A Bill Amending a Section of the Century Code**

Sixty-ninth  
Legislative Assembly  
of North Dakota

**HOUSE BILL NO. 1176**

Introduced by

Representative Maris

1 A BILL for an Act to amend and reenact section 5-01-08 of the North Dakota  
2 Century Code, relating to the age of individuals attempting to obtain alcoholic  
3 beverages.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 5-01-08 of the North Dakota Century  
6 Code is amended and reenacted as follows:

7 **5-01-08. Individuals under ~~twenty-one~~nineteen years of age prohibited**  
8 **from entering licensed premises - Penalty - Exceptions - Referrals to**  
9 **addiction facilities.**

10 Except as permitted in this section and section 5-02-06, any individual under  
11 ~~twenty-one~~nineteen years of age purchasing, attempting to purchase, or being in  
12 possession of alcoholic beverages, or furnishing money to any individual for the  
13 purchase, or entering any licensed premises where alcoholic beverages are being  
14 sold or displayed, except a restaurant when accompanied by a parent or legal  
15 guardian, or in accordance with section 5-02-06, or if the individual is a law  
16 enforcement officer entering the premises in the performance of official duty, is  
17 guilty of a class B misdemeanor. The court may, under this section, refer the  
18 individual to an outpatient addiction facility licensed by the . . . .

**Example 3 - A Bill Amending a Subsection of a Section of the Century Code**

Sixty-ninth  
Legislative Assembly  
of North Dakota

**SENATE BILL NO.**

Introduced by

Senators Erickson, Chance, Kralick, Milton, Liriano

1 A BILL for an Act to amend and reenact subsection 1 of section 16.1-02-03 of the  
2 North Dakota Century Code, relating to the time of establishment of the central  
3 voter file.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Subsection 1 of section 16.1-02-03 of the North  
6 Dakota Century Code is amended and reenacted as follows:

7 1. Not later than the primary election in ~~2008~~2026, the secretary of state shall  
8 establish the central voter file in cooperation with the department of  
9 transportation and county auditors.

**Example 4 - A Bill Amending Numerous Sections and Subsections of Sections of the Century Code (also illustrates an Agency Bill)**

Sixty-ninth  
Legislative Assembly  
of North Dakota

**HOUSE BILL NO.**

Introduced by

Agriculture Committee

(At the request of the Department of Trust Lands)

1 A BILL for an Act to amend and reenact subsection 1 of section 47-30.1-02,  
2 subsection 1 of section 47-30.1-05, section 47-30.1-06, subsections 1 and 3 of  
3 section 47-30.1-07, sections 47-30.1-10, 47-30.1-12, and 47-30.1-13, subsection 1  
4 of section 47-30.1-14, sections 47-30.1-16 and 47-30.1-17, subsections 1 and 4 of  
5 section 47-30.1-18, section 47-30.1-19.1, subsection 3 of section 47-30.1-24, and  
6 subsection 1 of section 47-30.1-35 of the North Dakota Century Code, relating to  
7 abandoned property under the Uniform Unclaimed Property Act.

8 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

9 **SECTION 1. AMENDMENT.** Subsection 1 of section 47-30.1-02 of the North  
10 Dakota Century Code is amended and reenacted as follows:

11 1. Except as otherwise provided by this chapter, all intangible property,  
12 including any income or increment derived therefrom, less any lawful  
13 charges, that is held, issued, or owing in the ordinary course of a holder's  
14 business and has remained unclaimed by the owner for more than  
15 ~~five~~three years after it became payable or distributable is presumed  
16 abandoned.

17 **SECTION 2. AMENDMENT.** Subsection 1 of section 47-30.1-05 of the North  
18 Dakota Century Code is amended and reenacted as follows:

19 1. Any sum payable on a check, draft, or similar instrument, except those  
20 subject to section 47-30.1-04, on which a banking or financial . . . .



**Example 5 - A Bill Amending a Section in a Chapter of the Session Laws  
(also illustrates an Agency Bill)**

Sixty-ninth  
Legislative Assembly  
of North Dakota

**SENATE BILL NO.**

Introduced by

Agriculture Committee

(At the request of the Agriculture Commissioner)

1 A BILL for an Act to amend and reenact section 2 of chapter 49 of the 2023 Session  
2 Laws, relating to the implementation of the central North Dakota beef cattle  
3 experiment station.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 2 of chapter 49 of the 2023 Session  
6 Laws is amended and reenacted as follows:

7 **SECTION 2. IMPLEMENTATION.**

8 1. To accomplish the intent and purposes of this Act, a committee is  
9 ~~hereby~~ created composed of the vice president for agriculture at  
10 North Dakota state university; the director of the North Dakota main  
11 agriculture experiment station; ~~the director of the cooperative-~~  
12 ~~agricultural extension service at North Dakota state university;~~ the  
13 chairman of the department of animal science at North Dakota state  
14 university; three members of the legislative assembly selected by  
15 the chairman of the . . . .

**Example 6 - A Bill Creating New Unnumbered, Unlocated Section of Law (also illustrates an Agency Bill)**

Sixty-ninth  
Legislative Assembly  
of North Dakota

**HOUSE BILL NO.**

Introduced by

Natural Resources Committee

(At the request of the Soil Conservation Committee)

1 A BILL for an Act to provide for annual reports to the state soil conservation  
2 committee on surface mining operations for minerals other than coal, annual reports  
3 to local soil conservation districts, and exemption of certain surface mining  
4 operations.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1.**

7 **Surface mining operation - Report required.**

8 Except as provided for in section 6 of this Act, a person may not conduct a  
9 surface mining operation without complying with the reporting requirements of this  
10 Act.

11 **SECTION 2.**

12 **Annual report to committee - When filed - Contents.**

13 Any person conducting a surface mining operation shall file with the state soil  
14 conservation committee a report on each surface mining operation conducted  
15 during the calendar year. The report must be filed on or before December thirty-first  
16 of each year in which the surface mining operation is conducted. The annual report  
17 . . . .

**NOTE:** A creating clause is not used in this type of bill. When a bill contains new law, the new material is underscored.

**Example 7 - A Bill Creating a New Unnumbered Chapter to a Title of the Century Code**

Sixty-ninth  
Legislative Assembly  
of North Dakota

**SENATE BILL NO.**

Introduced by

Senators Sievers, Killebrew

1 A BILL for an Act to create and enact a new chapter to title 39 of the North Dakota  
2 Century Code, relating to licensing of wholesale motorcycle dealers; and to provide  
3 a penalty.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** A new chapter to title 39 of the North Dakota Century Code is  
6 created and enacted as follows:

7 **Wholesale dealer license.**

8 A person may not engage in the business of wholesaling motorcycles in  
9 North Dakota without first being licensed to do so as provided in this chapter.

10 The director of the department of transportation shall issue a wholesale dealer  
11 license only to a person who engages in the business of wholesaling motorcycles  
12 to another wholesale motorcycle dealer or licensed motorcycle dealer.

13 **Bond required.**

14 Before the issuance of a wholesale motorcycle dealer license, the applicant  
15 for a license shall furnish a surety . . . .

**NOTE:** It is not necessary in all cases to create a new chapter to a certain title because the new law will be placed in the code where appropriate. However, placement within a specific title is advantageous when making use of provisions in that title, such as general definitions. The choice is the drafter's, but if a numbered chapter is to be created, the Code Revisor must be notified.

**Example 8 - A Bill Creating a New Numbered Chapter of the Century Code**

Sixty-ninth  
Legislative Assembly  
of North Dakota

**HOUSE BILL NO.**

Introduced by

Representatives Berra, Maglie, Mantle, Larson, Mitchell

1 A BILL for an Act to create and enact chapter 38-16 of the North Dakota Century  
2 Code, relating to annual reports to the state soil conservation committee on surface  
3 mining operations for minerals other than coal, annual reports to local soil  
4 conservation districts, and exemption of certain surface mining operations.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1.** Chapter 38-16 of the North Dakota Century Code is created and  
7 enacted as follows:

8 **38-16-01. Surface mining operation - Report required.**

9 Except as provided for in section 38-16-06, a person may not conduct a  
10 surface mining operation without complying with the reporting requirements of this  
11 chapter.

12 **38-16-02. Annual report to committee - When filed - Contents.**

13 Any person conducting a surface mining operation shall file with the state soil  
14 conservation committee a report on each surface mining operation conducted  
15 during the calendar year. The report must be filed on or before December thirty-first

16 . . . .

**NOTE:** The creation of numbered sections is useful when internal cross-references are required. Examples 6 and 9 illustrate the preferred styles for creating new sections. If numbered sections are being created, the Code Revisor must be notified.

**Example 9 - A Bill Creating a New Unnumbered Section to a Chapter of the Century Code**

Sixty-ninth  
Legislative Assembly  
of North Dakota

**SENATE BILL NO.**

Introduced by

Senators Johnson, Pascual

1 A BILL for an Act to create and enact a new section to chapter 64-02 of the North  
2 Dakota Century Code, relating to licensing of weighmen by the public service  
3 commission.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** A new section to chapter 64-02 of the North Dakota Century  
6 Code is created and enacted as follows:

7 **Weighman licensing - Generally - Fees.**

8 A person may not serve in the capacity of weighman without first having  
9 secured a license. An application for a license must be made on a form furnished  
10 by the public service commission. The application must be accompanied by a fee of  
11 two dollars and fifty cents and must contain the information required by the  
12 commission.

**NOTE:** When a bill contains new law, the new material is underscored.

**Example 10 - A Bill Creating a New Numbered Section of the Century Code**

Sixty-ninth  
Legislative Assembly  
of North Dakota

**SENATE BILL NO. 2285**

Introduced by

Senators Williams, Hornsby

1 A BILL for an Act to create and enact section 6-03-76 of the North Dakota Century  
2 Code, relating to the use of drawings, contests, gifts, or premiums by banking  
3 institutions.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** Section 6-03-76 of the North Dakota Century Code is created  
6 and enacted as follows:

7 **6-03-76. Use of premiums by banking institutions prohibited.**

8 The use of drawings, contests, services not provided on the premises of  
9 banking institutions, gifts, or premiums in connection with the opening or promotion  
10 of business of any banking institution, branch, drive-in facility, or paying and  
11 receiving station of any banking institution or for the purpose of establishing,  
12 maintaining, or increasing any deposits, loans, investment certificates, or trusts is  
13 prohibited.

**NOTE:** The creation of numbered sections is useful when statutory placement in proximity to existing provisions is desired. If a numbered section is being created, the Code Revisor must be notified.

**Example 11 - A Bill Creating New Unnumbered Subsections to a Section of the Century Code**

Sixty-ninth  
Legislative Assembly  
of North Dakota

**SENATE BILL NO.**

Introduced by

Senators Morris, Viola

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

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

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

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

9 Produce at any meeting of the board of county commissioners or of any  
10 committee appointed to examine the county manager's accounts,  
11 whenever ordered to do so by the board of county commissioners, all of  
12 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.

**Example 12 - A Bill Creating a New Numbered Subsection to a Section of the Century Code (also illustrates an Interim Committee Bill)**

Sixty-ninth  
Legislative Assembly  
of North Dakota

**SENATE BILL NO.**

Introduced by

Legislative Management

(Finance and Taxation Committee)

1 A BILL for an Act to create and enact subsection 31 of section 57-39.2-04.1 of the  
2 North Dakota Century Code, relating to sales tax exemptions; and to provide an  
3 effective date.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** Subsection 31 to section 57-39.2-04.1 of the North Dakota  
6 Century Code is created and enacted as follows:

7 31. Gross receipts from the sale of all services furnished by any hospital or  
8 nursing home to any patient or occupant.

9 **SECTION 2. EFFECTIVE DATE.** This Act is effective for taxable events  
10 occurring after June 30, 2025.

11

**NOTE:** The creation of numbered subsections to a section should be avoided. Example 11 illustrates the preferred style for creating new subsections.



**Example 13 - A Bill Repealing a Section of Existing Law  
(also illustrates a Delayed Bill)**

Sixty-ninth  
Legislative Assembly  
of North Dakota

**HOUSE BILL NO.**

Introduced by

Representatives Versalles, Killebrew

Senators Morneau, Carew, Mauer

(Approved by the Delayed Bills Committee)

1 A BILL for an Act to repeal section 34-07-09 of the North Dakota Century Code,  
2 relating to the number of years of required school attendance by a minor for  
3 issuance of an employment certificate.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. REPEAL.** Section 34-07-09 of the North Dakota Century Code  
6 is repealed.

**NOTE:** The drafter should determine whether any statutory cross-  
references to the provisions being repealed need to be corrected.

## Example 14 - A Bill Repealing a Chapter of Existing Law

Sixty-ninth  
Legislative Assembly  
of North Dakota

**SENATE BILL NO.**

Introduced by

Government and Veterans' Affairs Committee

(At the request of the Department of Veterans' Affairs)

1 A BILL for an Act to repeal chapter 37-24 of the North Dakota Century Code,  
2 relating to Vietnam veterans' educational assistance.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. REPEAL.** Chapter 37-24 of the North Dakota Century Code is  
5 repealed.

**NOTE:** The drafter should determine whether any statutory cross-references to the provisions being repealed need to be corrected.

**Example 15 - A Bill Amending a Bill That Amended an Existing Section of the Century Code**

Sixty-ninth  
Legislative Assembly  
of North Dakota

**HOUSE BILL NO. 1036**

Introduced by

Representatives Aaron, Mays, Musial

1 A BILL for an Act to amend and reenact section 5-01-08 of the North Dakota  
2 Century Code as amended in section 1 of House Bill No. 1176, as approved by the  
3 sixty-ninth legislative assembly, relating to the age of individuals attempting to  
4 obtain alcoholic beverages.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1. AMENDMENT.** Section 5-01-08 of the North Dakota Century  
7 Code as amended in section 1 of House Bill No. 1176, as approved by the sixty-  
8 ninth legislative assembly, is amended and reenacted as follows:

9 **5-01-08. Individuals under ~~nineteen~~eighteen years of age prohibited**  
10 **from entering licensed premises - Penalty - Exceptions.**

11 Except as permitted in this section and section 5-02-06, any individual under  
12 ~~nineteen~~eighteen years of age purchasing, attempting to purchase, or being in  
13 possession of alcoholic beverages, or furnishing money to any individual for the  
14 purchase, or entering any licensed premises . . . .

**NOTE:** The overstruck and the underscored language that appeared in the bill being amended is removed and the bill is printed as though in permanent law. See Example 2 for "House Bill No. 1176". The only overstrike and underscore appearing in this version are those effectuating the changes made by this bill.

**Example 16 - A Bill Amending a Bill That Created a New Unnumbered Section of the Century Code**

Sixty-ninth  
Legislative Assembly  
of North Dakota

**HOUSE BILL NO.**

Introduced by

Representatives Reardon, Nathan

Senators Aguilera, Guardado

1 A BILL for an Act to amend and reenact the new section to chapter 64-02 of the  
2 North Dakota Century Code as created by section 1 of House Bill No. 1037, as  
3 approved by the sixty-ninth legislative assembly, relating to the licensing of  
4 weighmen.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1. AMENDMENT.** The new section to chapter 64-02 of the North  
7 Dakota Century Code as created by section 1 of House Bill No. 1037, as approved  
8 by the sixty-ninth legislative assembly, is amended and reenacted as follows:

9 **Weighman licensing - Generally - Fees.**

10 A person may not serve in the capacity of weighman without first having  
11 secured a license. An application for a license must be made on a form furnished  
12 by the ~~public service commission~~department of health and human services. The  
13 application must be accompanied by a fee of two dollars and fifty cents and must  
14 contain the information required by the ~~commission~~department.

**Example 17 - A Bill Amending a Bill That Created a New Numbered Section of the Century Code**

Sixty-ninth  
Legislative Assembly  
of North Dakota

**HOUSE BILL NO.**

Introduced by

Representatives Oliva, Carew

Senators Mauer, Puckett

1 A BILL for an Act to amend and reenact section 6-03-76 of the North Dakota  
2 Century Code as created by section 1 of Senate Bill No. 2285, as approved by the  
3 sixty-ninth legislative assembly, relating to the use of drawings, contests, gifts, or  
4 premiums by banking institutions.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1. AMENDMENT.** Section 6-03-76 of the North Dakota Century  
7 Code as created by section 1 of Senate Bill No. 2285, as approved by the sixty-  
8 ninth legislative assembly, is amended and reenacted as follows:

9 **6-03-76. Use of premiums by banking institutions prohibited—**

10 **Exception.**

11 The use of drawings, contests, ~~services not provided on the premises of~~  
12 ~~banking institutions,~~ gifts, or premiums in connection with the opening or  
13 promotion of business of any banking institution, branch, drive-in facility, or  
14 paying and receiving station of any banking institution or for the purpose of  
15 establishing, maintaining, or increasing any deposits, loans, investment  
16 certificates, or trusts is prohibited.

**NOTE:** See Example 10 for "Senate Bill No. 2285".

**Example 18 - A Section of a Bill Deleting a Subsection of a Section of the Century Code (also illustrates second page of a bill)**

Sixty-ninth  
Legislative Assembly

1           **SECTION 4. AMENDMENT.** Section 40-02-01 of the North Dakota Century  
2 Code is amended and reenacted as follows:

3           **40-02-01. Requisites of incorporation as city-~~or~~-village.**

4           Any contiguous territory in this state, not exceeding four square miles  
5 [1035.99 hectares] in area, not already included within the corporate limits of any  
6 incorporated ~~municipality~~city, may become incorporated as a ~~village~~or-city whether  
7 ~~such~~the territory is located in one or more counties, under the following conditions:

8           1. ~~If such territory shall have residing therein a population of not less than~~  
9           ~~one hundred inhabitants, it may become incorporated as a village;~~

10          2. ~~If such~~the territory shall ~~have~~has residing therein a population of ~~not less no~~  
11           fewer than twenty nor more than five hundred inhabitants, it may become  
12           incorporated as a ~~village~~or ~~as a~~city under the council or modern council  
13           form of government;

14          ~~3.2.~~ If ~~such~~the territory shall ~~have~~has residing therein a population of ~~not~~  
15           ~~less~~no fewer than five hundred inhabitants, it may become incorporated  
16           as a ~~village~~, ~~or as a~~city under the council or modern council form of  
17           government, or as a city under the commission form of government.

**NOTE:** Deletion of a subsection by amendment should be used instead of a repeal of the subsection. The drafter should determine whether any statutory cross-references to the deleted subsection and to the renumbered subsections need to be corrected.

**Example 19 - A Bill Inserting a New Subsection Between Two Subsections of a Section of the Century Code**

Sixty-ninth  
Legislative Assembly  
of North Dakota

**SENATE BILL NO.**

Introduced by

Senator Perry

Representatives Viola, Santana

1 A BILL for an Act to amend and reenact section 20.1-13-06 of the North Dakota  
2 Century Code, relating to equipment requirements on vessels.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 20.1-13-06 of the North Dakota Century  
5 Code is amended and reenacted as follows:

6 **20.1-13-06. Exemption from numbering provisions of this chapter.**

7 A motorboat ~~shall~~is not ~~be~~required to be numbered under this chapter if it is  
8 any of the following:

- 9 1. Already covered by a number, ~~in full force and effect~~, awarded it pursuant  
10 to federal law or a federally approved numbering system of another state,  
11 ~~provided such if the~~ boat has not been within this state for more than ninety  
12 consecutive days.
- 13 2. A motorboat from a foreign country temporarily using the waters of this  
14 state.
- 15 3. A motorboat owned by the United States, a state, or a subdivision  
16 thereof.
- 17 ~~3.4.~~ A ship's lifeboat.

**NOTE:** Insertion of a subsection may cause cross-reference problems because of the renumbering of existing subsections. The drafter should determine whether any statutory cross-references to the renumbered subsections need to be corrected.

**Example 20 - A Bill Amending a Caption (Section Heading)**

Sixty-ninth  
Legislative Assembly  
of North Dakota

**HOUSE BILL NO.**

Introduced by

Representatives Oliva, Allison

Senators Hall, Killebrew

1 A BILL for an Act to amend and reenact section 54-17.2-10 of the North Dakota  
2 Century Code, relating to financing of projects by the building authority.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 54-17.2-10 of the North Dakota Century  
5 Code is amended and reenacted as follows:

6 **54-17.2-10. Appropriations and funds from which rent payments are**  
7 **payable and right to project upon nonpayment - Commission's power to use**  
8 **or sell facilities for other purposes on nonpayment of rent.**

9 ~~The lease~~ A financing agreement must provide that ~~rent~~ payments due under  
10 the financing agreement are payable solely from appropriations to be made by the  
11 legislative assembly for ~~the~~ such payment of ~~the lease rent or~~ money available to  
12 the ~~lessee~~ estate not requiring appropriation, money generated from charges made  
13 for use of the project, any revenues derived by the commission from the operation  
14 of the project, or any combination of such moneys. The financing agreement may  
15 provide that the commission upon nonpayment of ~~lease rents~~ is immediately  
16 entitled to the peaceable possession, access, and occupancy of the project and all  
17 appurtenances and easements appertaining thereto, and may maintain and operate  
18 the project or execute leases for the project or sell the project to political  
19 subdivisions of the state or private persons or entities for any purpose.

**NOTE:** A caption is not part of the law. A bill changing only the caption does not change the law. See Section 1-02-12; *Jochim v. Jochim*, 306 N.W.2d 196 (N.D. 1981); *Lipp v. Lipp*, 355 N.W.2d 817 (N.D. 1984).

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**Example 21 - A Bill to Provide an Appropriation**

Sixty-ninth  
Legislative Assembly  
of North Dakota

**HOUSE BILL NO.**

Introduced by

Appropriations Committee

(At the request of the Governor)

1 A BILL for an Act providing an appropriation for defraying the expenses of the state  
2 library coordinating council.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so  
5 much of the funds as may be necessary, are appropriated out of any moneys in the  
6 general fund in the state treasury, not otherwise appropriated, and from other funds  
7 derived from special funds and federal funds, to the state library coordinating  
8 council for the purpose of defraying the expenses of that council, for the biennium  
9 beginning July 1, 2025, and ending June 30, 2027, as follows:

10 Salaries and wages	\$1,635,689
11 Operating expenses	2,435,059
12 Equipment	5,210
13 Grants, benefits, and claims	<u>6,629,000</u>
14 Total all funds	\$10,704,958
15 Less other funds	<u>9,677,333</u>
16 Total general fund appropriation	\$1,027,625

**Example 22 - A Bill to Provide an Appropriation to a Specific Entity for a Specified Purpose**

Sixty-ninth  
Legislative Assembly  
of North Dakota

**SENATE BILL NO.**

Introduced by

Senators Cordova, Knoblauch, Castino

Representatives Carew, Oliva

1 A BILL for an Act to provide an appropriation to the state board for career and  
2 technical education to finance workforce training programs.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. APPROPRIATION - STATE BOARD FOR CAREER AND**  
5 **TECHNICAL EDUCATION - WORKFORCE TRAINING PROGRAMS.** There is  
6 appropriated out of any moneys in the general fund in the state treasury, not  
7 otherwise appropriated, the sum of \$875,000, or so much of the sum as may be  
8 necessary, to the state board for career and technical education for the purpose of  
9 contracting with institutions of higher education assigned primary responsibility for  
10 workforce training in this state, for the biennium beginning July 1, 2025, and ending  
11 June 30, 2027.

**Example 23 - A Bill Alternatively Amending a Section of the Century Code**

Sixty-ninth  
Legislative Assembly  
of North Dakota

**SENATE BILL NO.**

Introduced by

Senators Young, Feller

Representatives Koufax, Ryan

1 A BILL for an Act to amend and reenact section 15-40.2-12 of the North Dakota  
2 Century Code or in the alternative to amend and reenact section 15.1-29-15 of the  
3 North Dakota Century Code, relating to the levy of property taxes for tuition charges  
4 and transportation; and to provide an effective date.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1. AMENDMENT.** If House Bill No. 1045 does not become  
7 effective, section 15-40.2-12 of the North Dakota Century Code is amended and  
8 reenacted as follows:

9 **15-40.2-12. Levy for tuition charges permitted.**

10 The ~~school~~board of any school district approving the payment of tuition  
11 charges for resident students ~~in grades seven through twelve~~ or required to make  
12 tuition payments under this chapter may levy an amount pursuant to subdivision c  
13 of subsection 1 of section 57-15-14.2 sufficient to pay tuition charges.

14 **SECTION 2. AMENDMENT.** Section 15.1-29-15 of the North Dakota Century  
15 Code as created by House Bill No. 1045, as approved by the sixty-ninth legislative  
16 assembly, is amended and reenacted as follows:

**Example 24 - A Bill Creating New Law by Adopting a Uniform Act**

Sixty-ninth  
Legislative Assembly  
of North Dakota

**SENATE BILL NO.**

Introduced by

Judiciary Committee

(At the request of the Commission on Uniform State Laws)

1 A BILL for an Act to adopt the Uniform Arbitration Act.

2 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

3 **SECTION 1.**

4 **Validity of arbitration agreement.**

5 A written agreement to submit any existing controversy to arbitration or a  
6 provision in a written contract to submit to arbitration any controversy thereafter  
7 arising between the parties is valid, enforceable, and irrevocable, except upon such  
8 grounds as exist at law or in equity for the revocation of any contract. Sections 1  
9 through 20 of this Act also apply to arbitration agreements between employers and  
10 employees or between their respective representatives unless otherwise provided  
11 in the agreement.

**NOTE:** Use of the words Uniform Act should only be used when adopting a uniform Act drafted and approved by the National Conference of Commissioners on Uniform State Laws.

**Example 25 - A Bill Amending a Section of the Century Code Published in Alternate Versions With Effective Dates in the Captions**

Sixty-ninth  
Legislative Assembly  
of North Dakota

**SENATE BILL NO. 2244**

Introduced by

Senators Chance, Goltz, Grant, Boswell, Perry

1 A BILL for an Act to amend and reenact section 15-02-02 of the North Dakota  
2 Century Code, relating to the vote required for removal of the commissioner of  
3 university and school lands; and to provide an effective date.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 15-02-02 of the North Dakota Century  
6 Code is amended and reenacted as follows:

7 **15-02-02. Term of office - Vacancy (Effective through June 30, 2025).**

8 The term of office of the commissioner is two years and until his successor is  
9 appointed and qualified. The commissioner is subject to removal at the pleasure of  
10 the board. In case of vacancy by death, removal, resignation, or any other cause,  
11 the board shall fill the vacancy by appointment.

12 **Term of office - Removal - Vacancy (Effective after June 30, 2025).** The  
13 term of office of the commissioner is four years beginning July first of the year  
14 following the general election of the board members and ending June thirtieth of the  
15 fourth calendar year after appointment or until a successor is appointed and  
16 qualified. The commissioner may be removed for cause at any time during the  
17 commissioner's term of office, by a vote of ~~four or more~~ a majority of board  
18 members. Upon vacancy by death, resignation, or removal, the board shall appoint  
19 a commissioner for the remainder of the four-year term.

**NOTE:** Care must be exercised with effective dates of statutes and bills. To amend the version of this section effective July 1, 2025, would require an emergency clause or inclusion of an appropriation or tax measure to make the bill effective July 1. An amendment to the version effective through June 30 would require an emergency clause because this version expires June 30 and cannot be revived by a bill becoming effective after that date.

## Example 26 - A Section of a Bill Adopting an Update in Federal Law

Sixty-ninth  
Legislative Assembly

1           **15-39.1-10.6. Benefit limitations.**

2           Benefits with respect to a member participating under former chapter 15-39  
3 or chapter 15-39.1 or 15-39.2 may not exceed the maximum benefits specified  
4 under section 415 of the Internal Revenue Code [26 U.S.C. 415] in effect on  
5 August 1, ~~2003~~2025, for governmental plans. This section does not constitute an  
6 election under section 415(b)(10)(C) of the Internal Revenue Code [26 U.S.C.  
7 415(b)(10)(C)] in effect on August 1, ~~2003~~2025.



## PART 3 - RESOLUTIONS

The Legislative Assembly takes action through bills or resolutions. A bill is used to enact law. A resolution is used to take action not having the effect of law.

### SINGLE HOUSE RESOLUTIONS

A single house resolution is voted upon only by the house of introduction. A resolution is used by a single house of the Legislative Assembly to take action affecting its own concerns or procedures, such as appointing a committee of its members, or expressing an opinion or sentiment on a matter of public interest. Frequently, this type of resolution offers congratulations and requires that a copy or copies be transmitted to specified persons.

House and Senate Rules 407 provide that no resolution commending, lauding, congratulating, or otherwise honoring any person or group, other than memorial resolutions extending condolences, may be introduced or further considered unless the person or group is being recognized for an achievement that has brought national attention or recognition.

### MEMORIAL RESOLUTIONS

A memorial resolution is used to express condolences.

### CONCURRENT RESOLUTIONS

A concurrent resolution must pass both houses of the Legislative Assembly. Concurrent resolutions are used to propose constitutional amendments, request Legislative Management studies, express legislative approval of action taken by someone else, authorize expenditures out of the legislative appropriation, express legislative congratulations, commendation, or sympathy, and make a request of or express an opinion to Congress or the President of the United States.

### PARTS OF A RESOLUTION

There are seven main parts to most resolutions: a heading, session identification, sponsor identification, title, preamble, resolving clause, and body.

A resolution proposing a constitutional amendment contains a heading, session identification, sponsor identification, title, statement of intent, resolving clause, and body.

#### Heading

The heading identifies the type of resolution and the house of introduction. The headings for the first of the different types of resolutions introduced into the House are House Concurrent Resolution No. 3001, House Resolution No. 5001, and House Memorial Resolution No. 7001. The headings for the first of the different types of resolutions introduced into the Senate are Senate Concurrent Resolution No. 4001, Senate Resolution No. 6001, and Senate Memorial Resolution No. 8001.

#### Session Identification

The session identification pertains to the legislative session into which the resolution is introduced. The words **Sixty-ninth Legislative Assembly of North Dakota** must appear on the first page of all resolutions introduced in the 2025 legislative session. The words **Sixty-ninth Legislative Assembly** must appear on each subsequent page. The examples in this manual illustrate the proper alignment of the appropriate phrase.



### **Sponsor Identification**

The sponsor identification pertains to the legislators or legislative entities sponsoring the resolution. It consists of the phrase **Introduced by** and the name (or names) or the sponsor (or sponsors). If the sponsor is a legislator, the sponsor's name should be preceded by either the word **Representative** or **Senator** or the plurals of these words when there is more than one sponsor.

### **Title**

The title of a resolution describes the subject matter of the resolution in one sentence.

The title of a resolution proposing a constitutional amendment must be drafted in a manner similar to the title of a bill, but starting with "A concurrent resolution for" rather than "A BILL for an Act to".

### **Statement of Intent**

House and Senate Rules 408 require every resolution proposing a change in the Constitution of North Dakota to contain a statement setting forth in clear and precise language the legislative purpose and intent of the proposed change. The statement must clearly represent the substance and effect of the proposed change.

### **Preamble**

The preamble of a resolution contains the **WHEREAS** clauses. Resolutions are generally drafted with the broadest **WHEREAS** clause coming first and with more definitive statements following. These clauses should be accurate.

### **Resolving Clause**

The resolving clause is essential for any resolution. The examples following this part illustrate the proper resolving clause for each type of resolution.

### **Body**

The body contains the actual text of the resolution. For all resolutions except those proposing a constitutional amendment, the first clause in the body should start with the word "That" and each succeeding clause should start with the words and comma "**BE IT FURTHER RESOLVED,**". Drafters should remember that if someone is asked to perform an act or to do a study, that person should be given a time by which to report back to the Legislative Assembly on the performance of the act or to submit the study.

For all resolutions except those proposing a constitutional amendment, references to Title, Chapter, and Section should be initially capped. Although hortatory qualifiers, such as **will**, **should**, and **ought**, should not be used in the text of an Act, the use of the terms in a resolution are often appropriate because a resolution is usually used to suggest action rather than to require it.

For a resolution proposing a constitutional amendment, the body should start with the following submission clause:

That the following proposed amendment to section \_\_\_\_ of article \_\_\_\_ of the Constitution of North Dakota is agreed to and must be submitted to the qualified electors of North Dakota at the \_\_\_\_\_ election to be held in 2026, in accordance with section 16 of article IV of the Constitution of North Dakota.

The remainder of the body for a resolution proposing a constitutional amendment should be drafted using the form used for the body of bill drafts.

## **EXAMPLES OF RESOLUTIONS**

This part contains examples of the forms used for various resolutions. The examples do not necessarily reflect current law or issues.

1. A Senate Concurrent Resolution Urging Congressional Action
2. A House Concurrent Resolution for a Legislative Management Study
3. A Senate or House Memorial Resolution
4. A Senate Resolution Offering Congratulations
5. A House Concurrent Resolution for a Constitutional Amendment
6. A House Concurrent Resolution for Creation of a New Section to the Constitution

**Example 1 - A Senate Concurrent Resolution Urging Congressional Action**

Sixty-ninth  
Legislative Assembly  
of North Dakota

**SENATE CONCURRENT RESOLUTION NO.**

Introduced by

Senators Winfield, Molitor

1 A concurrent resolution urging Congress to make grading for federal crop insurance  
2 more equivalent to industry standards.

3 **WHEREAS**, federal crop insurance is purchased as a risk management tool;  
4 and

5 **WHEREAS**, federal crop insurance does not adequately address the risks  
6 present in the production of wheat; and

7 **WHEREAS**, the industry uses stricter standards in discounting wheat to feed  
8 prices than those used for payment of federal crop insurance; and

9 **WHEREAS**, the industry deeply discounts or purchases at feed prices based  
10 upon many other factors besides the limited factors used for federal crop insurance;

11 **NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH**  
12 **DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:**

13 That the Sixty-ninth Legislative Assembly urges the Congress of the United  
14 States to make grain grading for federal crop insurance more equivalent to industry  
15 standards; and

16 **BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of  
17 this resolution to the Federal Crop Insurance Corporation, the Secretary of the  
18 United States Department of Agriculture, and to each member of the North Dakota  
19 Congressional Delegation.

**Example 2 - A House Concurrent Resolution for a Legislative Management Study**

Sixty-ninth  
Legislative Assembly  
of North Dakota

**HOUSE CONCURRENT RESOLUTION NO.**

Introduced by

Representatives Ruth, Gehrig, Foxx, Simmons, Cronin

1 A concurrent resolution directing the Legislative Management to consider studying  
2 the Uniform Marital Property Act, existing marital property law in this state, and the  
3 marital property laws of other states.

4 **WHEREAS**, it is the legislative responsibility to review existing laws to  
5 ensure that they address the problems they are intended to rectify; and

6 **WHEREAS**, the Sixty-ninth Legislative Assembly considered, but did not  
7 adopt, Senate Bill No. 2180, the Uniform Marital Property Act, based in part on  
8 questions about the present state of marital property law in this state, and the effect  
9 that enactment of the Uniform Marital Property Act would have on ownership and  
10 division of marital property in this state;

11 **NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF**  
12 **REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING**  
13 **THEREIN:**

14 That the Legislative Management consider studying the Uniform Marital  
15 Property Act, existing marital property law in this state, and the marital property  
16 laws of other states; and

17 **BE IT FURTHER RESOLVED**, that the Legislative Management report its  
18 findings and recommendations, together with any legislation required to implement  
19 the recommendations, to the Seventieth Legislative Assembly.

**Example 3 - A Senate or House Memorial Resolution**

Sixty-ninth  
Legislative Assembly  
of North Dakota

Introduced by

1 A memorial resolution extending sympathy and condolence to Senator (or  
2 Representative) D. E. Blank upon the death of her father.

3 **WHEREAS**, God has seen fit to summon from our midst Mr. A. C. Blank, the  
4 father of our colleague, Senator (or Representative) D. E. Blank; and

5 **WHEREAS**, Senator (or Representative) D. E. Blank is held in the highest  
6 esteem by all members of the Legislative Assembly, who share with her great  
7 sorrow;

8 **NOW, THEREFORE, BE IT RESOLVED BY THE SENATE (OR HOUSE OF**  
9 **REPRESENTATIVES) OF NORTH DAKOTA:**

10 That we express our deepest sorrow and extend to Senator (or  
11 Representative) D. E. Blank and all members of her family our sincere sympathy  
12 and condolence in this their time of sorrow; and

13 **BE IT FURTHER RESOLVED**, that this resolution be entered in the journal  
14 and the Secretary of State present an enrolled copy to Senator (or Representative)  
15 D. E. Blank and members of her family.

**Example 4 - A Senate Resolution Offering Congratulations**

Sixty-ninth  
Legislative Assembly  
of North Dakota

**SENATE RESOLUTION NO.**

Introduced by

Senators Parise, Toews, Oshie

1 A resolution congratulating the University of North Dakota's hockey team for its  
2 outstanding season and its NCAA Division I hockey national championship.

3 **WHEREAS**, the University of North Dakota's hockey team captured the  
4 NCAA Division I hockey national championship with a dominating 5-1 victory over  
5 its opponent; and

6 **WHEREAS**, the University of North Dakota's hockey team was conference  
7 champion as well as NCAA Division I hockey national champion; and

8 **WHEREAS**, the team consists of outstanding individual athletes who play as  
9 a cohesive, unselfish team with balanced and explosive offense, unyielding  
10 defense, and stalwart goaltending and this team is an exemplar of the proud  
11 University of North Dakota hockey heritage;

12 **NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH**  
13 **DAKOTA:**

14 That the Senate takes great pride in extending to all members and coaches  
15 of the University of North Dakota's hockey team its heartiest congratulations for  
16 winning the NCAA Division I hockey national championship; and

17 **BE IT FURTHER RESOLVED**, that the Secretary of State forward . . . .

**NOTE:** Unless the resolution congratulates for achievement which has brought national attention, it may not be introduced or considered. See Senate and House Rules 407.

**Example 5 - A House Concurrent Resolution for a Constitutional Amendment**

Sixty-ninth  
Legislative Assembly  
of North Dakota

**HOUSE CONCURRENT RESOLUTION NO.**

Introduced by

Representatives Hrbek, Forster, Wood, Lolich, Fielder

1 A concurrent resolution to amend and reenact section 7 of article IX of the Constitution  
2 of North Dakota, relating to obsolete references in sections concerning appraisal and  
3 sale of institutional lands; and to provide an effective date.

**STATEMENT OF INTENT**

5 This measure removes obsolete references in sections concerning appraisal and sale of  
6 institutional lands and provides these changes will take effect on August 1, 2027.

**BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA,  
8 THE SENATE CONCURRING THEREIN:**

9 That the following proposed amendment to section 7 of article IX of the  
10 Constitution of North Dakota is agreed to and must be submitted to the qualified electors  
11 of North Dakota at the general election to be held in 2026, in accordance with section 16  
12 of article IV of the Constitution of North Dakota.

13 **SECTION 1. AMENDMENT.** Section 7 of article IX of the Constitution of North  
14 Dakota is amended and reenacted as follows:

15 **Section 7.** All lands ~~mentioned in the preceding section~~ received by the state for  
16 any specific educational . . . .

17 **SECTION 2. EFFECTIVE DATE.** If approved by the electors, this measure  
18 becomes effective on August 1, 2027.

**NOTE:** In the case of a constitutional amendment originating in the  
Senate, the resolving clause should be:

**BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE  
HOUSE OF REPRESENTATIVES CONCURRING THEREIN:**

**Example 6 - A House Concurrent Resolution for Creation of a New Section to the Constitution**

Sixty-ninth  
Legislative Assembly  
of North Dakota

**HOUSE CONCURRENT RESOLUTION NO.**

Introduced by

Representatives Terry, Williams

(Approved by the Delayed Bills Committee)

1 A concurrent resolution to create and enact a new section to article IV of the  
2 Constitution of North Dakota, relating to the time of taking effect of laws changing  
3 compensation of members of the legislative assembly.

**STATEMENT OF INTENT**

4  
5 This measure would delay the effectiveness of legislative compensation changes until  
6 the next regular session of the legislative assembly.

7 **BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA,**  
8 **THE SENATE CONCURRING THEREIN:**

9 That the following proposed new section to article IV of the Constitution of North  
10 Dakota is agreed to and must be submitted to the qualified electors of North Dakota at  
11 the general election to be held in 2026, in accordance with section 16 of article IV of  
12 the Constitution of North Dakota.

13 **SECTION 1.** A new section to article IV of the Constitution of North Dakota is  
14 created and enacted as follows:

15 No law varying the compensation for members of the legislative assembly may  
16 take effect until an election of members of the house of representatives has  
17 intervened.





## PART 4 - AMENDMENTS TO BILLS AND RESOLUTIONS

This part of the manual describes items to keep in mind when drafting amendments to bills or resolutions.

Before the 2025 legislative session, amendments were prepared using an amendment instruction format. The original purpose of amendment instructions was to provide directions to a typist regarding which words to add or remove from a bill or resolution to create a new version of the bill or resolution before the availability of modern word processing software. The present-day ability to track changes to a document within the text of the document eliminates the need for the outdated amendment instruction document.

As such, beginning with the 2025 legislative session, the marked-up document containing tracked changes to the text of a bill or resolution will serve as the official amendment to the bill or resolution. At the end of this part of the manual are examples of amendments in the new format.

### PROPER VERSION

Amendments must be made to the version of the bill or resolution which is in the custody of the committee clerk.

Amendments only may be made to the introduced, engrossed, or reengrossed version of a bill or resolution. For example:

Sixty-ninth Legislative Assembly of North Dakota	<b>SENATE BILL NO. 1016</b>
--------------------------------------------------------	-----------------------------

Sixty-ninth Legislative Assembly of North Dakota	<b>FIRST ENGROSSMENT ENGROSSED SENATE BILL NO. 1016</b>
--------------------------------------------------------	-------------------------------------------------------------

Sixty-ninth Legislative Assembly of North Dakota	<b>SECOND ENGROSSMENT REENGROSSED SENATE BILL NO. 1016</b>
--------------------------------------------------------	----------------------------------------------------------------

**Never amend the version of the bill or resolution which states "with Senate Amendments" or "with House Amendments" above the bill or resolution number. For example, do not amend these versions:**

Sixty-ninth Legislative Assembly of North Dakota	<b>SENATE BILL NO. 1016 with House Amendments SENATE BILL NO. 1016</b>
--------------------------------------------------------	--------------------------------------------------------------------------------

Sixty-ninth Legislative Assembly of North Dakota	<b>FIRST ENGROSSMENT with House Amendments ENGROSSED SENATE BILL NO. 1016</b>
--------------------------------------------------------	---------------------------------------------------------------------------------------

Sixty-ninth Legislative Assembly of North Dakota	<b>SECOND ENGROSSMENT with House Amendments REENGROSSED SENATE BILL NO. 1016</b>
--------------------------------------------------------	------------------------------------------------------------------------------------------

## AMENDMENT HEADING

When proposing amendments to a bill or resolution, the words "**PROPOSED AMENDMENTS TO**" must be placed before the bill or resolution heading. For example:

Sixty-ninth Legislative Assembly of North Dakota	<b>PROPOSED AMENDMENTS TO</b>  <b>SENATE BILL NO. 1016</b>
--------------------------------------------------------	------------------------------------------------------------------

## TYPES OF AMENDMENTS

### Correcting the Title

When amending a bill or resolution, correct the title as needed to indicate any addition or removal of sections, or to add new statements concerning the contents of the bill or resolution. For example:

A BILL for an Act to create and enact a new section to chapter 15.1-32 of the North Dakota Century Code, relating to the dyslexia screening task force; to amend and reenact ~~sections~~section 15.1-32-25 ~~and 15.1-32-26~~ of the North Dakota Century Code, relating to mandatory dyslexia screening ~~and the dyslexia screening and intervention program~~; ~~and~~ to provide for a legislative management report; and to declare an emergency.

### Correcting the Amending or Creating Clause

When correcting a faulty amending or creating clause, an addition to the clause must appear as underscored green text and a removal must appear as overstruck red text. For example:

**SECTION 1.** A new chapter to title ~~45~~16.1 of the North Dakota Century Code is created and enacted as follows:

### Correcting Internal References

When a section of a bill is added, removed, or renumbered by amendment, the rest of the bill must be checked to ensure references to the added, removed, or renumbered section located elsewhere in the bill conform to the changes made.

### Adding New Statutory Language

When proposing new statutory language to a bill, the proposed new language must be underscored and in green text. For example:

Bill section as published:

**SECTION 1. AMENDMENT.** Section 20.1-04-13 of the North Dakota Century Code is amended and reenacted as follows:  
**20.1-04-13. When harmful wild birds may be killed.**  
~~Any person~~A district game warden may kill ~~any~~ harmful wild bird in this state during daylight hours.

Proposed amendments:

**SECTION 1. AMENDMENT.** Section 20.1-04-13 of the North Dakota Century Code is amended and reenacted as follows:  
**20.1-04-13. When harmful wild birds or mice may be killed.**  
~~Any person~~A district game warden may kill ~~any~~ harmful wild bird or mouse in this state during daylight hours.

### Removing Existing Statutory Language

When proposing the removal of language from existing law, the language must be overstruck and displayed in red text. For example:

Bill section as published:

**SECTION 1. AMENDMENT.** Section 4.1-22-03 of the North Dakota Century Code is amended and reenacted as follows:

**4.1-22-03. Authority for inspection.**

The commissioner shall inspect all nursery stock being grown in North Dakota at least ~~once~~twice each year and may enter and inspect any nursery or place of business during normal business hours.

Proposed amendments:

**SECTION 1. AMENDMENT.** Section 4.1-22-03 of the North Dakota Century Code is amended and reenacted as follows:

**4.1-22-03. Authority for inspection.**

The commissioner shall inspect all nursery stock being grown in North Dakota at least ~~once~~twice each year ~~and may enter and inspect any nursery or place of business during normal business hours.~~

### Reinstating Existing Statutory Language Proposed to Be Removed by Overstrikes

When existing law has been proposed for removal in a bill through the use of an overstrike of the language and the desire is to preserve and reinstate the language as it currently reads in the Century Code, Session Laws, or the Constitution, the overstrike must be removed, and the language must be displayed in blue text.

Bill section as published:

**SECTION 1. AMENDMENT.** Section 4.1-16-06 of the North Dakota Century Code is amended and reenacted as follows:

**4.1-16-06. License fee.**

The fee for a beekeeper's license is ~~five~~ten dollars. All fees collected must be deposited in the ~~agriculture commissioner operating~~general fund.

Proposed amendments:

**SECTION 1. AMENDMENT.** Section 4.1-16-06 of the North Dakota Century Code is amended and reenacted as follows:

**4.1-16-06. License fee.**

The fee for a beekeeper's license is ~~five~~ten dollars. All fees collected must be deposited in the ~~agriculture commissioner operating~~general fund.

### Removing or Replacing Proposed New Statutory Language

When proposing to remove new statutory language from a bill, the new statutory language must be overstruck and displayed in red text and the underscore under the new statutory language proposed to be removed must remain in place. Any proposed new statutory language must be underscored and appear in green text. For example:

Bill section as published:

**SECTION 1.** A new section to chapter 1-03 of the North Dakota Century Code is created and enacted as follows:

**Closing of state offices - New Year's Eve**

State offices must be closed at twelve noon on December thirty-first, New Year's Eve day, unless it is a weekend or holiday pursuant to section 1-03-02.1.

Proposed amendments:

**SECTION 1.** A new section to chapter 1-03 of the North Dakota Century Code is created and enacted as follows:

**Closing of state offices - New Year's Eve**

State offices must be closed at ~~twelve noon~~eleven a.m. on December thirty-first, New Year's Eve day, unless it is a weekend or holiday pursuant to section 1-03-02.1.

**Inserting or Removing Subsections or Subdivisions**

When inserting or removing a subsection or subdivision from a bill, the amendment must renumber or reletter the subsections or subdivisions. For example:

Bill section as published:

**5-01-22. Powdered alcohol products prohibited - Penalty - Exceptions.**

1. As used in this section, "powdered alcohol product" means any alcohol prepared or sold in a powder form for ~~either~~ direct use or reconstitution in a liquid beverage or food.
2. A person may not sell, offer to sell, purchase, offer to purchase, possess, or consume a powdered alcohol product.
3. A violation of this section is a class ~~B misdemeanor~~C felony.
4. This section does not apply to the use of powdered alcohol products for research by a:
  - a. Health care provider that operates primarily for the purpose of conducting scientific research;
  - b. State institution;
  - c. Private college or university; or
  - d. Pharmaceutical or biotechnology company.

Proposed amendments:

**5-01-22. Powdered alcohol products prohibited - ~~Penalty~~ - Exceptions.**

1. As used in this section, "powdered alcohol product" means any alcohol prepared or sold in a powder form for ~~either~~ direct use or reconstitution in a liquid beverage or food.
2. A person may not sell, offer to sell, purchase, offer to purchase, possess, or consume a powdered alcohol product.
3. ~~A violation of this section is a class B misdemeanor~~C felony.
4. This section does not apply to the use of powdered alcohol products for research by a:
  - a. Health care provider that operates primarily for the purpose of conducting scientific research;
  - b. ~~State institution~~;
  - ~~c.~~ Private college or university; or
  - ~~d.~~c. Pharmaceutical or biotechnology company.

### Inserting an Existing or New Section of Law into a Bill

When proposing the insertion of an existing section of law from the Century Code into a bill, the current law of the section being added to the bill should appear in black text with no overstrike or underscore. Only the text being added to, or eliminated from, the existing section of law should appear in green underscore or red overstrike, respectively.

When proposing to insert a new section of the bill creating a Century Code provision, all new Century Code language being inserted should appear in green underscored text.

Both the new and existing section of law being inserted into the bill must appear with a gray background. For example:

Proposed amendments inserting additional Century Code sections into a bill:

**SECTION 3. AMENDMENT.** Section 20.1-01-16 of the North Dakota Century Code is amended and reenacted as follows:

**20.1-01-16. Common carriers not to transport game ~~or~~, fish, or frogs except during open seasons.**

~~No~~A transportation company or common carrier may not receive for transportation, transport, or attempt to transport any protected game birds, animals, ~~or~~ fish, or frogs except during the open season for such birds, animals, ~~or~~ fish, or frogs.

**SECTION 4.** A new section to chapter 20.1-01 of the North Dakota Century Code is created and enacted as follows:

**General penalty.**

A person violating a provision of this chapter for which a penalty is not specifically provided is guilty of a class A misdemeanor.

When inserting a new or existing section of law into a bill, the section must be placed in the bill in the proper listing sequence. See page 13.

When inserting additional sections into a bill, it also is necessary to change the title to reflect the insertion and to check any internal references to bill section numbers to see if any changes are required.

### Adding and Removing Language in a Special Clause or Resolution

When inserting or removing language in a special clause (see pages 18 through 21 for examples of special clauses) or in a resolution, other than a resolution proposing a constitutional amendment, language to be removed from the special clause or appropriate version of the resolution must be overstruck and displayed in red text and proposed language to be added to the special clause or appropriate version of the resolution must be underscored and appear in green text.

Bill section as published:

**SECTION 4. EFFECTIVE DATE.** This Act is effective for taxable years beginning after December 31, 2024.

Proposed amendments:

**SECTION 4. EFFECTIVE DATE.** ~~This~~Sections 1 and 2 of this Act ~~is~~are effective for taxable years beginning after December 31, 2024.

### Inserting a New Special Clause into a Bill

When proposing to insert a new special clause into a bill, the text of the special clause must appear in black text, without underlining, and the bill section must have a blue background. For example:

Proposed amendments:

**SECTION 4. APPROPRIATION - TAX COMMISSIONER - HOMESTEAD TAX CREDIT PROGRAM.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$80,000,000, or so much of the sum as may be necessary, to the tax commissioner for the purpose of paying the state reimbursement under the homestead tax credit, for the biennium beginning July 1, 2025, and ending June 30, 2027.

### FORMAT

When drafting amendments, always place red overstruck text before green underscored text.

When an amendment will change the dollar amount listed in a bill or resolution, overstrike the entire dollar amount, and insert the proposed new dollar amount. Do not overstrike and replace portions of an amount. For example, to change \$5,425 to \$6,310:

Incorrect:

For amounts not in excess of ~~five~~six thousand ~~four~~three hundred ~~twenty-five~~ten dollars, the credit is equal to...

Correct:

For amounts not in excess of ~~five thousand four hundred twenty-five~~six thousand three hundred ten dollars, the credit is equal to...

When an amendment will change the contents of an appropriation table included in an appropriation section, overstrike the entire appropriation line and insert the new language on the line below. Do not amend or remove only a portion of a line. For example:

<u>One-Time Funding Description</u>	<u>2023-25</u>	<u>2025-27</u>
Juvenile case management system	\$2,000,000	\$0
<del>Information technology equipment</del>	<del>157,600</del>	<del>0</del>
<u>Information technology equipment</u>	<u>157,900</u>	<u>1,153,720</u>
<u>Federal department of justice grant</u>	<u>0</u>	<u>388,000</u>
Docket management system	2,020,000	0
<del>Total all funds</del>	<del>\$4,177,600</del>	<del>\$0</del>
<del>Less estimated income</del>	<del>2,177,600</del>	<del>0</del>
<del>Total general fund</del>	<del>\$2,000,000</del>	<del>\$0</del>
<u>Total all funds</u>	<u>\$4,177,600</u>	<u>\$1,541,720</u>
<u>Less estimated income</u>	<u>2,177,600</u>	<u>388,000</u>
<u>Total general fund</u>	<u>\$2,000,000</u>	<u>\$1,153,720</u>

## HOGHOUSE AMENDMENTS

In some cases, it is acceptable to propose the removal of all the text of a bill through use of a "hoghouse" amendment. **Use of "hoghouse" amendments is discouraged**, but if clarity is enhanced, a "hoghouse" amendment may be used. Examples 9 and 11 in this part are examples of "hoghouse" amendments.

### AMENDMENTS TO BILLS THAT HAVE BEEN AMENDED BUT NOT ENGROSSED

Before preparing a set of amendments to a bill, the bill must be checked to see if amendments to the bill have been adopted.

If the bill has not been amended previously, the amendments must be prepared to the bill as introduced.

If the bill has been amended, and the bill has been engrossed or reengrossed, the amendments must be applied to the engrossed or reengrossed version of the bill.

If amendments to the bill have been proposed in the journal or adopted, but the bill has not been engrossed or reengrossed as a result of the proposed or adopted amendments (as frequently occurs when the bill is amended by the second house) any subsequent amendments to the bill must:

1. Be made to the most recently engrossed or reengrossed version of the bill (or to the bill as introduced if the bill has not been engrossed or reengrossed) **Never amend the version of the bill which states "with Senate Amendments" or "with House Amendments" above the bill number.** (See page 61 for examples.); and
2. Be made in place of the amendments previously proposed in the journal or adopted which did not result in an engrossment.

Language in the following format must be placed at the top of the proposed amendment to identify the previous amendment the new amendment is proposed to replace:

In place of the amendments ([25.0230.01001](#)) [adopted][proposed in the journal] by the House, Senate Bill No. 2163 is amended by amendment ([25.0230.01002](#)) as follows:

See examples 12 and 13.

### CONFERENCE COMMITTEE REPORTS AND AMENDMENTS Reports

The language in a conference committee report must recognize:

1. Whether the chamber of introduction will accept the amendments adopted by the second chamber in their entirety;
2. Whether the second chamber will reject its amendments in their entirety; or
3. Whether the conference committee will agree to recommend a new set of amendments to the bill in place of those adopted by the second chamber.



The following are examples of the three types of report language that may be included in the conference committee report. The report language for amendments recommended by the conference committee must be placed at the top of the amendments prepared for the committee.

1. That the (insert chamber of introduction) accept the (insert second chamber) amendments (insert the amendment number of the amendments adopted by the second chamber) to (insert the version of the bill that was amended by the second chamber) (insert bill number).

Example: That the Senate accept the House amendments ([25.0310.02001](#)) to Engrossed Senate Bill No. 2001.

2. That the (insert second chamber) reject its amendments (insert the amendment number of the amendments adopted by the second chamber) to (insert the version of the bill that was amended by the second chamber) (insert bill number).

Example: That the House reject its amendments ([25.0310.02001](#)) to Engrossed Senate Bill No. 2001.

3. That in place of amendment (insert the amendment number of the amendments adopted by the second chamber) adopted by the (insert second chamber), (insert the version of the bill that was amended by the second chamber) (insert bill number) is amended by amendment (insert the amendment number being recommended by the conference committee).

Example: In place of amendment ([25.0310.02001](#)) adopted by the House, Engrossed Senate Bill No. 2001 is amended by amendment ([25.0250.02002](#)).

### **Amendments**

Specific introductory language must be included on amendments prepared for a conference committee.

Conference committee amendments must recognize whether a bill has been engrossed or reengrossed. Generally, a bill is not engrossed or reengrossed by the second house; however, House and Senate Rules 335 provide a bill amended in the second house may be engrossed or reengrossed by motion or by request of a leader.

Amendments adopted by a conference committee must include that portion of the committee report which describes what version of the bill is to be amended, i.e., how to put the amendment into the bill. This enables the committee clerk to fill out the conference committee report form.

See example 14.

**NOTE:** The second house cannot reject its amendments if that chamber has engrossed the bill. If the second house wishes to "reject" its amendments after it has engrossed the bill, the engrossed bill must be amended to remove the amendments.

## EXAMPLES OF AMENDMENTS

This part contains examples illustrating various methods used in amending bills and resolutions.

1. Amendments to a Bill as Introduced
2. Amendments Inserting an Additional Section in an Engrossed Bill
3. Amendments Inserting an Effective Date Clause in a Reengrossed Bill (also illustrates adding a special clause)
4. Amendments Inserting a New Line Item Appropriation in an Engrossed Bill
5. Amendments Adding and Amending a Section of Existing Law to an Engrossed Bill
6. Amendments Adding and Amending a Subsection of Existing Law to a Bill (illustrates breaking a long subsection into subdivisions)
7. Amendments Adding a New Subsection to an Engrossed Bill Creating New Law
8. Amendments Providing for an Amendment in the Alternative
9. Hogue Amendment
10. Amendments to a Concurrent Resolution
11. Hogue Amendment to a Resolution for a Constitutional Amendment
12. Amendments Prepared in Place of Amendments Referenced in the Journal, But Not Adopted (also illustrates adding an emergency clause)
13. Amendments Prepared in Place of Amendments That Have Been Adopted, But Which Have Not Resulted in an Engrossment
14. Conference Committee Amendments
15. Division of the Question on Amendments

**Example 1 - Amendments to a Bill as Introduced**

Sixty-ninth  
Legislative Assembly  
of North Dakota

**PROPOSED AMENDMENTS TO  
HOUSE BILL NO.**

Introduced by

Representative Maris

1 A BILL for an Act to amend and reenact section 5-01-08 of the North Dakota  
2 Century Code, relating to the age of individuals attempting to obtain alcoholic  
3 beverages.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 5-01-08 of the North Dakota Century  
6 Code is amended and reenacted as follows:

7 **5-01-08. Individuals under ~~twenty-one~~ nineteen eighteen years of age**  
8 **prohibited from entering licensed premises - Penalty - Exceptions - Referrals**  
9 **to addiction facilities.**

10 Except as permitted in this section and section 5-02-06, any individual under  
11 ~~twenty-one~~ nineteen eighteen years of age purchasing, attempting to purchase, or  
12 being in possession of alcoholic beverages, or furnishing money to any individual  
13 for the purchase, or entering any licensed premises where alcoholic beverages are  
14 being sold or displayed, except a restaurant when accompanied by ~~a parent or legal~~  
15 ~~guardian~~ an adult, or in accordance with section 5-02-06, or if the individual is a law  
16 enforcement officer entering the premises in the performance of official duty, is  
17 guilty of a class B misdemeanor. The court may, under this section, refer the  
18 individual to an outpatient addiction facility licensed by the . . . .

**Example 2 - Amendments Inserting an Additional Section in an Engrossed Bill**

Sixty-ninth  
Legislative Assembly  
of North Dakota

**PROPOSED AMENDMENTS TO  
FIRST ENGROSSMENT  
ENGROSSED HOUSE BILL NO.**

Introduced by

Senators Kennedy, Shea

1 A BILL for an Act to create and enact a new section to chapter 1-03 of the North  
2 Dakota Century Code, relating to closing of state offices on New Year's Eve; to  
3 amend and reenact section 1-03-01.1 of the North Dakota Century Code, relating to  
4 closing of state offices on Christmas Eve.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1. AMENDMENT.** Section 1-03-01.1 of the North Dakota Century Code is amended and reenacted as follows:

6 State offices must be closed at ~~twelve noon~~eleven a.m. on December twenty-  
7 fourth, Christmas Eve day, unless it is a weekend or holiday pursuant to section  
8 1-03-02.1.

9 **SECTION 2. AMENDMENT.** A new section to chapter 1-03 of the North  
10 Dakota Century Code is created and enacted as follows:

11 **Closing of state offices - New Year's Eve.**

12 State offices must be closed at eleven a.m. on December thirty-first, New  
13 Year's Eve day, unless it is a weekend or holiday pursuant to section 1-03-02.1.

**Example 3 - Amendments Inserting an Effective Date Clause in a Reengrossed Bill (also illustrates adding a special clause)**

Sixty-ninth  
Legislative Assembly  
of North Dakota

**PROPOSED AMENDMENTS TO  
SECOND ENGROSSMENT  
REENGROSSED SENATE BILL NO.**

Introduced by

Legislative Management

(Finance and Taxation Committee)

1 A BILL for an Act to create and enact subsection 31 of section 57-39.2-04.1 of the  
2 North Dakota Century Code, relating to sales tax exemptions; and to provide an  
3 effective date.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** Subsection 31 to section 57-39.2-04.1 of the North Dakota  
6 Century Code is created and enacted as follows:

7 31. Gross receipts from the sale of all services furnished by any hospital or  
8 nursing home to any patient or occupant.

9 **SECTION 2. EFFECTIVE DATE.** This Act is effective for taxable events  
10 occurring after June 30, 2025.

**Example 4 - Amendments Inserting a New Line Item Appropriation in an Engrossed Bill**

Sixty-ninth  
Legislative Assembly  
of North Dakota

**PROPOSED AMENDMENTS TO  
FIRST ENGROSSMENT  
ENGROSSED SENATE BILL NO.**

Introduced by

Senator Gunvalson

Representatives Dodd, Beador

1 A BILL for an Act to provide for a legislative management study relating to criminal  
2 history record checks; and to provide an appropriation.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. LEGISLATIVE MANAGEMENT STUDY - CRIMINAL HISTORY**

5 **RECORD CHECK PROCESS.** During the 2025-26 interim, the legislative  
6 management shall consider studying the statewide criminal history record check  
7 process. The study may include a comparison between the statewide and  
8 nationwide criminal history record check standards, a review of the average  
9 processing time of a requested criminal history record check, and an evaluation of  
10 methods to improve efficiency and processing times of the statewide criminal  
11 history record check process. The legislative management shall report its findings  
12 and recommendations, together with any legislation required to implement the  
13 recommendations, to the seventieth legislative assembly.

14 **SECTION 2. APPROPRIATION - DEPARTMENT OF HEALTH AND**

15 **HUMAN SERVICES - CRIMINAL HISTORY RECORD CHECKS.** There is  
16 appropriated out of any moneys in the general fund in the state treasury, not  
17 otherwise appropriated, the sum of \$300,000, or so much of the sum as may be  
18 necessary, to the department of health and human services for the purpose of  
19 salary and wages for personnel to process fingerprints and complete required  
20 criminal history record checks and for the purchase of two fingerprint scanners, for  
21 the biennium beginning July 1, 2025, and ending June 30, 2027. The department is  
22 authorized two full-time equivalent positions to process fingerprints for criminal  
23 history record checks.

**Example 5 - Amendments Adding and Amending a Section of Existing Law to an Engrossed Bill**

Sixty-ninth  
Legislative Assembly  
of North Dakota

**PROPOSED AMENDMENTS TO  
FIRST ENGROSSMENT  
ENGROSSED SENATE BILL NO.**

Introduced by

Senators Erickson, Chance, Kralick, Milton, Liriano

1 A BILL for an Act to amend and reenact section 16.1-02-02 and subsection 1 of  
2 section 16.1-02-03 of the North Dakota Century Code, relating to costs of creating  
3 and maintaining a central voter file and the time of establishment of the central  
4 voter file.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1. AMENDMENT.** Section 16.1-02-02 of the North Dakota Century  
7 Code is amended and reenacted as follows:

8 The ~~offices required to perform the functions and duties of this~~  
9 ~~chapter~~ secretary of state shall bear the costs incurred in performing ~~these duties,~~  
10 ~~and the secretary of state shall pay~~ the functions and duties of this chapter and the  
11 costs of operating and maintaining the central voter file. As used in this section, costs  
12 of maintaining the central voter file mean costs of annual software licenses, costs for  
13 software hosting, costs of necessary enhancements to the software, database  
14 updates, and the costs for implementing the duties and responsibilities of the  
15 secretary of state's office relating to the central voter file.

16 **SECTION 2. AMENDMENT.** Subsection 1 of section 16.1-02-03 of the North  
17 Dakota Century Code is amended and reenacted as follows:

18 2. Not later than twenty days before the primary election in ~~2008~~ 2026, the  
19 secretary of state shall establish the central voter file in cooperation with  
20 the department of transportation and county auditors.

**Example 6 - Amendments Adding and Amending a Subsection of Existing Law to a Bill (illustrates breaking a long subsection into subdivisions)**

Sixty-ninth  
Legislative Assembly  
of North Dakota

**PROPOSED AMENDMENTS TO  
HOUSE BILL NO.**

Introduced by

Representative Hunt

Senators Grey, Shepherd

1 A BILL for an Act to amend and reenact subsection 29 of section 65-01-02 of the  
2 North Dakota Century Code, relating to the definition of rehabilitation services.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Subsection 29 of section 65-01-02 of the North  
5 Dakota Century Code is amended and reenacted as follows:

6 29. "Rehabilitation services" means nonmedical services reasonably  
7 necessary to restore a disabled employee to substantial gainful  
8 employment as defined by section 65-05.1-01 as near as possible. The  
9 term may include ~~vocational~~;

10 a. Vocational evaluation, ~~counseling~~;

11 b. Counseling or other behavioral health services, ~~education,~~  
12 ~~workplace~~;

13 c. Education;

14 d. Workplace modification, ~~vocational~~;

15 e. Vocational retraining including training for alternative employment  
16 with the same employer, ~~and job~~

17 f. Job placement assistance.



**Example 7 - Amendments Adding a New Subsection to an Engrossed Bill  
Creating New Law**

Sixty-ninth  
Legislative Assembly  
of North Dakota

**PROPOSED AMENDMENTS TO  
FIRST ENGROSSMENT  
ENGROSSED SENATE BILL NO.**

Introduced by

Senator Gorga

Representative Fessler

1 A BILL for an Act to create and enact a new section to chapter 16.1-03 of the North  
2 Dakota Century Code, relating to liability of officers and executive committee  
3 members of a political organization.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** A new section to chapter 16.1-03 of the North  
6 Dakota Century Code is created and enacted as follows:

7 **Liability of officers and members.**

8 1. Officers and executive committee members are immune from civil  
9 liability for any act or omission relating to their service or function  
10 as an officer or executive committee member, unless the act or  
11 omission constitutes gross or willful negligence or gross or willful  
12 misconduct.

13 2. Members of a political organization are neither obligated to pay, nor  
14 liable upon, any political organization obligation.

**Example 8 - Amendments Providing for an Amendment in the Alternative**

Sixty-ninth  
Legislative Assembly  
of North Dakota

**PROPOSED AMENDMENTS TO  
HOUSE BILL NO.**

Introduced by

Representative Eleanor

Senator Mason

1 A BILL for an Act to amend and reenact section 15-34.1-01 of the North Dakota  
2 Century Code or in the alternative to amend and reenact section 15.1-20-01 of the  
3 North Dakota Century Code, relating to the compulsory attendance of students.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** ~~Section~~ If House Bill No. 1045 does not become  
6 effective, section 15-34.1-01 of the North Dakota Century Code is amended and  
7 reenacted as follows:

8 **15-34.1-01. Compulsory attendance.** ~~Every parent, guardian, or other Any~~  
9 ~~person who resides within any school district, or who resides upon any government-~~  
10 ~~base or installation without any school district, and has control over any educable~~  
11 ~~having responsibility for a child of an age of seven years to between the ages of six~~  
12 ~~and sixteen years who does not fall under the provisions of section 15-34.1-02 or~~  
13 ~~15-34.1-03, shall send or take such~~ shall ensure that the child to is in attendance at  
14 a public school for the duration of each school year during the entire time such  
15 school is in session.

16 **SECTION 2. AMENDMENT.** Section 15.1-20-01 of the North Dakota Century  
17 Code as created by House Bill No. 1045, as approved by the sixty-ninth legislative  
18 assembly, is amended and reenacted as follows:

19 **15.1-20-01. Compulsory attendance.** Any person having responsibility for a  
20 child between the ages of ~~seven~~ six and sixteen years shall ensure that the child is  
21 in attendance at a public school for the duration of each school year. This section  
22 does not apply if a child is exempted under the provisions of section 15.1-20-02.

**Example 9 - Hoghouse Amendment**

Sixty-ninth  
Legislative Assembly  
of North Dakota

**PROPOSED AMENDMENTS TO  
FIRST ENGROSSMENT  
ENGROSSED SENATE BILL NO.**

Introduced by

Representative Morgan

Senator Singer

1 A BILL ~~for an Act to amend and reenact section 20.1-04-13 of the North Dakota~~  
2 ~~Century Code, relating to killing of harmful birds or mice~~ for an Act to provide for a  
3 legislative management study regarding the feasibility and desirability of permitting  
4 a district game warden to kill harmful wild mice.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 ~~**SECTION 1. AMENDMENT.** Section 20.1-04-13 of the North Dakota Century~~  
7 ~~Code is amended and reenacted as follows:~~

8 ~~**20.1-04-13. When harmful wild birds or mice may be killed.**~~

9 ~~Any person A district game warden may kill any harmful wild bird or mouse~~  
10 ~~in this state during daylight hours.~~

11 **SECTION 1. LEGISLATIVE MANAGEMENT STUDY - DISTRICT GAME**  
12 **WARDENS KILLING HARMFUL WILD MICE.** During the 2025-26 interim, the  
13 legislative management shall study the feasibility and desirability of permitting a  
14 district game warden to kill harmful wild mice. The study must include consideration  
15 of the frequency and impact of harmful wild mice, a review of other states' laws  
16 related to harmful wild mice, and input from the game and fish department. The  
17 legislative management shall report its findings and recommendations, together  
18 with any legislation necessary to implement the recommendations, to the seventieth  
19 legislative assembly.

**Example 10 - Amendments to a Concurrent Resolution**

Sixty-ninth  
Legislative Assembly  
of North Dakota

**PROPOSED AMENDMENTS TO  
HOUSE CONCURRENT RESOLUTION NO.**

Introduced by

Representatives Bjornson, Cooper, Malloy

Senators Knudson, Thompson, Steckler

1 A concurrent resolution designating the first week in May of 2025 and 2026 as  
2 "North Dakota Legislative Staff Week".

3 **WHEREAS**, legislative staff members work behind the scenes to support the  
4 work of the North Dakota State Legislature, including research, legal analysis, fiscal  
5 analysis, bill drafting, amendment drafting, information technology services, library  
6 services, and administrative services; and

7 **WHEREAS**, to mark the observance of "North Dakota Legislative Staff  
8 Week", an effort should be made to recognize those who provide legislative staff  
9 services.

10 **NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF**  
11 **REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING**  
12 **THEREIN:**

13 That the Sixty-ninth Legislative Assembly designates the first week in May of  
14 2025 and 2026 as "North Dakota Legislative Staff Week"; and

15 **BE IT FURTHER RESOLVED**, that this resolution be entered in the journal.

**Example 11 - Hoghouse Amendment to a Resolution for a Constitutional Amendment**

Sixty-ninth  
Legislative Assembly  
of North Dakota

**PROPOSED AMENDMENTS TO  
FIRST ENGROSSMENT**

Introduced by

**ENGROSSED HOUSE CONCURRENT  
RESOLUTION NO.**

Representatives Hrbek, Forster, Wood, Lolich, Fielder

1 A concurrent resolution ~~to amend and reenact section 7 of article IX of the Constitution~~  
2 ~~of North Dakota, relating to obsolete references in sections concerning appraisal and~~  
3 ~~sale of institutional lands; and to provide an effective date, to amend and reenact~~  
4 section 4 of article IX of the Constitution of North Dakota, relating to the board of  
5 university and school lands.

**STATEMENT OF INTENT**

6  
7 ~~This measure removes obsolete references in sections concerning appraisal and sale of~~  
8 ~~institutional lands and provides these changes will take effect on August 1, 2027.~~  
9 This measure adds the tax commissioner as a member of the board of university and  
10 school lands.

11 **BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA,**  
12 **THE SENATE CONCURRING THEREIN:**

13 ~~That the following proposed amendment to section 7 of article IX of the~~  
14 ~~Constitution of North Dakota is agreed to and must be submitted to the qualified electors~~  
15 ~~of North Dakota at the general election to be held in 2026, in accordance with section 16~~  
16 ~~of article IV of the Constitution of North Dakota.~~

17 **~~SECTION 1. AMENDMENT.~~** ~~Section 7 of article IX of the Constitution of North~~  
18 ~~Dakota is amended and reenacted as follows:~~

19 ~~**Section 7.** All lands mentioned in the preceding section received by the state for~~  
20 ~~any specific educational . . . .~~

21 ~~**SECTION 2. EFFECTIVE DATE.** If approved by the electors, this measure~~  
22 ~~becomes effective on August 1, 2027.~~

23 That the following proposed amendment to section 4 of article IX of the  
24 Constitution of North Dakota is agreed to and must be submitted to the qualified electors  
25 of North Dakota at the general election to be held in 2026, in accordance with section 16  
26 of article IV of the Constitution of North Dakota.

27 **SECTION 1. AMENDMENT.** Section 3 of article IX of the Constitution of North  
28 Dakota is amended and reenacted as follows:

29 **Section 3.** The superintendent of public instruction, governor, attorney general,  
30 secretary of state, tax commissioner, and state treasurer comprise a board of  
31 commissioners, to be denominated the "board of university and school lands". . . .

**Example 12 - Amendments Prepared in Place of Amendments Referenced in the Journal, But Not Adopted (also illustrates adding an emergency clause)**

25.2468.01005

Sixty-ninth  
Legislative Assembly  
of North Dakota

**PROPOSED AMENDMENTS TO  
HOUSE BILL NO. 1555**

Introduced by

Representative Morgan

Senator Singer

*In place of the amendments ([25.2468.01003](#)) proposed in the journal by the Senate, House Bill No. 1555 is amended by amendment ([25.2468.01005](#)) as follows:*

- 1 A BILL for an Act to amend and reenact section 20.1-04-13 of the North Dakota  
2 Century Code, relating to killing of harmful birds, rats, or mice; and to declare an  
3 emergency.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 20.1-04-13 of the North Dakota Century  
6 Code is amended and reenacted as follows:

7 **20.1-04-13. When harmful wild birds, rats, or mice may be killed.**

8 ~~Any person~~ A district game warden may kill ~~any~~ harmful wild bird, rat, or  
9 mouse in this state during daylight hours.

10 **SECTION 2. EMERGENCY.** This Act is declared to be an emergency  
11 measure.

**Example 13 - Amendments Prepared in Place of Amendments That Have Been Adopted, But Which Have Not Resulted in an Engrossment**

25.0351.02011

Sixty-ninth  
Legislative Assembly  
of North Dakota

**PROPOSED AMENDMENTS TO  
FIRST ENGROSSMENT**

Introduced by

**ENGROSSED SENATE BILL NO. 2332**

Senator Perry

Representatives Viola, Santana

*In place of the amendments ([25.0351.02009](#)) adopted by the House, Engrossed Senate Bill No. 2332 is amended by amendment ([25.0351.02011](#)) as follows:*

- 1 A BILL for an Act to amend and reenact section 20.1-13-06 of the North Dakota  
2 Century Code, relating to equipment requirements on vessels.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 20.1-13-06 of the North Dakota Century  
5 Code is amended and reenacted as follows:

6 **20.1-13-06. Exemption from numbering provisions of this chapter.**

7 A motorboat ~~shall~~ not be required to be numbered under this chapter if the  
8 motorboat is ~~any of the following~~:

- 9 1. Already covered by a number, ~~in full force and effect~~, awarded it pursuant  
10 to federal law or a federally approved numbering system of another state,  
11 ~~provided such if the~~ boat has not been within this state for more than ninety  
12 consecutive days.
- 13 2. A motorboat from a foreign country temporarily using the waters of this  
14 state for less than thirty days per calendar year.
- 15 3. A motorboat owned by the United States, a state, or a subdivision  
16 thereof.
- 17 ~~3.4.~~ A ship's lifeboat.

**Example 14 - Conference Committee Amendments**

25.0250.03002

Sixty-ninth  
Legislative Assembly  
of North Dakota

**PROPOSED AMENDMENTS TO  
SECOND ENGROSSMENT**

Introduced by

**REENGROSSED SENATE BILL NO. 2345**

Senators Kennedy, Shea

*In place of the amendments ([25.0250.03001](#)) adopted by the House, Reengrossed Senate Bill No. 2345 is amended by amendment ([25.0250.03002](#)) as follows:*

1 A BILL for an Act to create and enact a new section to chapter 1-03 of the North  
2 Dakota Century Code, relating to closing of state offices on New Year's Eve; to  
3 amend and reenact section 1-03-01.1 of the North Dakota Century Code, relating to  
4 closing of state offices on December twenty-third and Christmas Eve.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1. AMENDMENT.** Section 1-03-01.1 of the North Dakota Century  
7 Code is amended and reenacted as follows:

8 State offices must be closed at ~~twelve noon~~eleven a.m. on December twenty-  
9 third and on December twenty-fourth, Christmas Eve day, unless it is a weekend or  
10 holiday pursuant to section 1-03-02.1.

11 **SECTION 2. AMENDMENT.** A new section to chapter 1-03 of the North  
12 Dakota Century Code is created and enacted as follows:

13 **Closing of state offices - New Year's Eve**

14 State offices must be closed at ~~eleven a.m.~~twelve noon on December thirty-  
15 first, New Year's Eve day, unless it is a weekend or holiday pursuant to section  
16 1-03-02.1.

**NOTE:** If an amendment reverts all changes made to a bill to the point at which the section no longer proposes changes to current law, the section should be removed from the bill. A bill should never contain a section of Century Code in which no changes are proposed.



**Example 15 - Division of the Question on Amendments**

**PROPOSED DIVISION OF AMENDMENTS (25.0426.03002) TO  
REENGROSSED SENATE BILL NO. 2102**

**DIVISION A**

Page 1, lines 8, 16, and 17

**DIVISION B**

Page 1, lines 14, 16, and 17

Renumber and adjust the title accordingly.

**NOTE:** The language above reflects the format to be used if the drafter wishes to divide the following amendment so the portion of the amendment being included in Division A is the change on line 8 and the effective date, and the portion of the amendment being included in Division B is the change on line 14 and the effective date. The drafter does not need to address the changes to the bill title in the divisions. The Legislative Council staff will adjust the bill title accordingly based on the divisions that pass.

25.0426.03002

Sixty-ninth  
Legislative Assembly  
of North Dakota

**PROPOSED AMENDMENTS TO  
SECOND ENGROSSMENT**

Introduced by

**REENGROSSED SENATE BILL NO. 2102**

Legislative Management

(Finance and Taxation Committee)

1 A BILL for an Act to create and enact subsection 31 of section 57-39.2-04.1 of the  
2 North Dakota Century Code, relating to sales tax exemptions; to amend and  
3 reenact subdivision a of subsection 24 of section 57-39.2-04 of the North Dakota  
4 Century Code, relating to a sales tax exemption; and to provide an effective date.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1.** Subdivision a of subsection 24 of section 57-39.2-04 of the  
7 North Dakota Century Code is amended and reenacted and enacted as follows:

8 a. "Eligible facility" means any hospital, clinic, skilled nursing facility,  
9 intermediate care facility, residential end-of-life facility, basic care  
10 facility, inpatient hospice facility, or any assisted living facility  
11 licensed by the department of health and human services; and

12 **SECTION 2.** Subsection 31 to section 57-39.2-04.1 of the North Dakota  
13 Century Code is created and enacted as follows:

14 31. Gross receipts from the sale of all services furnished by any hospital,  
15 clinic, or nursing home to any patient or occupant.

16 **SECTION 3. EFFECTIVE DATE.** This Act is effective for taxable events  
17 occurring after June 30, 2025.

## PART 5 - STYLE AND GRAMMAR GUIDELINES

### STATEMENTS OF INTENT OR PURPOSE

**A statement of legislative policy, purpose, or intent should not be used.** The purpose of a properly drafted bill should be self-evident. Statements contained in a declaration of finding or intent may be used for a purpose unintended by the drafter. The North Dakota Supreme Court has referred to declaration of intent in finding a statute unconstitutional. For discussions of specific legislative intent statements see *Dickie v. Farmers Union Oil Co.*, 611 N.W.2d 168 (N.D. 2000), *Hanson v. Williams County*, 389 N.W.2d 319 (N.D. 1986), and *Arneson v. Olson*, 270 N.W.2d 125 (N.D. 1978) (statutes held unconstitutional). See also AGO 99-04 (state agency's general authority limited by statement of purpose) and AGO 2007-L-11 (quoting *Heller v. Doe by Doe*, 509 U.S. 312 (1993), "A statute is presumed constitutional and the burden is on the one attacking the legislative arrangement to negative every conceivable basis which might support it . . . "). For a discussion of the effect of not having a specific intent statement see *Bellemare v. Gateway Builders, Inc.*, 420 N.W.2d 733 (N.D. 1988) (statute found to be constitutional).

### DEFINITIONS

The purpose of a definition is to achieve clarity and consistency and avoid repetition. Once a term is defined in a bill, that term should be used throughout the bill and the definition of that term should remain the same throughout the bill.

Chapter 1-01 contains general principles and definitions applicable to the entire Century Code. Review the definitions contained in that chapter before creating and adding new definitions to a statutory provision. Review definitions applicable to the Century Code title and chapter in which the substance of a bill is located. Avoid duplicating definitions.

Do not define words that are self-explanatory. Definitions are shortcuts to save space in the statutes. For this reason, it is not necessary to define "attorney general" as "the attorney general of this state". However, shorten internal references used several times in a bill by defining such things as "department" instead of using "department of health and human services".

A definition should not include more than is needed for interpretation. Do not include regulatory material in a definition. Instead, regulatory material should be included in a different section of the bill. For example, when defining the word "director" or "board", do not state the powers or duties of the director or board. Instead, create a separate section that lists the powers and duties of the director or board.

An exhaustive definition uses the word **means** while a partial listing uses the word **includes**. The use of the phrase "means and includes" creates an internal inconsistency because an exhaustive and a nonexclusive definition cannot be contemplated at the same time (*Hilton v. N.D. Educ. Assn.*, 655 N.W.2d 60 (2002)). **Do not use** the phrase "includes, but is not limited to". "Includes" is not a term of limitation. Use of this phrase calls into question the meaning of "includes" elsewhere in the Century Code.

A section containing definitions must list definitions in alphabetical order.

An example of language used to introduce a series of definitions is as follows:

For purposes of this (title, chapter, section, etc.), unless the context otherwise requires:

## CONSISTENCY

Be consistent throughout the bill or resolution. For example, do not refer to the "state engineer" in one sentence and the "chief engineer" in another sentence when referring to the same official. Be consistent in the use of ordinary words. For example, do not use "minor" in one sentence, "child" in another, and "juvenile" in another. Use of synonyms adds variety but may cause confusion. Courts will assume that use of different terms was intended to have different purposes.

## GENDER

**Avoid** using **he** or **she** and **his** or **her** when referring to a person affected by a statute. When consistent with the standards of precision and clarity, use gender-neutral words, such as applicant, applicant's, candidate, candidate's, commissioner, commissioner's, individual, individual's, person, person's, etc. With respect to making a law gender neutral, it should be noted that Section 1-01-34 provides that words of one gender include the other genders. In English, gender is related to sex or lack of sex. The genders are masculine, feminine, and neuter, e.g., he, she, and it.

**Avoid** use of a plural pronoun with a singular subject to avoid gender, such as stating that "a **person** shall use **their** discretion". Use the possessive form of the subject, such as "person's" or think of a way to restate your objective. The phrase "in his discretion" should simply be changed to "may".

## SINGULAR NUMBER

Use the singular number whenever possible. Avoid using phrases containing singular and plural numbers, such as person or persons, rule or rules, statute or statutes, etc. Do not add an "(s)" to the end of a word to attempt to make the word both singular and plural. Section 1-01-35 provides that words used in the singular number include the plural and words used in the plural number include the singular, except when a contrary intention plainly appears.

## ACTIVE VOICE

Use the active voice for conciseness and clarity. Voice indicates the relationship between the verb and its subject. The active voice emphasizes the one performing the action and is more direct. The passive voice emphasizes the receiver of the action and generally results in longer sentences with greater opportunity for ambiguity.

Passive	An order may be issued for payment of the fee by the commissioner to the applicant.
Active	The commissioner may order the applicant to pay the fee.
Passive	The fee must be paid to the commissioner.
Active	The applicant shall pay the fee to the commissioner.

Begin a sentence with a subject and consider who is being authorized, directed, or prohibited to act.

## USE OF SHALL, MUST, MAY, MAY NOT, AND IS ENTITLED TO

### Shall

**Shall** is used to qualify an active verb. Use **shall** when you are imposing a duty on a person or body that is the subject in the sentence. Use **shall** in a mandatory or imperative sense. Example:

"The **teacher shall** give the parent a copy of the signed report."

### Must

**Must** is used to qualify an inactive verb or an active verb in the passive voice. Use **must** in reference to a thing, rather than a person, and to express status requirements (i.e., statements about what people or things **must be** rather than what they must do). Examples:

"The **report must** contain a signature line."

"A **student must be** a resident of the county."

### May

Use **may** to confer a power, privilege, or right. Examples:

"The applicant **may demand** (power) an extension of time."

"The applicant **may renew** (privilege) the application."

"The applicant **may appeal** (right) the decision."

### May Not

Whenever possible, an obligation or discretion to act should be positively stated. However, if a right, privilege, or power is intended to be denied, **may not** should be used. Example:

"The applicant **may not submit** (active voice) more than one application."

### Shall Not

Avoid use of **shall not** and **no person shall** because these phrases mean that **no one is required** to act. A statute that includes one of these phrases negates the obligation but not the permission to act. **A person may not** negates the permission to act and functions correctly as a complete prohibition.

### Cannot

Avoid use of **cannot** because **cannot** means the person referred to does not have the ability or capacity to act.

### Will, Should, and Ought

Avoid using hortatory qualifiers, such as **will**, **should**, and **ought**, in the text of an Act. These terms may be more appropriate in a resolution instead of a bill.

### Entitled To

Use **is entitled to** when describing a benefit or right a person may claim or exercise. Example:

"A state employee **is entitled to** expense reimbursement."

In these instances, using **shall receive** or similar mandatory phrasing would negate the option of not claiming or exercising a benefit or right.

## USE OF THAT AND WHICH

### That

Use **that** to introduce a restrictive clause modifying the **nearest** antecedent. Example:

"An application to renew a **license that** has been revoked . . . ."

### Which

Use **which** to introduce a nonrestrictive clause. Example:

"The application, **which** need not be verified, must be signed by the applicant."

Use **which** to modify a **remote** antecedent in a restrictive clause. Example:

"An **application** to renew a license **which** has been rejected . . . ."

Consider rewording the sentence to avoid the use of **which** to modify a remote antecedent in a restrictive clause if the reference is not clear. Example:

"If an application to renew a license has been rejected, the application . . . ."

### USE OF SUCH

Do not use **such** as a substitute for "the", "that", "it", "those", "them", or other similar words. Example:

"**The** (not **Such**) application must be in the form the court prescribes."

Use **such** to express "for example" or "of that kind".

### USE OF FEWER AND LESS

Use **fewer** to refer to number among things that are counted. For example: fewer choices, fewer problems, fewer grains of sand.

Use **less** to refer to quantity or amount among things that are measured. For example: less time, less effort, less salt.

### USE OF IF, WHEN, WHENEVER, WHERE, AND IN WHICH

Use **if** regarding a condition that might never occur. Example:

"An appeal may be made to district court **if** it is filed within thirty days."

Use **when** regarding a condition that is certain to occur. Example:

"A court may order opening of the safety deposit box **when** the owner of the box dies."

Use **whenever** if the condition may occur more than once. Example:

"**Whenever** an offense is brought to the attention of the state's attorney, the state's attorney shall prosecute the offender."

**Where** and **in which** are both used to refer to a place, location, or position. Use **where** to refer to a general place, location, or position. Use **in which** to refer to a place, location, or position more precisely, such as the precise location of a specific object. Examples:

"The sale must be held on the premises **where** the property was seized."

"The location **where** the order is received by or on behalf of the seller."

"The meeting must be held in the city **in which** the property is located."

"The suit must be filed in the district court of the county **in which** the defendant resides."

"A qualified elector may vote to elect board members for the school district **in which** the qualified elector resides."

**Do not** use "where" as a replacement for "if", "when", or "whenever".

### USE OF THIS ACT

The words **this Act** are words of art and have a specific meaning in bill drafting. When language in a bill refers to **this Act** it means every provision contained in the bill. If language in a bill refers to **this chapter** it refers to the chapter of the Century Code in which the section is placed. In bills creating only new unnumbered provisions, reference should be to **this Act** not **this chapter**.

## FEDERAL STATUTE AND REGULATION REFERENCES

A bill may adopt by reference an existing law or regulation of the United States. Reference to federal statutes and regulations should be as clear and complete as possible. References to federal laws should include citations to the Public Law, the Statutes at Large, and the United States Code. With respect to federal laws, if one citation is referred to in the state statute, the other parallel federal citations may be placed in brackets. References to federal regulations should cite the Code of Federal Regulations. Examples are:

under Public Law No. 92-75 [85 Stat. 213; 46 U.S.C. 1451 et seq.]  
the Federal Boat Safety Act of 1971 [Pub. L. 92-75; 85 Stat. 213; 46 U.S.C. 1451 et seq.]  
the Act of Congress entitled . . . [Pub. L. 75-415; 50 Stat. 917; 16 U.S.C. 669 et seq.]  
under title 40, Code of Federal Regulations, part 61, section 1  
title XVIII of the federal Social Security Act  
[Pub. L. 97-34; 95 Stat. 202; 26 U.S.C. 161(1)7] [5 U.S.C. 7324 et seq.] under  
40 CFR 61.1

**NOTE:** Except for future amendments to federal income tax laws, a bill may not adopt **future** amendments by reference. *State v. Julson*, 202 N.W.2d 145 (N.D. 1972); *Weber v. Weber*, 512 N.W.2d 723, 730-731 (N.D. 1994); *McCabe v. N.D. Worker's Compensation Bureau*, 567 N.W.2d 201 (N.D. 1997); Section 3 of Article X of the Constitution of North Dakota.

## CITATION TO CONSTITUTION, LAWS, AND RULES

An example of a correct reference to a provision of the Constitution of North Dakota is:

section 1 of article IV of the Constitution of North Dakota  
**Not** section 1 of article IV of the Constitution of this state

Examples of correct references to provisions of the Century Code are:

section 1-02-37  
**Not** section 1-02-37 of this code and  
**Not** section 1-02-37 of the North Dakota Century Code  
chapter 1-02  
**Not** chapter 1-02 of this code and  
**Not** chapter 1-02 of title 1, General Provisions

An example of a correct reference to a provision of the 2013 Session Laws is:

section 1 of chapter 208 of the 2013 Session Laws

Examples of the correct style of North Dakota Administrative Code citations are:

North Dakota Administrative Code section 36-02-01-17  
North Dakota Administrative Code chapter 36-02-01  
North Dakota Administrative Code article 36-02  
North Dakota Administrative Code title 36

An example of a correct reference to the North Dakota Rules of Civil Procedure is:

rule 4 of the North Dakota Rules of Civil Procedure

## ASSIGNMENT OF CENTURY CODE NUMBERS

**Do not** assign Century Code numbers to those Century Code chapters, sections, or subsections being created by a bill draft without specific prior approval of the number assignment by the Code Revisor of the Legislative Council. Contact the Legislative Council office for this approval, if needed. It is usually not necessary to number Century Code chapters, sections, or subsections being created because the Code Revisor will assign Century Code numbers to unnumbered, newly created permanent laws at the conclusion of the legislative session.

## OBSOLETE STATUTORY REFERENCES

If the text of a section to be amended contains an internal statutory reference followed by an asterisk and a note following the section points out that the statute referred to has been repealed or is incorrect, determine what should be done with the reference. Usually, the reference can either be deleted (indicated by overstrikes) or deleted and replaced with a correct reference (indicated by overstrikes and underscores).

## SUBSECTIONS, SUBDIVISIONS, PARAGRAPHS, AND SUBPARAGRAPHS

A breakdown of statutory material should not be made which would result in only one subsection, subdivision, paragraph, or subparagraph. When subsections and subdivisions are enumerated within a section, begin with 1, 2, 3, etc., for the subsections and lowercased a, b, c, etc., for the subdivisions. If it is necessary to provide a further breakdown, use (1), (2), (3), etc., for paragraphs and (a), (b), (c), etc., for subparagraphs.

The end punctuation following each subsection should be either a semicolon or a period. If possible, use a period instead of a semicolon as punctuation between subsections. Do not use semicolons within the text of a subsection if a semicolon is used as punctuation between subsections. If the requirements are such that only one subsection is required to be met in the law (e.g., when only subsection 1, subsection 2, or subsection 3 is to apply), use wording to the effect that **any of the following** or **any one of the following** apply. If all requirements are to apply, use wording to the effect that **all of the following** are to be met. Of course, use of these terms depends upon the wording and construction of the section.

If the drafter uses semicolons at the end of subsections, subdivisions, or other divisions, there are two important points to observe:

1. Each subsection should begin with a word that ties into the lead-in language; and
2. Only the second to last subsection should be followed by a semicolon and the word "or" or "and", depending on whether any or all provisions of the subsections must be met.

Every subsection, subdivision, paragraph, and subparagraph must be in indented block style, regardless of whether the section contains introductory language to the subsections. If only one paragraph follows a subsection, the paragraph should not have a paragraph indent. If more than one paragraph follows a subsection, all paragraphs should have a paragraph indent.

Do not refer to subsection 1 "of this section". It is unnecessary to designate the section in which a subsection referred to appears unless it is a section other than the one where the reference appears. Do not refer to "above" or "below", as in the phrase "as described above". **There is no above, below, or any other direction in statutory provisions.** References to language must be to a section, subsection, or other reference that identifies as restrictively as possible what language is intended by the reference.

The first word in every subsection, subdivision, paragraph, and subparagraph should be capitalized. The following example illustrates the indented block style to be used when a section is broken down to less than subdivisions:

- (Subsection) 1. "Employment" includes:
- (Subdivision) a. Service performed:
- (Paragraph) (1) In any calendar quarter in the employ of any organization exempt from income tax under section 501 of the federal Internal Revenue Code, if all of the following requirements are met:
- (Subparagraph) (a) The remuneration for the service exceeds fifty dollars.
- (b) The service is not in connection with the collection of dues or premiums for a fraternal benefit society, order, or association, and is performed away from the home office.

A reference to the location of a statutory provision must be preceded by the correct designation of whether it appears in a subsection, subdivision, paragraph, or other division. Avoid the mistake of referring to "this paragraph" unless you are referring to a numbered portion of a subdivision.

### OFFICIAL TITLES OF PUBLIC ENTITIES

When referring to a public officer, agency, or organization in the text of a bill, use the official and correct title of the officer, agency, or organization. The official title is usually set out in the constitutional or statutory section that creates the position or agency.

There have been numerous changes in the names and titles of agencies, officials, and organizations since the original publication of the Century Code in 1960. The following list is provided for your information:

Do Not Use	Use
Bismarck junior college	Bismarck state college
board for vocational education	state board for career and technical education
board of examiners on audiology and speech pathology	board of examiners on audiology and speech-language pathology
board of pardons	pardon advisory board
board of registry in podiatry	board of podiatric medicine
bureau of criminal identification and apprehension	bureau of criminal investigation
business and industrial development commission	department of commerce
centennial trees program	trees for North Dakota program
central data processing	information technology department
chief of the bureau of criminal investigation	director of the bureau of criminal investigation
central personnel division	human resource management services
city treasurer	city auditor
civil defense worker	disaster emergency worker
coal development impact office	energy development impact office
commandant (veterans' home)	administrator (veterans' home)
commission on judicial qualifications	commission on judicial conduct
commissioner of agriculture and labor	agriculture commissioner or labor commissioner
commissioner of insurance	insurance commissioner
commissioner of securities	securities commissioner



Do Not Use	Use
council on the arts and humanities	North Dakota council on the arts
county court	district court
county judge	district judge
county justice	district judge
county justice court	district court
county welfare board	county social service board
crime victims reparations	crime victims compensation
dairy products promotion commission	North Dakota dairy promotion commission
department of accounts and purchases	office of management and budget
department of banking and financial institutions	department of financial institutions
department of corrections	department of corrections and rehabilitation
department of economic development and finance	department of commerce
department of human services	department of health and human services
developmental center at Grafton	life skills and transition center
Dickinson state college	Dickinson state university
director of institutions	office of management and budget facility management division
director of vocational education	director of career and technical education
division of community services	department of commerce division of community services
division of emergency management	department of emergency services
division of independent study	center for distance education
division of vocational rehabilitation	vocational rehabilitation division
economic development commission	department of commerce division of economic development and finance
employment security bureau	job service North Dakota
extension division	North Dakota state university extension service
family court	district court
farm credit counseling program	agricultural mediation service
game and fish commissioner	director of the game and fish department
Grafton state school	Life skills and transition center
highway commissioner	director of the department of transportation
highway department	department of transportation
industrial school	North Dakota youth correctional center
information services division	information technology department
judicial council	judicial conference
judicial qualifications commission	judicial conduct commission
labor department	department of labor and human rights
lake region community college	lake region state college
land department	department of trust lands
legislative research committee	legislative council
legislature	legislative assembly
livestock sanitary board	state board of animal health
Mayville state college	Mayville state university
mental health and retardation division	developmental disabilities division
milk stabilization board	milk marketing board
Minot state college	Minot state university
Minot State University - Bottineau	Dakota College at Bottineau
motor vehicle department	department of transportation
multicounty welfare districts	multicounty social service districts

Do Not Use	Use
multidistrict vocational education center	area career and technology center
municipal bond bank	public finance authority
North Dakota board of massage	North Dakota board of massage therapy
North Dakota respiratory care examining board	state board of respiratory care
North Dakota State University - Bottineau	Dakota College at Bottineau
North Dakota trade commission office of intergovernmental assistance	attorney general
outdoor recreation agency	department of commerce division of community services
parks and tourism department	parks and recreation department
police magistrate	parks and recreation department
poultry improvement board	municipal judge
register of deeds	agriculture commissioner
registrar of motor vehicles	recorder
school board treasurer	director of the department of transportation
school district clerk	school board manager
school for the blind	school district business manager
sheltered workshop advisory committee	North Dakota vision services - school for the blind
soldiers' home	vocational rehabilitation facilities advisory committee
state auditing board	veterans' home
state bar board	office of the budget
state board of embalmers	state board of law examiners
state board of hairdressers and cosmetologists	state board of funeral service
State board of medical examiners	state board of cosmetology
state board of vocational education	North Dakota board of medicine
state department of health	state board for career and technical education
state developmental center at Grafton	department of health and human services
state employment service	Life skills and transition center
state examiner	job service North Dakota
state farm	commissioner of financial institutions
state federal aid coordinator	Missouri River correctional center
state highway commissioner	department of commerce division of community services
state highway department	director of the department of transportation
state industrial school	department of transportation
state library commission	North Dakota youth correctional center
state park service	state library
state parks and recreation department	parks and recreation department
state seed mediation board	parks and recreation department
sunflower council	state seed arbitration board
teacher's insurance and retirement fund	oilseed council
tourism department	teachers' fund for retirement
town	department of commerce division of tourism
unemployment compensation division	city
unemployment compensation law	job service North Dakota
University of North Dakota - Lake Region	North Dakota unemployment compensation law
University of North Dakota - Williston	lake region state college
Valley City state college	Williston state college
	Valley City state university

Do Not Use	Use
veterans' aid commission	department of veterans' affairs
village	city
vocational education	career and technical education
water conservation commission	state water commission
water management district	water resource district
weather modification board	atmospheric resource board
workmen's compensation	workforce safety and insurance
workmen's compensation fund	workforce safety and insurance fund

### USE OF MUNICIPALITY

Do not refer to villages. The only type of municipal government customarily referred to as a city, town, or village is a city. Use the term **city** instead of **municipality** when it is intended that the **only** type of government involved is a city. Municipality is a term often used to include different types of political subdivisions and combinations of subdivisions, and such usage is discouraged because of the varied and confusing use of "municipality" in existing law. Seek an alternative term unless "municipality" is defined in the Century Code area in which you are drafting, and then use "municipality" only after close attention to that definition. A May 2006 letter opinion of the Attorney General basically concludes that use of the word municipality is always ambiguous and legislative intent must be examined. *Letter Opinion 2006-L-18*.

### REPETITION

Avoid repetitious language. For example, instead of setting out similar licensing requirements in two very long, nearly identical statutes, the two statutes could be broken into three separate statutes. One statute would contain the requirements applicable to both types of licenses and the dissimilar requirements would comprise the two separate smaller statutes.

### SECTION LENGTH

Each section should cover only one topic. The preferable section length is one short paragraph. A long section may indicate that too much material is covered.

The purpose of a short section is to make it easy to locate everything in the section by reading the caption. A short section also results in index entries that accurately describe the contents of the section.

### BLANKS OR BRACKETED MATERIAL

Although sections of a bill may contain blanks or bracketed material in initial drafts, incomplete bills should not be introduced. There is a danger when introducing a bill with blanks that the bill will inadvertently not be completed and become law in that form.

### WORD USAGE

Bill drafts should be precise and understandable. This is usually achieved by avoiding excessively long sentences, wordiness, and legalese. Never use many words where a few will do. Try to use language used in normal conversation and correspondence. Review the definitions and usage provisions in Century Code Chapter 1-01.

Sentences should be no longer than 17 to 21 words to be easily understood. Excessively long sentences make statutes difficult to read and interpret.

Certain words are used in bill drafting either because they sound or look legal and important, or because they have been used since time immemorial. Occasionally some of this legalese may be needed, but generally it should be avoided.

The following is a list of some of the words and phrases to avoid in bill drafting and some suggested substitutes:

Avoid Using	Use
absolutely null and void and of no effect	void
aforesaid <b>or</b> aforementioned <b>or</b>	the <b>or</b> that <b>or</b> those
beforementioned <b>or</b> said	
and/or	X and Y; X or Y; X or Y, or both
any or all	either word (as appropriate)
at such time as	when
at the time	when
be and the same is hereby	is
bonds, notes, checks, drafts, and other	evidences of indebtedness
evidences of indebtedness	
during such time as	while
during the course of	during
each and all	either word (as appropriate)
each and every	either word (as appropriate)
enter into an agreement with	enter an agreement with
for the duration of	during
for the reason that	because
formulate	make
forthwith	immediately
from and after	after
full force and effect	force <b>or</b> effect
give consideration to	consider
give recognition to	recognize
have knowledge of	know
have need of	need
in case	if
in case of	when <b>or</b> if
in cases in which	when <b>or</b> if
in conjunction with	with
in favor of	for
in no case shall	may not
in order to	to
in the event that	if
includes, but is not limited to	includes
is authorized to	may
is defined to mean	means
is directed to	shall
is empowered to	may
is hereby authorized and it shall be his duty	shall
to	
is hereby authorized to	may
is hereby vested with power and authority	shall
and it shall be his duty in carrying out the	
provisions of this Act to	
is prohibited from	may not
is required to	shall
it is his duty to	shall
it is lawful to	may
it is unlawful to	may not
make application	apply

Avoid Using	Use
make payment	pay
make provision	provide
may, in his discretion	may
means and includes	either word (as appropriate)
no person may or no person shall	a person may not
null and void	void
on or after	after
or, in the alternative	or
person who	individual who <b>or</b> person that
prior to	before
provided further <b>or</b> provided however <b>or</b> provided that	except <b>or</b> but <b>or</b> however <b>or</b> start a new sentence (It is better to start a new sentence.)
shall be construed to mean	means
shall have the power to	may
shall mean	means
sole and exclusive	exclusive
subsequent to	after
the state of North Dakota	this state
together with	with
under the provisions of	under
unless and until	either word (as appropriate)
until such time as	until
utilize	use
whatsoever	whatever
whenever	when <b>or</b> if
wheresoever	wherever
whosoever	whoever

The words hereinafter, hereinbefore, hereinabove, above, below, following, or preceding are objectionable when referring to the position of a section or other statutory provisions. If reference is necessary, specify the chapter, section, or subsection.

**Avoid the common error of using "where" when you mean "if".** See page 88.

### ABBREVIATIONS AND ACRONYMS

Do not use abbreviations or acronyms. All agency names, publications, and other commonly abbreviated words must be spelled out. Compass directions, degrees, latitudes, etc., are spelled out. In plats of territory, spell out township, range, degrees, and minutes. For example:

southeast quarter of section one, township one hundred north, range sixty-five west of the fifth meridian

### CAPITALIZATION

These are the basic rules for determining whether to capitalize a word or phrase for bill drafting purposes:

1. Capitalize the first word in a sentence and the first word paragraphed after a colon, e.g., the first word of a subsection, subdivision, paragraph, and subparagraph.
2. Capitalize proper names, but do not capitalize the names of agencies, boards, commissions, departments, offices, or institutions.
3. Capitalize titles only when preceding a name, e.g., Governor Blake.
4. Capitalize United States and names of states, counties, cities, and townships.

5. Capitalize months and days of the week.
6. Capitalize compilations or codifications of constitutions, statutes, and rules.
7. Capitalize the word Act when referring to a specific legislative enactment.
8. Capitalize references to the Deity.
9. Capitalize names of publications.
10. Lowercase the word or phrase in case of doubt.

**NOTE: Different rules of capitalization apply when drafting a resolution.** Titles of officers and names of agencies are capitalized except within current or proposed text of language to be contained in the Constitution of North Dakota.

Examples of correctly capitalized words or phrases are:

Act of Congress

ACT, Inc.

Administrative Agencies Practice Act

American bar association

Bank of North Dakota

Bible

Bismarck

braille

Cass County

ccbenefits, incorporated

Chatfield Township

city of Bismarck (**Bismarck** is preferred usage)

Commonwealth of Puerto Rico

Congress

Congress of the United States (but **lowercase all other federal agencies**)

Constitution of North Dakota

Constitution of the United States

county of Cass (**Cass County** is preferred usage) (when plural, e.g., counties of Morton, Cass, and Ward; Burleigh and Morton Counties)

federal Internal Revenue Code (**federal** is lowercased unless part of the name)

federal Social Security Act

form W-2

Garrison Diversion Conservancy District

Garrison diversion unit

general election

initiated measure No.

interim

internal revenue service

International Peace Garden

James River correctional center

lands and minerals trust fund

Lewis and Clark bicentennial

Medicaid  
Medicare  
Missouri River basin project  
National Building Code  
Native American  
North Dakota  
North Dakota Administrative Code  
North Dakota Century Code  
North Dakota Development Fund, Incorporated  
North Dakota Rules of Civil Procedure  
North Dakota state fair association  
North Dakota unemployment compensation law  
North Dakota workers' compensation law  
Oahe bridge  
Oahe Reservoir  
of this constitution  
president of the United States  
rocky mountain elk foundation  
rocky mountain interstate compact on low-level radioactive waste  
rule 40 of the North Dakota Rules of Civil Procedure  
schedule C  
section 3 of this Act  
securities and exchange commission  
Senate Bill No. \_\_\_\_  
state of North Dakota (**North Dakota** is preferred usage)  
supreme court  
state building code  
Three Affiliated Tribes of the Fort Berthold Reservation  
unemployment compensation law  
Uniform Commercial Code  
Uniform Controlled Substances Act  
Uniform Probate Code  
uniform trust code  
United States  
United States government  
United States highway 141  
United Tribes  
west river water supply district  
20\_\_ Session Laws

Unlike capitalization in bills, names of agencies, etc., should be capitalized in resolutions.

## CLOCK TIME AND DATES

Clock time is always written, e.g., nine a.m., twelve noon, four-thirty p.m., or twelve midnight. If month, day, and year are to be used, use numerals, e.g., July 1, 2021. If language follows the year, a comma should be inserted after the year, e.g., July 1, 2021, is the correct date. If only the month and day are used, spell all dates, e.g., December thirty-first. If only the month and year are used, do not insert a comma after the month, e.g., July 2021.

## DOLLAR AMOUNTS

**Except in appropriation bills and appropriation sections**, spell all amounts, e.g., one thousand two hundred dollars (not twelve hundred dollars); thirty-two dollars and fifty cents. Do not follow with figures in parentheses.

## HYPHENATION

Many words are no longer used with a hyphen, while the use of a hyphen is retained for some words. Do not hyphenate words ending with **ly** used as unit modifiers. For correct word hyphenation, refer to the *United States Government Printing Office Style Manual* or a modern dictionary, preferably *Webster's Third New International Dictionary* or *Black's Law Dictionary*. Examples are:

### - A-B-C-D -

able-bodied	clock-hour
aboveground	collocate
accontholder	commingling
afterborn	common-law (u.m.)
agriculturally related enterprise	contract owner
air-condition (all forms)	contractholder
all-terrain	cooperate
at large	cooperative
audiovisual	co-owner
boarding home	cost-of-living
bona fide	cost-benefit analysis
bow hunter	cost-effective
branch lines	cost-sharing (n., u.m.)
byproducts	coursework
caregiver	credit card holder
carryover (n., u.m.)	credit-hour
caseload	cross section
catchup (n., u.m.)	crossover
centerline	cross-reference
certificate holder	database
child care	date-stamped
child placing (n.)	decisionmaking
child-placing (u.m.)	defense-dependent (u.m.)
classrooms	districtwide
clerk-typist	

### - E-F-G-H -

elective-share (u.m.)	floodway
en route	followup (n., u.m.)
ex officio	franchise holder
facility-based (u.m.)	full-time (u.m.)
factfinding	fur-bearing
family-type	good-natured
farmland	grantmaking



federal aid  
federal aid highway  
federal aid road  
federally funded program  
firefighting  
first aid (n.)  
first-aid (u.m.)  
five million dollars' worth  
floodplain  
floodwaters

grants-in-aid  
ground water  
half-hour (u.m.)  
hands-on (u.m.)  
haul road  
health care  
high-quality (u.m.)  
home-office (u.m.)  
horse racing  
housebound

**- I-J-K-L -**

income producing (n.)  
income-based  
income-producing (u.m.)  
infrared  
in-kind  
insofar  
interagency  
interest-bearing (u.m.)  
jobsite  
land use  
last-known (u.m.)  
layman  
laymember

layperson  
laywoman  
licenseholder  
lienholder  
life-prolonging (u.m.)  
life-sustaining (u.m.)  
logoff (n., u.m.)  
logon (n., u.m.)  
long-distance (u.m.)  
long-term (u.m.)  
longstanding (u.m.)  
lost-time benefits  
lump sum

**- M-N-O-P -**

machine gun  
managed care  
member-control agreement  
members-elect  
micro-organism  
middle-grade  
middle-level  
minimarket  
mobility-impaired (u.m.)  
mortgageholder  
multicounty  
near-poor  
no-fault  
no-mow  
noncancelable  
noncoal  
non-coal-producing  
nonparty  
non-self-propelled  
no-party (u.m.)  
offpremise  
offtrack  
old-age and survivor insurance system  
old-age survivors' fund  
on sale

part-time (u.m.)  
passthrough (n., u.m.)  
past-due (u.m.)  
patent holder  
per centum  
per student  
percent  
permitholder  
per pupil  
phase in (v.)  
phasein (n., u.m.)  
phaseout (n., u.m.)  
pledgeholder  
policy owner  
post mortem (n.)  
post-mortem (u.m.)  
post office (building)  
post-office (address, u.m.)  
postaward  
postreclamation  
postseason  
postsecondary  
preaward  
predisaster  
pre-emption

one and one-fourth mills  
one and twenty-five hundredths  
one hundred twenty-day period  
one-mill levy  
one-tenth of one mill  
one-year term  
online  
onsite  
overall  
pari-mutuel

pre-existing  
preinjury  
pre-need funeral plan  
pretreatment  
pretrial  
pro rata  
profit-sharing (u.m.)  
prorated  
pull tab

**- Q-R-S-T -**

ranchland  
ratemaking  
receiptholder  
recordholder  
recordkeeping  
re-elected  
re-enacted  
re-engrossed  
re-examined  
rereferred  
revenue sharing (n., u.m.)  
revenue-producing  
right of way (n.)  
right-of-way (u.m.)  
riverbed  
rough rider award  
roughrider industries  
rulemaking  
school board  
school-age (u.m.)  
schoolbus  
schoolteacher  
second hand (n.)  
secondhand (adv., u.m.)  
securityholder  
self-esteem (n.)  
setoff (n., u.m.)  
sewerline

shutoff (n., u.m.)  
signoff (n., u.m.)  
signon (n., u.m.)  
single plan rate  
single-family (u.m.)  
single-use (u.m.)  
startup (n., u.m.)  
state unified  
state-chartered  
state-owned  
state-subsidized (u.m.)  
statewide  
submachine gun  
subspecies  
subvoucher  
summer-fallow (v.)  
systemwide  
ten days' notice  
thirty-two dollar fee  
three dollar fee  
titleholder  
toll-free (u.m.)  
ton-mile  
top light  
tort-feasor  
trademark  
truck tractor (n.)

**- U-V-W-X-Y-Z -**

ultrahigh  
value-added impact study  
vice chairman  
vice presidency  
vice president  
warrant-check  
washrooms  
waste hauler  
wastewater

watermark  
website  
well baby care  
well bore  
well site  
well-being  
worked-over (u.m.)  
workflow  
workover

## METRIC MEASUREMENT EQUIVALENTS

Section 46-03-10 requires the Legislative Council office to insert equivalent metric measurements in brackets wherever references to customary weights and measures appear in the laws of this state. The Legislative Council office will insert metric measurement equivalents in legislative enactments before codification if the enactment does not contain metric measurement equivalents and insertion of equivalents will not cause confusion or problems in readability. Metric measurements must be stated in numerals. Do not use any commas in metric equivalents. For example:

"If the flower seed is packed in units of more than five pounds [2267.96 grams], the label also must include the lot number."

## NUMBERS

Except for citation to statutes, rules, or executive orders, **spell out all numbers**. Spell out percentages, e.g., fifty percent, one hundred twenty-five percent. Do not follow with figures in parentheses. When it is necessary to avoid confusion when two numbers occur together, write ten 12-room houses, twelve 6-inch guns, one 100-pound weight, etc.

**Exception:** In resolutions use the numbers, but write out numbers nine and below, except an age or page number, e.g., 70 percent, seven years, 2 years of age.

## ORTHOGRAPHY

For word spellings and word divisions, use the *United States Government Publishing Office Style Manual*, or a modern dictionary, preferably *Webster's Third New International Dictionary* or *Black's Law Dictionary*. Preferred spellings for some common words with alternate spelling are as follows:

accessible	judgment
acknowledgment	kidnapping
adviser	labeling
analog	liquefied
archaeology	liquefy
baptisteries	marijuana
benefited	marshal (n.)
briquette	marshall (v.)
canceled	occasion
canceling	payer
cancellation	requester
cargoes	rescission
collectible	sulfur
computer disk	supersede
drought	theater
ensure	totaled
impaneled	transferable
impaneling	traveled
indeterminable	uncollectible
intervenor	usable
inure	

## PUNCTUATION

Observe grammatical rules in punctuation. Punctuate when it will clearly aid understanding, but avoid overpunctuation. Colons and semicolons should be placed inside the quotation marks only when they are a part of the quotation; otherwise place them outside the quotation marks.

In legislative drafting, all punctuation marks are placed after the quotation marks when not a part of the quoted matter. For example:

"Slingshot" does not include a device commonly known as a "zipgun".

The comma is used to separate the units of a series of similar expressions. Letters, words, phrases, clauses, figures, and signs should be separated by commas. When the last two units of a series are connected by a conjunction, i.e., "and" or "or", use a comma before the conjunction. If the units of a series are all regularly connected by conjunctions, then no commas are necessary.

**Do not use quotation marks to designate colloquial or informal use of words or phrases.** Quotation marks will not repair imprecise or undefined usage. For example:

A legislator may "drop" up to five bills into the "hopper".

**Do not use parentheses in statutes.** Parentheses are often used by inexperienced drafters to give an example or to provide an alternative restatement of language used. If you feel the urge to insert a parenthetical, you should reconsider the language you are attempting to explain.



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