

Legislative Drafting Seminar: Review of the *2025 Legislative Drafting Manual*

October 1, 2024

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Code Revisor

North Dakota Legislative Council

Who Can Introduce Bills?

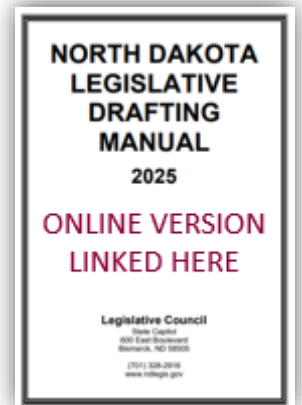
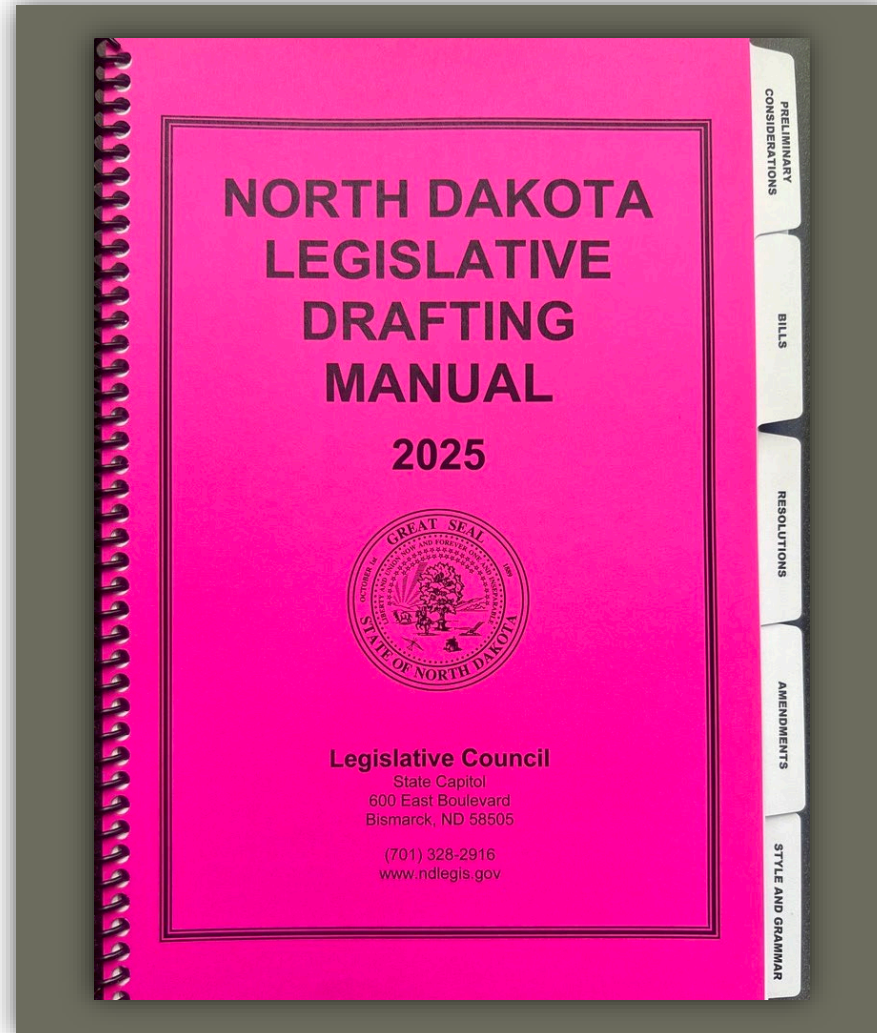
- Bills and resolutions may be introduced by a legislator, a standing committee, or the Legislative Management.
- **Joint Rule 208**
 - Executive agencies and the Supreme Court may introduce bills, other than bills making appropriations, no later than the close of business the day after the organizational session adjourns.
 - Appropriation bills implementing governor's budget must be delivered to the Legislative Council no later than the close of business on the 7th day after organizational session adjourns. Those bills are not deemed to be introduced, but must be provided to the Appropriations Committees and printed in the House and Senate journals.

2025 Legislation - Dates to Remember

- Deadline for agency bill filing with the Legislative Council:
5:00 p.m., Thursday, December 5, 2024.
- Deadline for delivering appropriation bills implementing the Governor's budget to the Legislative Council:
5:00 p.m., Wednesday, December 11, 2024.

NOTE: See page 1 of the drafting manual.

2025 Legislative Drafting Manual Overview



PART 2 - BILLS

Five main parts to a bill:

- Session identification
- Sponsor identification
- Title
- Enacting clause
- Body

1) Session Identification

25.0019.01000

ROUGH DRAFT

Sixty-ninth
Legislative Assembly
of North Dakota

BILL NO. 1234

2) Sponsor Identification

Introduced by
Senator Doe

3) Title

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

4) Enacting Clause

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

5) Body

15 SECTION 1. AMENDMENT. Section 6-02-03 of the North Dakota Century Code is amended
16 and reenacted as follows:
17 6-02-03. Capital stock, surplus, and federal deposit insurance requirements.
18 The capital stock of any banking association organized after June 30, 1987, must be not
19 less than one hundred thousand dollars. In addition to such capital requirements, there must be

Bill Title

- The title of a bill describes what is in the bill and begins with the words **A BILL for an Act**.
- All sections of the bill must be reflected in the title and vice versa and should be listed in a specific order.
- ***Remember to consider Section 13 of Article IV of the Constitution of North Dakota:***
 - ***A bill may not embrace more than one subject.***
 - ***The bill title must express the subject.***
 - ***Violation of this provision results in the bill being invalid to the extent of the violation.***

1. Description of the subject matter of unnumbered, unlocated provisions.

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-seventh 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.

2. All newly **created** numbered or located sections, subsections, subdivisions, paragraphs, and subparagraphs in numerical 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-seventh 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.

3. The sections, subsections, subdivisions, paragraphs, and subparagraphs being **amended** in numerical 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-seventh 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.

4. The sections, subsections, subdivisions, paragraphs, and subparagraphs being **repealed** in numerical 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-seventh 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.

5. Legislative intent.
6. Legislative Management or agency study or Legislative Management report.
7. Penalty.
8. Appropriation (regular or continuing).
9. A transfer.

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-seventh 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.

10. Application.
11. Retroactive application.
12. Effective date.
13. Expiration date.
14. Declaration of emergency.

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-seventh 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.

Body

- The body of a bill is divided into numbered sections.
- Normally, a separate section of the bill is used for each section of the North Dakota Century Code or Session Laws to be affected.
- The order of items listed in the body of the bill differs from the order in which items are listed in the title.

Section Identification Number

Section
Identification
Number

SECTION 1. AMENDMENT. Subsection 3 of section 23-01-03 of the North Dakota Century Code is amended and reenacted as follows:

3. Establish ~~standards, rules, and regulations which~~that are ~~found~~ necessary for the maintenance of public health, including sanitation and disease control.

SECTION 2. A new subsection to section 61-28-03 of the North Dakota Century Code is created and enacted as follows:

The department shall provide the board with copies of maps, plans, documents, studies, surveys, and all other information necessary to advise the board in the development of programs for the prevention and control of pollution of waters in the state.

Creating and Amending Clauses

Amending
Clause

SECTION 1. AMENDMENT. Subsection 3 of section 23-01-03 of the North Dakota Century Code is amended and reenacted as follows:

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Creating
Clause

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Creating and Amending Clauses

Order

- Bill sections that create or amend sections of law must be listed first in the bill and must be arranged in numerical order by the Century Code section number, without regard to whether the sections are created or amended.
- When creating an unnumbered section in a bill that also amends numbered sections, the unnumbered section is placed among the numbered sections in the logical placement of the new section in the Century Code.

Creating and Amending Clauses

Order

For example, if your bill has three sections:

- One amends Section 6-08-01,
- One amends Section 6-08-28, and
- One creates a new section to Chapter 6-08.

If the new section logically belongs between Section 6-08-01 and Section 6-08-28, it should be placed as "**SECTION 2.**" of the bill.

The amended sections become "**SECTION 1.**" and "**SECTION 3.**"

Creating and Amending Clauses

Use of Overstrike and Underscore

- Use overstrike and underscore when amending Century Code or Session Laws.
- Rules to remember:
 - **First rule:** ~~overstrike~~ existing law you want to remove or replace.
 - **Second rule:** underscore new language you want to add to the law.

Creating and Amending Clauses

Use of Overstrike and Underscore

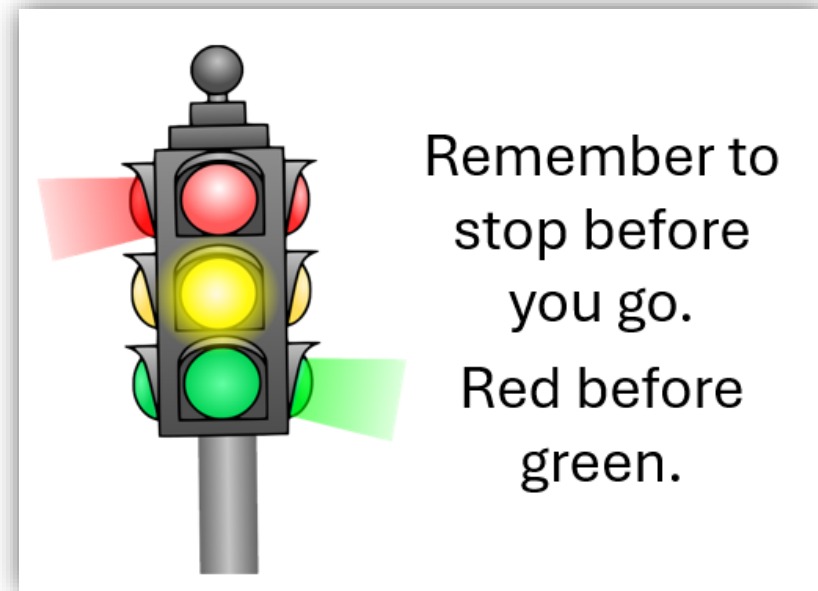
Helpful tip:

When replacing existing law with new language, new language follows old law.

✓ **Correct:** This is ~~old~~new.

✗ **Wrong:** This is new~~old~~.

Remember to consider the existing punctuation as you overstrike or underscore.



Creating and Amending Clauses

Use of Overstrike and Underscore

Only language that will be removed or added to the Century Code is overstruck or underscored.

Do not underscore or overstrike:

- Title
- Creating or amending clauses
- Special clauses

Creating and Amending Clauses

Caption

- When a new section is created, a descriptive caption should be included.
- A caption gives a brief notice of the content of a section.
- Section 1-02-12 provides that **a caption is not part of the law.**
- Wording of a caption is important because Century Code index entries are based on the caption.
- Avoid minicaptions

SECTION 4. A new section to chapter 61-28 of the North Dakota Century Code is created and enacted as follows:

Water transfers exempt. ← **Caption**

1. An action may not be brought under either chapter 32-40 or 61-28 against an owner or operator of a water transfer used to control flooding for violation of the state's water pollution control laws if the water transfer:
 - a. Does not require a national pollutant discharge elimination system permit; and
 - b. Complies with the conditions in the state's water quality standards established to protect aquatic life.
2. For purposes of this section, "water transfer" means an activity that conveys or connects waters of the state without subjecting the transferred water to intervening industrial, municipal, or commercial use.

Penalty Clause



- A penalty section should indicate the intended offense classification.
 - Offense classifications are contained in Section 12.1-32-01.
 - Penalty clauses differ depending on whether they are to be codified within or outside Title 12.1--the Criminal Code:
 - Section 12.1-02-02 defines various kinds of culpability which generally apply to penalties within Title 12.1.
 - Any penalty clause to be codified outside Title 12.1 must contain culpability language or the offense may be considered a strict liability offense.

Penalty Clause Examples:

Within Title 12.1

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.

Outside Title 12.1

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.

Repealer Clause

 Remember
to check
the title!

- Sections and chapters of the Century Code may be repealed.
- **DO NOT repeal parts of sections** such as subsections, subdivisions, paragraphs, or subparagraphs.
 - The preferred method is to amend if below the section level.

Example:

SECTION 3. REPEAL. Chapter 23-19 and section 61-28-30 of the North Dakota Century Code are repealed.

Repealer Clause



Remember to check cross-references!

- When repealing, deleting, or renumbering, check the Century Code for references that may need to be changed.
- If you are uncertain how to do this, contact the Legislative Council staff before completing the bill draft.

Special Clauses

Usually are not published as permanent law in the Century Code.

Examples:

- Appropriation and transfer clauses
- Application and retroactive application clauses
- Effective date clause
- Expiration date clause
- Emergency clause
- Legislative Management study

Special clauses generally **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 termed a savings, severability, or constitutionality clause.
- **Do not use these clauses.**
- 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).
- Also, 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 provision reflecting the subject matter involved.
- Also, a chapter caption is developed based upon the chapter's content.
- Short title clauses are not usually codified as part of the Century Code.

Appropriation Clause

 Remember
to check
the title!

- The standard form for a lump sum general fund appropriation 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.

- Other examples of appropriation clauses can be found on pages 19 and 20 of the drafting manual, including appropriation clauses that:
 - Involve more than one fund, such as federal or special funds.
 - Include more detail regarding estimated expenditures.
 - Include a transfer.

Application Clause and Retroactive Application Clause

 Remember to check the title!

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

Examples:

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.

- The application of an Act or part of an Act may be made retroactive. An emergency clause is not required.

Examples:

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

! Remember
to check
the title!

- An effective date clause is necessary **ONLY** if you want a date other than the date provided for by law.
- Most bills become effective on **August 1, 2025**.
- A bill that changes tax rates and appropriation bills become effective on **July 1, 2025**.

***Note:** If a bill is to become effective **BEFORE** the date it could normally become effective, the bill **must** have an emergency clause.*

Effective Date Clause Examples

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.

Expiration Date Clause

 Remember
to check
the title!

- An expiration date clause provides a time a bill, or a specified provision of the bill, expires.

Examples:

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

 Remember
to check
the title!

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

Examples:

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.

NOTE: *If a bill with an emergency clause receives a constitutional majority but fails to get the necessary 2/3 vote, the bill passes but the emergency clause will be removed.*

Example of Bill Sections in the Proper Order in the Body

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.



Helpful tip!

Pages 23-49 of the drafting manual include 26 examples to reference when drafting a bill.

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

PART 5 - Style and Grammar Guidelines

Divisions of Statutory Material

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.

Statements of Intent and Definitions

- **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.
- **Definitions**
 - Definitions should be clear, concise, and used consistently throughout.
 - If you define a term, use it.
 - Avoid substance in definitions, such as powers or duties.
 - Review definitions applicable to the Century Code title and chapter in which the substance of a bill is located.
 - Chapter 1-01 contains principles and definitions that apply throughout the Century Code.
 - “Means” = exhaustive
 - “Includes” = partial list
 - **DO NOT USE:** “includes, ~~but is not limited to~~”

NOTE: See page 85 of the drafting manual

Consistency, Gender, Singular, and Plural

- **Consistency**
 - Use the same term or phrase.
 - Consistency trumps variety or creativity.
- **Gender**
 - Avoid he/she and his/her.
 - Use gender-neutral nouns.
(Examples: applicant, individual, director)
- **Singular**
 - Use singular whenever possible.
 - Section 1-01-35 provides that words used in the singular include the plural and vice versa, except when a contrary intention plainly appears.

NOTE: See page 86 of the drafting manual

Active Voice

- Use active voice for conciseness and clarity.
- Active voice emphasizes the one performing the action and is more direct.
- Passive voice emphasizes the receiver of the action and generally results in longer sentences with greater opportunity for ambiguity.
- **Begin a sentence with a subject and consider who is being authorized, directed, or prohibited to act.**

NOTE: See page 86 of the drafting manual

Active Voice Examples

Passive

The fee must be paid to the commissioner.

Active

The applicant shall pay the fee to the commissioner.

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.

Use of Shall and Must

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.

Example:

“The teacher **shall** give the debtor a copy of the signed contract.”

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, that is, 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.”

NOTE: See pages 86 and 87 of the drafting manual

Use of May and May Not

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:

- If a right, privilege, or power is intended to be denied, **may not** should be used.
- Avoid use of **shall not** and **no person shall**.

Example:

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

NOTE: See page 87 of the drafting manual

Use of That and Which

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

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

- 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"

NOTE: See pages 87 and 88 of the drafting manual

Use of “fewer” or “less”

- Use **fewer** to refer to number among things that are counted.
- Use **less** to refer to quantity or amount among things that are measured.

FEWER

Fewer students are taking up social sciences.

LESS

People want to try and spend less time in traffic.

Less is also used with standalone numbers, especially in measurement.

Her job lasted less than a decade.

NOTE: See page 88 of the drafting manual

Hyphenation

- Do not hyphenate “ly” words used as modifiers

Example: “commonly used words”

- Hyphenate when the words modify a noun

Example: “state-owned entity”

NOTE: See pages 99-101 of the drafting manual

Measurement, Numbers, and Spelling

- **Metric measurement equivalent**
 - Required by Section 46-03-10
 - Metric measurements must be stated in numerals
- **Numbers**
 - General rule: Spell out numbers
 - Do not follow with figures in parentheses
- **Orthography**
 - Preferred spellings for some common words with alternate spelling
 - See the list on page 102 of the drafting manual

NOTE: See page 102 of the drafting manual

Punctuation

- Observe grammatical rules in punctuation.
- Use commas to separate a series of more than two.
- Use the **Oxford comma**. The last two units **ARE** separated by comma.



NOTE: See pages 102 and 103 of the drafting manual

Additional Style and Grammar Rules

- Use of “such”
 - *See page 88 of the drafting manual*
- Use of if, when, whenever, where, and in which
 - *See page 88 of the drafting manual*
- Use of “of this Act”
 - *See page 88 of the drafting manual*
- Federal statute and regulation references
 - *See page 89 of the drafting manual*
- Citation to constitution, laws, and rules
 - *See page 89 of the drafting manual*

Additional Style and Grammar Rules

- Official titles or public entities
 - *See pages 91-94 of the drafting manual*
- Word usage (keep it simple and precise)
 - *See pages 94-96 of the drafting manual*
- Abbreviations and acronyms (do not use)
 - *See page 96 of the drafting manual*
- Capitalization (when in doubt, do not capitalize)
 - *See pages 96-98 of the drafting manual*
- Clock times (spell out)
 - *See page 99 of the drafting manual*
- Dollar amounts (spell out, except in appropriations bills)
 - *See page 99 of the drafting manual*

Assignment of Century Code Numbers

Friendly reminder:

Do not assign Century Code numbers to Century Code chapters or sections being created by a bill draft without specific prior approval of the number assignment by the Code Revisor of the Legislative Council.

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NOTE: See page 90 of the drafting manual

Final Review

- Remember to do a final review of your bill or resolution draft.
- For a helpful checklist to reference when completing your final review, please see the following memorandum prepared by the Legislative Council Staff:

[Bill and Resolution Drafting Checklist](#)

THANK YOU!

ANY QUESTIONS?