

Legislative Drafting Seminar: Techniques for Drafting Amendments to Bills and Resolutions

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Overview

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Amendment Basics

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What

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

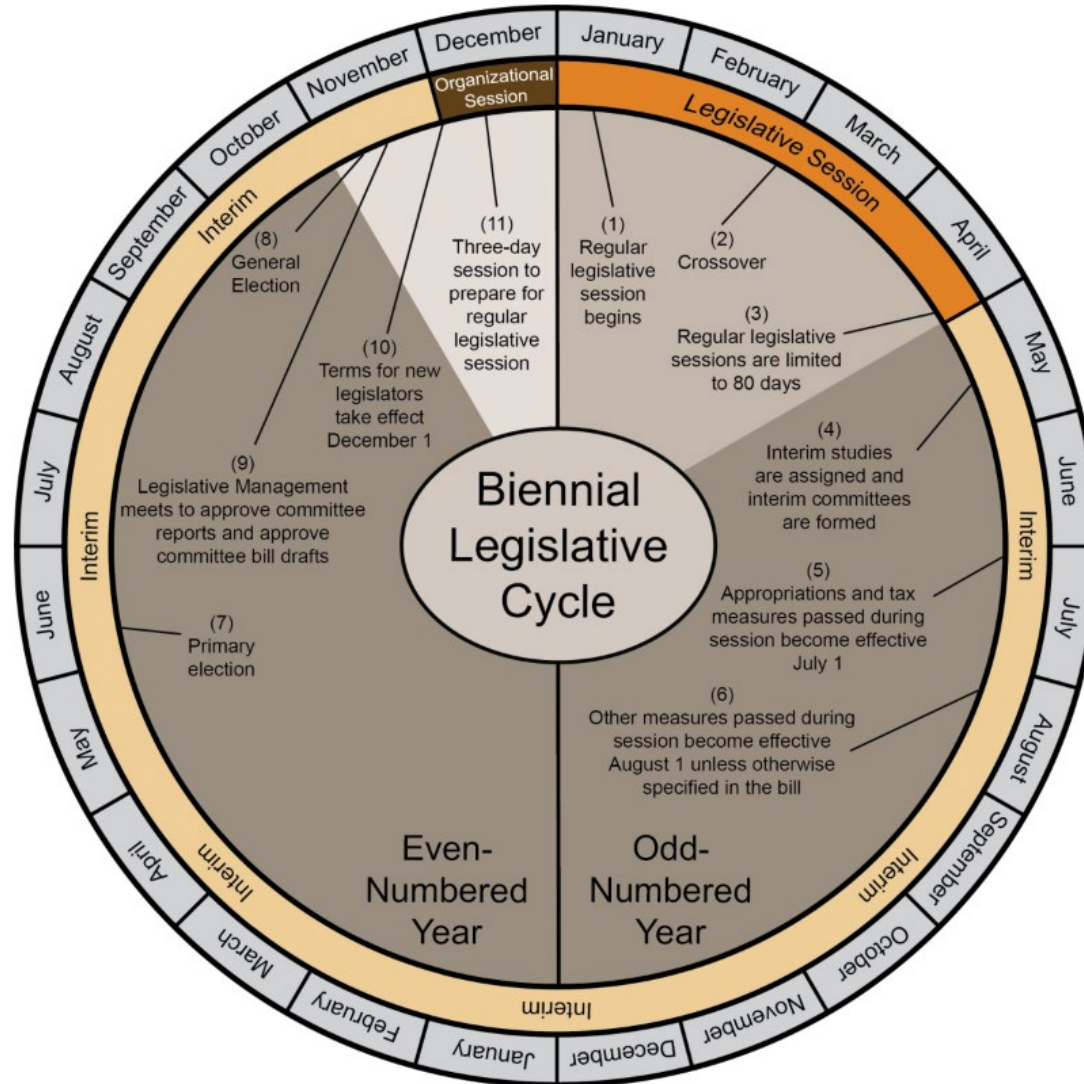
Black's Law Dictionary (11th Ed.)

Who

Lobbyist

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

When



When

2025 Legislative Deadlines

Date	Legislative Day	
December 2-4, 2024 (Monday through Wednesday)		Organizational session ¹
December 5 (Thursday)		Deadline for executive agencies and Supreme Court to file bills with the Legislative Council
December 13 (Friday)		Deadline for legislators to submit health insurance mandate bills to the Legislative Council
January 7 (Tuesday)	1 st	Session begins ¹ (Tribal-State Relationship message, State of the Judiciary, and State of the State Address)
January 8 and 9 (Wednesday and Thursday)		No floor sessions, standing committees will meet
January 13 (Monday)	3 rd	No more than five bills may be introduced by each Representative after this date
January 20 (Monday)	8 th	Martin Luther King Day. ² Deadline for Representatives to introduce bills. No more than three bills may be introduced by each Senator after this date. A Senate bill containing an appropriation clause may not be introduced after this date.
January 27 (Monday)	13 th	Deadline for Senators to introduce bills
January 30 (Thursday)	16 th	Deadline for introducing resolutions except amendments to the Constitution of North Dakota and study resolutions
February 10 (Monday)	23 rd	Deadline for rereferrals of bills in House to Appropriations Committee
February 13 (Thursday)	26 th	Deadline for referrals of bills in Senate to Appropriations Committee
February 17 (Monday)	28 th	George Washington's Birthday ²
February 25 (Tuesday)	34 th	Bills and resolutions except constitutional amendments and study resolutions must be reported out of committee in house of origin. Deadline for introducing amendments to the Constitution of North Dakota and study resolutions.
February 28 (Friday)	37 th	Crossover date for bills ³
March 3 and 4 (Monday and Tuesday)		Recess
March 5 (Wednesday)	38 th	Reconvene from crossover break
March 7 (Friday)	40 th	Study resolutions and proposed constitutional amendments must be reported out of committee
March 12 (Wednesday)	43 rd	Crossover date for resolutions
March 28 (Friday)	55 th	Deadline for rereferrals of bills in second house to Appropriations Committees
April 9 (Wednesday)	63 rd	Bills and resolutions must be reported out of committee in second house
April 18 (Friday)	70 th	Good Friday ²
May 2 (Friday)	80 th	Session limited to 80 legislative days ⁴

Where

HOW A BILL BECOMES LAW

1. Overview

North Dakota's biennial Legislative Assembly, composed of the House of Representatives and the Senate, is responsible for enacting laws and appropriating money necessary to operate the state government. Under the Constitution of North Dakota, the Legislative Assembly convenes the 1st Tuesday after the 3rd day in January during odd-numbered years and may meet for up to 80 legislative days during the biennium.

2. Bill Preparation

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



3. Bill Introduction



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

4. Bill Number Assignment

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



5. Committee Assignment & Introduction



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

6. Public Hearings

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



7. Committee Recommendation & Report

After receiving public input the committee makes a recommendation on the bill and reports the bill back to the House or Senate. The committee may report the bill:

- Favorably;
- Unfavorably;
- With or without amendments;
- Without any recommendation; or
- Request the bill be rereferred to another committee, with or without amendments.



8. Calendar Placement & Consideration of Amendment

All bills, regardless of type of committee report, will be placed on the calendar for final passage.

9. Floor Debate

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

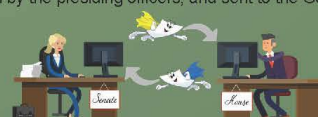


10. Chamber Consideration

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

11. Second House Consideration

- The second house takes the same steps taken by the house of introduction to refer the bill to the proper committee for discussion, public input, and committee recommendations.
- If the second house passes the bill in the same form in which it was passed by the house of introduction, the bill is enrolled, signed by the presiding officers, and sent to the Governor.



- If the second house adopts amendments to the bill, and passes the bill as amended, the bill is sent back to the house of introduction for concurrence.

- If the house of introduction concurs with the changes made by the second house, and passes the bill as amended, the bill is enrolled, signed by the presiding officers, and sent to the Governor.

- If the house of introduction does not concur with second house changes, conference committees will be appointed.



12. Conference Committee

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

- A conference committee report containing the committee's recommendations is forwarded to each house when at least two of the three conference committee members from each house come to an agreement.



13. Enrollment

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



14. Veto Override

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



15. Voters' Referral

Article III of the Constitution of North Dakota allows any group of 25 North Dakota voters to put a bill passed by the Legislative Assembly on the ballot to ask voters to reject the bill. This is called referring a measure. If a majority of votes on the referred measure are affirmative, the bill is rejected and is not law.

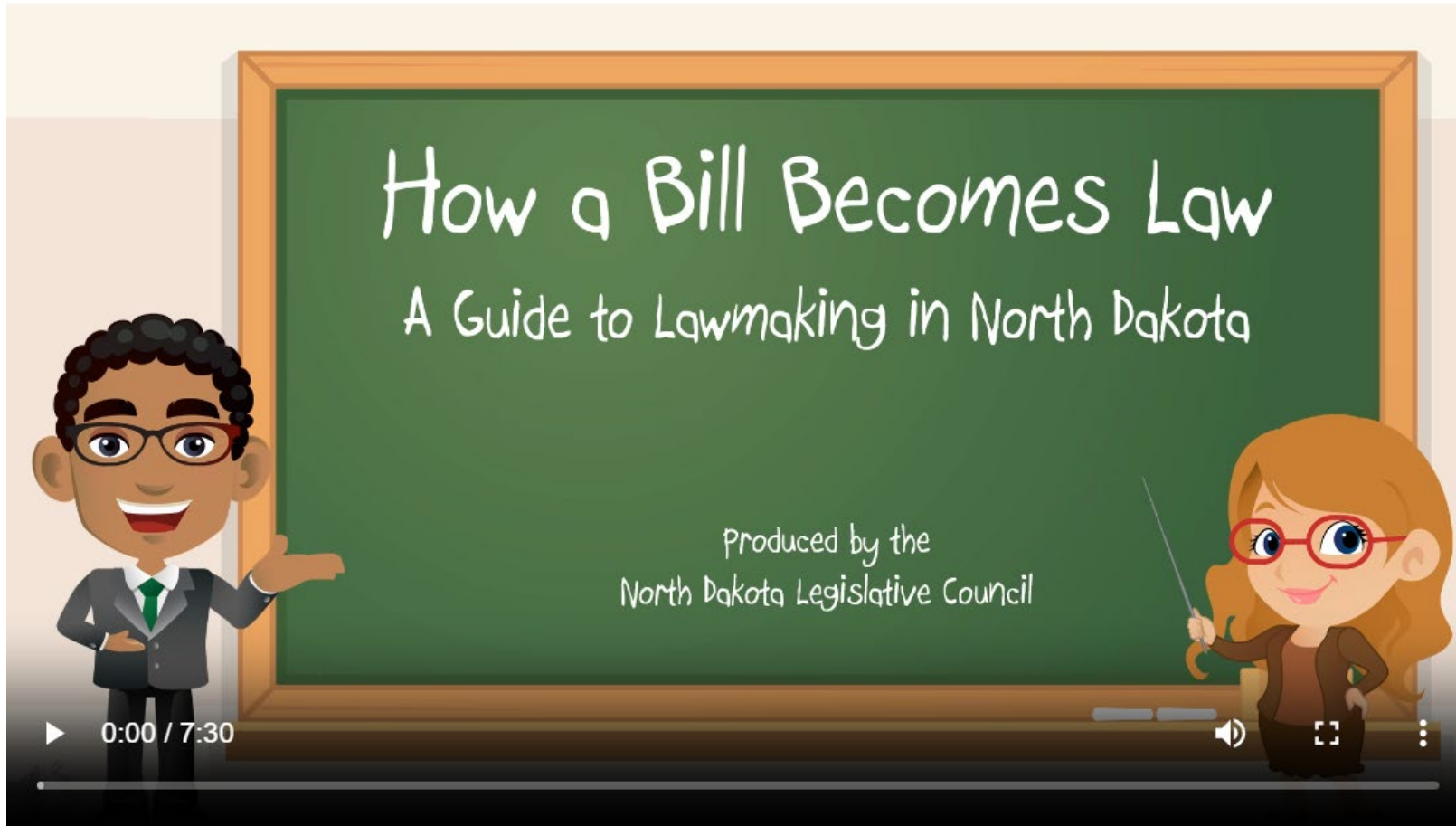


16. Initiated Measure

The Constitution of North Dakota preserves ordinary citizens' rights to make and reject laws. Any group of 25 North Dakota voters may collect signatures to put a new statute or constitutional provision on the ballot. This is called initiating a measure. If a majority of votes on the measure are affirmative, the measure becomes law.



Shameless Plug



Where

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

- First or second house – before or after crossover
- Standing Committee
- Appropriations Committee
- Senate floor amendment
- Conference Committee

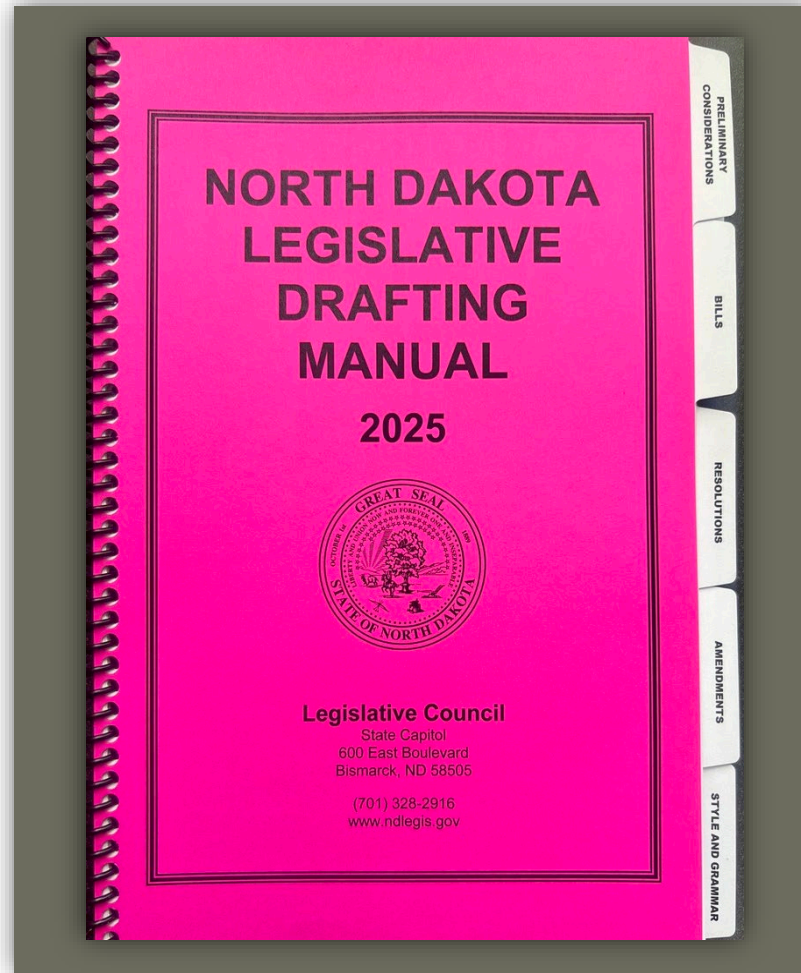
Why?

Change substance of bill or resolution – Identified bill or resolution

Insert new substance – Unidentified bill

- Bill introduction deadline passed
- Revive language of failed bill

How



Get close with the manual, it's your BFF for 80 legislative days
<https://ndlegis.gov/files/documents/legislativedraftingmanual.pdf>

Questions?

Preliminary Considerations

Section 13 of Article IV of the Constitution Of North Dakota:

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

NOTE: See page 7 of the drafting manual.

Preliminary Considerations

Subject Matter

- Workers' compensation – *Section 54-03-25*
- PERS – *Section 54-35-02.4(5)(6)*
- State land exchange – *Section 54-01-05.5*
- Health insurance mandate – *Section 54-03-28*

NOTE: See pages 9-10 of the drafting manual.

Questions?

Amendments = Bill Drafting 2.0



Bill and resolution drafting rules . . . With a few extras!

- Bill Versions
- Amendment Format
- Types of Amendments

Bill Version

Amend proper bill version

- Correct version = version in the custody of committee clerk
- Most recent version on Legislative Council website is not necessarily the correct version to amend
 - Amendments only may be made to the introduced, engrossed, or reengrossed version of a bill or resolution
 - Never amend “marked-up version” aka **Christmas Tree**
 - Never amend version “with” Senate, House, or Conference Committee amendments

TIP: If you don’t know which version to amend:

- Check with committee clerk
- Ask someone who knows

NOTE: See pages 61 and 67-69 of the drafting manual.

Bill Version

- Before preparing 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.

Bill Version

66th Legislative Assembly
SB 2265

Engrossed
HJ House Journal

Overview Versions Actions Video

Search:

VERSION	ACTION
19.0614.03000 E 19.0614.03000 S	INTRODUCED
19.0614.03004 A 19.0614.03004 H	Adopted by the Senate Education Committee
19.0614.04000 E 19.0614.04000 S	FIRST ENGROSSMENT
19.0614.04001 A 19.0614.04001 H	Prepared by the Legislative Council staff for Senate Appropriations Committee
19.0614.05000 E 19.0614.05000 S	SECOND ENGROSSMENT
19.0614.05006 A 19.0614.05006 H	Adopted by the House Education Committee
19.0614.06000 E 19.0614.06000 S	SECOND ENGROSSMENT with House Amendments
19.0614.05008 A 19.0614.05008 H	Prepared by the Legislative Council staff for Representative Delzer
19.0614.07000 E 19.0614.07000 S	SECOND ENGROSSMENT with House Amendments
19.0614.05018 A 19.0614.05018 H	Adopted by the Conference Committee
19.0614.08000 E 19.0614.08000 S	SECOND ENGROSSMENT with Conference Committee Amendments
19.0614.09000	Enrollment

Bill Version

66th Legislative Assembly
SB 2265

HJ House Journal SJ Senate Journal

Overview

Versions

Actions

Video

Search:

DATE ↕	CHAMBER ↕	MEETING DESCRIPTION ↕	JOURNAL ↕
01/14	Senate	Introduced, first reading, referred Education Committee	SJ 199
01/21	Senate	Committee Hearing 09:00	
02/05	Senate	Reported back amended, do pass, amendment placed on calendar 7 0 0	SJ 413
02/06	Senate	Amendment adopted	SJ 423
	Senate	Rereferred to Appropriations	SJ 423
02/07	Senate	Committee Hearing 08:30	
02/13	Senate	Reported back amended, do pass, amendment placed on calendar 14 0 0	SJ 582
02/14	Senate	Laid over one legislative day	SJ 593
02/15	Senate	Laid over one legislative day	SJ 625
02/18	Senate	Laid over one legislative day	SJ 676
02/19	Senate	Amendment adopted, placed on calendar	SJ 727
	Senate	Second reading, passed, yeas 47 nays 0	SJ 727
02/20	House	Received from Senate	HJ 1005
02/27	House	Committee Hearing 04:00	
	House	Introduced, first reading, referred Education Committee	HJ 1021
03/27	House	Reported back amended, do pass, amendment placed on calendar 13 1 0	HJ 1352
03/28	House	Amendment adopted	HJ 1372
	House	Rereferred to Appropriations	HJ 1372
04/08	House	Reported back amended, do pass, amendment placed on calendar 18 1 2	HJ 1582
04/09	House	Amendment adopted, placed on calendar	HJ 1632
04/10	House	Second reading, passed as amended, yeas 74 nays 19	HJ 1666
	Senate	Returned to Senate (12)	SJ 1382

Questions?

Some Good News

- Amendments will no longer cite page and line numbers (“A” document).
- The new proper amendment format consists solely of the “M” document, aka the **Christmas Tree**.



How to Prepare a Bill for Amending

- Find the bill you want to amend.
- Click on the version you want to amend. This will open an .odt file.
- Name and save the file as a Word document.
- Open the bill in its newly saved Word format and begin amending.

2023 Regular Session (68th Legislative Assembly)
Measure Directory

Introduced
Engrossment
Amendment
Enrollment
Legislative Drafting Manual

HB 1001	HB 1002	HB 1003	HB 1004	HB 1005	HB 1006
23023001000	23023101000	23023201000	23023301000	23023401000	23023501000
23023001004	23023101001	23023201020	23023301002	23023401001	23023501001
23023002000	23023102000	23023202000	23023302000	23023402000	23023502000
23023002002	23023102002	23023202007	23023302001	23023402001	23023502001
23023003000	23023103000	23023203000	23023303000	23023403000	23023503000
23023004000	23023104000	23023202010	23023304000	23023404000	23023504000
		23023204000			
		23023205000			
HB 1007	HB 1008	HB 1009	HB 1010	HB 1011	HB 1012
23023601000	23023701000	23023801000	23023901000	23024001000	23024101000
23023601001	23023701001	23023801001	23023901001	23024001001	23024101001
23023602000	23023702000	23023802000	23023902000	23024002000	23024102000
23023602001	23023702002	23023803000	23023902001	23024002001	23024102010
23023603000	23023703000		23023903000	23024003000	23024103000
23023604000	23023702003		23023902002	23024002002	23024102013
	23023704000		23023904000	23024004000	23024104000
	23023705000		23023905000	23024002003	23024105000
				23024005000	
				23024006000	
HB 1013	HB 1014	HB 1015	HB 1016	HB 1017	HB 1018
23024201000	23024301000	23024401000	23024501000	23024601000	23024701000
23024201002	23024301010	23024401001	23024501001	23024601001	23024701011
23024202000	23024302000	23024402000	23024502000	23024602000	23024702000
23024202001	23024302003	23024403000	23024502001	23024602001	23024702002
23024203000	23024303000	23024403005	23024503000	23024603000	23024703000
23024202002	23024302005	23024404000	23024504000	23024604000	23024702003
23024204000	23024304000	23024403006			23024704000
23024205000	23024302007	23024405000			23024702005
	23024305000	23024406000			23024705000
	23024306000				23024706000

Amendment Format

North Dakota Century Code

- Underscore when creating new Century Code text.
- ~~Overstrike~~ when taking out existing Century Code text.
- Always place red overstruck text before green underscored text.
(~~Overstrike~~Underscore)
- Reinstatement of existing Century Code text is blue.
- Insertion of an existing or new section of law from or to the Century Code must appear with a gray background.
- Insertion of a new special clause into a bill must have a blue background.
- Don't forget to renumber Century Code sections or correct Century Code cross-references.

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

PROPOSED AMENDMENTS TO

SENATE BILL NO. 1016

Questions?

Bill 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.

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.

1 A BILL for an Act to amend and reenact subsection 8 of section 19-24.1-01, paragraph 1 of
2 subdivision a of subsection 24 of section 19-24.1-01, section 19-24.1-03, subsection 2 of
3 section 19-24.1-04, subsection 1 of section 19-24.1-15, subsection 2 of section 19-24.1-18,
4 subsection 13 of section 19-24.1-32, and section 19-24.1-37 of the North Dakota Century Code,
5 relating to the medical marijuana program; to provide for the destroying or redacting of social
6 security numbers in the department's possession; and to declare an emergency.

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

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

10 8. "Cannabinoid ~~tincture~~solution" means a solution ~~of alcohol,~~consisting of a mixture
11 created from cannabinoid concentrate; and other ingredients ~~intended for~~
12 ~~consumption.~~

13 **SECTION 2. AMENDMENT.** Paragraph 1 of subdivision a of subsection 24 of section
14 19-24.1-01 of the North Dakota Century Code is amended and reenacted as follows:

15 (1) Cannabinoid ~~tincture~~solution;

Bill Clauses

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.

Don't forget the bill title

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

Example of when you
might amend a creating
clause

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.

Bill Clauses

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

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

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

Special Bill Clauses

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.

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.

Types of Amendments

Correcting Internal References

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

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

NOTE: See page 62 of the drafting manual.

Correcting Century Code References

8	8.	"Genetic sibling" means individuals with genetic relationship of sister, brother,
9		half-sister, or half-brother.
10	9.	<u>"Human service zone" means a county or consolidated group of counties</u>
11		<u>administering human services within a designed area in accordance with an</u>
12		<u>agreement or plan approved by the department.</u>
13	<u>10.</u>	"Identifying" includes full name, address, date of birth, telephone number, or anything
14		that may lead to the identity of any previously undisclosed individual.
15	10. <u>11.</u>	"Investigation" includes information obtained regarding the child's history, a
16		preplacement adoption assessment of the prospective adoptive family, and an
17		evaluation of the child's placement in the adoptive home.
18	11. <u>12.</u>	"Minor" means an individual under the age of eighteen years.

Types Of Amendments

North Dakota Century Code

- Adding new Century Code text = underscore
- Taking out existing text from Century Code = ~~overstrike~~

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

NOTE: See page 62 of the drafting manual.

Century Code – Adding and Removing

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 ~~anya~~ harmful wild bird in this state during daylight hours.

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 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 ~~anya~~ harmful wild bird or mouse in this state during daylight 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.~~

Century Code – Adding and Removing

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.

Adding and Removing - Video Example

FIRST ENGROSSMENT

Sixty-eighth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO.

Introduced by

Representatives Roers Jones, Frelich, Mock, Motschenbacher, D. Ruby, Wagner
Senators Barta, Myrdal

1 A BILL for an Act to create and enact a new section to chapter 39-10.1 of the North Dakota
2 Century Code, relating to bicycling under the influence of alcohol or drugs; to amend and
3 reenact section 39-07-01 and subsection 1 of section 39-10.1-01 of the North Dakota Century
4 Code, relating to a bicycle and a ridden animal being deemed a vehicle; and to provide a
5 penalty.

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

7 **SECTION 1. AMENDMENT.** Section 39-07-01 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **39-07-01. Bicycle or ridden animal to be deemed vehicle.**

10 For

11 1. Except as provided in subsection 2, for the purposes of chapters 39-08 through 39-13,
12 a bicycle or a ridden animal must be deemed a vehicle.

13 2. For purposes of section 39-08-01, a bicycle or ridden animal may not be deemed a
14 vehicle.

0:00 / 2:40

Format for Amending Dollar Amounts

- 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.

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...

Century Code – Reinstating

- 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, 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.

Reinstating - Video Example

1 A BILL for an Act to amend and reenact subsection 8 of section 12-47-21 of the North Dakota
2 Century Code, relating to use of wireless electronic communications devices at the department
3 of corrections and rehabilitation; and to provide a penalty.

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

5 **SECTION 1. AMENDMENT.** Subsection 8 of section 12-47-21 of the North Dakota Century
6 Code is amended and reenacted as follows:

- 7 8. a. It is unlawful for a penitentiary inmate to willfully manufacture, possess, or use a
8 wireless electronic communications device on or within any premises under the
9 control of the department of corrections and rehabilitation or any of its divisions
10 except for law enforcement purposes as authorized by the department of
11 corrections and rehabilitation.
- 12 b. It is unlawful for any person to willfully deliver, or possess with intent to deliver, a
13 wireless electronic communications device to a penitentiary inmate or to any
14 person for redelivery to a penitentiary inmate, or to allow a penitentiary inmate to
15 possess or use a wireless electronic communications device, on or within any
16 premises under the control of the department of corrections and rehabilitation or
17 any of its divisions except for law enforcement purposes as authorized by the
18 department of corrections and rehabilitation.
- 19 c. A violation of this subsection is a class C felony.

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Century Code – Subsections or Subdivisions

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

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.

Types Of Amendments

North Dakota Century Code

Adding Century Code text

- 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
- 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.

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.

Types Of Amendments

North Dakota Century Code

Three ways to reinstate existing Century Code text proposed to be removed:

- Remove overstrike
- Remove entire section from bill
- Remove repeal section from bill

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

Century Code – Remove Entire Section

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

~~**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.~~

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

Types Of Amendments

Removing Proposed New Century Code Text

- Remove or replace new language
- Remove entire section from bill

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

NOTE: See page 62 of the drafting manual.

Removing Proposed New Century Code Text

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

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

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

Inserting Century Code Section and Removing a Section – Video Example

1 A BILL for an Act to create and enact sections 19-03.1-23.5 and 19-03.1-23.6 of the North
2 Dakota Century Code, relating to a mandatory term of imprisonment for manufacturing or
3 delivering fentanyl and fentanyl reporting; to amend and reenact subsection 2 of section
4 29-29.5-08 of the North Dakota Century Code, relating to the disposition of cases involving
5 confidential informants; to provide a penalty; and to provide for application.

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

7 **SECTION 1.** Section 19-03.1-23.5 of the North Dakota Century Code is created and
8 enacted as follows:

9 **19-03.1-23.5. Mandatory term of imprisonment for manufacturing or delivering**
10 **fentanyl.**

- 11 1. An individual arrested for manufacturing, delivery, or possession with intent to
12 manufacture or deliver fentanyl or fentanyl derivatives may not enter a plea agreement
13 dissolving the individual's arrest related to manufacturing, delivery, or possession with
14 intent to manufacture or deliver fentanyl or fentanyl derivatives.
- 15 2. Notwithstanding section 19-03.1-23, an individual who has been arrested for, or pled
16 guilty or nolo contendere to, or has been found guilty of manufacturing, delivery, or
17 possession with intent to manufacture or deliver fentanyl or fentanyl derivatives must
18 be sentenced to a minimum sentence of one year imprisonment.
- 19 3. The court may not defer imposition of sentence or suspend any part of the specified
20 minimum mandatory term under subsection 2 either at the time of or after the
21 imposition of the sentence.

22 **SECTION 1.** A new section to chapter 19-03.1 of the North Dakota Century Code is created

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Adding and Removing a Special Clause – Video Example

- 11 a. The data and report compiled under this section are open records.
- 12 b. The attorney general may require the reporting of additional information not
- 13 specified in this section. The attorney general shall develop standard forms,
- 14 processes, and deadlines for annual submission of fentanyl data by law
- 15 enforcement agencies.
- 16 c. If a law enforcement agency fails to file a report within thirty days after the report
- 17 is due, the attorney general may compel compliance by any means until the
- 18 report is filed.
- 19 d. By November first of each year, the attorney general shall submit to the
- 20 legislative management and the governor a written report summarizing the
- 21 number of deaths that occurred in the state caused by or related to fentanyl
- 22 consumption during the preceding calendar year. The attorney general shall
- 23 make the report available on the attorney general's website.

24 **SECTION 3. AMENDMENT.** Subsection 2 of section 29-29.5-08 of the North Dakota
25 Century Code is amended and reenacted as follows:

- 26 2. ~~After~~Except for a sentence imposed under section 19-03.1-23.5, after consideration of
- 27 an informant agreement, a court may defer imposition of sentence or suspend a
- 28 portion of a minimum mandatory sentence when a confidential informant has
- 29 substantially complied with an informant agreement.

30 **SECTION 4. APPLICATION.** Section 3 of this Act applies to an informant agreement
31 entered after the effective date of this Act.

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Questions?

Bonus Drafting Tips

Definitions

- Adding a definition
 - Keep definitions in alphabetical order
 - Renumber Century Code provisions
 - Check whether a definition is needed – does an applicable definition already exist?
 - Make sure you use the new defined term
 - Check cross-references (**ENTIRE** Century Code)
- Amending a definition – check whether Century Code uses this definition in other laws
- Removing a definition
 - Renumber
 - Check cross-references (**ENTIRE** Century Code)

TIP: When drafting, avoid use of cross-references to subsections

Bonus Drafting Tips – Hogue Amendment

- 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.

NOTE: See page 65 of the drafting manual.

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

~~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.~~

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

Bonus Drafting Tips

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

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:

NOTE: See pages 67 and 82 of the drafting manual.

Bonus Drafting Tips

- Conference Committee amendments – Three types.
- 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](#)).

NOTE: See pages 67-68 and 83 of the drafting manual.

Questions?

North Dakota Legislative Drafting Manual

Call the Legislative Council
701.328.2916