

INTRODUCTION - DRAFTING CHECKLIST

Bills and resolutions may be introduced by a legislator, a standing committee, or the Legislative Council. 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 Council, by filing the bill or resolution with the Secretary of the Senate (Chief Clerk of the House), 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 they wish to have introduced no later than the close of business on the day after the adjournment of the organizational session. Each 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 shall file with the Legislative Council those bills 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, and those bills are deemed introduced by the Appropriations Committee of the Senate or House at the request of the Governor. The bill implementing the budget request of the judicial branch is deemed introduced by the Appropriations Committee of the Senate or House at the request of the Supreme Court, and the bill implementing the budget request of the legislative branch is deemed introduced by the Appropriations Committee of the Senate or House at the request of the Legislative Council. The Legislative Council shall number and deliver bills filed 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 2009 legislation, the deadline for agency bill filing with the Legislative Council will be 5:00 p.m., Thursday, December 4, 2008. Under North Dakota Century Code Section 54-44.1-07, the deadline for appropriation bills implementing the Governor's budget will be 5:00 p.m., Wednesday, December 10, 2008.

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))

Senate and House Rules 405 provide:

1. When a bill or resolution, with the requisite number of copies, is filed with the Secretary of the Senate (Chief Clerk of the House) 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 staff, the Secretary (Chief Clerk) immediately shall cause that bill or resolution to be delivered to the Legislative Council office 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 staff 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 staff 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 staff, 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 may 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-first Legislative Assembly of North Dakota** appear in the upper lefthand corner of the first page, and the words **Sixty-first 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 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 North Dakota 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 subsection of the North Dakota Century Code, has the approval of the code revisor of the Legislative Council been obtained?
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?

9. If the bill contains amendments to the North Dakota Century Code, has all new material been properly underscored, has all material to be deleted been overstruck by dashes, and has it been typed from and proofread against the code?
10. Does all overstruck material being replaced with new material occur **before** the underscored material?
11. Have all words been written out? Do not use abbreviations.
12. Have all references to "and/or" been removed?
13. Do all created sections contain a caption?
14. Have all cross-references in the code that need correction due to a repeal or amendment of a section been included in the bill draft?

If there are any questions concerning the drafting of bills, resolutions, and amendments, please contact:

John Walstad, Code Revisor
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