

PART 2 - BILLS

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

A preliminary consideration in drafting should be whether a similar bill has been previously drafted. If a previously drafted bill can be used as an example, it will greatly assist the drafter. Do not assume that a previously drafted bill is correct, or even appropriate, in present circumstances but do attempt to find an example to consider. 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 into which the bill is introduced. The words **Sixty-first Legislative Assembly of North Dakota** must appear on the first page of all bills introduced in the 2009 legislative session. The words **Sixty-first 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 the rules in effect during the 2007 legislative session, the number of sponsors of a bill was limited to no more than six 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 describes the content of unnumbered, unlocated created sections of law and lists the numbered or unnumbered but located sections of the Century Code or Session Laws treated by the bill and the nature of the treatment, i.e., whether the sections are created, amended, or repealed. At the end of this part, Example 5 illustrates unnumbered, unlocated sections and Example 8 illustrates an unnumbered but located section. The title of a bill must also 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 numbered or unnumbered but located 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 Article IV, Section 13, 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.

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 following manner:

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 sections, subsections, subdivisions, paragraphs, and subparagraphs being repealed in numerical order.
5. A legislative intent statement (intent statements are discouraged - see page 95).
6. A Legislative Council or agency study suggestion or directive.
7. A penalty.
8. An appropriation.
9. An effective date.
10. A provision for retroactive application.
11. An expiration date.
12. A declaration of emergency.

If a bill creates, amends, or repeals provisions of the North Dakota Century Code and provisions of the Session Laws, the listing of Session Laws provisions should follow the listing of Century Code provisions. The following example of a bill title contains all of these items in the proper order:

- 1 A BILL for an Act to provide for the creation of certain banking corporations;
- 2 to create and enact section 6-03-67.1 and a new section to chapter 6-04
- 3 of the North Dakota Century Code, relating to bank deposit insurance; to
- 4 amend and reenact sections 6-02-03, 6-02-07, and, if House Bill No. 1044
- 5 of the sixty-first legislative assembly does not become effective, 6-03-01
- 6 of the North Dakota Century Code, relating to insurance requirements and
- 7 organization certificates and certificates of authority of state banking
- 8 associations; to repeal section 6-01-18 of the North Dakota Century Code
- 9 and section 4 of chapter 350 of the 2007 Session Laws, relating to reports
- 10 of insured institutions; to provide a statement of legislative intent; to provide
- 11 for a legislative council study; to provide a penalty; to provide an appropriation;
- 12 to provide a continuing appropriation; to provide an effective date; to
- 13 provide for retroactive application; to provide an expiration date; and
- 14 to declare an emergency.

One exception to the general rule governing the proper order of items in a bill title is that if a bill primarily intended to provide an appropriation includes new law or an amendment to the North Dakota Century Code or Session Laws, the appropriation should be the first reference in the title.

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). North Dakota 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.

In the body of the bill, the listing sequence differs from that in the title. The created and amended sections must be arranged in numerical order by Century Code section number, without regard to whether the sections are created or amended; amended sections of the Session Laws are then listed in chronological order and within chronological order in numerical order by chapter number; and the repealed sections and chapters must be listed in numerical order at the end of the bill in one repeal section (more than one repeal section may be used if repeals will have differing effective dates). 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 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.

The special clauses--penalty clause, appropriation clause, effective date clause, retroactive application clause, expiration date clause, and emergency clause--should be placed in the same order as in the title, and following the substantive provisions of the bill. An exception to this rule for placement of special clauses exists. When a bill, the primary purpose of which is to provide an appropriation, has substantive provisions added, the appropriation section remains the first section of the bill.

Use of Overstrike and Underscore

In amending the Century Code or Session Laws, extreme care should be taken that each amended section conforms **exactly** to the existing law, including punctuation. Any material contained in a section of the Century Code or Session Laws which is to be deleted by an amendment to that section must be shown in the bill, and must be indicated by being overstruck by dashes. All new material inserted in an existing section must be underscored. **New material (indicated by underscores) replacing old material (indicated by overstrikes) should follow the old material 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 word is to be changed from singular to plural or vice versa, all of the old word must be overstruck and all of the new word must be underscored.**

All new law must be underscored whether amendments are included or a bill contains only new law. However, certain special clauses are not underscored, including effective date and expiration date clauses, emergency clauses, repealer clauses, Legislative Council 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 Clause

The purpose of the amending clause is to point out where the current and official version of the law to be amended is located. The amending clause must refer to the section of law being amended. If the law to be 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 Assembly. 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 (with a section identification number) to amend a section of law found in the Century Code should refer to the North Dakota 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 (with a section identification number) 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 3. AMENDMENT. Section 22 of chapter 95 of the 2007 Session Laws is amended and reenacted as follows:

The amending clause (with a section identification number) 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 4. AMENDMENT. Section 40-18-15.1 of the North Dakota Century Code, as amended by section 159 of chapter 326 of the 2007 Session Laws, is amended and reenacted as follows:

The amending clause (with a section identification number) to amend a bill passed during the same Legislative Assembly should refer to the appropriate bill as follows:

SECTION 5. AMENDMENT. Section 6 of House Bill No. 1046, as approved by the sixty-first 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 (with a section identification number) to amend a section of an initiated measure adopted but not codified is:

SECTION 6. AMENDMENT. Section 1 of initiated measure No. 1 as adopted at the (primary/general) election in 2008 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. 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 (with a section identification number) to amend a subsection is:

SECTION 7. 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 (with a section identification number) to amend multiple subsections is:

SECTION 8. 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 9. AMENDMENT. Section 26.1-36-06 of the North Dakota Century Code as created by Senate Bill No. 2078, as approved by the sixty-first legislative assembly, is amended and reenacted as follows:

SECTION 10. 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 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 North Dakota Century Code volume or the supplement in which the most recent version of the section appears.

Creating Clause

Creation of new North Dakota Century Code numbers should be avoided when creating a new chapter, section, or subsection of the Century Code. Any assignment of new Century Code chapter, section, or subsection numbers must be cleared with the code revisor of the Legislative Council. When a proposed law of a general and permanent nature is enacted and contains no North Dakota Century Code numbers, the proper numbers will

be inserted by the code revisor 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. Also, North Dakota 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 locate new material in a specific title or chapter in order to use general provisions contained in the chapter or title such as definitions or penalty provisions. In such a case, the new material may be unnumbered but located in the specific title or chapter desired. The creating clause (with a section identification number) 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 (with a section identification number) 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 (with a section identification number) 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. If a new subsection is added, the drafter must exercise care in not amending the section because other amendments to the existing section are often required. The creating clause (with a section identification number) for creating a new subsection without specifying a new subsection number 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-first 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-first 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 code number (if used) and caption (headnote), 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 notice 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. North Dakota Century Code 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 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.

SPECIAL CLAUSES

Special clauses, although an integral part of certain bills, are usually not published as permanent law in the North Dakota Century Code. Therefore, special clauses do not have to be underscored when they appear in bills that also amend Century Code sections. However, some special clauses, such as penalty clauses, are published as permanent law and must 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.** 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, North Dakota Century Code Section 1-02-20 is a statutory savings clause.

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 North Dakota Century Code are being repealed, the repeal section (with a section identification number) may 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 North Dakota 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 North Dakota 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 prior to 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 in order to avoid future statutory construction problems.**

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.

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 North Dakota Century Code Section 12.1-32-01. An example of a penalty clause **for a law to be codified outside Title 12.1** is:

SECTION 1. Penalty. Any person who willfully violates this (Act, chapter, etc., as appropriate) is guilty of a class B misdemeanor.

Any penalty clause to be codified outside of 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). North Dakota Century Code 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. Penalty. Any person who violates this (Act, chapter, etc., as appropriate) is guilty of a class B misdemeanor.

A penalty must also be noted in the title if found in a section containing other substantive provisions.

Appropriation Clause

An appropriation must be noted in the title of the bill.

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

SECTION 1. APPROPRIATION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of (amount in numerals), or so much of the sum as may be necessary, to (name of agency) for the purpose of _____, for the biennium beginning July 1, 2009, and ending June 30, 2011.

If funds are available from more than one source and detail regarding estimated expenditures is available, 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 special funds derived from federal funds and other income, to (name of agency) for the purpose of _____, for the biennium beginning July 1, 2009, and ending June 30, 2011, 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	<u>(amount in numerals)</u>
Total all funds	\$(amount in numerals)
Less estimated income	<u>(amount in numerals)</u>
Total general fund appropriation	\$(amount in numerals)

However, if the entire appropriation is from federal or other funds, the "Total all funds", "Less estimated income", 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 should be eliminated.

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

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. Article IV, Section 13, of the Constitution of North Dakota provides the time a bill becomes effective if the bill does not contain an effective date. North Dakota Century Code Section 1-02-42 provides rules of construction relating to determining effective dates of legislation under the constitutional provision. If a bill is to become effective before the time it would normally become effective under Article IV, Section 13, 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, 2008.

SECTION 2. EFFECTIVE DATE. This Act becomes effective on January 1, 2010.

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 exceeding fifty-five miles per hour are no longer in effect, but only if that day is before August 1, 2011.

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, 2009.

SECTION 5. CONTINGENT EFFECTIVE DATE. Section 4 of this Act becomes effective on the date that 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-first 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-first legislative assembly and approval of that resolution by the electors of this state. If this Act takes effect, it becomes effective on January 1, 2011.

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

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, 2007.

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

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, 2010, and after that date is ineffective.

SECTION 2. EXPIRATION DATE - SUSPENSION. This Act is effective through July 31, 2011, 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, 2011. Sections 9-10-07 and 32-03-07 as they existed on the day before the effective date of this Act become effective as of August 1, 2011.

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 declaring an emergency** or **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.

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.

AMENDMENTS TO CODE SECTIONS WITH EFFECTIVE DATE NOTATIONS

In a North Dakota Century Code section that contains an effective date or expiration date notation preceding the caption, the notation is considered to be of 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. The effective date or expiration date for the version can also be changed by overstriking and underscoring a new date in the notation. If such a change is made, the phrase "to provide an effective date" or "to provide an expiration date" should 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 12. EFFECTIVE DATE. Except as otherwise provided in this Act, this Act is effective January 1, 2010.

SECTION 12. EXPIRATION DATE. Except as otherwise provided in this Act, this Act is effective through July 31, 2011, 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 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, 2009, 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, 2009, 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 Amending a Section of the North Dakota Century Code
2. A Bill Amending a Subsection of a Section of the North Dakota Century Code
3. A Bill Amending a Number of Sections and Subsections of Sections of the North Dakota Century Code (also illustrates an Agency Bill)
4. A Bill Amending a Section in a Chapter of the Session Laws (also illustrates an Agency Bill)
5. A Bill Creating New Law (also illustrates an Agency Bill)
6. A Bill Creating a New Unnumbered Chapter to a Title of the North Dakota Century Code
7. A Bill Creating a New Numbered Chapter of the North Dakota Century Code
8. A Bill Creating a New Unnumbered Section to a Chapter of the North Dakota Century Code
9. A Bill Creating a New Numbered Section of the North Dakota Century Code
10. A Bill Creating New Unnumbered Subsections to a Section of the North Dakota Century Code
11. A Bill Creating a New Numbered Subsection to a Section of the North Dakota Century Code (also illustrates an Interim Committee Bill)
12. A Bill Repealing a Section of Existing Law (also illustrates a Delayed Bill)
13. A Bill Repealing a Chapter of Existing Law
14. A Bill Amending a Bill That Amended an Existing Section of the North Dakota Century Code
15. A Bill Amending a Bill That Created a New Unnumbered Section of the North Dakota Century Code
16. A Bill Amending a Bill That Created a New Numbered Section of the North Dakota Century Code
17. A Section of a Bill Deleting a Subsection of a Section of the North Dakota Century Code (also illustrates second page of a bill)
18. A Bill Inserting a New Subsection Between Two Subsections of a Section of the North Dakota Century Code
19. A Bill Amending a Caption (Section Heading)
20. A Bill to Provide an Appropriation
21. A Bill to Provide an Appropriation to a Specific Entity for a Specified Purpose
22. A Bill Title Illustrating the Order of Clauses
23. A Bill Alternatively Amending a Section of the North Dakota Century Code
24. A Bill Creating New Law by Adopting a Uniform Act
25. A Bill Amending a Section of the North Dakota 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 Amending a Section of the North Dakota Century Code

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

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

Sixty-first
Legislative Assembly
of North Dakota

SENATE BILL NO.

Introduced by

Senators Erickson, Chance, Kralick, Milton

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
6 North Dakota Century Code is amended and reenacted as follows:

7 1. Not later than the primary election in ~~2006~~ 2010, the secretary of state
8 shall establish the central voter file in cooperation with the department of
9 transportation and county auditors.

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Example 3 - A Bill Amending a Number of Sections and Subsections of Sections of the North Dakota Century Code

Sixty-first
Legislative Assembly
of North Dakota

HOUSE BILL NO.

Introduced by

Agriculture Committee

(At the request of the Board of University and School 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
10 North 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 ~~five~~
15 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
18 North 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 4 - A Bill Amending a Section in a Chapter of the Session Laws

Sixty-first
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 2007 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 2007 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 hereby
9 created composed of the vice president for agriculture at North Dakota
10 state university; the director of the North Dakota main agriculture
11 experiment station; ~~the director of the cooperative agricultural extension~~
12 ~~service at North Dakota state university;~~ the chairman of the department
13 of animal science at North Dakota state university; three members of the
14 legislative assembly selected by the chairman of the

Example 5 - A Bill Creating New Law

Sixty-first
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. Surface mining operation - Report required.** Except as
7 provided for in section 6 of this Act, a person may not conduct a surface mining
8 operation without complying with the reporting requirements of this Act.

9 **SECTION 2. Annual report to committee - When filed - Contents.** Any
10 person conducting a surface mining operation shall file with the state soil
11 conservation committee a report on each surface mining operation conducted
12 during the calendar year. The report must be filed on or before December
13 thirty-first of each year in which the surface mining operation is conducted. The
14 annual report

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

Example 6 - A Bill Creating a New Unnumbered Chapter to a Title of the North Dakota Century Code

Sixty-first
Legislative Assembly
of North Dakota

SENATE BILL NO.

Introduced by

Senators Bostock, Cabbage, Ward, Puckett, Gomez

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.** A person, partnership, or corporation may not
8 engage in the business of wholesaling motorcycles in North Dakota without first
9 being licensed to do so as provided in this chapter. The director of the department
10 of transportation shall issue a wholesale dealer license only to a person who
11 engages in the business of wholesaling motorcycles to another wholesale
12 motorcycle dealer or licensed motorcycle dealer.

13 **Bond required.** Before the issuance of a wholesale motorcycle dealer
14 license, the applicant 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 Legislative Council staff must be notified.

Example 7 - A Bill Creating a New Numbered Chapter of the North Dakota Century Code

Sixty-first
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
7 and enacted as follows:

8 **38-16-01. Surface mining operation - Report required.** Except as
9 provided for in section 38-16-06, a person may not conduct a surface mining
10 operation without complying with the reporting requirements of this chapter.

11 **38-16-02. Annual report to committee - When filed - Contents.** Any
12 person conducting a surface mining operation shall file with the state soil
13 conservation committee a report on each surface mining operation conducted
14 during the calendar year. The report must be filed on or before December
15 thirty-first

NOTE: The creation of numbered sections is useful when internal cross-references are required. Examples 5 and 8 illustrate the preferred styles for creating new sections. If numbered sections are being created, the Legislative Council staff must be notified.

Example 8 - A Bill Creating a New Unnumbered Section to a Chapter of the North Dakota Century Code

Sixty-first
Legislative Assembly
of North Dakota

SENATE BILL NO.

Introduced by

Senator Santana

Representative Anderson

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

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

Example 9 - A Bill Creating a New Numbered Section of the North Dakota Century Code

Sixty-first
Legislative Assembly
of North Dakota

SENATE BILL NO. 2285

Introduced by

Senators Blyleven, Pascual, Santana

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

Example 10 - A Bill Creating New Unnumbered Subsections to a Section of the North Dakota Century Code

Sixty-first
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 11 - A Bill Creating a New Numbered Subsection to a Section of the North Dakota Century Code

Sixty-first
Legislative Assembly
of North Dakota

SENATE BILL NO.

Introduced by

Legislative Council

(Finance and Taxation Committee)

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

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

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

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

NOTE: The creation of numbered subsections to a section should be avoided. Example 10 illustrates the preferred style for creating new subsections.

Example 12 - A Bill Repealing a Section of Existing Law

Sixty-first
Legislative Assembly
of North Dakota

HOUSE BILL NO.

Introduced by

Representatives Versalles, Killebrew

Senators Morneau, Carew

(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 13 - A Bill Repealing a Chapter of Existing Law

Sixty-first
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 14 - A Bill Amending a Bill That Amended an Existing Section of the North Dakota Century Code

Sixty-first
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1036

Introduced by

Representatives Kaat, Blyleven, Radke

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 persons 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 as amended in section 1 of House Bill No. 1176, as approved by the sixty-first
7 legislative assembly, is amended and reenacted as follows:

8 **5-01-08. Persons under ~~nineteen~~ eighteen years of age prohibited from**
9 **entering licensed premises - Penalty - Exceptions.** Except as permitted in this
10 section and section 5-02-06, any person under ~~nineteen~~ eighteen years of age
11 purchasing, attempting to purchase, or being in possession of alcoholic beverages,
12 or furnishing money to any person for such purchase, or entering any licensed
13 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 1 for "House Bill No. 1176". The only overstrike and underscore appearing in this version are those effectuating the changes made by this bill.

Example 15 - A Bill Amending a Bill That Created a New Unnumbered Section of the North Dakota Century Code

Sixty-first
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. 1036, as
3 approved by the sixty-first 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. 1036, as approved
8 by the sixty-first legislative assembly, is amended and reenacted as follows:

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

Example 16 - A Bill Amending a Bill That Created a New Numbered Section of the North Dakota Century Code

Sixty-first
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-first 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-first
8 legislative assembly, is amended and reenacted as follows:

9 **6-03-76. Use of premiums by banking institutions prohibited –**
10 **Exception.** The use of drawings, contests, ~~services not provided on the premises~~
11 ~~of banking institutions~~, gifts, or premiums in connection with the opening or
12 promotion of business of any banking institution, branch, drive-in facility, or paying
13 and receiving station of any banking institution or for the purpose of establishing,
14 maintaining, or increasing any deposits, loans, investment certificates, or trusts is
15 prohibited.

NOTE: See Example 9 for "Senate Bill No. 2285".

Example 17 - A Section of a Bill Deleting a Subsection of a Section of the North Dakota Century Code

Sixty-first
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~~.** Any contiguous
4 territory in this state, not exceeding four square miles [1035.99 hectares] in area,
5 not already included within the corporate limits of any incorporated ~~municipality~~ city,
6 may become incorporated as a ~~village~~ or city whether ~~such~~ the territory is located in
7 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~~
11 ~~less~~ no fewer than ~~two~~ fifty ~~nor more than five~~ hundred inhabitants, it may
12 become incorporated as a ~~village~~ or as a city under the council or modern
13 council 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 is preferred over repeal of the subsection. In either case, the drafter should determine whether any statutory cross-references to the deleted subsection and to the renumbered subsections need to be corrected.

Example 18 - A Bill Inserting a New Subsection Between Two Subsections of a Section of the North Dakota Century Code

Sixty-first
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
5 Century Code is amended and reenacted as follows:

6 **20.1-13-06. Exemption from numbering provisions of this chapter.** A
7 motorboat ~~shall~~ is not be required to be numbered under this chapter if it is any of
8 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
12 ninety 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.

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Example 19 - A Bill Amending a Caption (Section Heading)

Sixty-first
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
5 Century 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.** ~~The lease A~~
9 ~~financing agreement~~ must provide that rents payments due under the financing
10 agreement are payable solely from appropriations to be made by the legislative
11 assembly for ~~the such~~ payment of the lease rent or, money available to the lessee
12 state not requiring appropriation, money generated from charges made for use of
13 the project, any revenues derived by the commission from the operation of the
14 project, or any combination of such moneys. The financing agreement may provide
15 that the commission upon nonpayment of ~~lease rents~~ is immediately entitled to the
16 peaceable possession, access, and occupancy of the project and all appurtenances
17 and easements appertaining thereto, and may maintain and operate the project or
18 execute leases for the project or sell the project to political subdivisions of the state
19 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 North Dakota Century Code 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 20 - A Bill to Provide an Appropriation

Sixty-first
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 special
7 funds derived from federal funds and other income, to the state library coordinating
8 council for the purpose of defraying the expenses of that council, for the biennium
9 beginning July 1, 2009, and ending June 30, 2011, 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 estimated income	<u>9,677,333</u>
16	Total general fund appropriation	\$1,027,625

Example 21 - A Bill to Provide an Appropriation to a Specific Entity for a Specified Purpose

Sixty-first
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.** There is appropriated out of any moneys
5 in the general fund in the state treasury, not otherwise appropriated, the sum of
6 \$875,000, or so much of the sum as may be necessary, to the state board for
7 career and technical education for the purpose of contracting with institutions of
8 higher education assigned primary responsibility for workforce training in this state,
9 for the biennium beginning July 1, 2009, and ending June 30, 2011.

Example 22 - A Bill Title Illustrating the Order of Clauses

Sixty-first
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
2 create and enact section 6-03-67.1 and a new section to chapter 6-04 of the North
3 Dakota Century Code, relating to bank deposit insurance; to amend and reenact
4 sections 6-02-03, 6-02-07, if House Bill No. 1044 of the sixty-first legislative
5 assembly does not become effective 6-03-01, and 6-03-76 of the North Dakota
6 Century Code and section 4 of chapter 350 of the 2007 Session Laws, relating to
7 insurance requirements and organization certificates and certificates of authority of
8 state banking associations; to repeal section 6-01-18 of the North Dakota Century
9 Code, relating to reports of insured institutions; to provide a penalty; to provide an
10 appropriation; to provide a continuing appropriation; to provide an effective date; to
11 provide for retroactive application; to provide an expiration date; and to declare an
12 emergency.

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

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

Sixty-first
Legislative Assembly
of North Dakota

SENATE BILL NO.

Introduced by

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

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

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

Sixty-first
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, relating to the enforcement of
2 voluntary written agreements to arbitrate disputes.

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

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

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

Sixty-first
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.

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. (Effective through June 30, 2009) Term of office - Vacancy.**

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 **(Effective July 1, 2009) Term of office - Removal - Vacancy.** The term of
13 office of the commissioner is four years beginning July first of the year following the
14 general election of the board members and ending June thirtieth of the fourth
15 calendar year after appointment or until a successor is appointed and qualified.
16 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, 2009, 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-first
Legislative Assembly

1 **15-39.1-10.6. Benefit limitations.** Benefits with respect to a member
2 participating under former chapter 15-39 or chapter 15-39.1 or 15-39.2 may not
3 exceed the maximum benefits specified under section 415 of the Internal Revenue
4 Code [26 U.S.C. 415] in effect on August 1, ~~2003~~ 2009, for governmental plans.
5 This section does not constitute an election under section 415(b)(10)(C) of the
6 Internal Revenue Code [26 U.S.C. 415(b)(10)(C)] in effect on August 1, ~~2003~~ 2009.

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