

2023 Legislative Drafting Seminar: Amendments to Bills and Resolutions

October 4, 2022

Samantha Kramer

Senior Counsel and Assistant Code Revisor

Overview

AMENDMENT BASICS

PRELIMINARY CONSIDERATIONS

GOAL

BILL VERSION

AMENDMENT FORMAT

TYPES OF AMENDMENTS

BONUS DRAFTING TIPS

AMENDMENT BASICS

- What?
- Who?
- When?
- Where?
- Why?
- How?

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. . . .

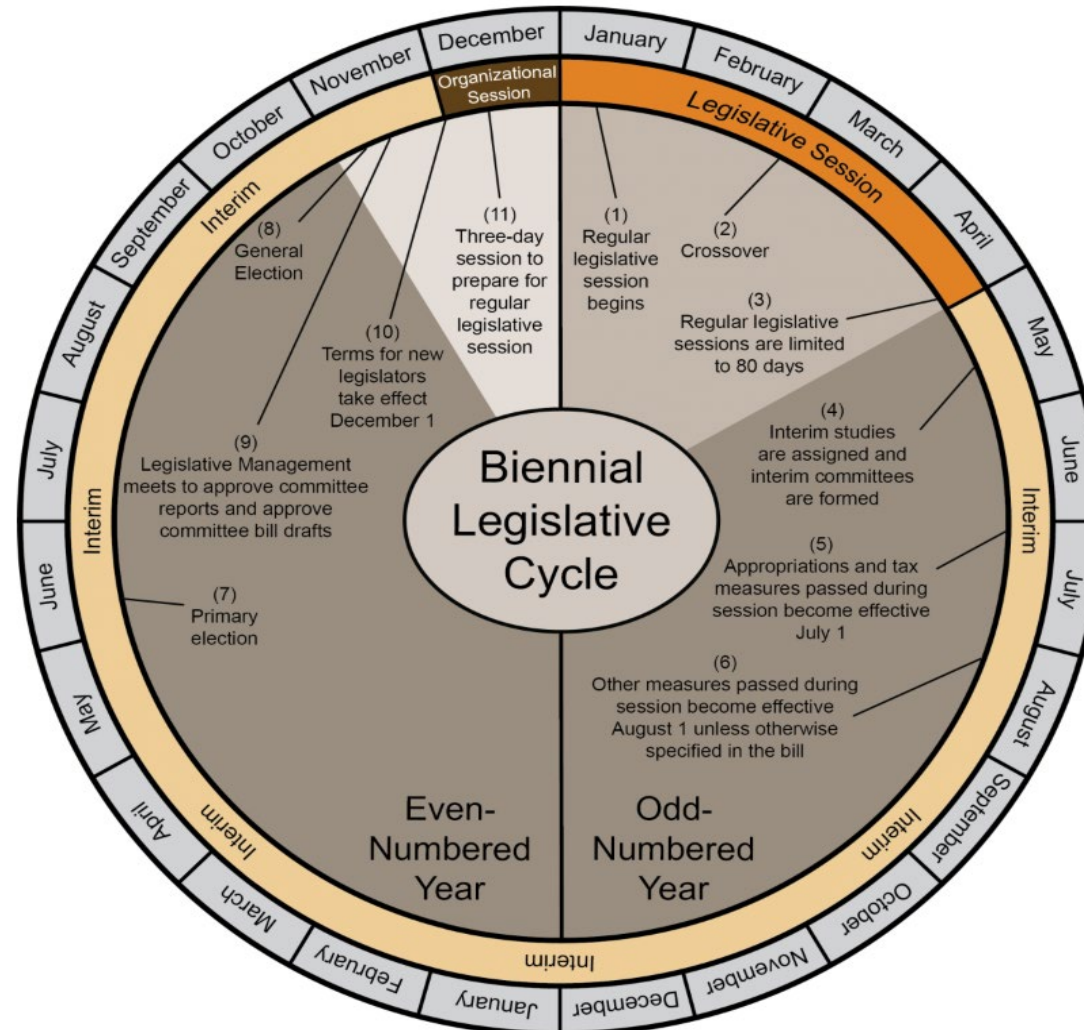
Black's Law Dictionary (11th Ed.)

WHO

Lobbyist

- NDCC 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

23.9036.01000

2023 Legislative Deadlines

Date	Legislative Day	
December 5-7, 2022 (Monday through Wednesday)		Organizational session ¹
December 8 (Thursday)		Deadline for executive agencies and Supreme Court to file bills with the Legislative Council
January 3 (Tuesday)	1 st	Session begins ¹ (Tribal-State Relationship message, State of the Judiciary, and State of the State Address)
January 4 and 5 (Wednesday and Thursday)		No floor sessions, standing committees will meet
January 9 (Monday)	3 rd	No more than five bills may be introduced by each Representative after this date
January 16 (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 23 (Monday)	13 th	Deadline for Senators to introduce bills
January 26 (Thursday)	16 th	Deadline for introducing resolutions except amendments to the Constitution of North Dakota and study resolutions
February 8 (Wednesday)	25 th	Deadline for rereferrals of bills in house of origin to Appropriations Committees
February 20 (Monday)	33 rd	George Washington's Birthday ²
February 21 (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 24 (Friday)	37 th	Crossover date for bills ³
February 27 and 28 (Monday and Tuesday)		Recess
March 1 (Wednesday)	38 th	Reconvene from crossover break
March 7 (Tuesday)	40 th	Study resolutions and proposed constitutional amendments must be reported out of committee
March 10 (Friday)	45 th	Crossover date for resolutions
March 28 (Tuesday)	57 th	Deadline for rereferrals of bills in second house to Appropriations Committees
April 7 (Friday)	65 th	Bills and resolutions must be reported out of committee in second house - Good Friday ²
April 28 (Friday)	80 th	Session limited to 80 legislative days ⁴

¹Section 7 of Article IV of the Constitution of North Dakota. North Dakota Century Code Sections 54-03-02 and 54-03.1-02.

²In 2021 the House and Senate were in session on Martin Luther King Day and George Washington's Birthday. Generally, both the House and the Senate have been in session on Good Friday.

³In 2021 the House and Senate made crossover on the 35th legislative day, Wednesday, February 24.

⁴Section 7 of Article IV of the Constitution of North Dakota limits regular sessions to 80 natural days during a biennium and defines a "natural day" as a period of 24 consecutive hours. House and Senate Rules 104 provide that a legislative day begins at 7:00 a.m., so each legislative day ends at 7:00 a.m. the following day.

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.

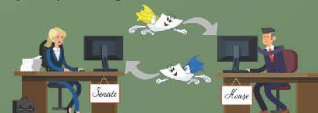


10. Chamber Consideration

- 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.



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

NORTH DAKOTA LEGISLATIVE DRAFTING MANUAL 2023

Legislative Council

State Capitol
600 East Boulevard
Bismarck, ND 58505

(701) 328-2916
www.ndlegis.gov

- *This is your BFF for 80 Legislative Days*
- www.legis.nd.gov/legislative-drafting-manual

Questions?

Preliminary Considerations

CONSTITUTION OF NORTH DAKOTA – SECTION 13

“ . . . 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 ”

*NDLDM page 6

Preliminary Considerations

SUBJECT MATTER

- Workers' compensation
- PERS
- State land exchange
- Health insurance mandate

*NDLDM pages 8-9

Questions?

GOAL

Sixty-sixth
Legislative Assembly

Cooperate with the department or other human service zones in revising human service zone operations to reflect department guidelines or best practices that may be based on recommendations from experimental or pilot programs.

3. Aid and assist in every reasonable way to efficiently coordinate and conduct human services activities within the human service zone by private as well as public organizations.
4. Subject to subsection 16 of section 50-06-05.1, administer the supplemental nutrition assistance program in the human service zone in conformity with the Food Stamp Act of 1964, and enter an agreement for administering the supplemental nutrition assistance program with the department.
5. Subject to subsection 18 of section 50-06-05.1, administer the home energy assistance program in the human service zone and enter an agreement for administering the home energy assistance program with the department.
6. Charge and collect fees and expenses for services provided by the human service zone's staff in accordance with policies and fee schedules adopted by the department.
7. Supervise and administer designated child welfare services.
8. Supervise and administer human services.
9. Supervise and administer replacement programs with substantially similar goals, benefits, or objectives.
10. As necessary, supervise and administer experimental, pilot, statewide, regional, or transitional programs with substantially similar goals, benefits, or objectives.
11. ✓ Cooperate with any other human service zone to assure the conduct of initial and ongoing human services with respect to any applicant or eligible beneficiary who is physically present in a human service zone other than the human service zone of which the applicant or eligible beneficiary is a resident.
13. Employ a human service zone director who shall serve as the presiding officer of the human service zone board.
14. Collaborate with the department and other human service zones to ensure the provision of quality, effective, and efficient human services to the citizens of North Dakota.

Page 66, line 17, replace "As necessary" with "If applicable"

Page 66, line 18, after "programs" insert "under the director of the department and"

Page 66, line 18, replace "substantially similar" with "the"

Page 66, line 18, replace ". benefits, or objectives" with "of enhancing quality, effectiveness, and efficiency of programs and services"

Page 66, line 19, after "11." insert "Cooperate with the department or other human service zones in revising human service zone operations to reflect department guidelines or best practices that may be based on recommendations from experimental or pilot programs."

12."

Page 66, line 23, replace "12." with "13."

Page 66, line 25, replace "13." with "14."

GOAL

Sixty-sixth
Legislative Assembly

- 1 10. ~~As necessary~~ If applicable, supervise and administer experimental, pilot, statewide,
- 2 regional, or transitional programs under the director of the department and with
- 3 substantially similar the goals, benefits, or objectives of enhancing quality,
- 4 effectiveness, and efficiency of programs and services.
- 5 11. Cooperate with the department or other human service zones in revising human
- 6 service zone operations to reflect department guidelines or best practices that may be
- 7 based on recommendations from experimental or pilot programs.
- 8 12. Cooperate with any other human service zone to assure the conduct of initial and
- 9 ongoing human services with respect to any applicant or eligible beneficiary who is
- 10 physically present in a human service zone other than the human service zone of
- 11 which the applicant or eligible beneficiary is a resident.
- 12 ~~12-13.~~ Employ a human service zone director who shall serve as the presiding officer of the
- 13 human service zone board.
- 14 ~~13-14.~~ Collaborate with the department and other human service zones to ensure the
- 15 provision of quality, effective, and efficient human services to the citizens of North
- 16 Dakota.

- 29 10. If applicable, supervise and administer experimental, pilot, statewide, regional, or
- 30 transitional programs under the director of the department and with the goals of
- 31 enhancing quality, effectiveness, and efficiency of programs and services.

Page No. 66

19.8057.03000

Sixty-sixth
Legislative Assembly

- 1 11. Cooperate with the department or other human service zones in revising human
- 2 service zone operations to reflect department guidelines or best practices that may be
- 3 based on recommendations from experimental or pilot programs.
- 4 12. Cooperate with any other human service zone to assure the conduct of initial and
- 5 ongoing human services with respect to any applicant or eligible beneficiary who is
- 6 physically present in a human service zone other than the human service zone of
- 7 which the applicant or eligible beneficiary is a resident.
- 8 13. Employ a human service zone director who shall serve as the presiding officer of the
- 9 human service zone board.
- 10 14. Collaborate with the department and other human service zones to ensure the
- 11 provision of quality, effective, and efficient human services to the citizens of North
- 12 Dakota.

Amendments=Bill Drafting 2.0

Bill and resolution drafting rules . . . **PLUS**

- Bill Version
- Amendment Format
- Types of Amendments

Questions?

BILL VERSION

Amend proper bill version


- Correct version = version in the custody of committee clerk
- Most recent version on LC website is not necessarily the correct version to amend
 - 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:

- NDLDLDM pages 61 and 65-68
- Check with committee clerk
- Ask someone who knows

BILL VERSION

66th Legislative Assembly SB 2265

 House Journal


Overview


Versions

Actions

Video



Search:

VERSION 

ACTION 

19.0614.03000 
19.0614.03000 



INTRODUCED

19.0614.03004 
19.0614.03004 

Adopted by the Senate Education Committee

19.0614.04000 
19.0614.04000 


FIRST ENGROSSMENT

19.0614.04001 
19.0614.04001 



Prepared by the Legislative Council staff for Senate Appropriations Committee

19.0614.05000 
19.0614.05000 

SECOND ENGROSSMENT

19.0614.05006 
19.0614.05006 



Adopted by the House Education Committee

19.0614.06000 
19.0614.06000 

SECOND ENGROSSMENT  with House Amendments

19.0614.05008 
19.0614.05008 



Prepared by the Legislative Council staff for Representative Delzer

19.0614.07000 
19.0614.07000 

SECOND ENGROSSMENT  with House Amendments

19.0614.05018 
19.0614.05018 

Adopted by the Conference Committee

19.0614.08000 
19.0614.08000 

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 131 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 181 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?

AMENDMENT FORMAT

Format amendment by citation to page and line numbers

- Changes are listed in separate amendment instructions or transactions
- Changes are addressed in order: from top to bottom, left to right

Page 1, line 2, remove "decreasing"

Page 1, line 2, replace "to increase" with "and"

Page 1, line 8, replace "Conversion" with "Exchange"

Page 1, line 17, remove "convert residential child care"

TIP: Print a copy of the bill, grab a red pen, open your copy of the NDLDLDM, pop some popcorn, and physically mark up the changes you wish to make

*NDLDM pages 61-65

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1519

Page 1, line 1, replace "subsections" with "subsection"

Page 1, line 1, remove ", 38, and 40"

Page 1, line 1, remove the third comma

Page 1, remove line 2

Page 1, line 3, remove "subsection 4 of section 19-24.1-21"

Page 1, line 4, remove "and usable marijuana for minors"

Page 1, line 4, after "program" insert "; to provide for a legislative management study; and to declare an emergency"

Page 1, line 6, replace "Subsections 15, 28, and 40" with "Subsection 15"

Page 1, line 23, after "m." insert: "Anorexia nervosa;

n. Bulimia nervosa;

o. Anxiety disorder;

p. Tourette syndrome;

q. Ehlers-Danlos syndrome;

r. Endometriosis;

s. Interstitial cystitis;

t. Neuropathy;

u. Opioid use disorder;

v. Opioid withdrawal;

w. Migraine;

x. Rheumatoid arthritis;

y."

Page 1, line 24, replace "n." with "z."

Page 2, line 1, replace "o." with "aa."

Page 2, remove lines 11 through 30

Page 3, remove lines 1 through 30

Page 4, replace lines 1 through 8 with:

**"SECTION 2. LEGISLATIVE MANAGEMENT STUDY - MEDICAL
MARIJUANA DEBILITATING MEDICAL CONDITIONS.** During the 2019-20 interim,
the legislative management shall consider studying the list of debilitating medical

AMENDMENT FORMAT

- Multiple transactions per line
- Word repeated in line – “first” and “second”
 - Page 1, line 2, after the second “the” insert “department of human services”
- Whole words and numerals
 - Page 3, line 6, replace “section” with “sections”
 - Page 4, line 12, after “16.” insert “Board means”
- Seek to save language
- Reference to punctuation
 - Page 5, line 20, after the second underscored period, insert . . .
 - Page 5, line 26, replace the underscored period with an underscored colon
 - Page 5, line 26, replace “, annually:” with an underscored period
- Multiple lines
 - Page 6, replace lines 6 through 14 with. . .
 - Page 8, remove the overstrike over lines 12 through 15
- Multiple pages
 - Page 10, remove lines 1 through 30
 - Page 11, remove lines 1 through 30

AMENDMENT FORMAT

TERMINOLOGY

YES

after

remove

underscored

overstruck

replace

insert

NO

before

delete

underlined

struck

strike

put/place/add

AMENDMENT FORMAT

Underscoring and ~~overstriking~~

Text added or removed by amendment instruction is not underscored or ~~overstruck~~ unless it must be underscored or ~~overstruck~~ in the bill

TIP: Amendment drafting is bill drafting 2.0

*NDLDM pages 14 and 61

AMENDMENT FORMAT

NOT underscored or ~~overstruck~~:

- Title – no underscoring or overstriking
- Bill clause, such as amending or creating clause – no underscoring or overstriking
- Removal of new NDCC text – no overstriking
- Special clause, such as repeal, appropriation, application, or effective date clause – no underscoring or overstriking
- Resolution – no underscoring or overstriking

Bill Title

1 A BILL for an Act to amend and reenact section 34-14-09.2 of the North Dakota Century Code,
2 relating to withholding of awarded paid time off; and to provide for application.

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

Amending Clause

4 SECTION 1. AMENDMENT. Section 34-14-09.2 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 34-14-09.2. Limitations on accrued paid time off - Investigation.

- 7 1. If an employee separates from employment voluntarily, a private employer may
8 withhold payment for accrued paid time off if:
9 a. At the time of hiring, the employer provided the employee written notice of the
10 limitation on payment of accrued paid time off;
11 b. The employee has been employed by the employer for less than one year; and
12 c. The employee gave the employer less than five days' written or verbal notice.

New NDCC Text

13 2. If an employee separates from employment, a private employer may withhold payment
14 for paid time off that has been awarded by the employer but not yet earned by the
15 employee, if at the time of hiring, the employer provided the employee written notice of
16 the limitation on payment of awarded paid time off.

17 3. As provided under section 34-14-05, an employee may report a violation under this
18 section. If a report of violation is made within thirty days of the alleged violation, the
19 labor commissioner shall investigate the merits of the claim. If a report is made more
20 than thirty days following the alleged violation, the commissioner may investigate the
21 merits of the claim.

Special Clause

22 SECTION 2. APPLICATION. This Act applies to separations from employment which occur
23 on or after the effective date of this Act.

Introduced by

Representatives Devlin, Hofstad, D. Johnson, Vigesaa

Senators Heckaman, Oehlke

1 A concurrent resolution directing the Legislative Management to study the impact on owners of
2 land that has been inundated by rising waters in Devils Lake and Stump Lake.

3 **WHEREAS**, Devils Lake and Stump Lake have inundated land once owned by landowners
4 surrounding the lakes; and

5 **WHEREAS**, as the navigable waters increased the inundated land became sovereign land
6 of the state, which deprives the previous owner of the ownership and use of the land; and

7 **WHEREAS**, landowners with land taken by the rising lakes want to ensure that when the
8 lakes recede the land returns to the landowners; and

9 **WHEREAS**, some landowners have paid property taxes on inundated land for many years
10 in the hope of regaining ownership when the water recedes and some have been required to do
11 so because the surface area of land used for the assessment determination for property tax
12 application does not take into account the current and exact boundary of the lake; and

13 **WHEREAS**, the surrounding landowners have suffered extreme hardship from loss of use
14 and ownership of their land and the added burden of paying property taxes on it, but have not
15 received any compensation from the state or federal government;

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

18 That the Legislative Management study the impact on owners of land that has been
19 inundated by rising waters in Devils Lake and Stump Lake; and

20 **BE IT FURTHER RESOLVED**, that the Legislative Management report its findings and
21 recommendations, together with any legislation required to implement the recommendations, to
22 the Sixty-fifth Legislative Assembly.

AMENDMENT FORMAT

North Dakota Century Code

- Underscore when creating new NDCC text
- ~~Overstrike~~ when taking out existing NDCC text
- Proposed new text is not overstruck when taken out – “remove” or “replace”
- Reinstatement of existing NDCC text – “remove overstrike” or remove entire section from bill

TIP: Changes are always made “after” a word or line, never before from left to right

AMENDMENT FORMAT NDCC

Page 13, line 24, remove "- Penalty"

Page 13, line 25, replace "report" with "statement"

Page 13, line 30, remove "A failure to"

Proposed new NDCC is removed or replaced

Page 13, remove line 31

Page 18, remove lines 16 through 29

Reinstatement of existing NDCC by removal of entire section from bill

Page 19, remove lines 1 through 3

Page 19, line 7, remove "commission or an"

Page 19, line 7, after the second comma insert "or the commission"

Page 20, line 13, remove ", or"

Page 20, line 14, remove "the Constitution of North Dakota is amended to eliminate the authority"

Page 22, line 14, remove "or the commission"

Page 22, line 16, remove "or commission"

Page 22, line 18, remove "or commission"

Page 23, line 2, remove "or the commission"

Page 23, line 13, remove "or commission"

Creating new NDCC

Page 23, line 14, remove "or commission"

Page 23, line 16, remove "or commission"

Page 23, line 17, after "to" insert "the ethics commission."

Taking out existing NDCC

Page 23, line 18, overstrike "nor does this section apply to" and insert immediately thereafter "and"

Tip Illustrations

TIP: If removing or overstriking AND at the same location adding additional language, the language added comes AFTER the language taken out - Single transaction

Page 1, line 6, replace “section” with “sections”

Page 2, line 14 , overstrike “twelve months” and insert immediately thereafter “one year”

Page 2, line 14, replace the first “thirty” with “twenty-five”

AMENDMENT FORMAT

“Renumber accordingly”

EVERY set of amendments ends with this instruction directing Legislative Council to renumber sections of the bill if necessary



This says you’ve reached the end of the amendments

- This instruction does NOT change bill section cross-references, which may be found in new NDCC text or special clauses, such as effective date clauses and appropriation clauses
- This instruction does NOT renumber NDCC sections or correct NDCC cross-references

*NDLDM page 64

4	Total all funds	\$1,909,200	\$536,160
5	Less estimated income	<u>1,348,700</u>	<u>405,330</u>
6	Total general fund	\$560,500	\$130,830

7 The 2015-17 one-time funding amounts are not a part of the agency's base budget for the
8 2017-19 biennium. The veterans' home shall notify the office of management and budget of any
9 sixty-fifth legislative assembly session, beginning July 1, 2015, and ending June 30, 2017.

"Renumber accordingly" takes care of these

11 **SECTION 3. EXEMPTION - VETERANS' HOME CONSTRUCTION PROJECT FUNDING.**

12 The unexpended amount remaining from the appropriation for the veterans' home construction
13 project in chapter 53 of the 2009 Session Laws which was continued into the 2011-13 biennium
14 and the 2013-15 biennium under section 54-44.1-11 is not subject to the provisions of section
15 54-44.1-11 at the end of the 2013-15 biennium and may be continued into the 2015-17
16 biennium for paying expenses of the veterans' home construction project.

17 **SECTION 4. FUNDING TRANSFER - EXCEPTION - AUTHORIZATION.** Notwithstanding

18 section 54-16-04, the veterans' home may transfer up to \$132,500 from the operating expenses
19 line item to the capital assets line item, for the biennium beginning July 1, 2013, and ending
20 June 30, 2015. The veterans' home shall notify the office of management and budget of any
21 transfer made pursuant to this section.

22 **SECTION 5. SHOP ADDITION PROJECT.** The veterans' home may use up to \$788,200

23 from the Melvin Nergard memorial fund, litigation proceeds or other funds for the cost of
24 construction of a shop addition for the biennium beginning July 1, 2013, and ending June 30,
25 2015.

26 **SECTION 6. EMERGENCY.** Sections 4 and 5 of this Act are declared to be an emergency

27 measure.

"Renumber accordingly" does NOT take care of these

1 tetrahydrocannabinol of
2 plant of the genus ~~cannabis~~
3 31-32 "Physician" means a physician licensed under chapter 43-17 to practice medicine in
4 the state of North Dakota.
5 32-34 "Physician assistant" means an individual licensed under chapter 43-17 to practice as
6 a physician assistant in the state.
7 33 "Posttraumatic stress disorder" means a patient meets the diagnostic criteria for
8 posttraumatic stress disorder under the "Diagnostic and Statistical Manual of Mental
9 Disorders", American psychiatric association, fifth edition, text revision (2013).
10 33-35 "Processing" or "process" means the compounding or conversion of marijuana into a
11 medical marijuana product.
12 34-36 "Producing", "produce", or "production" mean the planting, cultivating, growing,
13 trimming, or harvesting of the plant of the genus cannabis or the drying of the leaves
14 or flowers of the plant of the genus cannabis.
15 35-37 "Qualifying patient" means an individual who has been diagnosed by a health care
16 provider as having a debilitating medical condition.
17 36-38 "Registry identification card" means a document issued by the department which
18 identifies an individual as a registered qualifying patient, registered designated
19 caregiver, or registered compassion center agent.
20 37-39 "Terminal illness" means a disease, illness, or condition of a patient:
21 a. For which there is not a reasonable medical expectation of recovery;
22 b. Which as a medical probability, will result in the death of the patient, regardless of
23 the use or discontinuance of medical treatment implemented for the purpose of
24 sustaining life or the life processes; and
25 c. As a result of which, the patient's health care provider would not be surprised if
26 death were to occur within six months.
27 38-40 "Usable marijuana" means a medical marijuana product or the dried leaves or flowers
28 of the plant of the genus cannabis in a combustible delivery form. However, the term
29 does not include the dried leaves or flowers unless authorized through a written
30 certification and does not include a cannabinoid edible product. In the case of a

"Renumber accordingly" does NOT take care of these

Why do we care about these details?

TIP: NDCC Section 1-02-06.1 – Journal entry rule = rule of interpretation. Journal entry is presumed to be the bill or resolution signed and filed

Questions?

TYPES OF AMENDMENTS

BILL TITLE

- Amend bill title if adding, removing, or replacing a bill section
- Do NOT underscore language added to bill title
- Do NOT ~~overstrike~~ language removed from bill title
- “Insert” or “replace” or “remove”

TIP: Don't forget to review “relating to” language if subject matter changes and to review special language such as a penalty, continuing appropriation, or report to Legislative Management clause

TIP: Reviewing the bill title should be one of the final steps of amendment drafting. *Remember Section 13 of the Constitution*

*NDLDM pages 11-13 and 61

Bill Title

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1119

Page 1, line 1, after "reenact" insert "subsection 8 of section 19-24.1-01, paragraph 1 of subdivision a of subsection 24 of section 19-24.1-01,"

Page 1, after line 6, insert:

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

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

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

- (1) Cannabinoid ~~tincture~~solution;"

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

AMENDING, CREATING, APPROPRIATION, OR OTHER SPECIAL CLAUSE

- Do NOT underscore language added to bill clause
- Do NOT ~~overstrike~~ language removed from a bill clause
- “Insert” or “replace” or “remove”

*NDLDM pages 61 and 63

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.

Types of Amendments

CORRECTING INTERNAL REFERENCES

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

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

*NDLDM page 61

Correcting NDCC References

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

TYPES OF AMENDMENTS

NORTH DAKOTA CENTURY CODE

Adding new text to NDCC = underscore

Taking out existing text from NDCC = ~~overstrike~~

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

*NDLDM page 62

NDCC – Adding and Removing

Page 5, line 3, overstrike "exception" and insert immediately thereafter "issuance of the license"

Page 5, line 7, remove "two-year"

Page 5, line 8, overstrike "one or more of"

Page 5, line 9, overstrike "not"

Page 5, line 9, after "been" insert "substantially"

Page 5, line 11, after "subsection" insert "may not exceed two years and"

Page 5, line 13, overstrike "necessary"

Removing NDCC

Adding NDCC

- 1 b. ~~The military spouse pays any fees required by the board from which the applicant~~
2 ~~is seeking a license; and~~
- 3 e. The board determines the ~~exception~~issuance of the license will not substantially
4 increase the risk of harm to the public. A board with authority to require an
5 applicant to submit to a statewide and national criminal history record check
6 under section 12-60-24 may order such a record check under this subdivision.
- 7 2. ~~Under subsection 1, a~~A board may~~shall~~ issue a ~~two-year~~ provisional license or
8 temporary permit to a military spouse for which ~~one or more of~~ the licensure
9 requirements under subsection 1 have ~~not~~ been substantially met. A board may not
10 charge a military spouse any fees for a provisional license or temporary permit under
11 this subsection. A provisional license or temporary permit issued under this subsection
12 may not exceed two years and remains valid while the military spouse is making
13 progress toward satisfying the ~~necessary~~ unmet licensure requirements. A military
14 spouse may practice under a provisional license or temporary permit issued under this
15 subsection until any of the following occurs:

TYPES OF AMENDMENTS

NORTH DAKOTA CENTURY CODE

Adding NDCC text

- Insert in an existing section of the bill creating or amending
- Insert a new section to the bill to create or amend
 - Place new section in proper position in bill
 - TIP: Remember to correct bill title and check cross-references within bill

*NDLDM pages 11-21 and 62-63

Adding NDCC Text – Existing Section

Page 2, line 18, after "receipt" insert "or the certificate of a member of the legislative assembly"

Adding NDCC Text –

Locate correct placement of
new bill section within bill

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1001

Page 1, line 1, after "Act" insert "to create and enact a new section to chapter 57-01 of the North Dakota Century Code, relating to reports by the tax commissioner to the budget section regarding the auditing enhancement program and settlements of tax assessments; and"

Update bill title

Page 5, after line 14, insert:

"**SECTION 7.** A new section to chapter 57-01 of the North Dakota Century Code is created and enacted as follows:

Reports on auditing enhancement program and settlement of tax assessments.

The tax commissioner shall submit reports quarterly to the budget section on the progress made in collecting additional tax revenues under the auditing enhancement program and on settlements of tax assessments. For any settlements of tax assessments made during the quarterly period the reports must contain:

1. The amount assessed and the date assessed.
2. The amount collected and the date of collection.
3. An explanation of efforts to finalize collection, including information regarding negotiations."

Insert new section
creating new section
to NDCC

Renumber accordingly

TYPES OF AMENDMENTS

NORTH DAKOTA CENTURY CODE

Reinstating existing NDCC 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 section of bill still contains substantive changes. If no substantive changes remaining, remove section from bill

*NDLDM page 62

NDCC – Remove Entire Section

Page 4, remove lines 7 through 20

7 **SECTION 6. AMENDMENT.** Section 43-51-11 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **43-51-11. Members of military - License renewal.**

- 10 ~~4-~~ A board shall adopt rules to provide for or shall grant on a case-by-case basis
11 exceptions to the board's license renewal requirements in order to address renewal
12 compliance hardships that may result from:
- 13 ~~a-1.~~ Activation of more than thirty days of a licensee who is a member of the national guard
14 or armed forces of the United States.
- 15 ~~b-2.~~ Service in the theater or area of armed conflict by a licensee who is a member of the
16 regular active duty armed forces of the United States.
- 17 ~~2-~~ For purposes of this section, the term board includes the state board of accountancy,
18 state electrical board, North Dakota real estate appraiser qualifications and ethics
19 board, state real estate commission, secretary of state with respect to contractor
20 licensing, North Dakota board of medicine, and state board of dental examiners.

21 **SECTION 7. AMENDMENT.** Section 43-51-11.1 of the North Dakota Century Code is
22 amended and reenacted as follows:

TYPES OF AMENDMENTS

REMOVING PROPOSED NEW NDCC TEXT

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

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

*NDLDM page 62

NDCC – Remove New Language

3 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA

4 **SECTION 1.** A new section to chapter 50-11.1 of the North Dakota Century Code is created

5 and enacted as follows:

6 **Liability insurance.** *at the time of licensure, expiration or renewal, an owner or operator of*

7 1. As a condition of licensure under this chapter an early childhood program shall

8 establish proof of financial responsibility by filing with the department a written or

9 electronically transmitted certificate of any insurance carrier duly authorized to do

10 business in this state certifying a liability policy for the benefit of the early childhood

11 program is in effect. The certificate must meet the requirements established by the

12 department.

13 2. *owner or operator of an early childhood program* An insurance carrier that certifies a liability policy under subsection 1 shall notify the

14 department not later than ten days after cancellation or termination of the *liability* ~~certified~~

15 insurance policy ~~by filing with the department a notice of cancellation or termination of~~

16 ~~the certified insurance policy.~~

provide proof liability insurance is carried by the early childhood program to insure against bodily injury and property damage.

Remove new NDCC

Page 1, replace lines 8 through 12 with:

"provide proof liability insurance is carried by the early childhood program to insure against bodily injury and property damage."

Page 1, line 13, replace "insurance carrier that certifies a liability policy under subsection 1" with "owner or operator of an early childhood program"

Page 1, line 14, replace "certified" with "liability"

Page 1, line 15, remove "by filing with the department a notice of cancellation or termination of"

Page 1, line 16, remove "the certified insurance policy"

Remove new NDCC

Questions?

BONUS DRAFTING TIPS

DEFINITIONS

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

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

BONUS DRAFTING TIPS – Amending a Definition

Page 1, line 1, after "reenact" insert "subsection 8 of section 19-24.1-01, paragraph 1 of subdivision a of subsection 24 of section 19-24.1-01,"

Page 1, after line 6, insert:

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

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

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

- (1) Cannabinoid ~~tincture~~solution;"

BONUS DRAFTING TIPS – Hoghouse Amendment

19.0288.02001
Title.03000

Adopted by the Agriculture Committee

February 7, 2019

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1220

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative management study of secured party notification."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY. During the 2019-20 interim, the legislative management in coordination with the secretary of state shall consider studying how the state's central indexing system can be used to provide notification to a secured lender when a super priority lien is filed on the collateral of a secured lender. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-seventh legislative assembly. If the secretary of state determines there is a solution using the central indexing system, the secretary of state may proceed with implementing the change prior to the sixty-seventh legislative assembly convening."

Renumber accordingly

*NDLDM page 65

BONUS DRAFTING TIPS

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

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2321

In lieu of the amendments adopted by the House as printed on page 1062 of the House Journal, Engrossed Senate Bill No. 2321 is amended as follows:

Page 1, line 1, remove "to create and enact a new section to chapter 39-04 of the North Dakota"

Conference committee amendments

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1356

That the House accede to the Senate amendments as printed on page 1325 of the House Journal and page 1050 of the Senate Journal and that House Bill No. 1356 be further amended as follows:

Page 1, after line 17, insert:

"1."

*NDLDM pages 65-68

QUESTIONS?

North Dakota Legislative Drafting Manual

Call the Legislative Council
701.328.2916

THANK YOU

“Sloppy language leads to sloppy thought, and sloppy thought to sloppy legislation.”

- Dick Cavett, February 4, 2007