

Fifty-fifth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2230

Introduced by

Senators Christmann, Wanzek, Watne

Representatives Kerzman, Nelson, Sandvig

1 A BILL for an Act to amend and reenact sections 14-03-01 and 14-03-08 of the North Dakota
2 Century Code, relating to the definition of marriage and the recognition of a foreign marriage;
3 and to provide an effective date.

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

5 **SECTION 1. AMENDMENT.** Section 14-03-01 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **14-03-01. What constitutes marriage - Spouse defined.** Marriage is a personal
8 relation arising out of a civil contract between ~~a male~~ one man and ~~a female~~ one woman to
9 which the consent of the parties is essential. The marriage relation may be entered into,
10 maintained, annulled, or dissolved only as provided by law. A spouse refers only to a person of
11 the opposite sex who is a husband or a wife.

12 **SECTION 2. AMENDMENT.** Section 14-03-08 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **14-03-08. Foreign marriages recognized - Exception.** ~~All~~ Except when residents of
15 this state contract a marriage in another state which is prohibited under the laws of this state,
16 all marriages contracted outside of this state, which are valid according to the laws of the state
17 or country where contracted, are valid in this state. This section does not apply when residents
18 of this state contract a marriage in another state which is prohibited under the laws of North
19 Dakota. This section applies only to a marriage contracted in another state or country which is
20 between one man and one woman as husband and wife.

21 **SECTION 3. EFFECTIVE DATE.** If the legislature of another state enacts a law under
22 which a marriage between two individuals, other than between one man and one woman, is a
23 valid marriage in that state or the highest court of another state holds that under the law of that
24 state a marriage between two individuals, other than between one man and one woman, is a

- 1 valid marriage, the governor of this state shall certify that fact to the legislative council. The
- 2 certification must include the effective date of the other state's legislation or the date of the
- 3 court decision. Sections 1 and 2 of this Act are effective as of the earlier of the effective date of
- 4 that law or the date of that decision.