

Sixty-eighth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1474

Introduced by

Representatives S. Olson, D. Anderson, Christensen, Kasper, Koppelman, Prichard, Steiner
Senator Boehm

1 A BILL for an Act to ~~create and enact a new section to chapter 23-02.1 of the North Dakota~~
2 ~~Century Code, relating to vital statistic collection; and to~~ amend and reenact section 1-01-49,
3 subsection 3 of section 12.1-36.1-01 of the North Dakota Century Code as created by section 1
4 of House Bill No. 1254, as approved by the sixty-eighth legislative assembly, subsection 2 of
5 section 15-10.6-01 of the North Dakota Century Code as created by section 1 of House Bill No.
6 1489, as approved by the sixty-eighth legislative assembly, subsection 2 of section 15.1-41-01
7 of the North Dakota Century Code as created by section 1 of House Bill No. 1249, as approved
8 by the sixty-eighth legislative assembly, subsection 20 of section 23-02.1-01 of the North
9 Dakota Century Code as amended in section 1 of House Bill No. 1139, as approved by the
10 sixty-eighth legislative assembly, and subsection 7 of section 51-35-01 of the North Dakota
11 Century Code, relating to the definition of ~~father, female, male, mother, and~~ sex, and scrap
12 metal dealer.

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

14 **SECTION 1. AMENDMENT.** Section 1-01-49 of the North Dakota Century Code is amended
15 and reenacted as follows:

16 **1-01-49. Other general definitions.**

17 As used in this code, unless the context otherwise requires or unless otherwise defined:

- 18 1. "Depose" includes every mode of written statement under oath or affirmation.
- 19 2. "Executor" includes administrator and "administrator" includes executor.
- 20 3. ~~"Father" means a parent of the male sex.~~
- 21 ~~4.~~ "Female" means a girl, woman, or an individual whose biological reproductive system
22 is developed to produce ova.
- 23 ~~5.4.~~ "Individual" means a human being.

1 ~~6.5.~~ "Male" means a boy, man, or an individual whose biological reproductive system is
2 developed to ~~fertilize the ova of a female~~produce sperm.

3 ~~7.~~ "Mother" means parent of the female sex.

4 ~~4.8.6.~~ "Oath" includes "affirmation".

5 ~~5.9.7.~~ "Organization" includes a foreign or domestic association, business trust, corporation,
6 enterprise, estate, joint venture, limited liability company, limited liability partnership,
7 limited partnership, partnership, trust, or any legal or commercial entity.

8 ~~6.10.8.~~ "Partnership" includes a limited liability partnership registered under chapter 45-22.

9 ~~7.11.9.~~ "Penitentiary" includes any affiliated facilities.

10 ~~8.12.10.~~ "Person" means an individual, organization, government, political subdivision, or
11 government agency or instrumentality.

12 ~~9.13.11.~~ "Personal property" includes money, goods, chattels, things in action, and evidences
13 of debt.

14 ~~10.14.12.~~ "Preceding" and "following" when used by way of reference to a chapter or
15 other part of a statute means the next preceding or next following chapter or other
16 part.

17 ~~11.15.13.~~ "Primary sector business" means an individual, corporation, limited liability company,
18 partnership, or association certified by the department of commerce division of
19 economic development and finance which through the employment of knowledge or
20 labor adds value to a product, process, or service which results in the creation of new
21 wealth.

22 For purposes of this subsection, "new wealth" means revenues generated by a
23 business in this state through the sale of products or services to:

- 24 a. Customers outside of this state; or
25 b. Customers in this state if the products or services were previously unavailable or
26 difficult to obtain from a business in this state.

27 ~~12.16.14.~~ "Process" means a writ or summons issued in the course of judicial
28 proceedings.

29 ~~13.17.15.~~ "Property" includes property, real and personal.

30 ~~14.18.16.~~ "Real property" shall be coextensive with lands, tenements, and hereditaments.

31 ~~15.19.17.~~ "Rule" includes regulation.

1 ~~16-20-18.~~ 20-18. "Sex" means the biological state of being male or female, based on the
2 individual's nonambiguous sex organs, chromosomes, ~~and~~or endogenous hormone
3 profiles at birth.

4 ~~21-19.~~ "Signature" or "subscription" includes "mark" when the person cannot write, the
5 person's name being written near it and written by a person who writes that person's
6 own name as a witness.

7 ~~17-22-20.~~ "State" when applied to the different parts of the United States, includes the
8 District of Columbia and the territories.

9 ~~18-23-21.~~ "Testify" includes every mode of oral statement under oath or affirmation.

10 ~~19-24-22.~~ "United States" includes the District of Columbia and the territories.

11 ~~20-25-23.~~ "Will" includes codicils.

12 ~~21-26-24.~~ "Writ" means an order or precept in writing, issued in the name of the state or
13 of a court or judicial officer.

14 ~~— SECTION 2. A new section to chapter 23-02.1 of the North Dakota Century Code is created
15 and enacted as follows:~~

16 ~~— Vital statistics collection.~~

17 ~~— A school district or state agency or state department collecting vital statistics to comply with
18 a nondiscrimination law or to gather accurate public health, criminal, economic, or other data
19 shall identify each individual in the collected data set as either male or female, based solely on
20 the individual's nonambiguous sex organs, chromosomes, and endogenous hormone profiles at
21 birth.~~

22 **SECTION 2. AMENDMENT.** Subsection 3 of section 12.1-36.1-01 of the North Dakota
23 Century Code as created by section 1 of House Bill No. 1254, as approved by the sixty-eighth
24 legislative assembly, is amended and reenacted as follows:

25 3. "Sex" means the biological state of being female or male, based on an individual's
26 nonambiguous sex organs, chromosomes, ~~and~~or endogenous hormone profile at birth.

27 **SECTION 3. AMENDMENT.** Subsection 2 of section 15-10.6-01 of the North Dakota
28 Century Code as created by section 1 of House Bill No. 1489, as approved by the sixty-eighth
29 legislative assembly, is amended and reenacted as follows:

30 2. "Sex" means the biological state of being female or male, based on an individual's
31 nonambiguous sex organs, chromosomes, ~~and~~or endogenous hormone profile at birth.

1 **SECTION 4. AMENDMENT.** Subsection 2 of section 15.1-41-01 of the North Dakota
2 Century Code as created by section 1 of House Bill No. 1249, as approved by the sixty-eighth
3 legislative assembly, is amended and reenacted as follows:

- 4 2. "Sex" means the biological state of being female or male, based on an individual's
5 nonambiguous sex organs, chromosomes, ~~and~~or endogenous hormone profile at birth.

6 **SECTION 5. AMENDMENT.** Subsection 20 of section 23-02.1-01 of the North Dakota
7 Century Code as amended in section 1 of House Bill No. 1139, as approved by the sixty-eighth
8 legislative assembly, is amended and reenacted as follows:

- 9 20. "Sex" means the biological state of being female or male, based on an individual's
10 nonambiguous sex organs, chromosomes, ~~and~~or endogenous hormone profile at birth.

11 **SECTION 6. AMENDMENT.** Subsection 7 of section 51-35-01 of the North Dakota Century
12 Code is amended and reenacted as follows:

- 13 7. "Scrap metal dealer" means a person, as defined in ~~subsection 8 of~~ section 1-01-49,
14 engaged in the business of purchasing, selling, trading, or bartering scrap metal, and
15 includes all employees of the scrap metal dealer.