

April 9, 2021

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1298

That the Senate recede from its amendments as printed on page 1341 of the House Journal and pages 1050 and 1051 of the Senate Journal and that Engrossed House Bill No. 1298 be amended as follows:

Page 1, line 2, after "females" insert "; and to provide for a legislative management study"

Page 1, line 7, remove "The state, a political subdivision of the state, or an entity that receives public funding"

Page 1, line 8, replace "from the state or from a political subdivision of the state" with "A public elementary or secondary school"

Page 1, line 8, remove the underscored colon

Page 1, line 9, replace "a. Allow" with "knowingly allow"

Page 1, line 9, remove "who is under eighteen years of age or"

Page 1, line 10, replace "high" with "a public elementary or secondary"

Page 1, line 10, replace "an" with "a school-sponsored"

Page 1, line 10, remove "sponsored or funded"

Page 1, line 11, remove "by the state, political subdivision, or entity and"

Page 1, remove lines 13 through 20

Page 1, after line 24, insert:

**"SECTION 2. LEGISLATIVE MANAGEMENT STUDY - STUDENT ATHLETIC EVENTS.** During the 2021-22 interim, the legislative management shall consider studying student athletic events that are exclusively for males or exclusively for females and the impact of a policy that prohibits participation in those events by individuals who are of the opposite sex. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-eighth legislative assembly."

Renumber accordingly

**Section 1.** A new section to chapter 14-02.4 of the North Dakota Century Code is created and enacted as follows:

**Athletic events exclusively for males and exclusively for females.**

1. A public elementary or secondary school may not knowingly allow an individual of the opposite sex who is enrolled in a public elementary or secondary school to participate on a school-sponsored athletic team which is exclusively for females or exclusively for males.
2. For purposes of this section, sex means an individual's biological sex and is based solely on an individual's reproductive biology and genetics at birth.
3. This section may not be construed to prohibit a female from participating in a school-sponsored athletic team or event that is exclusively for males.

**Section 2. LEGISLATIVE MANAGEMENT STUDY – STUDENT ATHLETIC EVENTS.** During the 2021-22 interim, the legislative management shall consider studying student athletic events that are exclusively for males or exclusively for females and the impact of a policy that prohibits participation in those events by individuals who are of the opposite sex. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-eighth legislative assembly.

Sixty-seventh  
Legislative Assembly  
of North Dakota

## ENGROSSED HOUSE BILL NO. 1298

Introduced by

Representatives B. Koppelman, Meier, Paulson, Schauer, Skroch, Steiner, Vetter

Senators Clemens, Kannianen, Myrdal

1 A BILL for an Act to create and enact a new section to chapter 14-02.4 of the North Dakota  
2 Century Code, relating to participation in athletic events exclusively for males or females; and to  
3 provide for a legislative management study.

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

5 **SECTION 1.** A new section to chapter 14-02.4 of the North Dakota Century Code is created  
6 and enacted as follows:

7 **Athletic events exclusively for males or exclusively for females.**

- 8 1. ~~The state, a political subdivision of the state, or an entity that receives public funding~~  
9 ~~from the state or from a political subdivision of the state~~ A public elementary or  
10 secondary school may not:
- 11 ~~a. Allow~~ knowingly allow an individual of the opposite sex ~~who is under eighteen~~  
12 ~~years of age or who is enrolled in high~~ public elementary or secondary school to  
13 ~~participate on a school-sponsored athletic team sponsored or funded by the~~  
14 ~~state, political subdivision, or entity and which is exclusively for females or~~  
15 ~~exclusively for males.~~
- 16 ~~b. Sponsor an athletic event exclusively for males or exclusively for females which~~  
17 ~~allows participation by an individual of the opposite sex who is under eighteen~~  
18 ~~years of age or who is enrolled in high school.~~
- 19 ~~c. Use or permit to be used an athletic facility, stadium, field, structure, or other~~  
20 ~~property owned by or under the control of the state, political subdivision, or entity~~  
21 ~~for an athletic event conducted exclusively for males or exclusively for females in~~  
22 ~~which an individual of the opposite sex who is under eighteen years of age or~~  
23 ~~who is enrolled in high school is allowed to participate.~~

1        2. For purposes of this section, sex means an individual's biological sex and is based  
2            solely on an individual's reproductive biology and genetics at birth.

3        3. This section may not be construed to prohibit a female from participating in a  
4            school-sponsored athletic team or event that is exclusively for males.

5        **SECTION 2. LEGISLATIVE MANAGEMENT STUDY - STUDENT ATHLETIC EVENTS.**

6        During the 2021-22 interim, the legislative management shall consider studying student athletic  
7        events that are exclusively for males or exclusively for females and the impact of a policy that  
8        prohibits participation in those events by individuals who are of the opposite sex. The legislative  
9        management shall report its findings and recommendations, together with any legislation  
10       required to implement the recommendations, to the sixty-eighth legislative assembly.