

**Sixty-eighth Legislative Assembly of North Dakota  
In Regular Session Commencing Tuesday, January 3, 2023**

HOUSE BILL NO. 1474

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

AN ACT to amend and reenact section 1-01-49, subsection 3 of section 12.1-36.1-01 of the North Dakota Century Code as created by section 1 of House Bill No. 1254, as approved by the sixty-eighth legislative assembly, subsection 2 of section 15-10.6-01 of the North Dakota Century Code as created by section 1 of House Bill No. 1489, as approved by the sixty-eighth legislative assembly, subsection 2 of section 15.1-41-01 of the North Dakota Century Code as created by section 1 of House Bill No. 1249, as approved by the sixty-eighth legislative assembly, subsection 20 of section 23-02.1-01 of the North Dakota Century Code as amended in section 1 of House Bill No. 1139, as approved by the sixty-eighth legislative assembly, and subsection 7 of section 51-35-01 of the North Dakota Century Code, relating to the definition of female, male, sex, and scrap metal dealer.

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

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

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

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

1. "Depose" includes every mode of written statement under oath or affirmation.
2. "Executor" includes administrator and "administrator" includes executor.
3. "Female" means a girl, woman, or an individual whose biological reproductive system is developed to produce ova.
4. "Individual" means a human being.
5. "Male" means a boy, man, or an individual whose biological reproductive system is developed to produce sperm.
- ~~4-6.~~ "Oath" includes "affirmation".
- ~~5-7.~~ "Organization" includes a foreign or domestic association, business trust, corporation, enterprise, estate, joint venture, limited liability company, limited liability partnership, limited partnership, partnership, trust, or any legal or commercial entity.
- ~~6-8.~~ "Partnership" includes a limited liability partnership registered under chapter 45-22.
- ~~7-9.~~ "Penitentiary" includes any affiliated facilities.
- ~~8-10.~~ "Person" means an individual, organization, government, political subdivision, or government agency or instrumentality.
- ~~9-11.~~ "Personal property" includes money, goods, chattels, things in action, and evidences of debt.
- ~~10-12.~~ "Preceding" and "following" when used by way of reference to a chapter or other part of a statute means the next preceding or next following chapter or other part.

~~41-13.~~ "Primary sector business" means an individual, corporation, limited liability company, partnership, or association certified by the department of commerce division of economic development and finance which through the employment of knowledge or labor adds value to a product, process, or service which results in the creation of new wealth.

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

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

~~42-14.~~ "Process" means a writ or summons issued in the course of judicial proceedings.

~~43-15.~~ "Property" includes property, real and personal.

~~44-16.~~ "Real property" shall be coextensive with lands, tenements, and hereditaments.

~~45-17.~~ "Rule" includes regulation.

~~46-18.~~ "Sex" means the biological state of being male or female, based on the individual's nonambiguous sex organs, chromosomes, or endogenous hormone profiles at birth.

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

~~47-20.~~ "State" when applied to the different parts of the United States, includes the District of Columbia and the territories.

~~48-21.~~ "Testify" includes every mode of oral statement under oath or affirmation.

~~49-22.~~ "United States" includes the District of Columbia and the territories.

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

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

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

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

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

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

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

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

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

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

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

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

Dennis Johnson  
Speaker of the House

Tammy Miller  
President of the Senate

Bull J. Reick  
Chief Clerk of the House

Chanda Meyer  
Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-eighth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1474.

House Vote:      Yeas 75              Nays 15              Absent 4

Senate Vote:      Yeas 42              Nays 4              Absent 1

Bull J. Reick  
Chief Clerk of the House

Received by the Governor at 4:38 PM. on April 28, 2023.

Approved at 9:55 AM. on May 8, 2023.

Doug Burgum  
Governor

Filed in this office this 9 day of May, 2023,  
at 1:09 o'clock P M.

Michael Howe  
Secretary of State