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SENATE BILL NO. 458

INTRODUCED BY C. GLIMM

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE LAWS TO PROVIDE A COMMON DEFINITION FOR THE WORD "SEX" WHEN REFERRING TO A HUMAN; AND AMENDING SECTIONS 1-1-201, 2-18-208, 7-15-4207, 7-34-2123, 13-27-408, 13-35-301, 13-38-201, 20-7-1306, 20-9-327, 20-25-501, 20-25-707, 22-2-306, 33-1-201, 35-20-209, 39-2-912, 40-1-107, 40-1-401, 40-5-907, 40-5-1031, 41-5-103, 42-2-204, 45-5-625, 46-19-301, 46-19-401, 46-32-105, 49-1-102, 49-2-101, 49-3-101, 50-5-105, 50-5-602, 50-11-101, 50-15-101, 50-19-103, 50-60-214, 53-20-142, 53-21-121, 53-21-142, 60-5-514, 60-5-522, 61-5-107, AND 72-1-103, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 1-1-201, MCA, is amended to read:

"1-1-201. Terms of wide applicability. (1) Unless the context requires otherwise, the following definitions apply in the Montana Code Annotated:

(a) "Female" means a member of the human species that, under normal development, produces a relatively large, relatively immobile gamete, or egg, during her life cycle and has a reproductive and endocrine system oriented around the production of that gamete. An individual who cannot produce an egg due to a condition at birth, but who has either female sex chromosomes or nonambiguous internal genitalia is a female member of the human species.

(b) "Male" means a member of the human species that, under normal development, produces small, mobile gametes, or sperm, during his life cycle and has a reproductive and endocrine system oriented around the production of that gamete. An individual who cannot produce sperm due to a condition at birth, but who has either male sex chromosomes or nonambiguous external genitalia is a male member of the human species.

(a)(c) "Oath" includes an affirmation or declaration.

(b)(d) "Person" includes a corporation or other entity as well as a natural person.

1 ~~(e)~~(e) "Several" means two or more.

2 (f) "Sex" means the organization of the body and gametes for reproduction in human beings and
3 other organisms. In human beings, there are exactly two sexes, male and female, with two corresponding
4 gametes. The sexes are determined by the biological indication of male or female, including sex chromosomes,
5 gonads, and nonambiguous internal and external genitalia present at birth, without regard to an individual's
6 psychological, chosen, or subjective experience of gender. ~~The sex of an individual with a chromosomal~~
7 intersex condition or individual who cannot produce egg or sperm gametes due to a condition at birth must be
8 determined based on the most predominant physical characteristics observed at the time of birth.

9 ~~(d)~~(g) "State", when applied to the different parts of the United States, includes the District of
10 Columbia and the territories.

11 ~~(e)~~(h) "United States" includes the District of Columbia and the territories.

12 (2) Wherever the word "man" or "men" or a word that includes the syllable "man" or "men" in
13 combination with other syllables, such as "workman", appears in this code, the word or syllable includes
14 "woman" or "women" unless the context clearly indicates a contrary intent and unless the subject matter of the
15 statute relates clearly and necessarily to a specific sex only.

16 (3) Whenever the term "heretofore" occurs in any statute, it must be construed to mean any time
17 previous to the day the statute takes effect. Whenever the word "hereafter" occurs, it must be construed to
18 mean the time after the statute containing the term takes effect."

20 **Section 2.** Section 2-18-208, MCA, is amended to read:

21 **"2-18-208. Comparable worth.** The department of administration shall, in its continuous efforts to
22 enhance the current classification plan and pay schedules, work toward the goal of establishing a standard of
23 equal pay for comparable worth. This standard for the classification plan shall be reached by:

24 (1) eliminating, in the classification of positions, the use of judgments and factors that contain
25 inherent biases based on sex, as defined in 1-1-201; and

26 (2) comparing, in the classification of positions, the factors for determining job worth across
27 occupational groups whenever those groups are dominated by males or females."

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