

**Amendment - 1st Reading-white - Requested by: Carl Glimm - (S) Public Health, Welfare and Safety**

- 2023

68th Legislature 2023

Drafter: Andria Hardin,

SB0458.001.001

1 SENATE BILL NO. 458  
2 INTRODUCED BY C. GLIMM  
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE LAWS TO PROVIDE A COMMON  
5 DEFINITION FOR THE WORD "SEX" WHEN REFERRING TO A HUMAN; AND AMENDING SECTIONS 1-1-  
6 201, 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-  
7 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-  
8 204, 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-  
9 101, 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  
10 72-1-103, MCA."

11  
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
13

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

15 **"1-1-201. Terms of wide applicability.** (1) Unless the context requires otherwise, the following  
16 definitions apply in the Montana Code Annotated:

17 (a) "Female" means a member of the human species that, under normal development, produces a  
18 relatively large, relatively immobile gamete, or egg, during her life cycle and has a reproductive and endocrine  
19 system oriented around the production of that gamete.

20 (b) "Male" means a member of the human species that, under normal development, produces  
21 small, mobile gametes, or sperm, during his life cycle and has a reproductive and endocrine system oriented  
22 around the production of that gamete.

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

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

25 (e)(e) "Several" means two or more.

26 (f) "Sex" means the organization of the body and gametes for reproduction in human beings and  
27 other organisms. In human beings, there are exactly two sexes, male and female, with two corresponding

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1 another individual, nor is considered to have predeceased an event under 72-2-114 or 72-2-712. The term  
2 includes its derivatives, such as "survives", "survived", "survivor", and "surviving".

3 (53) "Testacy proceeding" means a proceeding to establish a will or determine intestacy.

4 (54) "Testator" includes an individual of either sex, as defined in 1-1-201.

5 (55) "Trust" includes an express trust, private or charitable, with additions to the trust, wherever and  
6 however created. The term also includes a trust created or determined by judgment or decree under which the  
7 trust is to be administered in the manner of an express trust. The term excludes other constructive trusts and  
8 excludes resulting trusts; conservatorships; personal representatives; trust accounts as defined in 72-6-111 and  
9 Title 72, chapter 6, parts 2 and 3; custodial arrangements pursuant to chapter 26; business trusts providing for  
10 certificates to be issued to beneficiaries; common trust funds; voting trusts; security arrangements; liquidation  
11 trusts; trusts for the primary purpose of paying debts, dividends, interest, salaries, wages, profits, pensions, or  
12 employee benefits of any kind; and any arrangement under which a person is nominee or escrowee for another.

13 (56) "Trustee" includes an original, additional, or successor trustee, whether or not appointed or  
14 confirmed by court.

15 (57) "Ward" means an individual described in 72-5-101.

16 (58) "Will" includes codicil and any testamentary instrument that merely appoints an executor,  
17 revokes or revises another will, nominates a guardian, or expressly excludes or limits the right of an individual  
18 or class to succeed to property of the decedent passing by intestate succession."  
19

20 **NEW SECTION. Section 42. Severability.** If a part of [this act] is invalid, all valid parts that are  
21 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications,  
22 the part remains in effect in all valid applications that are severable from the invalid applications.

23 - END -