

**2023 HOUSE HUMAN SERVICES**

**HB 1522**

# 2023 HOUSE STANDING COMMITTEE MINUTES

## Human Services Committee Pioneer Room, State Capitol

HB 1522  
1/24/2023

Relating to providing accommodations to a transgender student; to provide a penalty; and to declare an emergency.

Chairman Weisz called the meeting to order at 10:52 AM.

Chairman Robin Weisz, Vice Chairman Matthew Ruby, Reps. Karen A. Anderson, Mike Beltz, Clayton Fegley, Kathy Frelich, Dawson Holle, Dwight Kiefert, Carrie McLeod, Todd Porter, Brandon Prichard, Karen M. Rohr, Jayme Davis, and Gretchen Dobervich. All present.

### **Discussion Topics:**

- Gender-affirming surgeries
- Protection of North Dakota children
- Privacy in school restrooms
- Mental health of transgender students

Rep. Dyk introduced by HB 1522 with supportive testimony (#21096).

Kimberly Hurst, North Dakota citizen, supportive testimony (#15294).

Karen Krenz, North Dakota citizen and parent, supportive testimony (#15272).

Tom Tracey, North Dakota citizen, spoke in favor of bill.

Sharlet Mohr, North Dakota citizen, supportive testimony (#15292).

Patricia Leno, North Dakota citizen, spoke in favor of bill.

Elia Jay Scott, North Dakota citizen, opposition testimony (#14942).

Caedmon Marks, North Dakota citizen, spoke in opposition.

Gabriela Balf, psychiatrist and former president of the North Dakota Psychiatric Society, opposition testimony (#16073).

Christina Sambor, lobbyist for the North Dakota Human Rights Coalition, spoke in opposition.

Patrick Pins, North Dakota citizen, spoke in opposition.

David Martin, Episcopal Church, spoke in opposition.

Rev. Gretchen Deeg, pastor of, offered testimony in opposition to bill (#15924).

Amy Delcok, General Council for the North Dakota School Boards Association, spoke in opposition.

Mia Hoverson, North Dakota citizen and student, spoke in opposition.

**Additional written testimony:**

(#14858) (#14882) (#14906) (#14916) (#14917) (#14923) (#14934) (#14973) (#14989)  
(#14990) (#15015) (#15027) (#15036) (#15068) (#15069) (#15071) (#15112) (#15124)  
(#15157) (#15215) (#15216) (#15220) (#15225) (#15235) (#15241) (#15397) (#15418)  
(#15468) (#15514) (#15562) (#15610) (#15695) (#15705) (#15729) (#15750) (#15761)  
(#15777) (#15789) (#15794) (#15822) (#15832) (#15833) (#15868) (#15871) (#15874)  
(#15878) (#15884) (#15885) (#15889) (#15901) (#15904) (#15906) (#15928) (#15937)  
(#15947) (#15961) (#15985) (#16001) (#16012) (#16017) (#16024) (#16026) (#16039)  
(#16040) (#16042) (#16053) (#16067) (#16101) (#16120) (#16144) (#16148) (#16155)  
(#16176) (#16180) (#16192)

Chairman Weisz adjourned the meeting at 12:08 PM.

*Phillip Jacobs, Committee Clerk*

# 2023 HOUSE STANDING COMMITTEE MINUTES

## Human Services Committee Pioneer Room, State Capitol

HB 1522  
2/15/2023

Relating to providing accommodations to a transgender student; to provide a penalty; and to declare an emergency.

Chairman Weisz called the meeting to order at 4:29 PM.

Chairman Robin Weisz, Vice Chairman Matthew Ruby, Reps. Karen A. Anderson, Mike Beltz, Clayton Fegley, Kathy Frelich, Dawson Holle, Dwight Kiefert, Carrie McLeod, Todd Porter, Brandon Prichard, Karen M. Rohr, Jayme Davis, and Gretchen Dobervich. All present.

### Discussion Topics:

- Pronoun usage
- Educational staff requirements
- Amendments (23.0864.04003) (23.0864.04004)

Vice Chairman Ruby moved to amend HB 1522 with (23.0864.04003) # 22141

Representative Dobervich seconded motion.

Roll call vote:

Representatives	Vote
Representative Robin Weisz	Y
Representative Matthew Ruby	Y
Representative Karen A. Anderson	Y
Representative Mike Beltz	Y
Representative Jayme Davis	Y
Representative Gretchen Dobervich	Y
Representative Clayton Fegley	Y
Representative Kathy Frelich	Y
Representative Dawson Holle	Y
Representative Dwight Kiefert	Y
Representative Carrie McLeod	N
Representative Todd Porter	Y
Representative Brandon Prichard	N
Representative Karen M. Rohr	Y

Motion carried: 12-2-0

Representative Prichard Moved to further amend HB 1522 with revive Subsection 5 and the Emergency Clause in Section 2, also clarify Subsection 5 C Line 17 would say exemplary damages in the amount up to \$25,000 .

Representative Anderson seconded motion.

Roll call vote:

<b>Representatives</b>	<b>Vote</b>
Representative Robin Weisz	N
Representative Matthew Ruby	Y
Representative Karen A. Anderson	Y
Representative Mike Beltz	N
Representative Jayme Davis	N
Representative Gretchen Dobervich	N
Representative Clayton Fegley	N
Representative Kathy Frelich	Y
Representative Dawson Holle	Y
Representative Dwight Kiefert	Y
Representative Carrie McLeod	Y
Representative Todd Porter	N
Representative Brandon Prichard	Y
Representative Karen M. Rohr	Y

Motion carries: 8-6-0

Representative Holle moved a DO PASS as amended (23.0864.04004)

Representative Prichard seconded motion.

Roll call vote:

<b>Representatives</b>	<b>Vote</b>
Representative Robin Weisz	Y
Representative Matthew Ruby	Y
Representative Karen A. Anderson	Y
Representative Mike Beltz	N
Representative Jayme Davis	N
Representative Gretchen Dobervich	N
Representative Clayton Fegley	Y
Representative Kathy Frelich	Y
Representative Dawson Holle	Y
Representative Dwight Kiefert	Y
Representative Carrie McLeod	Y
Representative Todd Porter	Y
Representative Brandon Prichard	Y
Representative Karen M. Rohr	Y

Motion carries: 11-3-0

Bill carrier: Holle

Chairman Weisz adjourned the meeting at 4:46 PM.

House Human Services Committee

HB 1522

2/15/2023

Page 3

Reconsidered HB 1522 on 2-21-23 at 9:00 AM.

*Phillip Jacobs, Committee Clerk By: Leah Kuball*

February 15, 2023

2/15/23

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1522

Page 1, line 2, remove "to provide a"

Page 1, line 3, remove "penalty;"

Page 1, line 7, remove "- Prohibited - Exception - Private right of"

Page 1, line 8, remove "action"

Page 1, line 9, remove "As used in this section, "sex" means the biological state of being male and female,"

Page 1, remove lines 10 and 11

Page 1, line 12, replace "2. Except as provided in subsection 3, a" with "A"

Page 1, line 12, remove ", a public or private"

Page 1, line 13, remove "school, or a teacher in a public or private school"

Page 1, line 13, remove the underscored colon

Page 1, line 14, replace "a. Adopt" with "adopt"

Page 1, line 14, remove "establishing a place, facility, school program, or accommodation"

Page 1, line 15, replace "caters to a student's perceived or expressed gender, including" with "requires or prohibits any individual from using"

Page 1, line 15, after the second "a" insert "student's"

Page 1, line 16, remove ", if the perceived or expressed gender is inconsistent with the"

Page 1, remove lines 17 through 22

Page 1, line 23, remove "other than human"

Page 2, line 1, replace "3." with "2."

Page 2, line 1, remove ", a public or private school, or a teacher in a public or"

Page 2, line 2, replace "private school may" with "shall"

Page 2, line 2, replace "or provide" with ", in consultation with the parent or legal guardian,"

Page 2, line 2, replace "unisex" with "policy for the use of a separate"

Page 2, line 2, after the second "a" insert "transgender"

Page 2, line 3, remove ", only if:"

Page 2, remove lines 4 through 6

Page 2, line 7, remove "legal guardian to establish or provide the unisex restroom accomodation"

Page 2, line 8, replace "4." with "3."

2

2/15/23

- Page 2, line 8, remove "a private"
  - Page 2, line 9, remove "school or"
  - Page 2, line 9, replace "the" with "a"
  - Page 2, line 9, remove "that governs the school at which the violation"
  - Page 2, line 10, remove "occurred"
  - Page 2, line 10, after "by" insert "an individual or"
  - Page 2, line 10, after the third "a" insert "transgender"
  - Page 2, line 11, remove "attends the school at which the violation occurred and"
  - Page 2, line 13, replace "5." with "4."
  - Page 2, line 14, replace "4" with "3"
  - Page 2, line 17, replace "five hundred" with "twenty-five"
- Renumber accordingly



**REPORT OF STANDING COMMITTEE**

**HB 1522: Human Services Committee (Rep. Weisz, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1522 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "to provide a"

Page 1, line 3, remove "penalty;"

Page 1, line 7, remove "**- Prohibited - Exception - Private right of**"

Page 1, line 8, remove "**action**"

Page 1, line 9, remove "As used in this section, "sex" means the biological state of being male and female."

Page 1, remove lines 10 and 11

Page 1, line 12, replace "2. Except as provided in subsection 3, a" with "A"

Page 1, line 12, remove ", a public or private"

Page 1, line 13, remove "school, or a teacher in a public or private school"

Page 1, line 13, remove the underscored colon

Page 1, line 14, replace "a. Adopt" with "adopt"

Page 1, line 14, remove "establishing a place, facility, school program, or accommodation"

Page 1, line 15, replace "caters to a student's perceived or expressed gender, including" with "requires or prohibits any individual from using"

Page 1, line 15, after the second "a" insert "student's"

Page 1, line 16, remove ", if the perceived or expressed gender is inconsistent with the"

Page 1, remove lines 17 through 22

Page 1, line 23, remove "other than human"

Page 2, line 1, replace "3." with "2."

Page 2, line 1, remove ", a public or private school, or a teacher in a public or"

Page 2, line 2, replace "private school may" with "shall"

Page 2, line 2, replace "or provide" with ", in consultation with the parent or legal guardian."

Page 2, line 2, replace "unisex" with "policy for the use of a separate"

Page 2, line 2, after the second "a" insert "transgender"

Page 2, line 3, remove ", only if:"

Page 2, remove lines 4 through 6

Page 2, line 7, remove "legal guardian to establish or provide the unisex restroom accomodation"

Page 2, line 8, replace "4." with "3."

Page 2, line 8, remove "a private"

Page 2, line 9, remove "school or"

Page 2, line 9, replace "the" with "a"

Page 2, line 9, remove "that governs the school at which the violation"

Page 2, line 10, remove "occurred"

Page 2, line 10, after "by" insert "an individual or"

Page 2, line 10, after the third "a" insert "transgender"

Page 2, line 11, remove "attends the school at which the violation occurred and"

Page 2, line 13, replace "5." with "4."

Page 2, line 14, replace "4" with "3"

Page 2, line 17, replace "five hundred" with "twenty-five"

Renumber accordingly

# 2023 HOUSE STANDING COMMITTEE MINUTES

## Human Services Committee Pioneer Room, State Capitol

HB 1522  
2/21/2023

Relating to providing accommodations to a transgender student; and to declare an emergency.
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Chairman Weisz called the meeting to order at 9:01 AM.

Chairman Robin Weisz, Vice Chairman Matthew Ruby, Reps. Karen A. Anderson, Mike Beltz, Clayton Fegley, Kathy Frelich, Dawson Holle, Dwight Kiefert, Carrie McLeod, Todd Porter, Brandon Prichard, Karen M. Rohr, Jayme Davis, and Gretchen Dobervich. All present.

### Discussion Topics:

- Reconsideration
- New amendments

Chairman Weisz called for a discussion on HB 1522.

Rep. Holle moved to reconsider the committee's previous actions on HB 1522.

Seconded by Rep. Anderson. Motion carries by voice vote.

Rep. Holle moved to adopt amendment 23.0864.05001 (#25583).

Seconded by Rep. McLeod.

### Roll Call Vote:

Representatives	Vote
Representative Robin Weisz	Y
Representative Matthew Ruby	Y
Representative Karen A. Anderson	Y
Representative Mike Beltz	Y
Representative Jayme Davis	N
Representative Gretchen Dobervich	N
Representative Clayton Fegley	Y
Representative Kathy Frelich	Y
Representative Dawson Holle	Y
Representative Dwight Kiefert	Y
Representative Carrie McLeod	Y
Representative Todd Porter	Y
Representative Brandon Prichard	Y
Representative Karen M. Rohr	Y

Motion carries 12-2-0.

Rep. Prichard moved a Do Pass as Amended on HB 1522.

Seconded by Rep. Holle.

Roll Call Vote:

<b>Representatives</b>	<b>Vote</b>
Representative Robin Weisz	Y
Representative Matthew Ruby	Y
Representative Karen A. Anderson	Y
Representative Mike Beltz	Y
Representative Jayme Davis	N
Representative Gretchen Dobervich	N
Representative Clayton Fegley	Y
Representative Kathy Frelich	Y
Representative Dawson Holle	Y
Representative Dwight Kiefert	Y
Representative Carrie McLeod	Y
Representative Todd Porter	Y
Representative Brandon Prichard	Y
Representative Karen M. Rohr	Y

Motion carries 12-2-0.

Carried by Rep. Prichard.

Chairman Weisz adjourned the meeting at 9:08 AM.

*Phillip Jacobs, Committee Clerk*

24  
2-21-23

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1522

Page 1, line 13, after "3." insert "A board of a school district or a school shall prohibit a student from using a restroom that does not coincide with the student's biological sex."

4."

Page 1, line 14, after "district" insert "or a school"

Page 1, line 15, remove "transgender"

Page 1, line 17, replace "4." with "5."

Page 1, line 18, replace "3" with "4"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1522, as engrossed: Human Services Committee (Rep. Weisz, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1522 was placed on the Sixth order on the calendar.

Page 1, line 13, after "3." insert "A board of a school district or a school shall prohibit a student from using a restroom that does not coincide with the student's biological sex.

4."

Page 1, line 14, after "district" insert "or a school"

Page 1, line 15, remove "transgender"

Page 1, line 17, replace "4." with "5."

Page 1, line 18, replace "3" with "4"

Renumber accordingly

**2023 SENATE HUMAN SERVICES**

**HB 1522**

# 2023 SENATE STANDING COMMITTEE MINUTES

**Human Services Committee**  
Fort Lincoln Room, State Capitol

HB 1522  
3/21/2023

Relating to providing accommodations to a transgender student; and to declare an emergency.
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9:00 AM **Madam Chair Lee** called the hearing to order. **Senators Lee, Clemens, K. Roers, Weston, and Hogan** were present. **Senator Cleary** was absent.

## Discussion Topics:

- Safety
- Privacy
- Student protections
- Transgenders protections
- Biological sex

9:01 AM **Representative Dyk**, introduced HB 1522, testified in favor, and proposed amendment LC 23.0864.06001. #26059, LC 23.0864.06003 #26058, #23647, #26060

9:15 AM **Representative SuAnn Olson**, testified in favor. #26080

9:19 AM **Mark Jorritsma, Executive Director, North Dakota Family Alliance, Legislative Action**, testified in favor. #25302

9:23 AM **Karen Hanson** testified in favor. #26070

9:33 AM **Brady Mehlhoff, student**, testified in favor. #26069

9:34 AM **Aubrianna Brown, student**, testified in favor. #26071

9:40 AM **Tayva Upgren, student**, testified in favor. #26043

9:44 AM **Alaina Brown, student**, testified in favor. #26067

9:48 AM **Cody Schuler, Advocacy Manager, ACLU**, testified in opposition. #25102

9:56 AM **Christina Sambor, Lobbyist and Legislative Coordinator, Youthworks, North Dakota Human Rights Coalition, Human Rights Campaign**, testified in opposition. #25176

10:15 AM **Andrew Alexis Varvel** testified neutral. #24938, #25835, #26035

10:20 AM **Brittany Diedrich, Owner, Better Deeds**, testified in opposition. #26044



10:23 AM **Caedmon Marx, Dakota Outreach Coordinator**, verbally testified in opposition.

10:27 AM **Allison Rhodes** testified in opposition. #25909

10:32 AM **Kristie Miller** testified in opposition. #24086

10:37 AM **Barry Nelson, Commission Member, Fargo Human Rights Commission**, testified in opposition. #25070

**Additional Testimony:**

**Shawna Grubb** in favor #23948

**Rachel Haidle** in favor #24643

**Jason Moore** in favor #24794

**Kimberly Hurst** in favor #25100

**Doug Sharbono** in favor #25159

**Sharlet Mohr** testimony in favor #25161

**Jodi Plecity** in favor #25837

**Courtney Tennancour** in favor #25976

**Cioda Holter** in favor #25984

**Jacob Holter** in favor #25986

**Karen Krenz** in favor #26021

**Sheppard Olson** in favor #26046

**Alannah Valenta, President, North Dakota Association of School Psychologists**  
in opposition #23999

**Christopher Brown** in opposition #24072

**Oliver Jensen** in opposition #24689

**Amber Lefers** in opposition #24810

**Brenda Weiler** in opposition #24827

**Derek Harnish** in opposition #24885

**Mary Weiler** in opposition #24933

**Whitney Oxendahl** in opposition #24975

**Rose Nichols** in opposition #25035

**Kristin Nelson, Founder, Project RAI** in opposition #25036

**Alayna Kraft** in opposition #25038

**Elizabeth Los, Lobbyist for North Dakota Chapter, National Association of Social Workers** in opposition #25080

**Mariah Ralston Deragon** in opposition #25098

**Shelley Farrell, Member, North Dakota Human Rights Coalition** testimony in opposition  
#25113

**Tara Jensen** in opposition #25117

**Fay Seidler** in opposition #25123

**Mia Halvorson** in opposition #25128

**Stephen McDonough, Pediatrician**, in opposition #25160

**Shannon Krueger** in opposition #25162

**Jane Pettinger** in opposition #25789

**Kara Gloe, Mental Health Therapist, Canopy Medical Clinic** in opposition #25827

**James Lyons** in opposition #25883

Senate Human Services Committee

HB 1522

March 21, 2023

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**Bree Langemo** in opposition #25886

**Racheal Sinness, Legal Director, North Dakota Protection and Advocacy**

in opposition #25999

**Janet Anderson** in opposition #26012

**Melissa Burkland** in opposition #26028

**Shannon Krueger** in opposition #26030

**Nick Archuleta, President, North Dakota United** in opposition #26039

**Jane Fraase** in neutral #25878

10:41 AM **Madam Chair Lee** adjourned the hearing.

*Patricia Lahr, Committee Clerk*

# 2023 SENATE STANDING COMMITTEE MINUTES

Human Services Committee  
Fort Lincoln Room, State Capitol

HB 1522  
3/29/2023

Relating to providing accommodations to a transgender student; and to declare an emergency.
---

2:55 PM **Madam Chair Lee** called the meeting to order. **Senators Lee, Cleary, Clemens, Weston, and Hogan** were present. **Senator K. Roers** was absent.

## Discussion Topics:

- Safety
- Biological sex
- Comparisons of transgenders bills

**Senator Lee** calls for discussion.

**Senator Weston** proposed amendment, line 10 from shall to may.

3:18 PM **Courtney Koebele** provided information verbally.

3:32 PM **Chris Joseph, Council Legislative Council** provided information verbally, neutral.

**Senator Cleary DO PASS.**

**Senator Weston** seconded the motion.

Roll call vote.

Senators	Vote
Senator Judy Lee	N
Senator Sean Cleary	Y
Senator David A. Clemens	Y
Senator Kathy Hogan	N
Senator Kristin Roers	AB
Senator Kent Weston	Y

The motion passed 3-2-1.

**Senator Clemens** will carry HB 1522.

## Additional Written Testimony:

**Mia Halverson** in opposition #26952

4:06 PM **Madam Chair Lee** adjourned the meeting.  
*Patricia Lahr, Committee Clerk*

Note: Bill was reconsidered on 3/31/2023.

# 2023 SENATE STANDING COMMITTEE MINUTES

Human Services Committee  
Fort Lincoln Room, State Capitol

HB 1522  
3/31/2023

Relating to providing accommodations to a transgender student; and to declare an emergency.
---

11:31 AM **Madam Chair Lee** called the meeting to order. **Senators Lee, Cleary, Clemens, Weston, and Hogan** are present. **Senator K. Roers** was absent.

### Discussion Topics:

- Safety
- Biological sex
- Comparisons of transgenders bills

**Senator Lee** handed out amendments drafted by **Liz Fordahl, Counsel, Legislative Council**, LC 23.0864.06004 and LC 23.0864.06005. #27166

11:46 AM **Liz Fordahl, Counsel, Legislative Council**, provided information verbally.

**Senator Cleary** moved to adopt amendment LC 23.0864.06005, without the change to page 1, line 10, relating to the or public school and change policy to plan on line 11.

Senator Hogan seconded the motion.

Roll call vote.

Senators	Vote
Senator Judy Lee	Y
Senator Sean Cleary	Y
Senator David A. Clemens	Y
Senator Kathy Hogan	Y
Senator Kristin Roers	AB
Senator Kent Weston	Y

Motion passed 5-1-0.

**Senator Cleary** moved to adopt amendment, striking section 4 and 5.

**Senator Hogan** seconded the motion.

12:06 PM **Liz Fordahl**, provided additional information verbally.

Roll call vote.

<b>Senators</b>	<b>Vote</b>
Senator Judy Lee	Y
Senator Sean Cleary	Y
Senator David A. Clemens	N
Senator Kathy Hogan	Y
Senator Kristin Roers	AB
Senator Kent Weston	N

Motion passed 3-2-1.

**Senator Cleary** moved **DO PASS** as **AMENDED**.

**Senator Weston** seconded the motion.

Roll call vote.

<b>Senators</b>	<b>Vote</b>
Senator Judy Lee	Y
Senator Sean Cleary	Y
Senator David A. Clemens	Y
Senator Kathy Hogan	N
Senator Kristin Roers	AB
Senator Kent Weston	Y

Motion passed 4-1-1.

Senator Clemens will carry HB 1522.

12:11 PM **Madam Chair Lee** adjourned the meeting.

*Patricia Lahr, Committee Clerk*

March 31, 2023

24  
3-31-23

PROPOSED AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1522

Page 1, line 8, after "district" insert ", public school, or public school teacher"

Page 1, line 10, remove "in consultation"

Page 1, line 10, after "with" insert "the approval of"

Page 1, line 11, replace "policy" with "plan"

Page 1, line 13, after the second "a" insert "public"

Page 1, remove lines 15 through 23

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1522, as reengrossed: Human Services Committee (Sen. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). Reengrossed HB 1522 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 8, after "district" insert ", public school, or public school teacher"

Page 1, line 10, remove "in consultation"

Page 1, line 10, after "with" insert "the approval of"

Page 1, line 11, replace "policy" with "plan"

Page 1, line 13, after the second "a" insert "public"

Page 1, remove lines 15 through 23

Renumber accordingly

**2023 CONFERENCE COMMITTEE**

**HB 1522**



# 2023 HOUSE STANDING COMMITTEE MINUTES

**Human Services Committee**  
Pioneer Room, State Capitol

HB 1522  
4/19/2023  
Conference Committee

Relating to preferred pronouns and providing accommodations to a transgender student; to provide a penalty; and to declare an emergency.
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Madam Chair Rohr called the meeting to order at 3:32 PM.

Madam Chair Karen M. Rep. Rohr, Reps. Karen Anderson, Gretchen Dobervich, Chairman Weston, Sens. Judy Lee, Clemens

**Discussion Topics:**

- Parental approval

Madam Chair Rohr called for a discussion on HB 1522.

Sen. Clemens explained the amendments to HB 1522 approved in the Senate.

Madam Chair Rep. Rohr adjourned the meeting at 3:41 PM.

*Phillip Jacobs, Committee Clerk*

# 2023 HOUSE STANDING COMMITTEE MINUTES

## Human Services Committee Pioneer Room, State Capitol

HB 1522  
4/21/2023  
Conference Committee

Relating to preferred pronouns and providing accommodations to a transgender student; to provide a penalty; and to declare an emergency.
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Madam Chair Rohr called the meeting to order at 2:30 PM.

Madam Chair Karen M. Rep. Rohr, Reps. Karen Anderson, Gretchen Dobervich, Chairman Weston, Sens. Judy Lee, Clemens were present.

### **Discussion Topics:**

- Parental approval
- Amendment

Madam Chair Rohr called for a discussion on HB 1522 and proposed amendment 23.0864.06008 (#27869).

Senator Weston moves that the Senate recede from the Senate Amendments and amend as follows: 23.0864.06008.

Senator Lee seconds the motion.

Roll call vote: Motion carries 5-1-0

Representative Rohr will carry for the house.

Senator Clemens will carry for the Senate.

Madam Chair Rep. Rohr adjourned the meeting at 3:41 PM.

*Phillip Jacobs, Committee Clerk*

NO  
4/21/23  
1082

PROPOSED AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1522

That the Senate recede from its amendments as printed on page 1566 of the House Journal and pages 1308 and 1309 of the Senate Journal and that Reengrossed House Bill No. 1522 be amended as follows:

Page 1, line 1, after "chapter" insert "14-02.4 and a new section to chapter"

Page 1, line 2, after the first "to" insert "preferred pronouns and"

Page 1, line 2, after the semicolon insert "to provide a penalty;"

Page 1, after line 4, insert:

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

**Preferred pronoun - Government entity.**

1. Unless otherwise required by law, a government entity may not adopt a policy requiring or prohibiting:
  - a. An employee's use of an individual's preferred pronoun when addressing or mentioning the individual in work-related communications; or
  - b. The designation of an employee's preferred pronoun in work-related communications.
2. An individual may assert a violation of this section as a claim or defense in a judicial proceeding and is entitled to recover appropriate relief, including reasonable attorney fees and court costs."

Page 1, line 8, after "district" insert ", public school, or public school teacher"

Page 1, line 10, remove "in consultation"

Page 1, line 10, after "with" insert "the approval of"

Page 1, line 11, replace "policy" with "plan"

Page 1, line 13, after the second "a" insert "public"

Page 1, line 14, after "sex" insert ","

4. Unless otherwise required by law, a school district, public school, or public school teacher may not:
  - a. Adopt a policy concerning a particular student's transgender status without approval from the student's parent or legal guardian; or
  - b. Withhold or conceal information about a student's transgender status from the student's parent or legal guardian"

Page 1, remove lines 15 through 23

Renumber accordingly

Mg  
7/21/23  
202

**2023 HOUSE CONFERENCE COMMITTEE  
ROLL CALL VOTES**

BILL NO. 1522 as engrossed

**House Human Services Committee**

- Action Taken**
- HOUSE accede to Senate Amendments
  - HOUSE accede to Senate Amendments and further amend
  - SENATE recede from Senate amendments
  - SENATE recede from Senate amendments and amend as follows
  
  - Unable to agree**, recommends that the committee be discharged and a new committee be appointed

Motion Made by: Sen. Clemens Seconded by: Sen. Lee

Representatives	4/19		4/21		Yes	No	Senators	4/19		4/21		Yes	No
	X		X					X		X			
Madam Chair Rohr	X		X		Y		Chairman Weston	X		X		Y	
Rep. K. Anderson	X		X		Y		Sen. Lee	X		X		Y	
Rep. Dobervich	X		X			N	Sen. Clemens	X		X		Y	
Total Rep. Vote					2	1	Total Senate Vote					3	0

Vote Count                      5                      No: 1                      Absent: 0

House Carrier   Rep. Rohr                      Senate Carrier   Sen. Clemens

LC Number   23.0864                      . 06008                      of amendment

LC Number                      23.0864                      . 09000                      of engrossment

Emergency clause added or deleted

Statement of purpose of amendment:

Includes under section 1: Unless otherwise required by law, a government entity may not adopt a policy requiring or prohibiting: an employee’s use of an individual’s preferred pronoun when addressing or mentioning the individual in work-related communications; or the designation of an employee’s preferred pronoun in work-related communications.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1522, as reengrossed:** Your conference committee (Sens. Weston, Lee, Clemens and Reps. Rohr, K. Anderson, Dobervich) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ page 1566, adopt amendments as follows, and place HB 1522 on the Seventh order:

That the Senate recede from its amendments as printed on page 1566 of the House Journal and pages 1308 and 1309 of the Senate Journal and that Reengrossed House Bill No. 1522 be amended as follows:

Page 1, line 1, after "chapter" insert "14-02.4 and a new section to chapter"

Page 1, line 2, after the first "to" insert "preferred pronouns and"

Page 1, line 2, after the semicolon insert "to provide a penalty;"

Page 1, after line 4, insert:

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

**Preferred pronoun - Government entity.**

1. Unless otherwise required by law, a government entity may not adopt a policy requiring or prohibiting:
  - a. An employee's use of an individual's preferred pronoun when addressing or mentioning the individual in work-related communications; or
  - b. The designation of an employee's preferred pronoun in work-related communications.
2. An individual may assert a violation of this section as a claim or defense in a judicial proceeding and is entitled to recover appropriate relief, including reasonable attorney fees and court costs."

Page 1, line 8, after "district" insert ", public school, or public school teacher"

Page 1, line 10, remove "in consultation"

Page 1, line 10, after "with" insert "the approval of"

Page 1, line 11, replace "policy" with "plan"

Page 1, line 13, after the second "a" insert "public"

Page 1, line 14, after "sex" insert "."

4. Unless otherwise required by law, a school district, public school, or public school teacher may not:
  - a. Adopt a policy concerning a particular student's transgender status without approval from the student's parent or legal guardian; or
  - b. Withhold or conceal information about a student's transgender status from the student's parent or legal guardian"

Page 1, remove lines 15 through 23

Renumber accordingly

Reengrossed HB 1522 was placed on the Seventh order of business on the calendar.

**TESTIMONY**

**HB 1522**



**HB 1522**

This bill takes away the flexibility of school staff to help meet the needs of students who may need special accommodations to further their development and better meet physical needs that are important to provide an environment promoting education. This bill is discriminatory, unnecessary and should be rejected.

House Human Services Committee Members:

I am writing as a concerned life-long resident of North Dakota to express my opposition to HB1522 which makes it illegal to provide public accommodations to transgender students in schools. I am so dismayed that the legislators this session have decided it is necessary to attack a group of young people who are already vulnerable and at a greater risk of depression, anxiety and self-harm. The entire basis of this bill is hurtful and unnecessary and there are items listed on the bill which show a lack of research on the part of the sponsors prior to writing the bill.

I see a lack of understanding of the difference between sex and gender as well as an incorrectly perceived idea that sex and gender are simple and straightforward. Evidence-based research on this topic shows that even biological sex is determined by a myriad of factors that includes genes and their expression, chromosomes, neurobiology and endocrinology, not just DNA.

In section c, there is mention of students' perception of being any animal species. There have been rumors flying around the past couple of years that students are identifying as Furrries and that there are litter boxes in schools here in North Dakota. This is ludicrous and has been shown to be untrue by the administrators of those schools. To even include this in a bill is an insult to our public-school administrators as well as the transgender students that this bill is attacking.

The suicide attempt rate among transgender individuals is 32 to 50%. Gender-based victimization, discrimination, bullying, violence and rejection by family, friends and/or community are just some of the factors that have caused this horribly high rate of depression and suicidal thinking. Studies have shown that youth who experience discrimination based on their gender identity were twice as likely to attempt suicide. Being misgendered, which this bill requires, leaves the person feeling disrespected, invalidated and dismissed, which negatively impacts their mental health. Using correct pronouns and names, however, has been shown to reduce depression and suicidal risk. This bill is an example of discrimination, victimization, bullying and rejection by community and is the opposite of what we should be doing to prevent suicides in our state. We should be supporting these people and should encourage culturally sensitive and transgender-inclusive programs to tackle this high rate of suicidality.

In section 3 of this bill, it does not allow a school to provide unisex bathroom accommodation for students unless they have had gender affirming surgery prior to the start of this law and have a written request from a parent or guardian. Since this bill appears to be targeting elementary through high school age students, there is obviously a lack of understanding of gender affirming care as gender affirming surgery is not done on minors. This means that there can never be restroom accommodations made for transgender students. We should instead be making a law that requires all schools to have gender neutral bathroom facilities. Studies have shown that allowing students to use gender-neutral bathrooms in schools can reduce bullying and victimization and can improve the mental and physical health of these students. This bill does the exact opposite.

The penalty aspect of this bill is not my area of expertise but I have a major concern when a parent can sue a school district if they feel that their child has suffered damages because of a violation to this bill. This could be costly to the school, even if the plaintiff does not prevail, and a waste of their time and taxpayers' dollars. I am not sure how a cis-gender student

could be harmed by a transgender student being treated with respect and dignity. This bill is obviously not concerned with the damages done to transgender students when they are bullied, discriminated against or victimized.

Public Schools should be providing a safe and supportive environment for all children. Schools in our state have already tackled the issue of accommodation for transgender students and we should trust that the policies that have been developed and are being implemented in those schools are providing that safe and supportive environment for **ALL** students. There has been considerable evidence-based research on this topic and there are many resources available if any of the legislators would like to do more research. When we can create school environments that respect and affirm gender diversity, it actually empowers all the students in the school and teaches them empathy and acceptance of those who are different from themselves.

Please do what is right and give this bill a Do Not Pass out of committee.

Thank you for your time,

Jane Hirst  
Minot, ND

*Members of the House Human Services Committee,*

*My name is Seth Flamm and I reside in District 27. I am asking that you please render a DO PASS on House Bill 1522.*

*Schools should provide separate bathroom and locker room facilities based on biological sex, not gender identity, as they have done for hundreds of years. Policies based on gender identity are purely ideological in nature and particularly harm women and girls by compromising their privacy and safety.*

*Thank you for your consideration on this important issue and for your service to the state of North Dakota.*

*Seth Flamm*

## Testimony in Opposition to HB 1522

I am writing in opposition to HB 1522. For the love of God, leave trans kids alone. For the many reasons listed in other testimony for other bills targeting trans folks and others in the LGBTQIA+, this is yet another harmful bill that tries to solve a problem that doesn't exist. Along with wasting the legislature's time, this bill is just another in a long list that is based in fear of what people don't understand. There are 8 billion people in the world and not all of them will fit into the small, rigid boxes you try to create for them. Our schools should be trusted to care for their students in ways they deem appropriate.

Frankly, I also find it embarrassing that some of our elected officials have fallen for the widely debunked and discredited school yard myth of litter boxes in school bathrooms. This bill's line, "that caters to a student's perception of being any animal species" shows how susceptible some in our legislature are to falling for the "fake news" they take in from certain radio, TV, internet personalities.

I believe these issues of accommodating children's needs should be left to the discretion and wisdom of parents and teachers, not legislated by misinformed elected officials. Rather than working on ways to exclude students and make life more challenging for trans kids, we should be finding ways to support and care for them, just like we do for all other kids. Parents and teachers want what we all want their kids to know they are loved and included. This bill does nothing but impose unnecessary and discriminatory rules.

Perhaps we should work on funding our schools, so they have working restrooms, adequate safety measures, healthy teachers, climate controlled rooms, and relevant technology for learning. These seem like worthy things we should be focusing our attention on.

I wish the legislatures who proposed this bill would take some time to talk with some transgender kids and their parents, so they could hear about the pain, discrimination, and fear they face nearly every day. Bills like this, and many others, being put forward are just another way North Dakota seems to be saying to trans children and those who love them, that they are not welcome here.

This is not the North Dakota I want to live in. Please vote "No" on HB I want to live in a state that welcomes all of God's children and who work towards budding communities of inclusion and diversity. This bill is the opposite of that.

Rev. Ellery Dykeman

Minot, ND

My name is Brett Whitney and I am here to speak against House Bill 1522.

This bill, if passed, would have a devastating impact on transgender students in our state. By prohibiting accommodations for transgender students, this bill would effectively get rid of safe spaces for them in our schools.

Transgender students already face high levels of discrimination and bullying in school. They are more likely to experience harassment and violence, and are at a higher risk for depression and suicide. This bill would only make these problems worse.

By eliminating accommodations for transgender students, this bill sends a message to them that they are not welcome or valued in our schools. It tells them that their identities are not valid, and that their needs do not matter. This is unacceptable.

Furthermore, this bill creates a private right of action for parents or legal guardians of students who have suffered damages as a result of a violation of the law, which would only further harm the students.

I urge you to vote against this harmful bill and work towards creating inclusive and supportive schools for all students, including transgender students.

January 21, 2023

Chairman Weisz and members of the House Human Services Committee:

I am writing you to encourage you to oppose House Bill 1522.

This bill essentially says that certain students don't deserve to be treated with compassion. Do the sponsors of this bill have no idea the number of suicides the transgender community suffer from? I can only assume they don't, so will share just a small portion of the peer-reviewed research:

- A 2020 peer-reviewed study by The Trevor Project's researchers, published in the *Journal of Adolescent Health*, found that transgender and nonbinary youth were 2 to 2.5 times as likely to experience depressive symptoms, seriously consider suicide, and attempt suicide compared to their cisgender LGBTQ peers.
- Research from Amsterdam which studied 45-years' worth of transgender suicide risk found that between 2013 and 2017, the suicide risk in Dutch referred transgender people (40 per 100 000 person years) showed to be three to four times higher than the general Dutch population (11 per 100 000 person years)
- Results from a study published in *Family Process* in 2020 supported the hypothesis that perceived relational support would reduce participants' suicide risk indirectly by first increasing their emotional stability. More specifically, our results showed that participants with higher levels of perceived relational support experienced increased emotional stability, which then led to lower levels of suicide risk for the participants.
- Data from a March 2022 issue of the *Journal of Interpersonal Violence* indicate that 82% of transgender individuals have considered killing themselves and 40% have attempted suicide, with suicidality highest among transgender youth.

HB 1522 will make these numbers increase in our state; it is disgusting, immoral, unethical, and cruel. This bill does not represent the North Dakota I know and love and I hope you will agree and issue a "do not pass" for HB 1522.

If you support this bill, I fear that you'll next be recommending the removal of accommodations for neurodiverse students and those with behavioral issues. If your ultimate goal is truly to support a child's life and access to learning, why would you support the removal of accommodations that allow this?

Sincerely,

Janet B. Anderson

Burlington, ND

Dear Legislators,

I have lived in North Dakota most of my life. After college, I left like many young people of this state do. However, I returned because I believed this was the best place to raise a family. I no longer feel that way. I have one child in college and two in high school. My parents never wanted any of their kids to leave this state, but I have told my kids that there are better places to live. This bill is one of the reasons North Dakota is no longer an ideal place to raise a family.

I have long been an ally to the LGBTQ+ community, but their struggles became more personal for me when my daughter came out. It has not been an easy journey for my daughter and school is often a place of misery when other students ridicule them. There have also been days of joy, days when a teacher recognized their pronouns and stood as an ally. When a teacher uses the correct pronouns for my daughter, it does not affect any other person in that classroom, but I can tell you it makes a huge impact on my daughter. It's such a small act that makes a big difference. Using the correct pronouns says we are accepting you as you are. Isn't that what we all want? To be accepted as we are?

I have heard comments from some who feel their religious liberties to misgender someone are being attacked. I want to remind you that religion has no place in our public schools. I'm tired of Christians using religion as an excuse to mistreat people. Maybe I went to the wrong church, but that's not what I learned. As Christians, it's our duty to treat others with respect and dignity.

This bill is nothing but hatred and bigotry toward a small minority. This bill does nothing to help the citizens of North Dakota. Its goal is to hurt a specific group. Our young people will continue to leave this state, and not just those in the gay community, but also the allies that want to live in a more inclusive, accepting community.

Stacy High  
Bismarck, ND



Elia Jay Scott,  
Fargo, ND 58103 (district 46).

## Please stop the war on trans lives.

Imagine (if you are not) that you are Catholic. And imagine that your state legislature proposes **21 bills** targeting, demonizing, and persecuting the Catholic community. One bans you from wearing a crucifix in public. One bans you from privately praying anywhere near a school. And one bans sale of alcohol for religious purposes, making it illegal for your church to obtain the spiritual medicine that keeps your soul alive, the Eucharist.

Now, instead, imagine that you are **transgender**. Instead of banning crucifixes, the state wants to ban you from going outside your house in clothes consistent with your identity. Instead of banning prayer in schools, they want to ban any school accommodation for your condition, gender dysphoria. And instead of banning the Eucharist, they want to ban the evidence-based, lifesaving healthcare that has saved your **actual, physical life**, and the lives of so many of your beloved friends.

***That is what the North Dakota state legislature is doing right now.*** Republicans have introduced 21 – yes, 21 – bills, targeting, demonizing, and persecuting the transgender community, doing all I have described above and more.

This bill, HB 1522, aims to stigmatize, ostracize, and bully trans kids into self-harm, substance abuse, or suicide, by preventing schools from implementing science- and evidence-based policies for how best to help students with gender dysphoria learn and feel safe.

Chair and members of the committee, if you are Catholic, Christian, or simply a human being of conscience, I ask you ***please to vote NO on all these anti-transgender bills***, and to stop this merciless, hateful war on our trans neighbors – whom, if we are Catholic, Christian, or people of conscience, we are commanded by God and human decency ***to love as ourselves***.

†

## Opposition of HB 1522

To whom it may concern,

HB 1522 is a mistake in one of the largest proportions.

The government is a public service. You are supposed to be passing bills and addressing issues that will help and support the people of the state you claim to be representing.

This bill is in opposition of that and designed purely to discriminate against an already marginalized and attacked minority. According to a June 2022 study of UCLA Williams Institute School of Law (<https://williamsinstitute.law.ucla.edu/publications/trans-adults-united-states/>) there are roughly 500 people age 13-17 that identify as transgender. When compared to the estimated ~779k residents (<https://www.census.gov/quickfacts/fact/table/ND/PST045222>) this bill is attacking .06% of the population of the state.

You are wasting time and resources to distract the populace from actual problems that the state is facing. The housing market and financial income of the people you've stated you want to help and protect are laughable. According to Fortune Builder, the average home in all of North Dakota is valued at \$278,322 (<https://www.fortunebuilders.com/north-dakota-real-estate-market/>). The average annual income per household is roughly \$68k, according to the Census Bureau (<https://www.census.gov/quickfacts/ND>). Even before home expenses, it would take more than 4 years to save for a home. People are living paycheck to paycheck just to survive and you're more concerned about how to attack CHILDREN and make them even more fearful of the world.

You are actually contributing to the mental anguish of children and those that actually care about them.

You're incentivizing frivolous lawsuits against governmental agencies if a student requests to be called something different than they desire. Instead you should be addressing the problems with bullying in schools. Children and students are already ostracized enough by their peers as well as their parents. The fact that they need to fear the government as well is appalling.

You are doing damage to the state as a whole and are basically asking to not hold office again. Teenagers will be able to vote, and the fact you are actively trying to force them into poverty is abhorrent.

Sincerely,

Daniel Baumgartner

**WRITTEN TESTIMONY IN OPPOSITION TO HB 1522**

House Human Services Committee on House Bill 1522

Date of Hearing: January 24, 2023 9:45 a.m.

Debra L. Hoffarth, 1320 11<sup>th</sup> Street SW, Minot, ND 58701

This written testimony is presented in opposition to HB 1522, which outright discriminates against the transgender and non-binary communities, violates the rights of students to a free and appropriate education, and is a violation of every North Dakotans' right to free speech. It is an overreach of government authority into the private matters of its citizens.

This proposed legislation denies children their right to a free and appropriate education as it would make being mis-gendered a condition of their education, which is discriminatory, harmful, and intolerable. Article VII, Section 1 of the North Dakota Constitution declares that a free education is necessary for all children of the State of North Dakota and must be "free from sectarian control."

This bill violates several federal and state constitutional rights of its citizenry. The US and the State Constitutions take precedent over any legislative actions.

North Dakota Constitution Article I, Section 1 states: "All individuals are by nature equally free and independent and have certain inalienable rights, among which are those of enjoying and defending life and liberty; acquiring, possessing and protecting property and reputation; pursuing and obtaining safety and happiness; and to keep and bear arms for the defense of their person, family, property, and the state, and for lawful hunting, recreational, and other lawful purposes, which shall not be infringed.

North Dakota law and federal law prohibit discrimination based upon sex. The North Dakota Human Rights Act prohibits discrimination based upon sex. Title VII of the Civil Rights Act prohibits discrimination based upon sex, this includes gender identity. President Biden issued an executive order on Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation which states "all persons should receive equal treatment under the law, no matter their gender identity or sexual orientation." This law requires individuals to violate federal law.

The right to free speech belongs to every citizen of the State of North Dakota. Our Constitution states: "Every man may freely write, speak and publish his opinions on all subjects, being responsible for the abuse of that privilege." The First Amendment prohibits the abrogation of free speech. Everyone has the right to speak freely, without repercussions, absent the language falling under hate speech, obscenity, child pornography, defamation, or incitement to violence and true threats of violence. Any restriction of free speech must be reasonable, content-neutral, viewpoint-neutral, and narrowly tailored to satisfy a significant institutional interest.

This proposal also violates the privileges and immunities clause. North Dakota Constitution. Article I, Section 21 states: No special privileges or immunities shall ever be granted which may not be altered, revoked or repealed by the legislative assembly; nor shall any citizen or class of citizens be granted privileges or immunities which upon the same terms shall not be granted to all citizens." This proposed legislation allows straight and binary individuals privileges, which transgender and non-binary individuals are not allowed – participation in North Dakota's education system.

There are already free speech laws on the books in North Dakota that would conflict with this proposed legislation. The State Board of Higher education has a policy that allows students and faculty free speech. Students cannot be sanctioned for speech unless "the speech or expression is unwelcome, targets the victim on a basis protected under federal, state, or local law, and is so severe, pervasive, and objectively offensive that a student effectively is denied equal access to educational opportunities or benefits provided by the

institution.” Higher education institutions are to promote “a welcoming, inclusive environment.” This legislation flies in this legislation allowing students and faculty to have free speech at institutions of higher education, which of course receive state funding. It will require these institutions and their faculties to potentially violate other state laws. It also makes the jobs of teachers everywhere more difficult. Teachers need support, not more legislation on what they can and cannot teach.

Furhtermore, North Dakota Administrative Code 75.5-02-06.1 prevents social workers, many of whom are school counselors, or therapists from engaging in conversion therapy. This law could very well cause social workers to violate their ethical duties as outlined in the administrative code.

Use of preferred pronouns improves the mental health of transgender and non-binary individuals. A supportive and affirmative educational environment lowers suicide attempts.

This proposed legislation also includes a private right of action by other parents in the school who attends school with a transgender or non-binary student. There is no purpose in a private right of action by a parent against their child’s classmate for the simple reason that they are transgender or non-binary. This engenders hatred and sows contempt in the school. It teaches intolerance, not love for your fellow mankind. There is no harm to other parties when you address someone with their preferred pronouns. The only harm involved in this proposed legislation is the prohibition of providing gender-affirming support to the transgender and non-binary community.

This proposed private right of action also includes exemplary damages up to \$500,000. This is excessive and an egregious use of power to target an at-risk community and does not comply with North Dakota law in regard to exemplary damages. It appears to be an attempt to silence a community. Under North Dakota law, exemplary damages are awarded in order to punish an individual (or entity).<sup>1</sup> It reserved for those extreme situations where there is a breach of an obligation, and it must be proved by “clear and convincing evidence of oppression, fraud, or actual malice.”<sup>2</sup> Exemplary damages are not automatic and allowed only if there are compensatory damages.<sup>3</sup> Exemplary damages are limited by North Dakota law to “two times the amount of compensatory damages or two hundred fifty thousand dollars, whichever is greater.”<sup>4</sup> Also, when determining exemplary damages, the following items must be considered:

- a. Whether there is a reasonable relationship between the exemplary damage award claimed and the harm likely to result from the defendant's conduct as well as the harm that actually has occurred;
- b. The degree of reprehensibility of the defendant's conduct and the duration of that conduct; and
- c. Any of the following factors as to which evidence is presented:
  - (1) The defendant's awareness of and any concealment of the conduct;
  - (2) The profitability to the defendant of the wrongful conduct and the desirability of removing that profit and of having the defendant also sustain a loss; and
  - (3) Criminal sanctions imposed on the defendant for the same conduct that is the basis for the exemplary damage claim, these to be taken into account if offered in mitigation of the exemplary damage award.<sup>5</sup>

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<sup>1</sup> N.D.C.C. § 32-03.2-11(1)

<sup>2</sup> N.D.C.C. §§ 32-03.2-11(1), (5)

<sup>3</sup> N.D.C.C. §§ 32-03.2-11(2), (4)

<sup>4</sup> N.D.C.C. § 32-03.2-11 (4)

<sup>5</sup> N.D.C.C. § 32-03.2-11(5)

This proposed legislation will put this section at odds with the longstanding exemplary damages standards already on the books in North Dakota. The legislation does not meet the standards for exemplary damages on its own so it cannot stand.

There is no clear purpose for this legislation, other than to harass and further terrorize the transgender and non-binary community in North Dakota, a community that already suffers from higher rates of suicide and harassment. Affirming individual's preferred pronouns lowers the risk of suicide and self-harming. This legislation will further marginalize transgender and non-binary individuals, putting their mental health at risk.

Transgender and non-binary individuals need compassion and inclusion, not hatred and exclusion. You cannot erase the existence of transgender and non-binary individuals via legislation. They have and will always exist. All people within the State of North Dakota deserve dignity and respect and to have their constitutional rights intact.

Please oppose HB 1522.

Debra L. Hoffarth  
1320 11th Street SW  
Minot, ND 58701

As a licensed Marriage and Family Therapist in North Dakota, I urge you to oppose HB 1522.

This bill is directly aimed at removing transgender youth from public education.

The bill states transgender youth will only get restroom accommodations and recognition as their gender if they have had gender affirming surgery and written consent from parents. It's incredibly rare for youth under 18 to receive gender affirming surgery. There's no way a trans student can meet these requirements to be affirmed at school.

LGBTQ Youth are more than 4 times as likely to attempt suicide than their peers (Johns et al., 2019; Johns et al., 2020). This isn't a result of the label, it's a direct outcome of being marginalized and discriminated against. This bill, and others that seek to further limit the LGBTQ+ community directly contribute to the increased risk of suicide.

I've seen this firsthand in my office from youth and young adults who share things like, "I don't belong here," "It's clear I'm not wanted," and "it's stuff like this that makes me want to die." As a mental health provider, I cannot support a bill that contributes to a community where members do not feel entitled to live the lives they are born into. More than half of transgender and nonbinary youth seriously considered suicide in the last year (Trevor Project 2022 National Survey on Youth Mental Health). North Dakota cannot afford to pass legislation that contributes to this.

This is not a bill that recognizes or appreciates a diverse population of North Dakotans and will result in loss of community members. It does not make North Dakota a desirable place to live and is not reflective of the values that most North Dakotans hold toward their friends, neighbors and family members.

I strongly urge you to oppose HB 1522.

Dear Chair Weisz and members of the House Human Services Committee,

My testimony is in opposition to House Bill 1522. I ask that you give this bill a Do Not Pass.

This bill goes against everything we know about psychological support of teenagers. For transgender teens, studies show that one adult using the pronouns and name they prefer can reduce their suicide rate. The trans youth data survey showed that 74% of transgender youth in North Dakota contemplated suicide and 46% attempted. If this bill prevents that one adult from helping these kids, the numbers could rise. If the point of this bill is to assist these teens in killing themselves, it has the potential to be effective. My church hosts our community's Transgender Day of Remembrance service each year. Saying the names of North Dakota youth who die from suicide because they don't see a pathway to functional adulthood amidst a state they fear is trying to kill them is one of the most heartbreaking things I do.

The state of North Dakota has a responsibility to educate all of the children of North Dakota, declaring schools to be free to transgender individuals does not make it so, it just means that schools become a weapon against the transgender students who must hide their identity in order to go to school. It is obvious that this bill seeks to destroy children, even to result in their deaths. The audacity to include private institutions in this bill, meaning not just publicly provided and funded institutions, but all institutions shows how mean spirited this bill is. If I had children of school age, this bill would make me pack up and move away from North Dakota, regardless of my child's gender identity. I would not want them educated in an institution in which it was against the rules, against the law, to simply exist.

Rev. Michelle Webber



I strongly oppose this bill. Banning schools from acknowledging or taking extremely basic steps to respect gender identity of students is extremely harmful to trans children. Suicide rates among children who are trans are exponentially higher than children who are not trans, and enacting this bill will contribute to trans children feeling discouraged, depressed, and rejected by their society. This bill directly goes against all of the research about supporting mental health for trans individuals. The fact that this bill is being considered is embarrassing for our state. It shows such ignorance of factual information and the extreme prejudice of our lawmakers.

Megan Degenstein, Ph.D.  
Licensed Professional Clinical Counselor

My name is Samantha Kilcline, but I go by Willow. I am Nonbinary and bisexual. People are already afraid to be themselves and come out, and this will happen more often if this bill is put in place.

In 9th grade I came out to my mom as bisexual. she told me that I was not, and I was saying that because to be in a relationship with a male. She did not believe me until 12th grade when I started dating a female. I started doing research on a name that would feel more appropriate for me. I did not come out as nonbinary until after school, because I had a couple teachers that would not call queer students their preferred name and pronouns.

I also had my mother telling me that they/them pronouns were inappropriate and grammatically incorrect. She would ask me why people were using they/them pronouns and I will tell her they feel more comfortable, because they don't identify as male or female, or they identify as both/neither. I would get a long lecture about how they are incorrect from a grammatical standpoint. The sad thing is, I had to have my fiancé explain being nonbinary, and they/them pronouns more in depth to my mother for her to understand and actually use them, and call me by my chosen name.

January 22, 2023

Members of the House and Human Services Committee

My name is Catherine Cartier and I reside in District 2. I am asking that you please render a “DO PASS” on House Bill 1522”.

We were created male and female by God and not the gender some think they are. We must not accommodate or cater to them. Schools should provide separate locker rooms, bathroom, etc on BIOLOGICAL SEX, not gender identity.

Florida School District had a court ruling that would require students to use bathroom of biological sex because of this court ruling. Let us follow this example.

I STRONGLY URGE YOU TO DO A “DO PASS” ON BILL #1522.

Sincerely,

Catherine Cartier

01/22/2023

*My name is Susan Draper and I reside in District 1, of Williston, ND I am asking that you please render a DO PASS on House Bill 1522. I am speaking on behalf of myself and daughter, who has experienced a transgender in the woman's bathroom at her high school. While the transgender was in the woman's restroom the transgender made a comment "eww, it smells like fish in here, you girls stink". This is not something that girls should have to defend or hear from another sex. This made all the girls in the restroom uncomfortable.*

*My male student shouldn't not have to worry if a transgender is going to walk in the restroom while urinating in a urinal that they may take offense or report him for sexual harassment for peeing. If students don't feel comfortable in the bathrooms that they use this could lead to medical conditions in the future.*

*Thank you for your consideration of this important matter and for your service to the state of North Dakota.*

*Susan Draper*

## HB 1522

I am in favor of this bill because I believe the girls in the public restrooms have the right to privacy from any man who happens to say he is a woman for the day, and this could happen! It is not fair to the girls whose privacy is being violated, and its not fair to the parents of these girls who have to worry that some predator will violate their daughters. It is a matter of public safety.

January 22, 2023

To Whom It May Concern,

My name is Tim Baumann and I live at 1308 35<sup>th</sup> Ave. SW in Minot. I am writing today to express my opposition to HB 1522. This legislation puts an undue financial burden on public schools and creates a mountain out of a molehill.

Respectfully Submitted,

Tim Baumann  
1308 35<sup>th</sup> Ave. SW  
Minot, ND 58701

## HB # 1522

68<sup>th</sup> Legislative Session

Senator Weston. Representatives: Dyk, Christensen, Timmons, VanWinkle

I am writing in opposition to HB #1522. The authors who drafted this bill lack any knowledge or understanding of what being transgender is and what the person who is transgender faces living amongst a CIS dominated society. I was born and raised in North Dakota and I am also a parent of a transgender person. My child went to public schools and I have watched her being discriminated against, have had to report a criminal act that was done to her on school property. I had to deal with the ugliness of her peers, staff and faculty as well. The school administration being one in not one but two schools districts. I'm here to tell you there is no such thing as a "safe haven" at school for anyone who is bullied. Bullying is alive and well in North Dakota schools and it looks like the legislative branch is following in step with discrimination and ostracizing kids in our schools.

How many of you know a transgender person or have talked to a parent of a transgender person regarding their experiences in public schools? I dare say none of you have taken the time or even thought of what the transgender person goes through at school each and every day. By law our kids are mandated to go to school. The kids there are forced to endure ill-mannered children who are raised by people who think if you don't look and act like me, then you are not worthy of respect and so it is ok to bully these people. I know this because my child was bullied. My child wasn't one to act up, cause attention to herself in the contrary, she is shy, quiet and respects authority figures.

My daughter would come home and tell me how the day went and more times than I wanted to recall, there was someone's kid being a bully. Whatever happened to the no bullying zone at school? Oh, that is for the CIS kids and not meant for transgender people? My daughter had teachers who outed her in class, and when I took that up with the principal, nothing happened but a verbal hey, don't do that. I asked why this teacher put her lunch account up on the white board in front of the class. This was a history class. The principal couldn't answer that nor would she allow me to address the teacher. Now who is being the bully and allowing the bullies to continue their behavior? The school administration, that's who.

When my daughter was filmed in a bathroom stall, which is illegal. I took that once again to the school and this time I demanded that the Resource Officer be notified because I wanted to file charges. What this CIS peer did was illegal. The Resource Officer came, took statements from my daughter and her friend who witnessed the video which was put on Snapchat and Facebook. The CIS peers' mother was called. The mother released the phone to the Resource Officer and he viewed the video. The CIS peer even admitted to doing this and do you know what the school administration told the Resource Officer? Don't call the mom and tell her what you saw. The Resource Officer is mandated by law to tell a minor child's parent when a crime has been committed on school property. Does that sound like the school

## HB # 1522

has my daughter's best interest at heart? Does that smack of No Bullying Zone to you? Nope, sure doesn't.

These are just a few examples of what my daughter had gone through and what steps or I should say extent the school did to protect my child. School is supposed to be a safe place for our kids, but I guess that means all kids except transgender kids.

Inclusion is a huge part of school and learning. It is in school we learn about each other and what makes us different. Schools should teach tolerance and acceptance. What this bill does is support the ideology that if someone is different then it is bad and should be treated as lesser than by removing rights and privileges that the others enjoy. Do you really want to teach the youth of North Dakota that if someone is different from you then it is ok to discriminate against them? I thought that we lived in the USA where everyone has the right to be themselves. Apparently, History hasn't come to mind to any of you when you think of excluding transgender kids from their peers or better yet, maybe your ideology comes from those from the deep south who fought to keep people of color at the back of the bus, to use separate bathrooms, even to the extent of separate churches, schools and businesses.

This bill violates the civil rights of transgender students in schools. These kids just want to go to school, learn, use the bathroom and some, very few, want to participate in sports. The number of transgender kids in North Dakota isn't large but this bill still does damage to the self esteem of the transgender person and gives the misconception to CIS people that transgender people are ok to mistreat.

My daughter was born transgender. From her early days to present she has always had mannerisms and behaved like that of her older sister. This isn't a fad or a phase and not a way to erase CIS females in sports. My daughter doesn't like sports. My daughter is kind, thoughtful and sweet. Nothing in her persona resembles a male. I should know I have lived with her all her life.

What are you scared of? Transgender people use the bathroom just like the CIS population. We go in and get out, end of story. There isn't any malcontent on behalf of transgender person using the same bathroom as a CIS person.

In fact, CIS people are the aggressors and their behavior needs to be regulated. The lack of empathy, understanding and acceptance of transgender people will flow over and spread onto other marginalized people such as Native Americans, people of color and of different religion. When will society learn from the mistakes of our past? The KKK fostered segregation. Was it necessary to segregation people of color from whites? Did something horrible happen when integration happened? No, but people love to make up stories and the worse the better. That isn't human nature, that is bigotry and discrimination to the core.



## HB # 1522

By forcing a person who is transgender to use the wrong name, the wrong pronoun and refusing to acknowledge who they really are is devastating to their wellbeing. School is to be a place where the kids are protected, all kids. This bill doesn't protect transgender kids. It makes them outcasts. How would any of you like it if your child was born in such a way that made him or her different and the school let peers bully them, let staff and faculty be cruel and make fun of him or her in class, even go as far as protect someone who committed a crime against your child? You would think that's ok because my child is different so therefore they deserve it? No, you wouldn't be happy, nor does anyone deserve to be banned from a school function or event, sport even, just because of others' ignorance and preconceived judgements.

This bill also states that accommodations for students who have had gender-affirming surgery just shows how much the authors of this bill do not know. Again, surgery can't happen until the person is 18. In the event that a person who is 18 is still in school, then why must the barrier of using the different bathroom come into play? Discrimination in any shape, form or manner is against the law.

We all are made different, look different, have different likes and dislikes from each other and those differences do not make either one of us deficit. God made us all different for a reason. The differences are to teach us acceptance, tolerance and to extend love and compassion towards one another. We are to learn from each other. Your bill sends the wrong message and if your intent is to cause harm to kids psychologically, mentally and physically then your bill will do just that. Are you willing to live with the consequences? Are you willing to shoulder the responsibility of having kids harm themselves because of your lack of empathy, your imaginary fear that transgender females are trying to take over girls sports in school? School is to be a place of learning, why is the legislative body not focusing on that?

Sit back, put yourself in the position of a transgender parent. Be honest with yourself, would you be ok with this bill? If you did some soul searching, learned the facts and talked to a parent of a transgender person. Put aside your fears, misconceptions of what transgender is and learn the facts.

Kristie Miller  
Parent of a transgender

Sixty-eighth  
Legislative Assembly  
of North Dakota

To whom it may concern,

I am writing this letter in opposition to the House bill #1522.

A person who is transgender isn't using the restrooms of their identified gender to hurt anyone.

To explicitly ban all trans acceptance in school is discrimination, and inhumane.

I would also love to take this opportunity to ask each and every one of you to reflect on how the LGBTQ community is actually harming anyone- reflect on your own homophobia for there to be such a witch hunt in this and other upcoming bill proposals.

Thank you,

Sydney Glende, LPCC

Hello Members of the House Human Services Committee,

My name is Debra Bolte and I reside in District 31. I am asking you to please render a Do Pass on house bill 1522.

Schools should provide a separate bathroom, and locker room facilities based on biological sex, not gender identity, as they have done for hundreds of years. Policies based on gender identity are purely ideological in nature and particularly harm women and girls by compromising their privacy and safety.

Thank you for your consideration on this important issue and for your service to the state of North Dakota.

Debra Bolte

Hello Members of the House Human Services Committee,

My name is Rocky Babel and I reside in District 32. I am asking you to please render a Do Pass on house bill 1522.

Schools should provide a separate bathroom, and locker room facilities based on biological sex, not gender identity, as they have done for hundreds of years. Policies based on gender identity are purely ideological in nature and particularly harm women and girls by compromising their privacy and safety.

Thank you for your consideration on this important issue and for your service to the state of North Dakota.

Rocky Babel

Hello Members of the House Human Services Committee,

My name is David Ormonde and I reside in District 31. I am asking you to please render a Do Pass on house bill 1522.

Schools should provide a separate bathroom, and locker room facilities based on biological sex, not gender identity, as they have done for hundreds of years. Policies based on gender identity are purely ideological in nature and particularly harm women and girls by compromising their privacy and safety.

Thank you for your consideration on this important issue and for your service to the state of North Dakota.

David Ormonde

Hello Members of the House Human Services Committee,

My name is Tiffany Ormonde and I reside in District 31. I am asking you to please render a Do Pass on house bill 1522.

Schools should provide a separate bathroom, and locker room facilities based on biological sex, not gender identity. Opposite biological sex individuals do not need to be in each others bathrooms. I would support the idea of a third bathroom option, for those who do not feel safe in the bathroom of their biological sex. Policies based on gender identity are purely ideological in nature and particularly harm women and girls by compromising their privacy and safety.

Thank you for your consideration on this important issue and for your service to the state of North Dakota.

Tiffany Ormonde

Members of the House Human Services Committee,

“My name is Jason Moore and I reside in District 1. I am asking that you please render a DO PASS on House Bill 1522.”

We must protect the rights of ALL citizens. When one person’s liberties are honored at the expense of another’s, laws must be passed which provide equal protection for all. Schools should provide separate bathroom and locker room facilities based on biological sex, not gender identity. This bill includes a provision for unisex bathrooms to be made available in certain cases. It is a balanced and fair bill in my opinion. Policies based on gender identity particularly harm women and girls by compromising their privacy and safety.

Thank you for your consideration on this important issue and for your service to the state of North Dakota.

Jason Moore  
Williston, ND

## House Human Services Committee

### House Bill 1522

Andrew Alexis Varvel

Written Testimony

North Dakota State Capitol

Pioneer Room

January 24, 2023

9:45AM

### Chairman Weisz and Members of the Committee:

My name is Andrew Alexis Varvel. I live in Bismarck, District 47.

My pronouns are rock/paper/scissors.

When it comes to regulating transgenderism, I support some bills and oppose others. I regard House Bill 1522 to be unnecessary. Senate Bill 2231 would do a far better job of protecting schools and school employees.

I think the wisest course of action would be to recognize three genders – people who are born in the male sex, people who are born in the female sex, and a third gender which would be a catch-all for everybody else. This third gender would include people who identify as any gender other than their sex at birth.

If someone thinks that he/she/it is a purple dinosaur, let them think it. If you have embraced your gender as hallucinogenic mushroom, then bully for you!

North Dakota should be a welcoming society for all genders, one where adults can choose who they want to be and children can be protected from predators.

This particular piece of legislation deserves a DO NOT PASS.

Thank you. I welcome questions from the committee.

Andrew Alexis Varvel  
2630 Commons Avenue  
Bismarck, ND 58503  
701-255-6639  
mr.a.alexis.varvel@gmail.com



Karen Krenz

District 1, Williston, ND

Thank you, Chairperson and members of the education committee, my name is Karen Krenz. I am the chair of the Moms for Liberty William County chapter. I am from District 1 and a mother of 3 boys. I am asking that you please render a **DO PASS** on **HB 1522**. Schools should provide separate bathroom and locker room facilities based on biological sex, not gender identity, as they have done for hundreds of years. Policies based on gender identity are purely ideological in nature and particularly harm women and girls by compromising their privacy and safety.

Thank you for your consideration on this important issue and for your service to the state of North Dakota.

Members of the House Human Services Committee,

My name is Sharlet Mohr and I reside in District 23.

I am asking that you please render a DO PASS on House Bill 1522.

President Donald J Trump's administration revoked protection allowing transgender students to use the bathroom of their chosen gender identity.

I believe he did this with the fear of real violence breaking out in a very intimate environment established to protect both sexes.

Children have enough to deal without going to the bathroom in fear.

A biological girl identifying as a boy could be vulnerable in a boy's bathroom, just as easily as a biological boy in a girl's bathroom.

Is the state or school going to be financially responsible for possible assault damages inflicted on my grand daughter in her most intimate moments.

I fear where we go from here and I urge you Do Pass on House Bill 1522.

Thank you for your consideration of this important matter and for your service to the state of North Dakota.

Sharlet Mohr

Members of the House Human Services Committee,

My name is Kimberly Hurst and I reside in District 1. I am asking that you please render a do pass on House Bill 1522. North Dakota law should specify that "sex" does not mean "gender identity," in contrast it means the biological state of being male and female that profiles at birth. Local schools should devise solutions that align with respect, privacy and safety of *all* students, not just those who have a perceived or expressed gender that is inconsistent with the student's biological sex. The term "sex" is not obscure and should not be unilaterally redefined by local schools to appease a student's perceived gender. By allowing local schools to adopt policies for transgender students and accommodate their preferred gender can lead to unintended consequences. For example, a biological male utilizing the same bathroom with a biological female not only relinquishes the privacy rights of the biological male, it also presents an opportunity for false accusations. Biological females also have valid concerns with their safety and privacy rights when allowing transgenders in private female-only spaces.

I am a mom of four boys. As a parent, I expect the state of North Dakota and the local schools to protect my children's privacy rights when they are in school. Disregarding these rights should be unlawful. A student's perceived sexual orientation or gender identity does not change a school's obligation to protect *all* of their students. Safeguarding *all* student's privacy rights should be the center point for local schools and the state of North Dakota. I urge you to support the passing of House Bill 1522.

Thank you for your consideration of this important matter and for your service to the state of North Dakota.

Kimberly Hurst

Committee members,

In the interest of brevity, I will state that I support this bill, House Bill 1522.

Perhaps the greatest imperative we have as parents, grandparents, and even, in my case, great grandparents, is the duty to speak out or act to protect our descendants from harm.

In jurisdictions where biologically male students have been allowed to declare themselves female and share facilities where full or partial nudity is common, be those bathrooms, locker rooms, showers, there have already been serious issues, up to and including rape. (Loudon County, VA).

First and foremost, we should protect our children from that life-changing trauma, especially insofar as that is possible. This Bill engenders such an environment which would be conducive to that protection, helping prevent situations which would conceivably lead to incidents like those in Virginia and elsewhere. With a rational vote, all that misery and strife can be avoided, and even unwarranted accusations avoided by not fostering an environment in which they could be generated.

Second, the sort of litigation that could result from such incidents is something which would consume resources, create enmity in a community, divide student bodies, and in general cause strife unnecessary in the community, strife which would be preventable by not providing an environment for mixing of the biological sexes in intimate and vulnerable circumstances.

As one with nine great granddaughters who either are or will be in schools in this state, help me protect them from unwanted sexual advances now, and in the future, by providing intelligent constraints on the mixing of the sexes in school and other public facilities where they would be vulnerable.

Thank you for your consideration of these remarks,

Joseph E. Bowling

Mariah Bates  
Williston, North Dakota  
House Bill 1522

Members of the House Committee,

My name is Mariah Bates and I reside in District 1. I am asking that you please render a DO PASS on House Bill 1522.

As a women, harassment, abuse, and rape have always been and always will be in the back of your mind in all situations of life. Being alone in a bathroom, walking yourself home or to your car, catching a cab, the list goes on. A female student should not have to endure that fear while using a restroom at a school. It should be mandatory that transgender students use separate bathrooms.

Thank you for your consideration of this highly important matter and for your service to the state of North Dakota.

Mariah Bates

I knew that I was different from a very young age. Growing up in Texas with immigrant parents & in a poor immigrant community, my perspective of the world was limited. The first time I kissed a girl, we were hidden in her closet at midnight, scared of being found by her parents. It was a beautiful & deeply sad moment. A memory that should be cute and awkward and funny is tainted forever because of it was clouded by our terror of being found out to be “wrong”. We weren’t wrong.

I’m a fantastic actor. My greatest performance, to date, was convincing those around me that I was heterosexual & cisgender. I hid my feelings, my personhood, & my joy for over a decade. When I learned the word transgender, after I had spent my whole life convinced that I was completely alone, I was beside myself with grief over my life so far & utter joy at the life I now had the chance to start living. My family didn’t accept that I wasn’t their daughter. I attempted suicide multiple times. One attempt landed me in a medically induced coma. When I woke up, to the surprise of even my doctors, my family told me how happy they were that their “little girl” came back to them. I kept trying to kill myself, I ran away from home, my parents threw me out & my guardians in North Dakota took me in. They didn’t accept me either, so I went back to acting.

Three years later, at 18, I was homeless, traumatized from years of abuse, & **still transgender**. No beating took it out of me, no vitriolic words could stem who I was, lack of support couldn’t make me a different person. Now that I have transitioned socially, medically, & legally, I am three years free from a suicide attempt, two years sober, & finally at home within myself. I have friends. I have a place to live. I have pets. I am alive & happy to be so.

The attack on transgender rights all across the country will not stop people from being transgender. Centuries of history have shown, time and time again, from book burnings to murders to genocides, that transgender people cannot be subdued into nonexistence. Even if every single transgender person were to die tomorrow, more would be born the next day. The outcome of bills like these is that transgender people are made to suffer more for existing, suicide rates of transgender people increase dramatically, & the murders of transgender people are normalized.

The Lemkin Institute for Genocide Prevention has classified the actions of lawmakers within the GOP against the LGBTQ+ community as a movement driven by fascist, genocidal ideology. Transgender people, whether adults or children, deserve the freedom to identify as themselves & to seek treatments that are deemed appropriate by World Health Organization, the World Professional Association for Transgender Health, & other unbiased medical organizations that rely on science to determine the proven safest treatments that lead to the proven best outcomes for people. Transgender people do not pose **any** risk to non-transgender people. Transgender people, very simply, wish to live our lives, as ourselves, in peace.

The push to not allow schools to support transgender students is driven by a wish to kill transgender children. 74.7% of transgender middle school students have considered suicide & 46.3% have attempted suicide. **That number drastically decreases when children receive support.** Schools need to be able to help transgender children from the high rates of bullying in middle school (61.0%) & high school (72.7%). With schools able to support children, they can assist if unaccepting families create an unsafe environment for them to live. 27% of transgender high schoolers don’t sleep at home, 20% have run away or are homeless, 94.4% don’t feel safe talking to their parents when feeling distressed. We need to provide support for these children. It has been proven over and over that acceptance of identity decreases the risk of suicide, homelessness, drug use, etc.

Members of the House Human Services Committee, "My name is Beth Dyk and I reside in District 23.

I am asking that you please render a DO PASS on House Bill 1522."

Schools should provide separate bathroom and locker room facilities based on biological sex, not gender identity, as they have done for hundreds of years. Policies based on gender identity are purely ideological in nature and particularly harm women and girls by compromising their privacy and safety. Thank you for your consideration on this important issue and for your service to the state of North Dakota.

Sincerely,  
Beth Dyk



Dear Chair Weisz and members of the House Human Services Committee,

My testimony is in opposition to House Bill 1249. I ask that you give this bill a Do Not Pass.

The reason for this is that I am against bills that endorse discrimination as policy. This bill hurts our state as it intrudes on individual liberties and causes actual harm to LGBTQ+ people in North Dakota, contributing to higher suicide rates among LGBTQ+ youth and mass exodus of youth from our state whether they are LGBTQ or not.

Among queer youth in North Dakota:

- 74.7% Have ever seriously considered suicide (Middle School Data)
- 46.3% Have ever attempted suicide (Middle School Data)
- 94.4% Do not talk to parents when feeling sad, empty, hopeless, or angry (High School Data)
- 72.7% Didn't feel safe at school most of time or always (High School Data)
- 61.0% Bullied on School Property (Middle School Data)
- 27.0% Didn't Sleep in Parents Home + 20.0% Have Run away or homeless (High School)

Thank you for your time, consideration, and service to our state

Best regards,

Kaitlyn Kelly

Dear Members of the Senate Judiciary Committee,

My testimony is in opposition

to Senate Bill 1522. I ask that you give this bill a **Do Not Pass**.

This bill impacts the most vulnerable of the LGBT+ population, transgender kids. Please allow the students the common decency of being called by the pronoun they identify with.

Try taking a walk in a transgender person's shoes. Imagine the world using the wrong pronoun when talking to and about you, constantly. That would suck right? Don't do this to people, we all deserve to be treated with respect.

Please,

consider not passing this dangerous piece of legislation; our children are counting on you.

Thank you for your time,

consideration, and service to our state

Best regards,

Becky Craigo

President of Beach Pride Family; House of Safe Spaces

Beach North Dakota

January 23, 2023

Chairperson Lee and Committee Members,

I strongly urge a Do NOT Pass on HB 1522. Suicide is the 11th leading cause of death in North Dakota ([afsp.org/statistics](https://afsp.org/statistics)) and the second leading cause of death in North Dakotans aged 10-24. We are 16th in the nation in suicide rate. According to research by the Trevor Project, over half of trans and nonbinary youth have seriously considered suicide in the past year, and youth who lacked social support and affirming spaces (like at school) were even more at risk. Legislation like HB 1522, which actively prevents schools from caring appropriately for trans and non-binary youth, has life-and-death consequences.

I urge a Do NOT Pass on HB 1522.

Sincerely,  
Sylvia Bull  
522 N 16th St  
Bismarck, ND 58501

In regard to HB 1522: I ask your committee to take SWIFT AND IMMEDIATE action in opposition and DO NOT PASS this unbelievably outrageous government overreach.

First: There is no transgender emergency that requires an Emergency Action by the state legislature. 2% of the population is trans. TWO PERCENT. Would you declare an emergency over the maybe 10% of the population that is born left-handed exploring the option publicly and socially of embracing their left-handedness, instead of forcing themselves to act right-handed? Of course not! So why are we engaging in panicked legislation about transkids socially exploring their own identity in school? Who does this hurt or threaten? No one. Because for kids who aren't trans, even if, by virtue of association with a trans classmate, they explore their own gender identity, NOTHING WILL CHANGE! THEY WILL STILL BE CIS!!! And GOOD FOR THEM for engaging in a little bit of self-reflection to determine who they are for themselves, rather than just unthinkingly moving through the world defining themselves by what someone told them they are based on whether they have internal or external genitalia!

This is the Satanic Panic all over again--and boy, wasn't that absolutely humiliating to have participated in, looking back?

SECOND: granting a person an accommodation for their perceived identity is done EVERY DAY, EVERYWHERE, IN EVERY FORUM. "Do you prefer to be addressed as Ms., Miss, or Mrs.?" You think that question has nothing to do with gender identity? And would you tell me I'm unreasonable for asking to be called Ms. Dillin, rather than Mrs.? Why would you! "Is Robert here?" "Robert is my dad, I go by Bob." ROBERT isn't his identity. BOB is. WHO WOULD FIGHT WITH THIS? What about girls named Samantha who go by Sam? Is that an accommodation that conflicts with their "biological sex" and assumed gender identity? My first name is Amalia. Do you know how long it took me to even learn how to spell it, because I NEVER used it, EVER, until I went off to college? I had a family nickname, and that was what everyone called me, at my request--in school and otherwise. Amalia wasn't my identity. It didn't MATTER what my birth certificate said. I chose to make it my identity, later, for purely mercenary reasons, too--because there are so few Amalias, it made me feel unique, it set me apart. It could be a conversation starter! Does that make my identity now or then less valid? Of course not. I grew and changed and made the choice for myself of who I wanted to be and how I wanted to be addressed and no one thought anything of it at any point along the way.

Okay, so none of those examples are pronouns. But can you see, by extension, how absolutely outrageous it is that we're declaring the accommodation of preferred pronouns in schools an emergency situation? What kind of nonsensical grammar policing is this???

Historically speaking, the singular they (just like the singular you) is as old as the English language. It's only relatively recently that people have taken exception to its use. Forms of address come in and out of fashion, culturally and socially its totally normal for shifts to happen over the course of any period of time. Who cares if that's how a person prefers to be referred to? It's a word that more specifically encompasses their identity as an individual! Just like Ms. or Bob or Sam or people who go by Jack but are legally named John choose the form of address that most suits THEIR identity, too. THAT'S ALL ANY PRONOUN IS--a means by which to differentiate one person from another, indirectly, more precisely in regard to who they have indicated they are. And it is not my business to tell someone who they are or are not. It isn't yours, either. And it CERTAINLY is not the states right to decide for them.

So I can only assume the problem is that these kids might ask to be referred to by a pronoun or name in school that their parents don't know about--that maybe they're wrestling with their identity and afraid of how their family will respond. Isn't it safer for these kids to be able to engage in that exploration with the support of their peers, socially, openly, than to do it in total isolation, thinking themselves entirely alone, with no one they can trust, afraid that if they reveal themselves, they'll be made homeless by parents who don't understand? At best. When suicide rates for trans kids and LGBTQIA+ folks on the whole are so high, why would we want to drive them deeper into isolation with legislation like this? Make schools so inhospitable that they have nowhere they're allowed to exist as the people they know they are? If the state decides they aren't allowed to exist in school, and they aren't allowed to exist at home--where does that leave them? Is the state's preference, is our legislator's preference that these kids not live at all? Because if so, there's a word for that that none of us will like: it's called genocide. Thats what bills like this seem to be leading us toward.

This isn't a big leap. It's right there in the bill. NO ACCOMODATIONS ARE ALLOWED TO BE MADE FOR ANY CHILD OR ELSE THE SCHOOL DISTRICT CAN BE SUED. Making room for people to pursue legal actions and obtain "damages" for providing a child a pronoun or unisex bathroom accommodation HEAVILY IMPLIES that these kids are not safe at home. That their families will go to such lengths as taking LEGAL ACTION to MAKE SURE there is no place they are allowed to be themselves, safely.

Don't you find that a little concerning? If you're the kid in this scenario, what are your options? How do you navigate a world that took EMERGENCY ACTION to ensure that you were denied ALL RIGHTS to be you? Even such a small thing as being referred to as they or her or ze at school, to use a bathroom where you wouldn't be bullied or beat up or harassed and attacked. Would you do this to a kid whose nickname didn't match their perceived gender? And if you wouldn't, why would you do this?

THIRDLY: Unisex bathrooms exist so anyone can use them. Trying to dictate who gets to use a unisex bathroom entirely defeats the whole purpose. And there should be unisex bathroom options EVERYWHERE FOR EVERYONE AS A BASIC COURTESY TO BEGIN WITH, for people who need them be it for reasons of discomfort with being forced to use a bathroom that doesn't correspond with their gender or the need to retreat somewhere private for social support or help or just extra privacy AT ALL (because we all know that kids can be cruel for less reason than questioning ones gender identity and bullies are going to bully) or to allow a parent to help their child of a different gender or sex. Think of the dads with little girls and the moms with little boys. Don't they deserve unisex bathroom access too? Why isn't a unisex bathroom option in every public building already the default? I know I've used the word outrageous a lot but I'm utterly flabbergasted by this. If a kid needs a different bathroom because they have a shy bladder, would you deny them? If they need a different bathroom because of any medical condition, would the state stop the school from allowing them one? What if they're being bullied by someone of their own gender and the bathroom just isn't safe for them because that's the place their bully always attacks? WHY then, would the state involve itself here? These asks, these accommodations--they're SO SMALL!!! And the response by our legislators is SO OVERBLOWN!! It would be LAUGHABLE if the consequences to these already marginalized kids were not so horrific. If this bill did not literally mean the difference between making it through childhood to adulthood or not, for a large percentage of them.

Fourthly: Kids asking for accommodation for an animal identity isn't even something that is happening anywhere and its inclusion in this bill calls the whole rest of the legislation into question by any reasonable, thinking, rational person. In fact, its inclusion suggests to me that the authors are completely untethered from reality and they have no business writing legislation of any kind because their perception of the world and this state has been so warped beyond reason they are no longer fit for the office they hold.

For these and a host of reasons beyond those that I have laid out, I am BEGGING you all not to pass this bill. It never should have been written at all.

Members of the House Human Services Committee,

“My name is Gregory Demme, and I am a bi-vocational pastor who resides in District 3. I am asking that you please render a DO PASS on House Bill 1522.”

Schools should provide separate bathroom and locker room facilities based on biological sex, not gender identity, as they have done for hundreds of years. Policies based on gender identity are purely ideological in nature and particularly harm women and girls by compromising their privacy and safety.

Thank you for your consideration on this important issue and for your service to the state of North Dakota.

Gregory Demme, Pastor

Grace Baptist Church of Minot

5220 14<sup>th</sup> St SE

Minot, ND 58701

As a mother of a transgender teen in the North Dakota Public School System, I strongly oppose HB 1522. To date, my son has had a positive experience with his public school using his preferred pronouns and providing bathroom accommodations. Prior to his transition, he struggled with mental health and frequently missed school. With the school's support of his transition, his mental health has improved greatly. He rarely misses school, is excelling academically with a 4.03, and is engaged in co-curriculars. To implement this bill and require the school to misgender him and not accommodate him, would cause significant distress, increase symptoms of gender dysphoria, and make school an unsafe place for him to be. His anxiety and depression would deteriorate, and all of the progress made over the past few years lost. In short, this bill will harm the well being of my child. In addition, the bill ignores definitions of gender identity as defined by the American Medical Association, the American Academy of Pediatrics, and the American Psychological Association. Please do not support this legislation. It is not inclusive and discriminates against transgender people.

Dear Representatives and members of the House Judiciary Committee,

I am writing in opposition House Bill 1522. This bill is extremely harmful and actively working to erase all transgender youth. Im afraid thats what will happen. Self harm and suicide is on the rise, especially within the LGBTQ+ population. This population needs advocates now more than ever. The definition of sex is limiting and outdated. The definition does not include youth exploring gender identity, those who identify as androgynous, or binary, and especially transgender. Youth need to validated - for their experience, for their existence. This bill will be extremely disruptive to schools, and increase the likelihood of self harm or suicide. Please reject this bill.

Respectfully,  
Molly Haagenson



Dear Chair Weisz and members of the House Human Services Committee,

My testimony is in opposition to House Bill 1522. I ask that you give this bill a Do Not Pass.

I am a public school educator and a 29 year resident of North Dakota. HB 1522 actively harms the students I serve and people I love – family, friends, and community members.

All students deserve a free and appropriate public education. Please do not take away the accommodations necessary for the health, safety, and well being of students.

Thank you for your time and consideration.

Sincerely,

Christopher Brown

HB 1522 Do Pass

Gordon Greenstein

Bismarck, ND District 35

Chairman Weisz and the House Human Services Committee, I urge a Do Pass on HB 1522. The 11<sup>th</sup> Circuit Court ruled that “separating school bathrooms based on biological sex passes constitutional muster” in public schools. With that I urge a D Pass on HB 1522.

Thank You

Gordon Greenstein

US Navy (Veteran)

US Army (NDNG Retired)

*Members of the House Human Services Committee,*

*“My name is Kayla Johnson and I reside in District 26. I am asking that you please render a DO PASS on House Bill 1522.”*

*Schools should provide separate bathroom and locker room facilities based on biological sex, not gender identity, as they have done for hundreds of years. Policies based on gender identity are purely ideological in nature and particularly harm women and girls by compromising their privacy and safety.*

*Thank you for your consideration on this important issue and for your service to the state of North Dakota.*

*Kayla Johnson*

**DO PASS – HB 1522**

Dear Chairman Weisz and Members of the House Human Services Committee,

My name is Rebekah Oliver and I write as a private resident of North Dakota. Please recommend a Do Pass on House Bill 1522. This is common-sense legislation to protect safety and privacy, especially of women and girls.

Please recommend a Do Pass on this important bill.

Sincerely,

Rebekah Oliver

Dear Chair Weisz and members of the House Human Services Committee,

My testimony is in opposition to House Bill 1522. I ask that you give this bill a Do Not Pass.

I am a mother and educator from Moorhead, MN. I am also the wife to a wonderful, supportive trans woman. My son currently attends school in Fargo, ND. The idea that, under many of these bills, my son would witness his beloved parent being misgendered and vilified by educators is heartbreaking; that he would grow up thinking that his beloved parent, who reads him stories every night and makes the family waffles every Saturday, is someone he can't talk about at school. This bill, and many others being pushed today, teach our children that their true selves is something that must hidden and repressed, and that our transgender friends, family, and colleagues are not worthy of respect. I do not want my son, or my family, to grow up in this environment. I am therefore standing in opposition of this bill, and respectfully ask that the member of the North Dakota legislature do the same.

Thank you for your time, consideration, and service to our state

Best regards,  
Mallorie Taylor-Teeple

Dear Chair Weisz and members of the House Human Services Committee,

My testimony is in opposition to House Bill 1522. I ask that you give this bill a Do Not Pass.

If this bill passes it will have a detrimental effect on trans youth, who are already vulnerable. Disallowing the use of preferred pronouns negatively impacts the mental state of trans youth. Not allowing trans youth a gender neutral bathroom to use where they feel safe will negatively impact their mental state, and may put them in a position where they feel unsafe or will be bullied.

73% of trans youth do not feel safe at school most of the time or always and 61% have been bullied on school property. 75% of trans youth have seriously considered suicide and 46% of trans youth have attempted suicide. We should be working together as a state to make these statistics better, and not actively trying to make them worse.

I cannot imagine that our legislators would pass a bill that would actively harm trans children. I know you will do the right thing and give this bill a Do Not Pass.

Thank you for your time, consideration, and service to our state

Best regards,

Sarah Seger  
North Dakota resident

Chairman Weisz and members of the House Human Services Committee,

My name is Maura Ferguson and I am writing this testimony as a resident of ND and independently from my employer. My views do not represent my employer. I write to you today as a community organizer, a mother of three students ranging K-8, and as someone who cares very much about the LGBTQIA+ community.

I am writing in strong opposition to HB 1522. School systems should do all they can to support transgender and gender nonconforming students, not pretend they don't exist. This bill will have a deeply harmful effect on our transgender youth in North Dakota. A recent study by the University of Pittsburgh found that transgender youth are nearly seven times more likely to attempt suicide than their cisgender counterparts. According to the Trevor Project, LGBTQIA+ youth who were felt they were affirmed and supported by their schools reported significantly lower rates of suicide attempts. This bill would make it the law in ND for schools to inherently not be affirming spaces for trans youth. This is deeply harmful and has the potential to take lives.

As elected officials, you should be doing all you can to keep our youth safe. This bill will do the exact opposite. It is rooted in fear and is outright discriminatory. I strongly urge you to vote Do Not Pass on HB 1522.

Sincerely,

Maura Ferguson, LMSW  
Grand Forks

Dear Chair Weisz and members of the House Human Services Committee,

My testimony is in opposition to House Bill 1522. I ask that you give this bill a Do Not Pass. The reason for this is due to personal impact on myself and those I love.

This bill impacts the people I care about, because as a transgender woman I know how painful and scary it is to be a child forced to hide who they are. Knowing that you can never express your true self, and that if anyone found out about it you would be harmed, is extremely damaging to the mental well-being of anyone, especially a child.

This bill will only force those who are already struggling to be further antagonized. They will be subject to further cruelty. They will grow knowing that those around them care so little for them that it is preferred that they do not exist, and the influx of these laws shows them the proof of this.

I beg you to not pass House Bill 1522.

Thank you for your time, consideration, and service.  
Best regards,

-Jamie T



Dear Chair Weisz and members of the House Human Services Committee,

My testimony is in opposition to House Bill 1522. I ask that you give this bill a Do Not Pass.

As a public educator who works with LGBTQIA students on a daily basis, this bill will increase harm to an already vulnerable group of students. I am a staff advisor to my high school's Gender-Sexuality Alliance (GSA), one of the "school programs" that will presumably be prohibited under this bill. Our GSA is a twice-monthly half hour meeting where all students are encouraged to be their authentic selves, discuss local issues facing their communities, and enact student-lead projects to make these communities safer for everyone. Are LGBTQIA students and their allies advocating for tolerance and acceptance really so threatening that the legislature feels compelled to unleash the full extent of the law in their direction? What are the possible benefits in removing access to an optional, student-lead, mental health-focused, social-emotional resource like a GSA besides unnecessary cruelty?

Furthermore, how will this bill be enforced if passed? Will school staff members be given access to medical records to ensure that a student's assigned sex and gender pronouns match? And which overworked school staff member will be tasked with monitoring discussion in hallways, classrooms, and bathrooms to enforce this bill as written? Simply put, this is another instance of the state creating an unenforceable law to solve a problem that doesn't exist, a waste of tax money and school resources already stretched thin. In what reasonable way will this bill benefit the state?

I thank you for your time, consideration, and service to our state.

Best regards,

Jacob Thomas

Public school teacher and GSA Advisor

01/23/2023

HB 1522

Testimony in Opposition

Chairperson and Members of the Committee:

I urge you to vote DO NOT PASS on HB 1522.

Gender dysphoria is a medical condition that when untreated can lead to distress, depression, and possibly suicide. Preventing transgender students from having an outlet in their school to express themselves, explore themselves with a school counselor or teacher, or generally feel safe to be them self, will lead to dangerous and harmful outcomes. Should this bill pass and be implemented in our state, queer youth will experience worsened mental health, increased likelihood for running away, becoming homeless and/or trafficked, decrease in school functioning, and increased suicidal thoughts and behaviors.

There is no harm in creating safe places for diverse students. What is the benefit in prohibiting a student from using a gender-neutral bathroom? Targeting these students who are already at higher risk is dangerous and inhumane.

Consider the headache this puts on our public and private school system in North Dakota. To roll back the safety students feel in their school counselor's office or the programs that are already in place throughout the state for transgender youth. Our country is already dealing with recovery from the impact of COVID-19. If you know anyone who works in the school setting, you know morale is already down and we are still struggling to adequately staff our classrooms. Imposing this oppressive bill will only add more stress onto the teachers, administrators, and other school staff who work so hard to educate and take care of our students.

Thank you for your time,

**Naomi Tabassum, LPCC**

Owner/President/Clinician

New Story Counseling Services PLLC

Fargo, ND

Dear Chair Weisz and members of the House Human Services Committee,

My testimony is in opposition to House Bill 1522. I ask that you give this bill a Do Not Pass.

I am the parent of a nonbinary adult child and the pastor to a congregation comprised of individuals across the spectrum of sexual orientation and gender identity. Like many people, I have had to educate myself over the years to understand the wide expressions of humanity in our world. I have come to a place in my life where I do my utmost to accept the person in front of me as they express themselves, knowing that they are precious in God's sight. My call is to love every one of my neighbors as God loves each of us.

The most important thing I have learned is that each person I encounter has the inherent right to be known for who they are. The ability to be seen and offered dignity is essential to the well-being of everyone.

Unfortunately, we have attempted to erase those who do not conform to a way of being that we are not accustomed to. Our reluctance to address people by their chosen names and the pronouns that reflect their internal identities has put members of the LGBTQ community at risk for substance abuse, suicide, and violence against their persons.

As adults need to be treated with the dignity of acceptance and visibility, so do children and youth. Insisting that schools, private and public, call children by a name and gender that does not reflect their reality is telling that young person that they do not matter. That is criminal. Therefore, it is wrong to make that an offense at school.

Within this bill is an unnecessary measure that states that no accommodations are to be made for persons who identify themselves as animals. That is simply pandering to an urban legend that has no basis in fact. It is a solution in search of a problem.

Finally, there is a serious flaw in this legislation. It is the provision that allows for civil action against a school if using appropriate pronouns and chosen names causes harm to a student. There is no harm to another individual for respecting another person. Rather, this provision encourages others to force their individual beliefs on other people. This is constitutionally wrong.

Such overreaching by the legislature serves only to divide us more. In a time when we should seek to hold true to the God-given right of all people to life, liberty and the pursuit of happiness. Please recognize the sacred worth of all North Dakotans and recommend a Do Not Pass on House Bill 1522.

Thank you for your time, consideration, and service to our state

Best regards,

Rev. Grace Morton

January 23, 2023

Re: HB 1522

Dear Chair Weisz and members of the Human Services committee,

My name is Kara Gloe. I am a mental health therapist licensed in both North Dakota and Minnesota. I work at Canopy Medical Clinic in Fargo, ND. Among the primary populations of people I serve are lesbian, gay, bisexual, transgender, queer, intersex, asexual, aromantic, and Two Spirit (LGBTQIA2S+) folks in North Dakota – including students in North Dakota’s public schools. I am a former elected school board member and I have two children in public schools. It is from these intersecting experiences that I urge you to vote **Do Not Pass on HB 1522**. If passed, this bill would do irreparable harm to transgender students throughout North Dakota, infringe upon the rights of local school boards/school districts to make decisions that best reflect the needs of their students, and drive teachers out of the state. Additionally, it ignores the many nuanced needs of students, regardless of gender identity.

First, the data on the lethality of being a young trans person in the State of North Dakota is concrete. For trans high schoolers in North Dakota we know:

- More than half seriously considered suicide in the last year
- That rate is 3.3 times higher than their straight cisgender counterparts
- 30.4% attempted suicide in the past 12 months
- That is five times higher than their straight cisgender counterparts

This is data that focuses solely on youth in North Dakota is from the 2021 Youth Risk Behavior Survey. These are the stats before the 2023 North Dakota legislature introduced multiple bills either directly targeting or severely disrupting the lives of our transgender friends, family, and neighbors. **Further, peer reviewed research from the Trevor Project shows transgender children who have one supportive adult in their lives are 39% less likely to attempt suicide.** This bill would rob so many children, who may not have one supportive adult at home, of the opportunity to have one at school. It is not hyperbolic to say, this bill will endanger the lives of North Dakota students.

Second, local control is something the North Dakota legislature often touts as something it values. However, this bill strips that away from school districts. During my tenure as a school board member, we had a plethora of data at our finger tips. Data we used to make decisions on how to improve educational outcomes and the reduce opportunity gap. Is it not best for the institutions that have the data on the students they serve and the expertise in education to make decisions they deem most appropriate to reach their own goals?

Third, this bill will force teachers out of the state. I have heard about teachers who have already left North Dakota, because they do not feel like North Dakota provides a safe teaching environment. We do not have to search hard to see how laws like this have panned out in other states. Florida’s teacher shortage is so dire, they are putting people with no teaching education or experience in classrooms. The collapse of a state’s education system is a fast train to the bottom. Is that where we want to be?

Lastly, there are number of reasons children may need to use single stall unisex bathroom that have nothing to do with gender identity. Some of these reasons may include trauma, phobias, anxiety, etc.

Under this law, providing these students with this simple accommodation would be punishable by up to \$500,000 in damages.

Federal law requires public schools to provide a safe learning environment for every student. This bill would make that impossible in North Dakota. For the health and well-being of every student in North Dakota I urge you to vote **Do Not Pass** on HB 1522.

Sincerely,  
Kara Gloe, LMSW  
Canopy Medical Clinic

Dear Chair Weisz and members of the House Human Services Committee,

My testimony is in opposition to House Bill 1522. I ask that you give this bill a Do Not Pass.

I am a suicide prevention advocate and our state's expert in LGBTQ+ outcome data for North Dakota, especially as it relates to youth and schools. I am the author of the LGBTQ+ School Climate Report, a year-long look into school policies across North Dakota, student outcomes, and process improvement.

### **North Dakota LGBTQ+ Data**

[\(2021\)](#) North Dakota LGBTQ+ School Climate Report

[\(2021 Summary\)](#): High School LGBTQ+

- [\(2021\)](#) High School LGB
- [\(2021\)](#) High School Trans

[\(2021 Summary\)](#) Middle School LGBTQ+

- [\(2021\)](#) Middle School LGB
- [\(2021\)](#) Middle School Trans

The Youth Risk Behavior Survey Data is the data our schools use for understanding their student population and needs. It is the data our health centers use for targeting approaches for community health. It is the data we advocate funding for state and federal grants. When looking at the base comparison of LGBTQ+ youth compared to straight cisgender youth, the discrepancies in outcomes are clear.

Before I continue, we must be honest with the intent of HB 1522. This bill would effectively remove trans individuals from any sort of acknowledgment or support within our school system. This will have tremendous consequences on trans and non-binary youth, according to the data.

### **Currently Trans Experience High School**

- 94.4% Do not talk to parents when feeling sad, empty, hopeless, or angry (HS)
- 72.7% Didn't feel safe at school most of time or always (HS)
- 61.0% Bullied on School Property (MS)
- 27.0% Didn't Sleep in Parents Home + 20.0% Have Run away or homeless (HS)

It is worth noting that disallowing transgender students does not cause them to go away, but does cause any opportunity for help or support to disappear from our school systems. While youth aren't talking to their parents when feeling sad, empty, hopeless, or angry, they are nine times more likely to talk to adults within a school for support when they're experiencing a problem.

These students turn to adults at school, because they don't feel safe at home. When these youth have one adult who can accept them, [their suicidality reduces by 39%](#). Suicidality in this population is shown to be significantly higher when they have [unsupportive parents](#). When they don't feel safe at home they're likely to use illicit substances and run away. When schools don't

offer some kind of safety net for them, they flee the state and open themselves up to homelessness and trafficking.

### **Social Contagion**

One suspects this bill is intended in some part to stop social contagion. The broad concept of social contagion influencing transgender identity was popularized by [Littman 2018](#). This research is extremely important for understanding how fear of transgender youth identity has emerged over the last five years.

The research appears to accurately convey the worry and fear parents have about kids and gender identity. What actually occurs is that a youth typically knows they're LGBTQ+ at [much younger age than they tell their parents](#) or get treatment. It could be confusion, shame, fear or just not having the right words. But parents assume their kids are straight and cisgender. Some assume that being transgender is wrong or awful. What they see is their kids going to interact with other trans kids and then gain confidence and courage to come out. They tell their parents and their parents only see the superficial. They think their kid was perfectly 'normal' before hanging out with the trans kids and was 'influenced' into the identity. They don't understand why their kid would gravitate towards that in the first place; why would they seek safety and support in people who share their experience.

We understand trans to have a biological underpinning. We did a [forty year literature](#) review on the subject by the Endocrine Society of America. There are brain scans featuring affirmation of trans identity when looking at the bed nucleus of the stria terminalis, there are identical twin studies supporting a genetic basis, and even developmental psychology literature on gender identity during development showing strong and persistent identity regardless of natal biological features. We have decades of research and a wealth of knowledge indicating that trans identity is not a choice, not being influenced, and the harm in forcing these kids to ascribe to their sex assigned at birth or conversation therapy as it's more commonly known. That is what the literature suggests. It may not be a law of science, more research may need to be done, but there is nothing in literature suggesting denying trans identity to kids will help them and a lot to suggest it will be very harmful.

It is worth noting that this very research shows that you can't force someone to be trans or cisgender. They would be harmed by pursuing a gender identity not congruent to who they are. And if a youth was influenced into being trans, they wouldn't get happier identifying that way. Their outcomes wouldn't improve if it was a mistake. And if they do improve, if they have more energy, if they have more hope - that is maybe the right direction to go. Nobody locks down trans or cisgender identity in a single visit or conversation. These things are often what youth explore throughout their childhood to see what is right for them. And we pay attention to what makes them happy and what makes them thrive. If a kid transitioned socially and became miserable, probably should stop that.

The worst part is that when we heavily restrict the ability for kids to just experiment, we sometimes force kids into rebelling against us. A child may tell their parent they're trans and if

the parent denies that, the kids may just see that as rejection. The kid may just pretend to be trans out of spite. The kid may just not trust their parents anymore. Even if that kid wasn't trans, knowing that there is a specific condition in which they won't be loved or supported is a scary situation for them to be in.

The point of this suggestion is to suggest that schools are not making kids transgender. That supporting trans youth is not the same as creating trans youth. State CDC data is pretty consistent in the trans demographic regardless of states that support or are hostile to trans identity. You don't stop trans kids by not supporting them, you just...have kids who get no support. The data in North Dakota is clear on that.

### **Support in Schools**

All of the data I've looked over in the last few years around trans individuals in schools indicate accepting and affirming them is the best course of action. This includes looking at recommendations for school boards, school policy, teacher's code of ethics, guidelines for principals and so on. The experts who actually do research on policy and inclusion tend to come to the same conclusion on these matters.

I don't even see these as debates within education, so much as within political organizations and entities. At the moment transgender students have federal protections to ensure accessibility to spaces. It may be needless to say this piece of legislation violates federal law, but when trans youth do not feel safe at school or accepted, that's not an accessible learning environment. If they can't use a bathroom that makes sense for them, they won't drink water. When they can't be themselves in school, they won't go to school. And if they're forced to comply with regulations that are devastating to their mental health, they simply won't continue.

It is worth understanding how we got to the level of inclusion we see today. It was educators realizing there was a problem impacting queer youth. Doing research on best practices and incorporating those practices to get the best outcome. This proposed legislation would take away all of that.

If we want to assert the absolute rights of cisgender populations over transgender people within North Dakota, there is probably little I can do to stop that. As a suicide prevention advocate and researcher, I can just tell you the data. If you want to learn how to reduce suicidality in LGBTQ+ populations, I can tell you how to do that. If you want to make these kids feel isolated, hopeless, and prone to every tragedy you can imagine for a youth, then this is a pretty good step in that direction.

One final thing to keep in mind is that even if this legislation fails, even if all of the bills targeting our trans population don't pass or are declared unconstitutional - we still find ourselves at a crisis. If you'd like to work with me to reduce suicides in this population, please reach out. Until then, I recommend voting Do No Pass.



Thank you for your time, consideration, and service to our state

Best regards,

Faye Seidler

Fayseidler@gmail.com

Project Manager Community Uplift Program

## Opposition to HB 1522

I am writing to express my alarm and great opposition to HB 1522. I urge a Do Not Pass.

This bill discriminates against the transgender community, and for what purpose? Transgender youths are already at higher risk for depression and suicide. This bill seeks to ostracize them even more. For a Legislature that prides itself on freedoms and on being pro-life, this bill is clearly big government meddling in the affairs of local schools and other people's private lives. It takes away freedoms from transgender youth, takes away the ability of schools and teachers to make healthy accommodations for these students, takes away the ability of school counselors to provide good mental health care for transgender students.

What is the fear here? Medical doctors, psychiatrists, counselors, all affirm the presence of gender dysphoria. Passing harmful and unnecessary laws does not make gender dysphoria go away. It only increases the pain and suffering of those who are trying to make their way through life. The right to life is about more than just having a heartbeat and breathing. It is about mental health and wellness; it is about being loved and accepted; it is about being able to pursue one's dreams, without the hassle of discriminating laws. Transgender youth have every right to expect these same freedoms and opportunities as their cisgender classmates. Anything else is pure discrimination, and therefore unconstitutional.

This bill needs a Do Not Pass

Janet Mathistad  
Minot ND

Dear Chair Weisz and members of the House Human Services Committee,  
My testimony is in opposition to House Bill 1249. I ask that you give this bill a Do Not Pass. The reason for this is that it is harmful to our children and you are attacking the constituents that you are relying on to keep you in office. You are wasting the tax payers money attacking them and their children.

- a. Personal Impact: This bill impacts the people I care about, because I have children who are non-conforming and they have friends who are non-conforming.
- b. Unintended Consequence: This bill creates inconsistency with interstate competition and could invite lawsuits, other consequences may include children harming themselves or even attempting suicide. Both things I will not hesitate to make known the role you played in causing this.

Thank you for your time, consideration, and service to our state  
Best regards,  
Rody Hoover Schultz

To the North Dakota State Legislature:

This is written testimony in opposition to H.B. 1522. We urge you to give this bill a DO NOT PASS. The following represents our own views and not necessarily those of the institution that employs us.

H.B. 1522 is needlessly cruel to a vulnerable group of young people who are at high risk of suicide. If passed, it is likely to cause our state public embarrassment, as the provision against students who identify as “any animal species other than human” is clearly a credulous response to a hoax that circulated on TikTok. (The hoax alleged that schools were providing litterboxes to students who identified as cats; news outlets including Reuters and Politifact have disproved it.)

Finally, as historians, we dispute this bill’s claim to be an emergency measure, which implies a new and urgent issue. The history of individuals in this region whose gender is “inconsistent with [their] sex,” as H.R. 1522 defines it, predates the existence of North Dakota as a state. Ojibwe warrior and diplomat Ozaawindib, who lived in the Red River area in the late eighteenth and early nineteenth centuries, was assigned male at birth but lived as a woman. Her community accepted her and others like her. It would be arrogant of us to deny this historical precedent in the name of “emergency.” Again, we urge you to give this ill-conceived bill, H.B. 1522, a DO NOT PASS.

Sincerely,

Dr. Laurel Sanders  
Assistant Professor, UND

Dr. Jeremy Kingsbury  
Assistant Teaching Professor, UND

January 23, 2023

Chairperson Lee and Committee Members,

I strongly urge a Do NOT Pass on HB 1522. This proposed bill restricts school boards, private, and public schools from establishing the most appropriate policies for the protection of their students. Students who do not strongly identify with the gender assigned to them at birth are more likely to be bullied, suffer from depression, and have higher rates of attempted suicide. Schools need to have the right to establish the best accommodations to protect their students and to work towards lowering the rates of suicide and self-injury among our students. This bill strips schools of that right and puts our children needless at risk of increasing suicide and self-injury rates.

Do NOT Pass HB 1522.

Sincerely,

Rev. Gretchen Deeg  
Local Church Pastor  
Bismarck, ND

*Members of the House Human Services Committee,*

*My name is Seth Flamm and I reside in District 27. I am asking that you please render a DO PASS on House Bill 1522.*

*Schools should provide separate bathroom and locker room facilities based on biological sex, not gender identity, as they have done for hundreds of years. Policies based on gender identity are purely ideological in nature and particularly harm women and girls by compromising their privacy and safety.*

*Thank you for your consideration on this important issue and for your service to the state of North Dakota.*

*Seth Flamm*

Olivia Data  
Testimony on HB 1522  
January 24, 2023

RE: Testimony in Opposition to HB 1522

Good morning, Chairman Weisz and members of the committee. My name is Olivia Data, I am the Youth Action Council Coordinator for the North Dakota Women's Network, and I urge you to vote "Do Not Pass" on HB 1522.

The Youth Action Council is an organization that believes in empowering younger generations to participate in their communities and contribute to a brighter future. But for youth to be empowered, we first need to be safe, healthy, and comfortable in our own skin, and HB 1522 would put this all at risk.

No matter one's personal beliefs on gender identity, the facts do not lie. According to the National Library of Medicine, 82% of transgender people have contemplated killing themselves, and 40% of transgender people have actually attempted suicide<sup>1</sup>. Among LGBTQ+ youth, those whose identities are not respected by the adults in their life are almost twice as likely to attempt suicide as those whose identities are respected<sup>2</sup>. By prohibiting schools and teachers from respecting transgender and nonbinary students, HB 1522 poses a serious threat to the wellbeing of many children. This bill would deny students who do not conform to a gender binary the opportunity to learn and live in a community that respects them.

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<sup>1</sup> "Suicidality Among Transgender Youth: Elucidating the Role of Interpersonal Risk Factors." *PubMed*, <https://pubmed.ncbi.nlm.nih.gov/32345113/>. Accessed 23 January 2023.

<sup>2</sup> "Pronouns Usage Among LGBTQ Youth." *The Trevor Project*, 29 July 2020, <https://www.thetrevorproject.org/research-briefs/pronouns-usage-among-lgbtq-youth/>. Accessed 23 January 2023.

Olivia Data  
Testimony on HB 1522  
January 24, 2023

By all accounts, transgender children pose no threat to their cisgender peers. I understand there are concerns about allowing transgender girls in women's restrooms especially, but these concerns are unfounded. A cisgender man seeking to harass women is not the same as a transgender student seeking to use a restroom in which they feel safe, and transgender girls who are vulnerable now should not have to suffer for future, hypothetical behaviors of grown men. I also understand there are concerns about the corruption of children. But an evolving definition of gender is far more indicative of an increasingly educated society than of corruption. Furthermore, if you are concerned with harming children, I ask you why you see no problem denying students their right to live safely as their authentic selves.

If we want to build a community of North Dakotans who are compassionate, healthy, and able to pursue happiness, this bill must not pass. Transgender and cisgender children alike deserve to be educated in a safe environment with schools and teachers who respect them for who they are.

I urge you to vote "Do Not Pass" on HB 1522. Thank you for your time, and I am happy to answer any questions you may have for me regarding my testimony.

Olivia Data  
Youth Action Council Coordinator  
District 35  
Bismarck, North Dakota



Dear Chair Weisz and members of the House Human Services Committee,

My testimony is in opposition to House Bill 1522. I ask that you give this bill a Do Not Pass. The fact you put the respecting pronouns and gender identity in the same bill as an animal identity already shows that you have clearly not done your research or you know how to confuse ignorance to the point they will agree with your ignorance. Youth is constantly told by the state of ND that they are less than. We have some high suicide rates among our LGBTQIA2S+ youth because of these very actions of our state.

You can't say that you want to protect the children of North Dakota and then pick and choose. Truly it is that simple. The fact you want to put each university and higher education standard in jeopardy due to your own "moral grounds" is very concerning. There hasn't been a problem and yet you make one?

It is for these reasons that I ask you to vote Do Not Pass. Thank you for your time, consideration, and service to our state.

Best regards,

Sarah Galbraith

Please vote to support HB 1249, HB 1489 and HB 1522

Jeff Miller  
707 Aster Loop  
Minot, ND 58701  
District 38

Cell # 701-208-1234

January 23, 2023

Opposition to House Bill 1522

Dear House Members, My testimony is in opposition to HB 1522. I urge you to give this bill a **DO NOT PASS**.

*Gender dysphoria (previously gender identity disorder), according to Diagnostic and Statistical Manual of Mental Disorders are defined as a "marked incongruence between their experienced or expressed gender and the one they were assigned at birth." People who experience this turmoil cannot correlate to their gender expression when identifying themselves within the traditional, rigid societal binary male or female roles, which may cause cultural stigmatization. This can further result in relationship difficulties with family, peers, friends and lead to interpersonal conflicts, rejection from society, symptoms of depression and anxiety, substance use disorders, a negative sense of well-being and poor self-esteem, and an increased risk of self-harm and suicidality. Patients with this condition should be provided with psychiatric support. Hormonal therapy and surgical therapy are also available depending on the individual case and patient needs. (Garg G, Elshimy G, Marwaha R. Gender Dysphoria. [Updated 2022 Oct 16]. In: StatPearls [Internet]. Treasure Island (FL): StatPearls Publishing; 2022 Jan.)*

Transgender people (including non-binary and third gender individuals) have existed in cultures worldwide since ancient times. The modern terms and meanings of "transgender", "gender", "gender identity", and "gender role" only emerged in the 1950s and 1960s. Many people in western societies, particularly the United States, have been unaware or ignorant of the existence of people we call transgender today. **Western societies have had an unfortunate history of dismissing or persecuting groups of people who were outside what the majority of the population considered "normal".**

I cannot understand how so many people in this state fail to take the time to understand transgender people or the LGBT community as a whole. The disturbing rhetoric, largely rooted both in bigotry and ignorance, that I hear on an almost daily basis make me sick to my stomach. Homosexuality was considered a mental disorder for decades by the western medical community. Homosexuals are still executed in many parts of the world today. Homosexuality is no longer considered a mental disorder because it is not a mental disorder. It is a natural variation of human sexuality. The fight for the rights of transgender people today is no different than the gay liberation movement of the late 1960s through the mid 1980s. Transgender people are not going away and deserve to be fully embraced by our society. The confused, hurtful, vile and dehumanizing language that a concerning amount of people use, particularly when discussing transgender members of our community, is absolutely disgusting and needs to stop. Trans people should not be referred to with language such as: anomalies, exceptions, deformities, mentally ill, etc. Similar language has been used throughout history to ostracize groups of people who are different from the majority of the population in an attempt to dismiss them as freaks and perverts for simply trying to exist in the world. **Trans people are not a threat to society.**

People need to understand that being transgender, albeit rare, is also a natural variation among humans. Transgender people deserve respect and access to healthcare just like everyone else. I frequently hear unkind language used by my fellow North Dakotan's regarding trans people, gay people, lesbians, etc. The recent rise in, what I call, anti-trans-panic is largely driven by political right-wing media outlets such as FOX News; far-right outlets such as Newsmax and One America News Network; and other outright hateful organizations such as The Daily Wire (founded in 2015 by religious fundamentalists Ben Shapiro and Jeremy Boreing). The latter organization recently produced a disgusting, misinformed, hateful, and dishonest film titled "What is a Woman". Anyone who has had any exposure to this film should have been able to easily recognize the intentionally dishonest jump-cut editing tactics and the film's overtly cartoonish condescending tone. It was

one of the worst pieces of “journalism” ever produced in the modern era. Anyone with a basic level of critical thinking and media literacy would have been able to identify this film for what it was. Unfortunately, too many people are unwilling to think critically and question any of their preconceived notions of what people are, how people interact in society or how the world actually works. **The existence of transgender people is not a political issue. It is a medical and human rights issue.**

I have heard many people express concerns about irreversible side effects about medical treatments for transgender youth. What people are ignoring is the extensive diagnostic testing and specialized counseling that occurs when determining whether or not a child is transgender in the first place. Children who are suspected of being transgender begin by transitioning socially. This can include letting the child wear clothes typical of the opposite gender, referring to the child by their preferred pronouns, referring to them a different name, etc. Children during this stage of “social transition” are monitored closely by their family, community and their health care specialist. These children are not coerced in any way to maintain their behavior. Evaluation continues until the child reaches a particular stage of puberty and at that time medical intervention can become necessary. The effect of puberty blockers, within the first few years of taking the medication, is indeed reversible and would be stopped if there was evidence that is in the best interest of the child to continue through the puberty that aligned with their assigned gender (sex) at birth. If this is not the case then the child could proceed with further medical intervention which would allow their body to develop in a manner consistent with their gender identity. By contrast, allowing a transgender child to physically develop in a manner consistent with their assigned gender (sex) would indeed cause many irreversible physical characteristics. In adulthood, a transgender person, whose body was developed by their natural puberty, could have a very difficult time transitioning into a body consistent their preferred gender identity. Certain characteristics such as their voice, bone structure, etc., can make it difficult, if not impossible, for them to blend into society and live as the gender they identify as. **The diagnostic and treatment processes need to be left to medical professionals.**

Suicide is the second leading cause of death among people from the ages of ten to twenty-four. Lots of young people think about it. LGBT people, in that age group, are almost five times as likely to have attempted suicide than their heterosexual peers. What is worse is that LGBT youth who report coming from non-accepting and non-supporting families are eight times more likely than the other LGBT youth to have attempted suicide. So, we’re talking about people who are eight times more likely than the people who are already five times more likely than the rest of the population in that age range who may attempt to kill themselves. This is exacerbated even further by people on TV who attribute the suicidal ideation of LGBT people to a mental disorder that these children, and young adults, don’t even have. Everyone in this country deserves access to healthcare. Transgender youth and adults are no exception. HB 1301 seeks to further reduce the limited Healthcare that American’s have access to in the first place. Decisions concerning the health of all American’s need to be kept between the patients, their loved ones and their doctors. **The government has no business intervening in the medical care that people receive from their doctors and any attempt to do so is a massive authoritarian overreach of the government.** Medical care needs to be handled by medical experts who are trained to follow the scientific evidence wherever it leads.

Please be kind, open minded and understand that the children being targeted by this bill do not need your help. They are already loved and in good hands. There is no need to intervene in their medical care. This bill will cause far more pain and suffering in the lives of people who don’t deserve it.

I strongly urge you to oppose HB 1522.

Shawn Nixon

Dear Senators, I am writing in opposition to HB 1522. I ask that you give this bill a Do Not Pass.

This bill is a dangerous and harmful affront to the human rights of North Dakotans. HB 1522 is a discriminatory bill effectively removing transgender individuals from any sort of acknowledgment or support within North Dakota school systems.

In 2022, 1 in 5 transgender and nonbinary youth attempted suicide ([Trevor Project 2022 National Survey on Youth Mental Health](#)). By disallowing schools the ability to adopt policies in support of these students, we are doing a disservice to all North Dakotans. I believe all students deserve a safe and welcoming environment that fosters learning.

HB 1522 also makes mention of students who perceive themselves as being any animal species other than human. I believe this section of the proposed bill is in reference to the “Litter boxes in schools hoax,” which even has its own [Wikipedia article](#) due to the numerous instances where claims have repeatedly been made and disproven. InForum, a North Dakota newspaper, even covered claims of litter boxes in Fargo-Moorhead public schools where Fargo Public Schools Superintendent Rupak Gandhi stated the claims were not true ([InForum Article](#)).

I believe the mention of not allowing accommodations to students who perceive themselves as being any animal species other than human in North Dakota schools is just another way North Dakota’s transgender and nonbinary student accommodations - accommodations needed to maintain an accessible learning environment - are made to seem unimportant and ridiculous rather than lifesaving.

As a lifelong resident of North Dakota, I urge the committee to listen to the experts in the field and give HB 1522 a Do Not Pass.

Chairman Weisz and Members of the House Human Services Committee,

My name is Amber Vibeto, and I reside in District 3. I urge you to render a DO PASS on House Bill 1522.

The [dramatic rise](#) in young people identifying as transgender is not an organic development due to an increase in cultural acceptance, but instead is due to a social contagion spurred on by predatory, [ideologically-motivated](#) adults and powerful [foundations](#) who seek to undermine the parent-child relationship and promote the grooming of children and teens under the guise of tolerance. This movement is harming impressionable and struggling youth by placing them on a path that promises answers to all their problems, but instead leads to sterilization, physical mutilation, and a myriad of potential [serious health problems](#).

***It is also leading to the erasing of hard-won sex-based rights for women.***

Women and girls are losing access to female-only spaces due to [gender identity policies](#). They are being told they must allow males to invade their locker rooms and restrooms and to dominate their sports. And they're told they better not complain about it. We are going backwards. Women and girls are losing the right to safety and privacy in order to accommodate men's feelings. To believe that a male can be a woman or a girl is a subjective ideological belief that [actively harms](#) real women and real girls. So-called 'trans women' are not women, and it is a scientific impossibility for them to become one. They should not have access to female-only spaces. I don't know the extent to which this is a problem here in North Dakota schools. But I do know that the transgender movement is spreading like a cancer throughout our culture, our laws, and our institutions. I do know that this movement is authoritarian and imperialistic in nature, meaning trans activists will not be content until every area of society and our country - including North Dakota - is dominated by gender ideology. It's time to be proactive and ensure that female students in North Dakota have the safety and privacy they so richly deserve. Again, I ask for a 'do pass' on House Bill 1522.

I recommend the following resources as you consider this important matter. Thank you for your time.



[Florida School District Will Require Students To Use Bathroom Of Biological Sex After Court Ruling](#)

[Biden's New Title IX Rule Guts Protections for Women and Girls](#)

[Vermont school bans girls volleyball team from locker room following complaints about trans player](#)

[How Do Gender Identity Policies Affect Me and My Community?](#)

['They Failed at Every Juncture': Loudoun County Mishandled Bathroom Sex Assault, Grand Jury Finds](#)

[Foundations Are Setting the Transgender Agenda and Targeting Children](#)

[The Billionaire Family Pushing Synthetic Sex Identities](#)

[Loudoun County Schools Tried To Conceal Sexual Assault Against Daughter In Bathroom, Father Says](#)

To The Legislators of North Dakota,

This letter encompasses the historic number of LGBTQ+ bills and measures being brought among the committee. As a member of the community, I have seen firsthand the hatred and bigotry that misguided policies like these can not only permit, but encourage.

To have so much legislature brought forward under the guise of religion in a nation that was founded on the basis of separation of church and state appalls me. I will let the medical and psychological experts speak out instead of me on the misguided pseudoscience quoted in the legislature. However, as someone that was born into the Catholic church, baptized into the church, and gone through the sacraments of First Communion and Confirmation, the primary tenet of the church should be love.

Love thy neighbor: Your gay neighbor, your trans neighbor, whoever your neighbor may be.

Please, choose love; do not pass these bills rooted in fear and hatred.

Brian Murphy  
Grand Forks



“My name is Lisa Pulkrabek and I reside in District 31. I am asking that you please render a DO PASS on HB 1522.

Women are women and men are men. A man can take 100 hormone shots, grow his hair out, wear a dress, put on lipstick and change his name but he will always be a man. A woman can take 100 male hormone does, have her breasts removed, cut her hair short and change her name but she will still be a female. This is a fact of biology. Children who are confused about their gender need loving psychological therapy not access to the other gender bathrooms at school. We should not have to accommodate their confusion and play along calling them names that are of the opposite gender.

Think of a student who is suffering from anorexia, should the school officials play along with the student and call him or her fat, withhold food and encourage excessive exercise because the student might feel offended if they do not? Should the students be sure that the individual sits at lunch with no food on their plate? That would be considered abuse! It is psychological abuse to play along with a student who has gender dysphoria.

I urge you to support the passing of House Bill 1522.

Thank you for your consideration of this important matter and for your service to the state of North Dakota.

Lisa Pulkrabek

"My name is Wade Pulkrabek and I reside in District 31. I am asking that you please render a DO PASS on HB 1522.

I agree with everything my wife wrote in her statement that you may have just read. It is late and I can't think of anything I would like to say about this matter. So the rest of this is a repeat.

Women are women and men are men. A man can take 100 hormone shots, grow his hair out, wear a dress, put on lipstick and change his name but he will always be a man. A woman can take 100 male hormone does, have her breasts removed, cut her hair short and change her name but she will still be a female. This is a fact of biology. Children who are confused about their gender need loving psychological therapy not access to the other gender bathrooms at school. We should not have to accommodate their confusion and play along calling them names that are of the opposite gender.

Think of a student who is suffering from anorexia, should the school officials play along with the student and call him or her fat, withhold food and encourage excessive exercise because the student might feel offended if they do not? Should the students be sure that the individual sits at lunch with no food on their plate? That would be considered abuse! It is psychological abuse to play along with a student who has gender dysphoria.

I urge you to support the passing of House Bill 1522.

Thank you for your consideration of this important matter and for your service to the state of North Dakota.

Wade Pulkrabek

Dear Chair Weisz and members of the House Human Services Committee,

My testimony is in strong opposition to House Bill 1522. I must urge you to give this bill a Do Not Pass. Let's start with the elephant in the room (Joke not fully intentional) That wild fire news that people like to quote about litter in the bathrooms? Was a Hoax, A troll, Anti-trans rhetoric, and about as serious as the clowns in the Shriner Circus (Except the clowns are fun and entertaining.) This clause is the very definition of the conservative parties' misunderstandings and hate personified. Kids play pretend, that's what they do, Now when little Susy whats-her-name pretends to be a panda on the playground she has to go to detention because GOD FORBID a kid play pretend at school cause the school might be blamed for 'allowing a kid to pretend to be not human,' and effectively as the bill puts it 'providing a place' for them to do such activities. If that comes to pass creativity and childhood is truly dead and the conservatives killed it.

Now onto the other points of hate in this bill. The blatantly spelled out anti-trans discrimination. In a bill I just wrote a letter for it said a school could choose to make special compensation for trans and non binary students for locker rooms and bathrooms, and now this one SAYS THEY CANT! Well which is it? How about you just throw all these clearly and blatantly homo/trans-phobic bills out and make the hyper-conservatives stew in their inability to oppress people. Because this is just that Oppression. This has a high probability of increasing suicide rates in an already vulnerable group. I beg you to help stop this marginalizing of a vulnerable minority and oppressing their freedom, and their parents' ability to have their child raised to their standards. This bill says a kid has to be post op and have a letter from a guardian while attempting to make such things impossible with other bills. We are better than this! It's North Dakota Nice, not North Dakota Oppression.

-Nate Brown

**Do Pass Testimony  
of Doug Sharbono, citizen of North Dakota  
on HB1522  
in the Sixty-eighth Legislative Assembly of North Dakota**

Dear Chairman Weisz and members of the House Human services Committee,

I am writing as a citizen and believe HB1522 is beneficial legislation. Our family has experienced locker room issues in which a man claiming he was a girl used the girls locker room and remained in there while the girls were dressing, gawking at them. Fortunately, an adult female parent was able to enter the locker room and gain control of the situation. I reported the incident to the sports governing safety body, and they did nothing due to hearing it involved a reported transgender. These situations have been increasing in frequency and are not the situations that occurred in years past. These current voyeurs are becoming very bold, and the law is seemingly on their side. This needs to change. Please give HB1522 a Do Pass.

Thank you,

Doug Sharbono  
1708 9<sup>th</sup> St S  
Fargo, ND 58103

Dear Legislators,

Abhorrent. Absolutely abhorrent of you to attempt to pass a bill to further ostracize and punish transgender youth for simply being who they are. You should all know by now that transgender individuals are at high risk for death by suicide. You seem to disregard this as being fact that has been studied by psychologists in recent years with scientific papers reporting on it. **I find that to be a blatant disregard for the lives of a very susceptible group of people.**

Additionally, human biology is vast and expansive. Sex organs are not always unambiguous. And how do you intend to prove or disprove the nature of a *minor's genitals* in order to decide what bathroom they should use? Do you truly intend to subject children to genital exams?

Not only this, but hormones and chromosome are also not a black and white matter. XX and XY are not the only possible combinations of chromosomes and hormone levels vary from person to person regardless of "biological sex".

Your scientific illiteracy makes me shudder when I think that you are attempting to make laws governing anyone's body in this way.

The bill also states that the school may only provide access to a unisex restroom if "*the student had gender-affirming surgery before the effective date of this Act*". Minors are not recommended to have gender-affirming surgery until age 15 or 17 according WPATH (World Professional Association for Transgender Health) standards and most certainly NOT without consent from a parent or legal guardian. That is, if the child survives long enough to push through the horrible barrage of anti-trans legislation this country is attempting to push.

On the matter of denying children appropriate restroom use and safe spaces with teachers, I don't even know where to begin in explaining that **it is undeniably important to give children safe spaces to be themselves.** They are humans. They do have a sense of self and they ought to be allowed to explore what is right for them in terms of name, personal pronouns, and gender identity, and to be able to use the correct corresponding restroom.

And finally, the part of the bill that is one of the most obnoxiously ridiculous things I've heard introduced thus far: "*[...] a [...] school [...] may not: Adopt a policy establishing [...] an accommodation that caters to a student's perception of being any animal species other than human.*"

This is in reference to a **hoax** claiming that **litter boxes were placed in bathrooms** for students who participate in furry culture (closely identifying with a non-human animal character). It was started in Canada and spread to the U.S. and is, and has been for some time now, **easily debunked via a simple Google search.**

Ultimately, and once again as it will be for every anti-trans legislation, this bill stands only to promote hate, bigotry, and violence against transgender youth and adults alike. Trans people just want to live their lives and trans kids deserve to become trans adults who can live their most authentic lives.

I am IN OPPOSITION to bill HB1522.

**Testimony in Support of HB 1522**

Dr. Daniel Scrimshaw, DO, Emergency Medicine Physician  
American Academy of Medical Ethics, North Dakota State Director  
January 23, 2023

Good morning Chairman Weisz and honorable members of the House Human Services Committee. My name is Daniel Scrimshaw and I serve as an Emergency Physician in Minot, ND and as the North Dakota State Director of the American Academy of Medical Ethics. I am testifying in regard to House Bill 1522 and I respectfully request that you render a "DO PASS" on this bill.

The government of North Dakota has a great responsibility to protect its female citizens. HB 1522 is a common sense bill that should be passed. Failure to pass this bill would be irresponsible and hazardous to the women of North Dakota.

Thank you for the opportunity to testify on this important matter.

**Testimony in Support of HB 1522**

Dr. Lovita Scrimshaw, DO, Emergency Medicine Physician  
American Academy of Medical Ethics, North Dakota State Director  
January 23, 2023

Good morning Chairman Weisz and honorable members of the House Human Services Committee. My name is Lovita Scrimshaw and I am a physician in Minot, ND and also serve as the North Dakota State Director of the American Academy of Medical Ethics. I am testifying in regard to House Bill 1522 and I respectfully request that you render a "DO PASS" on this bill.

This bill would protect genetic females from having genetic males in private female spaces, such as restrooms and locker rooms. This protects a genetic female's safety, privacy, and modesty. This is a reasonable bill and protects the rights of women (genetic females) and I strongly support this bill.

Thank you for the opportunity to testify on this important matter.

January 24<sup>th</sup>, 2023

From: ND Psychiatric Society

**Re: In Opposition to HB 1522**

Esteemed Chairman Weisz and Committee Members,

My name is Gabriela Balf, I am a psychiatrist in Bismarck and a Clinical Associate Professor at UND, and I speak on my behalf.

As presented in testimonies for the previous bills this morning,

1. Transgender condition is a real medical condition – medical term is Gender Incongruence\*. I have presented earlier the science, including imaging studies that clearly reflect the reality of this condition.
2. The mental distress that some transgender people experience as a result of Gender Incongruence condition + non-affirming conditions = Gender Dysphoria in the Diagnostic and Statistical Manual of Mental Disorders DSM5 (available on APA website at <https://dsm.psychiatryonline.org/>)
3. School environment is crucial for the mental and physical wellbeing of children. This bill proposes to transform it into a hostile environment and increase minority stress, which will have the already proven effects of increasing the rates of depression, suicide attempts and substance use disorder among the transgender population AND their cis peers.
4. This school environment may contravene with the rights that parents supportive of their transgender child have to control the child's education as spelled in SB 2260.

Therefore: Why persist in increasing minority stress for a small number of our children? When we face so many urgent issues related to the mental health of children in our state, why don't we spend your valuable time thinking about productive ways to address those, instead of wasting your days of selfless volunteering on **bills that are proven to kill some of our children**, bills that will stain your legacy?

I urge you to be thoughtful when you vote for all the transgender bills that are coming your way, and listen to science. On behalf of our patients, we thank the House Human Services Committee for listening to our presentation of scientific evidence.



Gabriela Balf-Soran, MD, MPH

Assoc Clin Prof – UND School of Medicine – Behavioral Sciences and Psychiatry Dept

ND Psychiatric Society Past-President

World Professional Association Transgender Health member

\*The Manual of International Statistical Classification of Diseases and Related Health Problems (ICD-11) eliminates the term “transsexualism” and replaces it with the term “Gender Incongruence ” (GI)<sup>9</sup>. This new terminology will no longer be part of the chapter on mental disorders (chapter 6) but a new chapter is created (chapter 17) called “conditions related to sexual health”.





# NORTH DAKOTA

## *Family Alliance* LEGISLATIVE ACTION

### Neutral Testimony on House Bill 1522

Jacob Thomsen, Policy Analyst  
North Dakota Family Alliance Legislative Action  
January 24, 2023

Chairman Weisz and honorable members of the House Human Services Committee. My name is Jacob Thomsen and I am a Policy Analyst for North Dakota Family Alliance Legislative Action. I am testifying on behalf of our organization regarding HB 1522 and wish to provide neutral testimony on this bill.

We understand that it can be difficult for some to identify themselves on the spectrum of gender, apart from their biological sex. That being said, our organization and its constituents believe that the issue should be kept separate from the responsibility of a school and its teachers and students. Gender is a social edifice that is created; it is not science. As such, if taken to its conclusion, we will have eventually find teachers and administrative school officials having to refer to students as Spot the dog or Herbie the turtle. In an effort to avoid this kind of foolishness, we support the intent behind the bill.

However, this bill applies the requirements private schools as well as public. Aside from our belief that these requirements should not apply to private schools, the vast majority of private schools are faith-based and highly unlikely to, “adopt a policy establishing a place, facility, school program, or accommodation that caters to a student's perceived or expressed gender” or other actions prohibited in the bill.

We firmly believe that it is in the best interest of all students that schools not capitulate to contrived accommodations for students. However, given the inclusion of private schools in the bill, we cannot support this bill either. For these reasons, North Dakota Family Alliance Legislative Action is testifying neutral with regard to House Bill 1522.



**Kayla Schmidt – Interim Executive Director, North Dakota Women’s Network  
Opposition – HB 1522  
North Dakota House Human Services Committee**

January 24, 2023

Dear Chair Weisz and members of the House Human Services Committee,

My name is Kayla Schmidt and I am the Interim Executive Director of the North Dakota Women’s Network. We are a statewide organization with members and advocates located across North Dakota. I am providing testimony in opposition to HB 1522.

Within our mission to improve the lives of women, we have three areas of focus: leadership, opportunity, and equality. HB 1522 is a direct conflict to the positive outcomes we work to create through those areas of focus.

HB 1522 prohibits private and public schools, their teachers, and leadership from providing accommodations to transgender students. This bill needlessly places restrictions on our schools and our educators, and threatens them with the burden of financial penalties.

These bills create an environment of discrimination and exclusion in North Dakota institutions. This harms our state’s youth, families, and future. Whereas we often hear about the need to invest in North Dakota’s economic growth, legislation like this is a deterrent for modern families and workers to want to live or work in our state.

Similar attempts to pass discriminatory legislation in North Dakota has strongly been opposed by community leaders, athletic organizations, medical experts, social workers, parents, educators, students, faith leaders, representatives of local Chambers of Commerce and tourism organizations, and the LGBTQ+ community.

The North Dakota Women’s Network stands with these groups and asks that HB1522 receives a Do Not Pass Recommendation.

Thank you.

Kayla Schmidt  
director@ndwomen.org

As a trans person who grew up in the state of North Dakota, I experienced a large amount of discrimination and bullying in school there. I spent time in a psychiatric ward for my suicidal ideation when I was just 18, and that was long before any legislators chose to make it their life mission to craft laws specifically targeting me and people like me. Many trans students don't come out as transgender when they are in the public school system, but the lasting impact of your bigotry will harm them the rest of their lives. Suicidality in trans youth massively increases in states with youth sports bans, even if the bans only apply to four or five individual students.

The sponsors of this bill lack compassion and moral integrity, and if this bill passes, they should be made to watch the funerals of every trans child who commits suicide as a result of the intentional targeting of the trans community in North Dakota.

Thank you for your time,  
Reed Eliot Rahrlich

Dear Chair Weisz and members of the House Human Services Committee,  
My name is Martin Avery. I live in Fargo, ND and am an ordained United Methodist Elder, currently serving a two charge Lutheran parish in Mayville, ND. My testimony is in opposition to House Bill 1522. I ask that you give this bill a Do Not Pass.  
The reason for this is that my beautiful child, Rider is a Transgender female. Since Rider came to this conclusion, she has not waivered and has been a strong advocate for herself with family and at school.

My heart breaks that Rider could be denied an education in the state of North Dakota, due to her simply living life as her authentic self. I can't imagine what it must be like, knowing that because of who she is, she is not welcome to the same opportunities as other children. This feels like a step backward for human rights.

As a Methodist Elder, I'm to "Do no harm, do good, and stay in love with God." Knowing the statistically high number of suicides among Transgender children and teens, I must stand in opposition to this bill.

I do not understand how this bill will serve any positive purpose for education in ND. Rider is doing nothing to harm other student by living their authentic life while pursuing their education. Rider's mother lives in Moorhead, MN. If this bill passes, we will take Rider out of school in Fargo, and she will attend in Moorhead.

Thank you for your time, consideration, and service to our state  
Best regards,  
Rev. Martin Avery

January 24, 2023

Dear Chair Weisz and Members of the House Human Services Committee:

My name is Rev. Karen Van Fossan. I am an ordained minister and licensed professional counselor, serving as a pastoral counselor in the state of North Dakota. **I ask that you give HB 1522 a Do Not Pass recommendation.**

A few years ago, I was adopted by a young mother and her beautiful transgender child. Having been rejected by their family of origin, they asked me to become their mom and grandma. Due to a fundamental misunderstanding about what it means to be transgender, their family had become unable to love them. As painful as this breach has been for my chosen daughter and grandchild, I believe the real losers in this scenario are the family members who don't get to experience the Halloween costumes, the spontaneous dances, and the joyful utterances (like "I love you, Grandma!") that I now enjoy as a matter of course. I do indeed love my transgender grandchild from the deepest place in my soul.

Still, my grandbaby is just one of the reasons I strongly oppose HB 1522. As a pastor and as a counselor, I am honored to have accompanied a number of trans youth, as they have made life-giving transitions from a prescribed gender identity to an authentic gender identity. It has been my distinct privilege to witness their unfolding, their blossoming, as they see their own sacredness in the eyes of God – and, at last, in the eyes of themselves.

In fact, according to a recent position statement, the American Counseling Association says this about gender identity and ethical counselor conduct:

"Gender is the product of a complicated interaction of chromosomes, anatomy, hormones, and culture that begins before birth. Most people's gender identity is consistent with the gender they were labeled at birth. Individuals who identify as transgender have a persistent and consistent experience of their gender being different from their sex assigned at birth. The stress brought on by stigma and the pressure to be gender-conforming with an individual's assigned sex is known to cause minority stress and significantly affect health and wellbeing, even in the face of the resiliency and the strengths of transgender individuals. Counselors know and understand the critical importance of living consistently with one's gender identity, which may or may not include physical or social gender transition."

I would like to repeat a portion of that last statement: "Counselors know and understand the critical importance of living consistently with one's gender identity."

In other words, **the expectations of this bill are in direct conflict with best practices for counselors who serve trans children** – and, I would say, for any adults who serve any children. The more whole any child, any person, can be, the more whole the community becomes.

For all of these reasons, I urge you to vote Do Not Pass on HB 1522. Thank you for your time and consideration. I would be glad to respond to any questions.

Sincerely,  
Rev. Karen Van Fossan, M.Div., LPC

Dear Chair Weisz and members of the House Human Services Committee,

My testimony is in opposition to HB 1522 and I ask that you give it a Do Not Pass.

This bill disregards the needs of transgender students in an effort to protect cisgender students from a made up threat. If it were truly about the well being of kids, why do republicans continue to ignore all expert testimony, parents of transgender students testimony, transgender testimony, the opinion of the entire medical community including that of mental health professionals? Republicans are basing law on untruths and using deliberately misleading statements to convince their constituents it's needed. This seems purely malicious as it's only outcome will be extreme harm to kids that simply want to learn without conservative prejudice forced upon them. We have a duty to ensure that schools are a safe place for all students. This bill does not do that.

Thank you for your time and consideration  
Christina

Dear Chair Weisz and members of the House Human Services Committee,

I urge you to vote NO on HB 1522.

Special accommodations are made all the time for our students in order to be successful in a school environment. We have special education teachers for those with learning disabilities, Occupational, Physical, and Speech Therapy, assistance for those with autism, and the list goes on and on.

We want **all** our students to be in a safe and supportive environment, including our transgender students. Please do not single them out as if they didn't exist.

Naomi Franek

Fargo, ND

Dear Chair Klemin and members of the House Judiciary Committee,

My testimony is in opposition to House Bill 1522 I ask that you give this bill a Do Not Pass.

The reason for this is that this bill affects individuals I care about, and I know it does more damage not accepting a child to whom they may be. There are stats on a child's, trans or not, mental health can be when not treated with respect.

Trans Youth Data Points (From High School | Middle School)

- 74.7% Have ever seriously considered suicide (MS)
- 46.3% Have ever attempted suicide (MS)
- 94.4% Do not talk to parents when feeling sad, empty, hopeless, or angry (HS)
- 72.7% Didn't feel safe at school most of time or always (HS)
- 61.0% Bullied on School Property (MS)
- 27.0% Didn't Sleep in Parents Home + 20.0% Have Run away or homeless (HS)

This information I am sharing came from 2021 YRBS data provided by the ND Department of Public Instruction. If you look at the fourth bullet from the top, it states that 72.7% don't feel safe at school. School is supposed to be a safe space for them, but it will not be if you pass this bill. I once again ask that you give House Bill 1522 a Do Not Pass.

Thank you for your time, consideration, and service to our state.

Best Regards,

A handwritten signature in blue ink, appearing to read "Charles J Vondal", with a long horizontal flourish extending to the right.

Signed

Charles J Vondal



Thank you, Mr. Chairman, vice chair, and members of this committee.

My name is Scott Dyk, representative from district 23.

I am here today to represent ~~Hospita~~ HB 1522 and to testify on its content.

I am speaking today, on behalf of all the children and students in K-12 schools across this legendary state. I will be echoing sentiments of mothers and fathers, grandparents, and a host of constituents from my district. Including the citizens, all over this state, evidenced by the many emails, received in response to this bill.

As a father of 3 married children and grandfather of 12, my primary responsibility is to protect them!

As a legislator, my primary responsibility is to protect the children of this state. All children. Ronald Reagan said "governments, first duty is to protect the people not to run their lives"

Who are we protecting?

All children in K-12 public and private schools.

And here are the reasons why we are protecting.

Example #1

A report filed on October 26, 2022 tells of a transgender

student who entered a girls restroom in Oklahoma. And the student victim labeled as V on the redacted report told Police she was speaking with friends in the girls bathroom when student A approached.

The student victim labeled as V on the redacted report told Police she was speaking with friends in the girls bathroom when student A approached her with a question. After telling student A, she didn't want to speak with her, and why, student A became angry, and asked her if she wanted to fight before hitting her in the face. The alleged assailant continued to hit kick and pull student V's hair. Student the told the police, the strength of student A's punch left her unable to fight back. One friend reported they tried to help, but they were also struck in the face twice. A witness said they were worried about their friend, because the assailant was a man. Police observed, one victim, had injuries to her eye, face and head with a possible concussion. The student was charged with single counts of disorderly conduct and assault and battery.

## Example #2

2) The Loudon county public school board has fired their superintendent. After a Virginia grand jury released a report, criticizing the district for how it handled two sexual assaults committed by the same student. The Northern Virginia school district came to the national spotlight after a father accused the school board of covering up his daughters sexual assault. Scott Smith testified before the board that a biological boy, wearing a

skirt, raped his daughter in the girls bathroom.

After that incident, the boy was able to transfer to another school in the district where he then assaulted another girl. He was convicted in juvenile court of both assaults.

At the time Smith claimed the district tried to cover up his daughters assault to push a policy that supported transgender students using bathrooms of their choice. In a 91 page report released, the grand jury found that the school district was looking out for their own interests, instead of the best interests of the students.

The fall out of this tragedy involved a parent commenting that “this is not over, it is not over for those two girls and their families, and it’s not over for all of us. We have to send our children into those buildings every day with a lack of trust. And so that really really concerns me. And I think there should be repercussions“!

Example # 3) Closer to home in Williston , North Dakota, a trans individual went into the girls bathroom on more than one occasion, and when the football team found out, they beat the him up! We cannot allow this kind of behavior toward any student.

This is why there is provision for protection, for a student who

has had gender, affirming surgery prior to when This bill goes into effect!

Everyone needs to be treated with dignity, civility, and respect. For those who have been bullied and scorned, I'm sorry. For those parents and relatives who have lost a loved one to suicide, I'm sorry. I can't begin to imagine the pain, loss, and devastation you feel.

When are we going to do something about this? It has to be now.

We need to act now, to protect our kids!!

Are you all aware that we have political leaders who sanction half nude perverts dancing for kindergartners while rubbing their crotch?

Are you all aware that our government is telling parents they have no right to know what the state is teaching their children, but that day is here. This ideology has created an environment where educators are grooming, our impressionable children to consider sterilization and mutilation.

Ronald Reagan said this," we must reject the idea that every time a law is broken, society is guilty rather than the lawbreaker. It is time to restore the American precept that each

individual is accountable for his actions.”

Now, just in case, there are those here who are experiencing a bendable backbone like a recent senator from South Dakota. He reasoned this issue should be a school board issue.

This is not a school board issue as you could tell by the way the Virginia school board handled their situation. This is our issue. This is our legislative issue for today.

Now, for the strengthening of our back bones, we do have precedent on our side.

Title IX. Title IX of the education amendments was acted by Congress in 1972 to illuminate discrimination in education based upon sex against girls and women in particular. It states, no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal, financial assistance. When this was past girls and women faced high barriers to pursue educational opportunities, particularly in higher education, title IX was designed to remove those barriers, and now represents 50 years of progress in education made by girls and women title IX regulates every public K-12 school, college and university of the nation, as well as every private school that takes federal funding. As a result it has wide, reaching implication for tens of

millions of children and parents across the country. the regulations implemented in title IX were binary based on two sexes, male and female. Recognizing biological distinctions where they matter and prohibiting discrimination based on sex as Congress intended.

This was recently challenged by President Biden, and was struck down in a federal appellate court.

This ruling came out January 5, 2023. A federal court of appeals has held that title IX's prohibition on discrimination on the basis of sex refers to biological sex and not gender identity. The year and ruling by the United States Court of Appeals for the 11th circuit calls into question the legality of Biden administration's proposed title nine rules, which equate gender identity with sex and would require schools to open up women's sports and other spaces to males who identify as women.

The 11th circuit ruled 7 to 4 on December 30, that the bathroom policy violates neither title IX of the education amendments of 1972 nor the US Constitution the court rejected the claim that the school boards actions discriminated against trans identifying students.

This is great basis for this bill. Also keep in mind smokers are required to smoke outside the building. Sometimes it can be 20 below zero. We are trying to protect all people from

secondhand smoke. You can see the theme.

Now I get it if you're still a little bit nervous about doing the right thing here. Someone very close to me said to count the cost before you venture into your next career. The chairs you and I sit in the house chamber come with a great amount of responsibility and accountability.

You will find encouragement in this statement by Patrick Henry

“should I keep back my opinions at such a time, through fear of giving offense?” I echo that exact thought.

And finally, we have president, Teddy Roosevelt, who has his roots here in North Dakota. Who gave his most famous speech in April 23, 1910. He said “it is not the critic who counts. Not the man who points out how the strong man stumbles, or where the doer of deeds could have done them better. the credit belongs to the man who is actually in the arena. Whose face is marred by dust and sweat and blood. Whose strives valiantly, who errs, who come short again and again. Because there is no effort without error and short coming, but who does actually strive to do the deeds , who knows great enthusiasms, the great devotions, who spends himself in a worthy cause, who at the best knows, in the end, the triumph of high achievement, and who, at the worst, if he fails, at least, fails well, daring greatly, so that his place shall never be with those

cold and timid souls, who neither no victory nor defeat .

Protecting all our children is a worthy cause. We all must dare greatly in this worthy cause!

Puritan leader John Winthrop said that we are a city on a hill.

In order for North Dakota to be a city set on a hill, and to continue to be legendary, we must protect all of our children. If we don't, we will become infamous.

I'll end with this. For me personally there is truth that is transcendent. It exists far above the universe and material existence. I implore us as a whole to discover the solutions and healing found therein.

Honorable members of this committee, as strongly as I can, I urge a Do Pass vote on HB 1522. I am open to amend the penalty capped at 500,000 to be less or more.

Thank you, Mr. Chairman I will now stand for questions.



23.0864.04003  
Title.

Prepared by the Legislative Council staff for  
Representative M. Ruby  
February 15, 2023

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1522

- Page 1, line 2, remove "; to provide a"
- Page 1, line 3, remove "penalty; and to declare an emergency"
- Page 1, line 7, remove "**- Prohibited - Exception - Private right of**"
- Page 1, line 8, remove "**action**"
- Page 1, line 9, remove "As used in this section, "sex" means the biological state of being male and female."
- Page 1, remove lines 10 and 11
- Page 1, line 12, replace "2. Except as provided in subsection 3, a" with "A"
- Page 1, line 12, remove ", a public or private"
- Page 1, line 13, remove "school, or a teacher in a public or private school"
- Page 1, line 13, remove the underscored colon
- Page 1, line 14, replace "a. Adopt" with "adopt"
- Page 1, line 14, remove "establishing a place, facility, school program, or accommodation"
- Page 1, line 15, replace "caters to a student's perceived or expressed gender, including" with "requires or prohibits any individual from using"
- Page 1, line 15, after the second "a" insert "student's"
- Page 1, line 16, remove ", if the perceived or expressed gender is inconsistent with the"
- Page 1, remove lines 17 through 22
- Page 1, line 23, remove "other than human"
- Page 2, line 1, replace "3." with "2."
- Page 2, line 1, remove ", a public or private school, or a teacher in a public or"
- Page 2, line 2, replace "private school may" with "shall"
- Page 2, line 2, replace "or provide" with ", in consultation with the parent or legal guardian."
- Page 2, line 2, replace "unisex" with "policy for the use of a separate"
- Page 2, line 2, after the second "a" insert "transgender"
- Page 2, line 3, remove ", only if:"
- Page 2, remove lines 4 through 16
- Page 2, line 17, remove "c. Exemplary damages in an amount up to five hundred thousand dollars"
- Page 2, remove line 18

Renumber accordingly



# North Dakota House of Representatives

STATE CAPITOL  
600 EAST BOULEVARD  
BISMARCK, ND 58505-0360



## Representative Scott Dyk

District 23  
14090 47th Lane NW, Lot 314  
Williston, ND 58801-8618  
[sdyk@ndlegis.gov](mailto:sdyk@ndlegis.gov)

## COMMITTEES:

Education  
Transportation

3-10-2023

Madame chair and members of the senate human services committee,

Freedom is no freedom at all without boundaries and restrictions.

Alarminglly,

we find ourselves in a culture today where ancient boundaries and restrictions are being challenged.

Our great nation has proven that great courage is required to protect our boundaries. I am confident, great courage is in this room today.

Protecting the private space of our K-12 school bathrooms are the boundaries in focus with house bill 1522.

This bill protects all students, our daughters and granddaughters, our sons and grandsons, and the individual who identifies as transgender.

When the private space of a K-12 bathroom is violated by an individual of the opposite biological sex, then there is an immediate, abusive, and threatening intrusion.

This bill is necessary because of parents and students personally telling me of boys entering girls bathrooms in K-12 schools in the state of North Dakota.

The next two examples to my knowledge, have not yet happened in our North Dakota K through 12 school system. When you hear them, you will understand with clarity why this bill is necessary.

On October 26, 2022, a report was filed, telling of a transgender student who entered a girls restroom in Oklahoma. A witness said the transgender student was a man who hit the girl in her face. Two of the girls friends stepped in to help their friend, and were also struck in their faces. Police observed one victim had injuries to her eye, face, and head. The student was charged with single accounts of disorderly, conduct and assault and battery.

Then, in the Loudon county school district in northern Virginia, a biological boy, wearing a skirt, raped Scott Smith's daughter in the girls bathroom. After that incident, the boy was able to transfer to another school in the same district where he then assaulted another girl. He was convicted in juvenile court of both assaults. During this time, Mr. Smith claimed the district tried to cover up his daughters assault, to push a policy that supported individuals who identify as transgender students for the purpose of using bathrooms of their choice.

In a 91 page report released, the grand jury found that the school district was looking out for their own interests, instead of the best interest of the students.

There is little appetite for school boards to deal with this issue in our state, and in other states as well.

That is why it is before legislatures today around this nation and that is why HB1522 is before you today.

In summary, freedom is no freedom at all without boundaries and restrictions.

There is no question about whether a boy and a girl's bathroom is an immediate, abusive, and threatening intrusion. How do we know this? Because he's in the room. He's there.

Just like if somebody walks into your house in the middle of the night. You're not going to wonder if they are a threat. They're in your house. And they could make matters worse, depending on how they behave once they get there. The point is we need to protect the private spaces of our K through 12 school bathrooms. We need to protect all of our students.

Madame Chairman and members of this committee, please give this bill a do pass vote. Thank you and I'll stand for questions.

## House Bill 1522

Relating to gender identity and accommodations in schools

Dear Members of the Senate Human Services Committee,

My name is Shawna Grubb and I reside in District 35. I am writing to urge a DO PASS recommendation for HB 1522.

### *Why is this bill needed?*

- Federal agencies have tried to force schools to grant access to sex-specific intimate facilities based on self-declared gender identity instead of biological sex.
- Students, particularly women and girls, have valid concerns about privacy and safety in intimate spaces, as well as about the equality of women under law. Allowing males to have access to female-only spaces completely disregards the safety and privacy of women and girls.
- Gender identity policies are unlawful under current Title 9 regulations. The term "sex" is not ambiguous and cannot be unilaterally redefined by schools to mean "gender identity."
- North Dakota law should specify that "sex" does not mean "gender identity," and local schools should devise solutions that respect the privacy and safety of all students, not just those who claim to have a victim status
- In a time when there is an extreme shortage of school staff, requiring staff to work in environments that require them to adhere to dangerous gender-identity affirming policies could risk more staff to quit teaching and subsequently, leave schools even more understaffed.

Thank you for your consideration and your service to the people of North Dakota,

Shawna Grubb



The North Dakota Association of School Psychologists (NDASP) asks lawmakers to oppose the harmful policies outlined in the table below that target LGBTQ+ youth. These policies disallow students from using school facilities consistent with a student’s gender identity; require parental consent to have a student’s gender identity affirmed and acknowledged in school; mandatory parental notification when a student discloses they may be questioning their sexuality or gender identity; prohibition of classroom instruction on nonheteronormative sexual orientations and gender identities; removal of classroom materials that are inclusive of LGBTQ+ students and families; and afford protections for individuals who refuse to affirm a student’s identity and punitive measures for individuals who do. The following bills are discriminatory, against best practices, and do not reflect the peace and tranquility North Dakota is known for.

Vote NAY on House Bills			Vote NAY on Senate Bills
HB1249	HB1333	HB1489	SB2199
HB1254	HB1403	HB1522	SB2231
HB1297	HB1473	HB1526	SB2260
HB1301	HB1474		
HB1332	HB1488		

These proposed bills are in direct conflict with NDASP’s adopted position statement from the National Association of School Psychologists (NASP) which states that:

Positive educational and social outcomes for all children and youth are possible only in a society—and schools within it—that guarantees **equitable treatment to all people**, regardless of race, class, culture, language, gender, gender identity, religion, sexual orientation, nationality, citizenship, ability, and other dimensions of difference (NASP, 2019).

Additionally, school psychologists are guided by an ethical code that calls for beneficence, through which they respect the rights and dignity of all persons, and nonmaleficence, which requires that they do no harm. NASP’s ethical standards require school psychologists to validate and affirm a young person’s authentic lived experience, value their integrity, ensure their safety, and promote their well-being (NASP, 2020b). The proposed laws would prohibit school psychologists from practicing ethically.

Our LGBTQ+ youth need our support now more than ever. Some alarming statistics from The Trevor Project 2022 Survey include:


- 45% of LGBTQ youth seriously considered attempting suicide in the past year.
- 60% of LGBTQ youth who wanted mental health care in the past year were not able to get it.
- 73% of LGBTQ youth reported experiencing symptoms of anxiety
- 58% of LGBTQ youth reported experiencing symptoms of depression

NDASP also vehemently supports the use of evidence-based practice through an ethical lens. Conversion 'therapy' is not evidence based and has been determined to be fraudulent by several states. In fact, "The present-day scientific consensus is that such practices are not only ineffective, but highly harmful and fundamentally unethical." (Conine, Campau, Petronelli, 2022). Examples of historical unethical practices used in conversion therapy include corporal punishments such as spanking and electroshock therapy, among other questionable practices. The United Nations Human Rights Council (2020) goes as far to say that these practices are not only a public health problem, but also "violate the prohibition of torture and ill-treatment." 17% of LGBTQ youth reported being threatened with or subjected to conversion therapy (The Trevor Project, 2022), which can have life-threatening effects.

Support for LGBTQ+ youth leads to better outcomes for them and society as a whole. LGBTQ+ youth report that when adults talk to them respectfully about their LGBTQ+ identity and use their names and pronouns correctly, they feel supported. Research indicates that LGBTQ+ youth are more resilient when they have supportive people in their lives. Further, LGBTQ+ youth with higher resilience are 59% less likely to attempt suicide and 69% less likely to consider suicide (The Trevor Project, 2022). NDASP supports legislative actions to increase access to mental health for all individuals, including LGBTQ+ youth.

Please join NDASP in supporting our LGBTQ+ youth by voting "nay" on the house and senate bills listed above.

Sincerely,



Alannah Valenta, PsyS, NCSP

NDASP President, on behalf of North Dakota Association of School Psychologists

References:

Conine, D. E., Campau, S. C., & Petronelli, A. K. (2022). LGBTQ+ conversion therapy and applied behavior analysis: A call to action. *Journal of Applied Behavior Analysis* (55, 6-18).

National Association of School Psychologists. (2022). Safe and Supportive Schools for Transgender and Gender Diverse Students. [Position Statement].

National Association of School Psychologists. (2020b). The Professional Standards of the National Association of School Psychologists.

National Association of School Psychologists. (2019). Prejudice, Discrimination, and Racism. [Position Statement].

The Trevor Project. (2022). 2022 National Survey on LGBTQ Youth Mental Health. [www.thetrevorproject.org/survey-2022/assets/static/trevor01\\_2022survey\\_final.pdf](http://www.thetrevorproject.org/survey-2022/assets/static/trevor01_2022survey_final.pdf)

United Nations Human Rights Council. 2020, Report on Conversion Therapy, <https://www.ohchr.org/en/calls-for-input/report-conversion-therapy>. Accessed 27 Jan. 2023.

Dear Legislators and Committee Members,

My testimony is to ask that you give this bill a Do Not Pass.

I am a public school educator and a 29 year resident of North Dakota. This bill actively harms members of community.

Thank you for your time and consideration.

Sincerely,

Christopher Brown



## HB # 1522

68<sup>th</sup> Legislative Session

Senator Weston. Representatives: Dyk, Christensen, Timmons, VanWinkle

I am writing in opposition to HB #1522. The authors who drafted this bill lack any knowledge or understanding of what being transgender is and what the person who is transgender faces living amongst a CIS dominated society. I was born and raised in North Dakota and I am also a parent of a transgender person. My child went to public schools and I have watched her being discriminated against, have had to report a criminal act that was done to her on school property. I had to deal with the ugliness of her peers, staff and faculty as well. The school administration being one in not one but two schools districts. I'm here to tell you there is no such thing as a "safe haven" at school for anyone who is bullied. Bullying is alive and well in North Dakota schools and it looks like the legislative branch is following in step with discrimination and ostracizing kids in our schools.

How many of you know a transgender person or have talked to a parent of a transgender person regarding their experiences in public schools? I dare say none of you have taken the time or even thought of what the transgender person goes through at school each and every day. By law our kids are mandated to go to school. The kids there are forced to endure ill-mannered children who are raised by people who think if you don't look and act like me, then you are not worthy of respect and so it is ok to bully these people. I know this because my child was bullied. My child wasn't one to act up, cause attention to herself in the contrary, she is shy, quiet and respects authority figures.

My daughter would come home and tell me how the day went and more times than I wanted to recall, there was someone's kid being a bully. Whatever happened to the no bullying zone at school? Oh, that is for the CIS kids and not meant for transgender people? My daughter had teachers who outed her in class, and when I took that up with the principal, nothing happened but a verbal hey, don't do that. I asked why this teacher put her lunch account up on the white board in front of the class. This was a history class. The principal couldn't answer that nor would she allow me to address the teacher. Now who is being the bully and allowing the bullies to continue their behavior? The school administration, that's who.

When my daughter was filmed in a bathroom stall, which is illegal. I took that once again to the school and this time I demanded that the Resource Officer be notified because I wanted to file charges. What this CIS peer did was illegal. The Resource Officer came, took statements from my daughter and her friend who witnessed the video which was put on Snapchat and Facebook. The CIS peers' mother was called. The mother released the phone to the Resource Officer and he viewed the video. The CIS peer even admitted to doing this and do you know what the school administration told the Resource Officer? Don't call the mom and tell her what you saw. The Resource Officer is mandated by law to tell a minor child's parent when a crime has been committed on school property. Does that sound like the school

## HB # 1522

has my daughter's best interest at heart? Does that smack of No Bullying Zone to you? Nope, sure doesn't.

These are just a few examples of what my daughter had gone through and what steps or I should say extent the school did to protect my child. School is supposed to be a safe place for our kids, but I guess that means all kids except transgender kids.

Inclusion is a huge part of school and learning. It is in school we learn about each other and what makes us different. Schools should teach tolerance and acceptance. What this bill does is support the ideology that if someone is different then it is bad and should be treated as lesser than by removing rights and privileges that the others enjoy. Do you really want to teach the youth of North Dakota that if someone is different from you then it is ok to discriminate against them? I thought that we lived in the USA where everyone has the right to be themselves. Apparently, History hasn't come to mind to any of you when you think of excluding transgender kids from their peers or better yet, maybe your ideology comes from those from the deep south who fought to keep people of color at the back of the bus, to use separate bathrooms, even to the extent of separate churches, schools and businesses.

This bill violates the civil rights of transgender students in schools. These kids just want to go to school, learn, use the bathroom and some, very few, want to participate in sports. The number of transgender kids in North Dakota isn't large but this bill still does damage to the self esteem of the transgender person and gives the misconception to CIS people that transgender people are ok to mistreat.

My daughter was born transgender. From her early days to present she has always had mannerisms and behaved like that of her older sister. This isn't a fad or a phase and not a way to erase CIS females in sports. My daughter doesn't like sports. My daughter is kind, thoughtful and sweet. Nothing in her persona resembles a male. I should know I have lived with her all her life.

What are you scared of? Transgender people use the bathroom just like the CIS population. We go in and get out, end of story. There isn't any malcontent on behalf of transgender person using the same bathroom as a CIS person.

In fact, CIS people are the aggressors and their behavior needs to be regulated. The lack of empathy, understanding and acceptance of transgender people will flow over and spread onto other marginalized people such as Native Americans, people of color and of different religion. When will society learn from the mistakes of our past? The KKK fostered segregation. Was it necessary to segregation people of color from whites? Did something horrible happen when integration happened? No, but people love to make up stories and the worse the better. That isn't human nature, that is bigotry and discrimination to the core.

## HB # 1522

By forcing a person who is transgender to use the wrong name, the wrong pronoun and refusing to acknowledge who they really are is devastating to their wellbeing. School is to be a place where the kids are protected, all kids. This bill doesn't protect transgender kids. It makes them outcasts. How would any of you like it if your child was born in such a way that made him or her different and the school let peers bully them, let staff and faculty be cruel and make fun of him or her in class, even go as far as protect someone who committed a crime against your child? You would think that's ok because my child is different so therefore they deserve it? No, you wouldn't be happy, nor does anyone deserve to be banned from a school function or event, sport even, just because of others' ignorance and preconceived judgements.

This bill also states that accommodations for students who have had gender-affirming surgery just shows how much the authors of this bill do not know. Again, surgery can't happen until the person is 18. In the event that a person who is 18 is still in school, then why must the barrier of using the different bathroom come into play? Discrimination in any shape, form or manner is against the law.

We all are made different, look different, have different likes and dislikes from each other and those differences do not make either one of us deficit. God made us all different for a reason. The differences are to teach us acceptance, tolerance and to extend love and compassion towards one another. We are to learn from each other. Your bill sends the wrong message and if your intent is to cause harm to kids psychologically, mentally and physically then your bill will do just that. Are you willing to live with the consequences? Are you willing to shoulder the responsibility of having kids harm themselves because of your lack of empathy, your imaginary fear that transgender females are trying to take over girls sports in school? School is to be a place of learning, why is the legislative body not focusing on that?

Sit back, put yourself in the position of a transgender parent. Be honest with yourself, would you be ok with this bill? If you did some soul searching, learned the facts and talked to a parent of a transgender person. Put aside your fears, misconceptions of what transgender is and learn the facts.

Kristie Miller  
Parent of a transgender

Chairman and Committee Members,

I urge a DO PASS committee recommendation on HB1522. This simple bill addresses the need for privacy and safety. It also accommodates those who are dealing with gender dysphoria.

Thank you,

Rachel Haidle

Dear legislators,

This bill is discriminatory and should be rejected. The school is able to make decisions on how to best accommodate and interact with any student. This is just one of the many bills proposed to attack transgender youth. We should not be focusing on making people's lives harder, but better. As a transgender person born in North Dakota, I must say I don't feel very at home in my home state. What happened to North Dakota Nice?

Thank you,  
Oliver G Jensen  
Fargo, ND

Members of the Senate Human Services Committee,

My name is Jason Moore and I reside in ND District 1. I am asking that you please render a DO PASS on HB 1522. This is a reasonable bill that will ensure protection for our daughters and granddaughters from male predators in the girls' bathrooms and locker rooms. This is a critical issue of our time! We can deal with it now on the front end, or deal with it later after all of the damage has been done, as other states are having to do. An ounce of prevention is worth a pound of cure. Let's stand and make the hard choices now, going against the strong opinions of some, to leave a legacy of peace and protection for our children.

Thank you.

Jason Moore

Williston, ND

Transgender students, of which my daughter is one, want to merely go to school and be treated like their peers. This bill singles out transgender students and will lead to higher rates of mental health issues, bullying, and suicides.

While I do not live in North Dakota, I work at a high profile engineering firm that is headquartered in North Dakota (AE2S), and I am the Water Resources Practice Leader. I am also transgender, so I know what I am talking about, and many of you have relied on me, or the team that I lead to help address many of the difficult water resource challenges facing your state and communities.

I am writing in opposition of House Bill 1522. I ask that you give this bill a Do Not Pass.

As an advocate for suicide prevention in our state, I feel this legislation is discriminatory and does not reflect the values of inclusion and compassion that our state should represent. Our transgender community is already at a much higher risk for suicide and self-harm and this bill will only increase that risk. By not allowing our schools and teachers to respect our transgender students, this bill is a threat to the health and well-being of our North Dakota youth.

Transgender people deserve to live as themselves in a state that respects and supports them.

Please oppose HB 1522.

Thank you,  
Brenda Weiler



I am writing in opposition of House Bill 1522. I ask that you give this bill a Do Not Pass.

As a healthcare provider and an advocate for suicide prevention in our state, I feel this legislation is discriminatory and does not reflect the values of inclusion and compassion that our state should represent. Our transgender community is already at a much higher risk for suicide and self-harm and this bill will only increase that risk. By not allowing our schools and teachers to respect our transgender students, this bill is a threat to the health and well-being of our North Dakota youth.

Transgender people deserve to live as themselves in a state that respects and supports them.

Please oppose HB 1522.

Thank you,  
Dr. Derek Harnish

I am writing in opposition of House Bill 1522. I ask that you give this bill a Do Not Pass.

As an advocate for suicide prevention in our state, I feel this legislation is discriminatory and does not reflect the values of inclusion and compassion that our state should represent. Our transgender community is already at a much higher risk for suicide and self-harm and this bill will only increase that risk. By not allowing our schools and teachers to respect our transgender students, this bill is a threat to the health and well-being of our North Dakota youth.

Transgender people deserve to live as themselves in a state that respects and supports them.

Please oppose HB 1522.

Thank you,  
Mary Weiler

## Senate Human Services Committee

### House Bill 1522

Andrew Alexis Varvel

### Written Testimony

North Dakota State Capitol

March 15, 2023

Fort Lincoln Room

10:30AM

### Madame Chairman Lee and Members of the Committee:

My name is Andrew Alexis Varvel. I live in Bismarck, District 47.

I disagree with House Bill 1522 as presently written.

On line 10, instead of “in consultation with”, the legislation ought to say “while fully informing.” The reason for this change is that the school district should not become party to family quarrels. Although it is important for parents to be informed, parents should not have veto power over reasonable accommodation for children who identify as a gender other than the sex they were born with.

If a child perceives his or her born sex to be a straitjacket, the worst thing we can do is to force the child to go against his or her inclination. If he thinks he is a she, or if she thinks she is a he, or if a child claims a gender identity which is xenogender, such as sandworm, hallucinogenic mushroom, or the color green, let's provide safe toilet space for the minor to indulge that person's fantasies.

But away from people of the opposite sex.

Throughout both this session and the last session, I have proposed the idea of two sexes, three genders. Natural men, natural women, and everybody else.

Although I could have done without its moral preening, the National Hockey League has provided a good example of providing a safe space for transgender and nonbinary youth – away from natural boys and natural girls.

<https://www.foxnews.com/sports/nhl-showcases-transgender-nonbinary-hockey-tournament-responds-criticism-twitter>

I am reminded of Aesop's fable about the Sun and the North Wind.

*“The North Wind and the Sun had a quarrel about which of them was stronger. While they were disputing with much heat and bluster, a Traveler passed along the road wrapped in a cloak.*

*'Let us agree,' said the Sun, “that he is the strong who can strip that Traveler of his cloak.”*

*'Very well,' growled the North Wind, and at once sent a cold howling blast against the Traveler.*

*With the first gust of wind the ends of the cloak whipped about the Traveler's body. But he immediately wrapped it closely around him, and the harder the Wind blew, the tighter he held it to him. The North Wind tore angrily at the cloak, but all his efforts were in vain.*

*Then the Sun began to shine. At first his beams were gentle, and in the pleasant warmth after the bitter cold of the North Wind, the Traveler unfastened his cloak and let it hang loosely from his shoulders. The Sun's rays grew warmer and warmer. The man took off his cap and mopped his brow. At last he became so heated that he pulled off his cloak, and, to escape the blazing sunshine, threw himself down in the welcome shade of a tree by the roadside.”*

Source: <https://read.gov/aesop/143.html>

When deciding upon legislation to regulate transgenderism, let's be like the Sun.

Not like the North Wind.

Thank you for your time.

**Senate Human Services Committee**  
**March 15th, 2023**  
**HB 1522 - Testimony in Opposition**

Chair Lee and members of the Senate Human Services Committee, my name is Whitney Oxendahl and I am writing in opposition to HB 1522. I hope that if one of my three children or any of their friends comes out as transgender or nonbinary, they are accepted in North Dakota. If this bill is passed, it would cause kids to feel unwelcome and unsafe to live in our state.

I am saddened that this is what the Legislature is trying to govern: kids in bathrooms and preferred pronouns. I know preferred pronouns might seem mysterious to those who have not encountered them before, but they can be a big deal to people.

My child's first-grade friend just told everyone, she wants to be called by a different nickname for her first name. It has been a struggle to remember to call her by her preferred nickname, but every time we make the effort, she lights up because it's what she wants. We make the effort because it makes her feel good and seen. We hope students across the state are allowed to feel this way too. It's about kindness and respect, not about trying to make adults uncomfortable.

I ask you to please give House Bill 1522 a Do Not Pass recommendation to show our transgender and nonbinary students they are welcome here in our state. Thank you for the opportunity to share my testimony.

This testimony is submitted in opposition to bill #1522

School districts should be encouraged to support all of the youth in the school district. It would be a benefit to every student if the school environment was more inclusive. Perhaps schools could have some restrooms that have no gender identification attached - open to every student to use.

School boards should be allowed to make policies that are less discriminatory toward youth; policies that promote the best outcomes for all of the students in the schools. There should be no fear of possible civil action for a decision by a board that was made with the best interests of the students in mind.

**DO NOT PASS HB 1522**

Chair Lee and members of the Senate Human Services Committee, I am writing to you today to urge a DO NOT PASS on HB 1522. I am the founder of an organization called Project RAI, we work with gender queer children ages 3-14. We work to provide them resources, advocacy, and community so kids are able to when feeling lonely and reduce the risk of suicide.

I am trying to understand the purpose of this bill and how it will ensure the creation of a healthy and positive school climate. Are teachers only able to affirm pronouns of cis kids? I am unsure how teachers will teach if they are not allowed to use any child's preferred pronouns.

Research on affirming school policies and practices shows that affirming and welcoming all students for who they are leads to a more positive school environment as a whole. School climate for both LGBTQ children and cisgender children are impacted heavily by the practices that are in place. Amy Gower et al., defined school climate as "the quality and character of school life", and it has been associated with a variety of student behaviors, regardless of sexual orientation or gender identity (2018, p. 814). The research found that schools with supportive climates are able to follow best practices to create that supportive climate throughout; these best practices had positive impacts on all students in the school, not just LGBTQ children.

Kris T. De Pedro et al., examined safety, victimization, and school climate in rural LGBTQ youth. The study aimed to compare feelings of safety among rural vs urban LGBTQ children and what supports are available to them. School victimization has an adverse impact on the academic achievement and well-being of LGBTQ youth. Researchers found that safety is enhanced for LGBTQ youth when enumerated anti-bullying policies are in place (De Pedro, et, al., 2018, pgs 265-266). As shown in other studies, LGBTQ students feel safer and more supported when school climate and policies are inclusive; this study found similar results, however, LGBTQ youth in rural communities may have difficulty accessing basic resources and support typically found in urban areas (p. 277). Lack of basic resources can lead to higher depression rates, greater feelings of insecurity in school, and greater rates of isolation.

According to the report, 61.6% of queer youth in North Dakota have seriously considered attempting suicide. 84% do not have any adult to turn to when feeling sad, hopeless, angry, or anxious, 61% reported bad mental health for one week or more each month (Seidler, 2021, p. 4). Our queer youth in North Dakota deserve to confidently exist in spaces as their cisgender classmates; schools will play a big role in helping our youth feel affirmed and accepted.

LGBTQ positive school climates exist in very small percentages across the state. Not supporting LGBTQ professional development training and having comprehensive LGBTQ anti-bullying/harassment policies creates a negative cascade across all outcomes related to school belonging, opportunity, and support (Seidler, 2022, p.6). Noted in the research, positive school climate practices and policies were major contributors to the success of LGBTQ students:

A positive LGBTQ-specific school climate, as opposed to a general positive school climate, is one that has supportive staff, teachers, and nurses who provide a sense of safety and support for LGBTQ students, promotes student empowerment and visibility through gay-straight alliances and inclusive curricula, has policies that explicitly enumerate protections on the basis of sexual orientation and gender identity, has staff

that are required to learn about LGBTQ topics as part of their professional development, and has staff that intervene when sexual orientation and gender identity-based harassment take place (Kosciw et al., 2016, p. 144).

The research showing positive impacts of gender affirming policies and procedures in public schools for not only queer students, but all students. Our state is at risk of creating school environments that queer students will not be able to exist in; OR our kids will go against these radical and dangerous policies and continue to affirm and welcome their friends. It is not fair to shove queer students back to the dark reaches of their personal closet, if they do not have a safe person to turn to at home, not able to talk to their supportive adult at school, what options do they have left? Nothing good, that's for sure. What a lonely existence the legislative body is setting up for our kids. I absolutely understand why families are making plans to leave.

Again, I urge a DO NOT PASS on HB 1522. Just because the authors of this bill hate queer kids, does not mean queer kids do not exist. These bills will kill kids, do not do this to them.



To the North Dakota Legislative Council,

My name is Alayna Kraft. I am 18 years old, I am a queer student, and I am testifying in opposition of HB 1522.

School is ultimately where students spend most of their time, arguably even more than their homes. The transgender and non binary student accommodations that HB 1522 plans to criminalize will have a detrimental impact on students.

According to the National Institutes of Health, 82% of transgender people have considered suicide in their lifetimes, and 40% have acted on their thoughts. If schools ban the usage of a student's preferred name and pronouns, some of these students will lose the only acceptance they have in their lives. Taking away the love and acceptance from transgender and non binary people is not going to make people stop being transgender or non binary. It will only make them hide it from everyone, and they'll be forced to let the dysphoria pile up.

If you could give your child a medicine that would make them 33.3% less likely to consider or act on suicidal impulses, wouldn't you? Studies show that when transgender students had even just one accepting adult in their lives, one third of those asked said that they reported less suicide attempts and thoughts. Acceptance and healthcare is critical for transgender people. Schools that have teachers who use the correct name and pronouns for students are quite literally saving lives.

During this time I would like to remind you that according to the Connecticut Health Investigative Team, 21% of Generation Z identifies as being a part of the LGBTQIA+ community. It's not always obvious. Transgender and non binary people could be people you know and love, and this bill would be hurting them tremendously. There is nothing unnatural about being transgender or non binary, science has stated for years that two biological birth sexes is overly simplified. Intersex people exist, and so do people with disorders of sex development. If these people have always existed, then it is not a stretch to assume that transgender and non binary people have also always existed.

Thank you for taking time out of your day to listen to me.

Chairperson, Senator Judy Lee, members of the Senate Human Services committee, I am Barry Nelson, here on behalf of the Fargo Human Rights Commission to testify regarding HB 1522, and I urge you to vote do not pass on this bill.

The Fargo Human Rights Commission consists of [eleven volunteer members](#) who are nominated by the Mayor and appointed by the City Commission. Each serves a three-year term. The Human Rights Commissioners represent a broad range of racial, religious, ethnic, social, economic, political and professional groups.

**Our mission is:** The Fargo Human Rights Commission provides leadership and education in areas of civil rights, to eliminate discrimination against persons because of color, creed, religion, national origin, age, sex, sexual orientation, gender identity, disability, or marital status. It encourages adherence to civil rights through education, conciliation, and mediation. It identifies human and civil rights-related concerns of the public and recommends policies to the board of city commissioners that protect and preserve individual rights.

At its February, 2023 commission meeting, the assembled commission members voted unanimously on a resolution standing in opposition to the numerous bills targeting our Transgender community.

Our opposition to these bills is based on two principles: 1) it is harming our kids, and 2) it is restricting our freedoms.

In support of principle number one, I cite the following: National research tells us that 75% of transgender youth feel unsafe at school and are more likely to miss school out of concern for their safety. The North Dakota Youth Risk Behavior Surveillance (YRBS) data from 2021 indicates that suicide ideation and attempts are disproportionately higher for LGBTQ. Evidence is as follows: middle school students who ever seriously considered suicide: straight – 22%; LGB – 65%; Transgender – 74.7%. Middle school students who have ever attempted suicide: straight – 7.5%; LGB – 29.3%; Transgender – 46.3%.

Passing bills that directly or indirectly target LGB and specifically Transgender students only enhance this environment by further targeting them within schools and community.

It is within the overall context of the numbers and breadth of bills being presented in this legislative body, that we stand in opposition to HB 1522.

The first question that comes to mind is: why? Why is this bill necessary? Does this not represent government overreach? Does not each individual school district within its own jurisdiction not have the means and best interests of their students and community at heart in developing these policies? Does not a school district not already have the resources and best practices to develop these policies as it pertains to use of a student's preferred pronoun?

Let's point out this bill's major flaws. Point number 2 states: A board of a school district shall establish, in consultation with the parent or legal guardian, a policy for the use of a separate restroom accommodation for a transgender student. And, Point number 3 states: A board of a school district or a school shall prohibit a student from using a restroom that does not coincide with the student's biological sex. This bill is a blatant form of discrimination and directly violates the executive order referred to as "Executive Order on Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation" signed by Joseph R. Biden on

January 20th, 2021. The first two lines of this bill state: "Every person should be treated with respect and dignity and should be able to live without fear, no matter who they are or whom they love. Children should be able to learn without worrying about whether they will be denied access to the restroom, the locker room, or school sports." This includes transgender individuals.

This bill is inhumane in all aspects. There is ample literature and anecdotal stories of the consequences of current bathroom/locker room gender segregation:

- Kids don't drink fluids all day long resulting in dehydration.
- I visited with a number of young adults who shared their strategies so that they would avoid having to use the restroom for the entire day, including no fluid intake or "holding it in" until they got home at the close of day.

These obviously had immense impact on the quality of their school day and ultimately on their health.

To purposely and intentionally target this small, vulnerable population is misdirected at best, is cruel if not evil in its intent to inflict harm and pain on our children at its worst.

We take pride in our local schools in Fargo that seek to accommodate and educate all students, to create a safe and affirming learning environment for all its students and strongly urge you to vote no on this solution in search of a problem and the worst kind of government overreach.

**TESTIMONY on HB 1522**  
**from the**  
**NATIONAL ASSOCIATION OF SOCIAL WORKERS—NORTH DAKOTA CHAPTER**  
**to the**  
**ND Senate Human Services Committee**  
**March 15, 2023**

Chairperson Lee and members of the Senate Human Services Committee:

The Advocacy Committee of the NASW-ND submits this testimony in opposition to House Bill 1522. We appreciate the opportunity to share our perspective.

**NASW-ND urges the members of the Senate Human Services Committee to vote DO NOT PASS on HB 1522 for the following reasons:**

**1. HB 1522 will harm and discriminate against transgender students throughout North Dakota.**

In North Dakota, suicide attempt rates are 58 times above the national average for Lesbian, Gay, and Bisexual (LGB) youth. Bullying is common for almost half of North Dakota’s LGB youth and stigma remains rampant as eight percent of all youth testify that they were bullied because others thought they may be gay. The Youth Risk Behavior Surveillance System compiled this data which is used to survey of middle and high school students statewide. From the data, it was high rates of considering suicide (47%) and attempting suicide (29%) prevailed among LGB students. Nowhere in the survey did they ask about transgender students, only LGB.

The Trevor Project has information on transgender youth and states that over half of transgender and nonbinary youth seriously considered suicide in the past year and nearly 1 in 5 have attempted suicide in the past year. 78% percent of transgender and nonbinary youth reported experiencing symptoms of anxiety and 65% symptoms of depression. 37% of transgender youth reported that they have been physically threatened or harmed due to their gender identity.

*This bill would harm students by discriminating against them further with restroom restrictions and inconsistent use of preferred pronouns in the school.*

**2. HB 1522 prohibits public schools, teachers, and leadership from providing accommodations to transgender students.**

This bill, causes inconsistencies in preferred-pronoun use, will create confusion among students, teachers, and staff, will promote bullying of transgender students, and will cause further trauma for transgender students.

By prohibiting schools and teachers from respecting transgender and nonbinary students, HB 1522 poses a serious threat to the wellbeing of many students. This bill would deny students who do not conform to a gender binary the opportunity to learn and live in a community that recognizes and respects them. All students deserve to be educated in a safe environment with schools and teachers who respect them for who they are.

**The NASW-ND respectfully requests that members of the Senate Human Services Committee vote Do Not Pass on this bill.**

Testimony submitted by:  
 Elizabeth Loos  
 NASW-ND Lobbyist

Seidler, F. (2019). North Dakota is failing our queer youth. Culture. <https://hpr1.com/index.php/feature/culture/north-dakota-is-failing-our-queer-youth-1/>  
[https://www.hhs.nd.gov/sites/www/files/documents/DOH%20Legacy/2021ND-High-School\\_YRBS-Summary-Tables.pdf](https://www.hhs.nd.gov/sites/www/files/documents/DOH%20Legacy/2021ND-High-School_YRBS-Summary-Tables.pdf)  
 The Trevor Project. (2022). National survey on LGBTQ youth mental health. <https://www.thetrevorproject.org/>

Dear Chair Lee and members of the Senate Human Services Committee,

My name is Mariah Ralston Deragon, and I respectfully ask you to VOTE NO on HB1522.

This boils down to respect.

If you have respect for another person, you should address them correctly.

Misgendering someone is disrespectful. It costs the ND government absolutely nothing to use someone's personal pronouns.

However, spending extended time this session on a bill debating personal pronouns?  
That actually is costing taxpayer money.

I respectfully ask you to move on to more pressing matters, and VOTE NO on HB1522.  
Thank you.

Sincerely,  
Mariah Ralston Deragon

Members of the Senate Human Services Committee,

My name is Kimberly Hurst and I reside in District 1. I am asking that you please render a do pass on House Bill 1522. I am a mom of four boys. As a parent, I expect the state of North Dakota and the local schools to protect my children's privacy rights when they are in school.

Disregarding these rights should be unlawful. A student's perceived sexual orientation or gender identity does not change a school's obligation to protect *all* of their students. Safeguarding student's privacy rights should be the center point for local schools and the state of North Dakota. Local schools should devise solutions that align with respect, privacy and safety of *all* students, not just those who have a perceived or expressed gender that is inconsistent with the student's biological sex.

The language of this bill secures accommodation for transgender students by allowing local schools to adopt policies for using a separate restroom. So it is also reasonable to provide privacy to all other students to use a restroom that coincides with their biological sex. Not only is this language reasonable, it is fair and equitable because it is considering

not just one group of students but *all* of the students and their safety and privacy.

I urge you to support the passing of House Bill 1522. Thank you for your consideration of this important matter and for your service to the state of North Dakota.

Kimberly Hurst

Senate Human Service Committee  
**HB1473 and HB1522**  
 March 15, 2023

Chair Lee, Vice Chair Cleary, and Committee members:

On behalf of the ACLU of North Dakota, I submit joint testimony in opposition to HB1473 and HB1522.

The ACLU was counsel in *Carcaño et al. v. Cooper et al.*, the legal challenge to North Carolina’s “bathroom ban” bills, HB 2 and HB 142. Additionally, The ACLU is currently counsel for Plaintiffs in litigation challenging anti-trans bills that have passed across the country over the past two years. As such, the ACLU is familiar with the prevailing doctrine governing litigation in this area of law and have direct knowledge of the costs and fees associated with litigation of this kind.

By singling out transgender students for discrimination and excluding them from restrooms and locker rooms that match their gender identity, 1473 discriminates based on transgender status and sex in violation of the United States Constitution and Title IX of the Civil Rights Act. If passed, this bill would send a message to vulnerable transgender youth that they are not welcome or accepted in their communities. It would expose school districts and the state to costly litigation and the potential loss of federal funding for education.

The Supreme Court has already declined to review a federal appeals court decision holding that policies like the one proposed here violate the constitutional and statutory rights of transgender students.<sup>1</sup> That is because the law is clear on this issue.

Where a law singles out people based on the fact that they have a gender identity that does not match the sex assigned to them at birth, it necessarily discriminates on the basis of sex and trans status, thus triggering heightened equal protection scrutiny under the Constitution. “[I]t is impossible to discriminate against a person for being ... transgender without discriminating against that individual based on sex.”<sup>2</sup> As the U.S. Supreme Court has explained, “[a]ll gender-based classifications today warrant heightened scrutiny.”<sup>3</sup> There is no exception to heightened scrutiny for gender discrimination based on physiological or biological sex-based characteristics.<sup>4</sup> This bill, if passed, would separately trigger heightened scrutiny for discriminating against individuals based on transgender status.<sup>5</sup>

Parties who seek to defend gender-based and trans-status based discrimination must demonstrate an “exceedingly persuasive justification” for that action.” Under this standard, “the burden of justification is demanding and it rests entirely on the State.”<sup>6</sup> The North Dakota legislature has so far has offered no justification for HB1473 and HB 1522 except for hypothetical future problems that have not arisen. But under heightened scrutiny, justifications “must be genuine, not hypothesized or invented post hoc in response to litigation.”<sup>7</sup> This demanding standard leaves no

<sup>1</sup> *Grimm v. Gloucester Cty. Sch. Bd.*, 972 F.3d 586, 594 (4th Cir. 2020), as amended (Aug. 28, 2020), cert. denied, 141 S. Ct. 2878, 210 L. Ed. 2d 977 (2021).

<sup>2</sup> *Bostock v. Clayton Cty., Ga.*, — U.S. —, 140 S. Ct. 1731, 1741 (2020).

<sup>3</sup> *United States v. Virginia*, 518 U.S. 515, 555 (1996).

<sup>4</sup> See *Tuan Anh Nguyen v. INS*, 533 U.S. 53, 70, 73 (2001).

<sup>5</sup> See, e.g., *Grimm*, 972 F.3d at 611 (“Engaging with the suspect class test, it is apparent that transgender persons constitute a quasi-suspect class.”).

<sup>6</sup> *Virginia*, 518 U.S. at 531.

<sup>7</sup> *Id.* at 533.



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room for a state to hypothesize harms that have not come to pass in the many years that transgender students have used appropriate restrooms and locker rooms.

Likewise, if passed, HB1473 and HB 1522 would violate Title IX of the Civil Rights Act of 1964. Title IX protects all students—including students who are transgender—from discrimination based on sex. Title IX states that “[n]o person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”<sup>8</sup> The overwhelming majority of courts to consider the issue have held that discrimination against transgender students in schools is prohibited sex discrimination under Title IX.<sup>9</sup> Since the Supreme Court’s decision in *Bostock*, at least one federal appeals court has affirmed that Title IX’s prohibition on sex discrimination likewise prohibits discrimination against transgender students when accessing single-sex spaces and activities.<sup>10</sup>



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The federal government has made clear that it intends to enforce federal civil rights statutes, including Title IX, consistent with the Supreme Court’s holding in *Bostock*.<sup>11</sup> This means that should North Dakota pass HB1473 and HB 1522 or bills like it that target transgender students for discrimination, it will not only likely face litigation by private parties but also by the federal government. And such a violation of Title IX will not only cost the state substantially in litigation costs but will also put the state’s federal education funding at risk.

Even just considering lawsuits by private individuals, these cases are extremely costly. A Virginia school district paid \$1.3 million in attorneys’ fees after spending years unsuccessfully defending its policy of banning transgender students from restrooms that align with their gender identity.<sup>12</sup> If passed, this bill will put school districts in the untenable position of facing huge liability if forced to comply with state law.

Because this bill violates the United States Constitution and federal civil rights law, it puts North Dakota at risk of losing hundreds of millions of dollars in federal funding, and harms transgender youth, all to solve a problem that plainly does not exist. Transgender students already live and go to school in North Dakota, they go to the restroom just like everyone else and their presence harms no one. But if passed, this bill would cause severe harms to transgender students who are just trying to live their lives and go to school alongside their peers.

We urge a “do not pass” recommendation on HB1473 and HB 1522.

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<sup>8</sup> 20 U.S.C. § 1681(a).

<sup>9</sup> See, e.g., *Whitaker By Whitaker v. Kenosha Unified Sch. Dist. No. 1 Bd. of Educ.*, 858 F.3d 1034, 1051 (7th Cir. 2017); *Evancho v. Pine-Richland Sch. Dist.*, 237 F. Supp. 3d 267, 288 (W.D. Pa. 2017); *M.A.B. v. Bd. of Educ. of Talbot Cty.*, 286 F. Supp. 3d 704, 719-722(D. Md. 2018).

<sup>10</sup> See, e.g., *Grimm v. Gloucester Cty. Sch. Bd.*, 972 F.3d 586, 616 (4th Cir. 2020), as amended (Aug. 28, 2020)(applying *Bostock* and holding that school policy of excluding boy from restroom solely because he was transgender violated Title IX).

<sup>11</sup> Executive Order on Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation (Jan. 20, 2021), <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-preventing-and-combating-discrimination-on-basis-of-gender-identity-or-sexual-orientation/>.

<sup>12</sup> <https://www.cnn.com/2021/08/27/us/gavin-grimmtrans-student-legal-fees/index.html>

Hello. My name is Shelley Farrell. I reside in Minot ND and I oppose HB 1522.

You are crushing me, spirit and soul with this bill. I am the mother of a transgender daughter and if you stood in my shoes you'd never allow this to happen.

If you haven't raised a transgender child, you can't know the horrific pain that it entails. If you don't know the stories of transgender persons than you can't understand the struggle.

It began at a young age. She loved people and wanted to be social but she was often left out because she was "different".

She was 12 years old when I found a suicide note. The bullying she endured was brutal. Her life was threatened, she was abused and called awful things repeatedly. The kids were disgusting bullies. I always offered to homeschool her but she didn't want to be in isolation.

But the middle of 8th grade she was a dishrag of a person and we had to pull her out.

I suppose boys can't handle a gentle, compassionate and talented soul. Those boys don't need protection. My child does.

In high school she went to a school where people are accepted as they actually are. Pronouns were used according to a persons gender. Transgender girls are girls. Transgender boys are boys.

What harm can come from using the appropriate pronouns for our children. That other children might learn of others who are different from them and learn compassion and acceptance.

Misgendering transgender children is the same as misgendering cisgender children. No different!

Correct pronoun usage for transgender children is lifesaving.

Transgender children and adults are not going away. They've been here since there have been humans.

Of all the different ways we are born, it's it that hard to believe that some of us are born transgender all over the world.

No child would choose to be transgender and subject themselves to the bullying from their peers and society. They are transgender because that's what they are and to not live as they are is life threatening.

To hear about your child's rights being up for grabs day after day wears parents down.

It's something no parent should have to endure. Instead of removing and erasing the rights of transgender children try standing up for them and getting to know them before sponsoring life threatening legislation.

I'm begging you to end this unnecessary attack on transgender souls. Do not jump on the bandwagon. We are not in crisis because of transgender children. They are the children in crisis and these grueling attack measures are unnecessary, inappropriate, shameful, inhumane and unlawful.

This legislation is unbearably cruel. Under no circumstances should their difficult young lives be subjected to more intolerance. And that applies to parents, educators, health care providers and anyone who works with these beautiful souls here to teach us how to love.

March 14, 2023

**RE: Opposition to HB 1522**

Chairman and members of the Committee:

I can appreciate the desire to protect the rights of teachers and administrators. However this law seems to provide options for filing suits against the school should they do anything that accommodates or supports a transgender student and is declared to have caused some sort of harm or discomfort to any other student, regardless of if there is discrimination or harm caused at the expense of the transgender student.

As a parent that has the lived experience of raising a transgender child through a North Dakota Public School, I implore you to trust that the schools and the parents, when working together in collaboration for the best interest of safety and respect of all students will find solutions for bathroom accommodations, locker rooms, activities, and use of pronouns and preferred names.

We need to recognize that not all students will have support from home. It is crucial that they have access to adults that they can trust and lean on for support at school. Often times these educators and administrators are the role models and foundations for these students leading productive, successful lives. To put the fear of retaliation on any school official that wishes to champion and support a non-conforming student is unfair and unjustified.

DO NOT PASS on HB 1522.

Thank you,

Tara Jensen

Fargo ND 58102

**Senate Human Service Committee**  
**March 15th, 2023 HB 1522**  
**Testimony in Opposition**

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Dear Chair Lee and the members of the Senate Human Service Committee,

I'm writing to urge a "**Do Not Pass**" vote from the committee.

1. This bill takes away local control for schools to decide what policies work best for them. North Dakota has always prided itself on local control for schools and respect to school boards to govern education and policy.
2. This bill is only passing if the Supreme Court says so
  - <https://www.aclu.org/cases/grimm-v-gloucester-county-school-board>
3. The best practices for teachers are to use preferred pronouns according to the policy of every major education organization governing:
  - [School Boards](#)
  - [Principals](#)
  - [School Counselors](#)
  - [Teachers](#)
  - [High School Associations](#)
4. By clinical and survey data, preferred pronouns are important for student safety
  - [Survey data](#)
  - [Clinical data](#)
  - [School Climate Data](#) on reducing experiences of discrimination
  - [North Dakota LGBTQ+ School Climate Data](#)

While this bill in its current form does not compel teachers to misgender students like SB 2133, it would be unfortunate to limit districts from aligning their policies around best outcomes for students and with the consideration for student safety. It is for these reasons I urge a "Do Not Pass."

Thank you for your time, consideration, and service to our state,  
Faye Seidler

## Testimony of Mia Halvorson

In Opposition of HB 1522: “Relating to providing accommodations to a transgender student; and to declare an emergency.”

March 15<sup>th</sup>, 2023

Dear Committee Members,

My name is Mia Halvorson, and I am currently a North Dakota resident and undergraduate student taking classes at both North Dakota State University and Minot State University. I am double majoring in Human Development Family Science, and Social Work, with an emphasis on women and gender studies, our youth, and marginalized communities.

The first issue I take note of is there is no fiscal note on this bill. That, in turn, indicates the sponsor of this legislation has not recognized the costly impact this bill will have. I graduated from the small school of Fairmount, North Dakota. My graduating class was just six students, with K - 12 serving roughly 100 students. The school had two men's restrooms and two women's restrooms. There are no gender-neutral locations for a transgender person to use if this bill forces transgender people out of the bathroom they are most comfortable with.

Considering there is no gender-neutral restroom, this innately forces transgender people to use the only space provided, which is a bathroom they are not comfortable with. Not all schools have the ability to provide individuals with a space they can use. This will lead to a lawsuit in a different manner than the bill intends, in which the student who doesn't have a restroom will sue for damages.

We don't have the ability to build these spaces prior to the next academic year, which starts just five months from now. School's not only don't have the funding, but it just isn't possible in the short time span.

I ask that you vote NO on HB 1522 for the reasons listed above, the reasons other individuals testifying provide, and the hundreds of additional reasons I could provide.

Thank you for your time and the opportunity to share this testimony.

-Mia Halvorson

**Do Pass Testimony  
of Doug Sharbono, citizen of North Dakota  
on HB1522  
in the Sixty-eighth Legislative Assembly of North Dakota**

Dear Madam Chair Lee and members of the Senate Human Services Committee,

I am writing as a citizen and believe HB1522 is beneficial legislation. Our family has experienced locker room issues in which a man claiming he was a girl used the girls locker room and remained in there while the girls were dressing, gawking at them. Fortunately, an adult female parent was able to enter the locker room and gain control of the situation. I reported the incident to the sports governing safety body, and they did nothing due to hearing it involved a reported transgender. These situations have been increasing in frequency and are not the situations that occurred in years past. These current voyeurs are becoming very bold, and the law is seemingly on their side. This needs to change. Please give HB1522 a Do Pass.

Thank you,

Doug Sharbono  
1708 9<sup>th</sup> St S  
Fargo, ND 58103

## **Testimony in opposition of HB 1522**

**Relating to providing accommodations to a transgender student; and to declare an emergency.**

**Senate Human Services Committee      March 15, 2023**

Senator Lee and committee members. My name is Stephen McDonough. I am providing testimony in opposition to HB 1522.

I am a board certified pediatrician who worked in North Dakota for forty years, from 1980 to 2020. I worked at the NDDoH from 1985 to 2000 and served at times as the State Epidemiologist, AIDS/Project Director, Director of Maternal and Child Health and Chief Medical Officer. As a pediatrician, I provided primary care to LGBTQ adolescents and treated them with dignity and respect.

In 1989, the North Dakota Legislature passed AIDS/HIV legislation which balanced good public health and compassion and led our state to have the LOWEST HIV cumulative case rate in the United States for the next 30 years. We reached out to the LGBTQ community to reduce HIV transmission.

At that time there were extremist haters that called HIV the "Gay Plague" and would have been pleased if HIV wiped out the gay community. At the time, these haters were a very small minority and not a major component of a prominent political party.

Now we have a Legislature considering around 20 anti-transgender bills, all based on lies and misinformation. These terrible bills have given our state the reputation of being anti-science and one of intolerance and hate. Nearly 70 religious leaders and over 200 medical providers have recently published letters to the editor opposing these hateful bills.

This bill is not needed. This bill is state-sponsored child abuse. Transgender individuals should be addressed and greeted in a manner they prefer and be able to use restroom facilities that they identify with.

The North Dakota Legislature should not be bullying transgender individuals. HB 1522 needs to be defeated.

Stephen McDonough MD



Members of the Senate Human Services Committee, my name is Sharlet Mohr and I reside in District 23. I am writing to urge a DO PASS recommendation for HB 1522.

When your civilized ways are swept away, your kind will pray for Men with swords. I always loved this quote. It reminds me how far we have come and fallen from logical thinking.

There are so many things I want to say. So many questions, but I will simply say this...

Men are Men and Women are Women. God decided this, not humans. No matter how many times we repeat this, certain people try to pull us back into nonsense.

This was addressed locally, they refused to address the issue. So, here we are.

I will protect my grand child wherever she goes. Even if that means standing guard outside all bathrooms she enters.

You want to fix this? Accommodate them with their own bathrooms. It's that simple. If we can send Trillions to other countries and bail out your retirement, surely we can afford a few bathrooms for these kids.

I may come off as rude, but your feelings have no relevance in the pursuit of Truth. There are 2 genders no matter how many times you say otherwise. I mean, I think we are up to 72 now.

History will always show where you stood on this issue, Facts don't lie, and all children matter. But no child is more important than another. Taking privacy rights away from one child to subdue another isn't justice.

So, I ask once again, Please Render a DO PASS on HB 1522.

**Senate Education Committee  
March 15th, 2023  
HB 1522 - Testimony in Opposition**

Dear Chair Lee and the members of the Senate Human Service Committee,

My name is Shannon Krueger and I am writing in opposition of HB 1522. As an educator and high school counselor, I see firsthand the disastrous effects of anti-lgbt rhetoric—specifically when the basis is fear, not facts. LGBT children deserve our protection, not punishment. They deserve acceptance, not discrimination. When my students suffer at the hands of agencies who are entrusted to protect them, we all suffer. Ignorance is no excuse for mistreatment. All children are afforded the rights to safely exist in school spaces. I urge a “no not pass” on HB 1522.

Thank you.

**Testimony in Opposition to HB 1473, HB 1254, HB 1522**

*Christina Sambor, Lobbyist No. 312 – Legislative Coordinator, North Dakota Human Rights Coalition, Human Rights Campaign, Youthworks*

**North Dakota Sen Human Services Committee**

**January 24, 2023**

Chairman Lee and Members of the Committee:

My name is Christina Sambor, I am submitting testimony on behalf of the North Dakota Human Rights Coalition, the Human Rights Campaign and Youthworks to oppose the various bills set for hearing this morning that seek to exclude transgender students from facilities and limit their medical care.

HB 1473 and HB 1522 both deny a transgender person or student's ability to use the bathroom that corresponds to their gender. First of all, these types of policies are rooted in the idea that allowing a trans person, in particular a trans woman, access to the women's bathroom poses some sort of threat to the safety of women generally. There is no evidentiary support for this inflammatory and discriminatory position. Second, there is no reason that these issues can't and shouldn't be left up to individual school boards to handle. Conservative principles purport to value local control. School Boards and administrators are in a much better position to assess how a particular school district can handle these matters in a way that diffuses harmful speculation and considers the rights of the trans student as well as any concerns of the other students. There is no evidence that this is a statewide problem that requires a broad, discriminatory response.

Additionally, these policies go against the recommendations of many national education organizations such as National School Boards Association, the National Association of Secondary School Principals, the American School Counselor Association, the National Education Association, and the National Federation of High School Associations.

Most importantly, we know that affirming transgender students and respecting their rights shows them they are equal members of society, that they are welcome here, and that their worth is not diminished by their school. This is the position that the Legislature should be taking, that we can and will hear from, and uphold the rights of, a group of our citizens who are being unfairly attacked on a coordinated national level.

As to HB 1522, a group of doctors have testified to the scientific validity of safe and well managed care for transgender individuals. Our state policy should be guided by their expertise and compassion, not by fear. Societal changes certainly can be difficult, especially when they involve children, and the desire to make sure we are condoning practices that are helpful, not harmful, is a valid and understandable concern. Those with expertise in this area have provided their clinical knowledge to this committee, and we encourage our policy makers to give their expertise the respect and acceptance it deserves.

For all of these reasons, please vote do not pass on HB 1473, HB 1254, and HB 1522.



# NORTH DAKOTA

## *Family Alliance* LEGISLATIVE ACTION

### Testimony Supporting House Bill 1522

Mark Jorritsma, Executive Director  
North Dakota Family Alliance Legislative Action  
March 15, 2023

Good morning Madam Chair Lee and honorable members of the Senate Human Services Committee. My name is Mark Jorritsma and I am the Executive Director of North Dakota Family Alliance Legislative Action. I am testifying on behalf of our organization in favor of HB 1522 and respectfully request that you render a "DO PASS" on this bill.

We understand that it can be difficult for some individuals to identify themselves on the spectrum of gender, as distinct from their biological sex. That being said, our organization and its constituents believe that the issue should be kept separate from the responsibility of a school and its teachers and students. Gender is a social edifice that is created; it is not science. As such, if taken to its conclusion, we will eventually find teachers and administrative school officials having to refer to a student as anything they choose, including animals, as has already happened in some places. This bill makes an effort to avoid this kind of foolishness.

The bill does not prohibit the use of preferred pronouns by individuals with various gender identities. However, what it does is protect against being forced to use preferred pronouns, in accordance with Americans' First Amendment Right to free speech.

Further, not using someone's preferred pronoun can simply be a matter of confusion or unawareness. People often do not know what is going on with someone at a personal level, unless they know them closely. It cannot be expected that a person knows and uses someone's pronouns perfectly if they do not align with common societal gender constructs. This can be a simple mistake, and no one should be punished for it.

We firmly believe that it is in the best interest of all students that schools not capitulate to politically correct accommodations for students. For this reason, North Dakota Family Alliance Legislative Action requests that you render a "DO PASS" on House Bill 1522.

Thank you for the opportunity to testify and I will now be happy to stand for any questions.

23.0864.05001  
Title.06000

Prepared by the Legislative Council staff for  
Representative Dyk  
February 20, 2023

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1522

Page 1, line 13, after "3." insert "A board of a school district or a school shall prohibit a student from using a restroom that does not coincide with the student's biological sex."

4."

Page 1, line 14, after "district" insert "or a school"

Page 1, line 15, remove "transgender"

Page 1, line 17, replace "4." with "5."

Page 1, line 18, replace "3" with "4"

Renumber accordingly

**Jane Pettinger**

3633 River Drive  
Fargo, ND 58104

Date: March 19, 2023

To: North Dakota Senate Human Services Committee

Re: HB 1522 on banning certain students in certain bathrooms in schools

Committee Chair and members of the Committee -

My name is Jane Pettinger, I reside in Fargo. I was born and raised here. This note is to let you all know that as a lifelong North Dakotan, I stand in firm opposition to HB 1333.

This bill is such nonsense that I am kind of amazed I even need to write this letter. I don't know what you all did in school bathrooms as a kid but how is this an issue for our State legislators to attend to?? This is nothing but bullying in the most bizarre and weirdly focused way. Ever used a bathroom on an airplane? I'd bet it was a gender-neutral one! Ever used a bathroom at another person's home? I bet they didn't worry about what gender YOU are!

I strongly urge all of you to let our schools handle their myriad of challenges in today's world without such ridiculous interference from the likes of you all.

Why is this bill needed? What problem is it resolving? What constituents is it serving? Seriously!?! What the heck are we spending time on this issue for?

Jeez.

Jane Pettinger



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Email: [info@canopymedicalclinic.com](mailto:info@canopymedicalclinic.com)

March 19, 2023

**Re: HB 1522 – Relating to Proving Accommodations to a Transgender Student**

Dear Chair Lee and members of the Senate Human Services Committee,

My name is Kara Gloe. I am a mental health therapist licensed in both North Dakota and Minnesota. I work at Canopy Medical Clinic in Fargo, ND. Among the primary populations of people I serve are lesbian, gay, bisexual, transgender, queer, intersex, asexual, aromantic, and Two Spirit (LGBTQIA2S+) folks in North Dakota – including students in North Dakota’s public schools. I am a former elected school board member and I have two children in public schools. It is from these intersecting experiences that I urge you to vote **Do Not Pass on HB 1522**. If passed, this bill would do irreparable harm to transgender students throughout North Dakota, infringe upon the rights of local school boards/school districts to make decisions that best reflect the needs of their students, and drive teachers out of the state. Additionally, it ignores the many nuanced needs of students, regardless of gender identity.

First, the data on the lethality of being a young trans person in the State of North Dakota is concrete. For trans high schoolers in North Dakota we know:

- More than half seriously considered suicide in the last year
- That rate is 3.3 times higher than their straight cisgender counterparts
- 30.4% attempted suicide in the past 12 months
- That is five times higher than their straight cisgender counterparts

This is data that focuses solely on youth in North Dakota, is from the 2021 Youth Risk Behavior Survey. These are the stats before the 2023 North Dakota legislature introduced multiple bills either directly targeting or severely disrupting the lives of our transgender friends, family, and neighbors. **Further, peer reviewed research from the Trevor Project shows transgender children who have one supportive adult in their lives are 39% less likely to attempt suicide.** This bill would rob so many children, who may not have one supportive adult at home, of the opportunity to have one at school. It is not hyperbolic to say, this bill will endanger the lives of North Dakota students.

Second, local control is something the North Dakota legislature often touts as something it values. However, this bill strips that away from school districts. During my tenure as a school board member, we



had a plethora of data at our fingertips. Data we used to make decisions on how to improve educational outcomes and the reduce opportunity gap. Is it not best for the institutions that have the data on the students they serve and the expertise in education to make decisions they deem most appropriate to reach their own goals?

Third, this bill will force teachers out of the state. I have heard about teachers who have already left North Dakota, because they do not feel like North Dakota provides a safe teaching environment. We do not have to search hard to see how laws like this have panned out in other states. Florida's teacher shortage is so dire, they are putting people with no teaching education or experience in classrooms. The collapse of a state's education system is a fast train to the bottom. Is that where we want to be?

Lastly, there are number of reasons children may need to use single stall unisex bathroom that have nothing to do with gender identity. Some of these reasons may include trauma, phobias, anxiety, etc. Under this law, providing these students with this simple accommodation would be punishable by up to \$25,000 in damages.

Federal law requires public schools to provide a safe learning environment for every student. This bill would make that impossible in North Dakota. For the health and well-being of every student in North Dakota I urge you to vote ***Do Not Pass on HB 1522.***

Sincerely,  
Kara Gloe, LMSW  
Canopy Medical Clinic

## House Bill 1522

# Madame Chairman Lee and Members of the Committee:

My name is Andrew Alexis Varvel. I live in Bismarck.

I look forward to providing **NEUTRAL** oral testimony about House Bill 1522 on the morning of March 21, 2023, at the Fort Lincoln Room of the North Dakota Capitol in front of the Senate Human Services Committee.

During the hearing, I plan to present written copies of my testimony to committee members and staff. There is nothing quite like the antici...

...pation.

I hope this committee will have at least as much fun listening to the forthcoming testimony as I plan to have in delivering it.

My name is Jodi Plecity and I am in support of HB 1522. We need to be protecting our children, especially within the school system. What you are on your birth certificate, genetically, biologically, is where you go to the bathroom and change clothes at. Again, stop sexualizing our children. Stop questioning this ridiculous ideology in your heads and do the right thing here, it is really a simple answer. I personally know biological little girls that are "afraid" to go to the bathroom in their own public school alone, because they feel unsafe. This is wrong. Pass this bill please.

Jodi Plecity

3/20/2023

Senate Human Services Committee

Chair Lee and committee members,

**I request two amendments to the most recent version of HB 1522 for your consideration.**

Please amend current lines 10-12 of bullet point 2 in Section 1 where it states the following:

*“A board of a school district shall establish, in consultation with the parent or legal guardian, a policy for the use of a separate restroom accommodation for a transgender student.”*

The original intent of the bill was never to provide a transgender accommodation which it now currently does. This creates a fiscal note because some schools would need to remodel. The original bill never had a fiscal note because it had no transgender accommodation, only ones for males and females. We do not need public schools remodeling for transgender bathrooms and locker rooms. Article 8, Section 1 of the ND Constitution states:

*“A high degree of intelligence, patriotism, integrity, and morality on the part of every voter in a government by the people being necessary to ensure the continuance of that government and the prosperity and happiness of the people...”*

Providing transgender accommodations does not teach our great children intelligence, patriotism, integrity, and morality.

Please amend current lines 8-9 of bullet point 1 in Section 1 where it states the following:

*“A board of a school district may not adopt a policy that requires or prohibits any individual from using a student’s preferred gender pronoun.”*

This is not good language and will allow transgender ideology into schools. The door needs to be slammed shut on that. No preferred gender pronouns should be allowed in schools because they teach lies and gender confusion to children.

**I recommend a DO PASS on the bill if the two amendments above are considered but a DO NOT PASS if the amendments above are not accepted.**

Thanks,

John Fraase, Bismarck

Dear members of the legislature,

I am writing to express my opposition to HB 1522, which seeks to restrict accommodations for transgender youth. This legislation is discriminatory, harmful, and goes against the fundamental values of equality and fairness that are at the core of our country.

Transgender individuals are already among the most vulnerable populations in our society, facing high levels of discrimination, harassment, and violence. This legislation only serves to further stigmatize and isolate them, while doing nothing to address the real issues that contribute to sexual assault against women and girls.

Statistics show that transgender people are not more likely to commit sexual assault than any other population. In fact, studies show that transgender people are more likely to be victims of sexual assault than perpetrators. Instead of creating a witch hunt against a vulnerable population, our legislators should be focusing on pragmatic solutions to protect women from assault, including funding for education and prevention programs, as well as supporting survivors.

Trans people need to know that they are loved and supported, regardless of the hateful bigots in legislature that have the audacity to attack the trans community while actively ignoring the many pragmatic solutions to protect women from assault. We must not forget that history does not look favorably on those who attack the rights of others.

Experts in the field of social work, therapy, and child advocacy are all united in their opposition to this legislation. It is shameful that our legislators would close their minds to these experts and instead rely on their own bigoted views.

For every woman, know that the state could be doing more to protect your kids from abuse, but they'd rather have a witch hunt against trans people. This legislation is a misguided attempt to restrict the rights and freedoms of transgender youth, and it must be opposed.

I urge you to listen to the voices of the transgender community and their allies, and to reject HB 1522. Thank you for your time and attention to this important matter.

Sincerely,

James Lyons

As a mother of a transgender teen in the North Dakota Public School System, I strongly oppose HB 1522. To date, my son has had a positive experience with his public school using his preferred pronouns and providing bathroom accommodations. Prior to his transition, he struggled with mental health and frequently missed school. With the school's support of his transition, his mental health has improved greatly. He rarely misses school, is excelling academically with a 4.03, and is engaged in co-curriculars. To implement this bill and require the school to misgender him and not accommodate him, would cause significant distress, increase symptoms of gender dysphoria, and make school an unsafe place for him to be. His anxiety and depression would deteriorate, and all of the progress made over the past few years lost. In short, this bill will harm the well being of my child. In addition, the bill ignores definitions of gender identity as defined by the American Medical Association, the American Academy of Pediatrics, and the American Psychological Association. Please do not support this legislation. It is not inclusive and discriminates against transgender people.

Senate Judiciary

HB 1522

Tuesday, March 21<sup>st</sup>, 2023

IN OPPOSITION

Committee Chair and members of the Committee, my name is Audin Rhodes (legally Allison Joyce Rhodes) and I am writing in opposition to HB 1522.

I am a concerned civilian who was born and raised in North Dakota. I am a family services case manager at a statewide organization partnered with North Dakota Health and Human Services that helps lower income people receive services to better their lives and families. I am here of my own volition due to the extremely personal stake I have in this legislature. I grew up in the small town of Velva, ND and am now living in Minot, ND. For nearly 30 years I've been here and for well over half my life I've known I was queer.

I am trans non-binary and growing up in rural North Dakota did not allow me the vocabulary to define and express myself. I knew I was kind of a boy and kind of a girl but had no representation to look up to, no role models, no GSA. No safe havens. So I remained closeted for a very long time and am only recently out to most of my family and my workplace.

Because of my personal gender fluid identity, I was able to use the girls bathroom without much thought. It personally didn't feel fully right, but it didn't feel fully wrong either. Some of my friends did not have that luxury. They felt fully wrong and coerced, every time they had to use a bathroom that didn't align with their gender identity. They felt cut every time they were called a name or pronoun that did not reflect who they understood themselves to be. One of my best friends nearly killed himself when he was an adolescent youth because his family did not accept his queerness and because he thought he would never be able to live and be loved as a man. I'm so thankful he lived beyond that day. Many queer kids aren't so lucky however. Half of all transgender and nonbinary youths have seriously considered attempting suicide in the past year. And at least one attempts suicide every 45 seconds. These are our children.

I want those of you in this room with children, to imagine them being in a school that did not or does not see them and in fact deliberately harms them. If your child is an adult I want you to go back to when they were a teen. Picture their face. Their style choices. Their likes and dislikes. I want you to imagine your masculine son being called "she" or "her" by peers and adults and being forced to use the girls bathroom and being excluded from sports like football. I want you to imagine your daughter being called a boy and being made fun of for liking feminine things or wearing a sparkly dress to prom even though they are in fact a girl. Picture her being forced to use the boys bathroom when all she wants is to be treated like the other girls in her class. Can you imagine how distressing this would be for your child? How much mental anguish this disrespect and invisibility would cause? As if being a youth finding your way in a complicated world isn't painful enough?

And if that's too hard to visualize, can you imagine if someone called you the wrong pronouns and the wrong name every day, all day? What if I called councilman \_\_\_\_\_, Tiffany, and called her a

woman? That would be upsetting to you, wouldn't it? You would correct me and say, "My name is actually \_\_\_\_\_. And I'm a man." If I and the rest of the world kept ignoring you and told you "No actually, you're a woman, your name is Tiffany, and you need to use the women's restroom...Don't you think it would take it's toll after a while? After a few months? And then years? You'd be forced to live a life that is not true to who you are. You'd have to cut parts of yourself off, and that is an act that leads to death. And I don't think anyone in this room wants to lead children to death or harm. We can at the very least agree on that.

Kids deserve to be accepted for who they are and for who they are becoming. They deserve to explore their gender and sexuality. They deserve to explore their values. They deserve a future.

There is no harm in allowing kids to live life as their most authentic selves. It is a beautiful thing to watch a child grow into their confidence and identity. It costs you nothing to be kind to them as they navigate who they are. It costs you nothing to love the uniqueness of our gender-queer children. That is why I am in strong opposition of HB 1522.

Thank you for reading my testimony. Your consideration of my perspective and the other perspectives of the trans, queer, and gender non-conforming LBTQIA+ community is very much appreciated.

Audin Rhodes

Ajdubz379@gmail.com

#701-389-0910



Senate Human Services Committee Members,

My name is Courtney Tennancour and I reside in District 97. I am asking that you please render a DO PASS on HB 1522.

- Our daughters deserve a safe and private place to use the restroom and tend to female business. They do not need any biological males in their safe space invading their privacy and making them feel uncomfortable. Please pass HB 1522 and keep our young girls safe.

Good day members of the Senate Human Services Committee,

My name is Cionda Holter, I reside in District 3. I am asking that you render a do pass on HB 1522. Women/girls have the right to use facilities that are for biological women only. Women should not have to be made to feel vulnerable in a locker room or bathroom facility by allowing biological men to share that facility with them.

Since the dawn of time we have operated under the truth that there are two genders, male and female. It is only in recent history that women have begun to receive the same rights as men. To not protect women with the basic right of using their own facilities will set us back hundreds of years. Who is held responsible for the risk to be taken when women are assaulted and or young girls are harmed for making them share the same facilities as biological men?

I urge you to render a do pass on HB1522.

Thank you,

Cionda Holter

District 3

Good day members of the Senate Human Services Committee,

My name is Jacob Holter, I reside in District 3. I am asking that you render a do pass on HB 1522. Women/girls have the right to use facilities that are for biological women only. Women should not have to be made to feel vulnerable in a locker room or bathroom facility by allowing biological men to share that facility with them.

Since the dawn of time we have operated under the truth that there are two genders, male and female. It is only in recent history that women have begun to receive the same rights as men. To not protect women with the basic right of using their own facilities will set us back hundreds of years. Who is held responsible for the risk to be taken when women are assaulted and or young girls are harmed for making them share the same facilities as biological men?

I urge you to render a do pass on HB1522.

Thank you,

Jacob Holter

District 3

**House Judiciary Committee  
HB 1522 – March 21, 2023  
Testimony of Rachel Sinness, P&A Legal Director**

P&A protects the human, civil and legal rights of people with disabilities. The agency's programs and services seek to make positive changes for people with disabilities where we live, learn, work and play.

Our advocates and attorneys assist not only individuals with developmental and intellectual disabilities, but also those with mental health disabilities. This is where we see an intersectionality between gender identity and mental health. LGBTQ+ individuals are more likely to have a mental health disability than the general population. Studies routinely show that more than a third of LGBTQ+ individuals, and nearly 40% of trans individuals, report having at least one more or disability. Forty percent of trans individuals also reported having attempted suicide at some point in their lives. As shown by these statistics, disability issues disproportionately impact LGBTQ+ individuals.

Young people experience an even greater impact. Fifty-three percent of individuals aged eighteen to twenty-five years report serious psychological distress, and at least one quarter of LGBTQ+ youth report experiencing bullying at school because of an actual or perceived disability.

The prevalence of mental health disabilities in the LGBTQ+ community makes the community particularly vulnerable to proposals such as HB 1522, even if the proposal is well intentioned and purports to advance the rights of another class of individuals.

For these reasons, P&A urges a DO NOT PASS on HB 1522.

Dear Senate Human Services Committee,

Your dedication to protecting our youth is admirable, but I'm speaking to you today to share some concerns about how bills such as HB1522 may actually do the opposite and be harmful to youth of North Dakota.

Supporters of bills such as HB1522 have repeatedly said that they intend to "protect" youth. However, none of these supporters have yet answered concerns about the unintended consequences of bills like this.

Additionally, no one has discussed the harmful effects lack of information and a feeling of being unwelcome has on youth. A 2011 study noted that adolescents who identify as a sexual minority (i.e., gay/lesbian, bisexual, or other sexual orientation) were twice as likely to perform acts of self-harm. A study ten years later further noted the association between the experience of being identified as a sexual minority and the increased risk of self-harm.

Aside from self-harm, lack of representation in one's community leads to dehumanization of a person according to 2020 research by Mancini T. Ferrari. This dehumanization further contributes to the mental health decline in youth. An article published in 2022 surmised that making sure people from diverse backgrounds are represented in mental health education resources "is an important component to inclusive accessible care."

In the landmark 2018 case *Doe ex rel. Doe v. Boyertown Area School District*, testimony relied on the American Academy of Pediatrics' amicus brief reporting that "policies that exclude transgender individuals exacerbate the individual's risk of anxiety and depression, low self-esteem, engaging in self-injurious behaviors, suicide, and other adverse outcomes."

A consultant with Fargo's Harbor Health Initiative explained that bills like HB1522 are not operating in the best interest of people, but rather creating anxiety and fear. They said: "since these actions aren't well grounded, they're not going to result in better outcomes. Which means more destabilizations and more anxiety and fear from it.."

A primary goal of Harbor Health is to promote better mental health, and HB1522 and other anti-trans bills do not support this goal. "You don't ever want a person thinking there is no option or place for themselves." This person went on to say: "When we're looking at minority communities, a big thing for them is finding representation, because it can be extremely socially isolating to not see yourself represented in materials or stories. There are a lot of other factors to consider too when we think about shame and the narratives youth may have about themselves, their bodies, and even their desires when they're living in a society that actively stigmatizes them."

Please, for the sake of ND youth, vote Do Not Pass on HB1522.

Thank you,  
Janet B Anderson  
Burlington, ND

## Resources

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Thank you, Members of the Senate Human Service Committee, my name is Karen Krenz, I am from District 1, and a mother of 3 boys. I was a teacher and counselor for combined 23 years in multiple districts. I am a chair for Moms for Liberty Williams County chapter. I am asking that you please render a DO PASS on HB 1522. “He created them male and female and blessed them. And He named them “mankind” when they were created.” Genesis 5:2. This is the same Jedidiah Christians God that our county was built on. So, thank God because I nor anyone else would be able to stand here right now and have the opportunity to speak on behalf of “we the people” if it was not for HIM. Schools should provide separate bathroom and locker room facilities based on biological sex, not gender identity, as they have done for hundreds of years. Policies based on gender identity are purely ideological in nature and particularly harm women and girls by compromising their privacy and safety. This bill is very important to reinforce the biological sex separate in bathrooms and locker rooms in our schools. We met with our HS administration July 2022, before school began and asked about a plan on how to address the transgenders in our schools. They told us at that meeting that they will be able to use the family bathroom. Then Sept 20<sup>th</sup>, on an email response the administration said the transgender bathroom is not an issue at the HS. Then, there was a transgender boy going into the girls bathroom multiple times, several students complained to their parents that triggered them to reached out to Moms for Liberty Williams County. We empowered the parents to reach out to the HS administration. The parents asked them to pull camera footage for proof and it was confirmed. One of the girls was particular upset because not only were her privacy rights violated, the transgender boy did say, “It smells like fish in here, you girls are gross.”

Thank you for your consideration on this important issue and for your service to the state of North Dakota.

Karen Krenz

Senate Human Services Committee  
HB 1522  
Testimony in Opposition

Dear Chair Lee and Members of the Committee:

I write on behalf of the Government Affairs Committee for the Fargo Board of Education and respectfully urge you to vote NO on HB 1522.

The Fargo Public School's mission statement is "Educating and Empowering All Students to Succeed." Inherent in this statement is a commitment that no student attending the Fargo Public Schools will be subject to discrimination, bullying, harassment, and that every student will be accepted, and have the same rights and opportunities to learn and participate in school life regardless of gender, gender identity or expression, race, nationality, or disability. HB 1522 stands in the way of this mission and harms students, schools, and school culture.

Allowing students to use facilities aligned with their gender identity has a powerful impact towards ensuring a more accepting, respectful, and inclusive learning and working environment. The simple act of properly addressing a student by their identified pronouns similarly fosters an inclusive, respectful, and accepting environment. National research suggests that an overwhelming 75% of transgender youth have felt unsafe at school and are more likely to miss school out of concern for their own safety. Transgender students suffer from suicide ideation and attempts at far higher rates than their non-LGBTQ peers. All students—particularly our most vulnerable—deserve to learn in an environment free of sex-based harassment, all students should have the freedom to express and have the school honor gender identity, and all students should be able to use facilities in accordance with their gender identity. Research also supports that when schools implement LGBTQ-inclusive policies, such policies benefit ALL students, not just those who identify as LGBTQ. HB 1522 is in direct conflict of our school district's commitment to educational justice.

Additionally, HB 1522 Section 1, Part 2's provision that contemplates use of a specific transgender bathroom upon parental or guardian consultation and approval ignores the reality that these students could face neglect or abuse from their parents and guardians, in addition to creating a discriminatory and segregated policy based upon sex. Equally important, establishing such restrooms in many districts would be cost-prohibitive and unworkable.

We strongly urge you to vote NO on HB 1522.

Sincerely,

/s/ Melissa H. Burkland

Melissa H. Burkland

Fargo Board of Education

Government Affairs Committee Member



**Senate Human Services Committee  
March 21, 2023  
HB 1522 - Testimony in Opposition**

Dear Chair Lee and the members of the Senate Human Service Committee,

My name is Shannon Krueger, District 3 resident, life-long North Dakota resident, educator, and mother; and I am writing in opposition of HB 1522.

This bill—along with all the proposed anti-transgender bills—are nothing more than a diversion and a waste of taxpayers' time and resources.

As a constituent, I would much rather see legislative efforts to address the real issues faced by North Dakotans.

Thank you.

## House Bill 1522

Madame Chairman Lee and  
Members of the Committee:

My name is Andrew Alexis Varvel.

I live in Bismarck.

My sex is male.

My preferred pronouns are  
rock/paper/scissors.

And my xenogender identity  
is Puff the Magic Dragon.

I am here to present NEUTRAL testimony. Look at Line 10.

This legislation would be greatly strengthened if the words "in consultation with" were replaced with "while fully informing".

This is because the Century Code, and the school district, should not become a party to family quarrels.

We should not be overly concerned whenever adolescents act like smart alecks. An eye roll often works better than getting mad.

I'll put it this way - if banana says rock pronouns are banana and rock, then rock pronouns are banana and rock. That's a reference to an incident in a middle school last August - and it suggests that the next generation will do just fine.

And case you're interested, given my stance here and my opposition to child sterilization, I do plan to testify against Senate Bill 2260.

This legislation takes gender identity seriously.

Way too seriously.

Both supporters and opponents of this legislation are taking gender identity way too seriously.

If someone wants to use a toilet other than the one for their sex, then let them. I'm not talking about boys going into girls' rest rooms or vice versa. I get that.

But requiring parental permission to use a gender neutral bathroom?

Is that what we're talking about?

Some of this is an architectural problem. Our schools would probably be better off with larger numbers of small bathrooms that would handle one person at a time.

I am registering this testimony as NEUTRAL for two reasons.

One is that, with the change I'm recommending, I could support this bill. The other is that, regardless of what happens to this legislation, I'm not going to get upset.

But I want the Legislature to get the joke. To laugh along with me when I talk about my xenogender identity as Puff the Magic Dragon.

What I don't want is for the Legislature to become the butt of the joke, where legislators freak out at the first sight of smart aleckiness from a bunch of goofy middle school students.

I say, let's humor the goofiness. And remember Aesop's fable about the Sun and the North Wind. Here is the Library of Congress version:

*"The North Wind and the Sun had a quarrel about which of them was stronger. While they were disputing with much heat and bluster, a Traveler passed along the road wrapped in a cloak.*

*'Let us agree,' said the Sun, "that he is the strong who can strip that Traveler of his cloak."*

*'Very well,' growled the North Wind, and at once sent a cold howling blast against the Traveler.*



*With the first gust of wind the ends of the cloak whipped about the Traveler's body. But he immediately wrapped it closely around him, and the harder the Wind blew, the tighter he held it to him. The North Wind tore angrily at the cloak, but all his efforts were in vain.*

*Then the Sun began to shine. At first his beams were gentle, and in the pleasant warmth after the bitter cold of the North Wind,*

*the Traveler unfastened his cloak and let it hang loosely from his shoulders. The Sun's rays grew warmer and warmer. The man took off his cap and mopped his brow. At last he became so heated that he pulled off his cloak, and, to escape the blazing sunshine, threw himself down in the welcome shade of a tree by the roadside."*

Regardless of how you decide this piece of legislation, be like the Sun. Not the North Wind. Thank you.



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Great Public Schools

Great Public Service

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**Testimony Before the Senate Human Services Committee**  
**HB 1522**  
**March 21, 2023**

Chairwoman Lee and members of the Senate Human Services Committee, for the record, my name is Nick Archuleta, and I am president of North Dakota United. On behalf of our 11,500 members, I rise today to oppose HB 1522 and to urge a ***do not pass*** recommendation.

Madam Chair, we have two primary objections to HB 1522, The first is that should HB 1522 become law, it will represent an unnecessary legislative overreach into an area best left to locally elected school boards. I know that many school districts already have policies related to accommodations for transgender students and those which do not are fully empowered to create a policy should the need arise. I would contend, Madam Chair, that schools are best administered by those closest to the community in which they exist.

Not content with telling school boards what to do, HB 1522 extends its overreach to the courts by telling them what remedies they must award in the event that someone successfully sues the school board or the school district.

Second, Chair Lee and members of the Committee, in introducing the bill on January 24 to the House Human Services Committee, the primary sponsor of HB 1522 cited two incidents from other states before, at the 11:00:27 mark of the video, he claimed without proof that the Williston football team beat up a transgender student who had gone into the girls' rest room. He then continued his presentation of the bill by saying, "Everyone needs to be treated with dignity, civility, and respect." This bill does not do that. It does the opposite. It treats a particularly vulnerable population like pariahs and further marginalizes transgender students.

Finally, Madam Chair and Committee members, it is not a coincidence that there have been over 425 bills submitted in legislatures across the country addressing our fellow citizens who are transgender. There has been a growing and relentless effort over the past several years to ostracize transgender students in our nation's schools. The results have been



*Great Public Schools*

*Great Public Service*

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increased rates of suicide, depression, and loneliness for these kids. North Dakota has no business being party to such actions. For these reasons, I ask for a ***do not pass*** recommendation for HB 1522.

### Bill 1522 Testimony

Thank you Mr. Chairman, Madam Chair and members of the committee, my name is Tayva Upgren I am from District 8 I am 16 years old, and I am asking that you please render a DO PASS on HB 1522. First, I would like to thank you for the opportunity to speak to you on this subject. I would also like to start off by saying that just because I am in support of this bill does not mean that I dislike or hate transgender people. I empathize with their position and present my opinion with respect.

I would also like to point out that this bill has the ability to protect biological men and women as well as the transgender community by providing a safe bathroom location for both parties. Through the Sexual Abuse Awareness Training by the organization Ministry Safe,

We know that the places where sexual abuse is most prevalent are;

1. Anywhere clothes come off
2. A location less easily seen
3. Somewhere activity is less supervised.

And overall, it has been proven

The number one place for peer sexual abuse..... is the bathroom.

A fair example of this, is when a company such as Target implements any-sex bathroom/dressing room policies. Research has shown that it encourages criminals to take advantage of these policies to commit crimes.

- Family Research Council, 2017

However, my question is this, as a 16 year old high school student athlete I ask you, where do we draw the line?

If transgender individuals are allowed to go into restrooms then why not locker rooms? .....Because there are bathrooms in the lockerooms. I play volleyball for a school and I often get dressed in the locker room. If there is a transgender individual in the locker room am I then forced to undress in front of a biological man? Does he see my female parts and do I see his male parts? A person could almost argue that this is indecent exposure.

I want you to take a minute to think about your daughters and granddaughters.....because there could be a future scenario where a 16 year old biological male would be in the bathroom with a 6 year old kindergarten girl. This likely will take place at sporting events, in rural communities, and other extra-curricular activities where bathrooms are frequently shared by all ages. And I ask you, is this safe? This is not just a bill about the rights of the transgender community,

biological males and females have rights too. And I am asking for a bathroom that respects my safety and privacy as a female.

This bill is extremely important because it sets a precedent. You are setting a precedent for me as a high school student and athlete. You are setting the precedence for your children and grandchildren. And ultimately, you are setting a precedent for future generations.

Once again my name is Tayva Upgren I thank you for your time, attention, and consideration and I am asking that you please render a DO PASS on HB 1522. Thank you I now stand open for any questions the committee might have.

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## 3rd generation ND and business owner

Hi my name is Brittany Diederich and I am here to submit testimony in opposition to this bill.

I am a 4th generation North Dakotan; my great-grandfather Osmond emigrated from Norway to Bowbells, ND and started our family legacy of impacting this community positively. My grandparents incorporated Industrial Builders, in 1953, a firm which has served the upper Midwest, particularly north Dakota, since it's founding. I drove across and under several bridges we built in partnership with the NDDOT and county governments to get here. I was a leader and owner of the firm until last year when I left to start my own business, which business December of 2022. My main work will be advising on corporate social responsibility for construction firms.



I am happily married with my wife who I was able to marry in this state thanks to the supreme Court ruling on *Obergefell versus Hodges*. I felt compelled to testify because I believe if this and the other proposed legislation passes, it will be an infringement on constitutional rights of queer north Dakotans. This state is home to a vibrant and growing queer community who will positively impact our state. Passing this bill will make this state unsafe to live in for trans youth and their families. This will exacerbate our workforce issues, addiction rates, and suicide rates; trans individuals will not stop existing because of this legislation, they will simply stop living with a modicum of safety that they currently are bestowed in this state.

I wonder often if I would've been able to get married in ND if not for *Obergefell*. I am grateful it passed and know the rights of trans youth will be constitutionally protected ultimately, I just do not want to waste the time and money unwinding this damaging legislation in court cases or future legislative sessions when we as a state have more important issues to address in order to continue growing and expanding the success of our community.

Dear Senate Human Services Committee Members;

My name is Sheppard Olson. I reside in District 36. I am asking that you render a DO PASS on HB1522.

Transgender is not a true statement. There are only two genders. In Genesis 1:27, God plainly and succinctly tells us exactly how many genders there are: "God created man in His own image, in the image of God He created him; male and female He created them." This leaves no room for doubt or question as to whether there are more genders. There are two, and only two.

Chloe Cole is a young woman who, when she was only 12 years old, was told that she was a boy trapped in a girl's body. This wasn't true. She was just a tomboy. But she was told that if she didn't change the way her body looked, she would be depressed and suicidal. Her parents were bullied into letting her get the hormones and surgeries she 'needed', and it ruined her. When kids think that they don't seem to fit into their bodies, they are just experiencing average teenager doubt. It's nothing new. But the people promoting this "transgender" movement do not tell them the truth about this and pressure them into ruining their lives. Chloe Cole is now suing Kaiser Permanente, the medical group which sold her on the idea of transitioning.

It has been said that people like me just want to be cruel to these "trans" people. That we don't focus on protecting girls and women. But the fact is, this bill is protecting girls and women. There are many instances when males are "transitioning" and beat female athletic stars with little effort. This is destroying women's sports. And these same males are allowed into women's restrooms. Many girls do not feel safe when they go to the restroom because these "trans" males are invading their personal space. I believe in protecting women, that is why I am here, to testify to the truth. And so, I urge you vote DO PASS for HB 1522, and take a step in the right direction; for the safety of the female sex.

Sincerely,

Sheppard A. Olson

23.0864.06003  
Title.

Prepared by the Legislative Council staff for  
Representative Dyk  
March 17, 2023

PROPOSED AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1522

Page 1, line 8, remove "A board of a school district may not adopt a policy that requires or prohibits any"

Page 1, remove line 9

Page 1, line 10, remove "2."

Page 1, line 13, replace "3." with "2."

Page 1, line 15, replace "4." with "3."

Page 1, line 19, replace "5." with "4."

Page 1, line 20, replace "4" with "3"

Renumber accordingly

23.0864.06001  
Title.

Prepared by the Legislative Council staff for  
Representative Dyk  
March 13, 2023

PROPOSED AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1522

Page 1, line 10, replace "shall" with "may"

Renumber accordingly

Sixty-eighth  
Legislative Assembly  
of North Dakota

REENGROSSED HOUSE BILL NO. 1522

Introduced by

Representatives Dyk, Christensen, Timmons, VanWinkle

Senators Beard, Weston

1 A BILL for an Act to create and enact a new section to chapter 15.1-06 of the North Dakota  
2 Century Code, relating to providing accommodations to a transgender student; and to declare  
3 an emergency.

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

5 **SECTION 1.** A new section to chapter 15.1-06 of the North Dakota Century Code is created  
6 and enacted as follows:

7 **Transgender student accommodations.**

- 8 1. A board of a school district may not adopt a policy that requires or prohibits any  
9 individual from using a student's preferred gender pronoun.
- 10 2. A board of a school district shallmay establish, in consultation with the parent or legal  
11 guardian, a policy for the use of a separate restroom accommodation for a  
12 transgender student.
- 13 3. A board of a school district or a school shall prohibit a student from using a restroom  
14 that does not coincide with the student's biological sex.
- 15 4. Notwithstanding any other provision of law, a violation of this section subjects the  
16 board of a school district or a school to a civil cause of action by an individual or a  
17 parent or legal guardian of a student who has suffered damages because of the  
18 violation.
- 19 5. Notwithstanding section 32-03.2-11, a court shall award the following remedies to a  
20 plaintiff that prevails in an action under subsection 4:
  - 21 a. Damages;
  - 22 b. Costs and fees, including reasonable attorney fees; and
  - 23 c. Exemplary damages in an amount up to twenty-five thousand dollars.

24 **SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.



Representative  
Scott Dyk  
HB 1522

# My High School Punished Me for Saying a Male Shouldn't Be Allowed to Watch Me Undress

I was taught girls should speak up when something makes them feel uncomfortable, but the school didn't care.



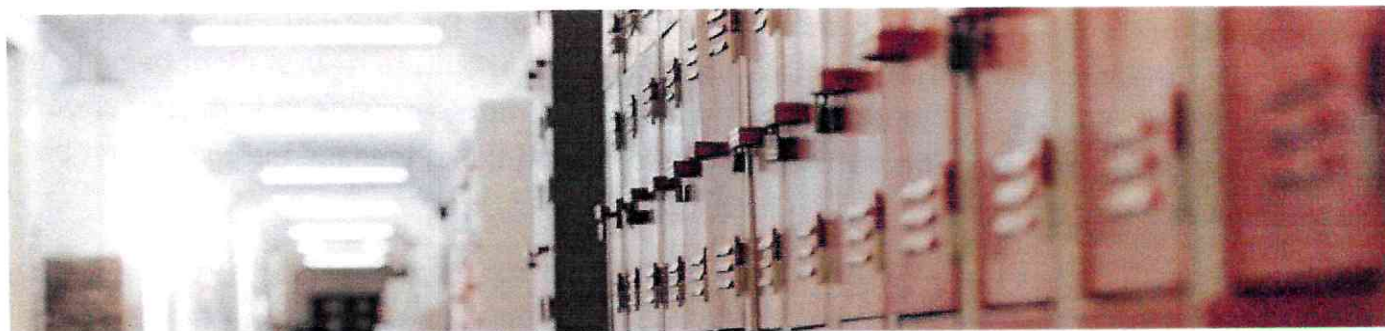
Written by *Alliance Defending Freedom*

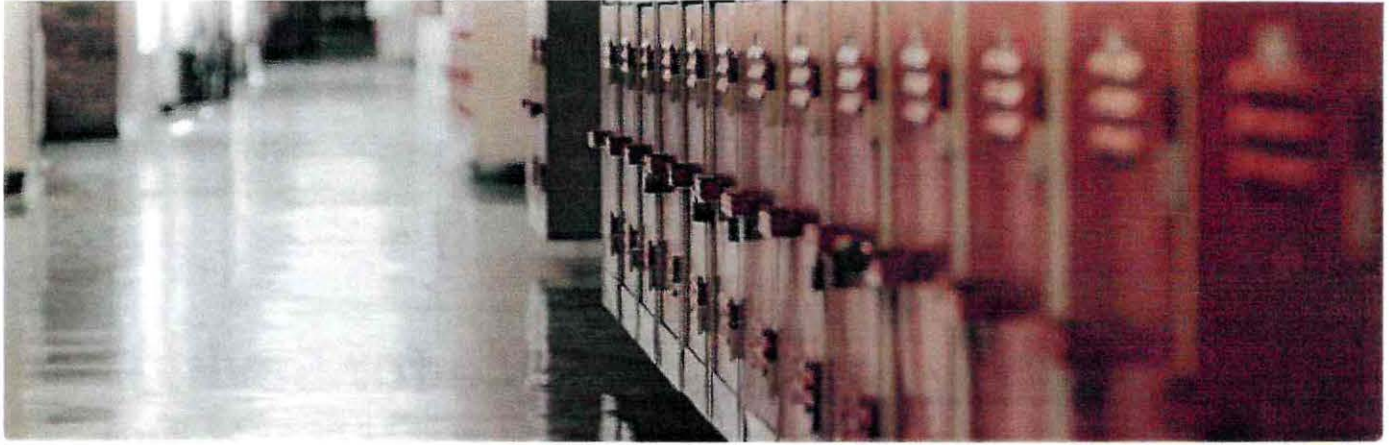
Published December 8, 2022

Revised January 19, 2023



*Editor's note: The following piece, written by Alliance Defending Freedom client Blake Allen, originally appeared at [Fox News](#).*





As a girl, I was taught to respect the privacy of my body, and to speak up if I felt unsafe or if something made me feel uncomfortable. Now I'm 14 and shocked to learn not all adults take you seriously when you say you don't feel safe or comfortable. In fact, they may even punish you for speaking out.

That's what happened to me when I said I didn't think a teenage male should be [allowed in the girls' locker room](#) where my teammates and I undress and change. I'm a private person when it comes to my body, even in the safety and comfort of home. But at school, apparently there's no problem with a male student freely watching us girls change our clothes.

It was a conversation I had with some peers in French class that landed me in trouble with the officials at [Randolph Union High School in Vermont](#). Someone overheard me telling my friends that a dude doesn't belong in the girls' locker room, and they reported me to the co-principals, even though the male student didn't hear me and wasn't in the class.

The controversy didn't start in French class, though; it started when the school allowed a male who identifies as a girl to compete on our girls' volleyball team. When the male student entered our locker room, we were changing. Some of us didn't have a shirt on; others of us were only in our underwear. Naturally, some of us were uncomfortable and asked the student to leave, but we were ignored.

I was upset after the incident and called my mom to tell her about it. She and several other parents called the school administrators to express concerns about the male student being in the girls' locker room. Not only did school officials make no attempt to provide us with any support or a workable solution, they made *me* the bad guy for saying that a teenage male shouldn't be allowed to watch us girls undress.

Shouldn't every girl be taught to speak out to protect herself from situations where she hasn't given consent — and be listened to by those in a position to help? If something feels off, trust your gut? Not at my high school. If you don't comply with the [school's preferred gender identity policy](#), *you're* the bad guy. For expressing true, commonsense, biological facts — boys and girls are different and must respect each other's bodily privacy — I was punished.

The school began an investigation into the comments I made in class and banned our entire girls' volleyball team from using the girls' locker room. The co-principals notified me that I was found guilty of harassment and bullying of "a student on the basis of the targeted student's gender identity." As punishment, school officials told me I must take part in a "restorative justice circle" with the equity coordinator, submit a "reflective essay," and serve out-of-school suspension.

So, with the legal assistance of Alliance Defending Freedom, I sued the co-principals and Orange Southwest School District officials. On the [same day that we filed suit](#), the superintendent rescinded the disciplinary actions against me.

But I wasn't the only one to experience retaliation for stating a simple truth and wanting to be safe. My dad, Travis, was suspended from his coaching job for standing up for me. He expressed his views on a Facebook post, calling out the injustice of the male student being allowed to use our locker room and watch my teammates and I undress: "He got a free show, they got violated," my dad wrote. And he was suspended from his position as the middle school girls' soccer coach. So, my dad joined the lawsuit challenging the school's unjust retaliation against us for speaking freely — for speaking truth.

Instead of sticking up for the safety and privacy of girls, the school administrators are sticking to their preferred view of gender identity and will unfairly target anyone who dares to think differently. The school must respect my dad's and my free speech rights to express a commonsense view that this student is male and shouldn't be allowed in the girls' locker room.

It's school officials' job to ensure every student feels safe at school. And it's their job to listen to and respect our views, not silence us for speaking out to defend ourselves.



In favor of HB 1522

Alaina Brown

Thank you, Mr. Chairman and members of the committee. I am Alaina Brown; I am 15 and from district 35. I would like to testify in favor of HB 1522. This bill is specific to the students in the public schools. I am a homeschooler, yet this bill still very much applies to me. I have participated in sports at Simle Middle School and Legacy High School and am consistently in contact with many public-school kids my age. The current issue affects every student.

"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness." - The Declaration of Independence.

"The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people." - Ninth Amendment to the United States Constitution.

"We the people of the United States, in order to form a more perfect Union, establish Justice, ensure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America." - Preamble to the United States Constitution.

These famous documents, which have shaped our rights, our government, and our country all push the point of liberty. Liberty was one of the driving forces of the American Revolution. Liberty was fought for in the Civil War. The battle for liberty still rages today. But, we must clarify the limits of liberty. Let's do that by looking at what our founders have written and said.

"Liberty is the power to do everything that does not interfere with the rights of others: thus, the exercise of the natural rights of every individual has no limits save those assure to other members of society the enjoyment of the same rights." - Thomas Paine

Allowing persons to utilize whatever bathroom they choose is an infringement on MY freedoms. I have a right to safety. There have been numerous cases of sexual assaults and abuses, that have occurred in Bismarck, across our state and that have occurred nationally, that are bound to happen when we remove the limitations of allowing access to bathrooms in schools. I further quote the Declaration of Independence:

"That whenever any Form of Government becomes destructive of these ends, it is the RIGHT OF THE PEOPLE to alter to abolish it, and to institute new government, laying its foundation on such principles and organizing its powers in such form, as to then shall seem most likely to effect THEIR SAFETY AND HAPPINESS."

It is my duty as a citizen of North Dakota and of the United States of America to protest when my freedoms and safety are in question. This Bill is upholding the standard given in the Declaration of Independence. Liberty is a God-given Right that all are entitled to. All deserve to be protected. I deeply love all people; everyone is wonderfully made in the image of God. Yet we cannot jeopardize the safety of the majority of students at the school to indulge the minority. We all have the same freedoms and the same responsibility to humanity. **A trans kids' liberty will still be protected as they will have the option of a separate bathroom to use if they are not comfortable with their assigned gender restroom. Yet, if access is open to anyone the rest of us are not given the same choice.** Our safety will be striped away without our consent. My safety will be stripped away as soon as a male walks into the womens' bathroom door. We, the majority of the students, must be considered also when deciding these issues. No one is entitled to more freedom or consideration than another person.

"But Rightful Liberty is unobstructed action according to our will within limits drawn around us by the equal rights of others." - Thomas Jefferson

I implore you to think of ALL the kids' safety, welfare, and freedoms. I implore you to pass this bill. Thank you for your time. God bless

Brady Mehlhoff  
1716 E Omaha Drive  
Bismarck, ND 58504

HB 1522

Chairman Lee, Senator Cleary, Senator Clemens, Senator Hogan, Senator Roers, and Senator Weston,

I am Brady Mehlhoff from Bismarck and am a sophomore in high school. Though I am homeschool student and this bill pertains to public schools, I am still able to participate in extracurricular activities such as sports, music, or drama. First of all the fact I need to stand up here and tell you that biological males should not be going into female bathrooms is just unbelievable, and just shows how depraved our society has become. The thought of a biological girl using the boys bathroom is creepy, weird, and downright perverse. The thought of a biological male using the girls bathroom is creepy, weird, perverse, and dangerous. Many of my close friends are girls, and I care very much about them. Many of them also participate in extracurricular activities. The concept of them being raped by a dude who claims to be a girl is unbearable and makes me straight up angry. That people are willing to put lovely innocent girls in peril simply because they want to please a certain group of people is so preposterous and evil. Women deserve their privacy and to be honored, letting transgender males intrude upon that privacy is unethical. Besides, this bill does not force transgender students to use the boys or girls bathrooms, they can have a bathroom of their own. As far as I can tell this bill pleases all the parties involved. Women are kept safe from those willing to violate them, and the transgender students get their own bathrooms. This bill isn't anti-transgender, it is pro-woman. I thought women's rights is what the proponents of this agenda wanted.

Common sense. Common sense is the key to bettering our society. Common sense tells you that boys and girls are different. Common sense tells you that a girls' privacy is to be respected.

Now I want to make it clear (this testimony has been a bit fiery) that I care for all people, trans or not. I am not attacking trans people; I am protecting young women from harm. I simply want what's best for all parties involved. Trust me. Allowing boys to use girls' locker rooms and bathrooms is not what's best for anybody.

In summary this bill will protect young girls from harm and enable them to go about their daily business safely without being intruded upon. Please give HB 1522 a "do pass". Thank you for your time.

## Testimony in Support of HB 1522

Karen Hanson- District 35 3/21/23

Thank you, Madam Chair and Honorable Members of the Committee. My name is Karen Hanson and I live in District 35. I am in support of House Bill 1522. I agree wholeheartedly that the focus of this bill is to protect the private space boundaries of our K-12 school bathrooms. This gives us the opportunity to provide for everyone's physical needs of providing a safe school bathroom, along with remedies of a civil cause of action if a student has suffered damages because of a violation. This part of the bill is also very important.

Before I continue with my own personal thoughts, I will read this article of a situation that is becoming far too common. Testimonies like this are not isolated incidents, unfortunately. (See attached article from Alliance Defending Freedom: "My High School Punished Me for Saying a Male Shouldn't Be Allowed to Watch Me Undress")

The issue at hand in this bill is really all about protective boundaries. It provides protection in boundaries for everyone in that "...a school shall prohibit a student from using a restroom that does not coincide with the student's biological sex." It also offers a remedy for the school and parents of transgender students to work something out so that student can have a safe bathroom of their own, if need be.

What it comes down to is protecting our children in the bathrooms and locker rooms, which are the most vulnerable places in schools, because they are the most private spaces. The rights of our children to have safe bathrooms MUST NOT be overridden in favor of someone of a chromosomally different sex who says they have a right to be in the opposite sex's bathroom just to feel affirmed, accepted or not have their feelings hurt.

When children are little, we teach them all about safety. It should not change as they are growing into their teen years through high school under our care as parents. And that includes the care we pay for and entrust to the school, teachers, and administrators. Safety is the real issue. It's not about feelings or being affirmed. It's truly about providing the safest place to use the bathroom without having the daily fear that someone from the opposite gender has the freedom to walk right in because there's no fear of penalty, because no clear boundaries exist or are enforced with penalties.

I was recently reading research on brain development. It said that all behaviors and experiences you endure until age 25 have potential to impact your developing brain, which tends to finish developing right around the age of 25. Adults over the age of 25 tend to feel less sensitive to peer pressure. The reason I mention this is that children are not equipped to set proper boundaries of safety for themselves, much less in a bathroom with the opposite gender. WE are the adults and are dealing with this right now on their behalf so they can be kids, go to school, and be protected in the most private spaces of those schools. Last week a friend of mine

encountered a mom and her two daughters selling Girls Scout Cookies. In conversation, this HB 1522 came up. The mom, in reference to this bill, said that her daughters are afraid to go to the bathroom in their elementary school here in Bismarck. She indicated that they will try to not go to the bathroom all day long in order to avoid that room. She didn't expound on that point.

So, boundaries are what make everyone safe, even if they don't like those boundaries. Case in point, when our children were young, they had to learn our safety boundaries. They didn't always like those boundaries, so they pushed back. When we as parents did not enforce those boundaries that we had set in place, they would keep pushing to see what the limit was. But when we followed THROUGH with enforcing those safe and secure boundary lines, guess what happened. They knew they were safe then. And that did not mean they "liked" the boundaries, but why is it that we feel the need to coddle our kids and think they have to "like" everything? It's not about coddling and affirmations, it's truly about safety.

The pushing against the boundaries of everything decent and good and wholesome has been accelerating all over this nation. Where does it end and how far does it go? We have an opportunity to come together and put these real protective measures in place, and this bill will literally protect thousands upon thousands of North Dakota children for decades to come by keeping them safe in their own bathrooms. And who knows, one of those children could be yours or someone you love!

Thank you for hearing my testimony. I encourage you to vote YES and recommend a DO PASS on HB 1522.



Representative  
Scott Dyk  
HB 1522

# My High School Punished Me for Saying a Male Shouldn't Be Allowed to Watch Me Undress

I was taught girls should speak up when something makes them feel uncomfortable, but the school didn't care.



Written by *Alliance Defending Freedom*

Published December 8, 2022

Revised January 19, 2023



*Editor's note: The following piece, written by Alliance Defending Freedom client Blake Allen, originally appeared at Fox News.*





As a girl, I was taught to respect the privacy of my body, and to speak up if I felt unsafe or if something made me feel uncomfortable. Now I'm 14 and shocked to learn not all adults take you seriously when you say you don't feel safe or comfortable. In fact, they may even punish you for speaking out.

That's what happened to me when I said I didn't think a teenage male should be allowed in the girls' locker room where my teammates and I undress and change. I'm a private person when it comes to my body, even in the safety and comfort of home. But at school, apparently there's no problem with a male student freely watching us girls change our clothes.

It was a conversation I had with some peers in French class that landed me in trouble with the officials at Randolph Union High School in Vermont. Someone overheard me telling my friends that a dude doesn't belong in the girls' locker room, and they reported me to the co-principals, even though the male student didn't hear me and wasn't in the class.

The controversy didn't start in French class, though; it started when the school allowed a male who identifies as a girl to compete on our girls' volleyball team. When the male student entered our locker room, we were changing. Some of us didn't have a shirt on; others of us were only in our underwear. Naturally, some of us were uncomfortable and asked the student to leave, but we were ignored.

I was upset after the incident and called my mom to tell her about it. She and several other parents called the school administrators to express concerns about the male student being in the girls' locker room. Not only did school officials make no attempt to provide us with any support or a workable solution, they made *me* the bad guy for saying that a teenage male shouldn't be allowed to watch us girls undress.

Shouldn't every girl be taught to speak out to protect herself from situations where she hasn't given consent — and be listened to by those in a position to help? If something feels off, trust your gut? Not at my high school. If you don't comply with the school's preferred gender identity policy, *you're* the bad guy. For expressing true, commonsense, biological facts — boys and girls are different and must respect each other's bodily privacy — I was punished.

The school began an investigation into the comments I made in class and banned our entire girls' volleyball team from using the girls' locker room. The co-principals notified me that I was found guilty of harassment and bullying of "a student on the basis of the targeted student's gender identity." As punishment, school officials told me I must take part in a "restorative justice circle" with the equity coordinator, submit a "reflective essay," and serve out-of-school suspension.

So, with the legal assistance of Alliance Defending Freedom, I sued the co-principals and Orange Southwest School District officials. On the same day that we filed suit, the superintendent rescinded the disciplinary actions against me.

But I wasn't the only one to experience retaliation for stating a simple truth and wanting to be safe. My dad, Travis, was suspended from his coaching job for standing up for me. He expressed his views on a Facebook post, calling out the injustice of the male student being allowed to use our locker room and watch my teammates and I undress: "He got a free show, they got violated," my dad wrote. And he was suspended from his position as the middle school girls' soccer coach. So, my dad joined the lawsuit challenging the school's unjust retaliation against us for speaking freely — for speaking truth.

Instead of sticking up for the safety and privacy of girls, the school administrators are sticking to their preferred view of gender identity and will unfairly target anyone who dares to think differently. The school must respect my dad's and my free speech rights to express a commonsense view that this student is male and shouldn't be allowed in the girls' locker room.

It's school officials' job to ensure every student feels safe at school. And it's their job to listen to and respect our views, not silence us for speaking out to defend ourselves.



Hello. My name is Aubrianna Brown. I am a homeschooled high school junior from Bismarck, North Dakota. I stand in support of house bill 1522.

I know what you might be thinking: why would a homeschooler care about the public-school restroom policy? Regardless of where I go to school, I am an impassioned young adult who realizes that this policy will affect my friends, siblings, peers, and the future of our great state. I am speaking today on behalf of the children in the public school system. They are subjected to this destructive thought-process and ideology unceasingly. There is no relief. As a drama student at one of the local high schools, I have seen firsthand the confusion and depression of the students who are questioning their gender. They are drowning in a sea of confusion and doubt in a society that ties weights to their ankles through its affirmation. These wonderful students do not need their confusion confirmed. They have mistakenly attached their identity to their gender, but people are so much more than gender. We have the ability to affirm the person, while not conforming our views to their delusion. A more helpful response would be to guide them to the truth about gender and sexuality. "Transgenderism refers to a psychological state, how he allegedly views himself which is irrelevant to everyone except him. Locker rooms are not meant to house people based on psychological states."<sup>1</sup>

Providing the opportunity for transgender people to use the bathroom corresponding to the gender they identify with will destroy the comfort of the masses. "For most well-adjusted people, their comfort level in the bathroom depends on who else is allowed to use it. Most girls feel comfortable using the girl's bathroom because there will only be girls inside it."<sup>2</sup> We not only need to consider the small minority of transgendered people, but also the little girls who did not asked to be subjected to seeing men in inappropriate ways and have their innocence taken away. We need to consider the young boys and men who easily can be accused of taking advantage of situations that they should never be subjected to in the first place, from inadvertently looking through cracks in doors up to easier access for violence and rape. Once you see something, you can never unsee it. These images can haunt people for years to come. The experiences can harm the innocence of all children concerned and have detrimental effects later in life, on their mental wellbeing, marriages, and overall relationships. "So much of the reasoning behind the LGBT movement is based on people's feelings and experiences. Their legitimate pain calls out for compassion and support, touching

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<sup>1</sup> Matt Walsh Show, The Courage to be Sane, The Daily Wire+, June 29, 2021

<sup>2</sup> Matt Walsh Show, Chicago Public Schools Cordially Invite Boys into Girls Bathrooms, The Daily Wire+, December 3, 2021

our hearts, as it should. But when we elevate people's stories, feelings, preferences, and experiences above Scriptural truth, we have built a house of cards instead of a foundation for life."<sup>3</sup> Feelings need to take its proper place, so here is my story wrapped in the blanket of God-given truth.

As I had mentioned before, I participate in the theater program at a local high school. During shows, there is normally not a lot of time to change in between scenes. The director has set aside separate changing rooms for guys and girls so we can make our quick changes with some privacy. The only problem is that one of the guys is allowed to be in the girls changing area while the other guys are not. This is extremely uncomfortable for me. I do not want a guy talking to me while I am changing. I do not want him to see me in my undergarments. I can try to go in nooks and carneys and try to wait to use the bathroom when it is available, but that is not always practical or doable. This should not be allowed. This boy is one of my good friends in this program. I do not believe that he would violate my safety in any way, but for me to still be subjected to this infringement of my modesty and the modesty of the other girls around me is unthinkable. I know that I am homeschooled, but this makes my case stronger. If it happens to me, it happens to them. If I am uncomfortable, they are uncomfortable. They just cannot be here to tell you about it themselves.

Thank you for your time. I stand open for questions.

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<sup>3</sup> Focus on the Family, A Biblical Perspective on Transgender Identity: A Primer for Parents and Strugglers

**HB 1522**

Madam chairman and members of the committee. My name is Rep. SuAnn Olson, representing District 8.

As I mentioned in my testimony last week, separating people based on sex has been addressed by the courts a number of times over the years. A recent 11<sup>th</sup> Circuit court case 18-13592 was issued in December 2022 and explained the application of the Equal Protection Clause of the 14<sup>th</sup> Amendment to sex-based classifications by stating that “a policy will pass constitutional muster only if it satisfies intermediate scrutiny.” Intermediate scrutiny means “the government must show that the classification serves important governmental objectives and that discriminatory means employed are substantially related to the achievement of those objectives.” In that particular case, protecting personal privacy was found to be an important government objective.

Here is quote from Ruth Bader Ginsburg: “[s]eparate places to disrobe, sleep, [and] perform personal bodily functions are permitted, in some situations required, by regard for individual privacy.” Ruth Bader Ginsburg, *The Fear of the Equal Rights Amendment*, *Wash. Post*, Apr. 7, 1975

We need to acknowledge that females as a sex are inherently more vulnerable than males and government policies must recognize and protect their privacy and safety.

Women have a right to Privacy and Safety. This is not too much to expect. I have 9 granddaughters. The oldest is nearly 10 and will be moving on to middle school soon. I want her to be safe in a restroom. She has a right to not undress in a girls’ locker room in front of males with penises. She has a right to not view penises when she uses the restroom or a locker room. She has a right to be safe. She has a right to her own privacy.

This legislature, we, us, need to provide guidance to the various administrators and leaders on this issue. To do otherwise is to continue the chaos of varied decisions that oftentimes results in capitulation to the small vocal minority that is demanding entry to our women's and girls' private spaces. To do otherwise, will escalate an exodus from the public school system.

Please. I urge you to Vote Yes on HB 1522.

**Wolf, Sheldon**

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**From:** Lee, Judy E.  
**Sent:** Tuesday, March 21, 2023 9:42 PM  
**To:** -Grp-NDLA Senate Human Services; Wolf, Sheldon; NDLA, Intern 02 - Pouliot, Lindsey; Lahr, Pat  
**Subject:** FW: HB 1522

FYI -

Senator Judy Lee  
 1822 Brentwood Court  
 West Fargo, ND 58078  
 Home phone: 701-282-6512  
 Email: jlee@ndlegis.gov

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**From:** miahalvorson1 <miahalvorson1@gmail.com>  
**Sent:** Tuesday, March 21, 2023 10:08 AM  
**To:** Lee, Judy E. <jlee@ndlegis.gov>  
**Subject:** RE: HB 1522

This is Mia Halvorson for the record. I just realized my name was not listed.

----- Original message -----

**From:** miahalvorson1 <[miahalvorson1@gmail.com](mailto:miahalvorson1@gmail.com)>  
**Date:** 3/21/23 10:05 AM (GMT-06:00)  
**To:** [jlee@ndlegis.gov](mailto:jlee@ndlegis.gov)  
**Subject:** HB 1522

Hello Senator Lee,

I wanted to thank you once again for listening to my testimony last week on HB 1473 and HB 1254.

I'm unfortunately not able to testify today on the bill, but I still wanted to send a message of concern I have for HB 1522.

One of my bigger concerns is a lack of funding within schools. I spoke with well over a dozen small schools, many of which only had male and female restrooms. Many of these schools stated they would have funding issues, including Lidgerwood Public School, indicating they have nowhere they can build a restroom (especially prior to the next school year). It would incur heavy financial impacts and it is just an unreachable task in the next five months.

Other schools stated they would turn a current handicapped restroom into a gender-neutral restroom, which I recognize as a possible solution. However, I want to discuss the possibility of bullying. It is enforcing that trans students use a restroom deemed as handicapped, which I believe could construe "trans people are handicapped." This subjects these children to bullying, a group that is already more likely to struggle with bullying and suicide.

I asked other questions about the schools, including if students could use these restrooms without concerns about running late to class. Many high schools have roughly four minutes to get out of class, head to their lockers to grab their belongings and get back to class. In some of these schools, including Bowbells Public School, their restroom is in the corner of the school. Yes, a smaller school, but it causes a higher likelihood of students to be late.

I have many other concerns, especially with trans students who appear cisgender passing. I know I discussed this last week about myself, being a trans person who has updated all legal documents and does not have their gender questioned.

I can go as far as to say I used the womens restroom multiple times when I testified last week. I would also like to state that other senators were inside the restroom common spaces, none of which batted an eye at my gender.

I will say, once again, I talked to many small schools. But this issue also pertains to larger schools. If we have gender neutral restrooms, that means other students have access to these spaces. Who is to say another student, say cisgender, is using a gender neutral restroom before the trans student arrives? They no longer have a place they can go in that moment.

You also cant label these spaces as 'trans' bathrooms, as this could out a student who is just starting an internal transition and doesn't feel comfortable using a restroom that aligns with their gender identity.

I would love to continue discussing my thoughts on topics relating to trans students, so I leave my email open to response. But, as stated earlier, there is a heavy financial impact on this legislation that is not thought about.

Thank you for taking the time to review this email.

23.0864.06004  
Title.

Prepared by the Legislative Council staff for  
Senator Lee

March 31, 2023

PROPOSED AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1522

Page 1, line 1, after "chapter" insert "14-02.4 and a new section to chapter"

Page 1, line 2, replace "to a" with "for"

Page 1, line 2, replace "student" with "people"

Page 1, after line 4, insert:

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

**Transgender accommodations.**

1. A government entity may not adopt a policy that requires or prohibits any individual from using another individual's preferred gender pronoun.
2. A government entity shall establish a policy for the use of a separate restroom accommodation for a transgender employee.
3. A government entity shall prohibit an individual from using a restroom that does not coincide with the individual's biological sex.
4. Notwithstanding any other provision of law, a violation of this section subjects the government entity to a civil cause of action by an individual who has suffered damages because of the violation.
5. Notwithstanding section 32-03.2-11, a court shall award the following remedies to a plaintiff that prevails in an action under subsection 4:
  - a. Damages;
  - b. Costs and fees, including reasonable attorney fees; and
  - c. Exemplary damages in an amount up to twenty-five thousand dollars."

Page 1, line 8, after "district" insert ", public school, or public school teacher"

Page 1, line 10, after "district" insert "or public school"

Page 1, line 10, after "with" insert "and with the approval of"

Page 1, line 13, after the second "a" insert "public"

Renumber accordingly

March 31, 2023

PROPOSED AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1522

Page 1, line 8, after "district" insert ", public school, or public school teacher"

Page 1, line 10, after "district" insert "or public school"

Page 1, line 10, after "with" insert "and with the approval of"

Page 1, line 13, after the second "a" insert "public"

Re-number accordingly



23.0864.06008  
Title.

Prepared by the Legislative Council staff for  
Representative Rohr  
April 20, 2023

PROPOSED AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1522

That the Senate recede from its amendments as printed on page 1566 of the House Journal and pages 1308 and 1309 of the Senate Journal and that Reengrossed House Bill No. 1522 be amended as follows:

Page 1, line 1, after "chapter" insert "14-02.4 and a new section to chapter"

Page 1, line 2, after the first "to" insert "preferred pronouns and"

Page 1, line 2, after the semicolon insert "to provide a penalty;"

Page 1, after line 4, insert:

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

**Preferred pronoun - Government entity.**

1. Unless otherwise required by law, a government entity may not adopt a policy requiring or prohibiting:
  - a. An employee's use of an individual's preferred pronoun when addressing or mentioning the individual in work-related communications; or
  - b. The designation of an employee's preferred pronoun in work-related communications.
2. An individual may assert a violation of this section as a claim or defense in a judicial proceeding and is entitled to recover appropriate relief, including reasonable attorney fees and court costs."

Page 1, line 8, after "district" insert ". public school, or public school teacher"

Page 1, line 10, remove "in consultation"

Page 1, line 10, after "with" insert "the approval of"

Page 1, line 11, replace "policy" with "plan"

Page 1, line 13, after the second "a" insert "public"

Page 1, line 14, after "sex" insert "."

4. Unless otherwise required by law, a school district, public school, or public school teacher may not:
  - a. Adopt a policy concerning a particular student's transgender status without approval from the student's parent or legal guardian; or
  - b. Withhold or conceal information about a student's transgender status from the student's parent or legal guardian"

Page 1, remove lines 15 through 23