

**2023 HOUSE HUMAN SERVICES**

**HCR 3010**

# 2023 HOUSE STANDING COMMITTEE MINUTES

## Human Services Committee Pioneer Room, State Capitol

HCR 3010  
2/8/2023

A concurrent resolution urging public schools and public entities, including agencies or departments that collect vital statistics, to protect women's rights by distinguishing between the sexes according to biological sex at birth for the purpose of providing equal opportunities and ensuring the privacy and safety of women and girls.

Chairman Weisz called the meeting to order at 10:30 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:

- Privacy and safety of women
- Opportunities for women
- Differences between sex and gender
- Physical differences between males and females
- Mental health of transgender individuals

Representative Olsen introduced HCR 3010 with supportive testimony. (#19835)

Jacob Thomson, Policy Analyst for North Dakota Family Alliance Legislative Action, supportive testimony. (#19744)

Patricia Leno, North Dakota citizen, verbal supportive testimony.

Andrew Alexis Varvel, North Dakota citizen, supportive testimony. (#19711)

Rachel Sinness, Protection and Advocacy of North Dakota, opposing testimony. (#20674)

Chairman Weisz closed the hearing on HCR 3010 at 10:48 AM.

Vice Chairman Ruby moved to amend HCR 3010. (Line 15, Pg. 2, change "executive director" to commissioner)

Seconded by Representative Prichard.

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	Y
Representative Todd Porter	Y
Representative Brandon Prichard	Y
Representative Karen M. Rohr	Y

Motion carried: 14-0-0

Representative McLeod moved a do pass as amended.

Seconded by Representative Anderson.

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: Representative Anderson.

Chairman Weisz adjourned the meeting at 10:54 AM.

*Phillip Jacobs, Committee Clerk By: Leah Kuball*

23.3027.02001  
Title.03000

Adopted by the House Human Services  
Committee

February 8, 2023

JA  
2-8-23

PROPOSED AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3010

Page 2, line 15, replace "Executive Director" with "Commissioner"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HCR 3010: 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). HCR 3010 was placed on the Sixth order on the calendar.

Page 2, line 15, replace "Executive Director" with "Commissioner"

Renumber accordingly

**2023 SENATE HUMAN SERVICES**

**HCR 3010**

# 2023 SENATE STANDING COMMITTEE MINUTES

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

HCR 3010  
3/8/2023

A concurrent resolution urging public schools and public entities, including agencies or departments that collect vital statistics, to protect women's rights by distinguishing between the sexes according to biological sex at birth for the purpose of providing equal opportunities and ensuring the privacy and safety of women and girls.

10:38 AM **Madam Chair Lee** called the hearing to order. **Senators Lee, Cleary, Clemens, K. Roers, Weston, Hogan** were present.

## **Discussion Topics:**

- Biological differences
- Female empowerment
- Sex discrimination
- Gender discrimination
- Privacy and safety

10:39 AM **Representative SuAnn Olson District 8**, introduced HCR 3010 and testified in favor. #22875

10:46 AM **Jacob Thomsen, ND Family Alliance Legislative Action**, testified in favor #22894

10:48 AM **Patricia Leno, Citizen**, testified in favor #23044

## **Additional written testimony:**

**Elizabeth Morris** in favor #22733

**Margo Knorr** in favor #22745, 22746

**Lydia Gessele** in favor #22798

**Amber Vibeto** in favor #22807

**Laurie Johansen** in favor #22810

**Patricia Burckhard** in favor #22843

**Jacqui Skadberg** in favor #22868

**Thea Holter** in favor #22909

**Alida Arnegard** in favor #22943

**Rachel Sinness, Legal Director, North Dakota Protection and Advocacy Project** in opposition #22901

**Adelyn Emter, Policy Advocacy and Research Chair, Chief of Staff, North Dakota Student Association** neutral #22002

11:03 AM **Madam Chair Lee** closed the hearing.

*Patricia Lahr, Committee Clerk*

# 2023 SENATE STANDING COMMITTEE MINUTES

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

HCR 3010  
3/28/2023

A concurrent resolution urging public schools and public entities, including agencies or departments that collect vital statistics, to protect women's rights by distinguishing between the sexes according to biological sex at birth for the purpose of providing equal opportunities and ensuring the privacy and safety of women and girls.

3:51 **Madam Chair Lee** called the meeting to order. **Senators Lee, Cleary, Clemens, K. Roers, Weston, Hogan** are present.

**Discussion Topics:**

- Biological differences
- Sex discrimination
- Gender discrimination
- Right to privacy and safety

**Senator Lee** calls for discussion.

**Senator K. Roers** moved **DO PASS**.

**Senator Weston** seconded the motion.

Roll call vote.

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

The motion passed 4-2-0.

**Senator Weston** will carry HCR 3010.

3:54 PM **Madam Chair Lee** adjourned the meeting.

*Patricia Lahr, Committee Clerk*



**REPORT OF STANDING COMMITTEE**

**HCR 3010, as engrossed: Human Services Committee (Sen. Lee, Chairman)** recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HCR 3010 was placed on the Fourteenth order on the calendar. This resolution does not affect workforce development.

**TESTIMONY**

**HCR 3010**

House Human Services Committee  
House Concurrent Resolution 3010

Andrew Alexis Varvel

North Dakota State Capitol  
February 8, 2023

Pioneer Room  
10:30AM

Chairman Weisz and Members of the Committee:

My name is Andrew Alexis Varvel. I live in Bismarck. My sex is male. My grammatical gender in English is masculine. My grammatical gender in Lakota is animate. My preferred pronouns are rock/paper/scissors.

I do not see anything objectionable about this resolution as written, principally because it talks about sex and not about gender. Nothing in this resolution keeps public entities from establishing a de facto policy of recognizing two sexes and three genders, which would be natural male, natural female, and other.

For athletics, prisons, jails, domestic violence shelters, rape and abuse crisis centers, locker rooms, and restrooms, women have a right to be shielded from abuse. That said, facilities should be made available for people whose gender identity does not correspond to their sex at birth. In other words, a third gender.

Although I could choose my gender identity to be a hallucinogenic mushroom, I am also wise enough to understand that no amount of hormones and surgery will ever turn me into one. Likewise, there is nothing that can ever be done – or ever could be done – to turn me into a woman who is capable of getting pregnant.

This does not mean that we cannot let people dream. If your gender identity is to be a hermaphroditic purple dinosaur, I am not here to tell you no. If your gender identity is something that nobody else has ever imagined yet, that is your choice.

Thank you for your time. I welcome questions from the committee.

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



## Testimony Supporting House Concurrent Resolution 3010

Jacob Thomsen, Policy Analyst  
North Dakota Family Alliance Legislative Action  
February 8, 2023

Good Morning Chairman Weisz and honorable members of the House Human Services Committee. My name is Jacob Thomsen and I am representing North Dakota Family Alliance Legislative Action. I am testifying on behalf of our organization in support of House Concurrent Resolution 3010 and respectfully request that you render a "DO PASS" on this resolution.

We understand that some individuals choose to identify themselves at various places on the gender spectrum, apart from their biological sex. That is certainly their right. However, problems arise when their gender identification causes harm to others around them, whether physical, emotional, or psychological harm. When they in effect deny the immutable biological differences given to us by God before we were even born.

Biology is not gender, a social construct, and there is no denying the biological difference between male and female sexes. Sexes are fundamentally the biological state of being female or male, based on an individual's nonambiguous sex organs, chromosomes, and endogenous hormone profile at birth.

For that reason, we believe that biological males and females should use restrooms, locker rooms, and shower rooms intended for their sex, not gender. No girl or woman should ever be forced to use the bathroom, shower, or undress next to a man in a public space. North Dakota Family Alliance Legislative Action supports the right to safety and privacy for all North Dakotans.

Further, males and females should be judged in athletic events against others of the same biological sex. As stated in this resolution, a male is, on average, bigger, stronger, and faster than a female, and these all matter when it comes to athletic performance. These differences warrant separate athletic teams, as designated. Why should our daughters or granddaughters be robbed of hard-won sport achievements by boys posing as a girls? When did our society decide that our girls don't matter?

North Dakota Family Alliance Legislative Action believes in protecting the dignity of women and children, their right to privacy, and their physical and emotional wellbeing. We do not want to

see decades of advancement, elimination of discriminations, and hard fought equality be thrown away by today's politically correct thinking.

For these reasons, we request that you render a "DO PASS" on House Concurrent Resolution 3010. Thank you for the opportunity to testify and I am happy to stand for any questions.



# North Dakota House of Representatives

STATE CAPITOL  
600 EAST BOULEVARD  
BISMARCK, ND 58505-0360



## Representative SuAnn Olson

District 8  
17763 Highway 83  
Baldwin, ND 58521-9724  
[solson@ndlegis.gov](mailto:solson@ndlegis.gov)

## COMMITTEES:

Judiciary  
Agriculture

## HCR 3010

February 8, 2023

Thank you, Chairman Weisz and Committee members,

My name is Rep. SuAnn Olson, representing District 8. Today, I'm asking you to support a resolution that is informally known as a Women's Bill of Rights and recognizes the biological difference between the sexes.

Why is this important? Radical gender ideologues are trying to redefine womanhood as a subjective state unrelated to biology. But this isn't simply a matter of semantics. The reality of this redefinition is that women's opportunities are diminished and their privacy and safety are threatened. Most women understand that a "woman" is female, but gender ideologues want to redefine womanhood as a subjective state distinct from - and more important than - biological sex.

We have all heard of the swimmer, Lia Thomas, a fully intact male who previously competed on the University of Pennsylvania men's team, and who last season, dominated the Women's NCAA swimming championship. The female swimmers that competed with Thomas were smaller, had less muscle mass, and less lung capacity. Our failure to legally define "woman" harms more than just athletes. It makes scholarships and other opportunities that were specifically designed to empower females available to biological men instead. Further, our failure to define "female" jeopardizes previously uncontroversial single-sex spaces such as dorm rooms, sororities, and locker rooms.

All too often, the corruption of sex-based language is happening by administrative or judicial decree, without the consent of the political branches or the people themselves.

**By redefining "sex" to mean "gender" or "gender identity," unelected officials are rewriting laws that prohibit unjust sex discrimination to require unjust discrimination against women.**

This resolution will push gender advocates to be transparent about their objectives and persuade the public, not simply impose their will through a linguistic sleight of hand.

urge the committee to stand for truth, stand for science, and stand for common sense. Please vote YES on HCR 3010.

## Here's What Others are Saying...

*...the Women's Bill of Rights is a common-sense declaration on the biology of sex. It should be something people across the political spectrum can come together and embrace. All women should have the assurance that our intrinsic dignity and status are recognized and protected on the basis of sex."* Doreen Denny, Senior Advisor, Concerned Women for America

*"Gender is not a synonym for sex, and it's time we stopped using it as such. Gender refers to attributes and social norms. But attributes are not biology, and those who fight for the rights of women must respect the science."* Heather R. Higgins, CEO, Independent Women's Voice

*"The Women's Bill of Rights would ensure our laws continue to recognize that there are legitimate reasons to distinguish between the sexes with respect to athletics, prisons, domestic violence and rape crisis services, restrooms, and other areas where biology, safety, or privacy are implicated."* Lauren Adams, Legal Director, Women's Liberation Front

*"I want my three daughters to know that they live a country where women are recognized and respected. We are not 'bleeders,' 'birthing persons,' or 'chest feeders;' we are women."* Carrie Lukas, President, Independent Women's Forum

*"What is a woman? The answer should be obvious to all. Unfortunately, today it is not...This common-sense document should bring together all women regardless of their politics or religion."* Ayaan Hirsi Ali, Women's Rights Advocate and author

**House Human Services Committee  
HCR 3010 – February 8, 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 old 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 policy proposals such as HCR 3010, even if the proposal is well intentioned. As Audrey Lorde said, "There is no such thing as a single-issue struggle, for we do not lead single-issue lives."

For these reasons, P&A urges a DO NOT PASS on HCR 3010.



**HCR 3010**March 3<sup>rd</sup>, 2023

Adelyn Emter, North Dakota Student Association

(701)260-6246 | Adelyn.emter@ndus.edu

Chair Weisz and Members of the Committee: My name is Adelyn Emter, and I am the Chief of Staff for the North Dakota Student Association (NDSA). I writing to provide student insight on the potential implications of [HCR 3010](#).

The North Dakota Student Association is dedicated to ensuring that students have a voice at the table in policy that affects higher education. We consist of delegates from each of the 11 public North Dakota University System (NDUS) institutions, meeting monthly to engage students in discussions about North Dakota higher education policy. Since 1969, our mission has been to empower students, create collaboration between the student bodies of the North Dakota public universities, and to give a student perspective on higher education policy.

The NDSA supports protection and equal opportunity for all students' rights, especially women and minority populations who have historically experienced obstructions to these goals.

The fourth whereas clause, beginning on line 11, may diminish the experiences of sexual violence by populations other than women in the context of this resolution. On Saturday, November 5<sup>th</sup>, 2022, the North Dakota Student Association passed [NDSA-09-2223](#): A Resolution in Support of the NDSA's Legislative Priorities for the 23-25 Biennium. This resolution establishes our legislative priorities, including our support of policies protecting the rights of NDUS LGBTQIA2S+ students. According to the Human Rights Campaign, 47% of transgender people are sexually assaulted at some point in their lifetime<sup>[1]</sup>. It is also important to acknowledge the existence of intersex individuals whose biological markers are not consistent with the faulty assumption of a gender binary. Additionally native people represent approximately 6.4% of the North Dakota population, and we should not disregard the cultural existence of certain native individuals who identify as two-spirit.

Line 16 of the resolution states "separate is not inherently unequal," which is phrasing that was used in the landmark court case *Brown v. Board of Education of Topeka*, a US Supreme Court case that ultimately ruled that separate education is inherently unequal. Because of this context, the NDSA would recommend considering a change to this wording.

[1] <https://www.hrc.org/resources/sexual-assault-and-the-lgbt-community>

[2] <https://orwh.od.nih.gov/sex-gender>

The NDSA has made it a priority to protect the rights of transgender students for the 23-25 biennium, specifically outlined in [NDSA-14-2223](#). The NDSA would urge any public institution addressed in this resolution to respect the differences in definition between sex and gender. Sex, as defined by the National Institutes of Health Office of Research on Women's Health, is a multidimensional biological construct based on anatomy, physiology, genetics, and hormones, while gender a multidimensional construct that encompasses gender identity and expression, as well as social and cultural expectations about status, characteristics, and behavior as they are associated with certain sex traits<sup>[2]</sup>. Understandings of gender also vary throughout historical and cultural contexts.

We respectfully ask that the House Committee on Health and Human Services consider this input, as it is provided on behalf of NDUS students whose data and identities would be collected as these statistics as recommended in [HCR 3010](#).

[1] <https://www.hrc.org/resources/sexual-assault-and-the-lgbt-community>

[2] <https://orwh.od.nih.gov/sex-gender>

I support HCR 3010

Elizabeth Morris  
310 E. Caledonia Ave  
Hillsboro, ND 5804

Dear Chairman and Committee members, my name is Margo Knorr and I am writing in support of this resolution. It has been adopted in several states as a bill to be voted on this session and was in the 116th session as a House resolution federally. I have attached the exact form of the resolution for your review. It was introduced by Debie Lasko who discovered it was more than necessary when she posed the question to a current supreme court justice of "Can you define a woman?" Unfortunately the question was left unanswered much to the horror of most well minded men and women across this nation. This then exposed a void in our legal definitions nation wide and thus the need for this resolution.

I respectfully ask that regardless of political or social feelings you at least recognize the need for this resolution and the legal void is represents in our century codes language and give it a do pass.

Thankyou.

117TH CONGRESS  
2D SESSION

# H. RES. 1136

Establishing a Women's Bill of Rights to reaffirm legal protections afforded to women under Federal law.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 19, 2022

Mrs. LESKO (for herself, Mr. BANKS, Mrs. MILLER of Illinois, Mrs. HARSHBARGER, Ms. TENNEY, Mrs. HARTZLER, Mr. LAMBORN, Mr. JACKSON, Mr. LAMALFA, Mrs. SPARTZ, Mr. NORMAN, and Mr. MOORE of Alabama) submitted the following resolution; which was referred to the Committee on the Judiciary

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## RESOLUTION

Establishing a Women's Bill of Rights to reaffirm legal protections afforded to women under Federal law.

Whereas males and females possess unique and immutable biological differences that manifest prior to birth and increase as they age and experience puberty;

Whereas biological differences between the sexes mean that only females may get pregnant, give birth, and breastfeed children;

Whereas biological differences between the sexes mean that males are, on average, larger in size and possess greater body strength than females;

Whereas biological differences between the sexes can expose females to more harm than males from specific forms of violence, including sexual violence;

Whereas women have achieved inspirational and significant accomplishments in education, athletics, and employment; and

Whereas recent misguided court rulings related to the definition of “sex” have led to endangerment of spaces and resources dedicated to women, thereby necessitating clarification of certain terms: Now, therefore, be it

1       *Resolved*, That the House of Representatives reaffirms that—

3           (1) for purposes of Federal law, a person’s  
4       “sex” means his or her biological sex (either male or  
5       female) at birth;

6           (2) for purposes of Federal law addressing sex,  
7       the terms “woman” and “girl” refer to human females,  
8       and the terms “man” and “boy” refer to  
9       human males;

10          (3) for purposes of Federal law, the word  
11       “mother” means a parent of the female sex and “father”  
12       is defined as a parent of the male sex;

13          (4) there are important reasons to distinguish  
14       between the sexes with respect to athletics, prisons,  
15       domestic violence shelters, restrooms, and other  
16       areas, particularly where biology, safety, and privacy  
17       are implicated;

1           (5) policies and laws that distinguish between  
2           the sexes are subject to intermediate constitutional  
3           scrutiny and permitted when they serve an impor-  
4           tant governmental objective and are substantially re-  
5           lated to achieving that objective; and

6           (6) for purposes of complying with Federal laws  
7           that require State and local government agencies to  
8           collect or report data disaggregated by sex, such as  
9           Federal antidiscrimination laws, agencies are re-  
10          quired to base such data on the biological sex of in-  
11          dividuals at birth.

○

My name is Lydia Gessele and I reside, on the land, in District 14. I would like to voice my support for HCR 3010. We need to urge public schools and public entities, including agencies or departments that collect vital statistics, to protect women's rights by distinguishing between the sexes according to biological sex at birth for the purpose of providing equal opportunities and ensuring the privacy and safety of women and girls. The Gender Ideology movement is imperialistic in nature, meaning it will continue to spread until it dominates every law and policy in every state. It's time for North Dakota to play offense - not defense - against this destructive cult. This resolution is a step in that direction. I support a DO PASS on HCR 3010. Thank you for your time.



Members of the Senate Human Services Committee,

For close to a decade, there has been a concerted effort by gender activists to redefine what it is to be a man or a woman. This has led to the widespread implementation of [gender identity policies](#) that place real women at risk and increase the unique dangers and disadvantages females face. Codifying a clear and accurate definition of what constitutes a woman is more important than ever as gender activists recently rolled out their latest invented term. Women+ is now being used to favorably describe males who appropriate womanhood, occupy female-only spaces, and steal female opportunities. This term is even being promoted by the [University of North Dakota in its Council for Women+](#).

People have the right to identify how they they want in their private lives, but public policy and the protection of rights must be based on objective reality, not subjective ideology. Males cannot be women no matter how hard they may try, and therefore they should never be given access to female-only spaces and opportunities. This resolution is a much-needed recognition of women's sex-based rights and therefore, I urge a do pass recommendation for HCR 3010.

Thank you for your consideration of my testimony.

Amber Vibeto  
Minot, District 3

[\*\*Support the Women's Bill of Rights\*\*](#)

Members of the Senate Human Services Committee,

My name is Laurie Johansen and I reside in District #26. I am asking that you please render a DO PASS on HCR 3010.

As a mother with daughters I am gravely concerned with the direction our country is taking in allowing biological men to be given free rein in all areas that were once considered a safe space for women. Taking away protection from women and girls by allowing men and boys into women's sports, locker rooms, and bathrooms just to name a few areas is absolutely ludicrous. The gender ideology movement is imperialistic and will continue to spread throughout our country. We must as citizens of North Dakota work to put laws in place that will ensure our women and girls will have the privacy and safety they deserve as equal citizens in our great nation that has always been a place where liberty and justice are given for all.

I am submitting testimony in favor of HCR 3010. Pat Burckhard District 15.

HCR 3010

Dear Senators,

I support this timely and well thought out resolution and request you give HCR 3010 a Do Pass. It is wisely worded and in light of the confusion we find ourselves in the midst of, we need to offset the undermining of rights of biological females and clarify the definition of a woman. I urge you to pass Resolution HCR 3010 in order to protect biological girls/women and to support the values of ND.

I stand for myself, my daughters, and my entire community in protecting the privacy and safety of all of us biological females in ND. Sadly, there are many studies which highlight high incidences of sexual abuse that occur when women aren't protected and share public settings like bathrooms, locker rooms and other facilities.

For females who find themselves in potentially vulnerable situations, this resolution will provide safety while providing clarification for state guidelines and offering a rubric for our institutions on a statewide level. It is unbelievably sad to me that such a resolution is needed, but in light of the times, it truly is needed!! Thank you to those with the foresight to sponsor this wise resolution. Please vote a Do Pass on HCR 3010.

Sincerely,  
Jacqui Skadberg  
District 26



# North Dakota House of Representatives

STATE CAPITOL  
600 EAST BOULEVARD  
BISMARCK, ND 58505-0360



## Representative SuAnn Olson

District 8  
17763 Highway 83  
Baldwin, ND 58521-9724  
[solson@ndlegis.gov](mailto:solson@ndlegis.gov)

## COMMITTEES:

Judiciary  
Agriculture

## HCR 3010

March 8, 2023

Thank you, Chairwoman Lee and Committee members,

My name is Rep. SuAnn Olson, representing District 8. Today, I'm asking you to support a resolution that is informally known as a Women's Bill or Rights and recognizes the biological difference between the sexes.

Why is this important? Radical gender ideologues are trying to redefine womanhood as a subjective state unrelated to biology. But this isn't simply a matter of semantics. The reality of this redefinition is that women's opportunities are diminished and their privacy and safety are threatened. Most women understand that a "woman" is female, but gender ideologues want to redefine womanhood as a subjective state distinct from - and more important than - biological sex.

We have all heard of the swimmer, Lia Thomas, a fully intact male who competed on the University of Pennsylvania men's team for 3 years and was ranked 462<sup>nd</sup> among NCAA men's swimmers, and who last season, dominated the Women's NCAA swimming championship. The female swimmers that competed with Thomas were smaller, had less muscle mass, and less lung capacity.

Our failure to legally define "woman" harms more than just athletes. It makes scholarships and other opportunities that were specifically designed to empower females available to biological men instead. Further, our failure to define "female" jeopardizes previously uncontroversial single-sex spaces such as dorm rooms, sororities, locker rooms, and rest rooms.

All too often, the corruption of sex-based language is happening by administrative or judicial decree, without the consent of the political branches or the people themselves.

**By redefining "sex" to mean "gender" or "gender identity," unelected officials are rewriting laws that prohibit sex discrimination to require unjust discrimination against women.**

This resolution will push gender advocates to be transparent about their objectives and persuade the public, not simply impose their will through a linguistic sleight of hand.

I urge the committee to stand for truth, stand for science, and stand for common sense. Please vote YES on HCR 3010.



## Testimony Supporting House Concurrent Resolution 3010

Jacob Thomsen, Policy Analyst  
North Dakota Family Alliance Legislative Action  
March 8, 2023

Good Morning Madam Chair Lee and honorable members of the Senate Human Services Committee. My name is Jacob Thomsen and I am representing North Dakota Family Alliance Legislative Action. I am testifying on behalf of our organization in support of House Concurrent Resolution 3010 and respectfully request that you render a "DO PASS" on this resolution.

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Biology is not gender, a social construct, and there is no denying the biological difference between male and female sexes. Sexes are fundamentally the biological state of being female or male, based on an individual's nonambiguous sex organs, chromosomes, and endogenous hormone profile at birth.

For that reason, we believe that biological males and females should use restrooms, locker rooms, and shower rooms intended for their sex, not gender. No girl or woman should ever be forced to use the bathroom, shower, or undress next to a man in a public space. North Dakota Family Alliance Legislative Action supports the right to safety and privacy for all North Dakotans.

Further, males and females should be judged in athletic events against others of the same biological sex. As stated in this resolution, a male is, on average, bigger, stronger, and faster than a female, and these all matter when it comes to athletic performance. These differences warrant separate athletic teams, as designated. Why should our daughters or granddaughters be robbed of hard-won sport achievements by boys posing as a girls? When did our society decide that our girls don't matter?

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see decades of advancement, elimination of discriminations, and hard fought equality be thrown away by today's politically correct thinking.

For these reasons, we request that you render a "DO PASS" on House Concurrent Resolution 3010. Thank you for the opportunity to testify and I am happy to stand for any questions.



**Senate Human Services Committee  
HCR 3010 – March 8, 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 policy proposals such as HCR 3010, even if the proposal is well intentioned and purports to advance the rights of another class of individuals. As Audrey Lorde said, "There is no such thing as a single-issue struggle, for we do not lead single-issue lives."

For these reasons, P&A urges a DO NOT PASS on HCR 3010.

Members of the Senate Human Services Committee,

“My name is Thea Holter and I reside in District 1. I am asking that you please render a DO PASS on HCR 3010.”

I have two daughters and I am deeply concerned for their future. Please protect women and girls by passing HCR 3010.

Sincerely,

Thea Holter

HCR 3010

Dear Legislators,

Good evening! Thank you so much for all that you do! I want to offer my full support for this timely and well thought out resolution. I ask you to pass Resolution HCR 3010 in order to protect biological girls/women and to support the values of ND.

I am thankful that we have people in place who understand the need to bring clarification to this subject and who took action to put this resolution together regarding the definition of a woman.

I stand for myself, my daughters, my grand-daughter and my entire community in protecting the privacy and safety of all biological females in ND. Sadly, there are many studies which highlight high incidences of sexual abuse that occur when women aren't protected and share public settings like bathrooms, locker rooms and other facilities.

For females who find themselves in potentially vulnerable situations, this resolution could help provide safety for them in addition to providing clarification for state guidelines & by offering a rubric for institutions on a statewide level. It is unbelievably ironic to me that such a resolution is needed, but in light of these times, it truly is needed!! Thank you to those with the foresight to sponsor this wise resolution. Please vote a "Do Pass" on HCR 3010.

Sincerely,

Alida Arnegard

District 26

To: Senate Human Services Committee

From: Patricia A. Leno, District 30, Feminist for Girls and Women

Chairwoman Lee, and committee members, I am going to address some issues concerning the privacy and safety of women and girls in HCR3080.

First I want to quote Warren Wiersbe:

“Truth without love is brutality,  
Love without truth is hypocrisy.”

In the early 80's I was a Program Director at our YMCA in Bismarck. The woman I was replacing had an experience in the Women's Health Center where a man had walked in and was watching her dress after showering. Thank God she wasn't showering! He wasn't caught. This is why the Y initially put a lock on that door. (Now the locks are on both doors (men's and women's) because it's a higher price membership.) But think of this: without this resolution and laws hindering a male entering a female domain, **that man** could have come in the shower naked with other women, and who knows what else could happen? Especially if the woman is alone!

Another time a woman came out of the female bathroom right behind the front desk, and cried out, “There's a man standing on the toilet in the stall next to me and is watching me while I am sitting on the toilet!” Now there is another door for that bathroom area and it is restricted.

There are some incidents I had experienced while at the YMCA and there are others, at UND as an athlete as well.

**These men with nefarious intent** would love to take advantage of a policy where males are allowed in female domains.

I recently read an article in the New American magazine (Issue February 27, 2023, starting on page 27), where a 17 year old girl experienced having a 66 year old man identifying as a male in her locker room in San Diego. She was terrified. (She could tell he was a man because he had man parts.) She was told by staff that she was safe and her feelings were dismissed. Later, when she spoke at the (Santee) City Council meeting, the video of her testimony went viral, and most comments were against her, and uplifted the transgender man, with some comments saying he was; (Quote): “shocked, thunderstruck, and amazed that his nude presence in a place designated for females would cause such a fuss!” (End of quote from New American, page 28, issue Feb. 27, 2023.) This 66 year old transgender man appeared not to respect or care for the experience of this 17 year old girl. Why does this transgender man need to be in a female locker room? Does it make himself feel better about himself? The girl was terrified and her feelings were not considered!

This is the start of something that is mentally stressful for females. It is an invasion of the right to privacy and is not fair.

It's like a vehicle at the top of a hill that is just starting to roll. At that point you can stop it. When it starts to roll, it becomes unstoppable because of momentum.

Think of these possibilities:

\*Would a father let his 8 year old daughter go into a locker room after swim lessons if he knew there could be boys or men showering in there?

\*What about a male teacher identifying as a female in the shower, restroom, locker room, with one of their female students?

I support this resolution HCR3010 to protect the rights of females to feel safe and have privacy in their domains.