

2023 HOUSE HUMAN SERVICES

HB 1474

2023 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee Pioneer Room, State Capitol

HB 1474
1/25/2023

Relating to vital statistic collection; and relating to the definition of father, female, male, mother, and sex.

Chairman Weisz called the meeting to order at 9:30 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, and Jayme Davis present. Rep. Gretchen Dobervich not present.

Discussion Topics:

- Biological sex assigned at birth
- Pronouns that individuals identify with
- Definitions of males or female

Representative Olson introduced HB 1474 with supportive testimony. (#16553)

Mark Jorristma, Executive Director for North Dakota Family Alliance Legislative Action, spoke in support of bill.

Christie Miller, North Dakota citizen and parent, spoke in opposition to bill.

Gabriela Balf, psychiatrist from Bismarck, North Dakota, opposition to bill. (#16696)

Caedmon Marks, North Dakota citizen, spoke in opposition to bill.

Tracy Potter, representative of the Human Rights Campaign, spoke in opposition to bill.

Additional written testimony:

14953, 15022, 15055, 15139, 15167, 15464, 15481, 15632, 15711, 15786, 15791, 15997, 16306, 16394, 16424, 16434, 16455, 16520, 16537, 16548, 16551, 16552, 16602, 16611, 16616, 16623, 16626, 16631, 16660

Chairman Weisz adjourned the meeting at 9:57 AM

Phillip Jacobs, Committee Clerk By: Leah Kuball

2023 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee Pioneer Room, State Capitol

HB 1474
2/15/2023

Relating to vital statistic collection; and relating to the definition of father, female, male, mother, and sex.
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Chairman Weisz called the meeting to order at 5:00 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:

- Committee action
- Amendment (23.1055.01001)
- Sex assigned at birth
- Pronouns

Representative Prichard moved to adopt amendment to HB 1474 (23.1055.01001)

Seconded by Representative Rohr

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.

Representative Holle moved a DO PASS as amended on HB 1474.

Seconded by Representative Anderson.

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 Carrier: Rep. Prichard

Chairman Weisz adjourned the meeting at 5:14 PM.

Phillip Jacobs, Committee Clerk By: Leah Kuball

February 15, 2023

HA
2-15-23

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1474

Page 2, line 21, remove "an individual's biological sex and is based solely on an individual's"

Page 2, line 22, replace "reproductive biology and genetics" with "the biological state of being male or female, based on the individual's nonambiguous sex organs, chromosomes, and endogenous hormone profiles"

Page 3, line 9, replace "reproductive biology and genetics" with "nonambiguous sex organs, chromosomes, and endogenous hormone profiles"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1474: 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). HB 1474 was placed on the Sixth order on the calendar.

Page 2, line 21, remove "an individual's biological sex and is based solely on an individual's"

Page 2, line 22, replace "reproductive biology and genetics" with "the biological state of being male or female, based on the individual's nonambiguous sex organs, chromosomes, and endogenous hormone profiles"

Page 3, line 9, replace "reproductive biology and genetics" with "nonambiguous sex organs, chromosomes, and endogenous hormone profiles"

Renumber accordingly

2023 SENATE HUMAN SERVICES

HB 1474

2023 SENATE STANDING COMMITTEE MINUTES

Human Services Committee
Fort Lincoln Room, State Capitol

HB 1474
3/21/2023

Relating to vital statistic collection; and relating to the definition of father, female, male, mother, and sex.
--

3:00 PM **Madam Chair Lee** called the hearing to order. **Senators Lee, Clemens, K. Roers, Hogan, Weston** are present. **Senator Cleary** was absent.

Discussion Topics:

- Clarity
- Biological sex

3:00 PM **Representative SuAnn Olson** introduced HB 1474 and testified in favor. #26022

3:20 PM **Christina Sanborn, Lobbyist North Dakota Rights Coalition, Human Rights Campaign**, testified in opposition. #26152

3:53 PM **Allison Rhodes** testified in opposition. #25922

3:59 PM **Cardinal Redbird, Founder and President, ND2 Spirit Society and Allies**, verbally testified in opposition.

4:09 PM **Cody Shuler, Advocacy Manager**, verbally testified in opposition.

4:11 PM **Donna Olson** verbally testified in opposition.

4:15 PM **Caedmon Marx, Outreach, Dakota Outright**, verbally testified in opposition.

4:18 PM **Gabriela Balf, Psychiatrist**, testified in opposition. #26131

4:24 PM **Barry Nelson, Fargo Human Rights Commission**, testified in opposition. #26188

4:27 PM **Cheryl Schaeffe** verbally testified in opposition.

4:33 PM **Kristie Miller** testified in opposition. #26033

Additional Testimony:

Mark Jorritsma, Executive Director, North Dakota Family Alliance Legislative Action, in favor #26019

Stephen McDonough, Retired Pediatrician, in opposition #25781

Jane Pettinger, in opposition #25790

Alannah Valenta, President, North Dakota Association of School Psychologists, in opposition #25819

Senate Human Services Committee

HB 1474

March 21, 2023

Page 2

Bree Langemo, in opposition #25888

Michele Grenier, in opposition #25946

Meghann Reardon, in opposition #25959

Janet Anderson, in opposition #26016

Mariah Ralston Deragon, in opposition #26025

Shannon Krueger, in opposition #26032

Faye Seidler, in opposition #26037, 26053

Doug Sharbono, in favor #26057

Ethan Dahl, in opposition #26114

4:36 PM **Madam Chair Lee** closed the hearing.

Patricia Lahr, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Human Services Committee
Fort Lincoln Room, State Capitol

HB 1474
3/28/2023

Relating to vital statistic collection; and relating to the definition of father, female, male, mother, and sex.
--

2:40 PM **Madam Chair Lee** called the meeting to order. **Senators Lee, Cleary, Clemens, K. Roers, Hogan, Weston** are present.

Discussion Topics:

- Clarity
- Biological sex
- Non-determined

2:41 PM **Senator Lee** calls for discussion.

2:52 PM **Darin Meschke, Director, Vital Records**, provided information verbally.

3:03 PM **Madam Chair Lee** closed the meeting.

Patricia Lahr, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Human Services Committee
Fort Lincoln Room, State Capitol

HB 1474
3/29/2023

Relating to vital statistic collection; and relating to the definition of father, female, male, mother, and sex.
--

11:12 AM **Madam Chair Lee** called the meeting to order. **Senators Lee, Cleary, Clemens, K. Roers, Hogan, Weston** were present.

Discussion Topics:

- Clarity
- Mother
- Father

Senator Lee calls for discussion.

11:13 AM Liz **Fordahl, Counsel, Attorney General Office**, provides information verbally.

Senator K. Roers moved to **adopt amendment**, and to strike line 12, change definition of male to produce sperm and strike line 18 on page one, line 22 change and to or and strike section 2. LC 23.1055.02001

Senator Hogan seconded the motion.

Roll call vote.

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

Motion passed 4-2-0.

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

Senator Cleary withdrew his motion and moved **DO NOT PASS** as **AMENDED**.

Senator K. Roers seconded the motion.

Roll call vote.

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

Motion failed 3-3-0.

Senator Cleary moved Without Committee Recommendation.
Senator Clemens seconded the motion.

Roll call vote.

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

Motion passed 5-1-0.

Senator Cleary will carry HB 1474.

11:37 AM Madam **Chair Lee** closed the meeting.

Patricia Lahr, Committee Clerk

March 29, 2023

3-29-23
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PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1474

Page 1, line 1, remove "create and enact a new section to chapter 23-02.1 of the North Dakota"

Page 1, line 2, remove "Century Code, relating to vital statistic collection; and to"

Page 1, line 2, after "1-01-49" insert "and subsection 7 of section 51-35-01"

Page 1, line 3, remove "father,"

Page 1, line 3, remove "mother, and"

Page 1, line 3, after "sex" insert ", and scrap metal dealer"

Page 1, line 12, remove ""Father" means a parent of the male sex."

Page 1, line 13, remove "4."

Page 1, line 15, replace "5." with "4."

Page 1, line 16, replace "6." with "5."

Page 1, line 17, replace "fertilize the ova of a female" with "produce sperm"

Page 1, remove line 18

Page 1, line 19, replace "8." with "6."

Page 1, line 20, replace "9." with "7."

Page 1, line 23, replace "10." with "8."

Page 1, line 24, replace "11." with "9."

Page 2, line 1, replace "12." with "10."

Page 2, line 3, replace "13." with "11."

Page 2, line 5, replace "14." with "12."

Page 2, line 7, replace "15." with "13."

Page 2, line 17, replace "16." with "14."

Page 2, line 18, replace "17." with "15."

Page 2, line 19, replace "18." with "16."

Page 2, line 20, replace "19." with "17."

Page 2, line 21, replace "20." with "18."

Page 2, line 22, replace "and" with "or"

Page 2, line 23, replace "21." with "19."

Page 2, line 26, replace "22." with "20."

Page 2, line 28, replace "23." with "21."

Page 2, line 29, replace "24." with "22."

Page 2, line 30, replace "25." with "23."

Page 3, line 1, replace "26." with "24."

Page 3, remove lines 3 through 10 with:

"SECTION 2. AMENDMENT. Subsection 7 of section 51-35-01 of the North Dakota Century Code is amended and reenacted as follows:

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

Renumber accordingly

29
3-29-23

REPORT OF STANDING COMMITTEE

HB 1474, as engrossed: Human Services Committee (Sen. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1474 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 1, remove "create and enact a new section to chapter 23-02.1 of the North Dakota"

Page 1, line 2, remove "Century Code, relating to vital statistic collection; and to"

Page 1, line 2, after "1-01-49" insert "and subsection 7 of section 51-35-01"

Page 1, line 3, remove "father,"

Page 1, line 3, remove "mother, and"

Page 1, line 3, after "sex" insert ",and scrap metal dealer"

Page 1, line 12, remove "Father means a parent of the male sex."

Page 1, line 13, remove "4."

Page 1, line 15, replace "5." with "4."

Page 1, line 16, replace "6." with "5."

Page 1, line 17, replace "fertilize the ova of a female" with "produce sperm"

Page 1, remove line 18

Page 1, line 19, replace "8." with "6."

Page 1, line 20, replace "9." with "7."

Page 1, line 23, replace "10." with "8."

Page 1, line 24, replace "11." with "9."

Page 2, line 1, replace "12." with "10."

Page 2, line 3, replace "13." with "11."

Page 2, line 5, replace "14." with "12."

Page 2, line 7, replace "15." with "13."

Page 2, line 17, replace "16." with "14."

Page 2, line 18, replace "17." with "15."

Page 2, line 19, replace "18." with "16."

Page 2, line 20, replace "19." with "17."

Page 2, line 21, replace "20." with "18."

Page 2, line 22, replace "and" with "or"

Page 2, line 23, replace "21." with "19."

Page 2, line 26, replace "22." with "20."

Page 2, line 28, replace "23." with "21."

Page 2, line 29, replace "24." with "22."

Page 2, line 30, replace "25." with "23."

Page 3, line 1, replace "26." with "24."

Page 3, remove lines 3 through 10 with:

"SECTION 2. AMENDMENT. Subsection 7 of section 51-35-01 of the North Dakota Century Code is amended and reenacted as follows:

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

Renumber accordingly

2023 CONFERENCE COMMITTEE

HB 1474

2023 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee
Pioneer Room, State Capitol

HB 1474
4/21/2023
Conference Committee

Relating to the definition of female, male, sex, and scrap metal dealer.

Madam Chair Rohr called the meeting to order at 3:01 PM.

Madam Chair Rohr, Representatives Frelich, Davis; Madam Chair Roers, Senators Cleary, Hogan were present.

Discussion Topics:

- Blood tests
- Vital statistic collection

Madam Chair Rohr called for a discussion on HB 1474 and the amendments passed in the Senate.

Senators Cleary and Roers explain the Senate's amendments to the bill.

Madam Chair Rohr adjourned the meeting at 3:14 PM.

Phillip Jacobs, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee
Pioneer Room, State Capitol

HB 1474
4/21/2023
Conference Committee

Relating to the definition of female, male, sex, and scrap metal dealer.

Madam Chair Rohr called the meeting to order at 7:00 PM.

Madam Chair Rohr, Representatives Frelich, Davis; Madam Chair Roers, Senators Cleary, Hogan were present.

Discussion Topics:

- Committee Action

Madam Chair Rohr called for a discussion on HB 1474.

Senator Roers explains proposed amendment 23.1055.02002 (#27812).

Senator moves that the Senate recede from the Senate's amendments and amend as follows:
23.1055.02002

Senator Cleary seconds the motion.

Roll call vote: Motion carries 6-0-0.

Representative Frelich will carry in the House.

Senator Cleary will carry in the Senate.

Madam Chair Rohr adjourned the meeting at 7:07 PM.

Phillip Jacobs, Committee Clerk

April 21, 2023

OK
1 of 3
4-22-23

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1474

That the Senate recede from its amendments as printed on pages 1562 and 1563 of the House Journal and pages 1294 and 1295 of the Senate Journal and that Engrossed House Bill No. 1474 be amended as follows:

Page 1, line 1, remove "create and enact a new section to chapter 23-02.1 of the North Dakota"

Page 1, line 2, remove "Century Code, relating to vital statistic collection; and to"

Page 1, line 2, after "1-01-49" insert ", subsection 3 of section 12.1-36.1-01 of the North Dakota Century Code as created by section 1 of House Bill No. 1254, as approved by the sixty-eighth legislative assembly, subsection 2 of section 15-10.6-01 of the North Dakota Century Code as created by section 1 of House Bill No. 1489, as approved by the sixty-eighth legislative assembly, subsection 2 of section 15.1-41-01 of the North Dakota Century Code as created by section 1 of House Bill No. 1249, as approved by the sixty-eighth legislative assembly, subsection 20 of section 23-02.1-01 of the North Dakota Century Code as amended in section 1 of House Bill No. 1139, as approved by the sixty-eighth legislative assembly, and subsection 7 of section 51-35-01"

Page 1, line 3, remove "father,"

Page 1, line 3, remove "mother, and"

Page 1, line 4, after "sex" insert ", and scrap metal dealer"

Page 1, line 12, remove "Father" means a parent of the male sex."

Page 1, line 13, remove "4."

Page 1, line 15, replace "5." with "4."

Page 1, line 16, replace "6." with "5."

Page 1, line 17, replace "fertilize the ova of a female" with "produce sperm"

Page 1, remove line 18

Page 1, line 19, replace "8." with "6."

Page 1, line 20, replace "9." with "7."

Page 1, line 23, replace "10." with "8."

Page 1, line 24, replace "11." with "9."

Page 2, line 1, replace "12." with "10."

Page 2, line 3, replace "13." with "11."

Page 2, line 5, replace "14." with "12."

Page 2, line 7, replace "15." with "13."

Page 2, line 17, replace "16." with "14."

Page 2, line 18, replace "17." with "15."

OK
243
4-22-23

Page 2, line 19, replace "18." with "16."

Page 2, line 20, replace "19." with "17."

Page 2, line 21, replace "20." with "18."

Page 2, line 22, replace "and" with "or"

Page 2, line 23, replace "21." with "19."

Page 2, line 26, replace "22." with "20."

Page 2, line 28, replace "23." with "21."

Page 2, line 29, replace "24." with "22."

Page 2, line 30, replace "25." with "23."

Page 3, line 1, replace "26." with "24."

Page 3, replace lines 3 through 10 with:

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

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

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

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

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

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

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

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

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

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

OK
3f3
4-22-23

Renumber accordingly

REPORT OF CONFERENCE COMMITTEE

HB 1474, as engrossed: Your conference committee (Sens. K. Roers, Cleary, Hogan and Reps. Rohr, Frelich, Davis) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1562-1563, adopt amendments as follows, and place HB 1474 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1562 and 1563 of the House Journal and pages 1294 and 1295 of the Senate Journal and that Engrossed House Bill No. 1474 be amended as follows:

Page 1, line 1, remove "create and enact a new section to chapter 23-02.1 of the North Dakota"

Page 1, line 2, remove "Century Code, relating to vital statistic collection; and to"

Page 1, line 2, after "1-01-49" insert ", subsection 3 of section 12.1-36.1-01 of the North Dakota Century Code as created by section 1 of House Bill No. 1254, as approved by the sixty-eighth legislative assembly, subsection 2 of section 15-10.6-01 of the North Dakota Century Code as created by section 1 of House Bill No. 1489, as approved by the sixty-eighth legislative assembly, subsection 2 of section 15.1-41-01 of the North Dakota Century Code as created by section 1 of House Bill No. 1249, as approved by the sixty-eighth legislative assembly, subsection 20 of section 23-02.1-01 of the North Dakota Century Code as amended in section 1 of House Bill No. 1139, as approved by the sixty-eighth legislative assembly, and subsection 7 of section 51-35-01"

Page 1, line 3, remove "father,"

Page 1, line 3, remove "mother, and"

Page 1, line 4, after "sex" insert ", and scrap metal dealer"

Page 1, line 12, remove "Father means a parent of the male sex."

Page 1, line 13, remove "4."

Page 1, line 15, replace "5." with "4."

Page 1, line 16, replace "6." with "5."

Page 1, line 17, replace "fertilize the ova of a female" with "produce sperm"

Page 1, remove line 18

Page 1, line 19, replace "8." with "6."

Page 1, line 20, replace "9." with "7."

Page 1, line 23, replace "10." with "8."

Page 1, line 24, replace "11." with "9."

Page 2, line 1, replace "12." with "10."

Page 2, line 3, replace "13." with "11."

Page 2, line 5, replace "14." with "12."

Page 2, line 7, replace "15." with "13."

Page 2, line 17, replace "16." with "14."

Page 2, line 18, replace "17." with "15."

Page 2, line 19, replace "18." with "16."

Page 2, line 20, replace "19." with "17."

Page 2, line 21, replace "20." with "18."

Page 2, line 22, replace "and" with "or"

Page 2, line 23, replace "21." with "19."

Page 2, line 26, replace "22." with "20."

Page 2, line 28, replace "23." with "21."

Page 2, line 29, replace "24." with "22."

Page 2, line 30, replace "25." with "23."

Page 3, line 1, replace "26." with "24."

Page 3, replace lines 3 through 10 with:

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

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

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

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

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

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

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

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

Insert LC: 23.1055.02002
House Carrier: Frelich
Senate Carrier: Cleary

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

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

Renumber accordingly

Engrossed HB 1474 was placed on the Seventh order of business on the calendar.

TESTIMONY

HB 1474

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 1474, was written for a single, petty reason – to prevent accurate data collection on trans people. It is state censorship, plain and simple, motivated by a desire to erase trans people from public existence.

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***.

†

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

My testimony is in opposition to House Bill 1474. I ask that you give this bill a Do Not Pass.

One of the most common arguments against the whole slate of bills trying to ban transgender people from existing in North Dakota is that they will increase both violence against transgender people and suicide rates among transgender people. This bill seeks to make it impossible to prove one or the other. In other words, it takes the wind out of the sails of people who argue that these bills do not harm transgender people. Never will you be able to prove that North Dakota is not participating in the genocide of transgender people, because you seek to ban the exact kind of data that would protect from this allegation.

Do not pass this bill. Allow the data to speak for itself.

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

Best regards,

Rev. Michelle Webber

WRITTEN TESTIMONY IN OPPOSITION TO HB 1474

House Human Services Committee on House Bill 1474

Date of Hearing: January 25, 2023 9:15 a.m.

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

This written testimony is presented in opposition to HB 1474, which is another bill defining sex and gender, along with prohibiting data collection relating to transgender and non-binary individuals.

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 proposed legislation requires schools and state entities "collecting vital statistics to comply with a nondiscrimination law or to gather accurate public health, criminal, economic, or other data shall identify each individual in the collected data set as either male or female, based solely on the individual's reproductive biology and genetics at birth." This would seemingly lead to intentional and misleading information as it relates to anti-discrimination laws.

You cannot erase the existence of transgender and nonbinary individuals via legislation. They have and will always exist. Accurate information relating to transgender and non-binary individuals is important and should be collected.

Please oppose HB 1474.

January 22, 2023

To Whom It May Concern,

My name is Tim Baumann and I live at 1308 35th Ave. SW in Minot. I am writing today to express my opposition to HB 1474. There are transgender people who live in North Dakota. Failure to count them in state data collection procedures seems like willful ignorance and that the government is trying to cover something up.

Respectfully Submitted,

Tim Baumann

1308 35th Ave. SW

Minot, ND 58701

HB #1474

68th Legislative Session

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

I am writing in opposition to HB #1474. This bill is an attempt to erase transgender people from any statistical record in North Dakota and as a parent of a transgender parent I take offense to this bill.

Everyone in the United States has a right to be seen and their voice heard. You cannot go and legislate the removal of a person from existence. Transgender people exist and they do exist in the State of North Dakota. This bill would make the statistical makeup of North Dakota wrong and not correct. You can't simply remove a sect of people at whim. Hitler tried that, and it did not work.

The authors of this bill lack any understanding and empathy for marginalized people. The very fact that you want to regulate who can be called male and female speaks of the ignorance. HB #1474 mentions the reproductive body parts of a female. What happens if that person is not born with that body part but still is CIS? Nature is not perfect. People are born with extra body parts, missing body parts and some people are born with a body of one gender and the brain of the opposite gender, such as my daughter and every other transgender person out there. I bet you know of someone who is born with something that needed to have medical intervention? The thing is though, the visible differences are seen right away, and people have compassion for that infant. Transgender people only later are able to tell others what is going on. It's the same thing except one is not visible until you take an MRI of that person's brain. Male brains and female brains are formed differently and under MRI imaging that difference is seen.

What are you so afraid of? Are you afraid that the state will have a huge number of transgender people flocking to live in the state so steps like this must be taken? Are you all that insecure that anyone who is slightly different from you poses a threat?

This bill is overreaching the rights of individuals. Forcing people to use the pronouns they don't identify with, the names they don't identify with and no longer use is cruel. None of you have experienced being called something you were not at all because of the insecurities of a group of people who you don't know.

This bill, HB #1474 is malicious and cruel. This bill is totally unnecessary. The ramification of this bill goes beyond the states statistical data. This bill is opening the door to discrimination on a huge scale.

HB #1474

People should be able to live a life and be comfortable in their own skin. Your lack of empathy is dramatic as well as the understanding of human nature. Everyone has the need to be accepted and cared for, the transgender community is no different from any of you except you have the luxury to having no one telling you that your confused, that how you see yourself is wrong and that the way you are is wrong and there fore must be eliminated from all state records.

None of you know anything about transgender people, the struggles they face daily. The authors and supporters of HB #1474 are overreacting to a false narrative that is spun by organizations such as Family Policy Alliance and the like. That isn't your job, to force your religious beliefs on the citizens of North Dakota. This country was founded on people who are different, coming to this country and living amongst each other and yes, even in North Dakota. It's our differences that make this world interesting and not boring. God put us here to learn from one another because of our differences. Don't you see that? Our differences should be celebrated. How boring life would be if we all liked the same things, looked alike, ate the same things. That monotony would be absent from any exciting revelation and there would be no spice to life. It's like all the spices are removed from your kitchens and all we ever had was pepper.

The state cannot govern their citizens out of fear and because of what FOX News or what any other short-sighted entity says. Letting misinformation and rumors dictate state policy is detrimental to the citizens of this state. Do you think people will folk here to live if you put in place policy that excludes transgender people? Is your goal to make North Dakota an Aryan state where only people of a certain type live? I didn't grow up in a state that promoted hatred and bigotry. I grew up catholic and my mom taught us kids that no one is better than the next, ever. MY mom taught us to respect one another's differences because we all are different from each other, even twins. My mom taught us to be kind to others also. My mother got this from following Christ's example. This bill is not spun from Christian beliefs but from rhetoric spews from a false narrative and pulpit.

The lawmakers in North Dakota have to remember that separation of church and state is in the First Clause in the Bill of Rights. If it is good for Congress, then it is good for the legislative body of North Dakota. Our founding forefathers had the insight and wisdom to separate the two so why are you trying to force your religious beliefs on the citizens of North Dakota.

HB #1474 is a bill that discriminates and is formed out of bigotry with no solid background to support its existence or need. Nothing good will come out of this bill and bills like it.

Kristie Miller
Parent of a transgender

As a licensed Marriage and Family Therapist in North Dakota, I urge you to oppose HB 1474.

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.

HB 1474 effectively erases all the transgender individuals from North Dakota, at least on paper. It also ignores the individuals who are born intersex, or with ambiguous genitalia. Intersex people are born at an estimated 1.7% of the population, more common than Downs Syndrome or other genetic differences. This bill does not account for those individuals as well.

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 1474.

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 fascistic, 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.

I am the father of my child. It hurts no one for me to say that & for legal paperwork to reflect it. It helps no one to deny it – in fact, it only hurts me to deny I am.

Removing transgender people from the census is erasing any data of us due to a want to deny us personhood & status. We do not stop existing when we are no longer documented.

House Human Services Committee Members:

I am a life-long North Dakota cis-gender resident who is writing to express opposition to HB1474 which seeks to eliminate transgender individuals from vital statistic collection in our state. This bill is another example of an unnecessary attack on a group of people, is a waste of time and money, and is hurtful and discriminatory.

There are many reasons why this bill is wrong, but I would like to address the importance of accurate data collection which includes transgender people. These vital statistics are available for a wide range of uses including evidence-based research. Two of my children are statisticians and one works for a large independent medical research facility. He told me that limiting the data collection in the way it is proposed would make for biased research if this data was to be used. Public Health uses this information to look at health care needs and plan programs to meet them. If the data is leaving off a group of people, that would mean that they are not included in the data collection or the health assessment and hence would be discriminated against when it comes to public health policy.

This is one of many examples of bills that are trying to erase a group of people either by eliminating them on paper or pushing them out of the state. They are not going away, but these types of bills will push other talented people out of our state who want to live in an area that recognizes diversity and compassion. It will also discourage national companies that are wanting to do business in our state from considering a location that is known to be discriminatory towards a group of bright, talented community members. We can do better to try to reduce discrimination and instead try to be a state that is a trans-affirmative environment.

I would urge you to give this bill a Do Not Pass out of this committee.

Thank you,

Jane Hirst
Minot, ND

January 23, 2023

Chairperson Lee and Committee Members,

I strongly urge a Do NOT Pass on HB 1474. Restricting the amount and type of data that can be collected by schools and state agencies serves no one but limits our understanding of the diversity and experiences of the people of North Dakota. This is censorship, and it has no place in our great state.

I urge a Do NOT Pass on HB 1474.

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

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

My testimony is in opposition to House Bill 1474. I ask that you give this bill a Do Not Pass.

All individuals deserve the basic modicum of respect and legal standing afforded by accurate vital statistics. This bill creates innumerable problems and helps no one.

Thank you for your time and consideration.

Sincerely,

Christopher Brown

As a mother of a transgender teen in the North Dakota Public School System, I strongly oppose HB 1474. This bill states that “data shall identify each individual in the collected data set as either male or female, based solely on the individual's reproductive biology and genetics at birth.” The bill ignores definitions of gender identity as defined by the American Medical Association, the American Academy of Pediatrics, and the American Psychological Association. The bill discriminates against transgender people. Please do not support this harmful and discriminatory legislation.

January 23, 2023

Opposition to House Bill 1474

Dear House Members, My testimony is in opposition to HB 1474. 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 1474.

Shawn Nixon

Dear Chairperson and Members of the House Human Services Committee:

My testimony is in opposition to House Bill 1474, and I ask that you render a DO NOT PASS.

I am a resident of North Dakota, residing in Fargo. Restricting the collection of vital statistics in our state to attempt to erase our transgender and gender diverse residents will skew the data to be misleading and inaccurate. Many of our transgender residents have already completed legal documentation to change gender markers from male or female or vice versa. This bill could create a lot of unnecessary confusion as well as implementing a discriminatory process for our gender diverse population.

Thank you for your time and service to our state,

Naomi Tabassum, LPCC

Chair Larson and members of the Senate Judiciary Committee:

My testimony is in opposition to Senate Bill 1474. I ask that you give this bill a Do Not Pass.

This bill's language is unrealistically restrictive and provides definitions for terms which do not demonstrate an understanding of biological realities. The existence of trans people and intersex people, for example, is not accounted for by this terminology.

I am aware that this language is therefore an attempt to discriminate against some North Dakotans by legislating them out of existence. This is as foolish as it is cruel.

This proposed bill would not achieve anything beneficial for the state or people of North Dakota. Its enactment would curtail human rights unnecessarily, and for no purpose other than discrimination itself. To pass it would only make North Dakota a less safe place by eroding civil rights and encouraging prejudice and aggression. It is morally wrong to do so, as well as harming the reputation and civil rights of our state.

Thank you for your consideration.

Shane Thielges

Dear senators, I'm writing this testimony in opposition to HB 1474. By changing vital statistics collection to no longer allow for the free expression of one's gender it is effectively cutting out a portion of the population from being able to be accurately reflected in discrimination statistics. Trans people exist. This new law would write trans people out of existence from essential data collection, and more horrifying, particularly from discrimination data collection. There is no way to beat around the bush. By no longer allowing data collection to exist that proves and accurately reflects the discrimination faced by trans people, it is in effect inviting discrimination as it takes away any teeth that we may have to combat discrimination by wiping trans people from the record books. Without that knowledge we will be at a loss in taking the necessary steps required in making this state a safer and better one for everyone involved. Deleting a discriminated group from discrimination data collection is in and of itself a form of discrimination. An act that is to its core both cruel and harmful.

Opposition to HB 1474

I urge a Do Not Pass on HB 1474.

Refusing to acknowledge transgender youth does not mean they cease to exist. What is being accomplished by this bill, other than to discriminate against a group that is recognized by the American Medical Association, the American Academy of Pediatrics, and the American Psychological Association?

You can't legislate transgender youth out of existence by passing a bill. They are here and they are entitled to all the human rights that our constitution affords every human being.

Therefore, I strongly urge a Do Not Pass

Janet Mathistad
Minot ND

Annika Mitic
1017 Cottonwood St.
Grand Forks, ND 58201

To whom it may concern,

I would like to voice my opposition to HB1474. Removing transgender individuals from state data collection works against us as a society.

As a working marketing professional who relies on state-provided demographic information in making strategic plans for clients, accurate vital statistics play a role in which companies are willing to spend advertising budget, open storefronts/brick-and-mortar facilities, sponsor events, and expand product lines.

In March 2022, it was estimated that the LBTQ+ community spending surpasses \$1.4 Trillion (<https://www.yahoo.com/now/us-lgbtq-spending-surpasses-1-205100102.html>). By manipulating the data sources to exclude a vital population of the United States, it will limit to the economic growth of our state. Further, it will discourage many businesses who look for human rights issues at the state level from doing business in North Dakota.

Transgender individuals also contribute to society in roles that might differ from what you might assume from birth records. For instance, transgender women are mothers, aunts, daughters, and sisters. As they interact in society, spend disposable income, receive healthcare, and serve as volunteers, they will do so as females. Not including this information in vital statistics will erase their invaluable contributions and likely misattribute their activity to another demographic.

This in turn will impact every major pillar of society and hinder our growth as a community.

Aside from the moral responsibility you hold as elected representatives to our state to represent every single individual who calls this state home, I implore you to also consider the devastating impact this will have on our economy.

Thank you for your consideration,
Annika Mitic

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

As a lifelong resident of Minot, I am writing today in opposition to House Bill 1474. Accurate data collection is an important aspect of ensuring proper care for every population. This is especially true, however, for a group that is as marginalized and oft-oppressed group such as transgender individuals. Moreover, the functionality of the data collected would be completely unbiased and inaccurate. This bill has no benefit, but it certainly would be detrimental for many individuals and those who are responsible for giving appropriate care. I ask that you give this bill a Do Not Pass.

Thank you for your time and consideration,

Mary Elizabeth Gamas



NORTH DAKOTA

Family Alliance LEGISLATIVE ACTION

Testimony Supporting House Bill 1474

Mark Jorritsma, Executive Director
 North Dakota Family Alliance Legislative Action
 January 25, 2023

Dear Chairman Weisz and honorable members of the House 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 support of House Bill 1474 and respectfully request that you render a “DO PASS” on this bill.

A birth certificate is inarguably one of the most foundational documents a citizen must have, for a multitude of reasons. There is ample evidence that birth certificates or their equivalent have been in existence for millennia, and given their importance, one would assume that they would in large part be somewhat insulated from the popular societal notions of our day. Unfortunately, that would be wrong.

A fundamental truth that must be recognized is that biological sex (“sex”) and gender are very different things. Common sense, the medical community, and even our friends at Planned Parenthood recognize that biological sex and gender are different.

It’s common for people to confuse sex, gender, and gender identity. But they’re actually all different things

Sex is a label — male or female — that you’re assigned by a doctor at birth based on the genitals you’re born with and the chromosomes you have. It goes on your birth certificate. [bolded for emphasis]

Gender is much more complex: It’s a social and legal status, and set of expectations from society, about behaviors, characteristics, and thoughts.

– Planned Parenthood, Sex and Gender Identity website page

That said, it is now possible in a number of states to request a “non-binary birth certificate”.

As the views of Americans on gender shift, so do the laws across the country —albeit, gradually. In more than 10 states, it is now possible to request a non-binary birth certificate or amend an existing one.

The term non-binary includes any person who does not identify with a gender that falls within the traditional male/female or man/woman category. – www.usbirthcertificates.com

Do you see the problem? Birth certificates are being used to indicate gender, not sex, even though sex is based upon undeniable scientific fact, but gender is based upon a social construct.

House Bill 1474 simply seeks to ensure that sex is indicated on official state government records such as vital statistics. We realize that every person has defining biological characteristics that identify them as male or female and we want to ensure there is an official foundational document indicating this. If the person wants to later in life identify as something other than their birth sex, that is their choice and limited only by never-ending and imaginative societal trends.

North Dakotans are not relativists. We know the difference between hard work and laziness, common sense and foolishness, right and wrong. Let’s not tumble down the rabbit hole on something as fundamental as a document that states a scientific fact. Playing games is fine, but playing with the truth is simply foolish.

For these reasons, North Dakota Family Alliance Legislative Action respectfully asks that you please vote House Bill 1474 out of committee with a “DO PASS” recommendation. Let’s preserve rational, common sense thinking when it concerns scientific truths.

Feel free to contact me if you have any questions regarding my testimony. Thank you.

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

As a long-term resident of Minot, I am writing today in opposition to House Bill 1474. Accurate data collection is an important aspect of ensuring proper care for every population. This is especially true, however, for a group that is as marginalized and oft-oppressed group such as transgender individuals. Moreover, the functionality of the data collected would be completely unbiased and inaccurate. This bill has no benefit, but it certainly would be detrimental for many individuals and those who are responsible for giving appropriate care. I ask that you give this bill a Do Not Pass.

Thank you for your time and consideration,

Cathy Gamas

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

As a resident of Minot, I am writing today in opposition to House Bill 1474. Accurate data collection is an important aspect of ensuring proper care for every population. This is especially true, however, for a group that is as marginalized and oft-oppressed group such as transgender individuals. Moreover, the functionality of the data collected would be completely unbiased and inaccurate. This bill has no benefit, but it certainly would be detrimental for many individuals and those who are responsible for giving appropriate care. I ask that you give this bill a Do Not Pass.

Thank you for your time and consideration,

Patricia Toy

January 24, 2023

Chairperson and Committee Members,

I strongly urge a Do Not Pass on HB 1474. Schools and state agencies should collect the data that best represents the diversity of North Dakota. Restricting the types of data that our agencies and schools can collect limits our ability to understand our population and plan for the future.

I urge a Do Not Pass on HB 1474.

Sincerely,
Gretchen Deeg
Bismarck, ND



North Dakota House of Representatives

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360

#16553



Representative SuAnn Olson

District 8
17763 Highway 83
Baldwin, ND 58521-9724
solson@ndlegis.gov

COMMITTEES:

Judiciary
Agriculture

January 24, 2023

Testimony Re: HB 1474

Thank you Mr. Chairman and Members of the Human Services Committee. My name is Rep. SuAnn Olson. I represent District 8.

HB 1474 is a bill that will add clarity to the North Dakota Century Code. There are two major components to the bill.

Section 1 adds the following definitions to Section 1-01-49:

Father – means a parent of the male sex.

Female – means a girl, woman, or an individual whose biological productive system is developed to produce ova.

Male – means a boy, man, or an individual whose biological reproductive system is developed to fertilize the ova of a female.

Mother – means a parent of the female sex.

Sex – means an individual's biological sex and is based solely on an individual's reproductive biology and genetics at birth.

The purpose of the definitions is to remove any doubt or uncertainty as to what these terms mean wherever they might appear in the Century Code. If a Code section should mean something other than the defined term, the Code should indicate that.

Section 2 adds a new section to 23-02.1 and requires that various vital statistics be reported as either male or female, based solely on the individual's reproductive biology and genetics at birth. The purpose of clarifying how data should be collected and reported is to ensure the scientific veracity of the data. Think of the inaccuracies that result in the public health arena if biological sex is ignored. For example, certain diseases are more prevalent in one sex or another. To ignore people's biological sex, makes the data less reliable. Take certain cancers, for example. Breast cancer is more prevalent in females. If more breast cancer starts showing up in male statistics, causes and conclusions aren't representative of the scientific fact. Alternatively, prostate cancer ought not show up in female reporting. Statistics are used in a variety of ways and need to be based on immutable data. Section 2 ensures that statistical reporting remains accurate and reliable.

Please Vote Yes on HB 1474.

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

My testimony is in opposition to House Bill 1474. I ask that you give this bill a Do Not Pass.

I am a suicide prevention advocate that specializes in LGBTQ+ populations and accurate collection of vital data is essential for me to be able to do my job. I gave testimony asking to Do Pass on HB 1390, because it would implement a suicide fatality review commission. This commission is essential for understanding broader community data around suicide with the intent to create more sophisticated awareness of the factors impacting suicide related death.

In this same capacity, we cannot understand community health without understanding how it impacts the individuals within it. I advocated for inclusion of Sexual Orientation and Gender Identity (SOGI) Data for both the Youth Risk Behavior Surveillance System (YRBSS) and our Behavioral Risk Factor Surveillance System (BRFSS).

I have used YRBS data when applying for grants and determining community needs. I was awarded a grant through the Community Consensus Council, based on this data, through my work with the Community Uplift Program to do further research into school outcomes. This eventually became the LGBTQ+ School Climate Report of 2021 and serves as the only state data looking at LGBTQ+ youth needs.

The BRFSS of 2022 will release its data sometime this year. It will be the first time it included SOGI data in a decade. We will be using this data to understand and respond to community needs related to health and suicidality.

The definitions of sex that are being added into this piece of legislation are not consistent with state or national data metrics. How we ask questions and what words mean from a data analysis perspective are extremely important and recommendations in this bill are not in line with best practices and would serve to jeopardize the validity of the data we collect.

I strongly urge a Do Not Pass. Especially because as our state considers over a dozen bills that impact LGBTQ+ youth, accurate vital data is the best means to understand the impact these bills will have on community health.

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

Best regards,
Faye Seidler

House Human Services Committee

I am testifying in Opposition to HB 1474. Give this bill a Do Not Pass.

It is simply willful ignorance not to accurately assess the population by their chosen pronouns. Possessing accurate statistics is one of the most valuable assets of any public effort and will be greatly hampered by not having all available information correctly catalogued. This includes the correct gender expression of all citizens of the state, whatever they may choose that to be.

The fact that our senate is wasting time and government resources on something as ridiculous as a bill like this is appalling to me.

Regards,
Royce Brown
Minot, ND

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

My testimony is in opposition to House Bill 1474. I ask that you give this bill a Do Not Pass. It is harmfully worded and does little to advance anything but enforce what the bill writers want to impose as 'moral family values' on everyone in the state by using medically outdated terminology that is a waste of space to be enforced into a states document when its already recorded in a much clearer more accurate way by actual medical professionals. But again the real purpose of this bill is to grossly target the Trans community and almost exclusively suppress them. The authors of this bill in one voice say "We are not targeting the trans individuals!" Then they and/or their constituents write out these bills seeking to enforce their own opinions on what constitutes a man or woman and targeting trans individuals! They may as well try to enforce that a poptart is a calzone with as much as they actually know about gender, sex, and biology. But how do you argue with a group who ignores credible factual research and information and published studies so they can make up their own statistics or cherry pick very isolated events and try to present it as if it is the whole group they wanna erase? All they know is their own experience and that which is echoed back to them in their echo chambers on facebook. You have so many wonderful credible doctors who in almost overwhelming MAJORITY support and understand the LGBTQ. It's not a conspiracy that hospitals support the LGBTQ community, It's factual medical research and human compassion. Please Vote Do Not Pass on this bill.

-Nate Brown

Dear Senators, I am writing in opposition to HB 1474. I ask that you give this bill a Do Not Pass.

This bill is a dangerous and harmful affront to the human rights of every transgender North Dakotan. HB 1474 is discriminatory and fails to address North Dakotans who have intersex conditions that may not fit into the definition of female or male that the bill proposes.

I believe all North Dakotans deserve the right to be identified as a person's mother or a person's father as they wish to be identified.

As a lifelong resident of North Dakota, I urge the committee to give HB 1474 a Do Not Pass.

My name is Jodi Plecity and I am in favor of this bill. I always look to the root cause of the problem or suffering, and what is your rock? Let's start like this, the root cause or sex you are born at birth, genetically, biologically, scientifically is what you are the REST OF YOUR LIFE. It doesn't matter how many medications you take, what procedures or surgeries you have, how you decide to dress, talk, or act. At the end of the day, YOU ARE this rock and root! Ask any physician or medical doctor if you can ever 100% make yourself a different sex than what you were from birth. You can't. Male or Female, you don't get to decide that, it is how you come out of the womb. If this bill does not pass it will only allow for deceit and a misinterpretation of who you truly are. If you "think" one day you can just decide and change your sex, you are completely OUT OF YOUR MINDS and need a reality check with some serious help. This is why the changing of your sex on your birth certificate should never be allowed and is a sacred document of who you really are.

Thank you.

Jodi Plecity

Committee members,

I am writing to you today to oppose bill HB1474. The reason I am in opposition to this bill is to advocate for how we can collectively gather information about a grouping of people to help in ways they may need help for management of healthcare costs.

I work as an occupational therapist on an inpatient psychiatric unit (previously in the hospital acute care setting [ICU, rehabilitation, med surg, neuro]), and statistically speaking, people with mental health conditions have higher rates of comorbidities of physical ailments. Additionally, people that are a part of the LGBTQ community have higher rates of mental health conditions, thereby having higher rates of mental health and physical ailments comparatively to their counterparts. Removing our ability for data collection pertaining to this population will hinder our abilities to analyze and implement interventions to mitigate the need for extensive healthcare. This will likely increase length of hospital stay, increase the amount of costs during the length of stay, and impact the quality of care provided. If we are able to identify the needs of populations for people of all demographics, we can reduce costs associated with hospitalization.

I propose instead of removing our ability to gather data on non-binary and transpeople, that we instead create a novel category for statistics that help us recognize the unique needs of people within that demographic category. This could be an option versus eradication of gathering data of this population. We have the opportunity to create an individualized section for this gender identity.

Thank you for your time and consideration of our abilities to include people of all gender identities as representation of North Dakota.

Olivia Data
Testimony on HB 1474
January 24, 2023

RE: Testimony in Opposition to HB 1474

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 1474.

This bill needlessly excludes transgender people from the definitions of categories like "mother" and "father," and it opens the door to countless confusions about intersex people, infertile people, and all those who do not identify within a gender binary. HB 1474 would make the collection of accurate data incredibly difficult, especially within areas of study related to gender and sexuality. By refusing to respect the identities of those who do not conform to inflexible expectations of gender and sexuality, we would be further ostracizing an already marginalized group of people. According to the National Library of Medicine, 82% of transgender people have contemplated killing themselves, and 40% of transgender people have actually attempted suicide¹. HB 1474 will only add to the prejudice and discrimination that transgender people face.

We should be focusing on cultivating a culture of respect and understanding towards fellow North Dakotans. HB 1474 seeks to further divide us. If we want to build a community of North Dakotans who are compassionate, healthy, and able to pursue happiness, this bill must not pass.

I urge you to vote "Do Not Pass" on HB 1522. Thank you for your time.

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

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

January 25th, 2023

From: Gabriela Balf, MD, MPH

Re: **In Opposition to HB 1474**

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 a clinician and as a scientist.

This bill:

- Erases the transgender people from existence. “If it’s not written, it doesn’t count.”
In its functioning, a state needs a count of their citizens (census has existed for six millennia for a reason.) When vital statistics are manipulated this way, it becomes a powerful **eugenics** tool.
- This bill prevents a day like yesterday from happening again. If we physicians and scientists **don’t have data to present you**, how would you know that there are transgender people who are your constituents, who have needs and rights?
- As a scientist I am appalled that I am blocked from doing my job, which is to bring you the data that you need to think through when addressing the needs and rights of this population, about two thousand of your constituents.

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

Testimony in opposition of HB 1474**Relating to vital statistic collection; and to amend and reenact section 1-01-49 of the North Dakota Century Code, relating to the definition of father, female, male, mother, and sex.****Senate Human Services Committee March 21, 2023**

Senator Lee and committee members. My name is Stephen McDonough. I am providing testimony in opposition to HB 1474.

“If you are not measuring it, it is not important.” This is a saying that we used at the NDDoH when I worked there. It refers to the importance of data in evaluation of public health problems. One way for extremists to have the government ignore transgender people is to prohibit data gathering of those who are transgender.

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.

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.

The North Dakota Legislature should not be bullying transgender individuals or wishing that they go away or disappear. HB 1474 needs to be defeated.

Stephen McDonough MD

Jane Pettinger
3633 River Drive
Fargo, ND 58104

Date: March 19, 2023

To: North Dakota Senate Human Services Committee

Re: HB 1474 on collecting vital statistics

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 1474.

Oh I thought you all had surpassed yourself by worrying about who is using the bathrooms in our schools but you outdid yourselves on HB 1474. Here's another bill of absolute nonsense. By disallowing even the collection of data on a portion of our population, we only succeed in further burying our heads in the Bakken oil wells, obliterating all potential for enlightenment.

How about the Senate sends a strong message to the House that nonsense like this bill is indeed nonsense and you don't appreciate them wasting your time by firmly killing this bill??!!

Jeez.

Jane Pettinger

pettingercrew@outlook.com
cell: 701/306-4495



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
HB1205	HB1301	HB1474	SB2199
HB1249	HB1332	HB1488	SB2231
HB1254	HB1333	HB1489	SB2260
HB1256	HB1403	HB1522	
HB1297	HB1473	HB1526	

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

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.

As a mother of a transgender teen in the North Dakota Public School System, I strongly oppose HB 1474. This bill states that “data shall identify each individual in the collected data set as either male or female, based solely on the individual's reproductive biology and genetics at birth.” The bill ignores definitions of gender identity as defined by the American Medical Association, the American Academy of Pediatrics, and the American Psychological Association. The bill discriminates against transgender people. Please do not support this harmful and discriminatory legislation.

Senate Human Services

HB 1474

Tuesday, March 21st, 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 1474.

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.

Growing up in North Dakota did not allow me to easily find the language I needed to express and define myself. Even so, I knew I was different in a queer and gender non-conforming way. I did not meet an openly trans person until I was in my early 20s and meeting them changed my life. Seeing them live their truth opened my future up to one of joy, clarity, and acceptance instead of denial, confusion, and apathy. Coming into my trans identity feels like coming home. It feels right. And I would like the opportunity to make it right and true in as many ways legally available. I am working to legally change my name to a name more affirming than the one given to me at birth. And after I give birth to a child of my own, my intention is to go on hormone replacement therapy and get top surgery to better reflect my inner self even further. Just because I have a uterus, does not make me a woman. And just because I will be the one giving birth to my partner and I's child, does not make me a mother. I will be a nonbinary parent and my child will understand that.

Your refusal to see me does not mean I am not here. And by removing gender variant and gender expansive options from statistical data collection, you are lying to the rest of the public. And even more atrocious, you are refusing to acknowledge that I am a part of this state's population. That I am a person who lives and works and votes and breathes in North Dakota. The fact is, whether you like it or not/understand it or not, I am here. *We* are here. If you truly want to support and serve the people in your state, then that means serving the trans community that exists here as well. It means educating yourselves on what it means to be trans and on what it means to be gender non-conforming, and non-binary. It means having empathy for a community that has faced unwarranted prejudice and hate born from ignorance. Erasing us from statistical data collection is a cheap way to remove yourselves from the very real violence and discrimination that trans and non-binary people face. You will be creating false data via omission, and I think all North Dakotans deserve better than that. They deserve the truth and they deserve accurate representation of their state's data, and that means including data on the trans, non-binary, and intersex communities that exist here.

At the end of the day it comes down to a simple adage, "You don't have to understand someone to respect them." I am not asking you to understand my gender or relationship to gender or even

understand my gender expression. I am asking that you respect me as a human being who knows who they are, just as much as you know who you are. I am asking that you do not erase us but that you embrace us. Acknowledge us. Accept us. We are your siblings, nieces, nephews, cousins, friends, children. We are people who are exploring our gender and realizing our gender assigned at birth never properly fit. We are people who have always known but who are hiding in the closet because we're so terrified of being disowned by family members. We are people locking away our authentic selves because we are frightened of being targeted by anti-trans legislation such as this. We are people who serve our communities. We are local artists, small business owners, veterans, students, parents, grandparents, leaders, performers, social workers, teachers. We are here in North Dakota and we deserve to be acknowledged, not erased. This is our home too and always has been.

My best friend is a trans man living in Wisconsin. For strangers meeting him, they would have no idea he was born with a female body. He has a flat chest, a thick beard, brawny shoulders, and a low timbre of a voice. I am so elated that he was able to change his gender on his birth certificate to male and likewise change his driver's license and other legal documents. That opportunity to have such a wholistic synchronicity with oneself in all spheres of life is truly wonderful. My friend's joy is human and beautiful. I hope that my home state will offer me and others like me the same opportunity for gender affirming legal changes as well as statistical representation. These changes will keep us safe and will make us feel seen and celebrated. We deserve that. We deserve to see our community represented. And all North Dakotans deserve to see their states' peoples accurately represented, aka honesty.

There is no harm in allowing people to live life as their most authentic selves. It costs you nothing to be kind to us. It costs you nothing to see our shared humanity. That is why I am in strong opposition of HB 1474.

Thank you for reading my testimony. Your consideration of my perspective and the other perspectives of the trans, queer, and gender expansive LGBTQIA+ community is very much appreciated.

Audin Rhodes

Ajdubz379@gmail.com

#701-389-0910

Michele Grenier

Rolette, ND

RE: Opposition to HB 1474

I am voicing my opposition to HB 1474, which is clearly a hate bill and discriminatory. This bill is fueled by bigotry and ignorance and it clearly disregards the definitions of gender identity as defined by the American Medical Association, the American Academy of Pediatrics, and the American Psychological Association.

This bill discriminates based on uneducated, unchristian, and hate values, rather than informed and loving values.

Please do the right thing for ALL North Dakotans and vote NO on HB 1474.

Thank you,

Michele Grenier

21 March 2023

TESTIMONY ON HB1474 – POSITION: IN OPPOSITION TO

Relating to vital statistic collection; and relating to the definition of father, female, male, mother, and sex

TO: Chair Lee, Vice Chair Roers, and members of the Senate Human Services Committee

FROM: Meghann Reardon

My name is Meghann Reardon. I am a resident of District 21. I am submitting this testimony in opposition to HB1474 - Relating to vital statistic collection; and relating to the definition of father, female, male, mother, and sex.

I am a genetic counselor, and I have concerns about the narrowness of the definitions proposed by this legislation. The wording in this bill excludes not only transgender individuals but also intersex individuals and individuals with disorders of sexual development. Defining “female” as someone “whose biological reproductive system is developed to produce ova” limits the definition of a woman to the presence or absence of functioning ovaries. This ignores the existence of individuals with external female sex characteristics who were born without ovaries or who have nonfunctioning ovaries. There are similar limitations to the proposed definition of “male.”

Additionally, the majority of individuals do not know their sex chromosomes with certainty. Congenital sex chromosome abnormalities occur in more than 1 in 500 births. There are genetic conditions, such as androgen insensitivity syndrome and Swyer syndrome, which cause individuals who have a Y chromosome to develop as, and often identify as, girls. Conditions, like 46, XX testicular difference of sex development, cause individuals with no Y chromosome to develop as boys. Many individuals do not know that they have these conditions unless they experience health concerns or infertility later in life. Defining sex based on sex chromosomes, the presence of certain internal organs, and hormone levels necessitates testing of these in all children, and it is worrisome to have the government involved in such testing.

In closing, I believe this bill needlessly limits and confuses the definitions of male and female. It will only serve to exclude the lived experiences of transgender individuals, intersex individuals, and individuals with disorders of sexual development from data collection, which will hinder the ability of the government to properly serve these people. **I urge this committee to return an unfavorable report on HB1474.**

Chairperson Lee and members of the Senate Human Services Committee,

Please vote “Do Not Pass” on HB1474. Further, please encourage your colleagues to stop wasting time on unnecessary bills. HB1474 is simply THAT: unnecessary. What point does it serve and why are our elected officials wasting time on this?

Rather than you spending the time to push this through and us spending our valuable time fighting this, we, as North Dakotans, could be doing so much better.

You could be reviewing bills to help strengthen North Dakota’s mental health and addiction services. If, as one Representative said, protecting “our dearest and innocent population, our minors” is genuinely one of your goals – you would be focusing on eliminating the deaths of this “vulnerable population” from suicide and overdose rather than writing bills that cause harm.

You could strengthen our schools by providing more funding, supporting a focus on students’ mental and emotional health, and finding ways to provide additional services to struggling families. Perhaps more training for teachers on how to deal with suicidal students, students suffering abuse, and students who become violent? One middle school teacher shared that they often are told to refer these cases to the counselors, but with 800 students and 2.5 counselors, that doesn’t meet the many needs of the students. This same school is down 11 Paraprofessionals (key staff who help support students directly) because these positions are not paid enough and often don’t receive benefits. If the ND Legislature approved higher salaries and opened more benefits for these positions, teachers wouldn’t be using their lunch hours and prep hours to pull double duty. A high school teacher asked me: “What’s more important: that kids might read something which a minority of adults are offended by, or that we have a lower standard of learning for our children due to lack of resources?”

You could support our government employees, including police and fire, by finding ways to improve our retirement plans and provide better mental health support. Rather than looking for ways to decrease funding for emergency responders, public works, engineering, airports, etc., you could support existing mill levies and provide additional funding for infrastructure repair and emergency snow removal. Additionally, you could help attract and maintain government employees by avoiding conversations about not funding NDPERS instead of spending this valuable time defining what is meant by “Sex- based classifications.”

You could develop ways to fund our university systems better so we can attract more students, especially in fields that suffer so badly, such as school Paraprofessionals, STEM, and nursing. You could also choose to invest in old buildings to make them safer and accessible to all while protecting the salaries of university professors. Furthermore, you could help defray the cost of higher education to make North Dakota universities more affordable instead of focusing on the perceived negative impact of graphic novels.

Finally, you could help keep these students in our state by discussing ways to support Governor Burgum’s Energize Our Communities plan. Legislators could be exploring funding for state

parks, museums, art events, and other cultural activities and organizations, which will increase our state's quality of life and show others that they can find the good life in ND. Instead, we are here discussing a bill that embarrasses our great state, making us appear backwards, uninviting, and (far worse) willing to embrace a mindset that encourages others to cast some of our "most vulnerable" population as immoral degenerates.

Let's please work together more constructively to truly improve our state.

Thank you,
Janet B. Anderson
Burlington, ND



NORTH DAKOTA

Family Alliance LEGISLATIVE ACTION

Testimony Supporting House Bill 1474

Mark Jorritsma, Executive Director
North Dakota Family Alliance Legislative Action
March 21, 2023

Dear 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 support of House Bill 1474 and respectfully request that you render a “DO PASS” on this bill.

A birth certificate is inarguably one of the most foundational documents a citizen must have, for a multitude of reasons. There is ample evidence that birth certificates or their equivalent have been in existence for millennia, and given their importance, one would assume that they would in large part be somewhat insulated from the popular societal notions of our day. Unfortunately, that would be wrong.

A fundamental truth that must be recognized is that biological sex (“sex”) and gender are very different things. Common sense, the medical community, and even our friends at Planned Parenthood recognize that biological sex and gender are different.

It’s common for people to confuse sex, gender, and gender identity. But they’re actually all different things

Sex is a label — male or female — that you’re assigned by a doctor at birth based on the genitals you’re born with and the chromosomes you have. It goes on your birth certificate. [bolded for emphasis]

Gender is much more complex: It’s a social and legal status, and set of expectations from society, about behaviors, characteristics, and thoughts.

– Planned Parenthood, Sex and Gender Identity website page

That said, it is now possible in a number of states to request a “non-binary birth certificate”.

As the views of Americans on gender shift, so do the laws across the country —albeit, gradually. In more than 10 states, it is now possible to request a non-binary birth certificate or amend an existing one.

The term non-binary includes any person who does not identify with a gender that falls within the traditional male/female or man/woman category. – www.usbirthcertificates.com

Do you see the problem? Birth certificates are being used to indicate gender, not sex, even though sex is based upon undeniable scientific fact, but gender is based upon a social construct.

House Bill 1474 simply seeks to ensure that sex is indicated on official state government records, given its scientific basis. This also prevents mismatches among agencies, where one might be recording sex and another recording gender.

We realize that every person has defining biological characteristics that identify them as male or female and we want to ensure there is an official foundational document indicating this. If the person wants to later in life identify as something other than their birth sex, that is their choice and limited only by never-ending and imaginative societal trends.

North Dakotans are not relativists. We know the difference between common sense and popular trend, right and wrong. Let’s not tumble down the rabbit hole on something as fundamental as a document that states a scientific fact. Playing games is fine, but playing with the truth is simply foolish.

For these reasons, North Dakota Family Alliance Legislative Action respectfully asks that you please vote House Bill 1474 out of committee with a “DO PASS” recommendation. Let’s preserve rational, common sense thinking when it concerns scientific truths.

Feel free to contact me if you have any questions regarding my testimony. Thank you.



North Dakota House of Representatives

#26022



STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360

Representative SuAnn Olson

District 8
17763 Highway 83
Baldwin, ND 58521-9724
solson@ndlegis.gov

COMMITTEES:

Judiciary
Agriculture

March 21, 2023

Testimony Re: HB 1474

Thank you Chairwoman Lee and Members of the Human Services Committee. My name is Rep. SuAnn Olson. I represent District 8.

HB 1474 is a bill that will add clarity to the North Dakota Century Code. There are two major components to the bill.

Section 1 adds the following definitions to Section 1-01-49:

Father – means a parent of the male sex.

Female – means a girl, woman, or an individual whose biological productive system is developed to produce ova.

Male – means a boy, man, or an individual whose biological reproductive system is developed to fertilize the ova of a female.

Mother – means a parent of the female sex.

Sex – means the biological state of being male or female, based on the individual's nonambiguous sex organs, chromosomes, and endogenous hormone profiles at birth.

The purpose of the definitions is to remove any doubt or uncertainty as to what these terms mean wherever they might appear in the Century Code. If a Code section should mean something other than the defined term, the Code should specifically say that. While simple, these definitions are very important to be defined in the law.

Section 2 adds a new section to 23-02.1 and requires that various vital statistics be reported as either male or female, based solely on the individual's nonambiguous sex organs, chromosomes, and endogenous hormone profiles at birth.

The purpose of clarifying how data should be collected and reported is to ensure the scientific veracity of the data. Think of the inaccuracies that result in the public health arena if biological sex is ignored. For example, certain diseases are more prevalent in one sex or another. To ignore people's biological sex, makes the data less reliable. Take certain cancers, for example. Breast cancer is more prevalent in females. If more breast cancer starts showing up in male statistics, causes and conclusions aren't representative of the scientific fact. Alternatively, prostate cancer ought not show up in female reporting. Statistics are used in a variety of ways and need to be based on immutable data. Section 2 ensures that statistical reporting remains accurate and reliable.

This is a good bill. Please Vote Yes on HB 1474.

March 21st, 2023

To: Chair Lee, Vice Chair Roers, and members of the Senate Human Services Committee,

My name is Mariah Ralston Deragon, and I oppose HB 1474. I echo what numerous others have voiced in their written testimony: Mainly, that putting into code such narrow definitions excludes not only transgender individuals but also intersex individuals and individuals with disorders of sexual development.

I am at a loss as to why the 68th ND Legislature continues to disregard the expert advice and testimony of numerous professionals in a variety of medical fields. This not only hurts the Legislature's ability to make evidence-based policy, but it damages the public trust.

I urge you to VOTE NO on HB 1474.

Sincerely,

Mariah Ralston Deragon

**Senate Human Services Committee
March 21, 2023
HB 1474 - Testimony in Opposition**

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

My name is Shannon Krueger, former District 3 candidate for House of Representatives, District 3 resident, life-long North Dakota resident, educator, and mother; and I am writing in opposition of HB 1474.

This bill—along with all the proposed anti-transgender bills—are nothing more than a diversion and a waste of taxpayers' time and resources. Not to mention a violation of rights and just plain obscene. The sponsors' fascination with genitalia is worrisome.

As a constituent, I would much rather see legislative efforts to address the real issues faced by North Dakotans.

Thank you.

HB #1474**03/20/23**

68th Legislative Session

Representatives: S. Olson, D. Anderson, Christensen, Kasper, Koppelman, Prichard, and Steiner
Senator: Boehm

I am writing in opposition to HB #1474. As a North Dakota native and a mother of a transgender person I find this bill offensive and goes against statistical data collecting standards for the State of North Dakota.

How can the State of North Dakota collect data concerning the state's demographics but in collecting data, exclude the fact that some of the state's population is in fact transgender? Any data collecting which excludes anyone for any purpose is not depicting the state's demographics in a true and accurate manner.

My child is a human being living in the State of North Dakota. She deserves to be counted statistically just as anyone else. The fact that some of the legislators do not know or like transgender people has no relevance. The State of North Dakota isn't the GOP's playground and the GOP shouldn't be acting like the schoolyard bully, telling a sect of North Dakotans how they should and shouldn't identify themselves for statistical purposes.

The GOP has to accept people for who they are and not try to exclude or force people to be who they are not just to make these GOP members comfortable.

You can't erase a sect of people. Hitler tried and so did the KKK. Neither Hitler or the Clan succeeded in their attempt to erase people that they deemed as subhuman.

Being transgender people are not wrong for existing, evil for wanting to be who they are or even perverted. Just because the authors of this bill do not understand, like or agree with who transgender people are for the purpose of statistical work and accuracy, all people who live and work in North Dakota should be counted. All humans deserve to be seen, counted and are relevant, especially the marginalized.

I would like to know what the authors of this bill fear from transgender people. Why can't transgender people be counted just like any other demographic? If the authors of this bill get their way, what demographic is next?

Bills like this harms North Dakota's image and makes North Dakota look as backwards and unwelcoming to anyone who might want to move to North Dakota. What company would want to move or expand

their company to a state that refuses to progress with the times but in fact has regressed with the passing of such a bill as HB #1474.

If the legislators really wanted what's best for North Dakota, they will encourage diversity, accept people for who they are and say this loud and clear by voting DO NOT PASS on HB #1474.

Respectfully,
Kristie Miller

North Dakota Native, Resident and Proud Parent of Transgender Person

Senate Human Services Committee
March 14th, 2023 HB 1474
Testimony in Opposition

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

My name is Faye Seidler and I'm writing to you as the only community outcome and data expert for LGBTQ+ populations in North Dakota. Here is why I make that claim:

I advocated for and recommended design on the transgender data in the [Youth Risk Behavior Survey](#). I submitted a proposal to include Sexual orientation and Gender Identity (SOGI) within the [Behavioral Risk Factor Surveillance System](#). I also have five years of clinical work directly with this patient population. Beyond that, I've consulted with dozens of organizations working across healthcare, social work, and education for best practices in regard to our local data in my work as a suicide prevention advocate. While many organizations collect SOGI data, I'm the only person within our state that I know who actively utilizes it or understands it from a large-scale community health perspective.

I urge a **"Do Not Pass"** on HB 1474.

1. Bill is not required and it conflicts with standard data collecting both locally and federally
2. The substandard data collection purposed would hinder our state's ability to accurately understand and response to community health needs
3. Definitions are inconsistent with legal sex and will cause both logistical errors and create opportunities for discrimination

Considerations for the Data

Representative SuAnn Olson, introduces this bill with hopes to add clarity to the century code and protect data collection. She uses the language that biological data needs to be consistent for accuracy, with an example that prostate cancer shouldn't exist in women. So, I believe it would be fair to suggest the intent of this bill is to remove trans women from being considered as women from a data perspective.

Representative Olson is mistaken on how modern data works. We are able to separate data from cisgender (not-trans) and transgender populations. The prostate cancer rates in cisgender women approaches zero. The entire reason we have transgender as an important demographic data point is that their experiences are not going to be consistent with cisgender individuals. Conversely, trans women have vastly different demographic and biological outcomes than cisgender men.

Transitioning hormonally does bring trans individuals inline with risk factors we typically associate with the sex they identify as, such as with Comprehensive Metabolic Panels variation. It is likely trans women are at a much higher risk of breast cancer than cisgender men. Hormones change people physiologically and the health and risk factors of a population are vastly more complex than reducing people and their experiences down to DNA or what organs they have present at time of birth. Rep. Olson's recommendations would hinder or at least complicate our ability to collect robust community health data. There are still problems with HB 1474, even if it continues to allow gender (in addition to sex) on surveys.

Importance of Language within Surveys

Surveys need to be designed in such a way that the individuals understand what a question is asking and the data accurately captures community demographics. A big problem in surveys is many trans individuals will not identify as trans in intake documentation or survey data.

The proposed changes of HB 1474 to our century code would confuse participants, restrict us to less sophisticated data collection, hinder community health initiatives, and put us in conflict with a number of state and federal data collection initiatives.

[An example, this happened](#) with the HIV/AIDS crisis, where trans women for classification purposes were treated as "men who have sex with men." They were treated as biological men from a data perspective. All efforts to combat HIV/AIDS then targeted gay men specifically and left out trans women, resulting in a higher than average HIV/AIDS outbreak in trans populations compared to gay cisgender (non-trans) populations that continue to persist. I would invite individuals to look at our current [HIV/HCP intake sheet](#).

"Sex assigned at birth" is a clear, direct, and understood way to ask questions related to physiology at birth. It is the gold standard for collecting this information and within data collection serves the important indicator that sex is assigned rather than ordained. Human biology has a number of traits related to sex that are mutable and acknowledging this is important for data, especially within healthcare where individuals have different organ inventories, don't know their chromosome status, or have medically transitioned.

Survey data needs to be extremely careful, consistent, and precise. Single words or how questions are asked can change the outcome of data. What words are intended to mean also do this. This is why great care is put into being consistent across each state, to create the best data pool we can to understand health needs.

In contrast, the following definition of sex is an invention of only the 2023 North Dakota Legislative Session:

"Sex" means the biological state of being male or female, based on the individual's non ambiguous sex organs, chromosomes, and endogenous hormone profiles at birth.

This definition and intent conforms to no research standard for data collection and presents a number of conflicts and challenges to our institutions.

Considerations for Legal Sex

First, the Century Code is not a biological textbook, it is a legal framework. While certain sections may benefit from the invented definition above, this bill is changing the meaning of “sex” as it should be understood throughout the entire code and could have many unforeseen ramifications.

And this definition is inconsistent with how we define legal sex (for now). When we run insurance in a hospital, a patient’s legal sex is used, regardless of their biological traits. In fact, we cannot run insurance as anything other than their legal sex. If we do, the claim gets denied.

HB 1474 does impact this process, because most state agencies data collection comes from forms filled out by clients or patients, typically intake forms. Some of these forms require legal sex, because there are different considerations, protections, and awards given to individuals based on or in regard to legal sex. There are certain opportunities only given to women, such as Women’s Way, where a patient may be legally female, but a form requires they put male.

I believe this would constitute discrimination across many different sectors for transgender people as the definition proposed is in conflict with how we determine legal sex. For consideration on legal sex determination:

1. Legal sex can be established by birth certificate, which is determined by external examination of genitals at time at birth. Chromosomes are not measured, nor is any sort of testing recommended due to the possibility of miscarriage. We do tests in women over thirty-five as a recommendation, but for very specific conditions due to a heightened risk factor of genetic anomaly and not typically for purposes of sex verification. We don’t strictly measure sex organs, chromosomes, or endogenous hormone profiles on a birth certificate. Birth certificates currently can be amended with surgery, possibly after 2023 too.
2. Legal sex can also be established by state ID, [here is the form](#) patients fill out to do so at our DMV.
3. Legal sex can be established by passport, [here is how one does that](#) with the federal government.
4. Legal sex can be determined by different mechanisms for people living in other states, but working in ours.

The definition of sex proposed by HB 1474 would be inconsistent with every mechanism of legal sex that exists in our state and nation. I would offer a final note that the committee that passed HB 1474 during discussion had no idea how this would conflict with federal data nor did they look into it to my knowledge.

Rep. Olson had a desire to increase clarity and I believe this bill will do the complete opposite. It is for all of these reasons that I ask you to vote "Do Not Pass"

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

Best,
Faye

Letter of Collaboration

Faye Seidler
Project Manager Community Uplift Program
101 8th St S, Fargo, ND 58102
Email: Fayeseidler@gmail.com Phone: 701-732-0228

Hello,

I am writing to Dr. Ethan Dahl as an expert in LGBTQ+ outcome data within North Dakota, a statewide community organizer, and a trans survivor of suicide. The University of North Dakota (UND) reached out to me to discuss their CDC proposal to tackle suicide prevention within our state and with a focus on rural communities and LGBTQ+ youth. While we have the infrastructure to create meaningful change for a population that struggles with homelessness, self harm, and suicide, we lack the funding to realize a better future for these kids.

I served as the co-chair for the North Dakota Department of Health's Queer Equity Board. I've written the ND LGBTQ+ School Climate Report, which is a comprehensive breakdown of our queer youth outcome data compared to school policy. I've written and got approval for sexual orientation and gender identity data to be included in our Behavioral Risk Factor Surveillance System and Youth Risk Behavior Survey. I've written for years about the high suicidality, reported on the data across the state, and I've offered meaningful solutions that have always been met with issues related to lack of personal and funding.

When I tell you that UND's proposal is the only life raft that could be in the water, I'm not exaggerating. I've worked hard to communicate our community needs to UND, addressed the community partners that exist in our state, and if approved will do everything within my power to collaborate with UND to assure this grant is successful, accountable, and the best use of CDC resources possible.

I believe that UND is committed and able to undertake this project and we have every tool to make it successful between state data, well organized collaborative infrastructure, and the ability to have sustainable impact on the communities we aim to serve.

I thank you for your time and consideration and ask that you fund UND's effort. I'm happy to answer any questions.

Faye Seidler
5/20/22

**Do Pass Testimony
of Doug Sharbono, citizen of North Dakota
on HB1474
in the Sixty-eighth Legislative Assembly of North Dakota**

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

I am writing as a citizen and believe HB1474 is beneficial legislation. This legislation provides more code definition to what society has always understood or assumed. Having "male", "female", "mother", and "father" legally defined is necessary in this day and age.

Please give HB1474 a Do Pass.

Thank you,

Doug Sharbono
1708 9th St S
Fargo, ND 58103

Legislative Testimony
Senate Human Services Committee
March 21, 2023

To: Madam Chair Lee and Members of the Human Services Committee

From: My name is Dr. Ethan Dahl, and I am writing to you as a researcher and scientist who utilizes data in my research and grant writing efforts.

I support a Do Not Pass on House Bill 1474. My understanding of the bill is that, if passed, changes would be made regarding the entry of vital statistics data as well as amending section 1-01-49 of the North Dakota Century Code relating to the terms father, female, male, mother, and sex. My concern regarding these changes has to do with the use of vital statistics data from a research and health perspective. If North Dakota data is collected and categorized in a different way than national data or data from other states, it will be difficult to compare our citizens to the rest of the nation on things like health and behavioral health outcomes. These comparisons are of great importance when working to secure grant funding from federal and external funders to serve the health and wellbeing of our citizens. I also believe House Bill 1474 would cause vital statistics data to become less detailed for some citizens, which is not helpful when serving all the individuals in North Dakota.

Thank you for your time and ask you to vote Do Not Pass on House Bill 1390.

Dr. Ethan Dahl

March 21st, 2023

From: Gabriela Balf, MD, MPH

Re: In Opposition to HB 1474

Madam Chair Lee and Esteemed 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 own behalf.

This bill:

- Erases the transgender people from existence. “If it’s not written, it doesn’t count.”

In its functioning, a state needs a count of their citizens (census has existed for six millennia for a reason.) When vital statistics are manipulated this way, it becomes a powerful **eugenics** tool.

- This bill prevents a day like last week’s hearing for HB 1254 from happening again. If we physicians and scientists don’t have data to present you, how would you know that there are transgender people who are your constituents, who have needs and rights?

- As a scientist I am appalled that I am blocked from doing my job, which is to bring you the **data that you need** to think through when addressing the needs and rights of this population, about two thousand of your constituents.

I urge you to be thoughtful when you vote for all the transgender bills that are coming your way, and listen to science, 21st century science.

On behalf of our patients, I thank the Senate Human Services Committee for listening to our testimonies and we are available, any time, to bring answers to any questions you may have.



Gabriela Balf-Soran, MD, MPH

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

Testimony in opposition to HB 1474

Senate Human Services Committee

Christina Sambor, North Dakota Human Rights Coalition, Human Rights Campaign, Youthworks

March 21, 2023

Chairwoman Lee and Members of the Committee:

I come before you today on behalf of the North Dakota Human Rights Coalition and HRC to oppose HB 1474. This bill is unnecessary, and the proponents of the bill offer no clear cut need for this legislation. Without any simple policy need for this, the motivation appears to be a desire to erase gender identity based either on a legislator's preference that individuals not be able to choose a gender that differs from the gender assigned at birth, or because of religious convictions that cause the sponsors to believe that such a choice is an affront to their religious practice. Neither of these reasons are permissible justifications for this legislation. We can all hold our individual beliefs, but the constitution puts limits on the types of laws we can pass in an attempt to impose our beliefs on someone else.

Additionally, this bill is one of many proposed this session that seek to limit the rights of transgender individuals. These laws should be heavily scrutinized as they encourage policy that targets a small and vulnerable group of people who are just trying to live their lives. Please vote do not pass on HB 1474.

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 1474, 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 1474.

As we have reviewed each bill singularly, the first question that arises is: why?

What is the problem the bill addressing? How does this problem affect the community, whether that is the state or a specific community.

Of all the bills introduced this session that has targeted the LGB and particularly the Transgender community, HB 1474 is perhaps the most nonsensical.

We live in a community, in a state, in a country, in a world where data is essential. Good and detailed data collection forms the basis of funds distribution, school census data, mental

health trends and specific needs as well as medical care. To cut off the most fundamental of data collection flies in the face of science, knowledge and wisdom.

One can only assign motivations of denial, of erasure, of discrimination and targeting a small part of our population with the intent to do harm.

This is not what we elect leaders to do.

This is pure nonsense and we urge a do not pass vote.

I may add that in 39 testimonies, 38 are in opposition. But then, this is data, which I ascertain a disturbing number of this body wish to deny exists.

23.1055.02002
Title.

Prepared by the Legislative Council staff for
Senator K. Roers
April 21, 2023

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1474

That the Senate recede from its amendments as printed on pages 1562 and 1563 of the House Journal and pages 1294 and 1295 of the Senate Journal and that Engrossed House Bill No. 1474 be amended as follows:

Page 1, line 1, remove "create and enact a new section to chapter 23-02.1 of the North Dakota"

Page 1, line 2, remove "Century Code, relating to vital statistic collection; and to"

Page 1, line 2, after "1-01-49" insert ", subsection 3 of section 12.1-36.1-01 of the North Dakota Century Code as created by section 1 of House Bill No. 1254, as approved by the sixty-eighth legislative assembly, subsection 2 of section 15-10.6-01 of the North Dakota Century Code as created by section 1 of House Bill No. 1489, as approved by the sixty-eighth legislative assembly, subsection 2 of section 15.1-41-01 of the North Dakota Century Code as created by section 1 of House Bill No. 1249, as approved by the sixty-eighth legislative assembly, subsection 20 of section 23-02.1-01 of the North Dakota Century Code as amended in section 1 of House Bill No. 1139, as approved by the sixty-eighth legislative assembly, and subsection 7 of section 51-35-01"

Page 1, line 3, remove "father,"

Page 1, line 3, remove "mother, and"

Page 1, line 4, after "sex" insert ", and scrap metal dealer"

Page 1, line 12, remove "Father" means a parent of the male sex."

Page 1, line 13, remove "4."

Page 1, line 15, replace "5." with "4."

Page 1, line 16, replace "6." with "5."

Page 1, line 17, replace "fertilize the ova of a female" with "produce sperm"

Page 1, remove line 18

Page 1, line 19, replace "8." with "6."

Page 1, line 20, replace "9." with "7."

Page 1, line 23, replace "10." with "8."

Page 1, line 24, replace "11." with "9."

Page 2, line 1, replace "12." with "10."

Page 2, line 3, replace "13." with "11."

Page 2, line 5, replace "14." with "12."

Page 2, line 7, replace "15." with "13."

Page 2, line 17, replace "16." with "14."

Page 2, line 18, replace "17." with "15."

Page 2, line 19, replace "18." with "16."

Page 2, line 20, replace "19." with "17."

Page 2, line 21, replace "20." with "18."

Page 2, line 22, replace "and" with "or"

Page 2, line 23, replace "21." with "19."

Page 2, line 26, replace "22." with "20."

Page 2, line 28, replace "23." with "21."

Page 2, line 29, replace "24." with "22."

Page 2, line 30, replace "25." with "23."

Page 3, line 1, replace "26." with "24."

Page 3, replace lines 3 through 10 with:

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

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

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

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

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

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

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

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

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

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

Renumber accordingly