

January 23, 2023

Honorable Robin Weisz, Representative and Human Services Chair

Representative Weisz and Members of the Committee:

I'm writing to express my opposition to HB 1249 and HB 1489. Both bills deal with designation of athletic teams by gender/sex and "limitations on use of governmental property for athletic events."

As the leader of an organization that works to attract sporting events of all kinds to use our communities' facilities, stay in our hotels, eat in our restaurants, and shop in our stores, I am particularly concerned about Section 2 of each bill, which would prohibit use of any publicly funded facility for youth sports (U18) that allow participation by an athlete who identifies in a gender different from that of their birth. These bills, just like previous iterations in 2021, are anti-business. Why? Because they could cause national sanctioning bodies, like USA Wrestling or USA Swimming, to eliminate any facility in North Dakota from consideration for tournaments. If that happens, we will lose millions of dollars in direct visitor spending in our cities. In addition, it would prevent our local youth organizations—sanctioned by national bodies—from hosting any tournaments in their home facilities.

I continue to believe that the governing bodies of youth sports are far more qualified to deal with these issues than any legislature in any state. To that point, in August of 2022, the North Dakota High School Activities Association revised its policies to prevent students from participating in competitions that do not conform to the sex assigned to him/her at birth.

The fact that these measures have been brought back for another run at passage suggests to me that sponsors and supporters are more concerned about making some sort of cultural statement than they are about the national perception of North Dakota and its cities as welcoming places that are actually—not in statement only—open for business. I implore you to vote no on these ill-advised measures.

Sincerely,



Charley Johnson  
President & CEO

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**MINUTES**

**North Dakota High School Activities Association  
August 24, 2022, Conference Call**

Members present: Aanenson, Bakke, Baxley, Clooten, Diegel, Fridley, Johnson, Jordan, Jundt, Schoch

Absent: Baesler

Audience:

President Schoch called the meeting to order on July 27, 2022, at 10:00 am CST.

Motion by Baxley to approve the agenda, seconded by Aanenson. Motion carried unanimously.

Schoch presented the consent agenda:

- 1) Coop Dissolutions
  - a) Oak Grove and Grace Lutheran in volleyball, 7-8, 2023-24
  - b) Oak Grove and Grace Lutheran in boys basketball, 7-8, 2022-23
  - c) Oak Grove and Grace Lutheran in girls basketball, 7-8, 2022-23
  - d) Oak Grove and Grace Lutheran in boys track and field, 7-8, 2022-23
  - e) Oak Grove and Grace Lutheran in girls track and field, 7-8, 2022-23
- 2) Coop Applications
  - a) Wahpeton and Breckenridge St. Mary's (MN) in girls tennis, 7-12, 2022-23, no fee
  - b) Bismarck Public Schools and Bismarck St. Mary's in girls wrestling, 7-12, 2022-23, no fee
  - c) May-Port-CG and Finley-Sharon in girls wrestling, 7-12, 2022-23, no fee
  - d) Wyndmere, Lidgerwood and Hankinson in girls basketball, 7-12, 2022-23, late fee

Motion by Aanenson to approve the consent agenda, seconded by Clooten. Motion carried unanimously.

President Schoch presented the Executive Board's report from Tuesday August 23, 2022.

The Executive Board reviewed changes to the 2022 boys tennis format proposed by tennis advisory.

Motion by Bakke to make changes to the 2022 boys tennis format as proposed by tennis advisory, seconded by Diegel. Motion carried unanimously.

The Executive Board reviewed a revision draft of the transgender board policy. The committee has been working directly with NDHSAA legal counsel since last spring due to the NCAA changing their transgender policy in January. The Executive Board proposed a revision to the regulation as shown below:

***NDHSAA Transgender Student Board Regulation***

*A transgender student will be defined as a student whose gender identity does not match the sex assigned to him or her at birth.*

*Any transgender student who is not taking hormone treatment related to gender transition may participate in a sex-separated interscholastic contest in accordance with the sex assigned to him or her at birth.*

*The following clarifies participation in sex-separated interscholastic contests of transgender students undergoing hormonal treatment for gender transition:*

- A trans male (female to male) student who has undergone treatment with testosterone for gender transition may compete in a contest for boys but is no longer eligible to compete in a contest for girls.*
- A trans female (male to female) student being treated with testosterone suppression medication for gender transition may continue to compete in a contest for boys but may not compete in a contest for girls.*
- Updated medical treatment and/or hormone therapy verification is required annually.*

*If a trans male or trans female student can show, from a medical perspective, that the student does not have a competitive advantage based on their testosterone treatment or prior physical development as a male, the student's member school may submit a letter and medical evidence to the NDHSAA Executive Director. The Executive Director will then review, investigate, and render a decision. If the student disagrees with the Executive Director's decision, the student's member school may appeal to the NDHSAA Board of Directors for a final decision.*

*NDHSAA Board Approved: November 2015*

*Revised: August 2022*

Motion by Johnson to except the revisions to the transgender board policy with the addition of verbiage that each approval will be reviewed yearly as seen fit by NDHSAA legal counsel. Seconded by Clooten. Motion carried unanimously.

The Executive Board also reviewed the football guidelines in regard to Parshall football. Parshall has forfeited their 9B football season due to the inability to field enough players. Executive Board will be issuing the penalty as prescribed in item 13 of the football regulations.

Motion by Aanenson to approve the executive board report, seconded by Jordan. Motion carried unanimously.

The next scheduled Board meeting will be held on September 22, 2022 at 10:00 am CDT in Valley City at the NDHSAA Office.

President Schoch adjourned the meeting at 9:30 am CDT.

Respectfully submitted,  
Nickolas Walton  
Assistant Director

Signed: \_\_\_\_\_ Approved Date: \_\_\_\_\_