

**Do Pass Testimony  
of Doug Sharbono, citizen of North Dakota  
on HB1489  
in the Sixty-eighth Legislative Assembly of North Dakota**

Dear Madam Chair Larson and members of the Senate Judiciary Committee,

I am writing as a citizen and believe HB1489 is great legislation.

I have a little knowledge of this issue. I am involved as a USA Swimming swim meet official, judging stroke and turns, starting, and deck reffing. Our family is a swimming family. Three of our daughters and our one son have been involved in USA Swimming. We know a little bit about diversity, equality, and inclusion. House Bill 1489 is rightly all of that. In my opinion, it truly balances diversity, equality, and inclusion.

My position on House Bill 1489 is simple. For equality, I believe females should be timed only against other females for rankings and records. Females should not be timed and competed against biological males in exclusively female swimming competitions. It is patently unfair and does not acknowledge the differences between females and males. I have included in the following link the current USA Swimming time records for both males and females in North Dakota. With some notable exceptions, there are generally significant time differences between males and females. The obvious advantage to faster times is natural testosterone. [Team Manager Record Report \(teamunify.com\)](https://www.teamunify.com/team-manager-record-report)

We have been told by opponents to HB1489 there will be no USA Swimming in ND with HB1489. That is a statement that is rather draconian and rings hollow. USA Swimming has recommended guidelines for gender diverse swimming (meaning a biological male swims as a declared female). These are NOT requirements and do not prevent the North Dakota Local Swimming Committee's (NDLSC) from conforming to state requirements that HB1489 will require. This will NOT shut down swimming as we are told. It will preserve the conditions for which we are currently accustomed. The following link includes USA Swimming [recommended practices for gender diverse athletes](https://usaswimming.org/recommended-practices-for-gender-diverse-minors.pdf). Notice the language "should" and not "shall". This does not expressly prohibit a difference in local rules from the USA Swimming recommendations. [recommended-practices-for-gender-diverse-minors.pdf \(usaswimming.org\)](https://usaswimming.org/recommended-practices-for-gender-diverse-minors.pdf)

Competing female athletes against biological males in an exclusively female event is patently unequal even after the required 12 months of hormone treatment. Nationally, there are numerous cases of the biological female records

being shattered by the new entrance of biological males within the female class. This is more prominently seen in track and field right now. I believe it is coming to all sports including swimming, and that belief is well founded based on the data. The following link provides information on a recent Gallup Poll which studied the percentage of the population which identified as non-heterosexual.

[Poll: Stunning Percentage of Generation Z Identifies as LGBT](#)

[\(westernjournal.com\)](#) The percentage of population currently identifying as non-heterosexual is: 1.3% of Age 74+, 2% of Ages 56-74, 3.8% of Ages 40-55, 9.1% of Ages 24-39, and **16%** of Ages 18-23. What was no apparent issue in previous generations due to low numbers of transgenders is now very much an issue that needs to be carefully balanced. There is a conflict between equality and diversity. Equality should not take a backseat in a sport where hundredths of a second do matter. Ignoring this conflict with inaction does not resolve the issue. The time to act is now before the traditional competitions of female sports are adversely affected. If legislative action is delayed, there will be much difficulty in properly balancing equality interests with diversity interests. HB1489 is in the right time, and done in the right place, the ND legislature.

You will hear opponents to House Bill 1489 say revenue matters to them, while expressing little to no concern about the equality considerations. I do get that. I acknowledge our striving for equality for female athletes may deter some of the national competitions from occurring in North Dakota. However, we do not know that, and that argument is speculative. I believe it is better that principle is placed over the risk of losing a large national meet held every few years in North Dakota.

The real world on equality for female athletes and preventing males competing as females is that it will only be stopped with the assistance of the ND legislature. The vehicle rendering this assistance is HB1489. HB1489 is great legislation. I believe this is THE only way to maintain true equality for female athletes in North Dakota.

I am not opposed to amendments that DO NOT alter the original intent of the bill. However, after studying (the opponent's material too), and learning about HB1489, I want it just the way it is.

Thank you,

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