

Senate Judiciary Public Hearing
Wednesday, March 12, 2023, 3:15pm
Peace Garden Room - North Dakota State Capitol

OPPOSING HCR 3013: A concurrent resolution urging the United States Supreme Court to restore the definition of marriage to a union between one man and one woman.

Please include with the Committee Hearing testimony journal for public record.

Chair Senator Diane Larson (District 30 | R), Vice Chair Senator Bob Paulson (District 3 | R), Committee Member Senators Ryan Braunberger (District 10 | D), Jose L. Castaneda (District 40 | R), Claire Cory (District 42 | R), Larry Luick (District 25 | R), and Janne Myrdal (District 19 | R)

My name is Kevin R. Tengesdal, and I am from Bismarck. As a tax-paying citizen of North Dakota, as a veteran who swore an oath to uphold the Constitution, and as a Christian who is gay, I write this letter in opposition to North Dakota House Concurrent Resolution 3013 as presented, or amended.

This resolution “urges the United States Supreme Court to overturn the decision and leave unaddressed the natural definition of marriage as a union between one man, a biological male, and one woman, a biological female;” and “insists on restoring the issue of marriage and enforcement of all laws pertaining to marriage back to the states and the people.”

The passage of HCR 3013 by the House does not have any direct impact on my life. I am not married, and I doubt I will ever be. That is neither here nor there. But, emotionally, it has wrecked me. Hard. I cannot even imagine the deep pain of those this bill does directly affect, hearing that your marriage is no longer valid and must be called anything but. Can you not understand and empathize with this emotional turmoil that this resolution is causing to LGBT citizens?

A resolution letter does not have the teeth that a law does, is what people say. However, this resolution does have the poisonous sting of bigotry and hatred. It sends out the message that we are not wanted. If you do not hear that message, I so do wish I had your ears of privilege. This resolution is just one of several anti-LGBT bills introduced in this session. The message becomes deafening when considered alongside the growing number of such bills in recent years.

Since 2009, I have testified in the North Dakota Legislature in support of LGBT rights, beginning with the state’s first anti-discrimination bill. While early efforts saw more opposition than support, each session brought increasing testimonies in favor of LGBT protections, reflecting shifting public attitudes. However, despite rising community support, legislative opposition has only hardened. Policymakers have not only defeated anti-discrimination measures but have escalated attacks on LGBT rights—including anti-trans bills in 2021, an influx of restrictive legislation in 2023, and now, in 2025, religious rhetoric fueling even broader efforts to marginalize not just LGBT citizens, but other vulnerable communities as well.

Public support for LGBT rights is growing—yet lawmakers continue to defy the will of the people. According to a recent Fargo Forum article, 56% of likely voters support the Supreme Court’s decision, while only 36% favor efforts by the House to overturn the rule. Based on their responses, 89% of Democrats, 57% of Independents and 43% of Republicans said they agreed with the Supreme Court ruling. Yet, despite this, the North Dakota House voted 56% (52 votes) in favor of overturning it, while only 43% (40 votes) supported the Court’s decision.

The numbers speak for themselves. Public opinion is moving forward, yet this legislature is moving backward. This stark contrast between rising public support and increasingly hostile legislative actions sends a clear message: North Dakota's leadership refuses to represent the voices of its people, a fact that should not be overlooked.

So, yes, the message is loud and clear: this legislature does not value the rights and dignity of LGBT citizens. Look around you. Do you not hear the voices of those actively choosing to leave the state because of this rhetoric? Do you ever wonder why LGBT emotional health in this state is sinking? No, you do not. You are ignoring the actual consequences these policies have on mental health and community well-being. The damage is real, and you are choosing to ignore it.

Regarding HCR 3013, Representative Tveit championed the dangerous fiction that "the country would not be able to perpetuate itself without men and women having children," which is resoundingly monstrous. In these ten years of marriage equality, have gay marriages decimated the birth rate in our country? For those of you who are heterosexually married, has the union of a same-gender couple destroyed the sanctity of your marriage? What is your justification for invalidating the sacred vows of a gay couple when their union has had no impact on your own?

I remind you that we have been part and parcel of this land for centuries. We are not something new, something foreign, something infiltrating the state, something to denigrate. We are your fellow citizens seeking our equal rights for freedom, liberty, and the pursuit of happiness. Do not disregard our long history in this state we call home.

This letter has taken me many long moments to write. With each sentence I wrote, I heard the admonition, "Quit complaining; you don't have it that bad." After each paragraph, the voice of "If you don't like it here" reverberated loudly.

But, with each pause, I remembered there indeed remains much support and inclusion from our allies here in North Dakota. I hear the supportive votes voicing their advocacy. I recognize that people are fighting for the LGBT community at large. I acknowledge many faith communities affirm the dignity and worth of LGBT individuals. Religious freedom means acknowledging that faith does not belong to one interpretation alone. Simply put, we are not going away.

I implore you to represent North Dakota's citizens with fairness, honor your oath to the Constitution, and respect the dignity and diversity of your fellow humans—vote to defeat this concurrent resolution and any legislation that seeks to strip rights from marginalized communities. Let us work together to build a more inclusive and accepting future for all North Dakotans.

Kevin R. Tengesdal
Bismarck, North Dakota
District 35

Following is the abbreviated version I intend to present to the Senate Judiciary Committee in person.

Chairperson, members of the committee, respecting your time, I am presenting a shorter version of the letter I have submitted online.

My name is Kevin Tengesdal, and I am from Bismarck. I am a tax-paying citizen of North Dakota, a veteran who swore an oath to uphold the Constitution, and a Christian who is gay. I stand before you today in strong opposition to House Concurrent Resolution 3013.

This resolution may not affect my legal status as I am unmarried. But emotionally? It has wrecked me. Hard. I cannot even imagine the pain of those this bill directly targets—being told that the marriage they built, the life they share, the commitment they have made is not valid in the eyes of this legislature.

It may be a resolution without legal enforcement, but that does not make it harmless. It carries the poisonous sting of bigotry and hatred. It sends a clear message to people like me that we are not wanted. If you cannot hear that message, I so do wish I had your ears of privilege.

Since 2009, I have testified before this body in support of LGBT rights. I remember the first time an anti-discrimination bill was introduced—it faced more opposition than support. However, the number of testimonies in favor of equality has grown with each session since then. Public opinion is shifting.

Yet, this legislature is moving in the opposite direction. Instead of addressing real issues that impact North Dakotans, policymakers have escalated attacks on LGBT rights—first defeating anti-discrimination protections, then targeting transgender citizens in 2021, then introducing an influx of restrictive legislation in 2023, and now in 2025, fueling discrimination with more religious rhetoric.

Public support for LGBT rights is growing, yet lawmakers continue to defy the will of the people. This disregard is not leadership. It is a deliberate effort to marginalize an already vulnerable population. So, yes, the message is loud and clear: This legislature does not value the rights and dignity of LGBT citizens. And there are consequences. People are leaving. Mental health in our community is plummeting. The damage is real, and you are choosing to ignore it.

I ask you as you consider this resolution:

- In these ten years of marriage equality, have gay marriages decimated our birth rate?
- Has the union of a same-gender couple destroyed the sanctity of your own marriage?
- What is your justification for invalidating the sacred vows of a gay couple, when their union has no impact on yours?

We are not new. We are not outsiders. We are your fellow citizens, your neighbors, your coworkers, your veterans, your friends. And we are not going away.

This letter took me many long moments to write, with the voices of "Quit complaining, you don't have it that bad" and "If you don't like it here, leave" whispering in my ear. But then, I remembered: There is support here. Allies in this room. Faith communities that recognize religious freedom means acknowledging that faith does not belong to one interpretation alone. And people who continue fighting for a more inclusive and just North Dakota.

I implore you: Honor your oath to the Constitution. Represent all North Dakotans. Reject this resolution and every attempt to strip rights from marginalized communities. Let's work toward a future where we all belong.

Thank you.