

March 15, 2021

To whom it may concern:

I do not claim to understand this and its full ramifications, but I have been notified by North Dakota Swimming LSC that if this bill (HB 1298) as it stands will end youth sports in ND at the Club and HS level. This would be devastating. Please carefully review the following that was put out by our Dakota Swimming LSC and make sure that we know what we are actually passing.

Sincerely,  
Angela Wescott  
Bismarck, ND

With the current wording of the bill:

- Lines 16-20 would not allow any publicly funded or owned facility to host any event designated as exclusively for boys or girls in which a transgender athlete of the opposite birth gender under the age of 18 may be allowed to participate. Almost all of the sports facilities in Fargo and West Fargo are publicly owned.
- Since the CVB receives public funding in the form of lodging tax dollars, lines 13-15 of this bill would effectively eliminate their ability to support (financially or otherwise) any of those events, even if the event is held at a privately owned facility. We rely on CVB for our events!
- These sanctions would apply simply if a sport's governing body has a policy in place that would allow for a transgender athlete to participate. It would not matter whether one actually is participating or not. The policy alone is enough to enact the above restrictions. USA Swimming lawyers have been notified of this bill.

#### SUMMARY/IMPACTS of POTENTIAL AMENDMENTS TO WORDING OF BILL:

We have received the attached amendment document (second attachment) that we believe will be proposed at the committee meeting on Tuesday. The committee will then consider those amendments during their work after the hearing and one of the committee members would need to make a motion to advance the amendments. The committee will then determine to either amend the bill as proposed, make additional amendments or move the bill forward in its original form. IF the language of the amendments is accepted "as is" in the attachment, the following items would be addressed:

- The proposed language in lines 13-16 would allow for the CVB to support events in the same manner we have done in the past. However, park districts still would be affected. According to our lawyer's interpretation of it, any discounts or package pricing on rent fees from a park district to a youth sports organization/event could be considered a sponsorship. Therefore, if this bill passes, if your organization receives ANY sort of discount/lower rent pricing or package deals from the park district, that would no longer be allowed for you.
- The proposed language in lines 17 through line 2 on the second page, would allow

for organizations to now rent publicly owned facilities, i.e. park district facilities, for practices, games, events, etc. Again, though, while organizations would now have the ability to rent these facilities, it would be at their full rent prices as they cannot offer any discounts. The language also would still prevent the park districts from using their own facilities for events they themselves host/operate if they are for, or in partnership with, any entity or sanctioning body whose transgender athlete policies would provide for transgender athletes to participate.

Some key talking points/impacts are below for the potential amendments of the bill (second attachment):

- Section 1 above

- o Despite these potential amendments (if they pass), the CVB still maintains item #1 above to hold true in that this bill is not needed.

- Section 2

- o Item 2.a (facilities being able to host events) would be addressed
  - o Items 2.b (events we work with), 2.c (FYHA) and 2.d (hospitality industry) would be helped but our perspective is the problem still remains that the size and number of those events would be negatively impacted as team leaders from more progressive states refuse to send their teams to North Dakota due to this law. Any decreases in the number and size of these events would not only negatively impact the revenue streams for organizations running events but also the revenue generated for our community as a whole would also decrease
  - o While local organizations would now potentially be eligible to bid on the events described in item 2.e (non-local events), we believe there will still be a strong likelihood their bids would be stricken from the list of candidates to host the event due to their sanctioning body's reaction to our community having such a law in place. Although these amendments would allow us to now support sporting events, we still have the task of convincing those events to come here which will become significantly more difficult if we have

any sort of transgender law in place. We can't offer any assistance to a tournament that chooses not to come here.

- o The CVB maintains items 2.f (USA Wrestling), 2.g (USA Swimming) and 2.h (reactions from the nation) to be true.

- Section 3

- o Items 3.a (organizations using facilities), 3.b (sanctioning) and 3.c (our ability to support events) would be addressed with the exception of park district operated events.
  - o Item 3.d (high school sports using their own facilities) would still apply until/if the NDHSAA changes their policy.

- Section 4

- o Again, item #4 (reverse effect) would still hold true in light of these potential amendments