

I am a constituent of district 23 and wanted to share some concerns with HB 1259 and Representative Shaefbauer's comments about the costs the state would endure if this bill were passed.

Cost to Implement

Rep Shaefbauer admitted she has not considered any costs that would occur and then stated a mere \$10 to change a nameplate to make it a family bathroom is all that would be needed. She stated that most locations have already put these changes in place – that is not true for costs nor current state of being. Representative Healy said. "I've been at the Capitol for almost seven years, and I've never seen a family bathroom."

This bill states changing rooms, restrooms, and shower rooms in a building or facility owned or leased by the state or by a political subdivision of this state would be affected. That is a lot of locations! It appears Rep Shaefbauer has not considered there are 714 public schools, multi-acre state university campuses with multiple buildings and several shared dorms, School for the Blind and Visually Impaired, School for the Deaf, the South Dakota State Cement Plant, 63 State parks, existing prisons, state-owned housing facilities, the South Dakota Developmental Center, the Capital building, every building in the state that runs state programs such as the Department of Social Services, Department of Health, PUC, transportation, public records and so much more. There are thousands of locations that would need more than just a new name plate. Also the idea to having a gender neutral bathroom or family bathroom does not address locations that have shower rooms. Are we also installing showers in all these neutral spaces?

HB 1259 allows for a "reasonable accommodation" but offers no further guidance on how to provide such an accommodation, nor on how to implement these restrictions.

Upon being questioned, Representative Schaeffbauer responded that incarcerated trans people could be placed in segregated housing units to remain in compliance with HB 1259. "There's a room that I hope nobody would have to go into, but it's called solitary confinement," she responded. So now we are going to punish transgender individuals and place in solitary confinement?

Predators, Pedophiles and Safety

There are currently more than 550 anti-trans bills that were introduced across the country this year. In some of the bills targeting transgender people we have heard bill sponsors claim they are trying to protect them while in the same breath wanting to criminalize them and dehumanize them. I have heard proponents during prior House hearings keep stating "my daughter's safety", or "for girls safety" constantly implying transgender people are predators and pedophiles. Importantly, research consistently shows that transgender individuals are not predators. Studies by reputable organizations, including the American Psychological Association, and numerous peer-reviewed analyses demonstrate that in fact, transgender people are significantly more likely to be victims of harassment, violence, and discrimination. Treating them as threats not only ignores this data but further endangers an already vulnerable population. Transgender people just

want to live their lives in peace just as anyone else does – to be treated with dignity - to not constantly be attacked for merely existing.

Representative Shaefbauer has stated this is not a transgender bill – google South Dakota HB 1259 and you will see many articles showing it is seen as exactly that. Below is an AI overview that pulls several posts and data into one conclusive answer based on the text searched above:

“House Bill 1259 in South Dakota is a legislative proposal that aims to regulate which bathrooms transgender individuals can use. Critics argue that this bill is part of a broader effort to restrict the rights of gender nonconforming individuals in the state. The bill has garnered significant attention and opposition, with concerns about its implications for discrimination against transgender individuals.”

Rejected in 2016

South Dakota was the first U.S. state to ever reject an anti-trans bathroom bill, with former governor Dennis Daugaard (R) vetoing trans facility restrictions in 2016 over concerns that such a move would negatively impact the state’s tourism revenue. The fact that it was all about how it would affect tourism vs those who are transgender is saddening but not surprising.

Additional avenues opened to state lawsuits

We have already witnessed this humiliation and harassment recently in our own US Capitol when Lauren Boebert was “policing” the bathrooms and made a big public scene announcing that a known transgender congresswoman was in the women’s bathroom and called security to have her removed when she in fact wasn’t even in the bathroom – rather a cis woman! (a person whose gender identity corresponds to their sex assigned at birth) So now we have people trying to “catch” a transgender person and when the person isn’t transgender but feels they have been publicly humiliated (or even assaulted) after being accused the state can now add those situations to the list of lawsuits against the state too.

Defining sex

As stated by Representative Rehfeldt, an experienced medical professional, “the data in this bill stating how a person’s sex must be identified is inaccurate”. Go to any medical journal and you will find that sex cannot be marginalized to only the specific ways listed in the Bill. The following is a simplified overview from the Cleveland Clinic explaining how what is implied in this bill is not so black and white in regards to true unaltered biology:

“People who are born intersex have genitals, chromosomes or reproductive organs that don’t fit into a male/female sex binary. Their genitals might not match their reproductive organs, or they may have traits of both. Being intersex may be evident at birth, childhood, later in adulthood or never. Being intersex isn’t a disorder, disease or condition.

People who are intersex have reproductive or sexual anatomy that doesn't fit into an exclusively male or female (binary) sex classification. Intersex traits might be apparent when a person's born, but they might not appear until later -during puberty or even adulthood. You may never notice their intersex traits externally and you might only find out about them after a surgery or imaging test.

Being intersex may affect your: Genitals, Chromosomes, Hormones, Reproductive system, Gonads (ovaries or testicles).

A person who is intersex may have both ovarian and testicular tissue (ovotestes). For example, you might have genitals that are associated with being male. At the same time, you may have internal reproductive anatomy or hormone levels associated with being female.

People who are intersex may have a mix of chromosomes, such as XXY. Or they may have some cells that are XY and some cells that are XX. Or they may have just one X chromosome (XO). Other combinations can occur too."

Lastly – I don't think many have really thought about what it would look like if a transgender male were to use the female bathroom (and vice-versa). The pictures below are of transgender males (assigned female at birth) and with this Bill they would be required to go into the female bathroom and potentially be attacked because people now think there's a man in the women's bathroom.



Thank you for your time and consideration. Please vote NO on HB1259