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New Hope Mayor Jess Herbst, second from left, with her family. Photo by Melanie Grizzel.

NEWS

New Hope Mayor Jess Herbst Testifies Against Bathroom Bill

The state's first openly transgender mayor addressed Texas lawmakers as a fellow legislator.

BY ALEX MACON | PUBLISHED IN FRONTBURNER | JULY 21, 2017 | 2:58 PM

New Hope Mayor Jess Herbst joined hundreds of civil rights activists and Texas business leaders in Austin today to testify against the so-called “bathroom bill” being considered by the state legislature.

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The first openly transgender mayor in the state, profiled in the June issue of *D Magazine*, was the first of 250 speakers to address a Senate panel weighing a pair of bills that would limit transgender people’s access to public restrooms, requiring every individual to use the restroom corresponding with their sex at birth. The bathroom bill has drawn condemnation from transgender activists, local leaders concerned about the state smashing city anti-discrimination ordinances, and executives fearful that its passage would, as in North Carolina, drive away business and sports events. Its supporters, who have found a sympathetic audience in Lt. Gov. Dan Patrick and socially conservative Texas lawmakers, call it a public safety issue.

In her testimony, Herbst addressed the senate committee as a mayor and legislator first, a transgender woman second. She pointed to the lack of any evidence that this is a public safety issue. Laws are already in place to protect against voyeurism and assault, so whose safety

is really at risk by allowing people to use the restroom corresponding with their gender? “I can find no law enforcement agency in the state of Texas that has any listing of any of these offenses ever taking place in a bathroom, or by a transgender or a person pretending to be transgender,” Herbst says. “There’s no incidences of these things happening.”

A transcript and video of her testimony are below.

Thank you Madam Chairwoman,
Committee. Thank you for hearing us.

My name is Jess Herbst. I am the mayor of New Hope, Texas, Collin County. I am here to testify opposed to Senate Bill 3 and 91. I’m not here today to tell you my story. Y’all can find that story pretty easily. I think I’m 300 of your 500 stories. I’m here to talk to you as a fellow legislator. I



When it comes to me to add a new regulation, a new ordinance to my town, that’s brought before me and the council, I do a few things. One, I look to see, ‘Do we already have an ordinance? Do we have something

that's already covering the issue?' Then I will look to see, 'Is it covering it adequately? Is there something we need to change about that ordinance to make it take care of the problem that's being requested?' And finally I will take a look at what do I have as options as a mayor to enforce this ordinance if we pass it.

I've looked at these bills and I'm a little bit confused, because first thing I do is, I look and I find that Texas Penal Code 21 and 22 covers voyeurism, it covers sexual assault, it covers any kind of attack. So I look to see is there an exception that would negate these rules in a bathroom, or if they're done by someone pretending to be transgender. And I find that no, they still apply, right now on the books. So the situations are covered. So I'm a little bit confused as to why we are doing these things, because they are already covered.

In my town, if I put these bills in front of my council the way they exist right now, and I look at the facts, I look at the fact that I go back and I have checked public records and I can find no law enforcement agency in the

state of Texas that has any listing of any of these offenses ever taking place in a bathroom, or by a transgender or a person pretending to be transgender. There's no incidences of these things happening.

Senate Committee on State Affairs - SB 3 and ...



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