

NORTH CAROLINA GENERAL ASSEMBLY
NORTH CAROLINA HOUSE OF REPRESENTATIVES

TRANSCRIPT OF THE PROCEEDINGS
FLOOR SESSION, DEBATE ON HOUSE BILL 2

In Raleigh, North Carolina
Wednesday, March 23, 2016
Transcribed by Brad Worley

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919-870-8070

1 (Beginning of audio.)

2 SPEAKER MOORE: Representatives
3 Blackwell, Bryan and Schaffer are recognized to
4 send forth a committee report. The Clerk will
5 read.

6 CLERK: Representatives Blackwell, Bryan
7 and Schaffer, Judiciary IV Committee report, House
8 Bill 2, Public Facilities Privacy and Security Act,
9 favorable.

10 SPEAKER MOORE: Calendar. Members on
11 motion of Representatives Brawley, Moore, Bishop
12 and all members of the Mecklenburg delegation, the
13 Chair is happy to extend the courtesies of the
14 gallery to City Councilmen Ed Driggs and LaWana
15 Mayfield. Would you all please stand so we can
16 recognize you and thank you for being with us
17 today?

18 (Applause.)

19 Calendar. House Bill 2. The Clerk will
20 read.

21 CLERK: Representatives Bishop, Stam,
22 Howard and Steinburg. House Bill 2, A Bill to be
23 Entitled Acts to Provide for Single-Sex Multiple
24 Occupancy Bathrooms and Changing Facilities in
25 Schools and Public Agencies and to Create Statewide

1 Consistency and Regulation of Employment and Public
2 Accommodations. The General Assembly of North
3 Carolina enacts.

4 SPEAKER MOORE: For what purpose does the
5 gentleman from Wake, Representative Stam, arise?

6 REP. STAM: To speak on the bill.

7 SPEAKER MOORE: The gentleman has the
8 floor to debate the bill. Members of the House
9 will come to order. Members are asked to please
10 take their seats, or if members would like to have
11 a conversation, would ask members to please step
12 off the floor to do so. The gentleman from Wake
13 has the floor to debate the bill.

14 REP. STAM: Thank you, Mr. Speaker.
15 Members of the House, this is a common sense bill
16 that protects the privacy expectations of our
17 citizens, while clarifying local authority.
18 Representative Bishop will give us a
19 paragraph-by-paragraph explanation. Would the
20 House indulge me if I went into history, just
21 the -- three or four minutes?

22 In 1669, the first law passed by the
23 Assembly, the Albemarle Assembly, protected debtors
24 fleeing from Virginia and South Carolina. This was
25 not a good thing for commerce. In 1787, the

1 United -- the Articles of Confederation, we
2 realized that we needed a true nation, and so the
3 Constitution protects interstate commerce and
4 requires the recognition of foreign judgments so
5 that we can collect the debts from those people in
6 Representative Tine's and Steinburg's districts. I
7 think they're still there. If they move toward
8 free flow of commerce and interstate commerce --
9 and that's why the United States is the economic
10 powerhouse of the world, plus natural resources.

11 In North Carolina, there's been a
12 continual struggle for free intrastate commerce.
13 Until 1835, people came down here to Raleigh; they
14 didn't have nice seats like this, but they came to
15 the other building, and they brought all sorts of
16 crazy economic things that would just apply to
17 their town. And in the Constitution of 1835, we
18 said in Article 2, Section 24, there'll be no local
19 bills on trade. We want intrastate commerce to be
20 free. That is one of the main thrusts of this
21 bill, that when people want to do business, in this
22 state, on matters of employment rights, that
23 there'll be a common market without -- throughout
24 the state.

25 Common expectations. If a person travels

1 to Hickory, they don't expect a different rule in
2 the government facilities of Hickory of who can be
3 in -- who can be in a washroom. They don't want --
4 if they want to bid on a contract in Hickory, they
5 can expect that they can pay their employees
6 according to the law and there won't be some
7 special deal just for Hickory. This will help the
8 economy of the state greatly and recognize the
9 privacy rights of every citizen of this state.

10 SPEAKER MOORE: For what purpose does the
11 gentleman from Mecklenburg, Representative Bishop,
12 rise?

13 REP. BISHOP: To debate the bill.

14 SPEAKER MOORE: The gentleman has the
15 floor to debate the bill.

16 REP. BISHOP: Thank you, Mr. Speaker. As
17 we just did, in a good committee meeting, I'd like
18 to, briefly, tick through the three parts of the
19 bill and address the various components, for the
20 benefit of all the members.

21 The bill begins with a recitation of the
22 constitutional principles that Representative Stam
23 just referred to, that the General Assembly may not
24 enact local laws on -- or local acts -- regulating
25 labor, trade, mining and manufacturing, topics of

1 commerce, business, and also that localities,
2 cities and counties, have the powers that are
3 delegated to them by the General Assembly.
4 Beginning with that premise, we then have three
5 parts of the substantive provisions of the bill.

6 Part one concerns single-sex multiple
7 occupancy bathroom and changing facilities and
8 within that part there are two sections: one for
9 K-12 public schools, one for state agency local
10 government facilities. In both instances, what
11 we're establishing is that bathrooms and other
12 distinctly private facilities will be maintained
13 according to -- and designated according to
14 biological sex, and that the usage of them will be
15 in accordance with that.

16 Biological sex, the sections both state,
17 is the physical condition of being male or female,
18 which is stated on a person's birth certificate. I
19 made the point in committee and will make it again
20 here, that our existing laws concerning the content
21 of birth certificates provides that if someone has
22 sex-reassignment surgery and that's certified by a
23 physician, their birth certificate can be amended
24 as to the gender. Both of these provisions, in
25 setting forth that if there are multiple occupancy

1 facilities, they'll be by sex, also says that there
2 is nothing to preclude any of these government
3 bodies from having single-sex or having -- having
4 single occupancy facilities that are designated
5 according to sex or unisex.

6 Nor are -- and there also are several
7 exceptions that apply. For example, if someone
8 needs to go into the restroom or changing facility
9 to assist another person, and those are set forth
10 in detail.

11 The second part of the bill goes to the
12 part -- second and third parts relate to clarifying
13 the limits of local authority, for the sake of
14 having uniform and statewide consistency in
15 business regulation. So part two makes those
16 provisions in two respects.

17 If you look at sections 2.2 and 2.3 on
18 Page 4, those say that when a local government
19 contracts with a vendor, a contractor to build a
20 building or a contractor to sell something, or
21 contracts for competitions for professional
22 services, in those events, cities and counties
23 cannot impose employment practices and/or policies
24 concerning the sales or -- or provision of goods,
25 services or accommodations to the public through

1 their contracting relationships.

2 I'm sorry. I omitted to mention one
3 thing about the first part that's very, very
4 important. As I said, as to multi-occupancy
5 bathroom facilities and other distinctly private
6 facilities, the regulation concerns government
7 facilities only. It mandates nothing with respect
8 to private businesses. They're free to adopt the
9 policies they seem -- they deem most appropriate.
10 So, back to part two.

11 Governments, local governments, cannot
12 impose employment and selling policies on their
13 contracting partners, who are private businesses.
14 And the third provision, which I'm going to come to
15 last, Section 2.1, makes clear that local
16 governments also cannot mandate wage practices in
17 private businesses.

18 And the reason it's here is because the
19 two provisions that we've modified in Sections 2.2
20 and 2.3 previously were modified in 2013 to make
21 clear that local governments could not mandate wage
22 policies through their contracting. We've now
23 generalized that, appropriately, and we've made it
24 a subject of what we call field preemption.

25 The North Carolina Wage and Hour Act

1 already provides a complete and integrated
2 legislative scheme regulating wages and conditions
3 of employment, and we simply added a statement that
4 the law, candidly, already should reflect -- I
5 mean, that is to say, it is the law, although some
6 may dispute it or some may attempt to overstep it,
7 that the Wage and Hour Act preempts local
8 governments and -- and disallows them from
9 regulating in the same field. They cannot regulate
10 wage policy of private businesses. They can set
11 wage policy for themselves any way they want to.

12 Part 3 concerns protection of rights in
13 employment and public accommodations. For the
14 first time, we are proposing that the General
15 Assembly enact a statement, a public policy
16 statement, on public accommodations discrimination,
17 disapproving that. Since 1976, we've had a
18 parallel statement of public policy against
19 employment discrimination. And both of these
20 policies cover all suspect and quasi-suspect
21 classifications recognized by the United States
22 Supreme Court: race, color, religion, national
23 origin, sex. They also cover, in the one instance,
24 the employment discrimination, age and handicap.

25 Those two are not added to the statement

1 of public policy concerning public accommodations
2 discrimination. I'd like to take just a moment to
3 explain why. Age is uniquely appropriate for
4 protection in the -- in the employment
5 circumstance, and -- and that's why it appears in
6 the Employment Policy and not in the Public
7 Accommodations Policy. Handicap is actually
8 covered comprehensively in Employment as well as in
9 Public Accommodations in another part of the
10 General Statutes, Chapter 168A.

11 And there was a case in 2015 from the
12 Court of Appeals on the employment discrimination
13 side, in which the fact that handicap is mentioned
14 here, but not robustly treated here, a plaintiff
15 lost rights by bring their claim for relief under
16 the wrong law. The Court said had they proceeded
17 under 168A, they wouldn't have fallen into the trap
18 of not having secured their rights most robustly.
19 So, we've omitted that, because it would only be
20 window dressing to repeat that in the public
21 accommodations non-discrimination part.

22 But this is historic. There's never been
23 such a statewide non-discrimination statement on
24 public accommodations in North Carolina, and we're
25 doing it here. For both of these statements of

1 public policy, we've also done something else that
2 clarifies law; clarifies law concerning the
3 authority of localities. And that is to say, to
4 state, even though it would have otherwise been
5 evident in a court decision, that these -- that we
6 are regulating the field comprehensively. We are
7 preempting the field. That means that localities
8 are not free to adopt a patchwork of inconsistent
9 law governing these business practices across the
10 state.

11 In each case, that is to say in the
12 employment practices or employment discrimination,
13 as well as public accommodations discrimination
14 policy statements, the Human Resources Commission
15 of the Department of Administration is empowered to
16 receive complaints, investigate and conciliate
17 complaints arising under those areas.

18 Also, for the sake of consistency, places
19 of public accommodation -- the definition is
20 borrowed, by reference, from the Disability --
21 Anti-Discrimination Statute so that, again, we
22 don't have inconsistency in terms of what
23 constitutes a public accommodation.

24 The remainder of the bill, other than a
25 severability provision, is Part 5, and it merely

1 provides that this act becomes effective when it
2 becomes law and applies to any action taken on or
3 after that date, to any ordinance, resolution,
4 regulation or policy adopted or amended after -- on
5 or after that date or to any contract entered into
6 on or after that date. However, the provisions
7 concerning preemption will apply immediately, and
8 to prior ordinances, preempting those and ending
9 their effect as a matter of law. Thank you, Mr.
10 Speaker.

11 REP. JACKSON: Mr. Speaker?

12 SPEAKER MOORE: Just -- just a -- just a
13 moment, if you would. The Chair would like to
14 extend the courtesies of the floor to two
15 individuals. First of all, former Representative
16 Rick Glazier, who recently retired from us. Rick,
17 glad to have you here today with us. Please join
18 me in welcoming Representative Glazier.

19 (Applause.)

20 Additionally, the Chair is happy to
21 extend the courtesies of the gallery to
22 Representative-Elect Holly Grange, who will be
23 replacing Representative Catlin from New Hanover
24 County. Glad to have you here as well today.

25 (Applause.)

1 REP. JACKSON: Mr. Speaker? Mr. Speaker?

2 SPEAKER MOORE: And the Chair is not
3 being too presumptive; she has no opponent in the
4 fall, so -- let's see. The gentleman -- I believe
5 the Chair noticed Representative Jackson stood
6 first. So, for what purpose does the gentleman
7 from Wake, Representative Jackson, rise?

8 REP. JACKSON: To ask Representative
9 Bishop a question about his explanation.

10 SPEAKER MOORE: Does the gentleman from
11 Mecklenburg yield to the gentleman from Wake?

12 REP. BISHOP: I do.

13 SPEAKER MOORE: He yields.

14 REP. JACKSON: Representative Bishop,
15 thank you for that. I'm looking at Page 4, Section
16 3.2. Right at the bottom of the page, there's a
17 line. The new part of that section reads, "This
18 article does not create and shall not be construed
19 to create or support a statutory or common law
20 private right of action, and no person may bring
21 any civil action based upon the public policy
22 expressed herein." Do you see that?

23 REP. BISHOP: I do.

24 REP. JACKSON: I'll --

25 SPEAKER MOORE: Does the gentleman yield

1 to an additional question?

2 REP. BISHOP: I yield.

3 SPEAKER MOORE: He yields.

4 REP. JACKSON: And would I be correct if
5 I stated that Section 143-422.2 is also in that
6 same article? Is that correct?

7 REP. BISHOP: That is correct.

8 REP. JACKSON: And -- Mr. Speaker, follow
9 up.

10 SPEAKER MOORE: Gentleman wish to ask an
11 additional question?

12 REP. JACKSON: I do.

13 SPEAKER MOORE: And does the gentleman
14 from Mecklenburg yield to an additional question?

15 REP. BISHOP: I yield.

16 SPEAKER MOORE: He yields.

17 REP. JACKSON: And so the effect of
18 putting that line in this -- in this proposed
19 legislation would be to eliminate all wrongful
20 discharge state law lawsuits against public policy.
21 Is that correct?

22 REP. BISHOP: No.

23 REP. JACKSON: Follow-up?

24 SPEAKER MOORE: Does the gentleman yield
25 to an additional question?

1 REP. BISHOP: I yield.

2 SPEAKER MOORE: He yields.

3 REP. JACKSON: Does it not say that no
4 person shall bring any civil action based upon the
5 public policy expressed herein?

6 REP. BISHOP: That's what it says.

7 REP. JACKSON: But you don't believe --

8 SPEAKER MOORE: Does the gentleman
9 yield -- does the gentleman yield to an additional
10 question?

11 REP. BISHOP: I yield.

12 SPEAKER MOORE: He yields.

13 REP. JACKSON: But it's your belief that
14 you would still have a Section 422.2 wrongful
15 discharge against public policy lawsuit if this
16 bill passes?

17 REP. BISHOP: There is no such thing as a
18 422.2 wrongful discharge lawsuit. There is -- if I
19 may explain.

20 The courts of North Carolina, under the
21 common law, have created a right of action for --
22 for violation of public policy in a termination of
23 employment. But it's not created by the statute.
24 It exists as a matter of common law, and it can
25 exist for a variety of public policy violations.

1 This is one of them. That is to say, this has been
2 read by courts to provide the basis of -- one of
3 the examples of a basis for public policy discharge
4 claim for relief.

5 And it's true, this language would end
6 that particular action, but in those cases, if
7 there is an employment discrimination violation,
8 the plaintiff in that situation, already has far
9 more robust relief under Title 7 of the federal
10 Civil Rights Act of 1964 than they have under this
11 provision. It costs them nothing substantively and
12 was necessary to make parallel the two provisions
13 that we are proposing to enact.

14 REP. JACKSON: Follow-up, Mr. Speaker?

15 SPEAKER MOORE: Does the gentleman yield
16 to an additional question?

17 REP. BISHOP: I yield.

18 SPEAKER MOORE: He yields.

19 REP. JACKSON: You would agree with me
20 that federal court rights and state court rights
21 would be two different constitutional rights. Is
22 that correct?

23 REP. BISHOP: Well, we're talking about
24 statutory rights, not constitutional rights, but
25 yes. The Title 7 has far more robust private

1 rights and remedies for someone who suffers
2 employment discrimination than are afforded by this
3 statute here -- or afforded as -- by virtue of the
4 public policy expressed in this statute.

5 REP. JACKSON: Follow-up, Mr. Speaker?

6 SPEAKER MOORE: Does the gentleman from
7 Mecklenburg yield to an additional question?

8 REP. BISHOP: I yield.

9 SPEAKER MOORE: He yields.

10 REP. JACKSON: Okay. So, looking at the
11 case law under that statute, there was a lady who
12 was fired for wrongful discharge because she
13 refused to provide sexual favors to her employer,
14 and the court held that she would have a case for
15 wrongful discharge under Statute 143-422.2 in state
16 court, and I ask you if we pass this law, would she
17 still have that right tomorrow?

18 REP. BISHOP: Well, I don't know if
19 that's an accurate reading of what the case would
20 say. It may say that she has a right of action for
21 public -- for -- for public -- discharge in
22 violation of public policy informed by this
23 statute, but it wouldn't be brought under the
24 statute. And she certainly would have a claim for
25 relief under Title 7, with rights of back pay,

1 front pay, reinstatement, punitive damages,
2 attorney's fees, et cetera. She'd have, as I said,
3 far more robust relief under Title 7 than she would
4 have under this -- under the public policy
5 termination common law right of action informed by
6 this statement of public policy, along with many
7 other states of -- statements of public policy.

8 REP. JACKSON: Follow up, Mr. Speaker?

9 SPEAKER MOORE: Does the gentleman from
10 Mecklenburg yield to an additional question?

11 REP. BISHOP: I yield.

12 SPEAKER MOORE: He yields.

13 REP. JACKSON: If this young lady lived
14 in -- if she lived at the coast, where would she
15 file such a Title 7 action?

16 REP. BISHOP: She would file a charge of
17 discrimination with the Equal Employment
18 Opportunity Commission, and from that point -- I
19 mean, I can go through the whole process with you
20 if you want to, but she would file it in a regional
21 EEOC office --

22 REP. JACKSON: Right.

23 REP. BISHOP: -- originally. And then,
24 depending on how the charge was disposed of, she or
25 the EEOC would bring the -- a lawsuit in the

1 appropriate court where she lives. So, if you're
2 asking -- maybe you're asking about which court
3 system. She could bring it in state or federal
4 court. It could be removed to federal court.
5 That's usually what employers want to do.

6 REP. JACKSON: Follow up, Mr. Speaker.

7 SPEAKER MOORE: Does the gentleman yield
8 to an additional question?

9 REP. BISHOP: I yield.

10 SPEAKER MOORE: He yields.

11 REP. JACKSON: How about an employee who
12 is filed -- who is wrongfully discharged because of
13 their race? Would they have a state claim of
14 action, after this bill passes?

15 REP. BISHOP: They would have a federal
16 claim for relief under Title 7. They also would
17 have another claim for federal relief under 42 --
18 42 USE 1981.

19 REP. JACKSON: Final question, Mr.
20 Speaker.

21 SPEAKER MOORE: Does the gentleman yield
22 to a final question?

23 REP. BISHOP: I yield.

24 SPEAKER MOORE: He yields.

25 REP. JACKSON: Would it be fair to say

1 that they will have fewer claims of relief and
2 potential avenues of recovery with passage of this
3 bill?

4 REP. BISHOP: It's conceivable. Let me
5 make sure that I'm clear as I say this for the
6 folks who are non-lawyers. As you know,
7 Representative Jackson, when we file a lawsuit, we
8 name in the lawsuit all of the claims, all of the
9 legal claim theories that we can think of. But as
10 it also turns out, in many, many cases, it's
11 superfluous. That is, what you're interested in if
12 you're a plaintiff is what remedies do I get?

13 And that's why I've spoken over and over
14 again about the remedial rights that are available
15 under federal non-discrimination law. They are
16 very robust. There is nothing forfeited to a
17 plaintiff by not having a public policy cause of
18 action for this specific public policy issue, by
19 virtue of the change in this bill. They'll have
20 ample rights under federal law, as we've kind of
21 illustrated by our interchange.

22 SPEAKER MOORE: For what purpose does the
23 lady from Mecklenburg, Representative Cotham, rise?

24 REP. COTHAM: Thank you, Mr. Speaker. To
25 debate House Bill 2.

1 SPEAKER MOORE: The lady has the floor to
2 debate the bill.

3 REP. COTHAM: Thank you, Mr. Speaker.
4 Well, well, well. Here we are again, in a special
5 session. This time we are here to meddle in the
6 affairs of local government and disrespect local
7 elected leaders. This -- this special session is
8 clearly about -- and it was obvious in the
9 committee we were just in -- that this is to
10 advance some political careers and tarnish other
11 political careers in an election year. Imagine
12 that.

13 We must not allow fear-mongering and
14 discrimination against others. It has no place in
15 North Carolina, in this building, or any other
16 building. We must be a state that is inclusive --

17 REP. STEVENS: Mr. Speaker?

18 SPEAKER MOORE: Just a moment. For what
19 purpose does the lady from Surry, Representative
20 Stevens, arise?

21 REP. STEVENS: To see if the lady will
22 yield for a question.

23 SPEAKER MOORE: Does the lady --

24 REP. COTHAM: I will not at this time.

25 SPEAKER MOORE: Does the lady from

1 Mecklenburg yield to the lady from Surry?

2 REP. COTHAM: I will not.

3 SPEAKER MOORE: She does not yield at
4 this time. The lady from Mecklenburg continues to
5 have the floor to debate the bill.

6 REP. COTHAM: Thank you, Mr. Speaker. We
7 must be a state that is inclusive and welcomes
8 everyone in North Carolina and protects everyone,
9 every citizen in North Carolina. What we are doing
10 here today on this House floor is a bill that flies
11 in the face of inclusiveness. You all know this.
12 This is no surprise. Many of us, on my side of the
13 aisle especially, have focused very hard on
14 inclusiveness. I would hope that you would join
15 our fight.

16 As you know, I represent Charlotte and
17 Mecklenburg, along with many of you in here. We
18 hear from many people in Charlotte that they are
19 absolutely fed up with this Chamber's actions to
20 take part in hurting our city. It's not our first
21 time being the target, as you all know. Instead,
22 people want to talk about opportunities like a
23 great education or having a good-paying job that
24 could improve their lives, not about what we are
25 here doing today.

1 The voters of Charlotte elected the men
2 and women on the City Council to represent them.
3 They won. That's their choices. We should allow
4 the elected members to make decisions on behalf of
5 the people who elected them, not doing what we want
6 to do because we can. We should respect all
7 elected leaders.

8 But I want to talk about a part that's a
9 bit personal, and it's going to be personal to some
10 of you in this Chamber and maybe many listening.
11 As many of you know, I've had two babies while
12 serving here. They are young. They are not of
13 school age, and if any mother or father, but I'll
14 talk about myself, have to use the bathroom, this
15 bill says if I need to use the bathroom because I
16 have to go, not to accompany or help my child, but
17 because mommy has to go, my five-year-old and
18 two-year-old cannot come into the bathroom with me.

19 That's a serious problem, and that's
20 going to affect many people in North Carolina. I
21 think we are sending the absolute wrong message to
22 the people of North Carolina and especially to the
23 business community, of so many jobs that all of us
24 have talked about, that we are trying to attract
25 here in North Carolina.

1 And you are absolutely not protecting
2 children, and you are not protecting women. There
3 going to be many other points raised by my
4 colleagues about why this bill is so bad. I'm
5 asking you all to vote no. I will. Thank you.

6 SPEAKER MOORE: What purpose says the
7 gentleman from Durham, Representative Michaux,
8 arise?

9 REP. STEVENS: Mr. Speaker, I was just
10 going to see if she'd yield for a question now.

11 SPEAKER MOORE: I'm sorry. The Chair
12 will -- the Chair will entertain that. Does the
13 lady from Mecklenburg yield to the lady of Surry
14 for a question?

15 REP. COTHAM: No.

16 SPEAKER MOORE: She does not. Now, the
17 gentleman -- what purpose does the gentleman from
18 Durham, Representative Michaux, rise?

19 REP. MICHAUX: To speak on the bill and
20 for a motion after I speak.

21 SPEAKER MOORE: The gentleman is first
22 recognized to debate the bill.

23 REP. MICHAUX: Mr. Speaker and ladies and
24 gentlemen of the House, we have a bill before us
25 that we just got a chance to get a five-minute read

1 on during the meeting of the Committee, and it's a
2 bill that addresses approximately three or four
3 other ideas or other subjects other than what we
4 were expected to come in here and vote on. I would
5 call your attention -- you've got Parts 1, Parts 2
6 and Part 3 of this bill, and that they are all
7 different and separate parts of the bill. Mr.
8 Speaker, if you will?

9 For instance, the major reason that we're
10 here is found in Part 1 of the bill. But what has
11 been added to that is a usurpation of power for our
12 municipalities and our counties, involving
13 employment practices, involving public
14 accommodations practices, involving a lot of things
15 that we thought -- that had been, really, 50 to 60
16 years in the making, and which we have been living
17 fairly well with.

18 One of the things -- let me just give you
19 one little example of something in this bill. On
20 Page 5 of the bill, where it's -- it says Section
21 143-422-13, Investigation Conciliations. It says
22 that the Human Relations Commission in the
23 Department of Administration shall have the
24 authority. The question was asked in Committee
25 meeting, well, the Human Relations Commission, in

1 the budget, has not been funded. They have been
2 defunded. The answer to that was, well, there are
3 funds available. But they are not recurring funds
4 in order to take care of any situation that may
5 arise under that.

6 As a result of this and having looked at
7 the bill, Mr. Speaker, and knowing that many of the
8 people -- there are people on our side who may want
9 to vote for Part 1. There are some on your side
10 who may not want to vote for Part 2 or Part 3
11 because of the usurpation of power of local
12 governments. We all have talked about how we like
13 things to happen at a local level, and what you're
14 doing in here is taking away complete and total
15 authority from those particular bodies. And with
16 that, Mr. Speaker --

17 REP. STAM: Mr. Speaker, Mr. Speaker?

18 SPEAKER MOORE: For what purpose does the
19 gentleman from Wake, Representative Stam, rise?

20 REP. STAM: Would Representative Michaux
21 yield for one question on that point for me?

22 SPEAKER MOORE: Does the gentleman from
23 Durham yield for the gentleman from Wake?

24 REP. MICHAUX: I yield. Yes, sir.

25 SPEAKER MOORE: He yields.

1 REP. STAM: Representative Michaux, I
2 know you don't have a statute book in front of you,
3 but could you tell us what statute gives local
4 government the authority to regulate employment
5 practices or accommodations?

6 REP. MICHAUX: The same statute that
7 takes away that authority from them. In other
8 words, there is no -- there is no -- there is --

9 REP. STAM: Ah.

10 REP. MICHAUX: -- there is none. And
11 what you're doing is, if they wanted to do it, like
12 some have done -- for instance, there are -- there
13 are cities and counties that have passed minimum --
14 minimum wage laws. You want to come in to -- and
15 do that.

16 SPEAKER MOORE: For what -- I think the
17 gentleman has another -- for what purpose does the
18 gentleman from Mecklenburg, Representative Bishop,
19 rise?

20 REP. BISHOP: To ask the Representative
21 if he would yield for a question.

22 SPEAKER MOORE: Does the gentleman from
23 Durham yield to the gentleman from Mecklenburg?

24 REP. MICHAUX: Yes.

25 SPEAKER MOORE: He yields.

1 REP. BISHOP: Representative, do you
2 believe it's important that cities and counties act
3 within their legal authority?

4 REP. MICHAUX: I believe that the -- that
5 cities and counties should act within their legal
6 authority, as long as it's for the betterment of
7 their community. They are the ones that are closer
8 to the people than -- really, than we are, and they
9 are the ones that ought to be able to make
10 decisions for themselves and not have us do it up
11 here.

12 REP. BISHOP: Follow-up, Mr. Speaker.

13 SPEAKER MOORE: Does the gentleman from
14 Durham yield to an additional question?

15 REP. MICHAUX: Yes, sir. I yield.

16 SPEAKER MOORE: He yields.

17 REP. BISHOP: Wouldn't you agree, though,
18 that the rule of law requires that they follow the
19 limitations on their authority that are set forth
20 in statutes from the General Assembly?

21 REP. MICHAUX: I would agree. I would
22 agree also that states are required to do the same
23 thing as -- considering it's federal law and the
24 Constitution.

25 REP. BISHOP: Thank you, sir.

1 REP. MICHAUX: Mr. Speaker?

2 SPEAKER MOORE: Does the gentleman desire
3 further debate or does the gentleman wish to make a
4 motion?

5 REP. MICHAUX: I wish to make a motion,
6 pursuant --

7 SPEAKER MOORE: The gentleman is
8 recognized for a motion.

9 REP. MICHAUX: -- pursuant to section 313
10 of Mason's Manual, I move that sections 1, 2 and 3
11 be voted on and discussed separately.

12 SPEAKER MOORE: The Chair's going to
13 review the bill and will advise once that's done.
14 House will be at ease.

15 (Members at ease.)

16 SPEAKER MOORE: The House will come back
17 to order. The -- the gentleman's recognized for an
18 amended motion I believe the gentleman wishes to
19 make.

20 REP. MICHAUX: Mr. Speaker, I move that
21 Part 1 be separated and voted on separately, and
22 that Parts 2 and 3 be voted on separately.

23 SPEAKER MOORE: Okay. The Chair rules
24 that this motion is in order. The gentleman's
25 recognized to debate his motion.

1 REP. MICHAUX: Thank you, Mr. Speaker.
2 What it does, it gives you an opportunity to those
3 who didn't want to usurp the power of our cities
4 and counties to debate a little bit more on that.
5 Section 1 deals with the problem that was raised by
6 Charlotte, and that is why I ask for the separation
7 on it. Because there are some who want to vote for
8 it; some who want to vote against it. There are
9 also some on the other side who want -- who do not
10 want to usurp that power of their cities and
11 authorities. I ask that you support the motion.

12 SPEAKER MOORE: Members, there are
13 several lights on. I would ask that those members
14 who wish to debate this motion, please activate
15 your lights. If members are simply wanting to
16 debate the bill as a whole, please turn your lights
17 off. The Chair will afford an opportunity to come
18 back to that. For what purpose does the gentleman
19 from Harnett, Representative Lewis, arise?

20 REP. LEWIS: To debate the motion.

21 SPEAKER MOORE: The gentleman has the
22 floor to debate the motion.

23 REP. LEWIS: Thank you, Mr. Speaker. Mr.
24 Speaker and members, I would ask the members of the
25 Chamber to vote against this motion. This bill is

1 a carefully crafted piece of legislation to make
2 sure that we are able to accomplish the ends that
3 the bill sponsors have explained during this
4 debate. Without veering into the debate on the
5 bill, I would simply ask you to vote no on this
6 motion.

7 REP. MICHAUX: Mr. Speaker, Mr. Speaker?

8 SPEAKER MOORE: For what purpose does the
9 gentleman from Durham, Representative Michaux,
10 rise?

11 REP. MICHAUX: To ask the Rules Committee
12 Chairman a question.

13 SPEAKER MOORE: Does the gentleman from
14 Harnett yield to the gentleman from Durham?

15 REP. LEWIS: I yield, Mr. Speaker.

16 SPEAKER MOORE: He yields.

17 REP. MICHAUX: Mr. Rules Chairman, would
18 you agree with me that Part 1 of this bill can
19 stand alone and be passed and enforced without
20 anything else, particularly anything involving Part
21 2 and 3?

22 REP. LEWIS: Representative, what I would
23 agree is that this entire bill deals with
24 individual localities exceeding the authority that
25 they have had without coming through the General

1 Assembly. Therefore, I believe they are related,
2 and I believe they should remain together.

3 REP. MICHAUX: Another question.

4 SPEAKER MOORE: Does the gentleman yield
5 to an additional question?

6 REP. LEWIS: I yield.

7 SPEAKER MOORE: He yields.

8 REP. MICHAUX: So what you're saying is
9 that all three of these items are -- in fact, the
10 matter of restrooms and the matter of the power of
11 cities and -- are all related in that particular
12 aspect? Is that what you're telling me?

13 REP. LEWIS: Again, Representative,
14 without veering into the content of the bill, as
15 best I can, while I would agree that the gross
16 violation of privacy that the bathroom issue brings
17 about is more alarming to me personally, they both
18 have to do with the exceeding of local authority.

19 SPEAKER MOORE: For what purpose does the
20 gentleman from Rutherford, Representative Hager,
21 arise?

22 REP. HAGER: Speak on the amendment.

23 SPEAKER MOORE: The gentleman has the
24 floor to speak to the motion.

25 REP. HAGER: Thank you, Mr. Speaker.

1 Guys, these three pieces of this bill, as
2 Representative Lewis said, all have something in
3 common. They talk about taking power away from the
4 state that we have always had, and,
5 constitutionally, we always will have, and giving
6 into the cities and counties. That's what these
7 three pieces have in common; that's why they have
8 that common denominator.

9 These cities and counties, especially in
10 this case, have operated outside their boundaries
11 and they're into the boundaries of the State.
12 These three pieces are integrated, they're --
13 they're tied together, so I ask you to vote no on
14 this motion.

15 SPEAKER MOORE: Further discussion,
16 further debate on the motion? For what purpose
17 does the lady from Orange, Representative Insko,
18 rise?

19 REP. INSKO: Thank you, Mr. Speaker.
20 Ladies and gentlemen of the House, I would like for
21 you to vote yes on this motion. Partly because --
22 Section 3 especially, that Representative Jackson
23 talked about, is excessive and unnecessary and
24 would put North Carolina -- it would join North
25 Carolina as the only state without any state law

1 protecting private sector employees. We don't want
2 to do that. We need to separate these out so that
3 we can vote on them separately. So, please, vote
4 yes.

5 SPEAKER MOORE: Further discussion,
6 further debate? If not, the question for the House
7 is the adoption of a Motion 12 set forth by
8 Representative Michaux. Those in favor will vote
9 aye; those opposed will vote no. The Clerk will
10 open the vote.

11 (Votes recorded.)

12 SPEAKER MOORE: The Clerk will lock the
13 machine and record the vote. 35 having voted in
14 the affirmative and 72 in the negative, the motion
15 fails. We're now back on debate on the bill.
16 Members who wish to debate, please activate your
17 lights. What purpose does the lady from Guilford,
18 Representative Harrison, arise?

19 REP. HARRISON: To debate the bill.

20 SPEAKER MOORE: The lady has the floor to
21 debate the bill.

22 REP. HARRISON: Thank you, Mr. Speaker.
23 This bill is so wrong on process and substance, but
24 I'm going to leave it to my colleagues to talk
25 about that. About the cost of this session, the

1 appropriateness of this session, the potential loss
2 of significant federal funding, the economic
3 impact. I'm going to focus on, sort of, the
4 humaneness and the compassion element of this.

5 I wanted to talk about the transgender
6 community, and we heard some compelling testimony
7 in the hearing prior to this -- the committee
8 hearing on the bill. I don't think many of us in
9 this chamber really understand what transgenders go
10 through in term of the harassment and indignity and
11 discrimination on a daily basis. Everything from
12 employment to housing to jobs to restaurant access,
13 hotel access, and, yes, restroom access. So I --
14 we also received an email from a doctor in Cary
15 that talked about the suicide rate among
16 transgenders being as high as 41 percent. I
17 thought that was pretty -- pretty compelling, and
18 you can safely say no one chooses to be
19 transgender.

20 It got me thinking about my constituents.
21 I have constituents who are the parents of a
22 transgender daughter, and I -- she's grown now, but
23 what if this bill had been in place? She was going
24 to be forced to use the boys' locker room in high
25 school, a transgender girl, and forced to use the

1 boys' bathroom in high school. And you can just
2 imagine what kind of harassment and bullying and
3 potential harm might come to that young woman. And
4 this is a scenario that will play out all over the
5 state and affect all kinds of transgender
6 individuals, young and old.

7 It's been repeated, but it bears
8 repeating again, that 200 communities across the
9 nation have enacted these protections for this
10 community, and there has been little incident. It
11 does not encourage sexual predators. There are
12 already laws against sexual predators. It's a ruse
13 to state otherwise. This is also described as the
14 most anti-LGBT legislation in the country.

15 We should not be on the wrong side of
16 history on this. We should instead be focused on
17 real issues that affect women and children, like
18 restoring the EITC, raising the minimum wage, paid
19 sick leave, protecting clean air and clean water.
20 I urge you to vote no.

21 SPEAKER MOORE: For what purpose does the
22 gentleman from Wake, Representative Martin, arise?

23 REP. MARTIN: To send forth an amendment.

24 SPEAKER MOORE: The gentleman is
25 recognized to send forth an amendment. The Clerk

1 will read.

2 CLERK: Representative Martin moves to
3 amend the bill on Page 4, Lines 26 by inserting
4 between age and biological the phrase, "veteran
5 status, sexual orientation, gender identity."

6 SPEAKER MOORE: The gentleman from Wake,
7 Representative Martin, has the floor to debate
8 the -- to debate the amendment.

9 REP. MARTIN: Thank you very much, Mr.
10 Speaker. Members, my amendment does not deal, for
11 the most part, with anything to do about some of
12 the more controversial parts of this legislation, I
13 hope. But I think we would all agree that we are
14 putting this legislation together as we go. It's
15 been a pretty quick process that we've all been
16 called back into session, and we have had limited
17 time to put it together.

18 But understand one of the goals of this
19 legislation to be to implement a statewide
20 anti-discrimination policy, and to take that out of
21 the purview of the local governments. So whether
22 one agrees or disagrees with that policy, I think
23 all 120 of us would agree that we need to do it
24 right, and we need to sure -- make sure that we
25 don't make any mistakes in doing it. So my

1 amendment seeks to address one of those mistakes.

2 I think you'll find one portion of it
3 uncontroversial. The other portion, one that's
4 needed, but one that y'all may have some heartache
5 with, but we will see.

6 But if you look through the various
7 counties and local governments in North Carolina,
8 one of the categories you will see in the
9 anti-discrimination ordinances that they have
10 adopted is, in fact, veteran status. And that is
11 something that, as I have, in the short time that
12 we've had it before us, looked through this bill,
13 is not present. What you will also see in my
14 amendment is that it does, in fact, prohibit in our
15 statewide anti-discrimination policy --
16 discrimination on the basis of sexual orientation
17 and gender identity.

18 I think we can have a broader debate on
19 that also. But without a doubt, it's something, I
20 think, needs to be in our policy. Members, I'm
21 happy to explain why discrimination on the basis of
22 veteran status should be prohibited and why we
23 should not blindly strip from our local governments
24 the ability to protect it, and I'm happy to yield
25 any questions on that or any other matter that's

1 related to this amendment, but I would urge your
2 support.

3 SPEAKER MOORE: For what purpose does the
4 gentleman, from Guilford, Representative Blust,
5 arise?

6 REP. BLUST: To see if Representative
7 Martin will yield for a question.

8 SPEAKER MOORE: Does the gentleman from
9 Wake yield to the gentleman from Guilford?

10 REP. MARTIN: I would gladly yield to
11 John Marshall Blust.

12 SPEAKER MOORE: He yields.

13 REP. BLUST: Thank you. The term
14 "veteran status," could that not be interpreted as
15 a two-sided coin, in which a veteran who served is
16 a veteran on one side of the coin, but someone who
17 didn't serve has a veteran status in that they're
18 not a veteran, and could putting this in the law be
19 interpreted to outlaw veteran preferences programs
20 for things like hiring?

21 REP. MARTIN: I think the clear answer to
22 that is that throughout the country, both at the
23 state level and in some cases at the federal level,
24 and then certainly as I have described at the local
25 government level, there are no shortage of

1 anti-discrimination policies prohibiting
2 discrimination on the basis of veteran status, and
3 I am unaware of any problems similar to that which
4 the gentleman suggests.

5 SPEAKER MOORE: The gentleman has the
6 floor to continue debating if the gentleman desires
7 further debate. Further discussion or debate on
8 this -- for what purpose does the gentleman from
9 Wake, Representative Stam, rise?

10 REP. STAM: To speak on the amendment and
11 make a motion.

12 SPEAKER MOORE: The gentleman has the
13 floor to debate the amendment.

14 REP. STAM: Ladies and gentlemen, first
15 of all, let's be clear. Page 3, Line 44, makes
16 clear that cities and counties can have whatever
17 classifications they want that are otherwise lawful
18 for their own employees. Here we're talking about,
19 you know, not their own employees.

20 In my youth, I was in the military, and
21 so I -- I've been a veteran for 45 years. I have
22 yet to ask anybody at the -- have ever ask -- had
23 anyone ask me before I bought groceries, are you a
24 veteran? And it's had to imagine that anyone would
25 discriminate against you in employment because

1 you're a veteran. So I don't even understand the
2 need for veteran status. It's not a mark against
3 the person.

4 But secondly, you can go endlessly on.
5 Now, the other two items that Representative Martin
6 have mentioned suffer from definitional problems,
7 but let's take New York City, for example. They
8 prohibit discrimination on the basis of arrest
9 history, convict status, incarceration history,
10 credit history, source of income, caregiver status,
11 occupation, ancestry, weight, height, place of
12 birth, homelessness, political affiliation, student
13 status, the list can go on and on. What is in the
14 bill are the suspect classes that have already been
15 recognized in law.

16 Representative Martin is right, that if
17 he wants to change that law, he's at the right
18 place, the General Assembly, but the wrong time,
19 and this should not be done by cities and counties.
20 So, Mr. Speaker, I move to table the amendment.

21 SPEAKER MOORE: The gentleman has been
22 recognized for motion. The gentleman has moved
23 that the bill do lie upon the table. Is the motion
24 seconded? And seconded by Representative
25 Cleveland. The question for the House is the

1 motion to lay the amendment upon the table. Those
2 in favor will vote aye, those opposed will vote no.
3 The Clerk will open the vote.

4 (Votes recorded.)

5 SPEAKER MOORE: Representative
6 Baskerville, Representative Brown on the floor,
7 Rayne Brown? The Court will lock the machine and
8 record the vote. 70 having voted in the
9 affirmative and 36 in the negative, the motion is
10 adopted. The bill does lie upon the table.

11 We're now back on the bill. For what
12 purpose does the gentleman from Mecklenburg,
13 Representative Moore, rise?

14 REP. R. MOORE: To speak very briefly on
15 the bill.

16 SPEAKER MOORE: The gentleman has the
17 floor to debate the bill.

18 REP. R. MOORE: Well, colleagues, we have
19 expensed a great deal of money to come back to
20 Raleigh. We were here a couple of weeks ago to
21 talk about -- talk about bathrooms. But let's
22 drill down into what the intent of this particular
23 legislation is.

24 This is really not about bathrooms. This
25 is about -- this is about fear, because, first of

1 all, you -- the City of Charlotte has a sovereign
2 responsibility and duty to make and pass ordinances
3 that have been given a charter by the State of
4 North Carolina. Does not mean that the State of
5 North Carolina at any time can supersede local
6 authority, but we've been through that for the last
7 four or five years here, so that's -- that's not --
8 that's nothing new. It's not a problem.

9 But it is a problem. Because what you
10 have here is -- you have fear-stoking. The LGB --
11 I've done the research. This ordinance is in over
12 200 cities, as it was referenced before, and there
13 has not, to my knowledge, been any catastrophic
14 incident of assaults, of rapes in these bathrooms
15 or anything, and so the argument that this is such
16 a grave challenge or a grave issue of public
17 safety, just doesn't -- just doesn't mesh;
18 doesn't -- doesn't pan out based upon the data.
19 And so now, let's walk back on that one.

20 We also know that the business community,
21 which we are here, our sole purpose is to create
22 jobs and to put forth a potentially good business
23 climate so that we can attract and retain jobs in
24 North Carolina. The business community has no
25 heartburn with this ordinance. As a matter of

1 fact, if you look at some of our largest employers
2 in the state of North Carolina, they have policies
3 that address LGBT instances of their employees and
4 other things, so that can't be what we're doing
5 here.

6 And so what we -- what we dial back to
7 what I see resonantly clear, is the fact that
8 differences scare us. And so we want to put our
9 anvil, our hammer on the City of Charlotte to
10 affect the whole state, to say we -- we want
11 uniformity in these laws. Well, actually, it is
12 the -- it is the right of each municipality to --
13 to do their own laws or their own ordinances; that
14 we gave them that authority. If you don't want to
15 do that, then I'm sure I will -- whoever that is, I
16 will not yield. Dan, I will not yield. Thank you.

17 SPEAKER MOORE: For what purpose does the
18 gentleman from Union, Representative Arp, arise?
19 Oh, I'm sorry. Does the gentleman desire further
20 debate, I thought -- to debate the bill?

21 REP. R. MOORE: No, I'm not finished.

22 SPEAKER MOORE: All right, apologize.

23 REP. R. MOORE: I -- I --

24 SPEAKER MOORE: There was a long pause,
25 there, Representative Moore.

1 REP. R. MOORE: And I was -- I was
2 waiting for Dan to do his thing. Can I continue?

3 SPEAKER MOORE: The gentleman has the
4 floor to continue debating the bill.

5 REP. R. MOORE: Okay. And I'll wrap this
6 up very quickly. I am against -- I am against this
7 bill because it -- it -- it's not -- the spirit of
8 the bill is not what the bill says that it's
9 intended to do. We've been here before.

10 We know the ugly history of the state and
11 of this nation as it relates to LGBT, as it relates
12 to people of color, immigrants and other things.
13 And we have -- we have a very tricky, slippery
14 slope in this country, that we have had so much
15 rhetoric going on about people who are different
16 than us or supposedly different than us. But if
17 you're a Christian as some of you claim, we are all
18 children of -- of the Most High God, and brothers
19 and sisters in Christ. And so if you look at it
20 from that perspective, I ask that you look into
21 your hearts and that you defeat this measure.
22 Thank you.

23 SPEAKER MOORE: For what purpose does the
24 gentleman from Union, Representative Arp, arise?

25 REP. ARP: To debate the bill.

1 SPEAKER MOORE: The gentleman has the
2 floor to debate the bill.

3 REP. ARP: Thank you, Mr. Speaker.
4 Colleagues, ladies and gentlemen, let me be very,
5 very clear on what we're doing here today. I'm not
6 running for a Congressional seat. Opponents -- I
7 don't want opponents to distract from what we're
8 doing here.

9 Summer's coming. Spring is here,
10 summer's coming. Emily and Ashante, 7-year-old
11 girls, are so excited to go to the pool. Their
12 mother's taking them to the pool. They go into the
13 locker rooms. They're bouncing off the walls with
14 excitement. They have been good all winter long
15 and now their mother is taking them to the
16 community pool to go swimming. 'All right, girls.
17 Calm down. Go ahead and take off your clothes and
18 get on your bathing suits and we will go to the
19 pool.'

20 As they begin to do so, in walks a
21 biological male. Sits down on the wooden bench in
22 front of the lockers right beside them and begins
23 to disrobe. What just happened? Emily, Ashante
24 and her mother just lost their privacy.

25 Some municipalities have mandated through

1 their ordinance that this very situation will occur
2 over and over and over again. This bill is
3 necessary to stop that from happening. Just common
4 sense. Biological men should not be in women's
5 bathrooms, showers or locker rooms. All North
6 Carolina citizens expect bodily privacy in showers,
7 locker rooms and bathrooms. Make no mistake, this
8 bill ensures all North Carolina citizens the
9 privacy, protections they in fact have.

10 Do you know that courts have found that
11 even prisoners have the right to use restrooms,
12 changing areas, without regular exposure to viewers
13 of the opposite sex? There have been two court
14 cases that settled this. There's a -- it's a --
15 courts have recognized a constitutional violation
16 where guards regularly watch inmates of the
17 opposite sex who were engaged in personal
18 activities such as undressing, using toilet
19 facilities or showering.

20 So, prisoners actually have more privacy
21 than Emily and Ashante and her mother. These
22 seven-year-old girls. Prisoners.

23 We do a lot of hard things up here, a lot
24 of complicated things here, but, ladies and
25 gentlemen, this is not hard. This is really

1 simple. All North Carolina citizens expect privacy
2 in showers, bathrooms and locker rooms. I do not
3 think counties and municipalities and local
4 governments have the authority to strip all North
5 Carolina citizens of their right to privacy in
6 showers, bathrooms and locker rooms. I do not
7 think counties, municipalities and local
8 governments should have the right to strip any
9 North Carolina citizen of their right to privacy in
10 showers, locker rooms and bathrooms or mandate
11 other businesses to do so. It's just that simple.

12 How is it compassionate to strip North
13 Carolina citizens of their right to privacy? It's
14 been mentioned about the schools. This bill
15 actually provides the authority, broad authority,
16 of the schools to accommodate any student in any
17 manner without stripping other students of their
18 right to privacy in showers, in locker rooms and
19 bathrooms.

20 Make no mistake, we would not be here if
21 a municipality had not stripped North Carolina
22 citizens of their right to privacy in bathrooms,
23 locker rooms and showers. I can think of us having
24 no greater purpose than to spend whatever amount of
25 money it takes to make sure all North Carolina

1 citizens are not stripped of their privacy in
2 locker rooms, showers and bathrooms. Ladies and
3 gentlemen, I urge you to vote yes on this bill.
4 Thank you.

5 SPEAKER MOORE: For what purpose does the
6 gentleman from Cumberland, Representative Floyd,
7 rise?

8 REP. FLOYD: To send forth an amendment,
9 Mr. Speaker.

10 SPEAKER MOORE: The gentleman is
11 recognized to send forth an amendment. Is the
12 Clerk in possession of the amendment?

13 REP. FLOYD: Yes, he is.

14 SPEAKER MOORE: The Clerk will read.

15 CLERK: Representative Floyd moves to
16 amend the bill on Page 1, Line 4 by deleting
17 "employment and."

18 SPEAKER MOORE: The gentleman has the --
19 Chair is reviewing the amendment, the gentleman has
20 the floor to -- the gentleman has the floor to
21 debate the amendment.

22 REP. FLOYD: Mr. Speaker, when we first
23 heard and learned about the Charlotte bill, we was
24 under the impression that this session would
25 address the Charlotte bill. And -- but what we see

1 is that this session has gone beyond the Charlotte
2 bill and added employment.

3 But what my amendment does is to remove
4 the section that relates to employment and allow
5 the bill to move forward. And as Representative
6 Shaw -- Representative Michaux mentioned, that it
7 can stand alone and be voted on. It -- that's
8 simply that it's gone beyond what we originally
9 thought that this session would be called for.

10 SPEAKER MOORE: The Chair notices several
11 lights. Again, if members would only have their
12 lights on if they wish to debate this amendment.
13 To what purpose does the gentleman from
14 Mecklenburg, Representative Bishop, arise?

15 REP. BISHOP: To debate the amendment.

16 SPEAKER MOORE: The gentleman has the
17 floor to debate the amendment.

18 REP. BISHOP: The amendment would take
19 out not only the provision clarifying that local
20 governments may not regulate wage policy, but also
21 those sections that provide that localities cannot
22 regulate the employment practices and selling
23 practices of contractors to those governments. And
24 it affords an opportunity to say, this really is
25 one of the most egregious aspects of the overreach

1 of authority reflected in the Charlotte ordinance.

2 For it wasn't enough to mow down the
3 right of anyone to disagree with the social policy
4 revisions being done, but they also -- within the
5 City of Charlotte, but they also sought to reach
6 beyond their borders and instruct businesses
7 throughout the state of North Carolina, who might
8 seek to do business with the city of Charlotte, how
9 they must operate their businesses.

10 Which -- which points up again why it's
11 important. You know, we -- we sit in one house of
12 a bicameral legislature. Bicameralism exists now
13 the world over as a bulwark against invasions of
14 freedom. And I've learned, in the short time being
15 up here, that having five or six people think
16 something is a good idea is a long way from home
17 when it comes to making a law. You have to get a
18 old ornery committee chairman like Chairman Brawley
19 to allow you to be heard in his committee. You
20 have to answer a lot of questions. And you find
21 out that if you haven't vetted out your language
22 very carefully, as the case has been in Charlotte,
23 where, by the way, if you read the plain language,
24 they eliminated same-sex specific facilities
25 completely.

1 And then if you go -- if you get through
2 the questions in that committee, you've probably
3 got a serial referral to another committee, maybe
4 two. And after you get favorable reports from
5 those committees, if you can do that, then you come
6 to the floor of the House, where people are making
7 speeches if they're running for Congress.

8 REP. MEYER: Mr. Speaker?

9 SPEAKER MOORE: For what purpose does the
10 gentleman from Orange, Representative Meyer, arise?

11 REP. MEYER: Can I ask Representative
12 Bishop a question?

13 SPEAKER MOORE: Does the gentleman from
14 Mecklenburg yield to the gentleman from Orange?

15 REP. BISHOP: I'm on a roll, so I don't
16 think I'll yield.

17 SPEAKER MOORE: He doesn't yield at this
18 time.

19 REP. BISHOP: And then, if you get a
20 majority of this body of 120 people to vote yes,
21 then it really gets tough, because you have to go
22 across the chamber and start over again with a
23 whole 'nother set of committees, one of which is
24 rules. You have to get through both bodies and
25 that's how something becomes law.

1 Or here's a neat trick. Let's just go to
2 a city council where you can find a handful of
3 radicals under the influence of an activist group.
4 It's got a lot of money from out of state. And get
5 six of those people to enact something that goes to
6 the heart of some -- of statewide interest. And
7 then impose that not only on your own citizens, but
8 on everyone that might be operating a business
9 across the state. That is the picture of the
10 subversion of the rule of law.

11 And the reason I asked the question --
12 nobody yet has suggested that there's a statute in
13 the general statutes that confers authority on the
14 City Council of Charlotte to do what they've done.
15 Indeed, to my colleague, Representative Moore, who
16 spoke of this being about fear, I want to suggest
17 to all of us that we'd be better served in our
18 debating with one another if we did not ascribe the
19 basest of motives to the opposition that we face.
20 Fear and ignorance. I don't know how many times
21 I've heard in the last month or so that everyone
22 who might be opposed to what Charlotte has done
23 must be acting out of fear and ignorance.

24 REP. R. MOORE: Mr. Speaker.

25 SPEAKER MOORE: What purpose does the

1 gentleman from Mecklenburg, Representative Moore,
2 arise?

3 REP. R. MOORE: To ask my -- my
4 delegation member Representative Bishop a question.

5 SPEAKER MOORE: Does the -- does --
6 Representative Bishop, does the gentleman yield to
7 a question from Representative Moore?

8 REP. BISHOP: Returning the favor, I'm
9 not yet done, not at this time.

10 SPEAKER MOORE: He does not yield. The
11 gentleman, the -- Representative Bishop continues
12 to have the floor to debate the amendment.

13 REP. BISHOP: Thank you, Mr. Speaker. I
14 would submit that taking the step of mandating a
15 particular approach on every business of whatever
16 ilk throughout the city of Charlotte and across the
17 state of North Carolina that might want to do
18 business with the city of Charlotte implies fear.
19 Can we not trust that people acting in good will
20 will find ways to accommodate each other without
21 having an ever-expanding list of groups and
22 sub-groups and sub-sub-groups laid out in law so
23 that we can divide each other up?

24 It's got nothing to do with fear. I
25 trust my fellow man and woman to do the right thing

1 almost all of the time. They need not be rode herd
2 on, if you will. That's why we establish things
3 like bicameral legislatures and separation of
4 powers. I didn't even mention that. Once you get
5 through the committees, the Senate and the House,
6 you gotta go to the Governor and get a signature.
7 None of that occurs when you can get a few people
8 to come up and run something through that's a great
9 idea, as far as they know.

10 So I urge you, ladies and gentlemen, this
11 bill is a carefully crafted, integrated measure,
12 reasonably, to deal with an abuse of authority.
13 And I urge you to defeat the amendment.

14 SPEAKER MOORE: For what purpose does the
15 gentleman from Mecklenburg, Representative Moore,
16 arise?

17 REP. R. MOORE: To -- to ask my colleague
18 a -- a question.

19 SPEAKER MOORE: Does the gentlemen from
20 Mecklenburg yield to the gentleman from
21 Mecklenburg?

22 REP. BISHOP: At this time, I'm pleased
23 to yield.

24 SPEAKER MOORE: He yields.

25 REP. R. MOORE: Senator -- I'm sorry,

1 Representative Bishop --

2 REP. BISHOP: Yes, Congressman?

3 REP. R. MOORE: All right. Trust me --
4 and -- and, Representative Bishop, for some reason
5 that's -- that's a slip of the -- a Freudian slip.
6 Sir, do you really believe -- or -- or do -- you
7 talked about outside groups coming in and -- and
8 pandering and those things. Is that not done on
9 either side of the -- of the political philosophy
10 spectrum, whether you're a far right or far left
11 advocate? Is -- is that -- is that not the -- the
12 norm of our political process, at this particular
13 point in time?

14 REP. BISHOP: I think general assemblies
15 like ours are the worst of all possible forms of
16 government, except for the others. That is to say,
17 a lot of garbage comes out of here. A lot of
18 influence is -- is peddled around. A lot of things
19 I disagree with happen.

20 But I think, to my core, that the system
21 of government that we all live under, the
22 institution that we have here with all you fine
23 people on the floor and those in the other chamber
24 and those in the United States Congress that's --
25 that's similarly separated for checks and balances

1 upon the abuse of power, those devices are core and
2 fundamental to our maintenance of our freedoms, and
3 they're -- and they absolutely deserve to be
4 respected.

5 And one political -- if one political
6 force decides they're going to take a shortcut and
7 they're going to try to restructure things, or
8 overstep their authority until they're stopped,
9 then they ought to be stopped, for the sake of the
10 institutions that we hold dear. And they're not
11 just institutions for their own sake, but because
12 they protect our freedom.

13 SPEAKER MOORE: For what does the
14 gentleman from Cumberland, Representative Floyd,
15 arise?

16 REP. FLOYD: To speak a second time, Mr.
17 Speaker.

18 SPEAKER MOORE: The gentleman has the
19 floor to debate the amendment a second time.

20 REP. FLOYD: Mr. Speaker, the reason why
21 I sent forth this amendment, because I strongly
22 believe that this statute -- that this portion of
23 the bill can be addressed in the short session,
24 'cause anything can happen in a short session, or
25 it could be addressed in the long session. So I

1 urge your support of the amendment.

2 SPEAKER MOORE: For what purpose does the
3 gentleman from Wake, Representative Martin, arise?
4 For what purpose does the gentleman from Orange,
5 Representative Meyer, arise?

6 REP. MEYER: Thank you, Mr. Speaker. To
7 ask the gentleman from Mecklenburg, the bill
8 sponsor, two questions.

9 SPEAKER MOORE: Does the gentleman from
10 Mecklenburg yield to the gentleman from Orange?

11 REP. BISHOP: I yield for one question,
12 and we'll see.

13 SPEAKER MOORE: He yields.

14 REP. MEYER: I think -- I think you'll be
15 able to answer both of these questions right here.

16 REP. BISHOP: I'll try my best.

17 REP. MEYER: All right. In your
18 comments, you said that a city -- an elected city
19 council of seven members -- I don't know how many
20 members are on the Mecklenburg Board, but you said
21 that a elected city council, because they have
22 fewer members and a different process than our
23 legislature, that them enacting a local ordinance
24 is a subversion of the rule of law?

25 REP. WARREN: Mr. Speaker?

1 SPEAKER MOORE: Just a moment. For what
2 purpose does the gentleman from Rowan,
3 Representative Warren, arise?

4 REP. WARREN: Mr. Speaker, it seems to me
5 that -- we've -- the discourse has gotten off
6 the -- the -- is not germane to the amendment.

7 SPEAKER MOORE: Well, the -- I think the
8 gentleman is rising to a point of order. The Chair
9 will simply -- the Chair believes the gentleman
10 from Orange is -- is still within the confines of
11 the debate. And the Chair did give the gentleman
12 from Mecklenburg a little bit of wide latitude to
13 debate the amendment. So I think that questions of
14 a wide latitude probably would -- would be
15 permissible. The gentleman from Orange has the
16 floor to continue propounding the question.

17 REP. MEYER: Thank you, Mr. Speaker.
18 Representative Bishop, can you elaborate on your
19 point that a city council passing a local ordinance
20 is somehow a subversion of the rule of law?

21 REP. BISHOP: I certainly can. Thank you
22 for the question. City councils and county
23 commissions -- I was a county commissioner -- are
24 critical to the functioning of state government.
25 They represent -- they -- they handle matters of

1 local concern. And they are agents of the General
2 Assembly and seeing to it that good government --
3 government is available everywhere. And in
4 appropriate areas, they maximize local control.

5 But the -- but it is fundamental to the
6 operating of that system properly that authority be
7 delegated, and that authority exercised by
8 localities be properly -- that be -- be within
9 their delegated authority.

10 So, for example, zoning is a power we
11 have expressly conferred upon municipalities and
12 counties. And folks know the needs and
13 requirements of zoning questions in Charlotte and
14 Mecklenburg County in ways and details we couldn't
15 possibly know of here. The conditions in Charlotte
16 and Mecklenburg are far different than they are in
17 my mother's home county, Bladen, and -- and so
18 different decisions need to be made.

19 What we're talking about here is
20 something for which there's never been a delegation
21 of authority to a locality, and furthermore, it is
22 a matter of statewide interest. It is not
23 something that varies in terms of what is right and
24 just from community to community and how the law
25 can be orderly.

1 We make those decisions as a statewide
2 community. That's the way the system is set up.

3 REP. FLOYD: Mr. Speaker?

4 SPEAKER MOORE: For what purpose has the
5 gentleman from Cumberland, Representative Floyd,
6 rise?

7 REP. FLOYD: Is this in reference to my
8 amendment?

9 SPEAKER MOORE: Representative Meyer
10 asked the question, so I --

11 REP. FLOYD: I'm just - I'm referring
12 that this reference might end --

13 SPEAKER MOORE: Representative Floyd, the
14 Chair did give some wide latitude to Representative
15 Bishop to debate the amendment, and the Chair also
16 gave Representative Meyer a wide latitude for a
17 question, but is probably time to rein it in just a
18 little bit.

19 REP. FLOYD: Yes, sir, that is what I am
20 calling. May I, Mr. Speaker?

21 SPEAKER MOORE: Well --

22 REP. FLOYD: May I?

23 SPEAKER MOORE: For what purpose does the
24 gentleman from Cumberland rise?

25 REP. FLOYD: A call for the previous

1 question.

2 SPEAKER MOORE: The gentleman has moved
3 the adoption of the previous question. Those in
4 favor of the previous question will vote aye; those
5 opposed will vote no. The Court will open the
6 vote.

7 (Votes recorded.)

8 SPEAKER MOORE: Is Representative Lambeth
9 on the floor? The Clerk will lock the machine and
10 record the vote. 89 having voted in the
11 affirmative and 18 in the negative, the previous
12 question has been adopted. The question before the
13 House now, is the amendment sent forth by
14 Representative Floyd to House Bill 2. Those in
15 favor of the amendment will vote aye. Those
16 opposed will vote no. The Clerk will open the
17 vote.

18 (Votes recorded.)

19 SPEAKER MOORE: The Clerk will lock the
20 machine and record the vote. 35 having voted in
21 the affirmative and 72 in the negative, the
22 amendment fails. We are now back on debate on the
23 bill. For what purpose does the gentleman from
24 Durham, Representative Michaux, arise?

25 REP. MICHAUX: To speak a second time on

1 the bill.

2 SPEAKER MOORE: The gentleman has the
3 floor to debate the bill a second time.

4 REP. MICHAUX: Mr. Speaker and ladies and
5 gentlemen of the House, my rising to speak this
6 time does not go to what Charlotte did. I still
7 think it is in their wisdom to do whatever they
8 want to do. For instance, I don't want you telling
9 Durham that they can't make any rules or
10 regulations regarding who comes into Durham to want
11 to build a building in Durham. Durham ought to
12 have that authority, an authority which you're
13 taking away from them with this bill.

14 And that is my whole purpose here - is
15 to that usurpation of power that the citizen --
16 even the authority that you have given them, you
17 have given them in the past, you have taken it away
18 from them. You gave cities and counties the
19 authority to do zoning. Yet in a couple of
20 sessions, you took away zoning authority,
21 particularly in Durham. I'm -- I'm -- I'm a
22 witness to that.

23 But let me ask you this. You say this
24 bill was well crafted -- that it had a lot of
25 thought that went into it. Have you ever asked

1 yourself how much or if any cost would be involved
2 in this bill? The reason I am raising that is
3 because you define the parameters of -- no, I'm
4 sorry. You define the parameters of what is
5 discrimination and what is discriminatory and what
6 is not discriminatory.

7 If the federal government comes up and
8 says, 'Well, you don't have, for instance, in here
9 anything concerning sexual orientation,' which is
10 not mentioned in here. And what I have today -- I
11 have a piece of paper involving -- just Title IX
12 education funds, and if you have described what
13 your parameters of discrimination are, and they
14 don't comport to what the feds are, you know you
15 stand to lose about \$4 billion in education
16 funding? Here it is, right here.

17 So, what we have tried to say to you is
18 that you have gone far beyond what's in a restroom
19 or who goes into a restroom or how it affects
20 somebody personally. What you have done is you
21 have not looked at this bill as to what effect it
22 may have on you in terms of your appropriations.
23 As I said before, you put in this bill that
24 disputes would be settled by the Human Relations
25 Commission, a commission that has been defunded and

1 no money going to them, but they are the ones
2 who -- who are going to do this.

3 You haven't looked at this carefully.
4 All you have done is come in and rushed because of
5 one hot button issue. You've come in and taken
6 that hot button issue and turned it into something
7 else that you even have a problem digesting.

8 I still say that there is an opportunity
9 right now for you all to do what you want, what you
10 came in here to do, and not affect the cities and
11 counties in the authority that they may have and
12 what they may not have.

13 REP. STAM: Mr. Speaker?

14 SPEAKER MOORE: What purpose does the
15 gentleman from Wake, Representative Stam, rise?

16 REP. STAM: Would Representative Michaux
17 yield for a question?

18 REP. MICHAUX: Yes, sir.

19 SPEAKER MOORE: Does the Representative
20 from Durham yield to the gentleman from Wake?

21 REP. MICHAUX: I sure do.

22 REP. STAM: Mr. Michaux, do you know
23 that, in the last 44 years, not a single school has
24 lost Title IX funding for enacting laws and
25 policies that require students to use restrooms and

1 locker rooms of their biological sex? Not once in
2 44 years.

3 REP. MICHAUX: I understand that.

4 REP. STAM: Answer the question.

5 REP. MICHAUX: I understand that they
6 have not yet lost anything. Yes.

7 REP. STAM: Second question.

8 SPEAKER MOORE: Does the gentleman yield
9 to an additional question?

10 REP. MICHAUX: I do yield.

11 SPEAKER MOORE: He yields.

12 REP. STAM: Does the paper you have there
13 happen to mention that 34 Code of Federal
14 Regulations, Section 106.33, says that quote, "a
15 recipient may provide separate toilet, locker room
16 and shower facilities on the basis of sex." Have
17 they told you that in their little talking point?

18 REP. MICHAUX: I do not need for them to
19 tell me that, because I know that, but I also know
20 that in some federal law there is a mention of
21 sexual orientation also, Representative Stam, which
22 is not in your bill here today.

23 SPEAKER MOORE: For what purpose does the
24 gentleman from Mecklenburg, Representative
25 Alexander, rise?

1 REP. ALEXANDER: To debate the bill.

2 SPEAKER MOORE: The gentleman has the
3 floor to debate the bill.

4 REP. ALEXANDER: Thank you, Mr. Speaker.
5 In going over this and thinking about it and
6 talking to folk up here, I think it is important
7 that you know two things. Number 1, I am not
8 running for Congress, and, Number 2, that if this
9 bill passes, we will have finally after a couple of
10 hundred years figured out how to outlaw two-hole
11 outhouses.

12 Now, dealing with the serious matters.
13 You know, I -- I am a firm believer, as are many of
14 you, that regardless of what our Constitution says,
15 that ultimately, the power derives from the consent
16 of the governed. It derives from the people. And,
17 like many of you, I have argued over and over that
18 when you start looking at issues, you should go and
19 find out what the people did.

20 Now, we've listened to a discussion of
21 how a bill becomes a law in the General Assembly
22 with kind of an implication that the process lower
23 down isn't quite as legitimate or as thorough. I
24 want to challenge that.

25 In the last couple of years down in

1 Mecklenburg County, specifically in Charlotte, this
2 whole issue of the anti-discrimination ordinance
3 came up, was discussed, was debated at one City
4 Council, and then became something that was
5 discussed in the next mayoral and City Council
6 campaigns. So people who were running for office
7 went all over the community, showed up at numerous
8 forums, answered questions, and told people what
9 their position was going to be. At least one
10 mayoral candidate -- the candidate who prevailed --
11 likewise went around the community at those same
12 forums, made speeches, told folk what her intention
13 was going to be, should she be elected. And the
14 people of Charlotte went to the polls in -- fully
15 aware of these discussions, and voted in a City
16 Council committed to making some changes and a
17 mayor committed to making the changes.

18 Now, in my looking at Political Science
19 101, that's the essence of democracy. We had a
20 democratic process. It produced a result that some
21 folk like, some folks don't like, but it was a
22 democratic result.

23 I admonish you, ladies and gentlemen, to
24 be very careful to substitute consistently the will
25 of the people at the county and at the municipal

1 level with the will of 170 folk from all over
2 everywhere, most of whom are not from Mecklenburg
3 or Wake or Durham or Perquimans, or wherever the
4 next flashpoint will be. We should be very, very
5 careful when we exercise our constitutional
6 authority to intervene in localities.

7 Now, there was a time when my colleagues
8 that ride the elephant would always talk about
9 local control and the importance of local control.
10 I want to remind them that that principle which you
11 used to champion and hold up, that principle is
12 still an important principle and should not be
13 forgotten in this debate.

14 I also want to remind you that there are
15 a lot of cities that already have adopted the kind
16 of legislation that you -- that we seek to outlaw
17 in this bill. I don't know how many of you may
18 have traveled down to the state of Florida and have
19 gone to Disney World or Universal Studios or
20 whatnot. You know that's -- all of those in a
21 little town called Orlando that has the same kind
22 of ordinance that Charlotte has adopted. And I
23 don't think any of you had any problems when you
24 went to the toilets down there. Or any of your
25 constituents have reported predators lurking around

1 Shamu's pool. You know, it just hasn't been a
2 issue.

3 I don't know how many of you may have
4 gone down to Myrtle Beach, where they have a
5 similar ordinance, or gone down to Charleston,
6 where they have a similar ordinance. The point
7 that I'm making is that this is not really new
8 ground that is being plowed. I mean, I have
9 received -- as have you, I am sure -- phone calls,
10 text messages, e-mails, you know, from citizens who
11 have been fearful of what might happen at their
12 schools, what might be happening out in the park,
13 what might be happening in various and sundry
14 places. It created these scenarios of fear. We
15 should not be playing into fear.

16 I don't know how many millions of people
17 go to Disney World or Universal Studios. It's a
18 lot. And yet, nothing like what we've been hearing
19 in this debate, from some quarters, has ever
20 happened.

21 We should, ladies and gentlemen, vote
22 against this measure. Because from all counts,
23 whether you're talking about contracting, whether
24 you're talking about the ability of people in a
25 given locality to want to create a higher standard

1 in how they deal ethically with their businesses,
2 whether you're talking about who's on first in
3 going to the outhouse. However you want to cut the
4 cake, these are decisions that should be left to
5 local governments -- to local people, and should
6 not be relegated to us spending \$42,000 a day to
7 debate this stuff up here in Raleigh.

8 I appreciate you listening to me. I hope
9 some of you will vote with me, and I'm going to
10 vote red when it comes up. And hopefully we can
11 change the number up. Everything -- I've noticed
12 it's been going like thirty-some-odd folk to
13 seventy-some-odd folk. I don't know how many
14 people came up here with their minds made up, but I
15 trust that some of this debate and discussion will
16 allow you to see the light at the end of the
17 tunnel, and vote against this totally unnecessary
18 measure. Thank you, Mr. Speaker.

19 SPEAKER MOORE: For what purpose does the
20 gentleman from Wake, Representative Martin, arise?

21 REP. MARTIN: To debate the bill.

22 SPEAKER MOORE: The gentleman has the
23 floor to debate the bill.

24 REP. MARTIN: Thank you very much, Mr.
25 Speaker. Members, I want to talk about two

1 aspects -- two problems with this bill. The first
2 problem results from the convoluted and rushed
3 process by which the bill has found its way to us,
4 in which many members -- perhaps most members --
5 did not even see the language of it until this
6 morning.

7 And now, as I understand the leadership's
8 intent, it is to run it through this body and then
9 send it right over to the Senate, where it's going
10 to have a rushed committee process and go through
11 the Senate today. I'm open to be enlightened if
12 there's going to be a more deliberative process,
13 and would be happy to hear so, but my understanding
14 is still that it's going to happen this day. And
15 my experience here, in over a decade, has been,
16 regardless of which party is in charge, that rushed
17 legislation, a rushed process, leads to mistakes
18 and omissions. It can lead to laws that have bad
19 effects that we did not intend, and that we could
20 have avoided with more deliberation and more
21 consideration.

22 And I would submit to you, members, that
23 the omission of veteran status from our state's new
24 anti-discrimination policy is one of those
25 mistakes. I do think every member here, even my

1 Marine friend from Wake County who spoke of -- who
2 moved to table my amendment, would, upon
3 consideration and education, understand why we do
4 need to be able to protect discrimination on the
5 basis of veteran status.

6 One of the things that we have found,
7 particularly in the employment context -- but also,
8 in some cases, in the public accommodations
9 context, is that veterans are at risk of some
10 discrimination. There is a perception -- one that
11 is inaccurate -- particularly of veterans from the
12 current conflicts in Iraq and Afghanistan, that
13 we've all come back somehow scarred mentally from
14 the experience, and are unstable. In many folks'
15 minds, that perception could lead to a desire to
16 quietly bar a veteran from their premises if they
17 have a Marine or Army tattoo, or so forth.

18 It's also clearly an issue in the
19 employment context. And that's why you see at the
20 federal level, most state levels -- many state
21 levels, rather -- and certainly in local levels,
22 you do see discrimination, both in public
23 accommodations and in employment, prohibited. And
24 that's something that some counties in North
25 Carolina have chosen to do.

1 Like it or not, this bill we have before
2 us pretty clearly will repeal any ordinance -- any
3 city, county ordinance or local government
4 ordinance -- including, like the one in Orange
5 County, and probably several other counties.
6 That's going to happen, and that's something, I
7 think, if we'd had a more deliberative process, we
8 could have come to a bipartisan agreement that we
9 could have put in there.

10 But let me talk about something that
11 really goes to the heart of this legislation, and
12 why it is a horrific policy. What this legislation
13 will do, in the end, will make it very clear that
14 it is not against the law in North Carolina,
15 anywhere in our state, to discriminate on the basis
16 of sexual orientation. And at a time in our
17 nation's history where our men and women, gay and
18 straight, are still fighting, and still dying to
19 protect our right to come here on short notice and
20 blow hot air in the name of democracy, it is
21 abhorrent to discriminate against them.

22 Ladies and gentlemen, this nation has
23 not -- this is not the first time we've done this.
24 In the past, we have sent a class of people off to
25 war to defend our rights, and yet discriminated

1 against them when they've returned to our country.

2 I contend that that is one of the greatest
3 injustices ever perpetrated on a class of people in
4 our country. It was wrong then, and it is wrong
5 when we do it again today, and I will be voting no.

6 SPEAKER MOORE: For what purpose does the
7 lady from Surry, Representative Stevens, arise?

8 REP. STEVENS: To speak on the bill.

9 SPEAKER MOORE: The lady has the floor to
10 debate the bill.

11 REP. STEVENS: Members of the House, make
12 no doubt about it. This bill is not about
13 discrimination. This bill was passed because
14 Charlotte did an ordinance that would be effective
15 prior to us entering regular session. There's been
16 this talk about the cost of this session, \$42,000.
17 That is a drop in a bucket compared to the
18 litigation that we would have to go through, and
19 that the State has been through several times, with
20 many counties and municipalities, only to have the
21 Court of Appeals tell them, 'You can't overreach,
22 counties. You can't overreach, cities. You have
23 limited authority; stay within it.' That's what
24 we're here about.

25 For those of you who don't know a lot

1 about municipal law, and I really didn't until I
2 got down here, we are what is called a Dillon Rule
3 state. That means the cities and counties only get
4 the authority we delegate to them. They can't just
5 take off and do home rule. Those of you who are
6 talking about, well, let these people back at home
7 do whatever they want to, they know what's best.
8 But that's not how it's done.

9 In addition, this particular ordinance
10 didn't purport to just take place in Charlotte or
11 Mecklenburg County. It purported to take place in
12 all the public schools that are run by the State.
13 It purported to take place in private business
14 facilities, if they want to do business with the
15 State. It purported to do with businesses who are
16 in other counties that might want to do business
17 with Charlotte. It far overstepped its bounds.

18 We can go back to this -- the same thing
19 we had to do with Durham County one time, when
20 Durham County was attempting to establish a minimum
21 wage. That was not within their realm. So this is
22 truly about one privacy. That is an overreaching
23 concern that we've had, people's right to privacy
24 in completing a private function. And the second
25 is, cities and counties, don't overreach. You've

1 got your authority.

2 Now, there was this discussion of the
3 person who went door-to-door, politicking so that
4 she could get this changed in her county. Well,
5 that's the problem. It's not just her county; it's
6 the state. If she wanted that authority, she needs
7 to be going door-to-door and getting all her
8 friends together to replace everybody in this body,
9 because that's where the authority lies. I'd ask
10 that you vote for this bill.

11 SPEAKER MOORE: For what purpose does the
12 gentleman from Orange, Representative Meyer, arise?

13 REP. MEYER: To speak on the bill.

14 SPEAKER MOORE: The gentleman has the
15 floor to debate the bill.

16 REP. MEYER: Thank you, Mr. Speaker. I'm
17 going to save Representative Bishop from my second
18 question, but go ahead and continue the debate that
19 we had there for a second. Representative Bishop
20 suggested that the deliberative process of this
21 body is superior to the deliberative process of
22 local elected bodies. He ran through what it takes
23 to get a bill passed in this body, and compared it
24 to what -- something that, quote, "a handful of
25 people can do through a locally elected body."

1 I would simply like to point out to the
2 people of North Carolina that in the record of the
3 Charlotte City Council debate on the ordinance
4 we're discussing, there are 214 pages of official
5 record, and 28 attachments. Whereas,
6 Representative Bishop's own bill that we're hearing
7 today was only introduced to us at 10 a.m. this
8 morning, and will be passed in just a handful of
9 hours.

10 So apparently, the people of North
11 Carolina need to understand that if you would like
12 to have a bill put through this deliberative body,
13 you don't really need the whole process that he
14 outlined. What you need is a majority party who's
15 willing to call a special session and push a bill
16 through in one day only for the purpose of
17 discriminating against the residents of our own
18 fine states. I urge you to vote against the bill.

19 SPEAKER MOORE: For what purpose does the
20 lady from New Hanover, Representative Hamilton,
21 arise?

22 REP. HAMILTON: To debate the bill.

23 SPEAKER MOORE: The lady has the floor to
24 debate the bill.

25 REP. HAMILTON: Okay. Thank you, Mr.

1 Speaker. And where do I begin? I was one of those
2 people driving up here this morning, having not
3 seen the specifics of the bill, yet who was
4 clearly, you know, quite unsure as to how I was
5 going to vote. I am, after all, a mother and, as a
6 parent, all parents want what's best for their
7 children, and certainly we want to protect our
8 children against any evil that may lurk out there.
9 By the way, it can happen anywhere. But then I saw
10 the bill, and read through it, and I asked quite a
11 few questions in committee. And I want to thank
12 Chairman Blackwell for his lenience in letting us
13 ask a lot of questions this morning.

14 I've discovered, through Fiscal Research,
15 that the investigations and conciliations portion
16 of the bill -- it's on Page 5, Line 22 -- this
17 "Human Relations Commission and the Department of
18 Administration shall have the authority to receive,
19 investigate, and conciliate complaints of
20 discrimination in public accommodations."

21 Representative Richardson asked a very
22 good question during the committee hearing, and she
23 asked, has that division -- that Commission,
24 indeed, been funded by the department -- in the
25 current budget cycle. The answer to the question

1 from Fiscal Research is this: the Human Relations
2 Commission was placed on a continuation review.
3 They are currently on non-recurring funding, and
4 the General Assembly will have to decide whether to
5 appropriate recurring money to this Commission in
6 the short session, or else the Commission will be
7 eliminated. So unless this body acts during the
8 short session to fully fund, in a recurring way,
9 the Human Relations Commission, then there'll be no
10 place for people who feel they've been
11 discriminated against to come and make their case
12 in North Carolina.

13 I assure you many North Carolinians are
14 going to be watching what we do in the short
15 session regarding the Human Relations Commission.
16 I will be one of them, I will be here, and I will
17 not be letting this issue go.

18 The second thing -- and this has already
19 been brought up by Representative Michaux, but I
20 wanted to put a little finer point on it. In G.G.
21 versus Gloucester County School Board, on November
22 2nd of 2015, the courts ruled this: the United
23 States Department of Education's Office of Civil
24 Rights has determined that a school or school
25 district that violates Title IX when it fails to

1 provide access to restrooms and locker rooms
2 consistent with a transgender student's gender
3 identity. That's less than six months ago that the
4 courts have ruled that that is a violation --

5 REP. BISHOP: Mr. Speaker?

6 REP. HAMILTON: -- of Title IX.

7 SPEAKER MOORE: For what purpose does the
8 gentleman from Mecklenburg, Representative Bishop,
9 arise?

10 REP. BISHOP: To ask a question of the
11 Representative.

12 SPEAKER MOORE: Does the lady from New
13 Hanover yield to the gentleman from Mecklenburg?

14 REP. HAMILTON: I do not.

15 SPEAKER MOORE: The lady has the floor to
16 continue her remarks.

17 REP. HAMILTON: Thank you. So, how does
18 that relate to North Carolina? What that does is
19 put close to \$4 billion at risk in education
20 funding in our state. If we are threatened with a
21 Title IX violation, and I feel very confident that
22 we probably will be, just like Tennessee is
23 currently grappling with the same issue, then we
24 put at risk \$4 billion of Title IX funding toward
25 public education at all levels. I think you really

1 ought to consider this in your -- your review of
2 this bill. You ought to consider the most recent
3 ruling in this regard, and you should vote against
4 this.

5 SPEAKER MOORE: For what purpose does the
6 gentleman from Cumberland, Representative Lucas,
7 arise?

8 REP. LUCAS: To debate the bill.

9 SPEAKER MOORE: The gentleman has the
10 floor to debate the bill.

11 REP. LUCAS: Thank you, Mr. Speaker.
12 Ladies and gentlemen, I have sat very attentively
13 as the debate has gone on, and as I've tried to
14 decipher how I could best relate to this bill. I
15 have not had the opportunity to even know what the
16 bill might contain, other than what I heard in the
17 media relative to restroom privileges, Section 1.
18 I think I heard that distinctly prior to coming
19 here. Sections 2 and 3, I knew nothing about until
20 today.

21 Regarding all three of those sections,
22 suffice it to say that in Section 1, I pretty much
23 know that we ought to be human beings first, and
24 that we ought to do everything within our power to
25 limit opportunities for perversion or mistreatment.

1 And we get sometimes really emotional about
2 children. Probably everybody that has children, or
3 have had children, and none of us want to expose
4 our children to this kind of circumstance. That's
5 just common sense. We don't want that.

6 And I don't know if any amount of
7 legislation is going to prevent those who have
8 ulterior motives from attempting to implement those
9 motives. We just simply have to deter them as best
10 we can. And we'll all be committed to doing just
11 that. We all love our children.

12 As to how we handle the other sections of
13 that bill, that is micromanaging. That greatly
14 disturbs me. We all have a -- most of us, I should
15 say, let me qualify that, most of us have reached
16 the consensus that government is best when it's
17 handled at the lowest level possible. Ordinances
18 enacted by our cities and our counties, we ought to
19 respect, because they are close to the people that
20 they govern. We have railed, here at the state
21 level, about big brother federal government handing
22 down mandates, and expecting us to comply.
23 Probably all of us have railed against that, but
24 now it seems like we want to do the very same thing
25 and pass the buck on down to those who are

1 subservient to us. They are elected bodies, as we
2 are, and I do not know what's best for Mecklenburg
3 County. I will try my best to represent Cumberland
4 County, because that's who elected me.

5 We have to judge decisions that we make
6 here based on some previous experience. I
7 understand that there are such ordinances in a
8 sister state, like South Carolina, which is right
9 next to us, and I'm not aware of any problems that
10 they've encountered simply because they have
11 implemented good old common sense. And that's what
12 it takes. Common sense. I don't want to be in the
13 position of telling county commissioners, I know
14 much more about how to run your county than you do;
15 or to tell city councils, I have a better, a
16 greater, understanding of what you ought to be
17 doing, what you ought to be implementing, than you
18 know at that local level. So I think we need to
19 think long and hard about this decision. Thank
20 you.

21 SPEAKER MOORE: For what purpose does the
22 lady from Wilson, Representative Martin, arise?

23 REP. MARTIN: To debate the bill.

24 SPEAKER MOORE: The lady has the floor to
25 debate the bill.

1 REP. MARTIN: Thank you, Mr. Speaker.
2 I'd just like to share some appreciation to the
3 work committee, and the folks who put a lot of
4 effort into drafting this legislation. And as a
5 mother of two teenage daughters who've been in the
6 schools recently -- and that, as often happens
7 around our family, we talk about what's going on.
8 What are you up to? What's happening at work? And
9 we talked about this issue, and that -- just the
10 appall that they had at the idea of it being wide
11 open for anyone to come into the restrooms at
12 school.

13 And I understand there were certain
14 intentions that perhaps they were trying to do
15 locally, but the result was just wide open ability,
16 without any discrimination at all, for anyone to
17 walk into either restroom at any time. So I would
18 just like to say thank you for this legislation,
19 and the common sense approach to protecting
20 everyone's privacy, and I think this is important.

21 It's common sense. It protects the
22 privacy for every citizen in this state, and that's
23 important. And I do also support that we have a --
24 a local control as much as possible, and that we
25 support those things that our local governments

1 have the authority to do. And the more clear that
2 we can be, that we have given this authority, and
3 not that authority, then the less time that they
4 have to waste, and that we waste. And so I think
5 it's important that we clearly lay out, what
6 authority has been given and not given, and that
7 those things that have statewide importance are
8 handled at the state level.

9 But -- but most importantly, I just
10 wanted to rise as a mother and a parent of -- of
11 daughters, and thank you for protecting our
12 privacy, and urge you to support the bill.

13 SPEAKER MOORE: For what purpose does the
14 lady from Orange, Representative Insko, arise?

15 REP. INSKO: To debate the bill.

16 SPEAKER MOORE: The lady has the floor to
17 debate the bill.

18 REP. INSKO: Thank you, Mr. Speaker.
19 Ladies and gentlemen of the House, this is wrong.
20 This is bad wrong. We're sent up here to solve
21 problems, not to create them. This bill is
22 supposed to protect girls and women. This bill
23 doesn't protect transgender girls or transgender
24 women. Transgender girls, now, who will be forced
25 to go into the male bathroom, or the male's locker

1 room. Are they going to be treated well?

2 The only thing I can think of that's good
3 about this, is that we're finally talking about it
4 in public. That means our consciousnesses are
5 being raised. There was a time when we didn't know
6 someone who was gay; now, we all know someone who
7 is gay, and have gay friends. There was a time
8 when we didn't know anyone who was transgender.
9 Someday, that will be -- we'll be all familiar with
10 that issue, and tolerant of it. But for now, we're
11 really struggling, and I think this is a -- the
12 debate, I hope, will make us think about who we
13 really are trying to protect.

14 This is a -- this is a local issue. We
15 have a lot more gay and transgender bisexual people
16 in Orange County. It's a tolerant community, so
17 why shouldn't we be able to have a local ordinance
18 that we choose, that protects the population that
19 lives in Orange County? Just looking at this
20 Section 3 that we talked about before, about how
21 this removes state protections against
22 discrimination; because, after all, everyone can go
23 to the federal court.

24 You may not know this, but in North
25 Carolina, our state laws protect people with sickle

1 cell disease. It's a local state issue. It's not
2 a federal issue, but it's appropriate, for we
3 have -- that we have that here, because we have a
4 large population of people with sickle cell
5 disease. I was the health program administrator
6 for the UNC Sickle Cell Program, which was part of
7 a Duke UNC Sickle Cell Center. We have a large
8 population here, and a lot of support for that
9 population.

10 A lot of good research has gone into this
11 state, and we have a local population that needs
12 this protection, and we have a -- a state law that
13 protects that population. It's a local issue. It
14 is a state issue. Just like this is a local issue.
15 This is a bad bill. It's a wrong -- it's wrong to
16 do. Please vote no.

17 SPEAKER MOORE: For what purpose does the
18 gentleman from Wake, Representative Dollar, arise?

19 REP. DOLLAR: To debate the bill.

20 SPEAKER MOORE: The gentleman has the
21 floor to debate the bill.

22 REP. DOLLAR: Thank you, Mr. Speaker,
23 Members of the House. I have tried to listen very
24 carefully to the debate in Committee and to the --
25 the debate on this floor. And let me respond first

1 to a couple of issues that have been thrown out.

2 One, Representative Hamilton mentioned
3 the issue of a continuation review for the Human
4 Relations Council. Well, I know of no continuation
5 review, not in my time in this Chamber, that didn't
6 result in the program being continued. More
7 importantly, a continuation review means that we're
8 examining the program. This provision would
9 actually help enhance the Human Relations
10 Commission, and the money is already provided to
11 continue that function in the second year of the
12 biennium. The money has already been funded, so
13 it's there, and not in any jeopardy.

14 There was a question that was raised with
15 respect to Title IX, and -- and I would again point
16 out from Title IX itself, which is obviously a very
17 long title, but "Nothing contained herein shall be
18 construed to prohibit any educational institution
19 receiving funds under this act from maintaining
20 separate living facilities for the different
21 sexes," and then particularly under Title IX's
22 regulation, under the Code of Federal Regulation,
23 it specifically states, "A recipient may provide
24 separate toilet, locker room and shower facilities
25 on the basis of sex."

1 So if there was a Title IX issue, the
2 Charlotte ordinance would certainly not be the
3 remedy for that. That would be an issue that we
4 would have to deal with at the state level. So
5 that is sort of another red herring in this.

6 There was an issue raised with respect to
7 veterans, and I would only comment that I'm sure
8 the gentleman is well aware of the myriad of
9 veteran protections that we have in this state.
10 Now, let me mention just a couple. We have 60, 60
11 local veterans' services offices in this state.
12 There is specific protection, employment
13 protection, for veterans as well as members of --
14 of the National Guard. And I have worked with
15 those in real life, from my time in state
16 government, I know they are there, and I know what
17 those provisions are, and they are ample and in no
18 way diminished by anything in this legislation.

19 Now, Representative Stevens very well
20 stated the issue with respect to timeliness and
21 cost. The reason why we're acting now is that what
22 we do today will save not only the cost of any
23 litigation there would have to be brought to
24 address the Charlotte ordinance, but also deals
25 with their April 1st enactment date. They could

1 have delayed that. Charlotte could have delayed
2 that and allowed the General Assembly, in its
3 normal course, to come in and to consider the
4 matter. They chose not to do that. So what we are
5 doing is both timely and cost-effective.

6 But the real issue, for me, anyway, when
7 I looked at this, and it first came up, and the
8 first discussion about enacting -- looking at this,
9 gets back to what is the function of a local
10 municipality, a county or a city? And I would just
11 quote from a recent court -- court case, in the
12 last few years, from the North Carolina Supreme
13 Court -- the Lanvale decision, which was a decision
14 regarding beyond taking zoning, certain statutes,
15 and trying to construe them to mean more than what
16 they actually meant.

17 And the Court stated this: "In the
18 exercise of ordinary governmental functions,
19 counties and cities are simply agents of the state,
20 constituted for the convenience of local
21 administration in certain portions of the state's
22 territory. And in the exercise of such functions,
23 they are subject to almost unlimited legislative
24 control, except where this power is restricted by
25 constitutional provision."

1 That is an interpretation that our
2 Supreme Court has stated again and again and again
3 in a variety of cases, and it is how our government
4 in North Carolina is structured. And I would note
5 that no one in here in this debate -- I have yet to
6 hear in the hours or so that we've debated this, no
7 one has cited a specific local authority that the
8 General Assembly has enacted that would allow for
9 this local ordinance to be put in place by the City
10 of Charlotte or any other municipality. They lack
11 specific statutory authority to do what they did.

12 Members of this House, let me just say
13 this. Our cities, our counties do a tremendous
14 function for us in this state. They do a
15 tremendous job, and we want them to continue to
16 focus on those issues -- police, fire, parks,
17 recreation, economic development, water,
18 wastewater, recycling, sidewalks -- all of those
19 issues which have been clearly delegated to the
20 local municipalities, to the counties, as well as
21 other functions, specific by this body, by the
22 General Assembly of this state. They need to work
23 to hone those functions, to provide those services
24 to the citizens, and we do not need any municipal
25 government acting outside of its appropriate

1 authority, particularly when they are seeking to
2 make political statements. And I would ask you to
3 vote for the bill. Thank you.

4 SPEAKER MOORE: For what purpose does the
5 lady from Franklin, Representative Richardson,
6 rise?

7 REP. RICHARDSON: Thank you, Mr. Speaker;
8 to debate the bill.

9 SPEAKER MOORE: The lady is recognized to
10 debate the bill.

11 REP. RICHARDSON: If I'm correct, today
12 in our committee meeting, I think I understood the
13 bill presenter to make the statement that, in order
14 to use the appropriate bathrooms, that you needed
15 to change your birth certificate to identify with
16 whatever transgender identity that you were to
17 identify with.

18 And the thought that has come to my mind,
19 is, if that's the case, then those, quote,
20 "preverts" [sic] that we are saying would raid our
21 women's bathroom, and go in and hurt our children;
22 what's to stop them from changing their birth
23 certificate? Because nothing in here says that
24 anybody has to have any type of ID or anything to
25 change their birth certificate. So are we really

1 protecting, or are we giving people who would do
2 harm another avenue to access our children?
3 Because if I could just change my birth certificate
4 and go in any bathroom I wanted to, then anybody
5 can do that.

6 So I was wondering if there is any
7 requirements for someone changing their birth
8 certificate, or will the schools monitor that birth
9 certificate? Or how will we know that I didn't
10 just change my birth certificate because I wanted
11 to go in the girls' bathroom? Thank you.

12 SPEAKER MOORE: For what purpose does the
13 gentleman from Guilford, Representative Blust,
14 arise?

15 REP. BLUST: To see if Representative
16 Bishop --

17 SPEAKER MOORE: Representative --
18 Representative Bishop is at the speaker's dais
19 right now. Does the gentleman wish to debate the
20 bill, or does the gentleman --

21 REP. BLUST: No, I'll -- I'll direct my
22 question to Representative Stam.

23 SPEAKER MOORE: Does the gentleman from
24 Wake yield to the gentleman from Guilford?

25 REP. STAM: I do.

1 SPEAKER MOORE: He yields.

2 REP. BLUST: Representative Stam, I had
3 two understandings about this, that I -- I don't --
4 I want to be sure about, about this matter.
5 Representative Dollar just covered one, which was
6 the fact that what the -- the Charlotte ordinance
7 absolutely went beyond what was already permitted
8 by law, and we're just making it clear, what that
9 law that already exists is.

10 The other one is -- is, as I understood
11 it, is the Charlotte ordinance didn't just affect
12 Charlotte. And I want to be sure on this, that
13 that ordinance affected anyone who -- from the
14 state who visited Charlotte, or who did business in
15 Charlotte, and hence, it had statewide
16 implications, and that the legislature that
17 represents the entire state, therefore, is the
18 proper forum in which this kind of matter can be
19 corrected.

20 REP. STAM: That -- that is correct,
21 Representative Blust. The -- that ordinance
22 affected anyone who traveled through Charlotte. It
23 affected all the business owners, the non-profit
24 owners, because of their place -- their place of
25 public accommodation, the -- the definition was

1 extremely broad. It affected every business that
2 wants to do business with Charlotte by contracting
3 with Charlotte, so I -- I would say it was economic
4 imperialism.

5 SPEAKER MOORE: For what purpose does the
6 gentleman from Durham, Representative Hall, arise?

7 REP. HALL: To speak on the bill the
8 first time.

9 SPEAKER MOORE: The gentleman has the
10 floor to debate the bill.

11 REP. HALL: Thank you, Mr. Speaker, and I
12 appreciate the opportunity to speak on this bill
13 the first time. And I wanted to look at a couple
14 of things, and -- and make it real simple, because
15 we've made it a little bit more complicated in the
16 discussion of this bill.

17 We've created a special session, and
18 we've all acknowledged, although we thought we were
19 going to get a look at the bill last night, that we
20 had an official five-minute period to read the bill
21 in the committee meeting today.

22 Now, Representative Bishop made a big
23 deal about the fact of all the different hoops and
24 steps you would go through for a bill in this
25 General Assembly to pass. Some people might would

1 call that partially due diligence. That's not what
2 happened with this bill, though.

3 Let's go back and review what happened.
4 Folks got a look at this bill this morning, and we
5 are here today on this floor. It didn't go to a
6 second committee, didn't go to a third committee,
7 didn't have a notice to public hearing on it,
8 didn't have any of those protections. So let's not
9 get confused what normally happens around here with
10 what happened with this bill.

11 Now, for some reason we decided we had to
12 have a special session. And yes, we're going to
13 spend \$42,000, but that's not the real cost of this
14 bill. We know everybody in here. I don't know
15 what your billing rate is, or what revenue or
16 income you're sacrificing, or how much time it took
17 you to get here, or what responsibilities you had
18 in your community that you won't be able to
19 discharge because you're here, but add that on top
20 of the \$42,000. That's the cost to your
21 communities, your family, and our state for us to
22 be here for a non-emergency. So we're here, and
23 someone said this is an emergency, even though
24 we're coming back on the 26th to do business --
25 that this is an emergency, that we have to do all

1 of that upheaval right now.

2 Well, if it's an emergency, what is the
3 standard for it to be an emergency session? We've
4 done this twice; once in 1981 when there was an
5 error that we made in an adjournment resolution,
6 and we had a member-demanded session to come back
7 and correct the adjournment resolution for the
8 legislature. And this is the second time.

9 So what makes this, in the history of
10 North Carolina, so important that we should come
11 back and use that -- you know, some people call
12 that trickeration. But it is a legal methodology
13 to call a session. So it's legal, and we can do
14 it, and so we did it. But what made this rise to
15 the level of being an emergency, that we have a
16 special session?

17 Now, 500,000 North Carolinians who could
18 get health care if we increase our Medicaid, they
19 might say, well, that's an emergency. Five hundred
20 thousand North Carolinians who should get health
21 care, they may say that's an emergency. How about
22 our teachers that are moving out of the state,
23 because they can't --

24 REP. STEVENS: Mr. Speaker?

25 REP. HALL: -- get paid a decent wage.

1 They may say --

2 SPEAKER MOORE: The gentleman will
3 suspend. For what purpose does the lady from
4 Surry, Representative Stevens, arise?

5 REP. STEVENS: Point of order. Are we
6 sticking --

7 SPEAKER MOORE: The lady may state her
8 point of order.

9 REP. STEVENS: Just, are we sticking with
10 the bill? Is this germane to the bill that's
11 before us?

12 SPEAKER MOORE: The lady's comments are
13 duly taken by the Chair. The -- the Chair would
14 ask the gentleman to temper -- to keep his remarks
15 relevant to the bill at hand. I understand the
16 gentleman is trying to talk about other priorities,
17 but inasmuch as possible, germane to the bill at
18 hand. The gentleman does have the floor to
19 continue debate.

20 REP. HALL: Thank you, Mr. Speaker,
21 and -- and I hope I'll be granted the latitude to
22 speak about the process regarding the bill as well?
23 I'll take that as a yes. So what --

24 REP. HALL: -- makes this be an important
25 enough issue for us to call a special session?

1 That is the discretion of the members who said,
2 this is important. The people of North Carolina
3 didn't say it was important enough to do that. The
4 teachers who are leaving the state because their
5 salaries are not sufficient for their families to
6 live and work in -- in this state of North
7 Carolina, they didn't say that. The people who
8 want to improve education, they didn't say that.

9 REP. LEWIS: Mr. Speaker?

10 REP. HALL: Why, all of a sudden, is it
11 important that this item --

12 SPEAKER MOORE: Representative Hall, the
13 gentleman will please suspend. For what purpose
14 does the gentleman from Harnett, Representative
15 Lewis, rise?

16 REP. LEWIS: Point of order. I don't
17 believe the gentleman is speaking on the merits
18 contained within the House Bill 2, which is before
19 the Chamber.

20 SPEAKER MOORE: The Chair will -- will in
21 this case rule that the gentleman's comments have
22 drifted pretty far astray from being germane to the
23 bill. If the gentleman will please contain his
24 remarks germane to the bill.

25 REP. HALL: Thank you, Mr. Speaker. And

1 as we talk about the bill itself, and not the
2 process by how it got here, apparently that's
3 irrelevant that -- that we created this situation.

4 Then let's talk about the bill itself.
5 What is the bill doing? Is it expressing the will
6 of the people? Is it addressing the issues of most
7 importance to the people? Let's talk about the
8 companies and the business interests in the
9 community that employ the local people who said
10 they support, by providing at their places of
11 employment, protection. Carolinas HealthCare
12 System, Wells Fargo, these are all private
13 organizations, yes, and these are all organizations
14 and businesses that work with the local community,
15 and do the very thing that Representative Dollar
16 said local communities are supposed to do: provide
17 and participate in economic development. The very
18 thing we do when we provide incentives to companies
19 to come to North Carolina. Well --

20 REP. BISHOP: Mr. Speaker?

21 REP. HALL: -- Wells Fargo, Wal-Mart
22 Stores --

23 SPEAKER MOORE: Just a moment.

24 REP. HALL: -- Bank of America --

25 SPEAKER MOORE: To what purpose does the

1 gentleman from Mecklenburg, Representative Bishop,
2 rise?

3 REP. BISHOP: To ask Representative Hall
4 a question.

5 SPEAKER MOORE: Does the gentleman from
6 Durham yield to the gentleman from Mecklenburg?

7 REP. HALL: Why, it would be my pleasure
8 to yield, as soon as I finish my comments.

9 SPEAKER MOORE: He doesn't yield at this
10 time. The gentleman from Durham has the floor to
11 continue debate.

12 REP. HALL: And -- and I would continue
13 the list: Bank of America, Novant Health Systems,
14 American Airlines, Food Lion, Harris Teeter
15 Supermarkets, Lowe's Companies, Duke Energy
16 Corporation, Apple, Siemens, AT&T, Microsoft, Bank
17 of America; all organizations and businesses that
18 help partner with us in the development of our
19 state, contributing to the education of our
20 children, developing a future that we all aspire to
21 have North Carolinians have an opportunity to
22 participate in. But yet and still, their expressed
23 preference, by making their workplaces safe for all
24 North Carolinians, are being ignored. And so what
25 would we expect that future companies would say if

1 all of our citizens can't be respected, our valued
2 employees can't be treated fairly? Then they won't
3 come to North Carolina and take a risk on that.

4 It gets even worse, though, because when
5 you think about it, South Carolina bests us again.
6 Can you believe it? South Carolina has enough
7 sense to be inclusive, and North Carolina, once
8 again, we're getting our lunch eaten by South
9 Carolina, over and over.

10 The fiscal note that was talked about; if
11 you don't have a fiscal note, how are we going to
12 make a responsible decision about this bill? What
13 is it really costing us?

14 I heard Representative Dollar say, "Well,
15 we're going to have funding available, although
16 it's under a continuation review." It's not in
17 this bill that guarantees there'll be funding
18 there. There's nothing in the bill that says that.
19 In the answer today to the committee, he indicated
20 there was funding there, it's taken care of. It's
21 not committed. It's not committed for this. It
22 may be there, it may not, and there's no
23 alternative way --

24 REP. DOLLAR: Mr. Speaker?

25 REP. HALL: -- to address those issues.

1 SPEAKER MOORE: For what purpose does the
2 gentleman from Wake, Representative Dollar, rise?

3 REP. DOLLAR: To see if the gentleman
4 would yield for a question.

5 SPEAKER MOORE: Does the gentleman from
6 Durham yield to the gentleman from Wake?

7 REP. HALL: Yes, Mr. Speaker, I'd be glad
8 to yield after my comments, after Representative
9 Bishop's --

10 SPEAKER MOORE: He does not yield at this
11 time. The gentleman from Durham has the floor to
12 continue debating the bill.

13 REP. HALL: Thank you, Mr. Speaker. And
14 I think it's extremely important that we note
15 what's going on here. You know, as Republican
16 primary voters left the polls, they said they had a
17 60 percent disapproval rating for their Republican
18 leadership. And so now, we've created this
19 emergency fiction, and we're going to have an
20 emergency solution, that we haven't done our work
21 on in passing it. Again, a one-day bill, one
22 committee, an hour's hearing, five minutes for you
23 to review it, and you're getting ready to vote it
24 up or down based on floor debate, without a fiscal
25 note.

1 I can't say that's responsible. I'm not
2 sure any of you could say that's a responsible way
3 for us to legislate. I know you feel that you have
4 to vote a certain way, and many of us will have to,
5 but we would have hoped we could have done better
6 than this. Not economic development, not funding
7 for our schools, not health care for our citizens,
8 we came back to do this. It's really a shame that
9 we could do this to the people of North Carolina.
10 I'd ask that you vote against the bill.

11 SPEAKER MOORE: For what purpose does the
12 lady from Mecklenburg, Representative Cotham, rise?

13 REP. COTHAM: Thank you, Mr. Speaker; to
14 send forward an amendment.

15 SPEAKER MOORE: The lady's recognized to
16 send forth an amendment. The Clerk will read.

17 CLERK: Representative Cotham moves to
18 amend the bill on Page 3, Lines 24 through 25, by
19 inserting the following lines to read.

20 SPEAKER MOORE: The lady's recognized to
21 debate the amendment.

22 REP. COTHAM: Thank you, Mr. Speaker and
23 members. I hope that this is a clarifying
24 amendment. I have shown it to the bill sponsors,
25 and they are on board.

1 You may recall I talked about if you are
2 a mother and have a very young child, could be an
3 infant, could be a three-year-old, and you need
4 that child to go into the restroom with you. Now,
5 this -- these children are not going to help you as
6 a parent, but for safety, you need them in there
7 with you, because what are you going to do with a
8 three-year-old or five-year-old? This simply
9 clarifies this, so that if you are a parent, and
10 you have a child up to the age of seven, that he or
11 she can accompany a parent or anyone who is caring
12 for that child -- could be a grandmother, could be
13 an aunt -- but I'm sure many of us who are parents,
14 we have been in this situation. So I ask for your
15 support.

16 SPEAKER MOORE: Further discussion or
17 debate on the amendment? The -- the gentleman from
18 Mecklenburg, Representative Bishop, is recognized
19 to debate the amendment.

20 REP. BISHOP: Thank you, Mr. Speaker. We
21 support the amendment.

22 SPEAKER MOORE: Further discussion,
23 further debate? If not, the question before the
24 House is the adoption of Amendment 3, set forth by
25 Representative Cotham. Those in favor of the

1 amendment will vote aye; those opposed to the
2 amendment will vote no. The Clerk will open the
3 vote.

4 (Votes recorded.)

5 SPEAKER MOORE: Representatives Speciale
6 and Malone, do the gentlemen intend to vote no on
7 this amendment that's been agreed to by all
8 parties? Okay. The Clerk will -- the Clerk will
9 lock the machine and record the vote. 107 having
10 voted in the affirmative, and none in the negative,
11 Amendment 3 is adopted. We're now back on the
12 bill. For what purpose does the gentleman from
13 Gaston, Representative Hastings, arise?

14 REP. HASTINGS: To debate, Mr. Speaker.

15 SPEAKER MOORE: The gentleman has the
16 floor to debate the bill.

17 REP. HASTINGS: And I had not planned to
18 speak, and I'll be very brief, Mr. Speaker. But I
19 have to admit, I've had to go through a
20 constitutional gut check today. I've had people
21 talk about local control and other issues, so I had
22 to go back to the delineation of power in my own
23 mind and let the people back home know what I'm
24 doing. And, of course, that flow of power is from
25 God to the people, and then to the Constitution and

1 to the General Statutes.

2 And so I thought I would just mention,
3 the real defining line for me is the 10th Amendment
4 to the U.S. Constitution, and that reads, "The
5 powers not delegated to the United States by the
6 Constitution nor prohibited by it to the states are
7 reserved to the states respectively, or to the
8 people."

9 And of course that flow then took me to
10 the State Constitution, to Article 7, Local
11 Government, and it reads, "The General Assembly
12 shall provide for the organization and government
13 and the fixing of boundaries of counties, cities,
14 and towns, and other governmental subdivisions,
15 and, except as otherwise prohibited by this
16 Constitution, may give such powers and duties to
17 counties, cities and towns and other governmental
18 subdivisions as it may deem advisable." That
19 certainly sounds like we are in the framework of a
20 valid constitutional consideration, and I plan to
21 support the bill.

22 SPEAKER MOORE: For what purpose does the
23 gentleman from Lee, Representative Reives, rise?

24 REP. REIVES: To debate the bill.

25 SPEAKER MOORE: The gentleman has the

1 floor to debate the bill.

2 REP. REIVES: I, like, Representative
3 Hastings, wasn't intending to have any conversation
4 on this, but it -- we are still continuing a
5 pattern that I -- I wish we would take a second
6 look at. I understand Page 1 of this bill
7 perfectly. I don't know where the last four pages
8 of the bill came in, or came from, but I would say
9 that -- I would remind most of us in here, that
10 for -- everything we continue to say about local
11 counties -- local commissions, local city councils,
12 boards of education, a lot of us came up through
13 those ranks. A lot of us were good public servants
14 at the local level.

15 I think to continue to insinuate or
16 directly disparage people who have taken the time
17 to serve as our County Commissioners, our city
18 councilmen, our board of education members at other
19 times, is not the route that we want to continue to
20 go. I agree with Representative Lucas's earlier
21 statement, the lower the level of government that
22 can handle matters, the better off we are.

23 If we're going to continue down a path
24 where we're going to take over a lot of the local
25 functions, I just don't think that's the way to go,

1 because at some point in time, we've got things
2 that are statewide issues that we've got to pay
3 attention to, and it took us 10 months last year to
4 handle just those matters. And so I would ask that
5 we take that into consideration as we're thinking
6 about our votes on this bill, and as we proceed
7 through the short session.

8 But I have to say I wholeheartedly
9 disagree with taking away local power, and I
10 wholeheartedly disagree with taking away a cause of
11 action for discrimination at a state level.

12 For those of us who are -- practice law
13 and for those who have ever been unfortunate enough
14 to be involved in a discrimination suit, getting a
15 federal discrimination suit started is not a simple
16 matter. If it were a simple matter, nobody would
17 care if you could have a state cause of action, and
18 so doing these type of things, I just don't think
19 are appropriate. I don't think that they have
20 anything to do with Page 1 of the bill, and I would
21 just ask you to keep those things in consideration.

22 REP. ARP: Mr. Speaker?

23 SPEAKER MOORE: For what purpose does
24 the --

25 REP. ARP: Mr. Speaker?

1 SPEAKER MOORE: For what purpose does the
2 gentleman from Union, Representative Arp, arise?

3 REP. ARP: I wonder if my good friend,
4 Representative Reives, would yield to a question?

5 SPEAKER MOORE: Does the gentleman from
6 Lee yield to the gentleman from Union?

7 REP. REIVES: Happily.

8 SPEAKER MOORE: He yields.

9 REP. ARP: Thank you, Representative
10 Reives. I admire you greatly. I've heard a lot of
11 this theme that comes in here. I don't know if
12 you're aware -- the actual amendment that Charlotte
13 had passed, which would be applicable, actually
14 amends the statewide bid laws to where they would
15 be not required to take the lowest bidder in a
16 project, because they have not yielded to privacy
17 rights of bathrooms and -- and of that nature. Do
18 you support them not -- paying more for a contract
19 and -- in contravention to the state bidding laws,
20 in order to have generalist bathrooms?

21 REP. REIVES: No, and actually, I -- with
22 the great respect I have for you, Representative
23 Arp, and people on your side that have been able to
24 put together some bills, I think that we can
25 articulate and directly address problems with

1 Charlotte, or any other municipality, or any other
2 county, that does something that's in direct
3 contravention with state law.

4 And I think we can address and we can
5 attack those issues and be done with those issues.
6 And I think that to just say, well, you've made a
7 mistake here, so we just think you shouldn't have
8 the authority anymore, might be a little
9 overreaching on our part.

10 REP. ARP: Follow-up?

11 SPEAKER MOORE: Does the gentleman yield
12 to an additional question? Representative Rieves,
13 does the gentleman yield to an additional question?

14 REP. REIVES: I was trying to think if I
15 would. Yes, sir, I will.

16 SPEAKER MOORE: He yields.

17 REP. ARP: Okay. Do you think when a
18 local municipality does not take the low bid on a
19 project because a contractor does not have that
20 policy in place regarding same-sex bathrooms, do
21 you think that's in violation of our -- of our
22 laws?

23 REP. REIVES: Well, again, candidly, I
24 think it's good that you bring that point up. But
25 in a 24-hour period, which is all that we've had

1 time to really review what we're doing to change
2 that law, I don't have enough information to tell
3 you. It sounds, from what you're saying, that
4 you're completely correct, but I do not know. And
5 I just don't know the answer, and I wish I did know
6 the answer. And I -- that's why I wish we were
7 doing this in the short session, when we had time
8 to sit around and talk about it. Thank you.

9 SPEAKER MOORE: For what purpose does the
10 lady from Carteret, Representative McElraft, rise?

11 REP. MCELRAFT: To speak on the bill.

12 SPEAKER MOORE: The lady has the floor to
13 debate the bill.

14 REP. MCELRAFT: Thank -- thank you, Mr.
15 Speaker and members. I wasn't going to say
16 anything, but I just wanted to let people know that
17 as a former three-term town commissioner, and a
18 county commissioner, there are lots of us that are
19 for this bill. And we don't feel like when we're
20 at our local duties, that this would give us any
21 reason to be mad at the State.

22 When I was a town Commissioner, we knew
23 there were certain things that we could do and
24 could not do, especially if we had a great town --
25 town manager or county manager that reminded us of

1 that, or county or -- or a city attorney. We knew
2 that we couldn't do environmental legislation;
3 that's a restriction on towns. We can't, even
4 though we'd like to, reduce some of the
5 restrictions the state has on septic tanks down at
6 the coast, we can't do that. That's
7 State-mandated. We were never given the authority
8 to do that.

9 But I will let you know, that as a mother
10 and a grandmother of a fourteen-year-old
11 grandchild, this is about common sense. This is
12 about protecting, not from a transgender,
13 necessarily, but from a predator, who had the
14 authority then, as a man, to go in a young woman's
15 dressing room in high school, or a -- a women's
16 bathroom.

17 I had a friend who just traveled through
18 Charlotte. They said they were afraid for their
19 child to go into the restroom -- a teenager --
20 because they didn't know if the law in Charlotte
21 had already changed. So this doesn't affect just
22 the people from Charlotte. It affects all of us
23 from all over this state that goes through -- that
24 go through Charlotte. It affects businesses.

25 This is common sense legislation, and

1 there are those of us who are offended that there
2 are town commissioners and county commissioners
3 that are offended by this. We, as town
4 commissioners and county commissioners, think this
5 is a good thing to do, direction from the General
6 Assembly, where we don't overstep our boundaries.
7 There are things we can do and things we can't do.

8 We just had a situation from town
9 commissioners down at Emerald Isle. They had the
10 Sierra Club sit there, every meeting for five or
11 six meetings, putting pressure on them to adopt a
12 resolution. Those town commissioners all came up
13 to me and said that they felt like they were forced
14 into doing it, or they couldn't get any other work
15 done. There are pressures that are put on these
16 town commissioners, pressures to vote a certain
17 way, which they regret.

18 So I think that we need to do what we
19 need to do up here, and they need to understand the
20 responsibility at the town and county level.

21 SPEAKER MOORE: For what purpose does the
22 lady from Mecklenburg, Representative Cunningham,
23 arise?

24 REP. CUNNINGHAM: To speak to the bill.

25 SPEAKER MOORE: The lady has the floor to

1 debate the bill.

2 REP. CUNNINGHAM: Thank you, Mr. Speaker.
3 So how did we get here? Today we are here, once
4 more discussing something that Mecklenburg County
5 city officials decided to do. So how did we get
6 here? Same way we did the last time, picking up
7 something that really is not looking at the needs
8 of the people in our district.

9 Policy will not change perception. Minds
10 will not change. Over 50 years ago, Martin Luther
11 King, Jr., professed that you cannot legislate
12 people to have a change of heart. That's why we
13 had the Civil Rights Movement. Did it change
14 people's hearts? Still today, people's hearts are
15 not changed. Still today, in this Chamber,
16 people's hearts have not changed.

17 Every day in public, all over the State
18 of North Carolina, we still see acts of racism,
19 acts of violence against people that are just
20 slightly different from us, all over. The
21 multiplicity of issues that the people in my
22 district live with and face every day, this does
23 not relegate. This does not relegate to the
24 feeding of the hungry children in my district, for
25 us to come down here and do this piece of

1 legislation.

2 Mecklenburg County -- currently 50th in
3 the country on upward mobility, unemployment
4 continues to be high in the African American
5 community, so we don't need to lose any jobs.

6 I understand what transgender is about,
7 because I have a brother that is fully transgender,
8 but he does not live in the State of North
9 Carolina. He lives in New York. They have unisex
10 bathrooms, so only one person can go in at a time.
11 But here in North Carolina, that's where we are,
12 North Carolina, the great North Carolina.

13 Usually I like to look at people, even
14 our own people back home. Mecklenburg County, the
15 City Council made a decision. Yeah, they made it.
16 But did they negotiate? We hear a lot about
17 negotiate, mediate. Are we in the position that we
18 should be thinking about mediating and negotiating
19 on things, so that some things don't have to go
20 other places? Some things can be handled there,
21 and it not have to come down here for us to have to
22 clean it up, or fix it up, or even mess it up
23 further. Are we there yet? No, we're not there
24 yet, but that's okay. Here we are. Here we are
25 again.

1 When I make a major decision, I first ask
2 myself -- am I doing any harm? I don't know how
3 many people do that, but maybe we should start
4 saying, am I doing any harm? Because if we look
5 at, right now, what's going on on the national
6 level, Trump is loose. I heard somebody talk about
7 Cooper in the meeting -- committee meeting, when
8 Trump is loose, and we can't get him back in the
9 box, so is he in the room?

10 So are we exercising good judgment or are
11 we inciting more violence and discrimination and
12 prejudice? I cannot support the bill, but I ask
13 you -- are we doing more harm? Thank you.

14 SPEAKER MOORE: The gentleman from
15 Mecklenburg, Representative Bishop, is recognized
16 to send forth an amendment. The Clerk will read.

17 CLERK: Representative Bishop moves to
18 amend the bill on Page 3, Lines 46 through 47, by
19 deleting those lines and substituting the
20 following.

21 SPEAKER MOORE: The gentleman has the
22 floor to debate the amendment.

23 REP. BISHOP: Thank you, Mr. Speaker. At
24 that location, this is the portion of the bill
25 per -- clarifying that cities and localities don't

1 have authority to regulate wage levels. And there
2 are exceptions in the bill to make sure that, for
3 example, the local government can regulate its own
4 compensation levels to employees, and then there
5 are several items relating to federal community
6 development block grants and economic development
7 incentives, where those are integral to the -- to
8 the program.

9 In Item Number 2, we -- by including Part
10 2H of Article 10 of Chapter 143B, as opposed to
11 just Chapter 143B, we had -- were insufficiently
12 complete. So we are changing that line to make
13 sure that there's no interference with the economic
14 development incentives programs. And I support the
15 amendment.

16 SPEAKER MOORE: Further discussion or
17 debate on the amendment? Any of -- I see three
18 lights; any of these members wish to debate the
19 amendment? For what person does the lady from
20 Guilford, Representative Harrison, arise?

21 REP. HARRISON: To ask the amendment
22 sponsor a question.

23 SPEAKER MOORE: Does the gentleman from
24 Mecklenburg yield to the lady from Guilford?

25 REP. BISHOP: I would defer the question

1 to Representative Hager.

2 SPEAKER MOORE: Does the -- would the
3 lady redirect her question to the gentleman --

4 REP. HARRISON: Sure.

5 SPEAKER MOORE: -- from Rutherford?

6 REP. HARRISON: Please.

7 SPEAKER MOORE: And does the gentleman
8 yield?

9 REP. HAGER: I do.

10 SPEAKER MOORE: He does.

11 REP. HARRISON: I -- I just want to make
12 sure I heard it right, because the City of
13 Greensboro has -- has a living wage standard for
14 its employees. Are you saying that by clarifying
15 in this language, that the cities will be able to
16 adopt policies to pay their employees living wages?

17 REP. HAGER: Representative Harrison,
18 that has not changed. What this deals specifically
19 with is, Part 2H of Article 10 dealt with the One
20 NC Fund and how those contracts are laid with a --
21 with the local piece of it, and those have certain
22 wage goals. We actually had missed JDIG, so we
23 actually added JDIG back in there, and this
24 captures JDIG now.

25 SPEAKER MOORE: Further discussion or

1 debate on the amendment? If not, the question
2 before the House is the adoption of Amendment 4
3 sent forth by Representative Bishop. Those in
4 favor will vote aye; those opposed will vote no.
5 The Clerk will open the vote.

6 (Votes recorded.)

7 SPEAKER MOORE: The Clerk will lock the
8 machine and record the vote. 108 having voted in
9 the affirmative, and none in the negative, the
10 amendment is adopted. We're now back on debate on
11 the bill. For what purpose does the gentleman from
12 Mecklenburg, Representative Moore, rise?

13 REP. R. MOORE: To ask a question of my
14 delegation mate, Representative Bishop.

15 SPEAKER MOORE: Does the gentleman from
16 Mecklenburg yield to the other gentleman from
17 Mecklenburg?

18 REP. BISHOP: I yield.

19 SPEAKER MOORE: He yields.

20 REP. R. MOORE: Representative Bishop,
21 you mention in your comments that private
22 businesses were not -- there was no mandate for
23 private business, but let me ask you this. What --
24 how do you -- I need some clarity for private
25 businesses who -- who require public

1 accommodations, like bars, restaurants, movie
2 theaters, and those things. How does this
3 particular law apply to that? I just -- just
4 wanted to get some clarity on -- on that particular
5 piece of it.

6 REP. BISHOP: If I understand the
7 representative's question, the answer is that
8 they're free to adopt whatever policies they think
9 best.

10 REP. R. MOORE: Follow-up?

11 SPEAKER MOORE: Does the gentleman yield
12 to an additional question?

13 REP. BISHOP: I yield.

14 SPEAKER MOORE: He yields.

15 REP. R MOORE: And so, without framing it
16 in -- in a -- in a very ugly way, so you're saying
17 that if a private business is -- a private business
18 refuses, by their particular policy, to not serve a
19 person based upon their sexual orientation or --
20 or -- something of that nature, or sexual identity,
21 then that would be allowed by that private
22 business, and we wouldn't have any -- would have
23 any jurisdiction over that particular choice, is
24 what I want to say?

25 REP. BISHOP: Well, the -- the statewide

1 public -- statement of public policy concerning
2 public accommodations discrimination is -- sets
3 forth the -- all of the protected classes under
4 Supreme Court jurisprudence and quasi-suspect --
5 suspect classes. So the ones that are listed in
6 there, those are the ones that there is a public
7 policy statement concerning discrimination. And
8 otherwise, there's not a mandate on people --
9 people's bathroom use, one way or the other.
10 They're free to do what they wish.

11 SPEAKER MOORE: For what purpose does the
12 gentleman from Vance, Representative Baskerville,
13 rise?

14 REP. BASKERVILLE: To debate the bill.

15 SPEAKER MOORE: The gentleman has the
16 floor to debate the bill.

17 REP. BASKERVILLE: Thank you, Mr.
18 Speaker, and I will be brief. There would have
19 been a lot of votes on this side of the aisle if we
20 were just dealing with the restroom issue. If we
21 were just dealing with the restroom issue, that
22 bill would have passed, and it would have passed
23 very quickly. But when we include these other
24 provisions dealing with contracting and employment,
25 there are very grave concerns that -- that I have,

1 where I'm trying to find the consistency in
2 reasoning and application in this bill.

3 So we say that a local municipality can
4 adopt their own policies in terms of discrimination
5 in hiring. So if the City of Raleigh wants to
6 adopt a policy for the City of Raleigh saying,
7 'We're not going to discriminate against gay folks
8 in hiring them to work for the City of Raleigh,'
9 that's okay. But at the same time, today, we're
10 saying that businesses that contract with the City
11 of Raleigh, that are getting paid from the City of
12 Raleigh, can discriminate against gay people in
13 their hiring practices and policies. That, to me,
14 is not consistent. That, to me, begs reason.

15 It seems as though, to me, that gay folks
16 pay taxes, too. And it would be unconscionable for
17 you to tell someone, "I understand that you pay
18 taxes, some of your tax money is going to pay these
19 contractors that we have hired to our city to
20 perform city duties, and the money that you've paid
21 in taxes to hire this company to do a service for
22 us, that company is -- you would never be allowed
23 to work for that company, because that company
24 discriminates against gay people in their hiring
25 and we, by statute, have allowed that." That's

1 inconsistent, that's illogical, and it's
2 unconscionable.

3 I want you to go back to your districts
4 and look at your constituents -- look them in the
5 eye. It would be very insulting to me, as a
6 younger person, as a black person, as a male, as a
7 Vance County native, for me to pay my taxes, to go
8 and hire a company that will not hire Vance County
9 people, that will not hire males, that will not
10 hire young people. That would be insulting to me.

11 So I want you to go back and talk to all
12 your constituents in your districts, look them in
13 the eye, and tell them how you've insulted them
14 today. Tell them that they may have friends, they
15 may have family members that may be gay, and their
16 tax money is used to hire companies that you made
17 it legal for them to discriminate against.

18 We're spending tax money to pay companies
19 to do work for us that are discriminating against
20 people. How is that common sense? How is that
21 consistent and logical reasoning? That's why I'm
22 voting no.

23 SPEAKER MOORE: For what purpose does the
24 gentleman from Mecklenburg, Representative Bishop,
25 arise?

1 REP. BISHOP: To debate the bill a second
2 time.

3 SPEAKER MOORE: The gentleman has the
4 floor to debate the bill a second time.

5 REP. BISHOP: I do know that making good
6 decisions requires accurate facts, and there are a
7 couple of items that I think it worth attending to
8 that have been said during the course of the debate
9 or -- or they've been said in the community. WRAL
10 today released a story early on saying that a
11 version of a draft of the bill eliminated
12 protections for folks with disabilities from
13 discrimination. And I just want to say, I've said
14 it in committee, I just want to say it here; that's
15 factually wrong.

16 Now, we have a separate -- there's a
17 separate general statutes -- separate statute in
18 North Carolina Chapter 168A, that provides
19 comprehensive protection from discrimination for
20 those who are disabled; that's in addition to
21 federal law, federal Americans with Disabilities
22 Act. So that's just factually wrong.

23 In the course of the Minority Leader's
24 comments, I understood he listed the names of a lot
25 of companies who have policies, enlightened

1 policies, concerning how employees will be treated.
2 And I think it was clear, but I just want to make
3 it clear in case there was an implication to the
4 contrary, those companies will be entirely free to
5 continue pursuing the policies that they, in their
6 wisdom, have decided to adopt. And that's
7 perfectly consistent with the idea that we want to
8 maximize freedom of -- of, in fact -- in fact, the
9 absence of -- of a problem that should've led to
10 the creation of an emergency that -- as it has
11 occurred.

12 Representative Hamilton recited, or
13 stated she was reciting, part of the holding in
14 a -- in a lawsuit in -- in -- that was pending
15 in -- the eastern district of Virginia decided in
16 2015, that is now on appeal to the 4th Circuit
17 Court of Appeals. And she -- in -- in reciting
18 what she said was the holding, she was reciting, in
19 fact, the position of the Obama Department of
20 Education, to say that not allowing a child in
21 school to go into the multi-occupancy bathroom
22 facilities of the opposite sex, as a -- as a
23 transgender child, was a violation of Title IX.

24 In fact, the court there held against the
25 Obama Administration. So that decision's on appeal

1 in the 4th Circuit. But that position, that some
2 have suggested could have some implication for
3 Title IX funding, the Obama Administration's
4 position, has not been accepted by any court
5 anywhere in the country.

6 The other decision out on that point
7 comes from -- it's in a case, Johnson versus
8 University of Pittsburgh, from the Western District
9 of Pennsylvania, that one was in March of 2015.
10 That case is on appeal as well, in the 3rd Circuit.
11 But no court has embraced that position at this
12 point in time. Should that occur some day, should
13 a court with jurisdiction over this area, decide
14 that Title IX is -- does not mean, when it says
15 sex, what everybody's always understood that it
16 means, and that the regulation under Title IX
17 that's been quoted twice by Representative Dollar
18 and Representative Stam, that explicitly permits
19 separate toilet, locker room and shower facilities
20 on the basis of sex; if that regulation is, by
21 virtue of those decisions -- of -- of a decision to
22 be -- here -- you know, hereafter to occur will be
23 invalidated, then there will be a process after
24 that point in time which North Carolina or any
25 other jurisdiction that has had separate bathrooms

1 for boys and girls, will be able to adapt, before
2 there would ever be any implication for Title IX
3 funding to go away. So that is really immaterial
4 to the decision we're making today.

5 And -- and I guess I should also say, if
6 those decisions occur, they would preempt what
7 we're doing today to the extent there was an
8 inconsistency. So it is a figment of folks'
9 imagination to say that that is a risk.

10 To the point about why we're here. In
11 January, January 19, I believe it was, I released a
12 public statement in anticipation -- because the
13 Mayor of Charlotte, newly elected, had repeated
14 time and again that this was going to be at the top
15 of the City Council's priority list, amazing as
16 that is. And I urged her and the City Council not
17 to go down this divisive route. And I spent --
18 I've spent an inordinate amount of time, because I
19 laid out for them the law, and the fact that they
20 were not authorized to do what they contemplated
21 doing.

22 I would have been better served, on
23 behalf of the people that I represent, if I could
24 have spent the time that I've spent on this,
25 learning more about our process for Medicaid

1 reform, about additional tax reform that we need to
2 do, about budget adjustments in the upcoming short
3 session. We'd all be better served if those folks
4 had not precipitated this need for a short session.
5 I wish that they had not.

6 I regret that it has produced the
7 division among us that it has, but I am confident
8 that this body owes it to the people of North
9 Carolina to correct this egregious overreach and
10 poor public policy. Thank you very much.

11 SPEAKER MOORE: Further discussion,
12 further debate? If not, the question before the
13 House is the passage of House Bill 2 on its second
14 reading. Those in favor will vote aye; those
15 opposed will vote no. The Clerk will open the
16 vote.

17 (Votes recorded.)

18 SPEAKER MOORE: The Clerk will lock the
19 machine and record the vote. 83 having voted in
20 the affirmative, and 25 in the negative, House Bill
21 2 passes its second reading and will be read a
22 third time.

23 CLERK: The General Assembly of North
24 Carolina enacts.

25 SPEAKER MOORE: Further discussion,

1 further debate? If not, the question before the
2 House is the passage of House Bill 2 on its third
3 reading. Those in favor will vote aye; those
4 opposed will vote no. The Clerk will open the
5 vote.

6 (Votes recorded.)

7 SPEAKER MOORE: Is Representative Dobson
8 still on the floor? The Clerk will lock the
9 machine and record the vote. 83 having voted in
10 the affirmative, and 24 in the negative, House Bill
11 2 passes its third reading. The bill is ordered
12 engrossed and sent to the Senate. Representative
13 Dobson, the Chair saw you on the floor when the
14 question was put. Does the gentleman wish to be
15 recorded as having voted aye?

16 REP. DOBSON: Yes.

17 SPEAKER MOORE: The gentleman will be
18 recorded as having voted, aye.

19 (End of audio.)

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STATE OF NORTH CAROLINA

COUNTY OF WAKE

CERTIFICATION OF TRANSCRIPT

This is to certify that the foregoing transcript of proceedings held on March 23, 2016, is a true and accurate transcript of the proceedings as transcribed by me or under my supervision. I further certify that I am not related to any party or attorney, nor do I have any interest whatsoever in the outcome of this action.

This 16th day of April, 2016.

Brad Worley

Brad Worley, transcriptionist

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