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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(Beginning of audio.)

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


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

(Applause.)

Calendar. House Bill 2. The Clerk will read.

CLERK: Representatives Bishop, Stam, Howard and Steinburg. House Bill 2, A Bill to be Entitled Acts to Provide for Single-Sex Multiple Occupancy Bathrooms and Changing Facilities in Schools and Public Agencies and to Create Statewide
Consistency and Regulation of Employment and Public Accommodations. The General Assembly of North Carolina enacts.

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

REP. STAM: To speak on the bill.

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

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

In 1669, the first law passed by the Assembly, the Albemarle Assembly, protected debtors fleeing from Virginia and South Carolina. This was not a good thing for commerce. In 1787, the
United -- the Articles of Confederation, we realized that we needed a true nation, and so the Constitution protects interstate commerce and requires the recognition of foreign judgments so that we can collect the debts from those people in Representative Tine's and Steinburg's districts. I think they're still there. If they move toward free flow of commerce and interstate commerce -- and that's why the United States is the economic powerhouse of the world, plus natural resources.

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

Common expectations. If a person travels
to Hickory, they don't expect a different rule in the government facilities of Hickory of who can be in -- who can be in a washroom. They don't want -- if they want to bid on a contract in Hickory, they can expect that they can pay their employees according to the law and there won't be some special deal just for Hickory. This will help the economy of the state greatly and recognize the privacy rights of every citizen of this state.

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

REP. BISHOP: To debate the bill.

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

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

The bill begins with a recitation of the constitutional principles that Representative Stam just referred to, that the General Assembly may not enact local laws on -- or local acts -- regulating labor, trade, mining and manufacturing, topics of
commerce, business, and also that localities, cities and counties, have the powers that are delegated to them by the General Assembly. Beginning with that premise, we then have three parts of the substantive provisions of the bill.

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

Biological sex, the sections both state, is the physical condition of being male or female, which is stated on a person's birth certificate. I made the point in committee and will make it again here, that our existing laws concerning the content of birth certificates provides that if someone has sex-reassignment surgery and that's certified by a physician, their birth certificate can be amended as to the gender. Both of these provisions, in setting forth that if there are multiple occupancy
facilities, they'll be by sex, also says that there is nothing to preclude any of these government bodies from having single-sex or having -- having single occupancy facilities that are designated according to sex or unisex.

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

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

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

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

So, back to part two.

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

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

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

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

Those two are not added to the statement
of public policy concerning public accommodations discrimination. I'd like to take just a moment to explain why. Age is uniquely appropriate for protection in the -- in the employment circumstance, and -- and that's why it appears in the Employment Policy and not in the Public Accommodations Policy. Handicap is actually covered comprehensively in Employment as well as in Public Accommodations in another part of the General Statutes, Chapter 168A.

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

But this is historic. There's never been such a statewide non-discrimination statement on public accommodations in North Carolina, and we're doing it here. For both of these statements of
public policy, we've also done something else that clarifies law; clarifies law concerning the authority of localities. And that is to say, to state, even though it would have otherwise been evident in a court decision, that these -- that we are regulating the field comprehensively. We are preempting the field. That means that localities are not free to adopt a patchwork of inconsistent law governing these business practices across the state.

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

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

The remainder of the bill, other than a severability provision, is Part 5, and it merely
provides that this act becomes effective when it becomes law and applies to any action taken on or after that date, to any ordinance, resolution, regulation or policy adopted or amended after -- on or after that date or to any contract entered into on or after that date. However, the provisions concerning preemption will apply immediately, and to prior ordinances, preempting those and ending their effect as a matter of law. Thank you, Mr. Speaker.

REP. JACKSON: Mr. Speaker?

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

(Applause.)

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

(Applause.)
REP. JACKSON: Mr. Speaker? Mr. Speaker?

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

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

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

REP. BISHOP: I do.

SPEAKER MOORE: He yields.

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

REP. BISHOP: I do.

REP. JACKSON: I'll --

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

REP. BISHOP: I yield.

SPEAKER MOORE: He yields.

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

REP. BISHOP: That is correct.

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

SPEAKER MOORE: Gentleman wish to ask an additional question?

REP. JACKSON: I do.

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

REP. BISHOP: I yield.

SPEAKER MOORE: He yields.

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

REP. BISHOP: No.

REP. JACKSON: Follow-up?

SPEAKER MOORE: Does the gentleman yield to an additional question?
REP. BISHOP: I yield.

SPEAKER MOORE: He yields.

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

REP. BISHOP: That's what it says.

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

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

REP. BISHOP: I yield.

SPEAKER MOORE: He yields.

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

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

The courts of North Carolina, under the common law, have created a right of action for -- for violation of public policy in a termination of employment. But it's not created by the statute. It exists as a matter of common law, and it can exist for a variety of public policy violations.
This is one of them. That is to say, this has been read by courts to provide the basis of -- one of the examples of a basis for public policy discharge claim for relief.

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

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

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

REP. BISHOP: I yield.

SPEAKER MOORE: He yields.

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

REP. BISHOP: Well, we're talking about statutory rights, not constitutional rights, but yes. The Title 7 has far more robust private
rights and remedies for someone who suffers employment discrimination than are afforded by this statute here -- or afforded as -- by virtue of the public policy expressed in this statute.

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

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

REP. BISHOP: I yield.

SPEAKER MOORE: He yields.

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

REP. BISHOP: Well, I don't know if that's an accurate reading of what the case would say. It may say that she has a right of action for public -- for public -- discharge in violation of public policy informed by this statute, but it wouldn't be brought under the statute. And she certainly would have a claim for relief under Title 7, with rights of back pay,
front pay, reinstatement, punitive damages, attorney's fees, et cetera. She'd have, as I said, far more robust relief under Title 7 than she would have under this -- under the public policy termination common law right of action informed by this statement of public policy, along with many other states of -- statements of public policy.

REP. JACKSON: Follow up, Mr. Speaker?

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

REP. BISHOP: I yield.

SPEAKER MOORE: He yields.

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

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

REP. JACKSON: Right.

REP. BISHOP: -- originally. And then, depending on how the charge was disposed of, she or the EEOC would bring the -- a lawsuit in the
appropriate court where she lives. So, if you're asking -- maybe you're asking about which court system. She could bring it in state or federal court. It could be removed to federal court. That's usually what employers want to do.

REP. JACKSON: Follow up, Mr. Speaker.

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

REP. BISHOP: I yield.

SPEAKER MOORE: He yields.

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

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

REP. JACKSON: Final question, Mr. Speaker.

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

REP. BISHOP: I yield.

SPEAKER MOORE: He yields.

REP. JACKSON: Would it be fair to say
that they will have fewer claims of relief and potential avenues of recovery with passage of this bill?

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

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

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

REP. COTHAM: Thank you, Mr. Speaker. To debate House Bill 2.
SPEAKER MOORE: The lady has the floor to debate the bill.

REP. COTHAM: Thank you, Mr. Speaker.

Well, well, well. Here we are again, in a special session. This time we are here to meddle in the affairs of local government and disrespect local elected leaders. This -- this special session is clearly about -- and it was obvious in the committee we were just in -- that this is to advance some political careers and tarnish other political careers in an election year. Imagine that.

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

REP. STEVENS: Mr. Speaker?

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

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

SPEAKER MOORE: Does the lady --

REP. COTHAM: I will not at this time.

SPEAKER MOORE: Does the lady from
Mecklenburg yield to the lady from Surry?

REP. COTHAM: I will not.

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

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

As you know, I represent Charlotte and Mecklenburg, along with many of you in here. We hear from many people in Charlotte that they are absolutely fed up with this Chamber’s actions to take part in hurting our city. It’s not our first time being the target, as you all know. Instead, people want to talk about opportunities like a great education or having a good-paying job that could improve their lives, not about what we are here doing today.
The voters of Charlotte elected the men and women on the City Council to represent them. They won. That's their choices. We should allow the elected members to make decisions on behalf of the people who elected them, not doing what we want to do because we can. We should respect all elected leaders.

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

That's a serious problem, and that's going to affect many people in North Carolina. I think we are sending the absolute wrong message to the people of North Carolina and especially to the business community, of so many jobs that all of us have talked about, that we are trying to attract here in North Carolina.
And you are absolutely not protecting children, and you are not protecting women. There going to be many other points raised by my colleagues about why this bill is so bad. I'm asking you all to vote no. I will. Thank you.

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

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

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

REP. COTHAM: No.

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

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

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

REP. MICHAUX: Mr. Speaker and ladies and gentlemen of the House, we have a bill before us that we just got a chance to get a five-minute read
on during the meeting of the Committee, and it's a bill that addresses approximately three or four other ideas or other subjects other than what we were expected to come in here and vote on. I would call your attention -- you've got Parts 1, Parts 2 and Part 3 of this bill, and that they are all different and separate parts of the bill. Mr. Speaker, if you will?

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

One of the things -- let me just give you one little example of something in this bill. On Page 5 of the bill, where it's -- it says Section 143-422-13, Investigation Conciliations. It says that the Human Relations Commission in the Department of Administration shall have the authority. The question was asked in Committee meeting, well, the Human Relations Commission, in
the budget, has not been funded. They have been
defunded. The answer to that was, well, there are
funds available. But they are not recurring funds
in order to take care of any situation that may
arise under that.

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

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

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

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

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


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

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

REP. STAM: Ah.

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

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

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

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

REP. MICHAUX: Yes.

SPEAKER MOORE: He yields.
REP. BISHOP: Representative, do you believe it's important that cities and counties act within their legal authority?

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

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

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

REP. MICHAUX: Yes, sir. I yield.

SPEAKER MOORE: He yields.

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

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

REP. BISHOP: Thank you, sir.
REP. MICHAUX: Mr. Speaker?

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

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

SPEAKER MOORE: The gentleman is recognized for a motion.

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

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

(Members at ease.)

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

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

SPEAKER MOORE: Okay. The Chair rules that this motion is in order. The gentleman's recognized to debate his motion.
REP. MICHAUX: Thank you, Mr. Speaker. What it does, it gives you an opportunity to those who didn't want to usurp the power of our cities and counties to debate a little bit more on that. Section 1 deals with the problem that was raised by Charlotte, and that is why I ask for the separation on it. Because there are some who want to vote for it; some who want to vote against it. There are also some on the other side who want -- who do not want to usurp that power of their cities and authorities. I ask that you support the motion.

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

REP. LEWIS: To debate the motion.

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

REP. LEWIS: Thank you, Mr. Speaker. Mr. Speaker and members, I would ask the members of the Chamber to vote against this motion. This bill is
a carefully crafted piece of legislation to make sure that we are able to accomplish the ends that the bill sponsors have explained during this debate. Without veering into the debate on the bill, I would simply ask you to vote no on this motion.

REP. MICHAUX: Mr. Speaker, Mr. Speaker?
SPEAKER MOORE: For what purpose does the gentleman from Durham, Representative Michaux, rise?
REP. MICHAUX: To ask the Rules Committee Chairman a question.
SPEAKER MOORE: Does the gentleman from Harnett yield to the gentleman from Durham?
REP. LEWIS: I yield, Mr. Speaker.
SPEAKER MOORE: He yields.
REP. MICHAUX: Mr. Rules Chairman, would you agree with me that Part 1 of this bill can stand alone and be passed and enforced without anything else, particularly anything involving Part 2 and 3?
REP. LEWIS: Representative, what I would agree is that this entire bill deals with individual localities exceeding the authority that they have had without coming through the General
Assembly. Therefore, I believe they are related, and I believe they should remain together.

REP. MICHAUX: Another question.

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

REP. LEWIS: I yield.

SPEAKER MOORE: He yields.

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

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

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

REP. HAGER: Speak on the amendment.

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

REP. HAGER: Thank you, Mr. Speaker.
Guys, these three pieces of this bill, as Representative Lewis said, all have something in common. They talk about taking power away from the state that we have always had, and, constitutionally, we always will have, and giving into the cities and counties. That's what these three pieces have in common; that's why they have that common denominator.

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

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

REP. INSKO: Thank you, Mr. Speaker. Ladies and gentlemen of the House, I would like for you to vote yes on this motion. Partly because -- Section 3 especially, that Representative Jackson talked about, is excessive and unnecessary and would put North Carolina -- it would join North Carolina as the only state without any state law
protecting private sector employees. We don't want to do that. We need to separate these out so that we can vote on them separately. So, please, vote yes.

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

(Votes recorded.)

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

REP. HARRISON: To debate the bill.

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

REP. HARRISON: Thank you, Mr. Speaker. This bill is so wrong on process and substance, but I'm going to leave it to my colleagues to talk about that. About the cost of this session, the
appropriateness of this session, the potential loss of significant federal funding, the economic impact. I'm going to focus on, sort of, the humaneness and the compassion element of this.

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

It got me thinking about my constituents. I have constituents who are the parents of a transgender daughter, and I -- she's grown now, but what if this bill had been in place? She was going to be forced to use the boys' locker room in high school, a transgender girl, and forced to use the
boys' bathroom in high school. And you can just imagine what kind of harassment and bullying and potential harm might come to that young woman. And this is a scenario that will play out all over the state and affect all kinds of transgender individuals, young and old.

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

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

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

REP. MARTIN: To send forth an amendment.

SPEAKER MOORE: The gentleman is recognized to send forth an amendment. The Clerk
will read.

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

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

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

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

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

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

I think we can have a broader debate on that also. But without a doubt, it's something, I think, needs to be in our policy. Members, I'm happy to explain why discrimination on the basis of veteran status should be prohibited and why we should not blindly strip from our local governments the ability to protect it, and I'm happy to yield any questions on that or any other matter that's
related to this amendment, but I would urge your support.

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

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

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

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

SPEAKER MOORE: He yields.

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

REP. MARTIN: I think the clear answer to that is that throughout the country, both at the state level and in some cases at the federal level, and then certainly as I have described at the local government level, there are no shortage of
anti-discrimination policies prohibiting
discrimination on the basis of veteran status, and
I am unaware of any problems similar to that which
the gentleman suggests.

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

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

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

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

In my youth, I was in the military, and
so I -- I've been a veteran for 45 years. I have
yet to ask anybody at the -- have ever ask -- had
anyone ask me before I bought groceries, are you a
veteran? And it's had to imagine that anyone would
discriminate against you in employment because
you're a veteran. So I don't even understand the need for veteran status. It's not a mark against the person.

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

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

SPEAKER MOORE: The gentleman has been recognized for motion. The gentleman has moved that the bill do lie upon the table. Is the motion seconded? And seconded by Representative Cleveland. The question for the House is the
motion to lay the amendment upon the table. Those in favor will vote aye, those opposed will vote no. The Clerk will open the vote.

(Votes recorded.)

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

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

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

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

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

This is really not about bathrooms. This is about -- this is about fear, because, first of
all, you -- the City of Charlotte has a sovereign responsibility and duty to make and pass ordinances that have been given a charter by the State of North Carolina. Does not mean that the State of North Carolina at any time can supersede local authority, but we've been through that for the last four or five years here, so that's -- that's not -- that's nothing new. It's not a problem.

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

We also know that the business community, which we are here, our sole purpose is to create jobs and to put forth a potentially good business climate so that we can attract and retain jobs in North Carolina. The business community has no heartburn with this ordinance. As a matter of
fact, if you look at some of our largest employers in the state of North Carolina, they have policies that address LGBT instances of their employees and other things, so that can't be what we're doing here.

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

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

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

SPEAKER MOORE: All right, apologize.

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

SPEAKER MOORE: There was a long pause, there, Representative Moore.
REP. R. MOORE: And I was -- I was waiting for Dan to do his thing. Can I continue?

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

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

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

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

REP. ARP: To debate the bill.
SPEAKER MOORE: The gentleman has the floor to debate the bill.

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

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

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

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

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

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

We do a lot of hard things up here, a lot
of complicated things here, but, ladies and
gentlemen, this is not hard. This is really
simple. All North Carolina citizens expect privacy in showers, bathrooms and locker rooms. I do not think counties and municipalities and local governments have the authority to strip all North Carolina citizens of their right to privacy in showers, bathrooms and locker rooms. I do not think counties, municipalities and local governments should have the right to strip any North Carolina citizen of their right to privacy in showers, locker rooms and bathrooms or mandate other businesses to do so. It's just that simple.

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

Make no mistake, we would not be here if a municipality had not stripped North Carolina citizens of their right to privacy in bathrooms, locker rooms and showers. I can think of us having no greater purpose than to spend whatever amount of money it takes to make sure all North Carolina
citizens are not stripped of their privacy in locker rooms, showers and bathrooms. Ladies and gentlemen, I urge you to vote yes on this bill. Thank you.

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

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

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

REP. FLOYD: Yes, he is.

SPEAKER MOORE: The Clerk will read.

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

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

REP. FLOYD: Mr. Speaker, when we first heard and learned about the Charlotte bill, we was under the impression that this session would address the Charlotte bill. And -- but what we see
is that this session has gone beyond the Charlotte bill and added employment.

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

SPEAKER MOORE: The Chair notices several lights. Again, if members would only have their lights on if they wish to debate this amendment.

To what purpose does the gentleman from Mecklenburg, Representative Bishop, arise?

REP. BISHOP: To debate the amendment.

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

REP. BISHOP: The amendment would take out not only the provision clarifying that local governments may not regulate wage policy, but also those sections that provide that localities cannot regulate the employment practices and selling practices of contractors to those governments. And it affords an opportunity to say, this really is one of the most egregious aspects of the overreach
of authority reflected in the Charlotte ordinance.

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

Which -- which points up again why it's important. You know, we -- we sit in one house of a bicameral legislature. Bicameralism exists now the world over as a bulwark against invasions of freedom. And I've learned, in the short time being up here, that having five or six people think something is a good idea is a long way from home when it comes to making a law. You have to get a old ornery committee chairman like Chairman Brawley to allow you to be heard in his committee. You have to answer a lot of questions. And you find out that if you haven't vetted out your language very carefully, as the case has been in Charlotte, where, by the way, if you read the plain language, they eliminated same-sex specific facilities completely.
And then if you go -- if you get through the questions in that committee, you've probably got a serial referral to another committee, maybe two. And after you get favorable reports from those committees, if you can do that, then you come to the floor of the House, where people are making speeches if they're running for Congress.

REP. MEYER: Mr. Speaker?

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

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

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

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

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

REP. BISHOP: And then, if you get a majority of this body of 120 people to vote yes, then it really gets tough, because you have to go across the chamber and start over again with a whole 'nother set of committees, one of which is rules. You have to get through both bodies and that's how something becomes law.
Or here's a neat trick. Let's just go to a city council where you can find a handful of radicals under the influence of an activist group. It's got a lot of money from out of state. And get six of those people to enact something that goes to the heart of some -- of statewide interest. And then impose that not only on your own citizens, but on everyone that might be operating a business across the state. That is the picture of the subversion of the rule of law.

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

REP. R. MOORE: Mr. Speaker.

SPEAKER MOORE: What purpose does the
gentleman from Mecklenburg, Representative Moore, arise?

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

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

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

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

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

It's got nothing to do with fear. I trust my fellow man and woman to do the right thing
almost all of the time. They need not be rode herd on, if you will. That's why we establish things like bicameral legislatures and separation of powers. I didn't even mention that. Once you get through the committees, the Senate and the House, you gotta go to the Governor and get a signature. None of that occurs when you can get a few people to come up and run something through that's a great idea, as far as they know.

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

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

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

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

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

SPEAKER MOORE: He yields.

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

REP. BISHOP: Yes, Congressman?

REP. R. MOORE: All right. Trust me --

and -- and, Representative Bishop, for some reason

that's -- that's a slip of the -- a Freudian slip.

Sir, do you really believe -- or -- or do -- you

talked about outside groups coming in and -- and

pandering and those things. Is that not done on

either side of the -- of the political philosophy

spectrum, whether you're a far right or far left

advocate? Is -- is that -- is that not the -- the

norm of our political process, at this particular

point in time?

REP. BISHOP: I think general assemblies

like ours are the worst of all possible forms of

government, except for the others. That is to say,

a lot of garbage comes out of here. A lot of

influence is -- is peddled around. A lot of things

I disagree with happen.

But I think, to my core, that the system

of government that we all live under, the

institution that we have here with all you fine

people on the floor and those in the other chamber

and those in the United States Congress that's --

that's similarly separated for checks and balances
upon the abuse of power, those devices are core and fundamental to our maintenance of our freedoms, and they're -- and they absolutely deserve to be respected.

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

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

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

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

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

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

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

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

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

SPEAKER MOORE: He yields. 

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

REP. BISHOP: I'll try my best. 

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

REP. WARREN: Mr. Speaker?
SPEAKER MOORE: Just a moment. For what purpose does the gentleman from Rowan, Representative Warren, arise?

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

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

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

REP. BISHOP: I certainly can. Thank you for the question. City councils and county commissions -- I was a county commissioner -- are critical to the functioning of state government. They represent -- they -- they handle matters of
local concern. And they are agents of the General Assembly and seeing to it that good government -- government is available everywhere. And in appropriate areas, they maximize local control.

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

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

What we're talking about here is something for which there's never been a delegation of authority to a locality, and furthermore, it is a matter of statewide interest. It is not something that varies in terms of what is right and just from community to community and how the law can be orderly.
We make those decisions as a statewide community. That's the way the system is set up.

REP. FLOYD: Mr. Speaker?

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

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

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

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

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

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

SPEAKER MOORE: Well --

REP. FLOYD: May I?

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

REP. FLOYD: A call for the previous
SPEAKER MOORE: The gentleman has moved the adoption of the previous question. Those in favor of the previous question will vote aye; those opposed will vote no. The Court will open the vote.

(Votes recorded.)

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

(Votes recorded.)

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

REP. MICHAUX: To speak a second time on
the bill.

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

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

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

But let me ask you this. You say this bill was well crafted -- that it had a lot of thought that went into it. Have you ever asked
yourself how much or if any cost would be involved in this bill? The reason I am raising that is because you define the parameters of -- no, I'm sorry. You define the parameters of what is discrimination and what is discriminatory and what is not discriminatory.

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

So, what we have tried to say to you is that you have gone far beyond what's in a restroom or who goes into a restroom or how it affects somebody personally. What you have done is you have not looked at this bill as to what effect it may have on you in terms of your appropriations. As I said before, you put in this bill that disputes would be settled by the Human Relations Commission, a commission that has been defunded and
no money going to them, but they are the ones
who -- who are going to do this.

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

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

REP. STAM: Mr. Speaker?

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

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

REP. MICHAUX: Yes, sir.

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

REP. MICHAUX: I sure do.

REP. STAM: Mr. Michaux, do you know
that, in the last 44 years, not a single school has
lost Title IX funding for enacting laws and
policies that require students to use restrooms and
locker rooms of their biological sex? Not once in 44 years.

REP. MICHAUX: I understand that.

REP. STAM: Answer the question.

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

REP. STAM: Second question.

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

REP. MICHAUX: I do yield.

SPEAKER MOORE: He yields.

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

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

SPEAKER MOORE: For what purpose does the gentleman from Mecklenburg, Representative Alexander, rise?
REP. ALEXANDER: To debate the bill.

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

REP. ALEXANDER: Thank you, Mr. Speaker.

In going over this and thinking about it and talking to folk up here, I think it is important that you know two things. Number 1, I am not running for Congress, and, Number 2, that if this bill passes, we will have finally after a couple of hundred years figured out how to outlaw two-hole outhouses.

Now, dealing with the serious matters.

You know, I -- I am a firm believer, as are many of you, that regardless of what our Constitution says, that ultimately, the power derives from the consent of the governed. It derives from the people. And, like many of you, I have argued over and over that when you start looking at issues, you should go and find out what the people did.

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

In the last couple of years down in
Mecklenburg County, specifically in Charlotte, this whole issue of the anti-discrimination ordinance came up, was discussed, was debated at one City Council, and then became something that was discussed in the next mayoral and City Council campaigns. So people who were running for office went all over the community, showed up at numerous forums, answered questions, and told people what their position was going to be. At least one mayoral candidate -- the candidate who prevailed -- likewise went around the community at those same forums, made speeches, told folk what her intention was going to be, should she be elected. And the people of Charlotte went to the polls in -- fully aware of these discussions, and voted in a City Council committed to making some changes and a mayor committed to making the changes.

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

I admonish you, ladies and gentlemen, to be very careful to substitute consistently the will of the people at the county and at the municipal
level with the will of 170 folk from all over everywhere, most of whom are not from Mecklenburg or Wake or Durham or Perquimans, or wherever the next flashpoint will be. We should be very, very careful when we exercise our constitutional authority to intervene in localities.

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

I also want to remind you that there are a lot of cities that already have adopted the kind of legislation that you -- that we seek to outlaw in this bill. I don't know how many of you may have traveled down to the state of Florida and have gone to Disney World or Universal Studios or whatnot. You know that's -- all of those in a little town called Orlando that has the same kind of ordinance that Charlotte has adopted. And I don't think any of you had any problems when you went to the toilets down there. Or any of your constituents have reported predators lurking around
Shamu's pool. You know, it just hasn't been a
issue.

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

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

We should, ladies and gentlemen, vote
against this measure. Because from all counts,
whether you're talking about contracting, whether
you're talking about the ability of people in a
given locality to want to create a higher standard
in how they deal ethically with their businesses, whether you're talking about who's on first in going to the outhouse. However you want to cut the cake, these are decisions that should be left to local governments -- to local people, and should not be relegated to us spending $42,000 a day to debate this stuff up here in Raleigh.

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

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

REP. MARTIN: To debate the bill.

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

REP. MARTIN: Thank you very much, Mr. Speaker. Members, I want to talk about two
aspects -- two problems with this bill. The first problem results from the convoluted and rushed process by which the bill has found its way to us, in which many members -- perhaps most members -- did not even see the language of it until this morning.

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

And I would submit to you, members, that the omission of veteran status from our state's new anti-discrimination policy is one of those mistakes. I do think every member here, even my
Marine friend from Wake County who spoke of -- who moved to table my amendment, would, upon consideration and education, understand why we do need to be able to protect discrimination on the basis of veteran status.

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

It's also clearly an issue in the employment context. And that's why you see at the federal level, most state levels -- many state levels, rather -- and certainly in local levels, you do see discrimination, both in public accommodations and in employment, prohibited. And that's something that some counties in North Carolina have chosen to do.
Like it or not, this bill we have before us pretty clearly will repeal any ordinance -- any city, county ordinance or local government ordinance -- including, like the one in Orange County, and probably several other counties. That's going to happen, and that's something, I think, if we'd had a more deliberative process, we could have come to a bipartisan agreement that we could have put in there.

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

Ladies and gentlemen, this nation has not -- this is not the first time we've done this. In the past, we have sent a class of people off to war to defend our rights, and yet discriminated
against them when they've returned to our country. I contend that that is one of the greatest injustices ever perpetrated on a class of people in our country. It was wrong then, and it is wrong when we do it again today, and I will be voting no.

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

REP. STEVENS: To speak on the bill.

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

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

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

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

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

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

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

REP. MEYER: To speak on the bill.

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

REP. MEYER: Thank you, Mr. Speaker. I'm going to save Representative Bishop from my second question, but go ahead and continue the debate that we had there for a second. Representative Bishop suggested that the deliberative process of this body is superior to the deliberative process of local elected bodies. He ran through what it takes to get a bill passed in this body, and compared it to what -- something that, quote, "a handful of people can do through a locally elected body."
I would simply like to point out to the people of North Carolina that in the record of the Charlotte City Council debate on the ordinance we're discussing, there are 214 pages of official record, and 28 attachments. Whereas, Representative Bishop's own bill that we're hearing today was only introduced to us at 10 a.m. this morning, and will be passed in just a handful of hours.

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

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

REP. HAMILTON: To debate the bill.

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

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

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

Representative Richardson asked a very good question during the committee hearing, and she asked, has that division -- that Commission, indeed, been funded by the department -- in the current budget cycle. The answer to the question
from Fiscal Research is this: the Human Relations Commission was placed on a continuation review. They are currently on non-recurring funding, and the General Assembly will have to decide whether to appropriate recurring money to this Commission in the short session, or else the Commission will be eliminated. So unless this body acts during the short session to fully fund, in a recurring way, the Human Relations Commission, then there'll be no place for people who feel they've been discriminated against to come and make their case in North Carolina.

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

The second thing -- and this has already been brought up by Representative Michaux, but I wanted to put a little finer point on it. In G.G. versus Gloucester County School Board, on November 2nd of 2015, the courts ruled this: the United States Department of Education's Office of Civil Rights has determined that a school or school district that violates Title IX when it fails to
provide access to restrooms and locker rooms consistent with a transgender student's gender identity. That's less than six months ago that the courts have ruled that that is a violation --

REP. BISHOP: Mr. Speaker?

REP. HAMILTON: -- of Title IX.

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

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

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

REP. HAMILTON: I do not.

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

REP. HAMILTON: Thank you. So, how does that relate to North Carolina? What that does is put close to $4 billion at risk in education funding in our state. If we are threatened with a Title IX violation, and I feel very confident that we probably will be, just like Tennessee is currently grappling with the same issue, then we put at risk $4 billion of Title IX funding toward public education at all levels. I think you really
ought to consider this in your -- your review of this bill. You ought to consider the most recent ruling in this regard, and you should vote against this.

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

REP. LUCAS: To debate the bill.

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

REP. LUCAS: Thank you, Mr. Speaker.

Ladies and gentlemen, I have sat very attentively as the debate has gone on, and as I've tried to decipher how I could best relate to this bill. I have not had the opportunity to even know what the bill might contain, other than what I heard in the media relative to restroom privileges, Section 1. I think I heard that distinctly prior to coming here. Sections 2 and 3, I knew nothing about until today.

Regarding all three of those sections, suffice it to say that in Section 1, I pretty much know that we ought to be human beings first, and that we ought to do everything within our power to limit opportunities for perversion or mistreatment.
And we get sometimes really emotional about children. Probably everybody that has children, or have had children, and none of us want to expose our children to this kind of circumstance. That's just common sense. We don't want that.

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

As to how we handle the other sections of that bill, that is micromanaging. That greatly disturbs me. We all have a -- most of us, I should say, let me qualify that, most of us have reached the consensus that government is best when it's handled at the lowest level possible. Ordinances enacted by our cities and our counties, we ought to respect, because they are close to the people that they govern. We have railed, here at the state level, about big brother federal government handing down mandates, and expecting us to comply. Probably all of us have railed against that, but now it seems like we want to do the very same thing and pass the buck on down to those who are
subservient to us. They are elected bodies, as we are, and I do not know what's best for Mecklenburg County. I will try my best to represent Cumberland County, because that's who elected me.

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

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

REP. MARTIN: To debate the bill.

SPEAKER MOORE: The lady has the floor to debate the bill.
REP. MARTIN: Thank you, Mr. Speaker.

I'd just like to share some appreciation to the work committee, and the folks who put a lot of effort into drafting this legislation. And as a mother of two teenage daughters who've been in the schools recently -- and that, as often happens around our family, we talk about what's going on. What are you up to? What's happening at work? And we talked about this issue, and that -- just the appalling that they had at the idea of it being wide open for anyone to come into the restrooms at school.

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

It's common sense. It protects the privacy for every citizen in this state, and that's important. And I do also support that we have a -- a local control as much as possible, and that we support those things that our local governments
have the authority to do. And the more clear that we can be, that we have given this authority, and not that authority, then the less time that they have to waste, and that we waste. And so I think it's important that we clearly lay out, what authority has been given and not given, and that those things that have statewide importance are handled at the state level.

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

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

REP. INSKO: To debate the bill.

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

REP. INSKO: Thank you, Mr. Speaker.

Ladies and gentlemen of the House, this is wrong. This is bad wrong. We're sent up here to solve problems, not to create them. This bill is supposed to protect girls and women. This bill doesn't protect transgender girls or transgender women. Transgender girls, now, who will be forced to go into the male bathroom, or the male's locker
room. Are they going to be treated well?

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

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

You may not know this, but in North Carolina, our state laws protect people with sickle
cell disease. It's a local state issue. It's not a federal issue, but it's appropriate, for we have -- that we have that here, because we have a large population of people with sickle cell disease. I was the health program administrator for the UNC Sickle Cell Program, which was part of a Duke UNC Sickle Cell Center. We have a large population here, and a lot of support for that population.

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

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

REP. DOLLAR: To debate the bill.

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

REP. DOLLAR: Thank you, Mr. Speaker, Members of the House. I have tried to listen very carefully to the debate in Committee and to the -- the debate on this floor. And let me respond first
to a couple of issues that have been thrown out. One, Representative Hamilton mentioned the issue of a continuation review for the Human Relations Council. Well, I know of no continuation review, not in my time in this Chamber, that didn't result in the program being continued. More importantly, a continuation review means that we're examining the program. This provision would actually help enhance the Human Relations Commission, and the money is already provided to continue that function in the second year of the biennium. The money has already been funded, so it's there, and not in any jeopardy.

There was a question that was raised with respect to Title IX, and -- and I would again point out from Title IX itself, which is obviously a very long title, but "Nothing contained herein shall be construed to prohibit any educational institution receiving funds under this act from maintaining separate living facilities for the different sexes," and then particularly under Title IX's regulation, under the Code of Federal Regulation, it specifically states, "A recipient may provide separate toilet, locker room and shower facilities on the basis of sex."
So if there was a Title IX issue, the Charlotte ordinance would certainly not be the remedy for that. That would be an issue that we would have to deal with at the state level. So that is sort of another red herring in this.

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

Now, Representative Stevens very well stated the issue with respect to timeliness and cost. The reason why we're acting now is that what we do today will save not only the cost of any litigation there would have to be brought to address the Charlotte ordinance, but also deals with their April 1st enactment date. They could
have delayed that. Charlotte could have delayed that and allowed the General Assembly, in its normal course, to come in and to consider the matter. They chose not to do that. So what we are doing is both timely and cost-effective.

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

And the Court stated this: "In the exercise of ordinary governmental functions, counties and cities are simply agents of the state, constituted for the convenience of local administration in certain portions of the state's territory. And in the exercise of such functions, they are subject to almost unlimited legislative control, except where this power is restricted by constitutional provision."
That is an interpretation that our Supreme Court has stated again and again and again in a variety of cases, and it is how our government in North Carolina is structured. And I would note that no one in here in this debate -- I have yet to hear in the hours or so that we've debated this, no one has cited a specific local authority that the General Assembly has enacted that would allow for this local ordinance to be put in place by the City of Charlotte or any other municipality. They lack specific statutory authority to do what they did.

Members of this House, let me just say this. Our cities, our counties do a tremendous function for us in this state. They do a tremendous job, and we want them to continue to focus on those issues -- police, fire, parks, recreation, economic development, water, wastewater, recycling, sidewalks -- all of those issues which have been clearly delegated to the local municipalities, to the counties, as well as other functions, specific by this body, by the General Assembly of this state. They need to work to hone those functions, to provide those services to the citizens, and we do not need any municipal government acting outside of its appropriate
authority, particularly when they are seeking to make political statements. And I would ask you to vote for the bill. Thank you.

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

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

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

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

And the thought that has come to my mind, is, if that's the case, then those, quote, "preverts" [sic] that we are saying would raid our women's bathroom, and go in and hurt our children; what's to stop them from changing their birth certificate? Because nothing in here says that anybody has to have any type of ID or anything to change their birth certificate. So are we really
protecting, or are we giving people who would do
harm another avenue to access our children?
Because if I could just change my birth certificate
and go in any bathroom I wanted to, then anybody
can do that.

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

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

REP. BLUST: To see if Representative
Bishop --

SPEAKER MOORE: Representative --

Representative Bishop is at the speaker's dais
right now. Does the gentleman wish to debate the
bill, or does the gentleman --

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

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

REP. STAM: I do.
SPEAKER MOORE: He yields.

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

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

REP. STAM: That -- that is correct, Representative Blust. The -- that ordinance affected anyone who traveled through Charlotte. It affected all the business owners, the non-profit owners, because of their place -- their place of public accommodation, the -- the definition was
extremely broad. It affected every business that wants to do business with Charlotte by contracting with Charlotte, so I -- I would say it was economic imperialism.

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

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

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

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

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

Now, Representative Bishop made a big deal about the fact of all the different hoops and steps you would go through for a bill in this General Assembly to pass. Some people might would
call that partially due diligence. That's not what happened with this bill, though.

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

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

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

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

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

    REP. STEVENS: Mr. Speaker?

    REP. HALL: -- get paid a decent wage.
They may say --

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

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

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

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

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

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

REP. HALL: -- makes this be an important enough issue for us to call a special session?
That is the discretion of the members who said, this is important. The people of North Carolina didn't say it was important enough to do that. The teachers who are leaving the state because their salaries are not sufficient for their families to live and work in -- in this state of North Carolina, they didn't say that. The people who want to improve education, they didn't say that.

REP. LEWIS: Mr. Speaker?

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

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

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

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

REP. HALL: Thank you, Mr. Speaker. And
as we talk about the bill itself, and not the process by how it got here, apparently that's irrelevant that -- that we created this situation.

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

REP. BISHOP: Mr. Speaker?

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

SPEAKER MOORE: Just a moment.

REP. HALL: -- Bank of America --

SPEAKER MOORE: To what purpose does the
gentleman from Mecklenburg, Representative Bishop, rise?

REP. BISHOP: To ask Representative Hall a question.

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

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

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

REP. HALL: And -- and I would continue the list: Bank of America, Novant Health Systems, American Airlines, Food Lion, Harris Teeter Supermarkets, Lowe's Companies, Duke Energy Corporation, Apple, Siemens, AT&T, Microsoft, Bank of America; all organizations and businesses that help partner with us in the development of our state, contributing to the education of our children, developing a future that we all aspire to have North Carolinians have an opportunity to participate in. But yet and still, their expressed preference, by making their workplaces safe for all North Carolinians, are being ignored. And so what would we expect that future companies would say if
all of our citizens can't be respected, our valued employees can't be treated fairly? Then they won't come to North Carolina and take a risk on that.

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

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

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

REP. DOLLAR: Mr. Speaker?

REP. HALL: -- to address those issues.
SPEAKER MOORE: For what purpose does the gentleman from Wake, Representative Dollar, rise?

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

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

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

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

REP. HALL: Thank you, Mr. Speaker. And I think it's extremely important that we note what's going on here. You know, as Republican primary voters left the polls, they said they had a 60 percent disapproval rating for their Republican leadership. And so now, we've created this emergency fiction, and we're going to have an emergency solution, that we haven't done our work on in passing it. Again, a one-day bill, one committee, an hour's hearing, five minutes for you to review it, and you're getting ready to vote it up or down based on floor debate, without a fiscal note.
I can't say that's responsible. I'm not sure any of you could say that's a responsible way for us to legislate. I know you feel that you have to vote a certain way, and many of us will have to, but we would have hoped we could have done better than this. Not economic development, not funding for our schools, not health care for our citizens, we came back to do this. It's really a shame that we could do this to the people of North Carolina. I'd ask that you vote against the bill.

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

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

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

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

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

REP. COTHAM: Thank you, Mr. Speaker and members. I hope that this is a clarifying amendment. I have shown it to the bill sponsors, and they are on board.
You may recall I talked about if you are a mother and have a very young child, could be an infant, could be a three-year-old, and you need that child to go into the restroom with you. Now, this -- these children are not going to help you as a parent, but for safety, you need them in there with you, because what are you going to do with a three-year-old or five-year-old? This simply clarifies this, so that if you are a parent, and you have a child up to the age of seven, that he or she can accompany a parent or anyone who is caring for that child -- could be a grandmother, could be an aunt -- but I'm sure many of us who are parents, we have been in this situation. So I ask for your support.

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

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

SPEAKER MOORE: Further discussion, further debate? If not, the question before the House is the adoption of Amendment 3, set forth by Representative Cotham. Those in favor of the
amendment will vote aye; those opposed to the amendment will vote no. The Clerk will open the vote.

(Votes recorded.)

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

REP. HASTINGS: To debate, Mr. Speaker.

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

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

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

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

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

REP. REIVES: To debate the bill.

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

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

If we're going to continue down a path where we're going to take over a lot of the local functions, I just don't think that's the way to go,
because at some point in time, we've got things that are statewide issues that we've got to pay attention to, and it took us 10 months last year to handle just those matters. And so I would ask that we take that into consideration as we're thinking about our votes on this bill, and as we proceed through the short session.

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

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

REP. ARP: Mr. Speaker?

SPEAKER MOORE: For what purpose does the --

REP. ARP: Mr. Speaker?
SPEAKER MOORE: For what purpose does the gentleman from Union, Representative Arp, arise?

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

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

REP. REIVES: Happily.

SPEAKER MOORE: He yields.

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

REP. REIVES: No, and actually, I -- with the great respect I have for you, Representative Arp, and people on your side that have been able to put together some bills, I think that we can articulate and directly address problems with
Charlotte, or any other municipality, or any other county, that does something that's in direct contravention with state law.

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

REP. ARP: Follow-up?

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

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

SPEAKER MOORE: He yields.

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

REP. REIVES: Well, again, candidly, I think it's good that you bring that point up. But in a 24-hour period, which is all that we've had
time to really review what we're doing to change that law, I don't have enough information to tell you. It sounds, from what you're saying, that you're completely correct, but I do not know. And I just don't know the answer, and I wish I did know the answer. And I -- that's why I wish we were doing this in the short session, when we had time to sit around and talk about it. Thank you.

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

REP. MCELRAFT: To speak on the bill.

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

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

When I was a town Commissioner, we knew there were certain things that we could do and could not do, especially if we had a great town -- town manager or county manager that reminded us of
that, or county or -- or a city attorney. We knew
that we couldn't do environmental legislation;
that's a restriction on towns. We can't, even
though we'd like to, reduce some of the
restrictions the state has on septic tanks down at
the coast, we can't do that. That's
State-mandated. We were never given the authority
to do that.

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

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

This is common sense legislation, and
there are those of us who are offended that there are town commissioners and county commissioners that are offended by this. We, as town commissioners and county commissioners, think this is a good thing to do, direction from the General Assembly, where we don't overstep our boundaries. There are things we can do and things we can't do.

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

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

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

REP. CUNNINGHAM: To speak to the bill.

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

REP. CUNNINGHAM: Thank you, Mr. Speaker.

So how did we get here? Today we are here, once more discussing something that Mecklenburg County city officials decided to do. So how did we get here? Same way we did the last time, picking up something that really is not looking at the needs of the people in our district.

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

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

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

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

Usually I like to look at people, even our own people back home. Mecklenburg County, the City Council made a decision. Yeah, they made it. But did they negotiate? We hear a lot about negotiate, mediate. Are we in the position that we should be thinking about mediating and negotiating on things, so that some things don't have to go other places? Some things can be handled there, and it not have to come down here for us to have to clean it up, or fix it up, or even mess it up further. Are we there yet? No, we're not there yet, but that's okay. Here we are. Here we are again.
When I make a major decision, I first ask myself -- am I doing any harm? I don't know how many people do that, but maybe we should start saying, am I doing any harm? Because if we look at, right now, what's going on on the national level, Trump is loose. I heard somebody talk about Cooper in the meeting -- committee meeting, when Trump is loose, and we can't get him back in the box, so is he in the room?

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

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

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

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

REP. BISHOP: Thank you, Mr. Speaker. At that location, this is the portion of the bill per -- clarifying that cities and localities don't
have authority to regulate wage levels. And there are exceptions in the bill to make sure that, for example, the local government can regulate its own compensation levels to employees, and then there are several items relating to federal community development block grants and economic development incentives, where those are integral to the -- to the program.

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

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

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

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

REP. BISHOP: I would defer the question.
to Representative Hager.

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

REP. HARRISON: Sure.

SPEAKER MOORE: -- from Rutherford?

REP. HARRISON: Please.

SPEAKER MOORE: And does the gentleman yield?

REP. HAGER: I do.

SPEAKER MOORE: He does.

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

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

SPEAKER MOORE: Further discussion or
debate on the amendment? If not, the question before the House is the adoption of Amendment 4 sent forth by Representative Bishop. Those in favor will vote aye; those opposed will vote no. The Clerk will open the vote.

(Votes recorded.)

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

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

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

REP. BISHOP: I yield.

SPEAKER MOORE: He yields.

REP. R. MOORE: Representative Bishop, you mention in your comments that private businesses were not -- there was no mandate for private business, but let me ask you this. What -- how do you -- I need some clarity for private businesses who -- who require public
accommodations, like bars, restaurants, movie theaters, and those things. How does this particular law apply to that? I just -- just wanted to get some clarity on -- on that particular piece of it.

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

REP. R. MOORE: Follow-up?

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

REP. BISHOP: I yield.

SPEAKER MOORE: He yields.

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

REP. BISHOP: Well, the -- the statewide
public -- statement of public policy concerning public accommodations discrimination is -- sets forth the -- all of the protected classes under Supreme Court jurisprudence and quasi-suspect -- suspect classes. So the ones that are listed in there, those are the ones that there is a public policy statement concerning discrimination. And otherwise, there's not a mandate on people -- people's bathroom use, one way or the other. They're free to do what they wish.

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

REP. BASKERVILLE: To debate the bill.

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

REP. BASKERVILLE: Thank you, Mr. Speaker, and I will be brief. There would have been a lot of votes on this side of the aisle if we were just dealing with the restroom issue. If we were just dealing with the restroom issue, that bill would have passed, and it would have passed very quickly. But when we include these other provisions dealing with contracting and employment, there are very grave concerns that -- that I have,
where I'm trying to find the consistency in reasoning and application in this bill.

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

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

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

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

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

SPEAKER MOORE: For what purpose does the gentleman from Mecklenburg, Representative Bishop, arise?
REP. BISHOP: To debate the bill a second time.

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

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

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

In the course of the Minority Leader's comments, I understood he listed the names of a lot of companies who have policies, enlightened
policies, concerning how employees will be treated. And I think it was clear, but I just want to make it clear in case there was an implication to the contrary, those companies will be entirely free to continue pursuing the policies that they, in their wisdom, have decided to adopt. And that's perfectly consistent with the idea that we want to maximize freedom of -- of, in fact -- in fact, the absence of -- of a problem that should've led to the creation of an emergency that -- as it has occurred.

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

In fact, the court there held against the Obama Administration. So that decision's on appeal
in the 4th Circuit. But that position, that some have suggested could have some implication for Title IX funding, the Obama Administration's position, has not been accepted by any court anywhere in the country.

The other decision out on that point comes from -- it's in a case, Johnson versus University of Pittsburgh, from the Western District of Pennsylvania, that one was in March of 2015. That case is on appeal as well, in the 3rd Circuit. But no court has embraced that position at this point in time. Should that occur some day, should a court with jurisdiction over this area, decide that Title IX is -- does not mean, when it says sex, what everybody's always understood that it means, and that the regulation under Title IX that's been quoted twice by Representative Dollar and Representative Stam, that explicitly permits separate toilet, locker room and shower facilities on the basis of sex; if that regulation is, by virtue of those decisions -- of -- of a decision to be -- here -- you know, hereafter to occur will be invalidated, then there will be a process after that point in time which North Carolina or any other jurisdiction that has had separate bathrooms
for boys and girls, will be able to adapt, before there would ever be any implication for Title IX funding to go away. So that is really immaterial to the decision we're making today.

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

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

I would have been better served, on behalf of the people that I represent, if I could have spent the time that I've spent on this, learning more about our process for Medicaid
reform, about additional tax reform that we need to do, about budget adjustments in the upcoming short session. We'd all be better served if those folks had not precipitated this need for a short session. I wish that they had not.

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

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

(Votes recorded.)

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

CLERK: The General Assembly of North Carolina enacts.

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

(Votes recorded.)

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

REP. DOBSON: Yes.

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

(End of audio.)
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

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