

NORTH CAROLINA GENERAL ASSEMBLY  
HOUSE JUDICIARY IV COMMITTEE

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TRANSCRIPT OF THE PROCEEDINGS  
MARCH 23, 2016

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

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1                   REP. BLACKWELL: If you would, try to  
2                   find a seat. I've got some preliminary matters  
3                   that I want to go over, so hopefully we'll  
4                   understand what we're going to try to do, and we'll  
5                   need to be a little bit flexible, I understand.

6                   I want to start by saying to the members  
7                   of the committee, to help us judge the time that we  
8                   need to dispose of the bill by 11:45, which is my  
9                   intention, I would like you to indicate to the  
10                  staff behind me, as soon as you possibly can, if  
11                  you intend to offer an amendment. I don't have to  
12                  know what the amendment is, but I'd just like to  
13                  have an idea of how many we might possibly be  
14                  dealing with, if you could accommodate that.

15                  If you're interested in speaking for or  
16                  against the bill, or if you simply want to speak on  
17                  the bill, if you will, register in the back; I  
18                  think there's a sign-up sheet back there. If you  
19                  don't consider yourself for or against, you might  
20                  want to sign up on the shortest list. You can  
21                  explain that you signed up on that side, but that  
22                  you're not really for or against.

23                  My intention at this point, subject to  
24                  getting us out of here by about 11:45, 11:50, is to  
25                  try to allow 30 minutes of public comment, up to

1 two minutes per speaker. If we don't need that  
2 much time, fine. If we need more time because of  
3 anticipated amendments, I may have to cut back on  
4 that, but we'll go as far on the list as we can.  
5 My intention is that we will begin by having the  
6 sponsors present the bill. They'll then -- we'll  
7 have discussion by the committee. We'll then take  
8 public comments. And then we will come back and  
9 have such amendments and votes as the committee  
10 needs, with the idea, again, of being finished by  
11 11:45. So, with your cooperation, hopefully we can  
12 stick to that schedule.

13 Okay. The Chair recognizes  
14 Representative Bishop to present the bill.  
15 Representative Bishop, you want to come to the  
16 podium? And while Representative Bishop is coming  
17 up, I'll say -- I'll try to remind you, but when we  
18 get to the public comments time, please identify  
19 yourself and any organization or agency that you  
20 may be associated with. Okay. And we welcome  
21 Representative Stam, and -- and we'll let them  
22 present this in such order as they may choose.

23 REP. STAM: Mr. Chair -- Mr. Chairman,  
24 members of the committee, I'd like to give you an  
25 overview -- an overview for about two minutes, and

1           then Representative Bishop will be going paragraph  
2           by paragraph, so that we completely understand it.  
3           This is a common sense bill that ensures the status  
4           quo ante. That is -- what do I mean by that? If  
5           you pass the bill, really, nothing is changed from  
6           yesterday until tomorrow, but it prohibits other  
7           deleterious changes in the future. It protects  
8           privacy. It also clarifies what units of local  
9           government can do on a couple of disputed issues.  
10          I would contend that it is not changing that, it's  
11          just clarifying and making clear -- that is, making  
12          clear what local -- what units of local government  
13          can do and not do.

14                         The reason this is important, is that we  
15          need -- for economic development, we need a good  
16          intrastate common market. We have 100 counties, we  
17          have 500-plus cities, and businesses that want to  
18          grow and expand. It's not a good idea for them to  
19          have to have different employment rules in  
20          different places where they do business.

21          Obviously, infrastructure will be different, zoning  
22          will be different, the fees will be different, the  
23          taxes will be different, but they shouldn't have to  
24          guess or to comply with rules made by one city that  
25          apply to everybody who's going to contract with

1           that city, even if their -- even if their other  
2           place of business is in, say, Wake County.

3                         So, for example, if Catawba County were  
4           to issue certain rules on employment practices for  
5           their bidders, and I wanted to bid on that from  
6           Wake County, Catawba County should not be able to  
7           tell my business in Wake County what to do. We  
8           need to put a stop to that. This is important at  
9           the intrastate level. It's important at the  
10          interstate level, and even in world trade, but  
11          especially intrastate and interstate. I'd like to  
12          ask the Chair to recognize Representative Bishop,  
13          who will go through it paragraph by paragraph.

14                        REP. BLACKWELL: Representative Bishop,  
15          you're recognized.

16                        REP. BISHOP: Thank you, Mr. Chairman. I  
17          hail from Charlotte, and -- and as Representative  
18          Stam said today, I think what we're doing is  
19          preserving sense of privacy that people have long  
20          expected in private facilities. And we are  
21          restoring and clarifying -- clarifying the existing  
22          authority and limits of authority of local  
23          governments. The recitals at the beginning of the  
24          bill say that. They point out that the power of  
25          localities in North Carolina comes from delegation

1           by the General Assembly.

2                         And in the case of the Charlotte  
3 ordinance passed in February, there was exercised a  
4 power that's never been delegated to the City of  
5 Charlotte, or to any locality, except for a few in  
6 their charters. But not Charlotte. So Article  
7 VII, Section 1 of the North Carolina Constitution  
8 sets forth that law. That's our fundamental law of  
9 this state.

10                        Immediately below that, Representative  
11 Stam made the point that consistent business  
12 regulation statewide is critical for -- for the  
13 success of business, and to make the kind of  
14 business environment that we need for the people of  
15 North Carolina to prosper.

16                        Article II, Section 24 says that the  
17 General Assembly cannot make local acts on  
18 business. That is to say, labor, trade, mining, or  
19 manufacturing. The Constitution specifically sets  
20 that forth in order that we not have a balkanized  
21 or patchwork system of business law, varying from  
22 place to place within the state. The other  
23 recitals are consistent with that. And now I'll  
24 proceed to the operative parts of the bill.

25                        The bill is in three parts. The first

1 part establishes in two sections that in public  
2 facilities in North Carolina, the policy will be  
3 that bathrooms will be designated according to  
4 biological sex, and usage of them will be according  
5 to biological sex. That's the law of North  
6 Carolina already. The North Carolina building code  
7 specifies the number of facilities, and that  
8 they'll be designated according to biological sex.  
9 This clarifies it.

10 So in the two sections -- the first is  
11 that in K-12 public education facilities, bathrooms  
12 for students will be bathrooms and -- and their --  
13 bathrooms and changing facilities; the terminology  
14 you see -- single-sex, multiple occupancy bathroom  
15 and changing facilities and also -- so you have  
16 multiple and single occupancy, obviously. If it's  
17 a multiple-occupancy facility, then they'll be  
18 designated and used according to biological sex.  
19 Biological sex is to be designated on the birth  
20 certificate. And for those that may not know,  
21 North Carolina already has in statute a provision  
22 that if someone has sex reassignment surgery, then  
23 they can amend their birth certificate so that it  
24 is the -- so that it has the other gender. And so  
25 this is consistent with that.

1                   The -- the Section 1 includes specific  
2 accommodations that are allowed for various  
3 circumstances. It permits local boards of  
4 education to maintain single occupancy bathroom or  
5 changing facilities that students can use. It also  
6 has exceptions in Subpart -- in Subparagraph --  
7 Subsection (d) listed for custodial purposes; for  
8 maintenance of, or inspection purposes; to render  
9 medical assistance; to accompany students needing  
10 assistance or -- or a student needing to receive  
11 assistance.

12                   And -- and also the last one, Section --  
13 Subsection (7) there, says, that has been  
14 temporarily designated for use by that person's  
15 biological sex. It is often the practice in  
16 athletic events in particular, where a team travels  
17 to the opposite school, that a locker room of the  
18 other gender than the sports team will be  
19 temporarily designated for their use during that  
20 event. So that's covered as well.

21                   Section 1.3 of the bill, the second  
22 provision on bathroom policy, and it provides that  
23 in other public facilities; so facilities operated  
24 by state agencies, by localities and also other  
25 types of bathrooms operated by local school boards,

1           the same policy will exist, and the same similar  
2           exceptions apply. Notice there is no mandate on  
3           private business in this law. Businesses are free  
4           to regulate their own facilities as they see fit,  
5           and we believe that's consistent with a good,  
6           favorable business environment and appropriate  
7           freedom of choice.

8                         Now, Part 2. Part 2 and Part 3 are the  
9           portions that, as we introduced the bill, I  
10          mentioned relate to clarifying what authority  
11          exists for localities in certain areas. Part 2 has  
12          three sections. Section 2.1 clarifies that local  
13          governments lack authority, or "preempted" is the  
14          term in law, to adopt regulation of wages.

15                        Now, the reason that that is in this  
16          bill, is because of the two sections that follow  
17          that, Sections 2.2 and 2.3. These sections provide  
18          that if a local government, county, or city,  
19          engages a contractor, it is not able to impose  
20          regulations or controls on that contractor's  
21          employment practices, or mandate or prohibit how it  
22          will provide goods, services, or accommodations to  
23          any member of the public. These were the  
24          provisions previously modified in 2013, when a city  
25          overstepped its authority and used its contracting

1 policy to impose a minimum living wage, as the  
2 terminology went, on -- on its contracting parties.  
3 We've now made clear, instead of here, because what  
4 we said there is, they're disabled from regulating  
5 the employment practices generally of contracting  
6 parties or their -- their way of selling services  
7 or goods. Therefore, we've moved more generally,  
8 and clarified something, again, that is not new  
9 law. It's a clarification.

10 The Wage and Hour Act of North Carolina  
11 is a complete and integrated legislative scheme  
12 regulating wages and labor conditions. And we --  
13 so, we've -- to make it abundantly clear that local  
14 governments are disabled from this area, we've made  
15 an explicit statement of preemption of the field.

16 That takes us to the third part, which is  
17 titled Protection of Rights in Employment and  
18 Public Accommodations. North Carolina has had,  
19 since 1976, in Article -- in Chapter 143, a  
20 statement of public policy against employment  
21 discrimination on the basis of race, religion,  
22 color, national origin, and sex. For the first  
23 time, we are enacting -- proposing to enact a  
24 statewide statement of public policy against  
25 discrimination in public accommodations, on those

1 same categories. I've actually omitted two that  
2 appear in the top, and I want to explain -- explain  
3 this. So that -- in the employment discrimination  
4 provision that's pre-existed, there's a -- covers  
5 age, which is uniquely appropriate for employment  
6 discrimination, not for public accommodations, for  
7 reasons I can go into if someone has a question,  
8 but the other one is disability.

9 There were reports in the media this  
10 morning that we're curtailing protections for  
11 disabilities. That's completely incorrect. That  
12 is covered comprehensively in a separate State  
13 statute. Chapter 168A of the General Statutes  
14 provides comprehensive protection for disability  
15 discrimination, including in public accommodations.

16 There was a case from the Court of  
17 Appeals in 2015, in which the fact that handicap is  
18 included in this employment nondiscrimination  
19 public policy statement, creates a -- an enormous  
20 confusion that the Court of Appeals had to work its  
21 way through. And it is a potential trap for the  
22 unwary. If people who suffer disability  
23 discrimination should bring their claim  
24 inadvertently under that public policy statement,  
25 as opposed to under Chapter 168A, they can deprive

1           themselves of appropriate remedies.

2                         So as we're -- as we're enacting, for the  
3 first time in North Carolina, a statewide statement  
4 of public accommodations nondiscrimination, we've  
5 left handicapped to be covered completely and  
6 comprehensively by the existing Chapter 168A. And  
7 we've used, for consistency, the definition of  
8 public accommodations in 168A to inform the  
9 nondiscrimination policy that we are enacting here.  
10 And we cover all of the -- of the -- what the  
11 Supreme Court has termed suspect and quasi-suspect  
12 classifications in this new comprehensive statement  
13 opposed to discrimination in public accommodations.

14                         In both of those statements of public  
15 policy, we have also made -- we have also now  
16 articulated clear statements of legislative intent,  
17 that localities are preempted from acting in these  
18 areas. But I want to emphasize to you all again,  
19 that no one can point to a statute that has ever  
20 explicitly delegated authority to cities and  
21 counties to do that. And, in fact, if you read the  
22 Williams versus Blue Cross and Blue Shield case  
23 from 2003, the courts have already been active in  
24 striking down exactly that sort of regulation.  
25                         Where there was a comprehensive employment

1 discrimination measure enacted in a county, the  
2 Supreme Court said that county didn't have  
3 authority to do that. But the matter appears to  
4 remain unclear, and therefore we're proposing to  
5 clarify it.

6 In both of these statements of public  
7 policy -- the one on employment discrimination, the  
8 other on public accommodations discrimination --  
9 the Human Resources Commission within the  
10 Department of Administration is empowered to  
11 receive complaints, to investigate, and to  
12 conciliate complaints that arise concerning either  
13 of those.

14 At the end, there's a severability  
15 provision; you all know what that's for. And as --  
16 and -- and the final provision, Part 5, makes  
17 clear, to the extent the field preemption  
18 statements made elsewhere in the legislation  
19 doesn't seem to cover it, or leaves any doubt at  
20 all, makes clear that ordinances, regulations,  
21 policies adopted that are inconsistent with this  
22 law, are superseded and preempted. And that's from  
23 front to back. Mr. Chairman.

24 REP. BLACKWELL: Thank you,  
25 Representative Bishop. Before we take questions,

1           let me do a couple of other housekeeping things.  
2           One is, I had a question that, for members of the  
3           committee, you do not have to offer amendments to  
4           the bill in committee in order for them to be  
5           considered on the floor. You can, under the rules  
6           that were just adopted earlier in session,  
7           amendments can be offered on the floor for the  
8           first time. So you can take that into  
9           consideration in deciding if you have something you  
10          want to offer.

11                       Also, I should point out to the committee  
12          members and the public that are present, that we  
13          have four House Sergeant-At-Arms that are around  
14          the chambers that may be able to help you if you  
15          have a concern. Young -- Young Bay is over here,  
16          Jim Moran in the back by the door, Doug Harris is  
17          back here, and Joe Crook is over by this door. So  
18          we appreciate that.

19                       One other thing is, because we were about  
20          15 minutes late in getting started because of the  
21          availability of the bill and the explanation for  
22          the bill, we've gotten permission to extend that  
23          time by which we take the vote from 11:45 to 12:00.  
24          We may not need that, but I'm going to do that in  
25          my discretion, so that hopefully we won't have to

1 cut short public comment.

2 With that being said, are there questions  
3 from the committee for Representative Bishop, or --  
4 is Representative -- I don't know if Representative  
5 Stam is still here. I don't know if the other  
6 sponsors are present, if they want to come up,  
7 Representative Howard or Steinberg, if they're in  
8 the room, but are there questions from the  
9 committee? Representative Richardson.

10 REP. RICHARDSON: Thank you, Mr.  
11 Chairman. I don't necessarily -- well, I have a  
12 question in the sense of, we just got this bill  
13 just before the explanation started. There are a  
14 lot of statutes that are listed in this bill, and I  
15 think it's very unfair to the committee to ask us  
16 to make an informed decision on this bill that  
17 seems to impact some things that we're not aware  
18 of. Is it a -- a possibility that we could be  
19 given at least five to ten minutes to read this for  
20 ourselves, from front to back? Because right now,  
21 listening to him and trying to read along with all  
22 these statutes, I'm not sure of what is really in  
23 this bill.

24 REP. BLACKWELL: Representative  
25 Richardson, if you think five minutes would do it,

1           why don't we give you the lesser of the times you  
2           requested, and we'll be at ease for five minutes to  
3           give members of the committee that haven't seen  
4           this before a chance to look at it.

5                         REP. RICHARDSON: Thank you, Mr.  
6           Chairman.

7                         (Members at ease.)

8                         REP. BLACKWELL: The committee will be  
9           back in order. Are there further questions from  
10          members of the committee? Representative Warren, I  
11          think I saw earlier that you had your hand up?

12                        REP. WARREN: Thank you, Mr. Chair. I'd  
13          just like to be recognized. It's an appropriate  
14          time to make a motion.

15                        REP. BLACKWELL: All right. Any other  
16          questions from members of the committee at this  
17          point? Seeing none, we will go to public comment.  
18          The first public comment, if you'll go to the  
19          speaker in the back, and use the mic, and identify  
20          yourself, and if you are with an agency or  
21          organization, on whose behalf you are speaking, if  
22          you'd let us know that. And our first speaker is  
23          Chris Sgro. If it's -- I hope I didn't -- is that  
24          okay? Two minutes, each, please.

25                        MR. SGRO: Good morning. My name is

1 Chris Sgro. I'm the Executive Director of Equality  
2 North Carolina, the statewide LGBT advocacy  
3 organization, representing over 170,000 members,  
4 and we have many of our allies here with us today.  
5 What Charlotte did is not unique or extreme. Their  
6 democratically-elected City Council overwhelmingly  
7 passed a protection ordinance for LGBT people. Two  
8 hundred-plus cities across the nation, have these  
9 protections already, including Myrtle Beach and  
10 Columbia, South Carolina. We're talking about  
11 other similar cities, not just New York or San  
12 Francisco.

13 There have not been public safety  
14 concerns in any of those cities for the decades  
15 that these ordinances have been in place. That is  
16 a fact, and facts matter. What is extreme, is this  
17 special session. The first since 1981, wasting  
18 42,000 taxpayer dollars a day, more than a North  
19 Carolina educator's yearly salary, is what you are  
20 doing here.

21 This ordinance is a best practice. What  
22 this NCGA stands to do is a worst practice.  
23 Republicans in Tennessee and South Dakota have  
24 killed less sweeping bills because of concerns that  
25 we have not had time to evaluate in the five

1 minutes that we just gave folks, to digest this  
2 lengthy legislation. This would be the most  
3 sweeping anti-LGBT bill in the nation. We cannot  
4 allow state policy to be crafted, or passed, for  
5 political gain or out of factless fear.

6 My community deserves to be protected.  
7 Yes, in restrooms, and in restaurants, and in  
8 hotels, and in ability to hail a taxi. Those are  
9 common sense protections. This session is not  
10 common sense. The eyes of North Carolina, our  
11 business community, my trans and gay brothers and  
12 sisters, and the nation, are focused on you here  
13 today. Please reject fear. My community's safety  
14 and facts must trump the perceived politics of  
15 this. Vote against.

16 REP. BLACKWELL: Thank you, Mr. Sgro.  
17 The next speaker is Chloe Jefferson, if I'm getting  
18 that name correctly. Ms. Jefferson.

19 MS. JEFFERSON: Hi. My name is Chloe,  
20 and I'm in my junior year at Greenville Christian  
21 Academy. When the Charlotte City Council passed  
22 their bathroom ordinance, I was immediately  
23 fearful. I was fearful because, if Charlotte can  
24 do something like this, what city will be next, my  
25 own? Changing in front of my girl peers is already

1           intimidating enough. The teen years are especially  
2           difficult with different body image perceptions  
3           being pushed on us through social media, magazines,  
4           and Hollywood. We start to believe that there's a  
5           certain way to look, and to not look. Now we add  
6           the possibility of males changing and showering  
7           alongside me. This is something that makes me, and  
8           I'm sure other girls, even more self-conscious.  
9           Girls like me should never be forced to undress or  
10          shower in the presence of boys. I would imagine  
11          being born a boy but thinking you're a girl is very  
12          scary and confusing. But being a teenage girl is  
13          confusing, too.

14                        What about my rights to privacy and  
15          wishes to not be exposed to young males changing  
16          and showering beside me? I think everyone has the  
17          freedom to believe in what they want, but they  
18          shouldn't change laws for a small number of  
19          students that punish and single out the rest of us.  
20          That wouldn't be fair.

21                        Not only is this bathroom ordinance a  
22          problem for my privacy, but also a problem for my  
23          safety. I would no longer feel safe using the  
24          bathroom in public places. Knowing that a man  
25          could easily walk into the women's bathroom, with

1 no limitation, is completely frightening.  
2 Charlotte's bathroom ordinance allows men complete  
3 access to private places reserved for women. With  
4 this access, there's no stopping what people may  
5 do. How can my parents possibly send me into a  
6 bathroom -- public bathroom, knowing that a man  
7 could possibly be waiting for me. This ordinance  
8 will be used as a way to have access to unarmed  
9 girls in what should be a private setting.

10 Charlotte is only the first city, and if  
11 Governor McCrory and the General Assembly do not  
12 fix what Charlotte has done, I think others will  
13 follow. I am not the only girl scared, if  
14 Charlotte's ordinance is not changed. Everyone  
15 should be aware that it would be girls like me who  
16 are affected by ordinances like Charlotte and we  
17 deserve protection. Thank you.

18 REP. BLACKWELL: Thank you. The next  
19 speaker on our list is Sarah Preston.

20 MS. PRESTON: Good morning. My name is  
21 Sarah Preston. I'm the acting Executive Director  
22 for the ACLU of North Carolina. As an organization  
23 that cares deeply about ensuring equality for all  
24 North Carolinians, including lesbian, gay, bisexual  
25 and transgender individuals, we are very concerned

1           about this legislation. We all understand that  
2           this proposal came about because of an ordinance  
3           passed by Charlotte. This ordinance was not  
4           complicated. It is a simple measure designed to  
5           protect all individuals in public accommodations,  
6           including restaurants, bathrooms, hotels,  
7           transportation, and even accessing government  
8           services.

9                           I know that many people probably do not  
10           understand what it means to be transgender, or  
11           identify with a sex other than the one that was  
12           assigned at birth, and that's okay. But the  
13           reality is that a transgender woman is a woman, and  
14           a transgender man is a man, living his life just  
15           like any other man, and he should be able to access  
16           the men's restroom. These men and women should be  
17           able to expect fair and equal treatment from their  
18           governments, and in public accommodations.  
19           Instead, half of the transgender individuals  
20           surveyed in North Carolina recently reported being  
21           harassed in public accommodations, and eight  
22           percent reported being assaulted. We are here  
23           today thinking about adding to that harassment,  
24           encouraging those assaults and violence, and we  
25           should do better for this community.

1                   If this body truly wants to consider a  
2 nondiscrimination ordinance, they must include  
3 gender identity and sexual orientation. It is  
4 important that we protect all of the vulnerable  
5 communities in our state and not pick and choose  
6 which we want to provide full accommodations to.  
7 Thank you.

8                   REP. BLACKWELL: Our next speaker is, if  
9 I'm -- again, Eleana Smith.

10                  MS. FEDORUK: Good morning, Mr. Chairman,  
11 members of the committee. I'm Kelly Fedoruk, and  
12 I'm here to read the statement from Eliana Smith,  
13 because she's unable to come here today. She's in  
14 Charlotte, and asked that I read her statement to  
15 all of you this morning. "I'm Eliana Smith, and  
16 I've lived here in Charlotte for eight years. I  
17 write to you today because I truly believe this  
18 Charlotte ordinance creates dangerous and  
19 vulnerable situations for women, children, and men.  
20 I'm going to share something today that I never  
21 thought I would share publicly, but I feel is  
22 really necessary due to the direction that our city  
23 is going in.

24                  I was sexually assaulted as a young girl,  
25 and in the years that followed, I had a real fear

1 of men hurting me. This fear followed me for a  
2 long time. I actually remember when I was  
3 searching for colleges, and the thought of co-ed  
4 dorms making me incredibly nervous. I specifically  
5 picked a school where I knew girls would all be on  
6 the same floor, because I wanted to make sure my  
7 privacy, as a woman, was protected. Thankfully, I  
8 found healing and peace from the terrible pain that  
9 I experienced, and I did come to realize that I  
10 could be safe again.

11 In recent weeks, the thought of what I  
12 experienced has come back to my mind as I watched  
13 the Charlotte City Council vote to allow biological  
14 males into women's bathrooms, locker rooms, and  
15 showers. I have serious concerns and anxiety that  
16 I may encounter a man in the bathroom. But more  
17 than the pain and nervousness I feel, because of  
18 what has happened to me in my life, I fear even  
19 more for my children. I have four young children,  
20 and I never want any of them to go through the  
21 pain, the humiliation, and the trauma I suffered  
22 for years. How will I be able to go into the  
23 bathroom, knowing that at any moment a man, or  
24 someone pretending to be a woman, could walk in? I  
25 won't have peace about my little girls showering

1           and changing at the Y, where there very well could  
2           be a man in that room.

3                         In passing this ordinance, the City  
4           Council ignored its obligation to protect all  
5           citizens of Charlotte, and demonstrated that they  
6           really don't care about my concerns. Instead, the  
7           City Council values and chose its political agenda  
8           over safety, privacy, and common sense."

9                         Mr. Chairman, I see I'm out of time. May  
10          I have a couple seconds to finish her statement?  
11          Keep it short? Thank you.

12                        "My concerns and my fears are real, and  
13          it's not right for anyone to discount them or for  
14          anyone to call me a bigot and a fearmonger, because  
15          I want to keep my family safe. As a victim of  
16          sexual abuse, it is very difficult to speak up or  
17          defend yourself. There's this fear, especially as  
18          a young girl, that if you speak up, you or your  
19          family will pay somehow. The same fear returns in  
20          a different way and I ask you all today to pass  
21          this bill, and I urge Governor McCrory to sign this  
22          and protect all citizens of this great state."  
23          Thank you.

24                        REP. BLACKWELL: Our next speaker, and  
25          let -- let me say, before -- I appreciate

1           everybody's decorum, but at various points, before  
2           we get through, please remember that we don't have  
3           clapping or demonstrations of support, pro or con,  
4           and you all are doing great, making my job easy,  
5           but thought I would remind you of that. The next  
6           speaker is Angela Bridgeman.

7                        MS. BRIDGEMAN: Good morning. My name is  
8           Angela Bridgeman. I'm here representing my own  
9           self, a transgender person, and a respected member  
10          of the North Carolina business community, who moved  
11          a successful business to this state from the State  
12          of Pennsylvania.

13                       I bring money from out of the state into  
14          the state, and I am asked to pay taxes to finance  
15          the discrimination which I face every day as a  
16          transgender person. Now, I am post-operative. My  
17          birth certificate says female, my license says  
18          female, this is not going to affect me. But that's  
19          not what I'm here to talk about today.

20                       What I'm here to talk about today, is in  
21          1998, I was denied a college education because I am  
22          a transgender person. Five days after Matthew  
23          Shepard was killed in Wyoming, I was told by my  
24          then-college, Sullivan College [sic] in Louisville,  
25          Kentucky, that I would only be allowed to use male

1           restrooms. What would you all do? I did the only  
2           thing I could. I chose my safety. At five days  
3           after Matt Shepard is killed, I'm told that I have  
4           to put myself in a position where I'm probably  
5           going to be beat up, or worse. I dropped out of  
6           college, and I never went back. I was denied a  
7           college education just because I'm transgender.

8                         I don't mean to be insensitive to some  
9           people that maybe have suffered sexual assaults and  
10          are fearful, but I have a right to be safe, too. I  
11          have a right to be safe, too, and I have a right to  
12          get a college education, which was denied to me. I  
13          have a right. And the bore for the point -- this  
14          isn't going to affect me now, because I am in every  
15          way legally female. But nobody else should have to  
16          go through what I did. Nobody should have to make  
17          the kind of choice I had to make. Thank you.

18                        REP. BLACKWELL: Our next speaker is John  
19          Amanchukwu.

20                        MR. AMANCHUKWU: I'm John Amanchukwu,  
21          Executive Director for the Upper Room Christian  
22          Academy. When there's no such thing as right or  
23          wrong, man is left with flawed ideologies and  
24          philosophies. When virtues are smothered through  
25          party platforms, man becomes confident in

1           legalizing anarchy. This ordinance is the corrupt  
2           fruit of treason. It is an inside job from the  
3           hearts of traitors.

4                        Marcus Cicero said, a nation can survive  
5           its fools and even the ambitious, but it cannot  
6           survive treason from within. An enemy at the gates  
7           is less formidable where he is known and carries  
8           his banner openly. But the traitor moves amongst  
9           those within the gate freely, his sly whispers  
10          rustling through all the alleys, heard in the very  
11          halls of government itself. He rots the soul of a  
12          nation.

13                      How do you spell traitor? How do you  
14          spell treason? Today you spell it R-O-Y  
15          C-O-O-P-E-R. Once again, our Attorney General is  
16          failing to stand up for the people of this great  
17          state. So today, we reject and push back against  
18          neutrality for the voices of thousands of boys and  
19          girls in our public or private schools, and the  
20          countless teachers and administrators.

21                      It's common sense that boys should go to  
22          the boys room, and girls should go to the girls  
23          room. I believe that God got it right in Genesis 5  
24          and 2, when He said that He created them male and  
25          female. If God didn't give you access to a male or

1 female bathroom via your anatomy, neither should we  
2 give you access via ordinance or legislation.  
3 According to the American Psychiatric Association,  
4 as many as 98 percent of gender-confused boys and  
5 88 percent of gender-confused girls eventually  
6 accept their biological sex, after naturally  
7 passing through puberty.

8 In my closing, allowing men to use  
9 women's bathrooms, showers, and locker rooms puts  
10 both women and children in situations of grave  
11 danger. Evidence shows that bathrooms are one of  
12 the most prevalent places in which sexual assault  
13 and rape take place. This ordinance is a passive  
14 form of child abuse. So we ask the General  
15 Assembly to send a clear message today to any other  
16 municipality that this kind of government overreach  
17 will not be tolerated.

18 REP. BLACKWELL: Our next speaker will be  
19 Madeline L. Goss.

20 MS. GOSS: Thank you. My name is  
21 Madeline Goss, and I'm transgender. I'm a mother,  
22 and a partner, and I'm a software engineer here in  
23 Research Triangle Park. I grew up in Hickory,  
24 North Carolina, and I loved Hickory. But I was  
25 bullied and tortured mercilessly there. And where

1 did it happen? It happened in the men's room.  
2 This place is a place of danger for me. And what  
3 this bill would do is send me back there. I left  
4 Hickory for places that are safe, like Charlotte  
5 and Raleigh. I now live in Raleigh, and I am happy  
6 there. I'm happy with my partner and I'm happy  
7 with my nine-year-old daughter, Sophia.

8 I can't use the men's room. I won't go  
9 back to the men's room. It is unsafe for me there.  
10 People like me die there every day. Not -- not the  
11 least to say, it freaks people out when I go to the  
12 men's room. Would you like to go to the men's room  
13 with me? I don't think so. The point is this.  
14 These LGBT protections are common sense  
15 protections. They make places like Raleigh and  
16 Charlotte safe and welcome for people like me.  
17 They're not new, they're not unique, and they're  
18 not radical.

19 This -- they've already been passed in  
20 over 200 cities in the United States. People  
21 aren't getting thrown in jail. People aren't  
22 getting raped and murdered. People are just going  
23 to the bathroom. That's all I'm asking, is a safe  
24 place for me, and people like me, to go to the  
25 bathroom. Please, vote no on this bill.

1                   REP. BLACKWELL: Our next speaker is  
2                   Tammy Fitzgerald.

3                   MS. FITZGERALD: Good afternoon, members  
4                   of the committee. Charlotte's bathroom ordinance  
5                   is unconstitutional. And this is the first domino.  
6                   Other cities will follow if we don't stop what  
7                   happened in Charlotte. Under North Carolina's  
8                   Constitution, cities only have those powers  
9                   explicitly delegated to them by the state.  
10                  Charlotte exceeded its delegated powers by passing  
11                  an ordinance that jeopardizes both the health and  
12                  the safety of its citizens.

13                  It creates laws that are not uniform  
14                  across the state, making it harder to do business  
15                  in Charlotte than other parts of the state. This  
16                  hurts business. It violates the right to earn a  
17                  livelihood free of government interference, because  
18                  of the business regulations it imposes. The  
19                  Charlotte ordinance unfairly allows the government  
20                  to overreach into the private businesses and  
21                  churches, by forcing them to provide service,  
22                  promote ideas, participate in events, that conflict  
23                  with their beliefs. This violates the First  
24                  Amendment, as well as our own state constitution.  
25                  If the General Assembly does not stand firm, a

1 precedent will be set for municipalities to usurp  
2 power on any number of issues.

3 Now, because Roy Cooper has failed to do  
4 his job, we are looking to you and the Governor to  
5 call this law unjust, and to overturn it. The  
6 Charlotte bathroom ordinance was heavily promoted  
7 by a convicted sex offender, and we've said quite a  
8 bit about that. But there are -- this has actually  
9 happened in states where these laws are already in  
10 place. Sex offenders are using these laws to their  
11 advantage.

12 In 2011, transvestite Thomas Lee Benson,  
13 a convicted sex offender for having sexual contact  
14 with a minor girl, dressed as a woman so he could  
15 go into the women's locker room at a swimming pool  
16 in Oregon. There were young girls present in the  
17 locker room, changing into their swimsuits, while  
18 Benson was inside. Previously, he had dressed as a  
19 woman to enter another locker room in Portland,  
20 Oregon. Young girls were changing into their  
21 swimsuits in that dressing room, too.

22 We have presented over 35,000 petitions  
23 to you, and to the City of Charlotte, to stop this  
24 ordinance, and we would appreciate your action  
25 today. Sixty-six percent of the people in this

1 state think the ordinance should be overturned, and  
2 so we are looking to your leadership. Thank you so  
3 much for your time.

4 REP. BLACKWELL: Our next speaker is  
5 Tracy Hollister.

6 MS. HOLLISTER: Hello. My name is Tracy  
7 Hollister, and I'm with several organizations  
8 today, proudly: Equality North Carolina, ACLU of  
9 North Carolina, and the Human Rights Campaign. And  
10 I'm here specifically to talk about Provision 1,  
11 and to take a stand for my transgender brothers and  
12 sisters.

13 Paul Stam earlier talked about  
14 consistency in this bill, consistency across the  
15 state, but I want to argue to you that this bill is  
16 inherently inconsistent. What is it inconsistent  
17 with? North Carolina values and common sense.  
18 Treating people with respect, as we'd want to be  
19 treated. Respecting local democratic processes.  
20 And being champions of safety and protection.

21 We hear, on the one hand, fears of what  
22 happens when transgender people go to restrooms.  
23 And we hear, on the other hand, a mountain of  
24 evidence of how dangerous it is, and how unsafe  
25 transgender people feel. I want to ask the

1 legislators here today, by show of hands, how many  
2 of you personally know a transgender person?

3 REP. BLACKWELL: We can't allow a show of  
4 hands on that, but you can continue with your  
5 remarks, please.

6 MS. HOLLISTER: I would submit to you,  
7 that if you do not know a transgender person  
8 personally in your life; if you have not heard  
9 their story, like you've heard Maddy's story, and  
10 other stories; that you need to do your homework,  
11 and be transparent about what you understand and  
12 don't understand.

13 Fortunately, Bobbie Richardson gave us  
14 five minutes. We need far more than five minutes  
15 to talk about a bill like this. And this is not an  
16 emergency. Nothing really bad is going to happen  
17 when people who feel like they are -- like --  
18 people who are women go to women's restrooms, and  
19 people who are men go to men's restrooms. I have a  
20 cousin who is transgender. He writes that he came  
21 out at age 19. He asked me to share this with you,  
22 after experiencing gender dysphoria for years. And  
23 when he came out, he had a fear of public  
24 bathrooms. A lot of transgender people avoid  
25 bathrooms. The last thing they want to do in a

1 bathroom is to create any trouble. They just want  
2 to relieve themselves, like he would like to  
3 relieve me right now.

4 REP. BLACKWELL: Thank you. I want to  
5 remind you to state your name as you start, and if  
6 you are with an agency, business or a group, if  
7 you'll identify the group that you may be  
8 representing. The next speaker is John Rustin.

9 MR. RUSTIN: Thank you, Mr. Chairman,  
10 Members of the Committee. I'm John Rustin,  
11 President of the North Carolina Family Policy  
12 Council. As you've heard, on February 22nd, the  
13 Charlotte City Council approved a set of highly  
14 controversial and hazardous ordinance changes, and  
15 we have three primary concerns.

16 First, these changes mean that men can  
17 enter women's restrooms, shower rooms, bathhouses  
18 and similar facilities in any public accommodation  
19 in the City of Charlotte, placing the privacy,  
20 safety, and dignity of women, children, the  
21 elderly, and others at great risk. The City's  
22 extremely broad definition of public accommodation  
23 means this new ordinance would apply to essentially  
24 any business or organization in the City that  
25 provides any goods or services. And please keep in

1           my mind, there is no exception. There is no  
2           exception for churches, church schools, and  
3           church-related ministries.

4                        Secondly, many citizens have sincere  
5           religious beliefs that inform the way they live  
6           their lives and operate their businesses. Similar  
7           ordinances in other states have been used to force  
8           small business owners, such as florists, bakers,  
9           photographers, bed and breakfast owners, and  
10          others, to either conform to a government-dictated  
11          viewpoint in violation of those sincerely-held  
12          religious beliefs, or to face legal challenges,  
13          fines, and other penalties that have ultimately  
14          caused some to go out of business. The City of  
15          Charlotte should not be authorized to impose such  
16          an unconstitutional mandate as a condition of doing  
17          business.

18                       And thirdly, Charlotte far exceeded its  
19          authority when it passed these ordinance changes.  
20          Cities and counties in North Carolina derive the  
21          full extent of their authority only from the state  
22          Constitution and acts that are passed by this  
23          General Assembly. The North Carolina General  
24          Assembly has granted neither the City of Charlotte,  
25          nor any other city or county in the state, the

1 authority to do what Charlotte has done. If these  
2 ordinance changes are allowed to stand, they will  
3 serve as a precedent for other city and county  
4 governments to undermine proper governmental  
5 authority in North Carolina, and to create a  
6 patchwork of disparate ordinances across the state.

7 For these reasons, we applaud you for  
8 considering the legislation that you are today, and  
9 we ask that you support it. Thank you.

10 REP. BLACKWELL: We have now consumed  
11 about 25 to 26 minutes of the allotted public  
12 comment time, so we're going to take two more  
13 speakers from -- one from each side. The next  
14 speaker will be Vivian Taylor.

15 MS. TAYLOR: Hello. My name is Vivian  
16 Taylor. I am here today representing the  
17 organization, Believe Out Loud. It's a Christian  
18 organization. But I'm also here representing  
19 myself. I am an eleventh-generation North  
20 Carolinian. My family has been here since our  
21 ancestor Kinchin Pennington was given a piece of  
22 land as a payment for his service in the  
23 Revolution. I graduated from North Carolina public  
24 schools. I served in the War in Iraq with the  
25 North Carolina National Guard. I'm a transgender

1 woman.

2 These protections that Charlotte passed  
3 are common sense. Transgender folks face  
4 incredible amounts of violence, and these  
5 protections just do the basic moral job of looking  
6 out for people and keeping them safe. You can look  
7 at all the other cities that have passed similar  
8 protections, and you can see there have not been  
9 issues. There has not been violence. We are North  
10 Carolina, we are one of the greatest states -- we  
11 are the greatest state in this union, and we can do  
12 better than -- than giving into fears. We can  
13 protect everyone. I love this state, and I -- and  
14 because of that, I call on you to reject this bill.  
15 Thank you very much.

16 REP. BLACKWELL: Our next and final  
17 speaker is Heather Garofalo, I believe.

18 MS. GAROFALO: Good afternoon. My name  
19 is Heather Garofalo. I'm a small business owner  
20 servicing Charlotte. I'm a mom of three children.  
21 I have many friends and family in the LGBT  
22 community, and I love them. Every American private  
23 business owner in North Carolina should be free to  
24 live and work according to their views, without  
25 fear of being punished, unjustly, by the

1 government. In 2015 the Pew Charitable Trust  
2 organization identified the top 10 states for job  
3 growth. Eight out of 10 of these states do not  
4 contain state nondiscrimination ordinances with  
5 language of sexual orientation and gender identity.

6 Charlotte is a beautiful city because of  
7 its diversity. There are many different world  
8 views and world religions. There is strength in  
9 diversity. True equality means everyone is free to  
10 speak their piece, without fear of being silenced  
11 and punished. I'm pleased to report today, that  
12 not one single case has been filed by the ACLU  
13 alleging that an individual or organization has  
14 discriminated against our friends in the LGBT  
15 community here in Charlotte.

16 As a business owner, I fear the  
17 unintended consequences of this ordinance, the  
18 negative impact on labor, trade and commerce, as I  
19 service many cities in the state. There would be  
20 inconsistency, lack of uniformity. For small and  
21 large business owners like myself, we would be  
22 forced to check our deepest-held beliefs at the  
23 door, or suffer fines of \$500, jail time, lawsuits.  
24 I am asking for a right to provide for my family.

25 Also, business owners across the state

1 will be forced to cancel their contracts. The city  
2 will cancel contracts in just nine days. Cancelled  
3 contracts means a loss of revenue. A loss of  
4 revenue could mean tens of thousands of jobs laid  
5 off in North Carolina. This could mean -- this  
6 could mean trouble, financially, for many families  
7 in this 2016 election year.

8 I am equally concerned as a mom of three,  
9 that this ordinance violates the safety and privacy  
10 of every child in North Carolina. I am not fearful  
11 of my transgender friends. I am fearful of all the  
12 sexual offenders that are here. If you put a sweet  
13 transgender child, and you move them from one  
14 restroom to the next, that's not going to take care  
15 of their fears and concerns and desire to be  
16 accepted. That's actually going to subject them to  
17 being -- oops, sorry.

18 REP. BLACKWELL: Okay. Thank you for all  
19 the comments. I now will go back to the committee.  
20 Are there further comments or questions from  
21 members of the committee? Representative Hamilton.  
22 Are there members of the committee that have  
23 questions or wish to speak on the bill?  
24 Representative Hamilton.

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

1           If I may, I have a -- several questions. I have a  
2           series of questions, if -- if I can just get  
3           started.

4                         REP. BLACKWELL: To whom do you want --  
5           do want to address these, or are these rhetorical?

6                         REP. HAMILTON: No, they're -- I would  
7           like some answers to them.

8                         REP. BLACKWELL: Representative Stam and  
9           Representative Bishop, you all want to step up to  
10          the podium, and we'll let you handle these?

11                        REP. HAMILTON: Thank you, gentlemen.  
12          Thank you, Mr. Chairman. And it may involve staff  
13          as well. Okay. My first question is related to  
14          the change in the third section, from just a simple  
15          reference to sex, changing it as biological sex.  
16          The question is, if a -- if a gender-change  
17          operation has taken place, the new sex -- say  
18          you've -- a female has -- has had a sex-change  
19          operation to become a male. Is that considered his  
20          biological sex?

21                        REP. BISHOP: It is according to the  
22          definition in the statute. It says biological sex  
23          is sex according to the birth certificate.

24                        REP. HAMILTON: According to the birth  
25          certificate.

1                   REP. BISHOP: And they can have the birth  
2                   certificate changed.

3                   REP. HAMILTON: And their birth  
4                   certificates can be changed.

5                   REP. BISHOP: That's correct.

6                   REP. HAMILTON: Thank you. My -- my  
7                   second question is really related to the contract  
8                   portions of the bill, Sections 2 and 3. I -- the  
9                   focus has been, from the media standpoint and from  
10                  the public standpoint, just on the bathrooms, as it  
11                  relates to the Charlotte ordinance. But what  
12                  concerns me about this bill is that we have -- we  
13                  have expanded the conversation, and now we are  
14                  delving into the cities' and counties' ability to  
15                  contract with private vendors. So my first  
16                  question is, how will minority, women, and  
17                  business-owned entities be impacted by the changes  
18                  in this statute, or will they be affected in any  
19                  way?

20                  REP. STAM: May I, Mr. Chairman?

21                  REP. BLACKWELL: Yes.

22                  REP. STAM: I think there are three parts  
23                  to that. I -- it I -- I would not agree with your  
24                  premise that it affects their ability to contract;  
25                  they certainly can contract. What your question

1 goes to is, frankly, one of the more egregious  
2 aspects of the overreach that -- that is involved  
3 here, which is this -- in this -- in a particular  
4 locality, this -- that has imposed -- purported to  
5 impose employment or -- or selling practices on a  
6 business with whom they -- they will contract,  
7 whoever's going to bid for their jobs, they reach  
8 well beyond the limits of their city to impose  
9 this -- whatever their notions are, on folks across  
10 the state, and even out of the state. So it  
11 illustrates one way in which is particularly  
12 problematic.

13                   However, to the other point that you've  
14 asked, or to the rest of it, if you will look in  
15 Chapter 143 -- and I'd get you a reference, but  
16 there are already -- there already is a -- a  
17 comprehensive set of rules concerning  
18 nondiscrimination in contracting on -- on the --  
19 all the suspect and quasi-suspect classes and  
20 requirements for program-setting goals for the  
21 utilization of minority and -- and -- and women  
22 business enterprises.

23                   REP. HAMILTON: Thank you,  
24 Representative.

25                   REP. BLACKWELL: Did that answer the

1 question, Representative Hamilton?

2 REP. HAMILTON: Another question. Yeah.  
3 Yes, thank you very much. As it relates to private  
4 corporations, it is my understanding there are a  
5 number of private corporations inside and outside  
6 of North Carolina that already have -- have rules  
7 and regulations that address the use of bathrooms  
8 in their -- in their corporate buildings. Does  
9 this, in any way, deny a private corporation from  
10 being able to enforce rules that are, quite  
11 honestly, very similar to the rules that Charlotte  
12 hopes to impose on April the 1st?

13 REP. BISHOP: Mr. Chairman, may I  
14 respond?

15 REP. BLACKWELL: Yes.

16 REP. BISHOP: Thank you for the question,  
17 Representative, and it gives an opportunity to --  
18 to emphasizes, again, that our legislation does not  
19 impair, in any respect, private business's ability  
20 to -- or to accommodate issues like that in the  
21 manner they see fit.

22 REP. HAMILTON: Follow-up, Mr. Chairman?  
23 So, it only restricts a government's ability from  
24 having laws or rules in place that are similar to  
25 rules that many of our nation's corporations are

1           adopting across the country?

2                       REP. BISHOP: Well, it -- it prohibits --  
3           it -- it preempts the ability of localities to  
4           adopt laws in this area.

5                       REP. HAMILTON: And if a state were  
6           contracting -- follow-up, last follow-up --

7                       REP. BLACKWELL: Last follow-up, and then  
8           I need --

9                       REP. HAMILTON: -- and then I have --

10                      REP. BLACKWELL: -- to let some others  
11           so -- we can come back to you --

12                      REP. HAMILTON: I understand.

13                      REP. BLACKWELL: -- if we have time.

14                      REP. HAMILTON: Thank you, Representative  
15           Blackwell. They -- so if, in that scenario, a --  
16           say, the City of Wilmington wants to contract with  
17           a -- with a private entity that has these rules and  
18           regulations in place, will not be precluded from  
19           doing so?

20                      REP. BISHOP: That's correct.

21                      REP. HAMILTON: Okay.

22                      REP. STAM: It would be -- the only --  
23           the only restriction is imposing mandates on -- or  
24           requirements on business. It wouldn't, in any way,  
25           prevent a business from having those -- those

1 requirements if they choose.

2 REP. HAMILTON: Thank you, Mr. Chairman.  
3 Final question, and it's probably a staff question,  
4 it's very short. I'd like to request a fiscal note  
5 on this issue, based on the comments that were made  
6 a few minutes ago by one of our presenters, that  
7 there will be certain contracts that the City of  
8 Charlotte, and maybe others, would have to break,  
9 if you will. This could cost jobs, it could cost  
10 public money, and I'd like to ask staff to -- to  
11 put that together for us.

12 REP. BLACKWELL: Representative Bishop.

13 REP. BISHOP: One thing to say about  
14 that -- that -- is -- the premise of that's not  
15 accurate. That is to say, the bill doesn't require  
16 anybody to break any contract. It takes effect  
17 only with respect to contracts entered into in the  
18 future.

19 REP. BLACKWELL: Representative  
20 Richardson, we've got your name next.

21 REP. RICHARDSON: Thank you, Mr.  
22 Chairman. I am concerned about Page 5, where the  
23 investigation is going to be done by the Department  
24 of Administration. If I recall correctly, we  
25 defunded that Human Resources Department in our

1 budget last year. Do we plan to go back and fund  
2 that department so that we will have staff there?

3 REP. STAM: I -- I think the premise of  
4 the question's inaccurate, but I'll defer it to  
5 Representative Dollar. That is to say, I think  
6 there -- there may have been some discussion about  
7 that, but I don't think it occurred, and it wasn't  
8 last session.

9 REP. DOLLAR: The budget is sufficient to  
10 accommodate the bill. And I would also note, with  
11 respect to a fiscal note, I believe fiscal notes  
12 are restricted to things that impact the state's  
13 budget, and I see nothing in this bill, as the  
14 Senior Budget Chair, that in any way impacts the  
15 finances of the state.

16 REP. RICHARDSON: Follow-up, Mr. Chair?

17 REP. BLACKWELL: Representative  
18 Richardson.

19 REP. RICHARDSON: Following  
20 Representative Dollar's comment, when we advertise  
21 for federal money, we have to put a disclosure  
22 there that we do not discriminate. So does that  
23 mean we may lose federal dollars if that clause is  
24 not there, based on the -- the information that  
25 you're putting here?

1                   REP. BLACKWELL: Representative Bishop,  
2                   you want -- or Stam, you want to respond to that?

3                   REP. STAM: I'll do it, Mr. Chairman.  
4                   There's no change at all, with respect to state  
5                   policy of nondiscrimination. That is to say, and I  
6                   made reference to the sections in Chapter 143  
7                   that -- that specify a nondiscrimination policy in  
8                   contracting. So -- and -- and we've always had the  
9                   1976 statement with respect to employment  
10                  discrimination. That's been there for quite a long  
11                  time. There's no change at all with respect to  
12                  that, so I can't imagine that it would have the  
13                  effect that you asked about.

14                 REP. RICHARDSON: Thank you. One last  
15                 question, please.

16                 REP. BLACKWELL: Representative  
17                 Richardson.

18                 REP. RICHARDSON: Yes. Thank you, Mr.  
19                 Chairman. When we stated that, what is it, Chapter  
20                 160.8.A covers handicap?

21                 REP. BISHOP: Yes, ma'am.

22                 REP. RICHARDSON: Can we not add that to  
23                 this bill so that there will be total clarity here  
24                 and we would not have to flip-flop from different  
25                 documents?

1                   REP. BISHOP: Well, let -- let me say  
2                   two -- two things, if I might, to that. Or --  
3                   for -- in the -- in the first instance, that the  
4                   Chapter 168A that furnishes protections from  
5                   disability discrimination, is actually referenced  
6                   here. The public accommodations definition is --  
7                   comes from that chapter. And let -- let me try to  
8                   explain what the Court of Appeals held in the -- in  
9                   the parallel situation, and why I say that would  
10                  possibly foment confusion, possibly cause  
11                  plaintiffs in the future to forfeit rights that  
12                  they otherwise would have under law.

13                  Under the parallel statement of public  
14                  policy concerning employment discrimination  
15                  practices, it merely says the State of North  
16                  Carolina declares to be against public policy to --  
17                  for there to be employment discrimination based on  
18                  race, color, age, national origin, sex, I -- and --  
19                  and handicap. But the other statute is much more  
20                  comprehensive. There was a case in 2015 in which  
21                  the Court of Appeals considered a claim that  
22                  someone brought under that general public policy  
23                  statement. And because they brought it under that,  
24                  and they did not bring it under the disability  
25                  statute, the court said, there are no -- there's no

1 private claim for relief created here, they have no  
2 right to reasonable accommodation under that  
3 statute.

4 So I suggest to you that having  
5 handicapped mentioned here is a trap for the unwary  
6 if a lawyer doesn't happen to know the difference  
7 between the two statutes, and inadvertently brings  
8 it to the wrong place. The protection is  
9 comprehensive under the disability chapter. And to  
10 mention it here, merely for the sake of window  
11 dressing, if you will, would actually hurt people,  
12 rather than help them.

13 REP. RICHARDSON: I thank you for your  
14 comment, but it was confusing because in one sense,  
15 you said an attorney, if he wasn't aware of 168A,  
16 would probably lose his case. But then, you're  
17 saying it would be put here for window dressing.  
18 But thank you, anyway, for your comment.

19 REP. BLACKWELL: Are there further  
20 questions or comments from members of the  
21 committee? I am not seeing any. In the absence of  
22 any further comments or questions from the  
23 committee, is --

24 REP. RICHARDSON: Mr. Chairman, excuse  
25 me. Mr. Chairman, excuse me. There is one more

1 comment. May I make that?

2 REP. BLACKWELL: Okay. We'll go come --  
3 go back to Representative Richardson.

4 REP. RICHARDSON: I'm sorry. And this is  
5 a reference to a statement Representative Stam  
6 made. I live in Franklin County, and I certainly  
7 hope that my elected officials would be able to set  
8 policies and procedures and practices that would be  
9 unique to Franklin County, and anybody coming in  
10 that county from other counties would not feel that  
11 they cannot live here. I just can't see us having  
12 uniform practices and policies for 100 counties,  
13 when we don't have similar resources, we don't have  
14 similar needs, we don't have similar economic  
15 development. And I just wanted to comment on that  
16 statement.

17 REP. BLACKWELL: Thank you,  
18 Representative Richardson. Representative Warren,  
19 you're recognized for a motion.

20 REP. WARREN: Thank you, Mr. Chair. I'd  
21 like to make a motion for a favorable report for  
22 House Bill 2, the referral to the floor.

23 REP. BLACKWELL: Okay. All those in  
24 favor will signify by saying aye.

25 (Voice vote.)

1                                    REP. BLACKWELL: Opposed, no. The ayes  
2                                    have it, and the motion is adopted. The House will  
3                                    reconvene at 12:15, and the committee is adjourned.

4                                    (End of proceedings.)

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STATE OF NORTH CAROLINA

COUNTY OF WAKE

CERTIFICATION OF TRANSCRIPT

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

This 16th day of April, 2016.

*Brad Worley*

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