

NORTH CAROLINA GENERAL ASSEMBLY
SENATE JUDICIARY II COMMITTEE

TRANSCRIPT OF THE PROCEEDINGS
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1 SEN. RANDLEMAN: Terry Barnhardt? Thank
2 you. Larry Hancock? Steve McKaig? Thank you.
3 Matt Urben? Thank you. And Dale Huff? For those
4 who are here that would like to speak in opposition
5 to the bill, there -- Dale Huff has a list --
6 sign-up sheet. We're going to allow those in
7 support and those in opposition to sign -- to speak
8 for two minutes, so if you want to go ahead and get
9 your name on the list, we will take up to five
10 speakers.

11 Let me introduce my co-chairs, Senator
12 Tamara Barringer and Senator Warren Daniel. Do
13 each -- either of you have comments? Okay. Thank
14 you. So we will go ahead and call House Bill 2
15 forward. I think it's going to be handled by
16 Senator Buck Newton and Representative Dan Bishop.
17 Where is Buck? One moment, please.

18 (Members at ease.)

19 SEN. RANDLEMAN: So, Senator Buck Newton
20 and Senator [sic] Dan Bishop, if you'll come
21 forward and present the bill. Excuse -- soon --
22 soon to be -- soon to be, Representative. Thank
23 you.

24 SEN. NEWTON: Thank you, Madam. Thank
25 you, Madam Chairman. May I proceed?

1 SEN. RANDLEMAN: Please.

2 SEN. NEWTON: Okay. Thank you. Thank
3 you very much, and thank you, colleagues, and --
4 for being here today. It's a -- actually very
5 unfortunate that we have to be here today. I can't
6 believe that we are -- actually, I can't believe we
7 are here today and we're having to address this --
8 this -- this issue that has been sent to us
9 gift-wrapped by the City Council of Charlotte.

10 As we all know, we have a problem. The
11 City of Charlotte and their City Council has
12 decided to push a very radical and dangerous
13 policy, and thrust itself into the spotlight, by
14 passing this ordinance that allows men to share the
15 bathroom and shower facilities with young girls and
16 women. That's why we're here today.

17 Charlotte's ordinance clearly violates
18 common sense. It also violates a number of state
19 laws, criminal trespass law, indecent exposure law
20 and building codes. You know, I'll just say it
21 like this: the radical left wing groups and the
22 liberal politicians like our current Attorney
23 General are afraid to stand up to the political
24 correctness mob and fight for common sense. They
25 refuse to take action to protect the safety and

1 privacy of women and children. I will not, and I
2 don't believe we will, be bullied by this political
3 correct mob.

4 They should have never passed this
5 ordinance. They were warned not to pass this
6 ordinance. The governor warned them privately, and
7 I think even publicly, many of the members of the
8 council acknowledged that they had no authority to
9 pass such an ordinance. Politics have reached a
10 new extreme when a municipality's top priority is
11 to find a way to allow men into a women's locker
12 room or bathroom. Tens of thousands of our
13 constituents, my constituents, your constituents,
14 across this state, have called on us to put a stop
15 to this nonsense. We've called on Roy Cooper to
16 put a stop to this nonsense, and he refuses to do
17 his job.

18 He refuses to enforce the law of this
19 state, so it falls to us. It falls to us. This
20 ordinance legalizes conduct, which in any other
21 place in North Carolina, would expose people to
22 going to jail. You don't have to be an attorney to
23 know that it's a bad idea if men start using the
24 ladies' room here at the General Assembly or
25 anywhere else. There's going to be problems, and

1 everywhere else, these men would be arrested, and
2 it's basic common sense.

3 Sheriff B.J. Barnes said a majority of
4 people of Guilford County should not have to
5 compromise their safety and privacy in public
6 bathrooms and showers. Said he didn't want his
7 officers to be put in the awkward position of
8 determining who is entitled to be in the bathroom.

9 This ordinance not only endangers women
10 and children, but those from places far away who
11 visit Charlotte, and I'll point out, visit
12 Charlotte by passing through its busy airport. And
13 it's a shame, and it's a tragedy that we have to be
14 here today to deal with it.

15 You know, all you have to do is look at
16 recent news reports from Seattle detailing how a
17 grown man went into the changing room, I believe it
18 was at a pool, for young girls. And when
19 confronted over it, he claimed, "The law's changed
20 and I have a right to be here," and that's what
21 we're going to face if we don't address this
22 problem.

23 That can and that will happen here in
24 North Carolina if we allow this ordinance to go
25 into effect. That is why municipalities need to

1 follow the same law across this state. That is why
2 it is important that we have a statewide standard
3 to deal with these issues.

4 I will point out to you that one of the
5 leaders of this effort to pass this ordinance was a
6 registered sex offender here in North Carolina.
7 One of the main vocal proponents of this -- of this
8 ordinance, and the media covered it up. They knew
9 all about it, but they refused to tell the public.
10 That's unacceptable. We're not going to stand for
11 it.

12 So we have a solution. We have it in
13 this bill that's before us. This bill addresses
14 these serious safety concerns. They've been raised
15 by Charlotte's ordinance by setting a single
16 statewide standard to ensure that men cannot use
17 ladies' bathrooms, locker rooms. And that the same
18 standard applies in our public schools, public
19 buildings and other places of public accommodation
20 throughout the State of North Carolina. This bill
21 does not prohibit schools or other facilities from
22 providing reasonable accommodations like single
23 occupancy bathrooms for people who may be facing
24 gender identity issues. It does not prohibit those
25 kinds of reasonable accommodations, but it does set

1 a single standard of multiuse facilities.

2 For the first time, this bill will also
3 establish a unify -- a uniform statewide
4 antidiscrimination policy. I think this is very
5 important for people to realize. For the first
6 time, this bill will establish a uniform statewide
7 antidiscrimination policy on the basis of race,
8 religion, color, national origin, age, sex or
9 handicap. This new antidiscrimination policy is
10 actually stronger than federal law, and it's long
11 overdue.

12 In going through the process of preparing
13 this legislation, and trying to figure out how we
14 were going to deal with this -- this insanity and
15 this ordinance, we realized that this was overdue,
16 and that this was part of the solution. This bill
17 will take steps to prevent future situations like
18 Charlotte's overreaching ordinance by creating
19 statewide consistency for laws relating to
20 employment and public accommodation. These are
21 policies that ought to be set at the state level,
22 and not in a patchwork, inconsistent framework.
23 Our businesses and our citizens deserve no less
24 than to understand that what they have in Morehead
25 City or Greenville or Wilson or Raleigh is the same

1 that they will find in Charlotte. Forcing
2 businesses to learn and comply with a patchwork of
3 different rules in different cities across the
4 state doesn't make any sense. It discourages them
5 from doing business here in North Carolina, and
6 this bill will help prevent that from happening.

7 Madam Chairman, if I could, at this time,
8 I will -- I ask if staff could go through the bill
9 in its particulars, and then I will be happy to
10 address questions from the committee.

11 SEN. RANDLEMAN: Any comments from
12 Representative Bishop?

13 REP. BISHOP: No, Madam Chairman. I
14 think that proceeding in the way that Senator
15 Newton has outlined is just fine, and I'm here if
16 there are any questions I can help with.

17 SEN. RANDLEMAN: Thank you. Then we will
18 ask Kara McCraw to go over the bill for the
19 members.

20 MS. MCCRAW (STAFF): Kara McCraw, Staff
21 Attorney with the Legislative Analysis Division.
22 On Page 1 of the bill, you'll see where it says
23 starting on Line 23 of 24, Part 1, Single Sex
24 Multiple Occupancy Bathroom and Changing
25 Facilities, Section 1.1 and 1.2 go together. 1.1

1 is a conforming change. Section 1.2 would require
2 schools or -- I'm sorry, local school
3 administrative units and local boards of education
4 to require that any multiple occupancy bathrooms or
5 changing facilities in the facilities be designated
6 for student use based on the student's biological
7 sex. The next -- on Page 2, you'll see
8 accommodations permitted.

9 The statute then goes on to say that
10 local boards may provide accommodations upon
11 request due to special circumstances, but it does
12 limit those accommodations to not allowing students
13 to use multiple occupancy bathrooms or changing
14 facilities based -- designated for the opposite
15 sex. There are a list of exceptions in D and
16 reasons that someone of the opposite sex might
17 enter the bathroom, and those are -- you can see
18 the list there: custodial purposes, maintenance
19 inspections, medical assistance, assistance to a
20 student, receiving assistance in using the
21 facility, accompanying a person other than a
22 student who needs assistance, and temporary
23 designation for -- based on a use by the person's
24 biological sex. That last one would allow
25 something like a visiting sports team to use a

1 boys' locker room on the night of the girls' game.

2 Section 1.3 then creates a similar
3 statute for other public agencies in North
4 Carolina, and that would cover the legislative,
5 judicial and executive branch agencies as well as
6 local governments. Would require those public
7 agencies to designate multiple occupancy bathrooms
8 for use based on biological sex. It has similar
9 accommodations, language and similar exceptions to
10 allow for custodial purposes, maintenance, medical
11 assistance, rendering -- accompanying a person
12 needing assistance for a minor using -- under the
13 age of seven who accompanies a person caring for
14 that minor or that have been temporarily designated
15 for use for by that person's biological sex.

16 Part 2 of the bill then deals with
17 employment and contracting. Section 2.1 is part of
18 the Wage and Hour Act, and adds a new section that
19 specifically preempts local governments from
20 creating or imposing requirements upon employers
21 pertaining to compensation of employees. There are
22 several exceptions to this preemption. Those in --
23 one, local governments can still have regulation
24 requiring their own employees. Two, economic
25 development incentives under Chapter 143B. Three,

1 economic development incentives under the Local
2 Development Act of 1925. Four, a requirement of
3 federal community development brought block grants.
4 And five, programs established under two statutes
5 dealing with community development programs.

6 Section 2.2 and 2.3 deal with cities and
7 counties -- they're parallel statutes -- and they
8 would say that when a city and a county contract,
9 they are restricted from including in the contract
10 regulations or controls on contract -- contractors'
11 employment practices or mandating or prohibiting
12 provisions of goods, services or accommodations
13 except as otherwise required or allowed in state
14 law.

15 Part 3 of the bill has two sections. The
16 first section is 3.1 and 3.2; modify the Equal
17 Employment Practices Act in North Carolina. That
18 act creates a public policy of employment without
19 discrimination based on certain protected classes.

20 In Subsection C that's created on Page 4,
21 there is a preemption statute that would say that
22 local governments and other political subdivisions
23 would not be allowed to impose regulations or
24 requirements on employers pertaining to the
25 regulation of discriminatory practices in

1 employment. However, it would still allow them to
2 regulate their own employees. Section 3.2 adds
3 language to specify that the Equal Employment
4 Practices Act does not create a statutory or common
5 law private right of action. And then on Page 5,
6 there is a new statute, a new article being created
7 to create an equal access to public accommodations
8 statute in North Carolina.

9 That language first states the public
10 policy of the state to protect and safeguard the
11 rights of individuals with regard to enjoyment of
12 goods, services, facilities, privileges, advantages
13 and accommodation of places of public accommodation
14 free of discrimination based on race, religion,
15 color, national origin or biological sex. There is
16 an exception for providing separate bathrooms.

17 Subsection B then has similar preemption
18 language to the previous section that says that
19 local governments are not permitted to regulate or
20 impose requirements pertaining to regulation of
21 discriminatory practices in places of public
22 accommodation. The definition of public
23 accommodation mirrors 168A, which deals with
24 provision of handicapped facilities and
25 discrimination and access to facilities for

1 handicapped.

2 And then finally, there is -- the
3 investigation provision on Page 5 allows the Human
4 Relations Commission at the state level to receive
5 complaints of discrimination and to engage in a
6 process to try to reach amicable resolution of
7 those complaints. And then there's similar
8 language as there was in the previous statute
9 indicating that this does not create a statutory or
10 common law private right of action. Section 4 is a
11 severability clause, and then Section 5 is your
12 effective date.

13 SEN. RANDLEMAN: Thank you. Senator
14 Newton, would you like to speak further on the
15 bill?

16 SEN. NEWTON: No, thank you, Madam
17 Chairman. I'm happy to answer any questions from
18 the committee.

19 SEN. RANDLEMAN: Questions from the
20 committee? Senator Bingham?

21 SEN. BINGHAM: Thank you, Madam Chairman.
22 Senator Newton, on page -- let's see, Page 3 under
23 sub-item, or -- that would be D, it lists public
24 authority as defined and it gives the General
25 Statute. Would you further explain that, please?

1 SEN. NEWTON: I'm sorry, Senator Bingham.
2 Could you tell me which line again you're talking
3 about?

4 SEN. BINGHAM: Sorry. Page -- it's Page
5 3. It would be Line 1 under D. It's got public
6 authority as defined, and what would that
7 definition be as "public authority"? I'm just --

8 SEN. NEWTON: If I -- I would ask -- I'll
9 give this answer and then if -- if it can be
10 expanded upon by staff, I will. The intent of this
11 purpose was to cover every -- every government
12 entity that might be out there. So you have public
13 authorities -- what would be a good example? If --
14 I'm trying to think of a good -- my mind went
15 blank. Airport authority, different quasi-
16 governmental authorities that have been created
17 around the state.

18 SEN. BINGHAM: Okay. Thank you. Thank
19 you, ma'am.

20 SEN. RANDLEMAN: Did that answer your
21 question, or did you want to -- some explanation of
22 the statutory reference?

23 SEN. BINGHAM: Well, that would be fine
24 also --

25 SEN. RANDLEMAN: Okay. Kara, if you

1 could speak to the statutory reference, please?

2 MS. MCCRAW: So, the definition that's
3 referenced there comes from the Local Government
4 Budget and Fiscal Control Act, and "public
5 authority" is defined there as a municipal
6 corporation other than a unit of local government,
7 not subject to the State Budget Act or a local
8 government authority, board, commission, council or
9 agency, that -- and then there are three criteria:
10 is not a municipal corporation, is not subject to
11 the State Budget Act, and operates on an area,
12 regional or multi-unit basis and the budgeting and
13 accounting systems of which are not fully a part of
14 the budgeting and accounting systems of a unit of
15 local government.

16 SEN. RANDLEMAN: Answer your question?

17 SEN. BINGHAM: Yes, ma'am. Thank you,
18 Madam Chairman, Senator Newton.

19 SEN. RANDLEMAN: Other questions from the
20 committee? Yes. Senator Van Duyn?

21 SEN. VAN DUYN: Madam Chairman, I put
22 forth an amendment, which you --

23 SEN. RANDLEMAN: I -- I have those.

24 SEN. VAN DUYN: Okay.

25 SEN. RANDLEMAN: We're going to be doing

1 those shortly.

2 SEN. VAN DUYN: Thank you.

3 SEN. RANDLEMAN: Do you have a question?

4 SEN. VAN DUYN: No. Thank you very much.

5 SEN. RANDLEMAN: Questions from the
6 committee? Yes. Senator Jackson?

7 SEN. JACKSON: Thank you. My question is
8 about -- let's see, Page 5, Lines 25 through 31,
9 regarding the Human Relations Commission. It says,
10 "This article does not create and shall not be
11 construed to create or support a statutory" --
12 "statutory or common law private right of action,
13 no person may bring a civil action based upon
14 public policy expressed herein." My question is,
15 does that modify existing law in North Carolina?
16 My understanding is that there is common law
17 regarding wrongful discharge in contravention of
18 public policy that, in effect, does allow for a
19 private right of action when someone is discharged
20 because of their race or because of their gender,
21 and how does this impact that existing common law?

22 SEN. RANDLEMAN: Senator Newton?

23 SEN. NEWTON: Thank you, Madam Chairman.
24 Thank you, Senator Jackson. It -- it is my opinion
25 and -- and my belief that the -- those of us who

1 were involved in the drafting of this language, it
2 was our intent to keep the status quo and not to
3 create any new private right of action. And my
4 answer to you would be, it is my opinion that it
5 doesn't change anything that is currently existing
6 law as it -- as it relates to the ability to bring
7 a cause of action for a wrongful discharge. There
8 may be others that have a different opinion. I
9 know that question was raised to me privately
10 before this meeting, but that is my opinion, and I
11 haven't seen anything as of yet that would change
12 that opinion.

13 SEN. RANDLEMAN: Follow up?

14 SEN. JACKSON: So just to specify; there
15 is no specific objection and nothing in this bill
16 that is intended to end the common law wrongful
17 discharge in contravention of public policy. Is
18 that my understanding?

19 SEN. NEWTON: That -- that's my
20 understanding, and that's -- that's my opinion.

21 SEN. JACKSON: I have another --

22 SEN. RANDLEMAN: Follow up?

23 SEN. JACKSON: I have another question on
24 a different subject, but I'll take my turn if
25 someone else --

1 SEN. RANDLEMAN: You can proceed with
2 your other question.

3 SEN. JACKSON: Okay. My other question
4 is about Title 9 and whether this is going to
5 impact Title 9 funding. I know the Office of Civil
6 Rights, the Federal Office of Civil Rights, has
7 issued legal guidance saying that sexual
8 discrimination including against transgender
9 students does violate -- and I know that Tennessee
10 was considering this bill, and very recently the
11 Republican Governor of Tennessee decided not to go
12 forward with this bill specifically out of a
13 concern that it would cost Tennessee billions of
14 dollars in lost federal funding. I know that North
15 Carolina receives billions of dollars in federal
16 funding, and what is our level of concern that this
17 is going to be put in jeopardy?

18 SEN. RANDLEMAN: Senator Newton?

19 SEN. NEWTON: Thank you. Thank you,
20 Madam Chairman. Thank you, Senator Jackson.
21 Again, that -- that question has been brought up to
22 us before. We don't see any risk to federal
23 funding under Title 9. The Obama Administration
24 has a very -- very radical and extreme view of what
25 would constitute discrimination against

1 transgender. And they have tried to pursue that in
2 court, and twice, they have been rejected, in
3 Virginia and in Pennsylvania. So the current state
4 of the law does not hold their view, and it is --
5 it is our view that -- that this would in no way
6 jeopardize Title 9 funding.

7 SEN. JACKSON: Do you wish to add
8 something?

9 REP. BISHOP: Yeah. Let me just add,
10 so -- so there's not a -- not a case in the country
11 anywhere that's embraced their view. It's on
12 appeal in the Fourth Circuit and in the Third
13 Circuit, but should that ever turn out going the
14 other way in the future in law, there would be
15 ample opportunity past that point. There would be
16 an entitlement to a matter before an administrative
17 law judge. Even after that's concluded, you have a
18 period of time after that. So there's nothing in
19 the doing of this that would have any impact
20 whatsoever on that. And -- and in fact, if there
21 were a decision that were adverse -- in -- in favor
22 of the Obama Administration's position at some
23 point in time, it would supersede and -- and there
24 still wouldn't be a loss of Title 9 funding; it
25 would just revert to a different rule, under

1 supremacy principles.

2 SEN. RANDLEMAN: Other questions from the
3 committee? Yes. Senator Cook?

4 SEN. COOK: I -- as the grandfather of
5 two beautiful young granddaughters, I thank you.
6 Thank you. This is much, much needed legislation.
7 Thank you.

8 SEN. NEWTON: Thank you, sir.

9 SEN. RANDLEMAN: Other questions or
10 comments? Yes. Senator McInnis?

11 SEN. MCINNIS: Thank you, Madam
12 Chairperson. Senator Newton, I -- I heard you say
13 on Page 5, starting on Line 8, that we -- we found
14 that there was a void. It appeared in our statutes
15 that -- that left it to -- our folks were not
16 protected against some types of discrimination, and
17 I -- I'd just like for you to expound on that. I
18 heard what you said, and I -- I applaud you for
19 bringing this forward. That's one of the great
20 things about delving into something, you find
21 some -- you find a void in there. And this is a
22 grand opportunity to fix something that was -- that
23 was certainly in need of repair.

24 SEN. RANDLEMAN: Senator Newton?

25 SEN. NEWTON: Thank you. Thank you,

1 Madam Chairman. Thank you, Senator McInnis. I --
2 I appreciate your comments. There -- there's a --
3 a lot of, I think, confusion about where a citizen
4 whose -- who's being discriminated against might
5 have their -- their -- their way to get their day
6 in court. And, you know, federal law on this
7 matter has been clear for some time. North
8 Carolina -- I'm not sure exactly why, but
9 historically, North Carolina just had never adopted
10 any kind of public accommodation or -- or
11 antidiscrimination statewide policy to -- to, you
12 know, make it clear that you -- you can't
13 discriminate against, say, an African-American, you
14 know, renting a hotel room, for example. And --
15 and I think we all today agree and know and
16 understand that that's off limits and should be off
17 limits, but this process -- I mean -- I hate to say
18 there's anything good about this process, but I
19 guess this would be one of them.

20 It became clear to us that there was no
21 such statewide standard and policy, and it was
22 better for us to go ahead and -- and really do more
23 than what federal law was, and expand this
24 protection from a policy standpoint for the state,
25 so that -- that we -- we wouldn't be faced with

1 questions of, you know, in -- in this jurisdiction,
2 you know, it was against the public policy to do X,
3 Y, Z, but in that jurisdiction, it's only X and Y
4 and -- and this jurisdiction it's P, D, Q, and --
5 and we just thought it was important for business
6 and for our citizens to -- to have this clear
7 public policy statement of antidiscrimination. It
8 was -- it was long overdue, and -- and -- does
9 that -- that fairly -- you know, when it became
10 clear to everybody, we were like we -- we need to
11 do that, so thank you.

12 SEN. RANDLEMAN: Follow up?

13 SEN. COOK: Yes, ma'am. I just want to
14 say I appreciate the writers and those that have
15 put forth the thought on this, and to -- to right
16 the wrong that we originally came here for, and to
17 be able to -- to add some solid things that are
18 absolutely great for our state. And on behalf of
19 my family and my grandchildren, as Senator Cook
20 alluded to from his, I appreciate what you're doing
21 here today, and we'll bring this matter to a head
22 going about our business. Thank you so much.

23 SEN. NEWTON: Senator, may I add
24 something --

25 SEN. RANDLEMAN: Please.

1 SEN. NEWTON: -- Madam Chairman. You
2 know, I think it would be very, very, very ironic
3 if -- if members chose to vote against expanding
4 and clarifying the antidiscrimination policy of
5 this state on -- on some misnomer -- some -- some
6 mistaken idea. It's -- it's bad enough to talk
7 about, you know, men and women's bathrooms and
8 locker rooms, but it's hard for me to comprehend
9 that there's members of this body that would vote
10 against this policy that's identified in -- in this
11 section.

12 SEN. RANDLEMAN: Thank you, Senator
13 Newton. If the Sergeant-at-Arms will go ahead and
14 pass out the amendments? We have two amendments
15 for consideration.

16 (Members at ease.)

17 SEN. RANDLEMAN: The first amendment that
18 we're going to call is Senator Lowe.

19 SEN. DANIEL: We need to make sure that
20 she gets that.

21 SEN. RANDLEMAN: Okay. It would be
22 H2-ATC-2 Version 3, Senator Lowe. And I think
23 Senator Barringer needs a copy. Does everyone have
24 a copy? Staff needs copies. So the first one we
25 are calling forward is H2-ATC-2 Version 3, and I

1 will call on Kelly Tornow to explain the amendment.

2 MS. TORNOW (STAFF): Thank you, Madam
3 Chairwoman. Senator Lowe's amendment amends the
4 bill on Page 5, Lines 29 to 31 by deleting the
5 sentence that states, "This article does not create
6 and shall not be construed to create or support a
7 statutory or common law private right of action and
8 no person may bring any civil action based upon the
9 public policy expressed herein," so it deletes that
10 sentence.

11 SEN. RANDLEMAN: Senator Lowe, do you
12 wish to speak to the amendment?

13 SEN. LOWE: Yes. One of my concerns was
14 the -- that a person had no private right of
15 action. In other words, there's no State recourse.
16 If a person is being discriminated against, they
17 would automatically, as I understand it, have to go
18 to the federal level and not be able to do anything
19 at the state level. And I -- and I have a real
20 problem with discrimination at any level. So I
21 think that to say that no change is taking place
22 when indeed there is some change, is not true.

23 SEN. RANDLEMAN: Representative Bishop,
24 are you going to respond to the amendment? What do
25 you say?

1 REP. BISHOP: Senator -- Senator Newton
2 may want to add after I do, but I would like to
3 respond to that. There are ample cases at this
4 time saying that section doesn't create a cause of
5 action. There is a technical question whether
6 there is a common law claim for termination in
7 violation of public policy, that this is one of the
8 articulations of public policy that could affect
9 such a claim, but in each of those cases, the
10 remedial of -- the remedies that are available are
11 far more robust under federal law as things stand
12 anyway. So there's no -- there's no harm.

13 The -- they all -- the other thing is --
14 and what we've done is we've added an entirely new
15 statement of protection from discriminatory
16 treatment in public accommodations, and in order to
17 do exactly what the courts have done under the
18 previous -- and we've made it clear that we are not
19 creating a cause of action there, either. So in
20 other words, there -- there's not a change of
21 substance. There's a technical change, and it will
22 not undermine remedies. And that's my view about
23 it.

24 And so it is -- it is -- it is a
25 distinction without a difference, and -- and the

1 section does -- I do want to emphasize that.
2 There's ample numbers of cases saying that this
3 section does not create a cause of action as of
4 today. So I would think that it would not be an
5 amendment that I would recommend.

6 SEN. RANDLEMAN: Senator Newton?

7 SEN. NEWTON: Thank you. Thank you,
8 Madam Chairman. Thank you, Senator.

9 Senator, I -- I detect from the way you
10 asked the question that there may be a
11 misunderstanding about -- about the law, and I kind
12 of touched on that before, about -- there's
13 confusion about where a person goes to get their
14 remedy. And in North Carolina, it is -- it has
15 always been under -- under Title 7, and -- and
16 other federal statutes that you have a right of
17 action on public accommodation or employment
18 practices for, say, racial discrimination, for
19 example. So you can bring that action in state
20 court, or you can bring it in federal court. It --
21 it -- both -- both courts can handle the matter,
22 but you have to meet the requisite requirements
23 to -- to bring such an action.

24 So when we were dealing with this, what
25 we -- what we didn't want to do was to create a

1 brand new right of action. There's -- there's --
2 we're not changing anything in that regard in -- in
3 this -- in this bill. We -- we felt like that
4 would be problematic in terms of trying to get
5 support all the way through for this provision, if
6 we created a brand new way to sue when there's
7 already ample ways to bring an action if one
8 alleges discrimination of some kind under federal
9 law, and -- and, which would -- which would fit
10 with this -- this public policy declaration. So
11 the short answer is, we're not minimizing or
12 reducing a person's right to bring an action.
13 We're just not adding a new way to bring a new
14 cause of action.

15 SEN. LOWE: Follow-up?

16 SEN. RANDLEMAN: Follow-up.

17 SEN. LOWE: My understanding as I -- as I
18 begin to read this is that it is something new.
19 Right now, we can go through our state courts to
20 deal with discrimination, and as I understand this,
21 we can only do it through a federal system. Is
22 that what -- am I missing something, or?

23 SEN. NEWTON: No -- that's -- that's --

24 SEN. RANDLEMAN: Senator Newton?

25 SEN. NEWTON: -- that's -- thank you,

1 Madam Chairman. That's not -- that's not an
2 accurate -- it's -- it's -- you don't have to go
3 through the federal system. Your -- your cause of
4 action was created under federal law, and that has
5 existed and continues to exist, and nothing we do
6 here today would affect that one bit. The forums
7 are -- are the same as they were before. You can
8 choose to file if -- if you -- if Senator Lowe is a
9 plaintiff -- has a cause of action, you can choose
10 to file that in Mecklenburg County Superior Court
11 or you can choose to file it in -- you all in the
12 Western District, right? Federal Western District
13 Court, so you -- the choice is yours.

14 This doesn't change any of that, and --
15 and -- and for that reason, I mean, I want members
16 to understand we're kind of getting into legal
17 weeds here. I would -- I would strongly encourage
18 my -- my colleagues to vote against the amendment.

19 SEN. RANDLEMAN: Other comments, Senator
20 Jackson?

21 SEN. JACKSON: May I speak to the
22 amendment, Madam Chair?

23 SEN. RANDLEMAN: Please. Proceed.

24 SEN. JACKSON: I think there's a really
25 good chance that there is an unintended

1 consequence, and I know it's unintended because
2 both of our bill sponsors have -- have caught it
3 unintended. They don't mean to be reducing an
4 existing right that exists under common law, but
5 that may be the impact of this. This amendment
6 would eliminate the chance of that unintended
7 consequence. And as for there being a federal
8 remedy and a state remedy that exists -- it's true.
9 There's a federal remedy exists, but there is also
10 a state remedy.

11 There are dozens and dozens and dozens of
12 reported cases in which wrongful discharge in
13 contravention of public policy have been reported
14 in North Carolina. This is a living, breathing
15 legal doctrine that exists in North Carolina that
16 lots of our citizens have availed themselves of,
17 and it may or may not go away once we pass this as
18 written. If we adopt the amendment, we know that
19 we protect that, and if want -- if you want to, you
20 know, we can revisit it someday when we have more
21 than, you know, 30 seconds to deal with all of
22 these problems.

23 SEN. RANDLEMAN: Representative Bishop?

24 REP. BISHOP: Thank you, Madam Chairman.

25 The remedies that are available under the federal

1 claim are as broad as you can imagine; back pay,
2 front pay, reinstatement, actual damages, punitive
3 damages, attorney's fees; all of that exists under
4 federal law. The state law adds not one whit of
5 remedial right.

6 To the point that you said there are
7 thousands -- there are many cases arising under the
8 common law right for termination in violation of
9 public policy, that's true, but that goes outside
10 of this. There are many articulations of public
11 policy that could give rise to that claim, this
12 being only one of them.

13 The remedy -- that's -- that's the point.
14 As many of the members, the lawyer members know, if
15 you're bringing a lawsuit, you articulate all of
16 the claim theories in the lawsuit that you have,
17 the different claims for relief. But what matters
18 to a plaintiff is what remedies they can recover,
19 what damages can they get. And to that point,
20 that's what I am saying, there is no diminution in
21 the remedies available whatsoever by the change
22 that is contemplated here.

23 SEN. RANDLEMAN: Senator Newton?

24 SEN. NEWTON: I -- I would just add,
25 Senator Jackson, you may not be aware that I've

1 practiced on both sides of these cases a number of
2 times of the years on both sides, the plaintiff and
3 the defense side. I -- I completely agree with
4 Representative Bishop's characterization, and --
5 and I'm very comfortable that -- that what we've
6 done here is -- is the right policy and does not
7 add any -- any new right of action, nor does it
8 diminish anything that -- that a legitimate
9 plaintiff would bring forth in court.

10 SEN. RANDLEMAN: Thank you. Other
11 comments or questions as to the amendment? Seeing
12 none, we will call for a vote on the amendment.
13 Those in favor say aye.

14 (Voice vote.)

15 SEN. RANDLEMAN: Those opposing, nay?

16 (Voice vote.)

17 SEN. RANDLEMAN: The nays have the vote,
18 so the motion -- the amendment fails. Excuse me.
19 The next amendment is H2-AST-1 Version 3. Does
20 everybody have a copy of the amendment? I will
21 call on staff to explain the amendment. Oh, excuse
22 me; some members do not have copies. Everyone have
23 a copy now? So, Kelly, if you will please explain
24 the amendment.

25 MS. TORNOW: Thank you, Madam Chairwoman.

1 So on Page 4, Line 28, that's Section 3.1 of the
2 bill. That adds sexual orientation and gender
3 identity to the list of protected classes listed
4 there. And then again, on Page 5, Line 12, which
5 is the -- which is Section 3.3, it does the same.
6 It adds sexual orientation and gender identity to
7 the list of protected classes.

8 SEN. RANDLEMAN: Thank you. Senator Van
9 Duy, this is your amendment, so if you would like
10 to speak to your amendment.

11 SEN. VAN DUYN: Thank you, sir -- I'm
12 sorry. Thank you, Senator Randleman -- Madam
13 Chairman. We still have not received a copy of --
14 a correct copy of the amendment.

15 SEN. RANDLEMAN: We're going to take care
16 of that. If you'll hold just a second.

17 UNIDENTIFIED SPEAKER: Madam Chair?

18 SEN. RANDLEMAN: Yes, sir?

19 UNIDENTIFIED SPEAKER: They did
20 distribute another copy, but it was a -- a copy for
21 Senator Lowe's amendment.

22 SEN. RANDLEMAN: Okay. Making it now.
23 I'm going to go over the amendment number again.
24 It is H2-AST-1 Version 3. Does everybody have a
25 copy of the amendment? Senator Van Duyn?

1 SEN. VAN DUYN: Thank you, Madam
2 Chairman. I am not sure that I agree with this
3 bill's assumption that we need statewide
4 consistency in regulation of employment. I, for
5 example, come from a county with an extremely high
6 cost of living and an extremely low average wage.
7 And so things like encouraging living wages are
8 very important to my county. But nevertheless, if
9 we are going to standardize our [break in audio]
10 language statewide, I think it's very important
11 that we say loud and clear that North Carolina is
12 open to -- open for business to everyone. And for
13 that reason, I think it's incumbent on us that we
14 amend the bill to include in our nondiscrimination
15 language sexual orientation and gender identity.

16 SEN. RANDLEMAN: Senator Newton?

17 SEN. NEWTON: Thank you, Madam Chairman.
18 Before I comment on the amendment, may I inquire of
19 the amendment sponsor?

20 SEN. RANDLEMAN: Proceed.

21 SEN. NEWTON: Thank you. Senator Van
22 Duyn, how would you define gender identity in
23 this -- with this amendment?

24 SEN. RANDLEMAN: Senator Van Duyn?

25 SEN. VAN DUYN: I think -- I think

1 that's -- gender identity is how someone identifies
2 their gender.

3 SEN. RANDLEMAN: Senator Newton?

4 SEN. NEWTON: Follow up? Thank you. So
5 we don't have a definition before us in this bill.
6 And so, being a lawyer, and knowing that issues --
7 when you're talking about potentially opening the
8 door for litigation -- definitions of what is
9 gender identity would be important, so that's why I
10 asked the question. Would it be as -- for me,
11 gender identity would be what is on your birth
12 certificate, and how you were born. And -- and
13 you're saying that gender identity would be what
14 you -- what a person, I guess, thinks they are
15 today, or I don't know how else to describe it. So
16 that's why I'm asking you if you would define it
17 for me.

18 SEN. VAN DUYN: Well --

19 SEN. RANDLEMAN: Senator Van Duyn?

20 SEN. VAN DUYN: -- thank you, Madam
21 Chairman. I think it is clear that not everyone
22 who gets labeled at birth continues to identify
23 with the gender of that label, and in fact --
24 pursues at -- at -- at great expense emotionally
25 and otherwise the -- the gender that they truly

1 identify with. And I think it's important for us
2 to recognize the fact that -- that we need to be
3 tolerant of those people, that they are, in fact,
4 our neighbors, and they are very vulnerable at the
5 time because of these gender identity issues. And
6 I'm just suggesting that we need to acknowledge
7 that -- that the gender at birth is not necessarily
8 the gender that they -- they identify with as they
9 develop.

10 SEN. RANDLEMAN: Senator Newton?

11 SEN. NEWTON: Thank you, Madam Chairman.
12 Members, I would -- I would urge you to vote
13 against the amendment, and I think that the -- the
14 colloquy and the questions that -- that I've just
15 had with Senator Van Duyn illustrate the -- the --
16 difficulties of adding these categories to -- to
17 the bill.

18 These are discussions that are very
19 complicated, and -- and -- and very difficult, I
20 think, for society and as well as this body to get
21 their minds wrapped around, as well as to come up
22 with concrete definitions for terms that would be
23 important to establish what the public policy of
24 this state was. And I -- I candidly don't -- don't
25 believe that we have -- I've never had anybody

1 write to me and ask me to add this -- these kinds
2 of things to our state policy. So I think that at
3 this time, it would be best if we did not add
4 anything such as this into the bill, and I would
5 urge my colleagues to vote against the amendment.

6 SEN. RANDLEMAN: Senator Daniel?

7 SEN. DANIEL: Thank you, Madam Chairman.
8 This is a question for Senator Newton. So, Senator
9 Newton, I guess it is my understanding that this is
10 the similar language or maybe identical language to
11 what was included in the Charlotte ordinance, which
12 then prompted responses from thousands of our
13 citizens, which resulted in us being here in a
14 special session this week to deal with a problem
15 that was in only one city. So why would we then
16 come here to undo a problem in one county, and then
17 extend it across 99 other counties. I guess to me,
18 I just -- I don't understand the logic.

19 SEN. RANDLEMAN: Senator Newton?

20 SEN. NEWTON: I -- I think the best
21 response I can give is, I would agree.

22 SEN. RANDLEMAN: Senator Jackson? Other
23 questions from the members? Comments from the
24 members? Seeing none, we have before us Amendment
25 Number 2 to House Bill 2 --

1 SEN. BAREFOOT: Madam -- Madam

2 Chairman --

3 SEN. RANDLEMAN: Excuse me. Yes?

4 SEN. BAREFOOT: I'm -- I'm just --

5 SEN. RANDLEMAN: Senator Barefoot?

6 SEN. BAREFOOT: Thank you, Madam

7 Chairman. I'm just sitting here thinking through
8 this, and I agree with the bill sponsor. We don't
9 know what this amendment does, and I don't think it
10 is a wise thing to be voting on something where you
11 do -- you have no idea what it does. And so I'm --
12 I'm not sure if I'm stating this correctly, but I
13 think we ought to lay this amendment upon the
14 table, and that's my motion.

15 UNIDENTIFIED MEMBER: Second.

16 SEN. RANDLEMAN: So we have a motion to
17 lay upon the table? We have a second. This does
18 require a three-fifths vote in favor of the motion
19 to lay upon the table. So those supporting the
20 motion to lay upon the table, if you would raise
21 your hand? Can you count, Patrick? Those opposing
22 the motion to the lay upon the table? The
23 motion -- the motion to lay upon the table carries,
24 so the motion is not before the committee, so thank
25 you.

1 So we're -- we're back to the bill. Do
2 we have any other amendments to come forward
3 regarding the bill? Seeing none. We had a signup
4 sheet, and if we could have the Sergeant-at-Arms go
5 back to monitor the time, we're going to rotate
6 back and forth for those supporting and those in
7 opposition of House Bill 2, and I will begin with
8 Reverend Mykal Slack. Two minutes.

9 MR. SLACK: Good morning, Madam Chair.
10 My name is -- is the microphone on?

11 SEN. RANDLEMAN: Mash the button.

12 MR. SLACK: Is it on? I would -- I would
13 like to have my full time. Thank you. Good
14 afternoon. My name is Reverend Mykal Slack. I am
15 a minister of the Christian faith; a director of
16 congregational life at a church here in Raleigh. I
17 am a proud African-American Southerner, a resident
18 of North Carolina, a husband and a soon-to-be
19 father.

20 As a preacher, it is my job to speak as
21 plainly as I can in all the places I'm called to
22 with as much love in my heart as I can muster. So
23 let me be plain and clear today. Telling a lie
24 over and over and over again does not make it true.

25 I am a transgender male, and I am not a

1 threat to you. Nor are other transgender people
2 threats to you. I get up in the morning. I go to
3 work every day. I go to church every Sunday. I
4 kiss my wife's belly every night before we go to
5 sleep.

6 This is not about protecting privacy. If
7 it was, you'd be just as interested and invested in
8 the citizens of North Carolina who are transgender
9 people who are more statistically subject to
10 harassment and physical violence in restrooms than
11 anyone else.

12 This isn't about political correctness.
13 Charlotte sought to ensure that I and other
14 transgender people like me would feel as safe in
15 restrooms as other people feel. The Charlotte
16 ordinance didn't raise the bar. It actually
17 leveled the playing field.

18 But this is -- this is about putting my
19 life at risk. This is about, perhaps, your own
20 fear. This is, perhaps, about a lack of education.
21 These issues and these conversations are not
22 difficult conversations to have; they're just
23 conversations that perhaps many of us haven't had
24 much. So the issue here is to have deeper
25 conversation. Is this the kind of behavior do

1 you -- are you really interested in me being spit
2 on and pushed around and shoved because of who I am
3 in a restroom? I implore you not.

4 Legislating mistreatment, hatred and
5 misunderstanding is shameful. Not doing your
6 homework is irresponsible. I am a child of God, so
7 I don't need your permission to be who I am called
8 to be, but I do need you to legislate in ways that
9 offer protection for me and every person in this
10 state. It is true. You should not vote on
11 legislation or amendments that you do not fully
12 understand the impact that they will have, so I
13 implore you to vote no today. Thank you.

14 SEN. RANDLEMAN: Thank you. Heather
15 Garofalo?

16 MS. GARAFALO: Heather Garofalo, small
17 business owner servicing Charlotte. I have friends
18 and family in the LGBT community, and I love them.
19 Every American private business owner in North
20 Carolina should be free to live and work according
21 to their beliefs without fear of punishment
22 unjustly by the government. In 2015, the Pew
23 Charitable Trust organization identified the top
24 ten states for job growth. Eight out of 10 of
25 these states do not contain state nondiscrimination

1 laws containing language around sexual orientation
2 and gender identity. Charlotte is beautiful
3 because of its diversity.

4 There are many worldviews and world
5 religions. There is strength in diversity. True
6 equality means that everyone can speak their
7 beliefs without fear of being silenced and
8 punished. I am pleased to report that not one case
9 has been filed by the ACLU in Charlotte, North
10 Carolina alleging discrimination that may have
11 occurred on behalf of an individual or organization
12 against our friends in the LGBT community. As a
13 business owner servicing Charlotte and throughout
14 the state, I am concerned about the unintended
15 consequences of this ordinance.

16 It lacks for me consistency, clarity of
17 how I will do business and -- and run my policies
18 all across the state. Furthermore, it forces me to
19 violate my deepest held beliefs. Either I will
20 check these beliefs at the door, or I can be
21 subject to \$500 in fines per day; lawsuits, jail
22 times and my business forced to close. In just
23 nine days, if you don't overturn this ordinance,
24 businesses across the state could have their
25 contracts cancelled simply because they hold a

1 different worldview. A loss of contracts equals
2 loss of revenue. A loss of revenue could equal
3 tens of thousands of jobs lost across the state.
4 This means financial hardship for so many families
5 in North Carolina.

6 Our sweet transgender children deserve
7 better than this. Switching them from one bathroom
8 to the next does not help them with their fears of
9 being accepted. A little girl that may dress as a
10 boy that goes into the next bathroom could be
11 violated. I care about them and all children.

12 SEN. RANDLEMAN: Debra Thompson.

13 MS. THOMPSON: My name is Debra Thompson.
14 I live in Pitt County, and I come to you as a
15 mother. My son, Sky, plays soccer. He still
16 sleeps with his favorite stuffed animal, Charlie
17 Cow, and he frequently makes huge messes around my
18 house with awesome art projects. My child is also
19 transgender. I love my child. I loved Sky when I
20 thought he was my daughter and I love him now that
21 he is my handsome, intelligent and very brave son.
22 On a practical level, telling schools that my son
23 can't use the appropriate bathroom means that my
24 son's education is compromised. How would your day
25 look if you couldn't go to the bathroom?

1 I know trans youth in my community who
2 purposefully dehydrate themselves so they do not
3 have to use the bathroom at school. One of my
4 son's friends has had to have his mother pick him
5 up from school every time he needs to use the
6 bathroom.

7 But this debate is about more than just
8 bathrooms. Seventy-four percent of youth who are
9 transgender are sexually harassed, and 55 percent
10 of them are physically attacked at school.
11 Twenty-eight percent drop out of school because of
12 this harassment, and 50 percent attempt suicide.
13 Fifty percent. These are statistics that scare me
14 to my core as a parent.

15 This debate is about whether the state
16 cares about my son's health and safety. By telling
17 my son he's different from other kids in North
18 Carolina, not as worthy of protection, you're also
19 telling me that I'm less important than other
20 parents. You're giving Sky's teachers permission
21 to view my son as less worthy of an education.
22 You're giving Sky's peers permission to continue to
23 harass, exclude and bully him. So please protect
24 my son and tell him that he is just as important
25 and every bit as valued as any other kid in our

1 great state. Please do not legislate the right to
2 discriminate.

3 SEN. RANDLEMAN: Donna Eaton.

4 MS. EATON: My name is Donna Eaton, and I
5 come to you as a concerned mother. I have never
6 shared my story before publicly, but I'm coming to
7 you today because I felt compelled that somebody
8 had to speak out for what was going on. You see, I
9 was molested when I was a kid, and the trauma that
10 I experienced in the days after and the years after
11 was intense, to say the least. I lived in fear of
12 finding a man in my bathroom. It -- like, I
13 can't -- words don't begin to express what I went
14 through.

15 When I was in Massachusetts recently, a
16 transgender male was in the bathroom, and please
17 understand me to say that I am not saying that
18 anyone who is transgender is a -- is a threat to
19 society or that they are -- in that -- predators in
20 any way, shape or form. I believe that everybody
21 deserves to be treated with dignity and respect,
22 but seeing this man in the bathroom that -- with
23 me -- brought me -- it brought me right back to
24 where I was that years and years ago. If this bill
25 is not passed, it is going to open the door for

1 people with malicious intent who would masquerade
2 as transgenders to come in and actually take
3 advantage of and have access to our kids and
4 ourselves.

5 I'm here to implore -- implore you on
6 behalf of one in four women that -- who have been
7 sexually abused that -- to vote for common sense.
8 That if you don't stand up for this, all North
9 Carolinians that -- are going to be at risk for
10 being perpetually victimized. That every time they
11 go to the bathroom, they will have to actually turn
12 around and face this -- this unconscionable fear.
13 So I just -- I urge you to vote in favor of this
14 bill. Thank you.

15 SEN. RANDLEMAN: Laura Nazario.

16 MS. NAZARIO: Hello, my name is Laura
17 Nazario. I'm a transgender woman from Charlotte,
18 North Carolina. I'm an Air Force veteran, a
19 musician, and I'm an active member of my community.
20 There are several places where I'd rather be than
21 where I'm standing today. I'd rather be playing
22 guitar and writing music. I'd rather be spending
23 time eating pasta with my Italian girlfriend. I'd
24 rather be home where it's safe.

25 At home, I don't have to worry about

1 whether someone will react to my masculine features
2 coupled with my feminine presentation. I don't
3 have to worry about someone noticing my Adam's
4 apple or my height or my broad shoulders. At home,
5 I don't have to worry about what bathroom to use.

6 This is a feeling that I've grown
7 accustomed to. The feeling that I should stay
8 hidden. That I should not be an active member in
9 my community. This feeling is fear.

10 The Charlotte non-discrimination
11 ordinance moved my city into the right direction.
12 It helps to create an environment where I can
13 simply live a normal life. Because isn't this what
14 any human being would want?

15 Removing these protections for people
16 like me only serve to set us back in Charlotte.
17 Not only in Charlotte, but in the entire state. I
18 urge you not to pass this bill. Help make North
19 Carolina a safe place for all members of the
20 community. Thank you.

21 SEN. RANDLEMAN: John Rustin.

22 MR. RUSTIN: Thank you, Madam Chairman.
23 Members of the committee, I'm John Rustin,
24 president of the North Carolina Family Policy
25 Council. On February 22nd, the Charlotte City

1 Council approved a set of highly controversial and
2 hazardous ordinance changes which you've heard
3 about today. We have three primary concerns about
4 these ordinance changes. First, these changes mean
5 that men can enter women's restrooms, shower rooms,
6 bathhouses and similar facilities in any public
7 accommodation in the City of Charlotte, placing the
8 privacy, safety and dignity of women, children and
9 the elderly at great risk.

10 The City's extremely broad definition of
11 public accommodations mean this -- this new
12 ordinance would apply to any business that provides
13 goods or services. Essentially, any business. And
14 there is no exception for churches, church schools
15 and related church ministries.

16 Secondly, many citizens have sincere
17 religious beliefs that inform the way they live
18 their lives and conduct their businesses. Similar
19 ordinances in other states have been used to force
20 small business owners such as florists, bakers,
21 photographers, bed-and-breakfast owners, and others
22 to either conform to a government-dictated
23 viewpoint in violation of those sincerely held
24 beliefs or to face legal charges, fines and other
25 penalties that have ultimately caused some to go

1 out of business.

2 The City of Charlotte should not be
3 authorized to impose such an intolerant and
4 unconstitutional mandate as a condition of doing
5 business. And thirdly, Charlotte far exceeded its
6 authority when it passed these ordinance changes.
7 Cities and counties in North Carolina derive the
8 full extent of their authority only from the State
9 Constitution and acts passed by the State
10 legislature. The North Carolina General Assembly
11 has granted neither the City of Charlotte nor any
12 other city in the state the authority to do what
13 the Charlotte City Council has done.

14 If the ordinance changes are allowed to
15 stand, they will serve as a precedent for other
16 city and county governments to undermine proper
17 governmental authority and to create a patchwork of
18 disparate ordinances across the state. For these
19 reasons, we applaud you for considering this
20 legislation and ask that you give it your full
21 support. Thank you.

22 SEN. RANDLEMAN: Sky Thompson.

23 MR. THOMPSON: Before I start, I'd like
24 to ask something with everyone listening. If you
25 have a firm belief on either side, please just try

1 to clear your mind for the next two minutes while I
2 give my story, and please consider my side. My
3 name is Sky Thompson, and I'm a fifteen-year-old
4 transgender student at South Central High School in
5 Greenville. I've dealt with bullying my whole
6 life, and now I worry that my own state lawmakers
7 are bullying me as well. I feel bullied by you
8 guys.

9 In schools all over the place,
10 transgender kids are bullied on the daily to the
11 extent of physical attacks. Being in a public high
12 school and not being allowed in the right bathroom
13 for our own gender is embarrassing, and it gives
14 bullies all the more reason to pick on us. Imagine
15 yourself in my shoes, being a boy walking into a
16 ladies room. It's awkward and embarrassing and can
17 actually be dangerous to have to go to the wrong
18 bathroom.

19 By putting this law into place, you're
20 putting me in danger and not protecting -- or not
21 protecting those who aren't being threatened in the
22 first place. I've always heard people say that us,
23 as children, have a bright future ahead, that we
24 can be anything we want, so why is this any
25 different? I've always been told to be myself, but

1 now I am being myself, and I'm being bullied for
2 it. I'm being picked on for it.

3 So, please, for the sake of my peers, my
4 friends and myself, don't vote for hate. Vote to
5 protect my peers, to protect myself and to protect
6 my rights and my peers' rights. Thank you.

7 SEN. RANDLEMAN: John Amanchukwu.

8 MR. AMANCHUKWU: My name is John
9 Amanchukwu, executive director for the Upper Room
10 Christian Academy, youth pastor for the Upper Room
11 Church of God and Christ. In the book entitled The
12 Marketing of Evil by David Kupelian, he says that
13 neutrality is collaboration. And in 1967, at the
14 Riverside Baptist Church, Dr. King said there comes
15 a time when silence becomes betrayal. When you
16 merge these two powerful statements together, you
17 come to find out that neutrality is a form of
18 collaboration and betrayal.

19 So today we push back against neutrality
20 for the voiceless thousands of boys and girls in
21 our public and private schools and the countless
22 teachers, administrators and principals and parents
23 who know the impending danger and harm of this
24 ordinance. It's common sense that boys should go
25 to the boys' room and girls should go to the girls'

1 room, period. I believe that God got it right in
2 Genesis 5 and 2 when he made them male and female.
3 If God didn't give you access to a male or female
4 bathroom via your anatomy, neither should we give
5 you access via ordinance or legislation, period.

6 According to the APA, as many as 98
7 percent of gender-confused boys and 88 percent of
8 gender-confused girls eventually accept their
9 biological sex after naturally passing through
10 puberty. In my closing, allow -- allow -- allow me
11 say this: that today, I received a phone call. I
12 got word that someone called our school and called
13 me a homophobic bigot, and I want you to know today
14 that if standing up for my wife and for my son and
15 my daughter, for the precious children of this
16 state makes me a homophobic bigot -- bigot, I will
17 be a homophobic bigot until the day that I die.

18 SEN. RANDLEMAN: Maggie Caddell.

19 MS. CADDELL: Hello, my name is Maggie
20 Caddell. I've heard a lot today about protecting
21 women and girls in the state of North Carolina. I
22 am a woman who has been seen and raised as a woman
23 from the time I was born. There have been a number
24 of times I've been hassled and questions --
25 questioned in women's restrooms because of how I

1 look. The Charlotte ordinance would help me and
2 others like me. This bill would not, but would
3 discourage people to question my gender when all I
4 need to do is use the restroom.

5 In addition, my partner was brought up as
6 a girl and is now a man. However, he has not been
7 able to change his birth certificate due to having
8 been born overseas. Whether or not a person can
9 change their birth certificate is based on where
10 they were born, not where they choose to live.
11 This bill would force him, a man with a full beard,
12 to use women's restrooms. This bill that you're
13 proposing would force a man with a full beard to
14 use women's restrooms. I urge you to oppose this
15 bill.

16 SEN. RANDLEMAN: Mark Creech.

17 MR. CREECH: Ladies and gentlemen of the
18 committee, my name is Reverend Mark Creech, and I'm
19 the executive director of the Christian Action
20 League of North Carolina. I want to begin by
21 saying that on behalf of the League and the
22 thousands of churches that are connected to us,
23 thank you for holding this special session of the
24 legislature. The matter before you, as you well
25 know, is urgent.

1 There are some who will argue that by
2 overturning Charlotte's bathroom and public
3 accommodations ordinance, that you are
4 discriminating and victimizing one of the most
5 vulnerable groups of people in our state. I trust
6 that you will neither be distracted or disheartened
7 by such claims. It is unfortunate that the great
8 concepts of tolerance and compassion these days
9 have been often twisted to play upon our emotions
10 with unnecessary guilt. Tolerance doesn't mean
11 that we should accept all truth claims as valid,
12 and compassion doesn't require that we put our
13 women and children in danger.

14 The Charlotte ordinance defies logic. It
15 caters to the interest of a very few that embrace a
16 purely subjective reality and then require that the
17 rest of us adjust our reality accordingly. That's
18 not tolerance or compassion; that's absurdity.

19 The real victims of Charlotte's
20 ordinance are those who are endangered by
21 government's forced recognition that XX or XY
22 genetic markers are not objective, that blue is
23 pink and pink is blue. The real victims are
24 private businesses and churches forced to bow the
25 knee and cast their incense upon the altar of this

1 new religion of gender denial and function.

2 You don't need to have any reservations
3 about upending this ordinance. By upending it, you
4 will actually be exposing its true nature, which is
5 intolerance practiced in the name of tolerance;
6 selfish indifference practiced in the name of
7 compassion. We commend the bill to you and urge
8 you to pass it.

9 SEN. RANDLEMAN: The Chair will recognize
10 Senator Newton for closing remarks.

11 SEN. NEWTON: Thank you, Madam Chairman,
12 thank you, members of the committee and -- and I
13 thank the members of the public who spoke to us
14 these last few minutes. I want to make a couple of
15 points and -- then I hope the committee will move
16 forward with the legislation.

17 First, I'd like to say that we are a
18 state of laws. We are a state of laws. We -- we
19 have a constitution, and it's imperative that we,
20 as a state, enforce those laws. And this applies
21 to whether or not a city or county has authority to
22 issue a certain ordinance on a certain kind of
23 policy or not. And it's important today that we
24 set a statewide standard about what is appropriate
25 here in the state of North Carolina as it relates

1 to bathroom policy, or employment practices, or
2 what we would all agree upon today should be a
3 public policy against discrimination.

4 We are a state of laws. Assault is
5 against the law. If I'm assaulted by someone, it's
6 against the law. Someone else, a member of this
7 public is assaulted, it's against the law. Those
8 laws should be enforced. I do not wish
9 discrimination upon anybody, and I don't believe
10 the members of this body do either. I urge your
11 support of the bill.

12 SEN. RANDLEMAN: Senator Bingham?

13 SEN. BINGHAM: Madam Chairman, I'd like
14 to move that we move ahead with this bill and move
15 for a favorable report.

16 SEN. RANDLEMAN: Do I hear a second?

17 SEN. ALEXANDER: I second, Madam Chair.

18 SEN. RANDLEMAN: Thank you, Senator
19 Alexander. Members -- members of the committee, we
20 have a motion to give the House bill to a favorable
21 report. Those in support of the legislation will
22 say aye.

23 (Voice vote.)

24 SEN. RANDLEMAN: Those opposing?

25 (Voice vote.)

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SEN. RANDLEMAN: The motion carries, and
this meeting is adjourned. Thank you.
(End of proceedings.)

STATE OF NORTH CAROLINA

COUNTY OF WAKE

CERTIFICATION OF TRANSCRIPT

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

This 16th day of April, 2016.

Brad Worley

Brad Worley, transcriptionist

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