

NORTH CAROLINA GENERAL ASSEMBLY
NORTH CAROLINA SENATE

TRANSCRIPT OF THE PROCEEDINGS
FLOOR SESSION

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

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1 LT. GOV. FOREST: This being the time and
2 place, in accordance with the Constitution of the
3 State of North Carolina, and pursuant to the joint
4 proclamation issued by the President of the Senate
5 and the Speaker of the House, after receiving
6 written requests of three-fifths of all members of
7 the Senate and House of Representatives for the
8 convening of the 2016 second extra session of the
9 General Assembly of North Carolina, the Senate will
10 come to order. The Sergeant-at-Arms will close the
11 doors. Members will go to their seats. Members
12 and guests in the gallery, please silence all your
13 electronic devices.

14 Leading the Senate in prayer is the
15 Reverend Peter Milner, Senate Chaplain. All
16 members and guests in the gallery will please
17 stand, and remain standing for the Pledge of
18 Allegiance following the prayer.

19 REV. MILNER: Let's bow our heads and
20 pray. Almighty God, thank you for life. Thank you
21 for a beautiful day, for gathering us together. As
22 we gather with our hopes and dreams, and as we
23 watch spring come to life around us, Lord, help us
24 to remember we are entirely dependent upon you. We
25 can't do anything without you. Lord, in you alone

1 is my soul at rest, for our true hope comes from
2 you. You alone are our stronghold, our rock, our
3 fortress. In Him, we can stand firm. Fill us,
4 then, with renewed hope in you, for in you alone is
5 our soul at rest. It's in Jesus' name we pray.
6 Amen.

7 LT. GOV. FOREST: Please join me for the
8 Pledge of Allegiance.

9 (Pledge of Allegiance recited.)

10 LT. GOV. FOREST: The Reading Clerk will
11 read the joint proclamation.

12 CLERK: Joint proclamation to convene the
13 General Assembly of North Carolina in extra
14 session. Whereas, Article 2, Section 11.2 of the
15 Constitution of North Carolina authorizes and
16 requires the Speaker of the House of
17 Representatives and the President of the Senate to
18 convene the General Assembly in extra session by
19 joint proclamation upon receipt of written request,
20 signed by three-fifths of all members of the House
21 of Representatives and the Senate; and whereas, the
22 President of the Senate and the Speaker of the
23 House of Representatives have each received written
24 requests from three-fifths of the members of the
25 House of Representatives and the Senate; now,

1 therefore, the Speaker of the House of
2 Representatives and the President of the Senate do
3 hereby proclaim the General Assembly of North
4 Carolina shall convene in extra session in the City
5 of Raleigh, North Carolina, in the State
6 Legislative Building, at 10 o'clock a.m. on
7 Wednesday, March 23rd, 2016, to consider bills
8 concerning the organization or operation of the
9 extra session, in bills to provide for single-sex,
10 multiple occupancy bathroom and changing
11 facilities, and to create statewide consistency in
12 regulation of employment and public accommodations.
13 A copy of this proclamation shall be delivered to
14 each member of the House of Representatives and the
15 Senate, and a copy to the Governor of North
16 Carolina and the Secretary of State. Issued this
17 22nd day of March, 2016. President of the Senate,
18 Dan Forest. Speaker of the House, Representative
19 Tim Moore.

20 LT. GOV. FOREST: Written petitions from
21 31 Senators and 72 Representatives are on file in
22 the respective offices of the principal clerks,
23 where -- where they shall remain for a period of
24 two years. The names of those signatories shall be
25 spread upon the Journal.

1 Senators, the record shall reflect that
2 Senator Josh Stein of District 16 submitted his
3 letter of resignation, effective March 21st, 2016.

4 The Clerk will now call the roll of the
5 2016 Senate. When your name is called, please
6 stand and remain standing, and respond by speaking
7 into your microphone.

8 CLERK: Senate of 2015 North Carolina
9 General Assembly, call of the roll. Alexander?

10 SEN. ALEXANDER: Here.

11 CLERK: Apodaca?

12 SEN. APODACA: Present.

13 CLERK: Barefoot?

14 SEN. BAREFOOT: Present.

15 CLERK: Barringer? Barringer? Berger?

16 SEN. BERGER: Present.

17 CLERK: Bingham?

18 SEN. BINGHAM: Present.

19 CLERK: Blue?

20 SEN. BLUE: Present.

21 CLERK: Brock?

22 SEN. BROCK: Present.

23 CLERK: Brown?

24 SEN. BROWN: Present.

25 CLERK: Bryant? Bryant? Clark? Clark?

1 SEN. CLARK: Present.
2 CLERK: Cook?
3 SEN. COOK: Present.
4 CLERK: Curtis? Curtis? Daniel?
5 SEN. DANIEL: Present.
6 CLERK: D. Davis?
7 SEN. D. DAVIS: Present.
8 CLERK: J. Davis?
9 SEN. J. DAVIS: Present.
10 CLERK: Ford? Ford? Foushee?
11 SEN. FOUSHEE: Present.
12 CLERK: Gunn?
13 SEN. GUNN: Present.
14 CLERK: Harrington?
15 SEN. HARRINGTON: Present.
16 CLERK: Hartsell?
17 SEN. HARTSELL: Present.
18 CLERK: Hise?
19 SEN. HISE: Present.
20 CLERK: B. Jackson?
21 SEN. B. JACKSON: Present.
22 CLERK: J. Jackson?
23 SEN. J. JACKSON: Present.
24 CLERK: Krawiec? Lee?
25 SEN. LEE: Present.

1 CLERK: Lowe?
2 SEN. LOWE: Present.
3 CLERK: McInnis?
4 SEN. MCINNIS: Present.
5 CLERK: McKissick?
6 SEN. MCKISSICK: Present.
7 CLERK: Meredith?
8 SEN. MEREDITH: Present.
9 CLERK: Newton?
10 SEN. NEWTON: Present.
11 CLERK: Pate?
12 SEN. PATE: Present.
13 CLERK: Rabin of Harnett?
14 SEN. RABIN: Present.
15 CLERK: Rabon of Brunswick?
16 SEN. RABON: Present.
17 CLERK: Randleman?
18 SEN. RANDLEMAN: Present.
19 CLERK: Robinson?
20 SEN. ROBINSON: Present.
21 CLERK: Rucho? Rucho? Sanderson?
22 SEN. SANDERSON: Present.
23 CLERK: Smith? Smith? Smith-Ingram?
24 SEN. SMITH-INGRAM: Present.
25 CLERK: Soucek? Soucek? Tarte?

1 SEN. TARTE: Present.

2 CLERK: Tillman?

3 SEN. TILLMAN: Here.

4 CLERK: Tucker?

5 SEN. TUCKER: Present.

6 CLERK: Van Duyn?

7 SEN. VAN DUYN: Present.

8 CLERK: Waddell? Waddell? Wade?

9 SEN. WADE: Present.

10 CLERK: Wells?

11 SEN. WELLS: Present.

12 CLERK: Woodard?

13 SEN. WOODARD: Present.

14 LT. GOV. FOREST: With 42 members
15 present, and having properly received and
16 subscribed to the oath of office, a quorum is
17 present. Members may be seated.

18 The Constitution of North Carolina,
19 General Statutes and the Senate Rules of the 2015
20 regular session provide for two-year terms for
21 Senate officers. Without objection, the record
22 will reflect that the officers of the 2015 regular
23 session shall -- shall serve as officers of this
24 extra session. Senator Apodaca is recognized.

25 SEN. APODACA: Mr. President, send forth

1 rules for the Special Session.

2 LT. GOV. FOREST: Send forth rules,
3 Senator. Introduction of Resolutions. The Clerk
4 will read.

5 CLERK: Introduction of Rules. The
6 Senate Resolution document, Permanent Rules of the
7 Senate for the 2016 Second Extra Session of the
8 General Assembly.

9 LT. GOV. FOREST: Senate Resolution 1.
10 The Clerk will read.

11 CLERK: Senate Resolution. The Senate
12 Resolution adopting the Permanent Rules of the
13 Senate for the 2016 Second Extra Session of the
14 General Assembly.

15 LT. GOV. FOREST: Senator Apodaca is
16 recognized to explain the Resolution.

17 SEN. APODACA: Thank you, Mr. President
18 and members. This authorizes two committees during
19 this special session. That'll be Judiciary II, and
20 the Rules Committee. It allows bills to be
21 introduced and read on the same day of filing. It
22 limits the scope of bills that can filed to those
23 providing for single-sex, multiple occupancy
24 bathroom and changing facilities, and to create a
25 statewide consistency in regulation of employment

1 and public accommodations. Rule 41 is the
2 crossover rule. We are reserving this rule so that
3 there is no eligibility for those bills.

4 The rest of this pretty well says same
5 day, meaning we can operate the same day on first,
6 second reading; ratification; anything coming from
7 the House, we can handle the same day. Senator
8 Jackson, this has nothing to do with independent
9 redistricting. And with that being said, I'll be
10 happy to answer any questions.

11 LT. GOV. FOREST: Do we have any
12 questions on the Rules? Thank you, Senator.

13 The Chair directs the Principal Clerk to
14 send a message to the House of Representatives --
15 hold on one second. Sorry, Senators, we have to
16 vote those Rules in. So, any further discussion or
17 debate on the Rules? Questions to Senator Apodaca?
18 Hearing none, the question before the Senate is the
19 motion to adopt the Rules for Senate Resolution 1.
20 All in favor, vote aye; opposed, vote no. Five
21 seconds to be allowed for the voting. The Clerk
22 will record the vote.

23 (Votes recorded.)

24 LT. GOV. FOREST: 31 having voted in the
25 affirmative, and 11 in the negative, the motion to

1 adopt has passed. So, now, the Chair directs the
2 Principal Clerk to send a message to the House of
3 Representatives, informing that honorable body that
4 the Senate is now ready to proceed with the
5 business for which it has been reconvened.

6 Senators, we have leaves of absence requested today
7 for your approval. They're granted for Senators
8 Barringer, Bryant, Smith, Soucek, Rucho, Ford and
9 Waddell. Senator Berger is recognized.

10 SEN. BERGER: Thank you, Mr. President.

11 I move that the Senate stand in recess subject to
12 the standard stipulations set forth in Senate Rule
13 24.1, Receipt and Referral of Committee Reports,
14 and Receipt of House Messages, to reconvene at 2:30
15 p.m. today.

16 LT. GOV. FOREST: The Senate stands in
17 recess until 2:30 this afternoon.

18 (Recess.)

19 CLERK: Message from the House: Mr.
20 President, pursuant to a joint proclamation issued
21 by the House Representative and the Senate on March
22 22nd, 2016, the House of Representatives is
23 organized and is now ready to proceed with the
24 public business of the State in the second extra
25 session of the 2015 General Assembly.

1 Respectfully, Denise Weeks, Principal Clerk.

2 (Recess.)

3 LT. GOV. FOREST: The Senate will stand
4 in recess subject to the standard stipulations set
5 forth in Senate bill -- excuse me, Senate Rule
6 24.1, the Receipt and Referral of Committee Reports
7 and the Receipt of House Messages, to reconvene at
8 4:00 p.m.

9 (Recess.)

10 CLERK: Message from the House: House
11 Joint Resolution 3, the joint resolution providing
12 for adjournment, sine die, of the 2016 Senate extra
13 session, Calendar.

14 (Recess.)

15 LT. GOV. FOREST: So, just another update
16 here. The Assembly will stand in recess subject to
17 the standard stipulations set forth in Senate Rule
18 24.1, the Receipt and Referral of Committee Reports
19 and the Receipt of House Messages, to reconvene at
20 5:00 p.m.

21 (Recess.)

22 CLERK: Message from the House: House
23 Rule 2, An Act to Provide for Single-Sex, Multiple
24 Occupancy Bathroom and Changing Facilities in
25 Schools and Public Agencies, and to Create

1 Statewide Consistency in Regulations of Employment
2 and Public Accommodations. Sponsor:
3 Representatives Bishop, Stam, Howard, Steinburg.
4 Refer to Judiciary II.

5 (Recess.)

6 LT. GOV. FOREST: So we're standing in
7 recess subject to standard stipulations set forth
8 in Senate Rule 24.1, the Receipt and Referral of
9 Committee Reports and the Receipt of House
10 Messages, to reconvene at 5:45.

11 (Recess.)

12 LT. GOV. FOREST: The Senate will come to
13 order. Sergeant-at-Arms, close the doors.
14 Members, go to their seats. Members and guests in
15 the gallery, please silence all electronic devices.
16 Senators, let the record reflect that Senator
17 Barringer is now in the chamber. Reports of
18 Standing Committees.

19 SEN. RANDLEMAN: Send forth the
20 committee.

21 LT. GOV. FOREST: Senator Randleman, you
22 can send forward your committee report. The Clerk
23 will read.

24 CLERK: Senator Randleman, the Judiciary
25 II Committee submits the passage, House Bill 2,

1 Public Facilities Privacy and Security Act,
2 favorable.

3 LT. GOV. FOREST: House Bill 2, Calendar.
4 So that takes us right into our Calendar, House
5 Bill 2. The Clerk will read.

6 CLERK: House Bill 2, Public Facilities
7 Privacy and Security Act.

8 LT. GOV. FOREST: Senator Newton is
9 recognized to explain the bill.

10 SEN. NEWTON: Thank you, Mr. President.
11 Thank you, members. I rise to discuss this
12 legislation that we have been brought back to town
13 to address. As -- as we all know, unfortunately,
14 the City Council of Charlotte lost their mind, and
15 decided to embark upon a very radical course and
16 a -- a new -- I guess you would call it an
17 ordinance. Something that -- that they knew that
18 they didn't have the authority to do. They didn't
19 care.

20 The City Council of Charlotte -- the
21 majority, anyway, decided that they would bow to
22 the altar of -- of radical political correctness.
23 And in so doing, created a -- a real public safety
24 risk with the citizens of this state that -- that
25 may choose to visit Charlotte; or that live in

1 Charlotte; or, frankly, for those who visit
2 Charlotte from other places in the country. And
3 this standard would allow, as we've heard in the
4 media -- would allow men into the locker rooms and
5 the bathrooms of females -- of our daughters, of
6 our wives. This policy must not be allowed to go
7 forward. And that is why we're here today, because
8 the City of Charlotte and its City Council have
9 decided that, quite frankly, that they don't --
10 they don't care about common sense, and that they
11 don't really -- are -- are not really that
12 concerned about public safety of folks that -- that
13 go in the bathroom in -- in the City of Charlotte.
14 And I know that sounds harsh, but that is -- that's
15 the reality.

16 And, colleagues, I -- I will point out
17 that the City of Charlotte knew, they acknowledged
18 privately to some folks, and I think there was even
19 some public acknowledgement -- they knew they
20 didn't have the authority to do this. They -- they
21 just wanted to do it anyway. And it's important
22 that we recognize that we live in a state of laws,
23 and we have a Constitution. And it is important
24 that the state have a uniform system of rules -- of
25 rules and regulations. And that common sense tells

1 us that men don't belong in the ladies' bathroom.
2 It's a matter of public safety.

3 Under this ordinance that they've put
4 forward, anyone, quite frankly, with -- with that
5 intent, could use this Charlotte ordinance as an
6 excuse to be somewhere that we all know they don't
7 belong. So if the City of Charlotte had listened
8 to the lawyers, who told them not to do it, that
9 they didn't have the authority; if they'd listened
10 to Representative Bishop, who represents part of
11 Charlotte and a very, very smart attorney who sent
12 them a letter detailing to them why this was a bad
13 idea; if they'd listened to the Governor, warned
14 them not to do it, we wouldn't be here today. And,
15 frankly, if the Attorney General would do his job,
16 we wouldn't be here today. It would've been easy
17 for him to put this to a stop before we had to have
18 a special session.

19 And frankly, I -- I just can't believe
20 that we're here today having to talk about this.
21 But for the City Council of Charlotte, we wouldn't
22 have to talk about these things. All of us have
23 been receiving thousands and thousands of e-mails
24 and letters, phone calls from our constituents,
25 begging us to solve this problem, to fix this

1 insanity, before it goes into effect. And that's
2 why we're here.

3 So we have got a very good piece of
4 legislation before us today that will address these
5 issues. Many of us were in the committee that we
6 just held, in the Judiciary Committee. We had a --
7 a full explanation. We heard from the public. I
8 think there's been quite a long explanation over on
9 the House side, in their Judiciary Committee and on
10 the floor. I'll be happy to go over details for
11 people, if there are questions from other members.

12 But the broad aspects of this bill are
13 that we're going to set a statewide standard for
14 who belongs in which bathroom. We're going to do
15 this in public buildings across the state. We're
16 going to do this for municipalities and counties,
17 courthouses, and we're going to do this for our
18 public schools.

19 We're also going to make sure that it's
20 clear that cities and counties don't have the
21 authority to wade into the policies of -- of
22 questions like what should be the minimum wage, or
23 what should be the employment practices of
24 companies here in North Carolina. And we do this
25 to protect our businesses and protect our working

1 environment. There should not be a patchwork from
2 one end of the state to the other, where businesses
3 have to hire a lawyer in each community, or each
4 county, to try to figure out what regulation
5 they're subject to today, and which ordinance
6 changes tomorrow.

7 And -- and frankly, the rules on things
8 like this, what should be the same in Asheville, as
9 they are in Boone, as they are in Morehead City, as
10 they are in Greenville, or in Raleigh. And it's
11 important for this body, and for this institution
12 and General Assembly, to set forth these standards.

13 But even more important, it's important
14 for the members to understand that, in the course
15 of putting this legislation together, and trying to
16 decide how was the best way to move forward with
17 the policy of North Carolina, it became clear that
18 something was lagging, that we had not taken care
19 of here in the State of North Carolina. And
20 federal law's pretty clear about discrimination in
21 employment and public accommodation. But the State
22 of North Carolina had never enacted a public policy
23 on public accommodation, stating that you shouldn't
24 discriminate against someone say, based on their
25 religion or their race, and deny them, say, a hotel

1 room. We're fixing that in this legislation.

2 This legislation expands the public
3 policy of this state to clarify that discriminating
4 based on race and religion -- and it's even
5 stronger than the federal law -- that that's not
6 acceptable here in this state, and it's long
7 overdue; it's long overdue.

8 So those are the main highlights of what
9 this bill does. But I urge you to join me in
10 passing this legislation, and joining the House in
11 passing this legislation, to clarify what the
12 standards are in North Carolina; to clarify that we
13 don't need to worry about who is in the bathroom in
14 the City of Charlotte; to clarify, for the
15 citizens, that they can have confidence about who
16 is sharing the locker room with them. It's
17 imperative that we do this today.

18 I appreciate your attention, I commend
19 the bill to you, and I'm happy to answer any
20 questions. Thank you.

21 LT. GOV. FOREST: Do we have any
22 discussion or debate?

23 SEN. BLUE: I have a question.

24 LT. GOV. FOREST: Senator Blue, for what
25 purpose do you arise?

1 SEN. BLUE: Well, Senator Newton here for
2 a question.

3 LT. GOV. FOREST: Senator Newton, do you
4 yield?

5 SEN. NEWTON: I do.

6 SEN. BLUE: Senator Newton, does this
7 bill have any enforcement mechanisms in it?

8 SEN. NEWTON: Senator Blue, you mean,
9 in -- as it relates to the -- the new policy of --
10 on the public accommodations? Is that what you're
11 referring to?

12 SEN. BLUE: In any aspect of it. In
13 either of the three sections of the bill, is there
14 any enforcement mechanism?

15 SEN. NEWTON: No.

16 SEN. BLUE: Another question, Mr.
17 President, follow-up?

18 LT. GOV. FOREST: Does the Senator yield?

19 SEN. NEWTON: I do.

20 SEN. BLUE: Perhaps you could explain to
21 me, if, in fact, a man goes into a woman's
22 bathroom, what is the crime that's been committed,
23 under this bill?

24 SEN. NEWTON: Under existing law, it
25 would be a second degree trespass, unless there are

1 other circumstances -- like they were going in
2 there to clean it.

3 SEN. BLUE: Another question, Mr.
4 President.

5 LT. GOV. FOREST: Senator Newton, do you
6 yield?

7 SEN. NEWTON: I do.

8 SEN. BLUE: So under existing state law,
9 it is an offense for a male to go into a female's
10 bathroom.

11 SEN. NEWTON: It has been held as such in
12 case law in this state.

13 SEN. BLUE: One -- one final question,
14 Mr. President.

15 LT. GOV. FOREST: Senator Newton, do you
16 yield?

17 SEN. NEWTON: I do.

18 SEN. BLUE: Does a local government have
19 the power to override a state law without being
20 given specific consent by the state to do that?

21 SEN. NEWTON: Senator Blue, I really
22 appreciate that question, and I think it -- it begs
23 examination by the public and this body, as to why
24 it is that our Attorney General remains silent in
25 enforcing the laws of this state? It is clear that

1 an ordinance does not trump state law.

2 SEN. BLUE: Okay. Speaking on the bill,
3 Mr. President.

4 LT. GOV. FOREST: Senator Blue, you have
5 the floor. Speak to the bill.

6 SEN. BLUE: Mr. President, ladies and
7 gentlemen of the Senate, we're here three weeks
8 before our regular session. And, to be honest with
9 you, disrupting a very narrow window that many of
10 us have to earn a living when this place is not in
11 session. And we're here because I think that we've
12 played on fears of the citizenry unjustly and
13 unfairly.

14 I have a wife, a daughter, five
15 granddaughters, and rest assured, there's nothing
16 that I wouldn't do to protect them, whether at
17 school, in public places, or anywhere else, against
18 anybody who would harm them in any way at all. And
19 when I first heard of -- of this ordinance by the
20 City of Charlotte, I started examining it on the
21 same basis that Senator Newton -- that I asked
22 Senator Newton these questions, and concluded that
23 if we are serious about really protecting kids from
24 bathrooms, then we'd make it serious offenses for
25 males to be in women's bathrooms. This bill does

1 nothing to do that. So we're using that as a basis
2 for this legislation, and not doing anything to
3 address the real issue.

4 For the past several weeks, and certainly
5 more intentionally over the last week, I've tried
6 to figure out what was going on in the drafting of
7 this bill, since this seemed so urgent, so that we
8 could have some input. Because if we generally
9 have the fears about what the bill does from the
10 standpoint of safety, all of us ought to be
11 involved in fixing it. Well, seemingly, whatever
12 my ideas were didn't matter at all, because they
13 weren't sought, and weren't solicited or listened
14 to.

15 And so, it made me look at the broader
16 aspects of this bill in light of some of my
17 fundamental beliefs. I believe in small government
18 in many ways, and the people's right to govern
19 themselves. And there are 800-plus-thousand people
20 in Charlotte, over a million in Mecklenburg County,
21 and I respect their ability to govern themselves,
22 as they should be able to. And the voters in
23 Charlotte, whether they're afraid of this or
24 anything else, have the ability to put them out of
25 office, which is what they should do if they

1 jeopardize the safety of the citizens of Charlotte.

2 But it's the broader points that cause me
3 concern, because I think that we are abandoning the
4 fundamental value of limited government and shared
5 government in many ways in this bill. If we
6 proclaim ourselves to be constitutionalists, then
7 we start creating unconstitutional discrimination
8 of any form, then we're being hypocritical.

9 To rescind local nondiscrimination
10 policies at the local level pulls the rug from
11 under millions of voters across the state that
12 entrust the 500-and-plus local governments that are
13 closer to them to decide best how they want to
14 proceed.

15 Now, I agree with Senator Newton; if the
16 City of Charlotte had no authority to do this, it
17 would have taken 15 minutes to get a temporary
18 restraining order, 10 days to get a preliminary
19 injunction, and if it was so clear, then a couple
20 of weeks later, to get a permanent injunction from
21 this ordinance ever going into effect, without
22 scaring the bejesus out of the citizens of this
23 state. And so, I look at it in a broader sense,
24 because I think that the turning of our backs on
25 North Carolinians by frightening them is not in our

1 best interest.

2 But I worry about the local government
3 and the economic impact of this kind of
4 legislation, because I was in Indiana last year at
5 the height of that -- when the question got to be
6 whether or not a state or a city was intentionally
7 embracing some form of discrimination. And I saw
8 the fallout. Whether people fully understood what
9 they were trying to accomplish or not, I saw the
10 fallout. And I'm frightened for that kind of
11 fallout in North Carolina. When you look at what
12 21st Century companies start looking like, we're a
13 state that celebrates intolerance, and we'll take
14 some hit for taking pride in perpetuating prejudice
15 and repealing statutes that, over time -- over a
16 thirty- or forty-year period -- that these local
17 governments have adopted, whether it's relating to
18 their local human -- human relations commissions,
19 as -- as it relates to the state Human Relations
20 Commission, and slowly pecking away at different
21 forms of discrimination. And I think that as we
22 debate this bill, there are already Fortune 500
23 companies that have expressed their grave concerns
24 and very strong opposition. I think about things
25 like that.

1 This bill essentially ties a noose around
2 the necks of the cities and counties, and it
3 smothers their ability to govern in the way that
4 their citizens think they ought to.

5 If we think that something ought to be a
6 crime, the State's job is -- our job is to make it
7 a significant crime, so that people who do it are
8 punished.

9 So, given the fact that, number one, it
10 seems that whatever our thoughts on this issue may
11 have been, they're irrelevant and unimportant. And
12 given the fact that you got a direct assailment on
13 the ability of people to govern themselves, that
14 you've got a rollback of 40-plus years of
15 antidiscrimination activity, that we, as Democrats,
16 have determined that since we aren't important to
17 it, we don't have to be a part of it.

18 And so, we're not participating in this
19 effort that you make, to roll back the clock in
20 this state, to take away powers from local
21 governments; not just as it relates to
22 discrimination, but as it relates to their ability
23 to do what we say that we authorize them to do.
24 And ultimately, perhaps it would be best if we
25 started down the road to suspending their charters

1 by taking away their roles as extensions of us, as
2 county governments. And I think that this is a far
3 cry from the kind of legislation that merits
4 emergency treatment, since we will be here in three
5 days -- three weeks, anyhow.

6 SEN. APODACA: Mr. President?

7 LT. GOV. FOREST: Senator Apodaca, for
8 what purpose do you rise?

9 SEN. APODACA: Would Senator Blue yield
10 to a question?

11 LT. GOV. FOREST: Senator Blue, do you
12 yield?

13 SEN. BLUE: I yield.

14 SEN. APODACA: Senator Blue, do we need
15 to take a recess so that your members can come back
16 and do their constitutional duty?

17 SEN. BLUE: Their constitutional duty is
18 to vote and participate when their participation is
19 allowed. It is the -- it has not been allowed in
20 this process, Senator Apodaca. So -- so we do not
21 need to take a recess.

22 SEN. APODACA: Well, I say we move on,
23 Mr. President.

24 LT. GOV. FOREST: Is there any further
25 discussion or debate? Senator Berger, for what

1 purpose do you arise?

2 SEN. BERGER: Speak to the bill.

3 LT. GOV. FOREST: Senator Berger, you
4 have the floor.

5 SEN. BERGER: Thank you, Mr. President.

6 I -- I think it's interesting. We are here today
7 for two reasons, primarily. One, because the City
8 of Charlotte decided that they were going to pass
9 an ordinance that allows grown men to share
10 bathrooms and locker facilities with girls and
11 women. That's one reason we're here today.

12 The second reason we're here today,
13 though, is something pointed out by Senator Blue,
14 interestingly enough -- because our Attorney
15 General would not do his job. He's right. What
16 should have happened is the chief law enforcement
17 officer of this state should have filed a court
18 case to enjoin the adoption, or the implementation,
19 of this ordinance. Somebody wasn't doing their
20 job. And so we are now here today because of that
21 double failure. The failure on the part of the
22 Charlotte City Council to listen to reason, and the
23 failure on the part of the Attorney General to do
24 his job.

25 So what do we have? We have -- we have a

1 bill that makes it clear that we are not going to
2 put our citizens in further danger because of the
3 recklessness of the Charlotte City Council. I
4 think Sheriff Barnes of Guilford County made it
5 quite clear when he said that a majority of the
6 people should not have to compromise their safety
7 and privacy in public bathrooms, showers and locker
8 rooms. And he also felt that it was inappropriate
9 to have officers put in the awkward position of
10 trying to determine whether or not someone thinks
11 they're a man, or thinks they're a woman, as far as
12 going to the restroom is concerned. No, there's no
13 question that we would not be here if not for the
14 Charlotte City Council.

15 And the natural consequence -- the
16 natural consequence of -- of what Charlotte has
17 done has actually been pointed out fairly recently
18 in the city of Seattle, that had something fairly
19 similar to this. In -- in Seattle, what happened
20 is, a man shows up in a locker room that is being
21 used by a girls' swim team. He disrobes, sits
22 there while the girls come in to change into their
23 swimming gear. And when confronted, he says, I
24 have a right to be here because I'm transgender.
25 Now, that is, unfortunately, a consequence of -- of

1 what happened in Seattle, and something a lot worse
2 could very well happen as a result of this
3 ordinance.

4 I said a couple of weeks ago that -- that
5 the adoption of the ordinance by the City Council
6 of Charlotte was just crazy, and I think most
7 people in this state feel the same way. I think
8 one of the interesting facts that has really not
9 been talked about is, we have spent more time, the
10 House and the Senate today, considering, debating,
11 talking about, answering questions, trying to get
12 an understanding of the consequence of the
13 ordinance, and the consequence of this bill, than
14 the City Council of Charlotte spent in adopting the
15 ordinance. There was no committee -- no committee
16 to -- to review the ordinance. There was no public
17 discussion, as we've -- as we've had here. There
18 was no debate back and forth, as we've had here in
19 both the House and the Senate. No. This body has
20 taken a very measured approach to what has been a
21 very radical action by the City Council of
22 Charlotte. I urge you to support the bill.

23 SEN. APODACA: Mr. President?

24 LT. GOV. FOREST: Senator Apodaca, what
25 purpose do you rise?

1 SEN. APODACA: I move the vote taken on
2 House Bill 2 be done by roll call, please.

3 LT. GOV. FOREST: No objection, so
4 ordered. Any further discussion or debate?
5 Hearing none, the question before the Senate is the
6 passage of House Bill 2 on its second reading and
7 we will have a roll call vote. Clerk will read the
8 roll.

9 CLERK: State of North Carolina General
10 Assembly, call of the roll.

11 LT. GOV. FOREST: All in favor -- excuse
12 me, Clerk. All in favor, vote aye, those opposed,
13 vote no.

14 CLERK: Alexander?

15 SEN. ALEXANDER: Aye.

16 CLERK: Apodaca?

17 SEN. APODACA: Aye.

18 CLERK: Barefoot?

19 SEN. BAREFOOT: Aye.

20 CLERK: Barringer?

21 SEN. BARRINGER: Aye.

22 CLERK: Berger?

23 SEN. BERGER: Aye.

24 CLERK: Bingham?

25 SEN. BINGHAM: Aye.

1 CLERK: Blue? Blue? Brock?
2 SEN. BROCK: Aye.
3 CLERK: Brown?
4 SEN. BROWN: Aye.
5 CLERK: Bryant? Bryant? Clark? Clark?
6 Cook?
7 SEN. COOK: Aye.
8 CLERK: Curtis?
9 SEN. CURTIS: Aye.
10 CLERK: Daniel?
11 SEN. DANIEL: Aye.
12 CLERK: D. Davis? D. Davis? J. Davis?
13 SEN. J. DAVIS: Aye.
14 CLERK: Ford? Ford? Foushee? Foushee?
15 Gunn?
16 SEN. GUNN: Aye.
17 CLERK: Harrington?
18 SEN. HARRINGTON: Aye.
19 CLERK: Hartsell?
20 SEN. HARTSELL: Aye.
21 CLERK: Hise?
22 SEN. HISE: Aye.
23 CLERK: B. Jackson?
24 SEN. B. JACKSON: Aye.
25 CLERK: J. Jackson? J. Jackson?

1 Krawiec?

2 SEN. KRAWIEC: Aye.

3 CLERK: Lee?

4 SEN. LEE: Aye.

5 CLERK: Lowe? Lowe? McInnis?

6 SEN. MCINNIS: Aye.

7 CLERK: McKissick? McKissick? Meredith?

8 SEN. MEREDITH: Aye.

9 CLERK: Newton?

10 SEN. NEWTON: Aye.

11 CLERK: Pate?

12 SEN. PATE: Aye.

13 CLERK: Rabin of Harnett?

14 SEN. RABIN: Aye.

15 CLERK: Rabon of Brunswick?

16 SEN. RABON: Aye.

17 CLERK: Randleman?

18 SEN. RANDLEMAN: Aye.

19 CLERK: Robinson? Robinson? Rucho?

20 Rucho? Sanderson?

21 SEN. SANDERSON: Aye.

22 CLERK: Smith? Smith? Smith-Ingram?

23 Smith-Ingram? Soucek? Soucek? Tarte?

24 SEN. TARTE: Aye.

25 CLERK: Tillman?

1 SEN. TILLMAN: Aye.

2 CLERK: Tucker?

3 SEN. TUCKER: Aye.

4 CLERK: Van Duyn? Van Duyn? Waddell?

5 Waddell? Wade?

6 SEN. WADE: Aye.

7 CLERK: Wells?

8 SEN. WELLS: Aye.

9 CLERK: Woodard? Woodard?

10 LT. GOV. FOREST: 32 having voted in the
11 affirmative, 0 in the negative, House Bill 2 passes
12 its second reading, and will be read a third time.

13 CLERK: North Carolina General Assembly
14 enacts.

15 SEN. APODACA: Mr. President, I move that
16 we do third reading electronically, please. I
17 don't think they're going to show back up.

18 LT. GOV. FOREST: Without objection, to
19 the orders. Is there any further discussion or
20 debate? Hearing none, all in favor of the passage
21 of House Bill 2 on its third reading will vote aye,
22 opposed will vote no. Five seconds will be allowed
23 for the voting. The Clerk will record the vote.

24 (Votes recorded.)

25 LT. GOV. FOREST: Lee, Senator Lee aye.

1 32 having voted in the affirmative, and 0 in the
2 negative, House Bill 2 passes its third reading and
3 will be enrolled and sent to the Governor via
4 special message.

5 House Joint Resolution 3, the Clerk will
6 read.

7 CLERK: House Joint Resolution 3.
8 Adjourn 2016 Second Extra Session. Senator Apodaca
9 is recognized to explain the resolution.

10 SEN. APODACA: Thank you, Mr. President
11 and members. We've been down this path before.
12 This takes us out until hopefully Wednesday, well,
13 takes us to April 25th. So I ask for your support,
14 unless you want to stay around a little longer, but
15 April 25th.

16 LT. GOV. FOREST: Is there any discussion
17 or debate? Hearing none, the question for the
18 Senate is the passage of House Joint Resolution 3
19 on its second reading. All in favor, vote aye,
20 those opposed, vote no. Five seconds to be allowed
21 for the voting, the Clerk will record the vote.

22 (Votes recorded.)

23 LT. GOV. FOREST: 32 having voted in the
24 affirmative and 0 in the negative, House Joint
25 Resolution 3 passes its second reading, and will be

1 read a third time.

2 SEN. APODACA: Mr. President?

3 CLERK: North Carolina General Assembly
4 enacts.

5 LT. GOV. FOREST: Senator Apodaca, for
6 what purpose do you arise?

7 SEN. APODACA: Speak on third reading,
8 please.

9 LT. GOV. FOREST: Senator Apodaca, you
10 have the floor.

11 SEN. APODACA: Thank you, Mr. President
12 and members. What this does is takes us out today,
13 sine die until April the 25th. I ask for your
14 support.

15 LT. GOV. FOREST: Is there any further
16 discussion or debate? Hearing none, all in favor
17 of the passage of House Joint Resolution 3 on its
18 third reading will say aye.

19 (Voice vote.)

20 LT. GOV. FOREST: Opposed, no? The ayes
21 have it. House Joint Resolution 3 passes its third
22 reading and will be enrolled.

23 Senator Berger, for what purpose do you
24 arise? Hold on, Senators, we're not done yet.
25 Senator Berger, you have the floor.

1 SEN. BERGER: Mr. President, I have a
2 motion to get us out of here, so --

3 LT. GOV. FOREST: Senator Berger, you
4 have the floor for your motion.

5 SEN. BERGER: Thank you, Mr. President.
6 Having concluded the business for which the Senate
7 was convened, I move that the Senate be now
8 adjourned. The 2016 Second Extra Session, sine
9 die, in accordance with House Joint Resolution 3
10 subject to the standard stipulations set forth in
11 Senate Rule 24.1, the Receipt of House Messages and
12 the Ratification of Bills and Resolutions.

13 LT. GOV. FOREST: Motion to the Senate to
14 now adjourn. The second extra session, sine die,
15 in accordance with House Joint Resolution 3 subject
16 to the stipulations stated by Senator Berger,
17 seconded by Senator Apodaca. All in favor, say
18 aye.

19 (Voice vote.)

20 LT. GOV. FOREST: Opposed, no. The ayes
21 have it, and the second extra session stands
22 adjourned, sine die.

23 (Adjournment sine die.)

24 LT. GOV. FOREST: Clarification of rules.
25 The Clerk will read.

1 CLERK: Enroll to Bill. Enrolling Clerk
2 reports the following bill is duly ratified for
3 presentation to the Governor. House Bill 2, An Act
4 to Provide for Single-Sex, Multiple Occupancy
5 Bathroom and Changing Facilities in Schools and
6 Public Agencies and to Create Statewide Consistency
7 in Regulation of Employment and Public
8 Accommodations. And the following resolution duly
9 ratified, properly enrolled, and prepared for the
10 presentation to the Office of Secretary of State.
11 House Joint Resolution 3, A Joint Resolution
12 Providing for Adjournment, Sine Die, of the 2016
13 Second Extra Session.

14 (Break in audio.)

15 CLERK: Message from the House. Mr.
16 President, it is ordered that a message be sent to
17 the Senate, informing that honorable body, that the
18 House of Representatives has concluded the business
19 in the 2016 Second Extra Session of the 2015
20 General Assembly in pursuant to HJR 3, first
21 edition, A Joint Resolution Providing for
22 Adjournment, Sine Die, of the 2016 Second Extra
23 Session stands adjourned, sine die. Respectfully,
24 Denise Weeks, Principal Clerk.

25 (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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