

LEGISLATION WORKSHOP

First Writing Assignment

Due August 21 (first day of class) - Email your assignment to delsandy@aol.com and jermccoyle@gmail.com on August 21st by 1:30 p.m. or handed in at the beginning of class.

There are two options for the writing assignment.

1. You are the Legislative Director for a member of the Maryland House of Delegates. Draft a one page letter to constituents explaining what your member's position will be on whether to override the Governor's veto of House Bill 1, Labor and Employment - Maryland Healthy Working Families Act.
2. You are the Legislative Director for a member of the North Carolina House of Delegates. Draft a one page letter to constituents explaining what your member's position will be on whether to support House Bill 142, legislation that would prohibit North Carolina cities from passing local ordinances relating to public accommodations or employment practices until 2020.

House Bill 2 prohibited transgender individuals from using public restrooms that match their gender identity and barred cities from passing anti-discrimination ordinances that protect gay and transgender people.

Governor Cooper, after all, owed his election to H.B. 2. The law, his campaign's chief strategist, Morgan Jackson, told me, "crystallized every argument against McCrory that we had." As soon as Cooper was elected, he made getting rid of H.B. 2 his top priority. But negotiations with the Republican leaders of the General Assembly proved frustrating. "It seems that the goal posts keep moving," Cooper complained to me in March. Later that month, he finally reached a deal: In exchange for the General Assembly's repealing the law, which would bring back business and basketball, the governor would sign legislation that prohibited North Carolina cities from passing local ordinances relating to public accommodations or employment practices until 2020. (It was Charlotte's passage of a nondiscrimination ordinance in early 2016 that prompted the General Assembly to pass H.B. 2 in the first place.) "I had a choice between some progress," Cooper later told me, "or no progress."

https://www.nytimes.com/2017/06/20/magazine/is-north-carolina-the-future-of-american-politics.html?action=click&contentCollection=magazine®ion=rank&module=package&version=highlights&contentPlacement=2&pgtype=sectionfront&_r=0

May 25, 2017

The Honorable Michael E. Busch
Speaker of the House
State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, I have vetoed House Bill 1 – *Labor and Employment – Maryland Healthy Working Families Act*.

While all of us agree that more workers need paid sick leave in Maryland, House Bill 1 is an irresponsible piece of legislation that unfairly penalizes the hundreds of thousands of hard working men and women who own and operate small businesses in our state. This bill mandates that every employer with 15 or more employees must institute a sick and safe leave policy for employees. This is a complicated, broad, and inflexible proposal that would have a significant impact on every employer in the state. We have made great progress in improving Maryland's business climate, creating nearly 100,000 new jobs since January 2015, and moving forward, we must strike a balance between the needs of workers while not harming our small businesses.

Marylanders deserve a common sense paid sick leave policy that is fair, bipartisan, and balanced – and our administration's proposal, the Common Sense Paid Sick Leave Act of 2017 is exactly that. It requires companies with more than 50 employees to provide paid sick leave and encourages small businesses, as defined by the widely accepted federal standards, to offer paid sick leave by providing tax incentives to offset the costs of providing those additional benefits. Our bill applies a uniform standard for all 24 jurisdictions and balances paid sick leave benefits that had the potential to cover nearly all working Marylanders without placing an unmanageable burden on job creators.

Conversely, House Bill 1 is not a compromise bill, but rather a worse version of a bill that failed to pass the Democratic controlled legislature on four previous occasions. This is an example of political opportunism at its worst and the results will harm, not help Marylanders. Under this proposal, the state will determine the specific procedures that businesses must follow or be found in violation of the law, which carries with it heavy civil penalties. This approach does not allow for flexibility or take into account the specific needs and structure of Maryland businesses today.

Further, the requirements for seasonal employers were hastily developed and do not address the true needs of seasonal workers and employers.

The application of the sick and safe leave policy in the bill is overly broad and too ambiguous for effective and reasonable compliance and enforcement. Despite what certain Maryland legislators clearly believe, every business in Maryland is not the same. Different sick leave standards are needed across various industries (i.e. restaurant industry, tipped employees, certain health care workers, non-profit and government grant recipients, etc.). For example, the employee calculation to determine if the employer is required to provide sick leave includes all employees, even those not eligible for sick leave benefits. Employees have to “regularly” work at least 12 hours per week and employee hours are based on a “normal” work week. “Regularly” and “normal” are undefined and overly ambiguous terms that will further complicate compliance.

These are just a few of the problems regarding the application of your sick and safe leave proposal. The complexities of tracking sick leave accrual and use is also an unnecessary burden for Maryland businesses. Employees accrue leave at different rates, can use the leave at different intervals, and the law allows for complex shift trading and modified schedule allowances. Maryland businesses need a common sense approach to affording valuable sick leave benefits to their workers and House Bill 1 does not provide this.

In addition, employers face unfair enforcement measures for actual and presumed violations. The employer is presumed to be in violation of the law if they somehow fail to keep sick and safe leave records for three years. These same employers also face extensive, burdensome and sometimes unknown damages for violations. An employer can be ordered to pay actual economic damages to an employee in addition to the monetary value of unpaid sick and safe leave. A court has overly broad discretion to award damages in a civil action including an award of three times the value of unpaid sick and safe leave. A court can also order punitive damages in any amount to be determined by the court, as well as any other relief that the court deems appropriate.

Further and perhaps most egregiously, workers may legally be required to provide a reason and be forced to verify that reason to access their sick and safe leave. For example, if a person is suffering from a sensitive medical issue, they could be forced to divulge this personal and/or protected information to their employer.

I remain committed to continuing to improve Maryland’s business climate and preventing hardworking Marylanders from having to make difficult choices about their health and welfare. A balanced, fair, and common sense approach to paid sick leave benefits that are flexible for the employee and the employer are an important

step in continuing to foster a more business-friendly climate in the state. This legislation does not get us there.

Fortunately, as drafted, House Bill 1 would not take effect until January 1, 2018. This gives both the Senate and the House the ability to work with our administration on a bipartisan proposal next session that would finally provide the employees and employers of our state with the benefits and protections they so clearly need and deserve. I view this as not the end of this discussion on this issue, but just the beginning.

We owe it to the citizens of our state to work together on this important issue, to compromise, and find the right balance between providing benefits and protecting our hardworking citizens. We can and we must find this balance. I am respectfully calling on both you and President Mike Miller to join with our administration in that effort.

For these reasons, I have vetoed House Bill 1.

Sincerely,

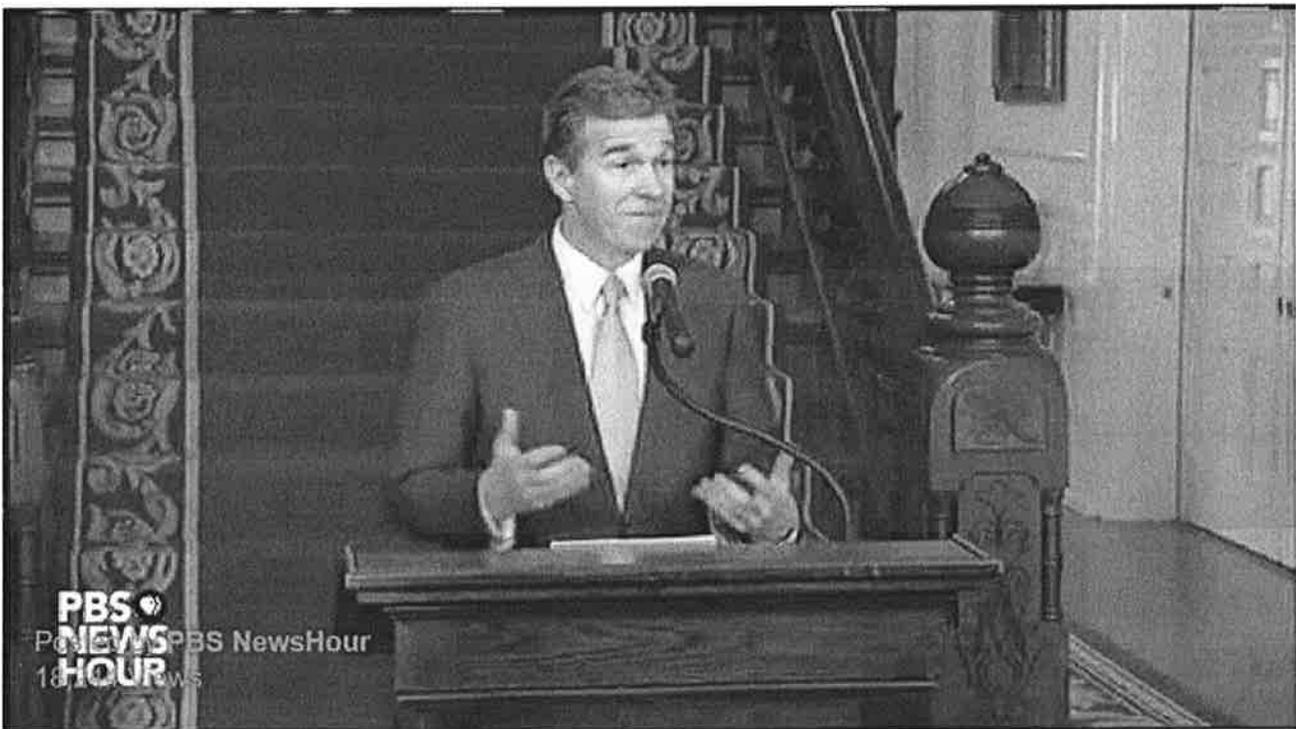
Lawrence J. Hogan, Jr.
Governor



NATION

What the North Carolina legislation to repeal the HB2 'bathroom bill' actually says

BY **CORINNE SEGAL** March 30, 2017 at 11:27 AM EDT | Updated: Mar 30, 2017 at 4:24 PM



North Carolina Gov. Roy Cooper holds a news conference after the state General Assembly passed a repeal of HB2, also known as the “bathroom bill.”

North Carolina legislators on Thursday passed a bill that repeals the state’s controversial HB2, which had required residents to use the restroom that corresponds with the sex on their birth certificate.

The new bill, HB142, passed the Senate with a 70-48 vote.

HB2 — passed last year in response to a local ordinance in Charlotte that allowed transgender people to use the bathroom of their choice — drew fierce criticism across the country for setting restrictions on LGBTQ protections.

Senate leader Phil Berger and House speaker Tim Moore said Wednesday night that they had reached an agreement with Roy Cooper, the state's Democratic governor, whose election followed contentious debate in the state over HB2. But LGBTQ activists criticized the deal, saying it was a repeal of the law in name only and would not protect lesbian, gay, bisexual and transgender people in the state.

Cooper signed the measure into law on Thursday.

What does the new bill do?

- Repeals HB2. The law, passed in March 2016 and championed by then-Gov. Pat McCrory, came after the city of Charlotte passed an LGBT nondiscrimination ordinance in February 2016. HB2 required transgender people to use the bathroom that corresponds with the sex listed on their birth certificate and nullified existing local LGBTQ protections laws.
- Prohibits state agencies, boards, offices, departments, institutions — including the University of North Carolina and the North Carolina Community College System — as well as political subdivisions of the state like local boards of education, from regulating access to multiple occupancy restrooms, showers, or changing facilities.
- States that cities cannot pass regulations on public accommodations or employment practices until the new bill expires in 2020.

WATCH LIVE: North Carolina legislature debates repeal of HB2 'bathroom bill'



Earlier Thursday, the North Carolina legislature debated the repeal of HB2 'bathroom bill.' Both the state Senate and House voted to pass the legislation.

How is this different than HB2?

- While HB142 repeals the stipulation that transgender people must use the facility that corresponds with the sex on their birth certificate, it still leaves regulation of “multi-occupancy facilities” — or bathrooms — to the state.
- HB2 banned local jurisdictions from adding to laws around workplace discrimination and use of public facilities, as Charlotte had done with its rules to protect transgender people who wanted to use the bathroom of their choice. HB142 still prevents them from passing nondiscrimination ordinances until December 2020, shortly after the state’s next election for governor
- HB2 also defined the classes of people protected by those discrimination laws; sexual orientation and gender identity was not among those classes. HB142 does not mention the classes of people protected by discrimination laws.

Why LGBTQ groups don’t like the repeal

LGBTQ groups say the bill does not go far enough to remove the discriminatory measures in HB2 and continues to bar local governments from passing LGBTQ protections. The American Civil Liberties Union of North Carolina called it a “backroom deal that uses the rights of LGBT people as a bargaining chip.” It added in a statement: “The way to undo HB2’s profound damage to North Carolina and its people has always been a full, clean repeal, but this proposal would keep anti-LGBT provisions of the law in place and continue to single out and target transgender people.”



Chad Griffin @ChadHGriffin

30 Mar

Replying to @ChadHGriffin

If passed this proposal will box LGBTQ people out of local nondiscrimination protections in a state without statewide protections. No deal.



Chad Griffin
@ChadHGriffin

Follow

This “deal” does NOT repeal #HB2. It’s simply another version of HB2 dressed up in a way desperate lawmakers hope will save state’s economy.

12:33 AM - 30 Mar 2017

243 205

Mara Keisling, executive director of the National Center for Transgender Equality, said in a statement that the bill was a “cynical ploy” to convince the public that the state had addressed criticisms from the LGBTQ community. “Passing this bill would mean that North Carolina continues to be one of the very few states where it’s illegal for cities to protect the rights of their residents. It pushes aside real North Carolinians in favor of political expediency,” she said in the statement.

[READ NEXT: Largest-ever survey of trans adults shows high rates of economic instability, suicide attempts](#)

How did we get here?

Following an outcry over HB2, McCrory in April 2016 signed Executive Order 93, which

added employment protection based on sexual orientation and gender identity for employees of the state, and affirmed that the private sector had the right to establish its own policies for bathroom use. State lawmakers updated the law in July to restore workers' ability to sue for employment discrimination.

Cooper, then the -state's Attorney General, ran against McCrory for governor while criticizing the law as bad for the state. After winning a narrow victory over McCrory, state lawmakers met in December in a special session to debate HB2. The Republican-led legislature failed to reach a compromise, prompting further protests in the state.

Backlash from businesses

After the law passed, a number of businesses, events and performers boycotted the state. The Associated Press estimates that the law has cost the state more than \$3.76 billion in losses, including a planned expansion by PayPal that would have brought an estimated \$2.66 billion and 400 jobs to the economy along with canceled operations from Deutsche Bank, CoStar and Adidas.

How North Carolina's bathroom law sparked a business backlash



North Carolina's High Point Market is the largest furniture industry trade show in the world. But weeks before designers and retailers arrived, the state legislature passed a

law on the use of bathrooms and discrimination targeted at LGBT people, sparking outrage and protests. Special correspondent Roben Farzad explores the economic fallout as the backlash and boycotts spread.

Fallout in sports

The N.C.A.A. announced in September it would move seven championship games from North Carolina in the 2016-17 season, and the Atlantic Coast Conference moved its championships out of North Carolina. The N.C.A.A. also said this week that North Carolina could be excluded from hosting championship events through 2022, [The New York Times](#) reported.

The nationwide debate

The new developments in North Carolina come amid a larger national debate on bathroom access for transgender people.

- In February, President Donald Trump's administration [revoked Obama-era guidance](#) that said schools should allow trans students to use the bathroom that corresponds to their gender identity.
- Following that decision, the Supreme Court referred [Grimm v. Gloucester](#) — a lawsuit filed by student [Gavin Grimm](#) against his high school for denying him access to the men's bathroom — back to a federal appeals court.

Read the full text of HB142 below.

[North Carolina's HB142](#) by [PBS NewsHour](#) on Scribd

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 142
Committee Substitute Favorable 3/1/17
PROPOSED SENATE COMMITTEE SUBSTITUTE H142-CSTC-14 [v.1]
3/29/2017 10:28:12 PM

Short Title: Reset of S.L. 2016-3. (Public)

Sponsors:

Referred to:

February 22, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO RESET S.L. 2016-3.
3 The General Assembly of North Carolina enacts:
4 SECTION 1. S.L. 2016-3 and S.L. 2016-99 are repealed.
5 SECTION 2. Chapter 143 of the General Statutes is amended by adding a new
6 article to read:
7 "Article 81A.
8 "Preemption of Regulation of Access to Multiple Occupancy Restrooms.
9 "~~§ 143-760. Preemption of regulation of access to multiple occupancy restrooms, showers,
10 or changing facilities.~~
11 ~~State agencies, boards, offices, departments, institutions, branches of government, including~~
12 ~~The University of North Carolina and the North Carolina Community College System, and~~
13 ~~political subdivisions of the State, including local boards of education, are preempted from~~
14 ~~regulation of access to multiple occupancy restrooms, showers, or changing facilities, except in~~
15 accordance with an act of the General Assembly."
16 SECTION 3. No local government in this State may enact or amend an ordinance
17 regulating private employment practices or regulating public accommodations.
18 SECTION 4. This act is effective when it becomes law. Section 3 expires on
19 December 1, 2020.



Corinne Segal

Corinne is the Senior Multimedia Web Editor for PBS NewsHour Weekend.

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