

On the Horizon at the NC General Assembly

The 2021-2022 legislative session of the North Carolina General Assembly began January 13, 2021. The state House and Senate welcomed several new members, and while the Republicans retained control of both chambers, the majority margins have slightly changed. Democrats picked up one seat in the state Senate, reducing the GOP majority to 28-22; and Republicans picked up four seats in the state House to widen their majority to 69-51. This new legislature is likely to continue working to address numerous issues pertinent to North Carolina families, including sanctity of life, school choice, and gambling, while facing a Democratic Governor with an active VETO stamp.



Sanctity of Life

The 2019-2020 session of the General Assembly showed some promise but broke little new ground on the pro-life front. The budget for 2019-2020 included continued funding for Crisis Pregnancy Centers of \$650,000 for each year, but several pro-life bills were not able to be passed. For example, bills prohibiting dismemberment abortions, abortions on children capable of feeling pain, and others were filed but not considered. The General Assembly did ratify the Born-Alive Abortion Survivors Protection Act to provide new protections for children who survived an abortion, but Governor Roy Cooper vetoed the bill, and the House was not able to override the veto. **With renewed pro-life strength in the House in 2021, a probable win would be overriding the governor's likely veto of a new Born-Alive bill.** Only two or three votes from Democrats in each chamber would be necessary to override. Additionally, legislation has been prepared to stop the new phenomena of “do-it-yourself” abortions by mail.

2021 is more promising in the courts as well. There is a pro-life majority on the U.S. Supreme Court and improved numbers on the State Supreme Court. North Carolina's 3-year almost total ban on post 20-week abortions is now before the Fourth Circuit Court of Appeals in Richmond. It was in effect from January 1, 2016 until May 25, 2019 when a district court judge enjoined it, allowing North Carolina to go back to having no effective legal impediment to late-term abortions up until birth. But there is a ray of hope with the new judges at the U.S. Supreme Court level.

Unfortunately, there is a new threat in the state courts as well. Planned Parenthood filed a lawsuit attacking most North Carolina pro-life laws enacted since 2011, including one law that has been around since the founding of the state in 1669—the prohibition on “do-it-yourself” abortions. Planned Parenthood is also attacking the Woman's Right to Know Act—ensuring women are allowed to make informed decisions about their pregnancy and abortion procedures—the regulation of abortion clinics, and the prohibition of abortions by Skype. Finally, Planned Parenthood is asking the courts to invent a constitutional right to abortion in the State Constitution.

2021 has the potential for some major pro-life wins in our state, with a renewed pro-life majority in the General Assembly and improved support on the state and federal courts, but it is still likely to be a difficult battle.



Paul “Skip” Stam is Former Speaker Pro Tempore of the NC House of Representatives





Gambling

Thankfully for the families and communities of our state, NC Family’s work as a leading voice against the expansion of predatory gambling has been mostly successful in keeping the spread of legalized wagering at bay. **The lure of “easy money” may seem like a harmless enticement to some, but we know for many it is an addictive demon that ruins lives, destroys families, plagues communities, and corrupts governments.** Despite decades of research clearly showing the relationship between gambling expansion and increases in problem and pathological gambling, we seem to encounter more extensive gambling proposals in the N.C General Assembly every legislative session. It is likely that 2021 will be no exception.

Raffles, bingo, the state lottery, nonprofit “casino nights,” and gambling at two Cherokee tribal casinos in the far western reaches of North Carolina are the only forms of gambling that are currently legal in the Old North State. Although illegal, the video gambling industry continues to thumb its nose at the law. Every time the state legislature passes a new measure to crack down on video gambling, the industry and its attorneys seem to devise new ways to circumvent the law.

Recently, we’ve seen efforts to fully legalize video sweepstakes machines, to authorize sports betting, to expand tribal gambling on the Cherokee Reservation, and to allow the state lottery to initiate online video

poker, also known as “digital instants.” This is highly likely to continue into the 2021-2022 legislative session. There was even a bill in the United States Congress in 2020 that would pave the way for the **Lumbee Indian Tribe in Eastern North Carolina to establish a massive Las Vegas-style gambling casino on the I-95 corridor near Lumberton.** Another federal bill would enable the South Carolina-based **Catawba Indian Nation to construct a 200,000-plus square foot tribal casino 30 miles west of Charlotte along I-85 in Kings Mountain.**

In the state legislature, support for legalizing games of chance crosses party lines, but the most fervent opponents of gambling are typically the most conservative Republicans and the most liberal Democrats. **NC Family will continue working to educate all of these elected officials about the ills of predatory gambling, including personal bankruptcy, theft and other crimes, domestic violence, child abuse, divorce, and even suicide.** We pray these lawmakers will see what a bad bet gambling expansion would be for North Carolina.



John L. Rustin is President of the North Carolina Family Policy Council

School Choice

Last session, lawmakers passed a sweeping coronavirus relief bill that included expansion of school choice in the Tar Heel State. **Their first step was to strengthen and expand the Opportunity Scholarship Program, which provides up to \$4,200 in support each year for a student to attend a private school of their parent's choosing.** A modest increase in maximum household income brought more working-class families into eligibility. The legislature also eliminated the cap on kindergarten and first grade student awards for Opportunity Scholarships, opening the program to new students. Senator Deanna Ballard (R-Watauga) led the effort, and Parents for Educational Freedom in North Carolina and advocated for these important updates to the program.

Opportunity Scholarships are not the only area where the legislature has been active. Using federal CARES Act funding, Senator Joyce Krawiec (R-Forsyth) led the charge as **lawmakers also allocated \$6.5 million to fund the waitlist for North Carolina's two programs serving students with special needs: The Children with Disabilities Grant and Education Savings Account. The funds helped students with special needs use ESAs and Disabilities grants in fall of 2020.** The move to virtual learning in the spring of 2020 left many students with special needs behind, but their families were able to use these new resources to access in-person instruction or other resources in the fall to prevent further declines.

We also saw efforts to defund and dismantle school choice programs. This included a budget proposal from Gov. Roy Cooper to phase out the Opportunity Scholarship Program, and a handful of lawmakers in the General Assembly introduced legislation that aimed for the same outcome. Thankfully, neither proposal was successful during the 2020 session, but we expect a continued campaign by Governor Cooper to phase out school choice in our state. We strongly believe that his efforts will be unsuccessful.

Looking forward, Senate President Pro Tem Phil Berger (R-Rockingham) identified in an election night press release that expanding school choice is a key objective over the next two years in the legislature. One issue that lawmakers are likely to face is the enormous influx of students into schools of choice in 2020. **By our measurements, North Carolina is closing in on half a million students who are now enrolled in either public charters** (more than 127,000 students), **private schools** (nearly 104,000 students), or **home schools** (upwards of 150,000 students). Adapting to this changing dynamic and unprecedented growth in demand for school choice options should be topping lawmakers' list of priorities in the 2021 session.

Polls show public support for school choice initiatives, and that is reflected in the pro-school choice majorities in both chambers of the state legislature. In 2020, the COVID-19 relief bill that included support for NC's three school-choice programs passed on a broad bi-partisan basis (104-10 in the House and 44-5 in the Senate). In fact, school choice remains more popular than ever. According to a recent poll by the Civitas Institute, nearly 7 in 10 North Carolinians support the Opportunity Scholarship Program. A Civitas poll from earlier in the year found 81 percent support for the statement that parents should be the ones to choose where their kids go to school. Our own recent parent survey showed that 94 percent of parents feel more inclined to support policies expanding school choice during the coronavirus crisis.

Every parent of a school-age child had to make a difficult decision about their child's schooling last year, so school choice hit home more than ever before. In 2020, it's no exaggeration to say that school choice went mainstream in North Carolina and the country more broadly. School choice has solidified itself as a mainstay in North Carolina, and we believe public policies ought to continue to support it.



Brian Jodice is Executive Vice President of Parents for Educational Freedom in North Carolina

