



2023 Legislative Session Preview

By John Rustin

The 2023 Regular Legislative Session of the North Carolina General Assembly is currently underway, and it is likely to be an eventful term. Lawmakers gathered in Raleigh on January 11 to kick-start the year with an “organizational” session, as members were sworn in, temporary rules were adopted, and officers were officially elected. Lawmakers then returned to Raleigh on Wednesday, January 25, to start the “long” legislative session in earnest.

Makeup of the General Assembly

Following the 2022 General Election, Republicans not only maintained control of both chambers of the N.C. General Assembly, but they widened the margins over their Democratic counterparts. In the State Senate, the GOP captured 30 of the 50 seats, just barely solidifying the veto-proof supermajority necessary to override the veto of Democratic Governor Roy Cooper. Senator Phil Berger (R-Rockingham) was elected by

his colleagues to a seventh term as President Pro Tempore of the Senate, the de facto leader of the chamber. Republican Lt. Governor Mark Robinson normally presides over the Senate but can only vote to break a tie, and Senator Dan Blue (D-Wake) was elected by the Senate Democratic Caucus to serve again as Minority Leader.

In the House, Republicans took 71 of the 120 seats, falling just one seat short of the 72-seat supermajority needed to override a gubernatorial veto. Nonetheless, Rep. Tim Moore (R-Cleveland), who was elected to a record fifth term as Speaker of the House, publicly stated that he believes the House will have an “effective” veto-proof supermajority on many issues, as the Speaker intends to work across the aisle to garner the support of his Democratic colleagues in order to override potential vetoes by the Governor on key legislation. Rep. Robert Reives (D-Chatham) was reelected by the House Democratic Caucus to serve as Minority Leader in the House.

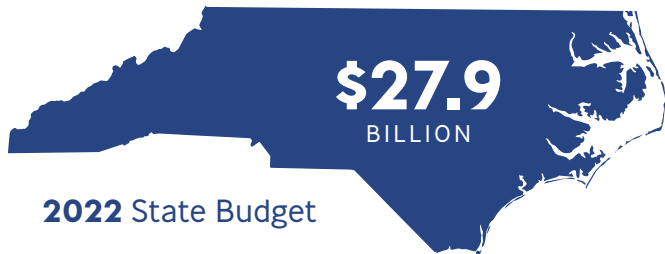
Why A Veto-Proof Supermajority is So Significant

For the past four years, Governor Cooper has wielded his veto stamp with little challenge from lawmakers. During the 2019-2020 legislative biennium, he vetoed 25 bills, and during the 2021-2022 biennium, he vetoed 22 bills. Despite several attempts, the General Assembly was unable to muster the two-thirds supermajority necessary to override any of these vetoes. Now with more favorable GOP margins, the vote count in both chambers has become increasingly significant and will likely come into play more during the 2023-2024 biennium.



Getting to Work

As members of the State House and State Senate get to work, a myriad of important issues loom large. Always a major initiative, the crafting and passage of the state budget will be a primary focus of lawmakers throughout much of the session.



In 2022, the state budget reached \$27.9 billion and is expected to continue to grow this year. It appears likely that Medicaid reform, in some manner, will be a major topic of discussion between the House and Senate. It is also possible that state lawmakers will consider redrawing state legislative and congressional district maps, in light of the fact that Republicans captured a 5-2 majority on the State Supreme Court in November. This court is far more likely to look to constitutional language and accept legislatively-drawn maps than the previous Democratic majority, which threw out redistricting plans initially passed by the GOP-led legislature last session. Legislative leaders are also asking the court to revisit its previous

decision on North Carolina's Voter-ID law which was approved by voters in a constitutional amendment in 2018, but was struck down by the court subsequently.

Pro-Life/Pro-Family Legislation

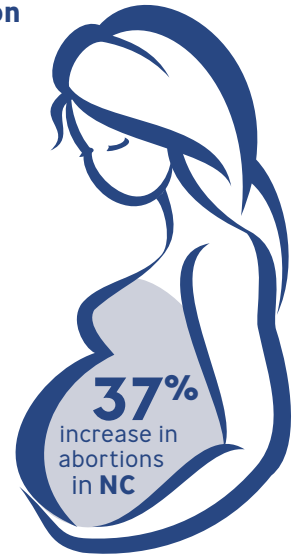
Abortion is likely to be at the forefront of debate at the General Assembly following the U.S. Supreme Court's *Dobbs* decision last summer that overturned *Roe v. Wade* and returned decision-making authority over life and abortion to elected representatives. Prior to *Dobbs*, North Carolina law prohibited abortion after 20 weeks' gestation, except in cases of a medical emergency. This law, however, was enjoined by a federal judge in 2019, who said the 20-week ban violated the "viability" standard established by *Roe* and *Planned Parenthood v. Casey*.

Under that standard, abortion is legal up to the point the abortionist determines a child is able to survive independently outside the mother's womb. After *Roe* was overturned by the High Court, our legislative leaders petitioned the federal judge to vacate his previous ruling, and he complied, effectively reinstating North Carolina's 20-week ban.

While this may sound favorable, most of North Carolina's neighboring states—except Virginia—have passed legislation to protect unborn life at conception or after a fetal heartbeat is detected (typically around 6 weeks). This means that North Carolina's abortion law is substantially more liberal than most other states in the Southeast, making us a destination state for abortion. In fact, **Planned Parenthood has reported a 37% increase in abortions in North Carolina during the months following the *Dobbs* decision, and many of these abortions were sought by women from out of state.**

Abortion statistics indicate that legislation protecting life after a heartbeat is detected could save as many as 86% of unborn babies who would otherwise perish at the hands of an abortionist or through a chemical abortion. This means that the lives of over 25,000 of the 30,004 babies aborted in North Carolina in 2020 (the last year official statewide statistics are available) would be saved through a heartbeat bill. An alternative proposal that would limit abortion at 12 weeks, the end of the first trimester, is also being discussed but would save only a fraction of the lives a heartbeat bill would.

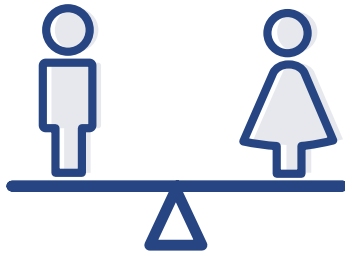
On the second day of session, Democratic lawmakers in both the State House and Senate filed bills to "codify *Roe* and *Casey* protections." This legislation would reinstate a viability standard for abortion in North Carolina, but it is not expected to be considered in either chamber.



What may also be considered, however, is a variety of other pro-life and pro-family measures to provide practical support and assistance to women and families facing unplanned pregnancies. These services may include parenting and educational resources as well as additional funding for pro-life pregnancy resource centers. Additionally, the General Assembly may look at ways to streamline the adoption process, improve the foster care system, and create an environment that gives women every reason to choose life instead of abortion.

Parents' Bill of Rights

The fundamental rights of parents to direct the upbringing and education of their children is also likely to be at the forefront of consideration this year. Last session, the State Senate passed a bill that would affirm, strengthen, and protect the rights of parents in North Carolina to take an active role in their child's education and health care, while also shielding students from instruction that is not age appropriate. Among other things, **the bill would prohibit schools from teaching lessons on gender identity, sexual activity, or sexuality in Kindergarten through fourth grade, and would require teachers to inform parents if their child requests to be referred to by a different name or different pronouns.** Senate Bill 49 passed the N.C. Senate in early February and has yet to be considered in the N.C. House at the time of this writing.



Sports Gambling and "Medical" Marijuana

Two measures we will see again are bills that would legalize sports gambling across the state and that would authorize marijuana for "medical purposes." A sports gambling bill passed the State Senate and multiple committees in the State House last session before being defeated on the House floor by just one vote. **NC Family opposed this bill because of the harm that legalized gambling and gambling expansion can have on individuals, families, and communities that are victimized and ravaged by gambling addiction and corruption.**



The "medical" marijuana bill passed the Senate last session but was never considered in the House. This year, the so-called "NC Compassionate Care Act" was the third bill filed in the State Senate, by primary sponsor Sen. Bill Rabon (R-Brunswick). **This proposal would legalize the possession and use of marijuana for an ever-growing set of "medical" circumstances, despite the fact that major medical groups like the American**




Medical Association, U.S. Food and Drug Administration, American Psychiatric Association, and American Academy of Neurology, all "encourage continuing research, but currently do not support medicinal use of marijuana" outside of the proper testing and approval of the FDA. SB 3 has passed the N.C. Senate but has yet to be considered in the House at the time of this writing.



Take an Active Role in Your Government

You can take an active role in the legislative process in North Carolina. First, be sure to visit our website at NCFamily.org and sign up to receive our daily emails and Action Alerts if you do not receive them already. This is a great way to stay informed and educated about important issues being considered. Secondly, get to know your lawmakers and reach out to them when issues arise that are important to you. A great way to do this is to visit the "Find Your Legislators" page on the N.C. General Assembly website at www.ncleg.gov. On that website, you can also view daily legislative calendars, review bills that have been filed in the State House and State Senate, and listen to committee meetings and daily legislative sessions.

We all have an important role to play, and NC Family is committed to being a voice for families and Biblical values in North Carolina's policy and political arenas. Please don't hesitate to call on us whenever we can be of assistance. 



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