

# 2023 Legislative Session Summary

By John Rustin

The 2023 Legislative Session of the N.C. General Assembly proved to be an incredibly busy, intense, and drama-filled session with quite a number of “highs” and “lows.” State lawmakers returned to Raleigh on January 11, 2023, to jump-start the session by swearing in members and electing officers. Senator Phil Berger (R-Rockingham) was elected to a seventh term as President Pro Tempore of the N.C. Senate, while Rep. Tim Moore (R-Cleveland) was chosen to serve a record fifth consecutive term as House Speaker. These elections set the stage for a showdown on many issues between the GOP-led legislature and Democratic Governor Roy Cooper.

## VETO-PROOF SUPERMAJORITY

The N.C. Constitution requires a supermajority three-fifths vote of members present and voting in each chamber to override a gubernatorial veto. This means that if all members are present and voting, 30 votes are required in the 50-member State Senate, and 72 votes are required in the 120-member State House to override a veto. When the Regular Session began in earnest on January 25, Republicans held the requisite 30 seats in the Senate but were one seat short of a supermajority in the House. This made overrides possible in the Senate but uncertain in the House unless one or more Democrats voted to override. This all changed in early April when Mecklenburg County Democrat Rep. Trisha Cotham switched parties and gave Republicans a 72nd seat in the House and the ability to override Gov. Cooper’s veto at will. And override they have. In fact, the Republican supermajorities have overridden every bill vetoed by Governor Roy Cooper during the 2023 Legislative Session – 19 in total, as of this writing.

## 2023 BUDGET BILL

A major initiative every session is the passage of the state budget. While the state’s fiscal year begins July 1, the General Assembly did not approve this year’s budget bill, [HB 259—2023 Appropriations Act](#), until September 22, 2023. The 625-page budget bill appropriates just shy of \$30 billion in the 2023-24 state fiscal year and close to \$31 billion in 2024-25. As would be expected with such a voluminous piece of legislation, the 2023 Budget contains a plethora of spending items as well as a number of significant policy changes, some of which are mentioned below.



## SANCTITY OF LIFE

One of the most significant pieces of legislation enacted over the veto of the Governor was [SB 20—Care for Women, Children, and Families Act](#). This 46-page bill was sought following the U.S. Supreme Court’s historic decision in *Dobbs v. Jackson Women’s Health Organization*, which struck down *Roe v. Wade* and returned decision-making authority about abortion to elected representatives. SB 20 reduced the legal timeframe for most abortions in N.C. from 20 weeks to 12 weeks gestation, except in cases of rape and incest, when the life of the mother is at risk, and when an unborn child has been diagnosed with what the bill defines as a “life-limiting anomaly.” The bill also:

- Bans “partial-birth abortion;”
- Prohibits “eugenic” abortions sought because of the race or sex of the unborn child or a diagnosis of Down syndrome;

- Enacts the “Born Alive Abortion Survivors Protection Act” requiring health care providers to care for babies born alive after a failed abortion attempt;
- Requires abortion clinics to be inspected annually and meet the same standards as ambulatory surgical centers;
- Establishes more detailed informed consent requirements for surgical abortions, chemical abortions, and abortions involving a “life-limiting anomaly;”
- Makes it unlawful for abortion-inducing drugs to be provided through the mail or over the internet; and
- Provides millions in funding to enhance foster care, adoption, child care, and other vital services in North Carolina.

The 2023 Budget made good on the funding commitment in SB 20, by appropriating \$160 million over the next two years to protect and provide care and resources to unborn babies and mothers facing unplanned and crisis pregnancies. The budget also appropriates \$6.5 million in each of the next two years to the **Carolina Pregnancy Care Fellowship** (aka LifeLink Carolina) to provide grants to pregnancy care centers to purchase durable medical equipment—including ultrasound machines—and to provide training and other services. The budget bill, House Bill 259, also provides \$1.5 million this year and next to the pro-life nonprofit organization **Human Coalition** to help fund its statewide Continuum of Care Program.

Furthermore, while state law already **prohibits state tax dollars from being used to pay for abortions**, HB 259 contains a new provision that also prohibits the state from renewing, extending, or entering into contracts “for the provision of family planning services, pregnancy prevention activities, or adolescent parenting programs with any provider that performs abortions.” This will help to ensure that state funds are not indirectly being used by abortion providers to fund abortions.

### PARENTS’ RIGHTS & GENDER ISSUES

Three other bills enacted by the General Assembly over the veto of the Governor are designed to honor parental rights and protect the health, safety, and welfare of children and families. **SB 49—Parents’ Bill of Rights** clarifies and codifies the rights of parents to direct the upbringing of their children, especially in the areas of education and healthcare, by ensuring that parents have ready access to information about what their children are being taught in school and requiring parental consent before medical services are provided to children. Of particular note, SB 49 requires that parents are notified “prior to any changes in the name or pronoun used for a student in school records or by school personnel.” The bill also prohibits instruction on “gender identity, sexual activity, or sexuality” in kindergarten through 4th grade.

**HB 574—Fairness in Women’s Sports Act** requires sports teams in middle school, high school, and at the collegiate level to be designated as male, female, or co-ed on the basis of biological

sex and prohibits biological males from participating on female sports teams. **HB 808—Gender Transition/Minors** prevents the administration of puberty blockers, cross-sex hormones, and gender transition surgeries on minors, and it provides broad conscience protections for healthcare practitioners who do not wish to participate in these often irreversible and experimental procedures. HB 808 also prevents state taxpayer dollars from being used to pay for any of these gender transition procedures.

State lawmakers also approved a provision in **HB 8—Various Statutory Changes** to enact the “Pornography Age Verification Act,” or “PAVE Act,” which requires **age verification for access to pornographic websites** and has been effective in a number of other states in reducing the incidents of minors accessing pornographic websites. Additionally, **SB 579—Prevent Harm to Children** increases the scope and penalties for disseminating obscenity to minors and for the sexual exploitation of minors.

### EDUCATION

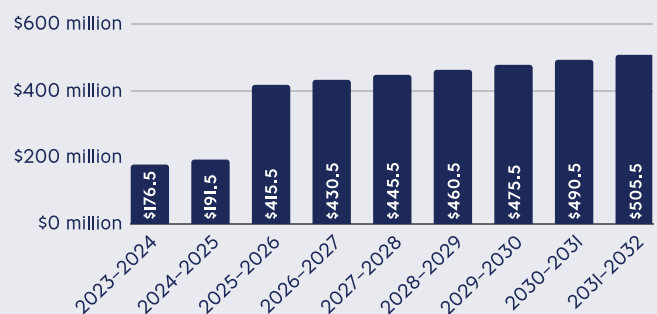
On the education front, a provision in the 2023 Budget Bill greatly expands North Carolina’s **Opportunity Scholarship Program** to ensure that all students are eligible to participate in the state’s school choice program, provided that funding is available. The measure directs that grant amounts are determined on a sliding scale based upon household income, and it significantly increases state funding in future years to provide grants to as many children as possible (see graphic below).

#### Opportunity Scholarship Eligibility

Federal free & reduced lunch eligibility	Maximum Household Income (adjusted each year)			
	To receive full tuition up to yearly allocation	To receive 90% of tuition	To receive 60% of tuition	To receive 45% of tuition
up to 100%	100%–200%	200%–450%	<450%	

Note: Allocation from the State is per pupil

#### Opportunity Scholarship Funding





The Budget Bill also establishes the **School of Civic Life and Leadership** at UNC-Chapel Hill to provide course opportunities for students on the “development of democratic competencies informed by American history and the American political tradition, with the purpose of fostering public discourse and civil engagement necessary to promote democracy and benefit society.” The budget also contains a provision that enables **home school students** the opportunity to sit for Advanced Placement and PSAT exams at a public school within their local school district.

State lawmakers also enacted **two charter school bills** over the veto of the Governor. **HB 219—Charter School Omnibus** expands enrollment rules for charter schools and also permits counties to use property tax revenue for charter school capital costs. **HB 618—Charter School Review Board** creates a new Board that is charged—in place of the State Board of Education—with reviewing and authorizing charter school applications. The State Board retains authority over the rulemaking and funding of charter schools and can hear appeals from decisions of the Charter School Review Board.

One education measure that passed the House but was not considered in the Senate was **HB 96—NC REACH Act**. REACH stands for “Reclaiming College Education on America’s Constitutional Heritage.” This bill would have required three credit hours of instruction on American Government and our nation’s founding documents in order to receive a baccalaureate degree from a constituent institution of the UNC system or an associate’s degree from a community college.

## GAMBLING

One of the big “lows” of the session was the passage of **SB 347—Sports Wagering/Horse Racing Wagering**, which legalizes gambling on amateur, electronic, collegiate, and professional sporting events and effectively turns every computer, tablet, mobile phone, and smart TV in the state into a potential gambling device. The bill also authorizes parimutuel wagering on horse racing. NC Family strongly opposed this bill, because it will inevitably lead to an increase in gambling addiction and related social and economic problems.


And, if that were not enough, one of the major items contributing to the delay in the passage of the state budget was an effort by legislative leaders and the gambling industry to legalize **four commercial gambling casinos** and tens of thousands of **video lottery terminals (VLTs)** across the state. Fortunately, this effort was abandoned after weeks of intense lobbying when it became apparent that the votes did not exist in either the State House or State Senate to approve the budget if the gambling expansion proposal was included. An attempt to coerce support from Democratic lawmakers by pairing casinos and VLTs with Medicaid expansion fell flat after Democrats in both chambers rejected the effort. In the end, a coalition of Republicans and Democrats in the House and Senate who faithfully stood against gambling expansion, proved to be too high of a hurdle for gambling proponents to overcome.

## MARIJUANA

Another bill that failed passage was **SB 3—NC Compassionate Care Act**. This was one of the first bills introduced in the N.C. Senate and would have established an extensive framework for the licensing, manufacture, distribution, sale, possession, and use of marijuana as a “treatment” for a wide variety of “medical” conditions. Despite the fact that the U.S. Food & Drug Administration has not approved marijuana for medical use and the American Medical Association, the American Academy of Neurology, and the American Psychiatric Association do not support its use as medicine, proponents of the bill continued to push hard for its passage. Although this bill passed the State Senate in early March, it was not voted on by the State House.

## CONCLUSION

Overall, the 2023 Legislative Session was a great success for pro-life and pro-family interests, but these exciting and important gains were somewhat overshadowed by an unprecedented push to significantly expand predatory gambling and to legalize marijuana in North Carolina. These latter issues are likely to reappear when the General Assembly reconvenes for the “Short” legislative session in May 2024, so we must remain ever vigilant!

NC Family has been privileged to represent North Carolina families and serve as a voice for family values in North Carolina’s policy and political arenas for the past 32 years. Please don’t hesitate to reach out to NC Family through our website at [www.NCFamily.org](http://www.NCFamily.org) or via email at [mail@ncfamily.org](mailto:mail@ncfamily.org) if you have any questions about this report or any of our other work. 



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