

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE DRH10277-LB-193A (4/13)

Short Title: Legislature Freedom to Serve Act.

(Public)

Sponsors: Representative Rhodes.

Referred to:

A BILL TO BE ENTITLED

1
2 AN ACT TO MAKE IT UNLAWFUL FOR LEGISLATIVE LEADERSHIP TO
3 COERCE, DICTATE, OR OTHERWISE FORCE A MEMBER OF THE
4 GENERAL ASSEMBLY TO VOTE A CERTAIN WAY IN EXCHANGE FOR
5 PROJECTS OR OTHER ITEMS WHILE IN THE COURSE OF SERVING THEIR
6 CONSTITUENTS AND FULFILLING THEIR OFFICE.

7 Whereas, an unhealthy precedence has been set in previous sessions of the
8 North Carolina General Assembly resulting in publicly elected representatives being
9 denied equal access to resources to serve the people of North Carolina; and

10 Whereas, other coercive measures are being taken by the legislative leaders
11 for support in exchange for support for local projects; and

12 Whereas, the legislative leadership through such acts has impeded duly
13 elected representatives the ability to serve the people of North Carolina; and

14 Whereas, these acts impede the elected officials' ability, while in the process
15 of discharging their duties, in serving the citizens of North Carolina; and

16 Whereas, the practice of censorship of members of the legislature wishing to
17 speak on the floor of the North Carolina House of Representatives, and elected officials
18 who are citizens who desire to be heard on an issue in any committee, should be heard
19 and given the ability to speak freely in accordance with the North Carolina Constitution
20 and the United States Constitution in speaking for the citizens of North Carolina and not
21 censored; and

22 Whereas, censorship of members of the legislature wishing to be recognized
23 and to speak on behalf of North Carolina's citizens is both unconstitutional and a
24 practice that is not embraced by a strong majority of North Carolinians and Americans,
25 and the practice of taking these rights away is injurious to a free society and democracy;

26 Now, therefore,

27 The General Assembly of North Carolina enacts:

1 **SECTION 1.** Article 14 of Chapter 120 of the General Statutes, the
2 Legislative Ethics Act, is amended by adding a new section to read:

3 **"§ 120-86.2. Legislature Freedom to Serve.**

4 (a) This section may be cited as the North Carolina Legislature Freedom to Serve
5 Without Leadership Coercion Act.

6 (b) It shall be unlawful for any officer of either house of the General Assembly,
7 or any party caucus officer or whip in either house of the General Assembly, to coerce,
8 dictate, or otherwise force a member of either house of the General Assembly to vote
9 for or against any legislative measure in exchange for a promise of funding of projects
10 or promises of other items. Such legislative action is against the public policy of North
11 Carolina because it prevents members from serving their constituents or fulfilling the
12 duties and responsibilities of their office.

13 (c) Violation of this section is a Class 1 misdemeanor, and in accordance with
14 Article XI, Section 1 of the North Carolina Constitution, a person found guilty of such
15 offense shall be removed from office."

16 **SECTION 2.** This act is effective when it becomes law.