GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2005

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HOUSE BILL 1545

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Short Title: Le	gislature Freedom to Serve Act.
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(Public)

Representatives Rhodes; and Capps. Sponsors: Referred to: Rules, Calendar, and Operations of the House.

April 21, 2005

A BILL TO BE ENTITLED

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

1	" <u>§ 120-86.2. Legislature Freedom to Serve.</u>
2	(a) This section may be cited as the North Carolina Legislature Freedom to Serve
3	Without Leadership Coercion Act.
4	(b) It shall be unlawful for any officer of either house of the General Assembly,
5	or any party caucus officer or whip in either house of the General Assembly, to coerce,
6	dictate, or otherwise force a member of either house of the General Assembly to vote
7	for or against any legislative measure in exchange for a promise of funding of projects
8	or promises of other items. Such legislative action is against the public policy of North
9	Carolina because it prevents members from serving their constituents or fulfilling the
10	duties and responsibilities of their office.
11	(c) <u>Violation of this section is a Class 1 misdemeanor, and in accordance with</u>
12	Article XI, Section 1 of the North Carolina Constitution, a person found guilty of such
13	offense shall be removed from office."
14	SECTION 2. This act is effective when it becomes law.