

# ADOPTED



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 857

AMENDMENT NO. A1  
(to be filled in by  
Principal Clerk)

H857-AST-132 [v.2]

Page 1 of 1

Comm. Sub. [NO]  
Amends Title [NO]  
Fifth Edition

Date \_\_\_\_\_, 2013

Senator Rabon

1 moves to amend the bill on page 3, line 1, by deleting "willfully" on that line;  
2  
3 and on page 3, line 4, by rewriting that line to read:  
4  
5 "this section. Contracts entered into in violation of this prohibition shall not be deemed ultra  
6 vires and shall remain valid and fully enforceable. Any person, corporation or entity, however,  
7 which has submitted a bid or response to a request for proposals on any construction project  
8 previously advertised by the public body shall be entitled to obtain an injunction against the  
9 public body compelling the public body to comply with the reporting requirements of this  
10 section and from commencing or continuing a project let in violation of this subdivision until  
11 such time as the public body has complied with the reporting requirements of this section. The  
12 plaintiff in such cases shall not be entitled to recover monetary damages caused by the public  
13 body's failure to comply with this reporting requirements section, and neither the plaintiff nor  
14 the defendant shall be allowed to recover attorneys fees except as otherwise allowed by  
15 G.S. 1A-11 or G.S. 6-21.5. An action seeking the injunctive relief allowed by this subdivision  
16 must be filed within four years from the date that the owner took beneficial occupancy of the  
17 project for which the report remains due."

SIGNED \_\_\_\_\_  
Amendment Sponsor

SIGNED \_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED \_\_\_\_\_ FAILED \_\_\_\_\_ TABLED \_\_\_\_\_

**The official copy of this document, with signatures  
and vote information, is available in the  
Senate Principal Clerk's Office**



\* H 8 5 7 - A S T - 1 3 2 - V - 2 \*