

ADOPTED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 473

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

S473-AST-9 [v.6]

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Amends Title [NO]
First Edition

Date _____, 2021

Senator Mayfield

1 moves to amend the bill on page 3, lines 3-39, by rewriting those lines to read:

2
3 "SECTION 4.(a) Article 31 of Chapter 14 of the General Statutes is amended by
4 adding a new section to read:

5 "§ 14-234.2. Local public officials participating in contracts benefiting nonprofits with
6 which associated.

7 (a) No public official shall participate in making or administering a contract, including
8 the award of money in the form of a grant, loan, or other appropriation, with any nonprofit with
9 which that public official is associated. The public official shall record his or her recusal with the
10 clerk to the board, and once recorded, the political subdivision of this State may enter into or
11 administer the contract.

12 (b) Anyone violating this section shall be guilty of a Class 1 misdemeanor. The
13 exceptions listed in G.S. 14-234(b) and (d1) through (d5) shall apply to this section.

14 (c) A contract entered into in violation of this section is void. A contract that is void under
15 this section may continue in effect until an alternative can be arranged when: (i) an immediate
16 termination would result in harm to the public health or welfare, and (ii) the continuation is
17 approved as provided in this subsection. A political subdivision of this State that is a party to the
18 contract may request approval from the chair of the Local Government Commission to continue
19 contracts under this subsection.

20 (d) For purposes of this section, the following definitions shall apply:

21 (1) Nonprofit with which that public official is associated. – A nonprofit
22 corporation, organization, or association, incorporated or otherwise, that is
23 organized or operating in the State primarily for religious, charitable,
24 scientific, literary, public health and safety, or educational purposes and of
25 which the public official is a director, officer, or governing board member,
26 excluding any board, entity, or other organization created by this State or by
27 any political subdivision of this State.

28 (2) Participate in making or administering a contract. – Any of the following
29 actions by a public official:

30 a. Deliberating or voting on the contract.

31 b. Attempting to influence any other person who is deliberating or voting
32 on the contract.



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- 1 c. Soliciting or receiving any gift, favor, reward, service, or promise of
2 reward, including a promise of future employment, in exchange for
3 recommending, influencing, or attempting to influence the award of a
4 contract by the political subdivision of the State with the not-for-profit
5 with which that public official is associated.
6 (3) Public official. – Any individual who is elected or appointed to serve or
7 represent a political subdivision of the State, other than an employee or
8 independent contractor of that political subdivision of the State."

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

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and vote information, is available in the
Senate Principal Clerk's Office**