

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 21*

Short Title: No Gifts for Purchasing Agents.

(Public)

Sponsors: Representatives Nye; H. Hunter, Wainwright, Dickson, Warner, DeVane, Stamey, Russell, Smith, and Mitchell.

Referred to: Ethics.

February 1, 1993

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT PURCHASING AGENTS IN ALL STATE AGENCIES
FROM ACCEPTING GIFTS AND FAVORS FROM VENDORS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143-58.1 reads as rewritten:

"§ 143-58.1. **Unauthorized use of public purchase or contract procedures for private benefit.**

(a) It shall be unlawful for any person, by the use of the powers, policies or procedures described in this Article or established hereunder, to purchase, attempt to purchase, procure or attempt to procure any property or services for private use or benefit.

(b) This prohibition shall not apply if:

(1) The department, institution or agency through which the property or services are procured had theretofore established policies and procedures permitting such purchases or procurement by a class or classes of persons in order to provide for the mutual benefit of such persons and the department, institution or agency involved, or the public benefit or convenience; and

(2) Such policies and procedures, including any reimbursement policies, are complied with by the person permitted thereunder to use the purchasing or procurement procedures described in this Article or established thereunder.

1 **(b1)** It is unlawful for any person, firm, or corporation to directly or indirectly
2 give, offer, or promise anything of value to any officer or employee of a State
3 department, institution, or agency, who has authority to purchase or procure goods or
4 services or recommend the purchase or procurement of goods and services, or to
5 promise any such officer or employee to give anything of value to any other person with
6 intent:

7 **(1)** To influence any official act of the officer or employee;

8 **(2)** To influence the officer or employee to commit or aid in committing,
9 or collude in, or allow, any fraud, or to make opportunity for the
10 commission of any fraud on the State of North Carolina; or

11 **(3)** To induce the officer or employee to do or omit to do any act in
12 violation of his lawful duty.

13 **(b2)** It shall be unlawful for any officer or employee of a State department,
14 institution, or agency, who has authority to purchase or procure goods or services or
15 recommend the purchase or procurement of goods and services, directly or indirectly, to
16 ask, demand, exact, solicit, accept, receive, or agree to receive anything of value for
17 himself or any other person or entity in return for:

18 **(1)** Being influenced in his performance of any official act;

19 **(2)** Being influenced to commit or aid in committing, or to collude in, or
20 allow, any fraud, or to make opportunity for the commission of any
21 fraud on the State of North Carolina; or

22 **(3)** Being induced to do or omit to do any act in violation of his official
23 duty.

24 **(c)** A violation of this section is a misdemeanor punishable by fine,
25 imprisonment up to two years, or both, in the discretion of the court."

26 Sec. 2. This act becomes effective October 1, 1993, and applies to acts and
27 omissions occurring after that date.