

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 759*
Judiciary II Committee Substitute Adopted 5/12/93

Short Title: Liability for Unlawful Purchases.

(Public)

Sponsors:

Referred to:

April 8, 1993

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE EMPLOYEES PERSONALLY LIABLE FOR COSTS
3 ASSOCIATED WITH STATE CONTRACTS ENTERED INTO IN VIOLATION
4 OF PURCHASE AND CONTRACT LAWS AND RULES.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 143-58 reads as rewritten:

7 "**§ 143-58. Contracts contrary to provisions of Article made void.**

8 If any department, institution or agency of the State government, required by this
9 Article and the rules adopted pursuant thereto applying to the purchase or lease of
10 supplies, materials, equipment, printing or services through the Secretary of
11 Administration, or any nonstate institution, agency or instrumentality duly authorized or
12 required to make purchases through the Department of Administration, shall contract for
13 the purchase or lease of such supplies, materials, equipment, printing or services
14 contrary to the provisions of this Article or the rules made hereunder, such contract shall
15 be void and of no effect. If any such State or nonstate department, institution, agency or
16 instrumentality purchases any supplies, materials, equipment, printing or services
17 contrary to the provisions of this Article or the rules made hereunder, the employee who
18 violated the provisions of this Article or the rules made hereunder, the executive officer
19 of such department, institution, agency or ~~instrumentality shall be instrumentality~~, or both
20 may be held personally liable for the costs thereof."

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