

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

H

D

HOUSE BILL 1036\*  
PROPOSED COMMITTEE SUBSTITUTE H1036-PCS40247-RU-6

Short Title: No Revolving Door Employment.

(Public)

Sponsors:

Referred to:

May 15, 2014

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROHIBIT THE STATE FROM CONTRACTING WITH CONTRACTORS  
3 WHO UTILIZE FORMER STATE EMPLOYEES IN THE ADMINISTRATION OF  
4 STATE CONTRACTS WITHIN A SIX-MONTH WAITING PERIOD AFTER A STATE  
5 EMPLOYEE HAS TERMINATED EMPLOYMENT WITH THE STATE.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** Article 3 of Chapter 143 of the General Statutes is amended by  
8 adding a new section to read:

9 **"§ 143-59.5. Contracts with vendors that hire former State employees.**

10 (a) Ineligible Vendors. – The Secretary of Administration and other entities to which  
11 this Article applies shall not contract for goods or services with a vendor that employs or  
12 contracts with a person who is a former State employee and uses that person in the  
13 administration of a contract with the State.

14 (b) Vendor Certification. – The Secretary of Administration shall require each vendor  
15 submitting a bid or contract to certify that the vendor will not use a former State employee in  
16 the administration of a contract with the State in violation of the provisions of subsection (a) of  
17 this section. Any person who submits a certification required by this subsection knowing the  
18 certification to be false shall be guilty of a Class I felony.

19 (c) A violation of the provisions of this section shall void the contract.

20 (d) Definitions. – As used in this section, the following terms mean:

21 (1) Administration of a contract. – Oversight of the performance of a contract,  
22 authority to make decisions regarding a contract, interpretation of a contract,  
23 or participation in the development of specifications or terms of a contract or  
24 in the preparation or award of a contract.

25 (2) Former State employee. – A person who, for any period within the preceding  
26 six months, was employed as an employee or contract employee of the State  
27 by the State agency for which the contract applies, who in the six months  
28 immediately preceding termination of State employment, participated  
29 personally in either the award or management of a State contract with the  
30 vendor, or made regulatory or licensing decisions that directly applied to the  
31 vendor."

32 **SECTION 2.** This act becomes effective October 1, 2014, and applies to contracts  
33 entered into on or after that date.

