

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

H

1

HOUSE BILL 6

Short Title: Obstructing Legislative Process.

(Public)

Sponsors: Representatives Gamble; Joye, Hightower, and Green.

Referred to: Judiciary II.

January 28, 1993

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE IT UNLAWFUL TO OBSTRUCT THE LEGISLATIVE
3 INQUIRY PROCESS, TO INTERFERE WITH CONTRACTS OF THE
4 LEGISLATIVE BRANCH, AND TO EXCLUDE VIOLATORS FROM
5 GOVERNMENT PROCUREMENT PROGRAMS.

6 The General Assembly of North Carolina enacts:

7 Section 1. Chapter 120 of the General Statutes is amended by adding a new
8 Article to read:

9 **"ARTICLE 5B.**

10 **"INTERFERENCE WITH LEGISLATIVE PROCESS.**

11 **"§ 120-19.20. Obstruction of the legislative process.**

12 It is a Class J felony for a person:

13 (1) Corruptly;

14 (2) By threats or force; or

15 (3) By any threatening letter or communication

16 to influence, obstruct, or impede, or endeavor to influence, obstruct, or impede, the due
17 and proper exercise of the power of inquiry under which any inquiry or investigation is
18 being had by either house, any committee of either house, any joint committee, any
19 committee, subcommittee, or commission established under this Chapter, or any
20 committee or subcommittee within the legislative branch.

21 **"§ 120-19.21. Interference with contract process.**

22 (a) It is a misdemeanor, punishable by imprisonment for not more than six
23 months, or fine of not more than ten thousand dollars (\$10,000), or both, for a person to

1 interfere with existing or prospective contractual relations between the General
2 Assembly and any person, if such conduct would be tortious interference.

3 (b) For the purpose of this section, 'General Assembly' means the Legislative
4 Services Office, the Legislative Research Commission, or any of its committees or
5 subcommittees, any committee, subcommittee, or commission established by this
6 Chapter, the House of Representatives, the Senate, the Legislative Services Office, or
7 any other board or commission within the legislative branch.

8 **"§ 120-19.22. Violators excluded from procurement process.**

9 (a) The Secretary of Administration may, in the public interest, debar or suspend
10 a person who has been convicted of a violation of G.S. 120-19.21 from entering into any
11 contract with the State, or any of its agencies, boards, committees, councils, or
12 commissions, including The University of North Carolina, and any county, city, or other
13 political subdivision of the State. Debarment or suspension includes the individual
14 violation or, if the offense was committed other than by an individual, includes all of the
15 following, unless the debarment or suspension decision is limited by its terms:

- 16 (1) All divisions or other organizational elements of the violator;
17 (2) The partnership where a partner in a partnership is the violator for an
18 offense involving the business activities of the partnership; and
19 (3) Affiliates of the violator at the discretion of the Secretary of
20 Administration.

21 Suspension shall be for a period not to exceed three years, based on the seriousness
22 of the offense. Debarment or suspension from contracting also extends to
23 subcontracting with any contractor.

24 (b) Procedures for debarment or suspension, the scope of the debarment or
25 suspension, and conditions for temporary exemption from the sanctions, except where
26 inconsistent with this section, shall be the same as under Part 9 of Chapter I of Title 48
27 of the Code of Federal Regulations as amended from time to time, except that all
28 proceedings shall be before the Secretary of Administration, and that any exemption for
29 compelling reasons authorized by that Part must be approved by the Governor.

30 **"§ 120-19.23. SBI to investigate.**

31 Upon the request of the Speaker of the House of Representatives or the President Pro
32 Tempore of the Senate, the State Bureau of Investigation shall investigate any alleged
33 violation of this Article."

34 Sec. 2. This act becomes effective October 1, 1993.