

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

D

HOUSE DRH50242-LB-250 (03/17)

Short Title: State Contracts/Slavery Profits.

(Public)

Sponsors: Representative Womble.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT REQUIRING COMPANIES ENTERING INTO CONTRACTS WITH STATE
3 DEPARTMENTS TO EXAMINE THEIR RECORDS FOR EVIDENCE OF
4 PARTICIPATION IN OR PROFITING FROM SLAVERY.

5 The General Assembly of North Carolina enacts:

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

8 "**§ 143-59.5. Vendors search records for information on slavery participation or profit.**

9 (a) The following definitions apply in this section:

10 (1) Enslaved person. – Any person who was wholly subject to the will of
11 another and whose person and services were wholly under the control of
12 another and who was in a state of enforced compulsory service to another
13 during the slavery era.

14 (2) Investment. – To make use of an enslaved person for future benefits or
15 advantages.

16 (3) Participation. – Having been a slaveholder during the slavery era.

17 (4) Predecessor vendor. – An entity whose ownership, title, and interest,
18 including all rights, benefits, duties, and liabilities were acquired in an
19 uninterrupted chain of succession by the vendor.

20 (5) Profits. – Any economic advantage or financial benefit derived from the use
21 of enslaved persons.

22 (6) Slavery. – The practice of owning enslaved persons.

23 (7) Slavery era. – That period of time in the United States of America prior to
24 1865.

25 (8) Slaveholder. – Holders of enslaved persons, owners of business enterprises
26 using enslaved persons, owners of vessels carrying enslaved persons or other
27 means of transporting enslaved persons, and merchants or financiers dealing
28 in the purchase, sale, or financing of the business of enslaved persons.

29 (9) Slaveholder insurance policies. – Policies issued to or for the benefit of
30 slaveholders to insure them against the death of or injury to enslaved
31 persons.

32 (b) A vendor entering into a contract for goods or services with a department of the
33 State shall complete an affidavit, prior to or contemporaneous with entering into the contract,
34 certifying the following:



* D R H 5 0 2 4 2 - L B - 2 5 0 *

1 (1) The vendor has searched any and all records of the vendor, or any
2 predecessor vendor, for records of participation or investment in or profits
3 derived from slavery, including slaveholder insurance policies issued during
4 the slavery era.

5 (2) The vendor has disclosed any and all records of participation in or profits
6 derived from slavery by the vendor, or any predecessor vendor, including
7 issuance of slaveholder insurance policies during the slavery era, and the
8 vendor has identified the names of any enslaved persons or slaveholders
9 described in the records.

10 (c) A State department may terminate a contract entered into with a vendor if the
11 vendor fails to fully and accurately complete the affidavit required in subsection (b) of this
12 section.

13 (d) The Secretary of Administration shall (i) develop an affidavit to be used by State
14 departments and vendors and (ii) monitor compliance with the provisions of this section,
15 including investigation of alleged violations.

16 (e) The provisions of this section shall not apply to the following:

17 (1) Contracts entered into by State departments with other governmental
18 entities, including the United States of America, a county, city, or public
19 agency of one of these entities.

20 (2) Contracts for the purchase of articles in certain emergencies as provided in
21 G.S. 143-57."

22 **SECTION 2.** This act is effective when it becomes law and applies to contracts
23 entered into on or after October 1, 2009.