

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

H

1

HOUSE BILL 691

Short Title: State Contracts/Slavery Profits. (Public)

Sponsors: Representatives Womble, Jones, Mobley, Parmon (Primary Sponsors); Adams, K. Alexander, M. Alexander, Bell, Bryant, Carney, Cotham, Earle, Farmer-Butterfield, Fisher, E. Floyd, Goodwin, Hall, Hughes, Lucas, Luebke, Mackey, Pierce, Ross, Wainwright, and Weiss.

Referred to: Commerce, Small Business, and Entrepreneurship, if favorable, Judiciary I.

March 23, 2009

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:



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.