

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

H

1

HOUSE BILL 1642

Short Title: Enforce Goals Program.

(Public)

Sponsors: Representatives Holt; and Hardaway.

Referred to: Appropriations.

June 8, 1992

A BILL TO BE ENTITLED

AN ACT TO REQUIRE PAYMENT OF EXCESS DAMAGES AGAINST A STATE EMPLOYEE OR BOARD MEMBER FOR ADMINISTERING AN UNCONSTITUTIONAL GOALS PROGRAM.

The General Assembly of North Carolina enacts:

Section 1. Article 31A of Chapter 143 of the General Statutes is amended by adding a new section to read:

"§ 143-300.10. Payment of excess damages relating to unconstitutional goals program.

In an action to which this Article applies, the State shall pay the excess amount of a judgment or settlement under G.S. 143-300.6 for damages against a State employee or member of a State board or commission for enforcing or administering a goals program promoting participation by disadvantaged businesses, minority businesses, and women businesses, in contracts let by a State department or agency that is held unconstitutional. The excess amount is the amount of the judgment or settlement over (i) the limit provided in G.S. 143-300.6(a) and (ii) any coverage under G.S. 58-32-15. This section does not waive the sovereign immunity of the State with respect to any claim."

Sec. 2. This act is effective upon ratification and applies to any litigation challenging the constitutionality of a goals program and pending before a court on or after the date of ratification.