

IN THE SENATE

SENATE BILL NO. 1086

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO THE ANTI-BOYCOTT AGAINST ISRAEL ACT; AMENDING CHAPTER 23, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-2346, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROHIBIT A PUBLIC ENTITY FROM ENTERING INTO CERTAIN CONTRACTS WITH COMPANIES THAT BOYCOTT ISRAEL, TO DEFINE TERMS, TO PROVIDE THAT CERTAIN CONTRACTS SHALL BE VOID, TO PROVIDE RULEMAKING AUTHORITY, AND TO PROVIDE APPLICABILITY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 23, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-2346, Idaho Code, and to read as follows:

67-2346. ANTI-BOYCOTT AGAINST ISRAEL ACT. (1) This section shall be known and may be cited as the "Anti-Boycott Against Israel Act."

(2) A public entity in this state may not enter into a contract with a company to acquire or dispose of services, supplies, information technology, or construction unless the contract includes a written certification that the company is not currently engaged in, and will not for the duration of the contract engage in, a boycott of goods or services from Israel or territories under its control. The provisions of this section shall not apply to contracts with a total potential value of less than one hundred thousand dollars (\$100,000) or to contractors with fewer than ten (10) employees.

(3) As used in this section:

(a) "Boycott Israel" and "boycott of the state of Israel" mean engaging in refusals to deal, terminating business activities, or other actions that are intended to discriminate against, inflict economic harm, or otherwise limit commercial relations specifically with the state of Israel or territories under its control, or persons or entities doing business in the state of Israel or territories under its control. A company's statement that it is participating in boycotts of the state of Israel or territories under its control, or that it has taken the boycott action at the request, in compliance with, or in furtherance of calls for a boycott of the state of Israel or territories under its control, shall be considered to be conclusive evidence that a company is participating in a boycott of the state of Israel or territories under its control. A company that has made no such statement may still be considered to be participating in a boycott of the state of Israel or territories under its control if other factors warrant such a conclusion. At no time shall the "state of Israel" be construed to be inconsistent with any provision of federal law, including but not limited to 50 U.S.C. 4602, 4605, or 4607, as amended, as they existed prior to their repeal in 2018.

1 (b) "Company" means any for-profit or not-for-profit organization,
2 association, corporation, partnership, joint venture, limited part-
3 nership, limited liability partnership, limited liability company,
4 or other entity or business association, including all wholly owned
5 subsidiaries, majority-owned subsidiaries, parent companies, or af-
6 filiates of those entities or business associations.

7 (c) "Public entity" means the state of Idaho or any political subdi-
8 vision thereof, including all boards, commissions, agencies, institu-
9 tions, authorities, and bodies politic and corporate of the state, cre-
10 ated by or in accordance with state law or regulations.

11 (4) The provisions of this section shall apply to contracts executed on
12 and after July 1, 2021. Upon discovering that a contract fails to comply with
13 the provisions of this section, the contracting authority shall have a pe-
14 riod of ninety (90) days to obtain the certification described in subsection
15 (2) of this section. After such time, any contract continuing to violate the
16 provisions of this section shall be void as against public policy. Any con-
17 tract executed prior to July 1, 2021, that violates the provisions of this
18 section will not be renewed.

19 (5) The department of administration shall have authority to promul-
20 gate rules to implement the provisions of this section as long as they are
21 consistent with the provisions of this section and do not create any excep-
22 tions to it.