

2016 -- H 7736

LC004881

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

A N A C T

RELATING TO PUBLIC PROPERTY AND WORKS - ANTI-DISCRIMINATION IN STATE
CONTRACTS

Introduced By: Representatives Ackerman, Keable, Shekarchi, Craven, and Blazejewski

Date Introduced: February 24, 2016

Referred To: House Finance

It is enacted by the General Assembly as follows:

SECTION 1. Title 37 of the General Laws entitled "PUBLIC PROPERTY AND
WORKS" is hereby amended by adding thereto the following chapter:

CHAPTER 2.6

ANTI-DISCRIMINATION IN STATE CONTRACTS

37-2.6-1. Short title. – This chapter shall be known and may be cited as the "Anti-Discrimination in State Contracts Act".

37-2.6-2. Definitions. – (a) The following words and phrases when used in this chapter shall have, unless the context clearly indicates otherwise, the meanings given to them in this section as follows:

(1) "Boycott" means to blacklist, divest from, sanction or otherwise refuse to deal with a person, firm or entity, or a public entity of a foreign state, when the action is based on race, color, religion, gender, or nationality of the targeted person, firm, entity or public entity of a foreign state. Boycott does not include:

(i) A decision based on a bona fide business or economic reasons;

(ii) A boycott against a public entity of a foreign state when the boycott is applied in a nondiscriminatory manner; and

(iii) Boycotts or divestments of particular jurisdictions that are specifically authorized or required by federal law or state law.

1 (2) "Public entity" means the state, or any political subdivisions of the state, including,
2 but not limited to, any of its agencies, departments, institutions or school districts.

3 (3) A "jurisdiction with whom the state can enjoy open trade" means states that are
4 members of the World Trade Organization.

5 **37-2.6-3. Discrimination in state contracts prohibited.** – A public entity shall not enter
6 into a contract with a business to acquire or dispose of supplies, services, information technology,
7 or construction unless the contract includes a representation that the business is not currently
8 engaged in, and an agreement that the business will not during the duration of the contract engage
9 in the boycott of any person, firm or entity based in or doing business with a jurisdiction with
10 whom the state can enjoy open trade, and/or the boycott of any public agencies, entities or
11 instrumentalities of the jurisdiction with whom the state can enjoy open trade.

12 **37-2.6-4. Applicability and exemptions.** – This section shall not apply if a business fails
13 to meet the requirements of §37-2.6-3, but contracts to provide the goods or services for at least
14 twenty percent (20%) less than the lowest certifying business. And provided further, this section
15 shall not apply to contracts with a total potential value of less than ten thousand dollars (\$10,000).

16 SECTION 2. This act shall take effect upon passage.

=====
LC004881
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO PUBLIC PROPERTY AND WORKS - ANTI-DISCRIMINATION IN STATE
CONTRACTS

- 1 This act would create the "Anti-Discrimination in State Contracts Act." This act would
- 2 prohibit discrimination in the distribution of state contracts.
- 3 This act would take effect upon passage.

=====
LC004881
=====