

IN THE SENATE

SENATE BILL NO. 1402

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO THE ANTI-BOYCOTT AGAINST ISRAEL ACT; AMENDING CHAPTER 23, TI-  
2 TLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-2359, IDAHO CODE,  
3 TO PROVIDE A SHORT TITLE, TO PROHIBIT A PUBLIC ENTITY FROM ENTERING INTO  
4 CERTAIN CONTRACTS WITH COMPANIES THAT BOYCOTT ISRAEL, TO DEFINE TERMS,  
5 TO PROVIDE THAT CERTAIN CONTRACTS SHALL BE VOID, TO PROVIDE RULEMAKING  
6 AUTHORITY, AND TO PROVIDE APPLICABILITY.  
7

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

9 SECTION 1. That Chapter 23, Title 67, Idaho Code, be, and the same is  
10 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
11 ignated as Section 67-2359, Idaho Code, and to read as follows:

12 67-2359. ANTI-BOYCOTT AGAINST ISRAEL ACT. (1) This section shall be  
13 known and may be cited as the "Anti-Boycott Against Israel Act."

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

22 (3) As used in this section:

23 (a) "Boycott Israel" and "boycott of the state of Israel" mean engaging  
24 in refusals to deal, terminating business activities, or other actions  
25 that are intended to discriminate against, inflict economic harm, or  
26 otherwise limit commercial relations specifically with the state of  
27 Israel or territories under its control, or persons or entities doing  
28 business in the state of Israel or territories under its control. A  
29 company's statement that it is participating in boycotts of the state  
30 of Israel or territories under its control, or that it has taken the  
31 boycott action at the request, in compliance with, or in furtherance  
32 of calls for a boycott of the state of Israel or territories under its  
33 control, shall be considered to be conclusive evidence that a company is  
34 participating in a boycott of the state of Israel or territories under  
35 its control. A company that has made no such statement may still be con-  
36 sidered to be participating in a boycott of the state of Israel or terri-  
37 tories under its control if other factors warrant such a conclusion. At  
38 no time shall the "state of Israel" be construed to be inconsistent with  
39 any provision of federal law, including but not limited to 50 U.S.C.  
40 4602, 4605, or 4607, as amended, as they existed in 2018.

41 (b) "Company" means any for-profit or not-for-profit organization,  
42 association, corporation, partnership, joint venture, limited part-

1       nership, limited liability partnership, limited liability company,  
2       or other entity or business association, including all wholly owned  
3       subsidiaries, majority-owned subsidiaries, parent companies, or af-  
4       filiates of those entities or business associations.

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

9       (4) Any contract that fails to comply with the provisions of this sec-  
10      tion shall be void against public policy.

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

15      (6) The provisions of this section shall apply only to contracts re-  
16      newed or entered into on and after July 1, 2020.