Sixty-eighth Legislative Assembly of North Dakota

HOUSE BILL NO. 1368

Introduced by

Representatives K. Anderson, Bellew, M. Ruby, Strinden, Timmons, Tveit Senators Clemens, Kannianen, Myrdal

- 1 A BILL for an Act to create and enact a new section to chapter 21-10 and a new section to
- 2 chapter 44-08 of the North Dakota Century Code, relating to a prohibition on investments and
- 3 contracts with companies that boycott Israel.

4 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

- 5 **SECTION 1.** A new section to chapter 21-10 of the North Dakota Century Code is created and enacted as follows:
- 7 <u>Investments Prohibition Israel boycott.</u>
- 8 <u>1. As used in this section, "boycott Israel" means engaging in refusals to deal,</u>
- 9 <u>terminating business activities, or other similar commercial actions intended to limit</u>
- 10 <u>commercial relations with persons doing business in Israel or in Israeli-controlled</u>
- 11 <u>territories when the actions are taken:</u>
- 12 <u>a. In compliance or adherence to calls for a boycott of Israel, other than those</u>
- boycotts under Public Law No. 96-72 [50 U.S.C. 2407(c)]; or
- b. In a manner that discriminates on the basis of nationality, national origin, religion,
- 15 <u>or other unreasonable basis.</u>
- Notwithstanding any other provision of law, the state investment board may not adopt
 any investment policy that would have the effect of requiring or inducing any person to
- 18 <u>boycott Israel.</u>
- 19 <u>3.</u> This section does not apply to a contract with a value of less than one hundred
- 20 <u>thousand dollars or with a company having fewer than ten full-time employees.</u>
- 21 <u>4. For purposes of determining whether a company boycotts Israel, a company</u>
- 22 <u>statement that it is participating in boycotts of Israel or that it has taken the boycott</u>
- 23 action at the request, in compliance with, or in furtherance of calls for a boycott of

1	Israel, can be considered as one type of evidence that a company is participating in a				
2	boycott of Israel when accompanied with the conduct described under subsection 1.				
3	SECTION 2. A new section to chapter 44-08 of the North Dakota Century Code is created				
4	and enacted as follows:				
5	<u>Pur</u>	<u>chas</u> i	ng co	ntracts - Prohibition - Israel boycott.	
6	<u>1.</u>	<u>As ι</u>	ısed in	this section:	
7		<u>a.</u>	<u>"Boyo</u>	cott Israel" means engaging in refusals to deal, terminating business	
8			<u>activi</u>	ties, or other similar commercial actions intended to limit commercial	
9			<u>relati</u>	ons with persons doing business in Israel or in Israeli-controlled territories	
10			when	the actions are taken:	
11			<u>(1)</u>	In compliance or adherence to calls for a boycott of Israel, other than those	
12				boycotts under Public Law No. 96-72 [50 U.S.C. 2407(c)]; or	
13			<u>(2)</u>	In a manner that discriminates on the basis of nationality, national origin,	
14				religion, or other unreasonable basis.	
15		<u>b.</u>	<u>"Com</u>	pany" means any organization, association, corporation, partnership, joint	
16			<u>ventu</u>	re, limited partnership, limited liability company, or other entity or business	
17			assoc	ciation, including a wholly owned subsidiary, majority-owned subsidiary,	
18			parer	nt company, or affiliate which has more than ten full-time employees.	
19		<u>C.</u>	<u>"Publ</u>	ic entity" means the state or any political subdivision of the state, including	
20			all bo	ards, commissions, agencies, institutions, authorities, and bodies of the	
21			<u>state</u>	created by or in accordance with state law, including institutions under the	
22			contr	ol of the state board of higher education and the public employees	
23			<u>retire</u>	ment system.	
24	<u>2.</u>	Noty	<u>withsta</u>	anding any other provision of law, a public entity may not enter a contract	
25		<u>with</u>	a com	pany to acquire or dispose of services, supplies, information technology, or	
26		cons	structio	on unless the contract includes a written certification that the company is not	
27		eng	aged ii	n, and agrees for the duration of the contract to not engage in, a boycott of	
28		goo	ds or s	services from Israel.	
29	<u>3.</u>	<u>This</u>	section	on does not apply to a contract with a value of less than one hundred	
30		<u>thou</u>	sand o	<u>dollars.</u>	

Sixty-eighth Legislative Assembly

1	<u>4.</u>	For purposes of determining whether a company boycotts Israel, a company
2		statement that it is participating in boycotts of Israel or that it has taken the boycott
3		action at the request, in compliance with, or in furtherance of calls for a boycott of
4		Israel, can be considered as one type of evidence that a company is participating in a
5		boycott of Israel when accompanied with the conduct described under subsection 1.