

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
6 and enacted as follows:

7 **Investments - Prohibition - Israel boycott.**

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

6 1. As used in this section:

7 a. "Boycott Israel" means engaging in refusals to deal, terminating business
8 activities, or other similar commercial actions intended to limit commercial
9 relations with persons doing business in Israel or in Israeli-controlled territories
10 when the actions are taken:

11 (1) 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 (2) In a manner that discriminates on the basis of nationality, national origin,
14 religion, or other unreasonable basis.

15 b. "Company" means any organization, association, corporation, partnership, joint
16 venture, limited partnership, limited liability company, or other entity or business
17 association, including a wholly owned subsidiary, majority-owned subsidiary,
18 parent company, or affiliate which has more than ten full-time employees.

19 c. "Public entity" means the state or any political subdivision of the state, including
20 all boards, commissions, agencies, institutions, authorities, and bodies of the
21 state created by or in accordance with state law, including institutions under the
22 control of the state board of higher education and the public employees
23 retirement system.

24 2. Notwithstanding any other provision of law, a public entity may not enter a contract
25 with a company to acquire or dispose of services, supplies, information technology, or
26 construction unless the contract includes a written certification that the company is not
27 engaged in, and agrees for the duration of the contract to not engage in, a boycott of
28 goods or services from Israel.

29 3. This section does not apply to a contract with a value of less than one hundred
30 thousand dollars.

- 1 4. 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.