

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 54-06 and a new section to
2 chapter 54-44.4 of the North Dakota Century Code, relating to contracts with companies that
3 boycott Israel and a prohibition on investments.

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

5 **SECTION 1.** A new section to chapter 54-06 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, terminating
9 business activities, or other similar commercial actions intended to limit commercial
10 relations with persons doing business in Israel or in Israeli-controlled territories when
11 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, or
15 religion.
- 16 2. Notwithstanding any other provision of law, the state may not adopt any investment
17 policy that would have the effect of requiring or inducing any person to boycott Israel.
- 18 3. For purposes of determining whether a company boycotts Israel, a company
19 statement that it is participating in boycotts of Israel or that it has taken the boycott
20 action at the request, in compliance with, or in furtherance of calls for a boycott of
21 Israel, can be considered as one type of evidence that a company is participating in a
22 boycott of Israel when accompanied with the conduct described under subsection 1.
23 An expressive activity directed at a specific person or a governmental action may not
24 be considered evidence of a boycott of Israel.

1 **SECTION 2.** A new section to chapter 54-44.4 of the North Dakota Century Code is created
2 and enacted as follows:

3 **Purchasing contracts - Prohibition - Israel boycott.**

4 1. As used in this section:

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

9 (1) In compliance or adherence to calls for a boycott of Israel, other than those
10 boycotts under Public Law No. 96-72 [50 U.S.C. 2407(c)]; or

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

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

17 2. A state entity that enters a contract that includes a provision prohibiting discrimination
18 shall require the contract to include a provision prohibiting a party to the contract from
19 boycotting Israel for the duration of the contract. Failure to comply with this subsection
20 does not affect the enforceability of a contract.