

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Introduced

Senate Bill 351

FISCAL
NOTE

BY SENATORS KARNES, GRADY, RUCKER, WOODRUM,
SWOPE, STOVER, ROBERTS, SMITH, CLEMENTS, AND
MARTIN

[Introduced February 18, 2021; referred
to the Committee on Government Organization; and
then to the Committee on Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
 2 designated §5-30-1, §5-30-2, §5-30-3, §5-30-4, and §5-30-5, all relating to state contracts;
 3 declaring Israel a prominent trading partner; prohibiting state contracts without certain
 4 written certification; prohibiting adoption of procurement, investment, or other policy that
 5 requires a person to boycott the government of Israel; authorizing approval of contracts
 6 and waiving of applications; and defining terms.

Be it enacted by the Legislature of West Virginia:

ARTICLE 30. DECLARING ISRAEL TRADING PARTNER.

§5-30-1. Declaration that Israel is trading partner.

1 The state of West Virginia hereby declares that Israel is a prominent trading partner of the
 2 State of West Virginia and that the state, and those companies that do business by and through
 3 the state, in the interest of the state's economic policy, should not boycott trade with Israel.
 4 Companies that refuse to deal with United States trade partners such as Israel make
 5 discriminatory decisions on the basis of national origin that impair those companies' commercial
 6 soundness. Israel is known for its dynamic and innovative approach in many business sectors,
 7 and a company's decision to discriminate against persons or entities doing business in Israel or
 8 in territories controlled by Israel is an unsound business practice making the company an unduly
 9 risky contracting partner. It is also the public policy of the United States, as enshrined in several
 10 federal acts, including 50 U.S.C., Section 4607, to oppose such boycotts, and Congress has
 11 concluded as a matter of national trade policy that cooperation with Israel materially benefits
 12 United States companies and improves American competitiveness.

§5-30-2. Requirement of certification that company not engaged in boycott against Israel.

1 Except as provided in §5-30-1 of this code, the state may not enter into a contract with a
 2 company unless the company submits a written certification that the company is not currently
 3 engaged in a boycott of goods or services from Israel that constitutes an integral part of business
 4 conducted or sought to be conducted with the state.

§5-30-3. State not to adopt policy that has effect of boycotting Israel.

1 The state may not adopt a procurement, investment, or other policy that has the effect of
2 inducing or requiring a person to boycott the government of Israel or its instrumentalities, or to
3 boycott a person doing business in Israel or territories under its jurisdiction, when the boycott is
4 on the basis of that person's location in those places.

§5-30-4. Authority of secretary of state.

1 The Attorney General shall approve contracts or may waive application of this article on
2 any contract with any state agency if the Attorney General determines that compliance is not
3 practicable.

§5-30-5. Definitions.

1 As used in this article:

2 "Boycott" means engaging in a refusal to deal, terminating business activities, or
3 performing other actions that are intended to limit commercial relations with persons or entities
4 doing business in Israel or in territories controlled by Israel, if those actions are taken either: in
5 compliance with or adherence to calls for a boycott of Israel other than those boycotts to which
6 50 U.S.C., Section 4607(c) applies, or in a manner that discriminates on the basis of nationality,
7 national origin or religion, and that is not based on a valid business reason;

8 "Company" means an organization, association, corporation, partnership, venture or other
9 entity, its subsidiary or affiliate, that exists for profitmaking purposes or to otherwise secure
10 economic advantage;

11 "Contract" means a written agreement between the state and a company to acquire or
12 dispose of goods or services with an aggregate price of more than \$100,000.00. "Contract" does
13 not mean a written agreement between the state and an individual to acquire or dispose of goods
14 or services, including employment or consultant services; and

15 "State" means this state or an agency, board, commission, or department of this state.

NOTE: The purpose of this bill is to declare Israel a prominent trading partner with West Virginia. It prohibits state contracts without certain written certification that the other partner does not boycott Israel. It prohibits adoption of procurement, investment, or other policy that requires a person to boycott the government of Israel.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.