

House Bill 383

By: Representatives Carson of the 46th, Efstoration of the 104th, Cooper of the 43rd, Dollar of the 45th, Mitchell of the 88th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 1 of Article 3 of Chapter 5 of Title 50 of the Official Code of Georgia
2 Annotated, relating to general authority, duties, and procedure relative to state purchasing,
3 so as to prohibit the state from entering into certain contracts with an individual or company
4 unless such contracts contain a certification that such individual or company does not
5 presently conduct a boycott of Israel and will not conduct such a boycott for the duration of
6 such contract; to exclude certain contracts from these requirements; to revise a definition; to
7 provide for related matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Part 1 of Article 3 of Chapter 5 of Title 50 of the Official Code of Georgia Annotated,
11 relating to general authority, duties, and procedure relative to state purchasing, is amended
12 in Code Section 50-5-85, relating to state prohibited from entering into certain contracts
13 without certification that boycott of Israel not to be conducted by other party, as follows:

14 "50-5-85.

15 (a) As used in this Code section, the term:

16 (1) 'Boycott of Israel' means engaging in refusals to deal with, terminating business
17 activities with, or other actions that are intended to limit commercial relations with Israel
18 ~~or individuals or companies doing business in Israel or in Israeli-controlled territories ,~~
19 with Israel or organized under the laws of the State of Israel, or licensed by Israel to do
20 business in Israel, when such actions are taken:

21 (A) In compliance or adherence to calls for a boycott of Israel other than those boycotts
22 to which 50 U.S.C. App. Section 2407(c), as it existed on January 1, 2016, applies; or

23 (B) In a manner that discriminates on the basis of nationality, national origin, religion,
24 or other unreasonable basis that is not founded on a valid business reason.

25 (2) 'Company' means any ~~sole proprietorship~~, organization, association, corporation,
26 partnership, joint venture, limited partnership, limited liability partnership, limited
27 liability company, or other entity or business association which employs more than five
28 persons but excludes individuals and sole proprietorships, including all wholly owned
29 subsidiaries, majority owned subsidiaries, parent companies, or affiliates of such entities
30 or business associations, that exists for the purpose of making profit.

31 (b) The state shall not enter into a contract valued at \$100,000.00 or more with an
32 individual or company if the contract is related to construction or the provision of services,
33 supplies, or information technology unless the contract includes a written certification that
34 such individual or company is not currently engaged in, and agrees for the duration of the
35 contract not to engage in, a boycott of Israel, provided that the subject matter of the
36 contract is, or reasonably might be, affected by the participation in the boycott.

37 ~~(c) Subsection (b) of this Code section shall not apply to contracts with a total value of less~~
38 ~~than \$1,000.00."~~

39 SECTION 2.

40 All laws and parts of laws in conflict with this Act are repealed.