

2019 Regular Session

HOUSE BILL NO. 245

BY REPRESENTATIVES HODGES, ABRAHAM, ADAMS, AMEDEE, ARMES, BAGLEY, BAGNERIS, BARRAS, TERRY BROWN, CARMODY, STEVE CARTER, COX, CREWS, EMERSON, FALCONER, FOIL, GAROFALO, LANCE HARRIS, HENRY, HOFFMANN, HORTON, HOWARD, JAMES, JEFFERSON, LEBAS, MACK, MCFARLAND, MCMAHEN, MIGUEZ, MOORE, JAY MORRIS, POPE, RICHARD, SEABAUGH, WRIGHT, AND ZERINGUE

1 AN ACT

2 To enact R.S. 39:1602.1; relative to state procurement contracts; to authorize public entities
3 to reject bids from certain groups under certain circumstances; to provide for an
4 effective date; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 39:1602.1 is hereby enacted to read as follows:

7 §1602.1. Prohibition of discriminatory boycotts of Israel in state procurement

8 A. The legislature finds all of the following:

9 (1) Israel is a faithful friend of the United States and the state of Louisiana.

10 (2) The state of Louisiana does not support boycott-related tactics that are
11 used to threaten the sovereignty and security of allies and trade partners of the United
12 States.

13 (3) In 2005, a Boycott, Divestment, and Sanctions (BDS) campaign was
14 initiated against Israel that pressured companies to sever commercial ties with Israel
15 for the purpose of economically isolating the country.

16 (4) Israel and the state of Louisiana enjoy a robust trading relationship that
17 is in the best interests of the people of Louisiana.

18 (5) The refusal by a company operating in Louisiana to do business with
19 Israel with the goal of advancing the BDS campaign harms the Israel-Louisiana
20 relationship and the Louisiana economy.

21 (6) The state of Louisiana unequivocally rejects the BDS campaign and
22 stands firmly with Israel.

1 B.(1) Consistent with existing Louisiana non-discrimination provisions and
2 regulations governing purchases, executive branch agencies may not execute a
3 procurement contract with a vendor if that vendor is engaging in a boycott of Israel.

4 (2) Executive branch agencies shall reserve the right to terminate any
5 procurement contract with a vendor that engages in a boycott of Israel during the
6 term of the contract.

7 C.(1) A vendor shall certify in writing, when a bid is submitted or when a
8 procurement contract is awarded, that:

9 (a) It is not engaging in a boycott of Israel.

10 (b) It will, for the duration of its contractual obligations, refrain from a
11 boycott of Israel.

12 (2) All competitive sealed bids and proposals issued for procurement
13 contracts with executive branch agencies shall include the text of the following
14 certification:

15 "By submitting a response to this solicitation, the bidder or proposer
16 certifies and agrees that the following information is correct: In preparing its
17 response, the bidder or proposer has considered all proposals submitted from
18 qualified, potential subcontractors and suppliers, and has not, in the
19 solicitation, selection, or commercial treatment of any subcontractor or
20 supplier, refused to transact or terminated business activities, or taken other
21 actions intended to limit commercial relations, with a person or entity that is
22 engaging in commercial transactions in Israel or Israeli-controlled territories,
23 with the specific intent to accomplish a boycott or divestment of Israel. The
24 bidder also has not retaliated against any person or other entity for reporting
25 such refusal, termination, or commercially limiting actions. The state
26 reserves the right to reject the response of the bidder or proposer if this
27 certification is subsequently determined to be false, and to terminate any
28 contract awarded based on such a false response."

1 D.(1) The commissioner of the division of administration or his designee
2 shall oversee this Section to ensure implementation as quickly and efficiently as practicable.

3 (2) The commissioner or his designee may promulgate regulations to
4 implement the provisions of this Section so long as they are consistent with this
5 Section and do not create any exceptions to it.

6 E. This Section shall not operate to modify any obligations of executive
7 branch agencies under state or federal law.

8 F. This Section does not apply to procurement contracts with a value of less
9 than one hundred thousand dollars and for vendors with fewer than five employees.

10 G. The commissioner of the division of administration or his designee may
11 waive application of this Section on a procurement contract if he determines that
12 compliance is not practicable or in the best interests of the state.

13 Section 2. If any provision or item of this Act, or the application thereof, is held
14 invalid, such invalidity shall not affect other provisions, items, or applications of the Act
15 which can be given effect without the invalid provision, item, or application and to this end
16 the provisions of this Act are hereby declared severable.

17 Section 3. This Act shall become effective upon signature by the governor or, if not
18 signed by the governor, upon expiration of the time for bills to become law without signature
19 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
20 vetoed by the governor and subsequently approved by the legislature, this Act shall become
21 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____