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Dunmire
3/1/23

CS FOR HOUSE BILL NO. 2( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVE VANCE

A BILL

FOR AN ACT ENTITLED

"An Act relating to contracts with public agencies; and relating to the State of Israel."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

*** Section 1.** The uncodified law of the State of Alaska is amended by adding a new section to read:

SHORT TITLE. This Act may be known as the Israel Anti-Discrimination Act.

*** Sec. 2.** AS 36.90 is amended by adding a new section to read:

Sec. 36.90.310. Contract provision prohibiting discrimination against the State of Israel. (a) A public agency shall include in a contract to acquire or dispose of services or supplies for the public agency a provision stating that the person with whom the public agency is contracting is not engaging in, and will not engage in during the contract, a business activity that

(1) does not have a valid business reason;

(2) is a refusal to do business, a termination of business, or another action that is intended to limit business relations with the State of Israel, with a person doing business in or with the State of Israel, or with a person authorized, licensed, or

organized to do business by the State of Israel; and

(3) is performed in

(A) response to a request to withdraw from or not participate in business with the State of Israel; or

(B) a manner that discriminates on the basis of nationality, national origin, or religion.

(b) This section is not intended to infringe on a right protected by the Constitution of the State of Alaska or the First Amendment to the Constitution of the United States. A contract described in (a) of this section must include a statement that reads "This provision is not intended to diminish or infringe on a right protected by the Constitution of the State of Alaska or the First Amendment to the Constitution of the United States."

(c) A contract that does not comply with (a) and (b) of this section is void as against public policy.

(d) A statement by a person who has contracted with a public agency under (a) of this section that the person is participating in a boycott of the State of Israel may be considered to be evidence that the person is violating (a) of this section.

(e) If a provision of this section conflicts with a state, federal, or local law against discrimination, the state, federal, or local law governs.

(f) This section does not apply to the Alaska Permanent Fund Corporation. This section does not apply to a contract between a public agency and a person if

(1) the person has fewer than 10 employees; or

(2) the amount to be paid under the contract, excluding renewals and options available under the contract, is less than $100,000.

(g) The commissioner of administration may adopt regulations to implement this section, but the regulations may not establish an exception to the operation of this section.

(h) In this section,

(1) "person" includes a for-profit or nonprofit organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, limited liability company, or other entity, or a wholly owned

subsidiary, majority-owned subsidiary, parent company, or affiliate of the entity, but does not include a natural person;

(2) "services or supplies" includes construction services and information technology services and products.

*** Sec. 3.** AS 36.95.010 is amended by adding a new paragraph to read:

(8) "public agency" means a department, institution, board, commission, division, authority, public corporation, committee, school district, political subdivision, or other administrative unit of a municipality, of a political subdivision, or of the executive or legislative branch of state government, including the University of Alaska, the Alaska Aerospace Corporation, the Alaska Housing Finance Corporation, the Alaska Industrial Development and Export Authority, the Alaska Energy Authority, the Alaska Railroad Corporation, and a regional educational attendance area.

*** Sec. 4.** AS 36.90.300(c)(4) is repealed.

*** Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to read:

APPLICABILITY: CONTRACTS. This Act applies to a contract entered into on or after the effective date of this Act.