

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 5099

By Delegates Ridenour, Martin, Burkhammer, Foster,
Coop-Gonzalez, C. Pritt, Kump, Hillenbrand, Heckert,
Worrell, and Kimble

[Introduced January 25, 2024; Referred to the
Committee on Government Organization]

1 A BILL to amend and reenact §5A-3-63 of the Code of West Virginia, 1931, as amended, relating
 2 to prohibitions on contracting with companies that boycott Israel; clarifying that the section
 3 applies to exempt agencies; and setting forth an effective date.

Be it enacted by the Legislature of West Virginia:

ARTICLE 3. PURCHASING DIVISION.

§5A-3-63. Prohibition on contracting with companies that boycott Israel.

1 (a) The Legislature finds that:

2 (1) The State of Israel is one of the United States' closest allies and international trading
 3 partners; and

4 (2) In recent years, the State of Israel and Israeli-owned businesses have been the target
 5 of boycotts that attempt to isolate Israel within the international community have served as a
 6 vehicle for spreading anti-Semitism and advocating for the elimination of the Jewish State of
 7 Israel.

8 (3) The State of West Virginia has an economic and a humanitarian obligation to denounce
 9 and reject the Boycott, Divestment, and Sanctions Movement against Israel, and to prevent the
 10 state or any of its instrumentalities from contracting with companies that engage in the movement;

11 (b) *Definitions.* – For the purposes of this section:

12 (1) "Boycott of Israel" means engaging in actions that are intended to penalize, inflict
 13 economic harm on, or otherwise limit commercial relations with the State of Israel or companies
 14 based in the State of Israel or in territories controlled by the State of Israel.

15 (2) "Company" means a corporation, partnership, joint venture, limited partnership, limited
 16 liability partnership, limited liability company, organization, association, or any other business
 17 entity that has 10 or more employees and operates to earn a profit: *Provided*, That the term does
 18 not include a sole proprietorship.

19 (3) "Public entity" means the state of West Virginia, or any political subdivision thereof, and
 20 all spending units of state government including those otherwise excluded from applicability under

21 §5A-3-1 of this code and any spending unit that has been exempted from some or all of the
22 requirements of this chapter by either a provision of this chapter or in another provision of this
23 code.

24 (c) Effective July 1, 2022, a public entity may not enter into a contract with a company for
25 goods or services valued at \$100,000 or more unless the contract includes a written certification
26 that the company is not currently engaged in, and will not for the duration of the contract, engage in
27 a boycott of Israel.

28 (d) Any contract that violates the requirements of this section shall be void as against
29 public policy.

30 (e) The Director of the Purchasing Division is authorized to promulgate legislative rules,
31 including emergency rules, to implement the provisions of this section.

32 (f) The amendments made during the regular session of the Legislature, 2024, shall apply
33 on or after the effective date of those amendments.

NOTE: The purpose of this bill is to clarify that the prohibitions on contracting with companies that boycott Israel in the section apply to exempt agencies.

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