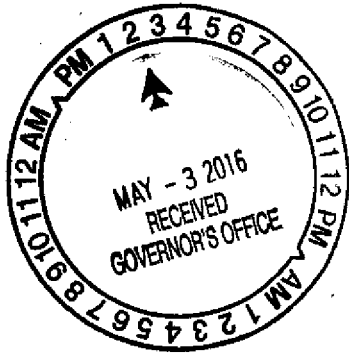


1 SB81
2 171526-4
3 By Senator Orr
4 RFD: Judiciary
5 First Read: 02-FEB-16



1 SB81

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4 ENROLLED, An Act,

5 Relating to public contracts; to prohibit a
6 governmental entity from entering into certain contracts with
7 a business entity unless the contract includes a
8 representation that the business is not currently engaged in,
9 and an agreement that the business will not engage in, the
10 boycott of a person or an entity based in or doing business
11 with a jurisdiction with which this state can enjoy open
12 trade; and to provide exceptions.

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

14 Section 1. (a) For the purposes of this section, the
15 following terms shall have the following meanings:

16 (1) BOYCOTT. To blacklist, divest from, or otherwise
17 refuse to deal with a person or business entity when the
18 action is based on race, color, religion, gender, or national
19 origin of the targeted person or entity or is based on the
20 fact that the boycotted person or entity is doing business in
21 a jurisdiction with which this state can enjoy open trade and
22 with which the targeted person or entity is doing business.

23 (2) BUSINESS ENTITY. A corporation, partnership,
24 limited liability company, organization, or other legal entity
25 conducting or operating any trade or business in Alabama or a

1 corporation, organization, or other legal entity operating in
2 Alabama that is exempt from taxation under Section 501(C)(3)
3 or (4) of the Internal Revenue Code.

4 (3) GOVERNMENTAL ENTITY. The state or any political
5 subdivision thereof, or any department, agency, board,
6 commission, or authority of the state, or any political
7 subdivision, or any public corporation, authority, agency,
8 board, commission, state college, or university, municipality,
9 or other governmental entity controlled by the state or any
10 political subdivision.

11 (4) JURISDICTION WITH WHICH THIS STATE CAN ENJOY
12 OPEN TRADE. Includes World Trade Organization members and
13 those with which the United States has free trade or other
14 agreements aimed at ensuring open and nondiscriminatory trade
15 relations.

16 (b) Subject to subsection (c), a governmental entity
17 may not enter into a contract governed by Title 39 or Chapter
18 16, Title 41, Code of Alabama 1975, with a business entity
19 unless the contract includes a representation that the
20 business entity is not currently engaged in, and an agreement
21 that the business entity will not engage in, the boycott of a
22 person or an entity based in or doing business with a
23 jurisdiction with which this state can enjoy open trade.

24 (c)(1) This section does not apply if a business
25 fails to meet the requirements of subsection (b) but offers to

1 provide the goods or services for at least 20 percent less
2 than the lowest certifying business entity.

3 (2) This section does not apply to contracts with a
4 total potential value of less than fifteen thousand dollars
5 (\$15,000).

6 (d) Nothing in this section requires a business
7 entity or individual to do business with any other particular
8 business entity or individual in order to enter into a
9 contract with a governmental entity.

10 Section 2. This act shall become effective on the
11 first day of the third month following its passage and
12 approval by the Governor, or its otherwise becoming law.

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Kay Ivey

President and Presiding Officer of the Senate

Tommy Tuberville

Speaker of the House of Representatives

SB81

Senate 07-APR-16

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris
Secretary

House of Representatives
Passed: 28-APR-16

By: Senator Orr

APPROVED 5-10-2016

TIME 3:30 PM

Robert Bentley
GOVERNOR

Alabama Secretary Of State

Act Num....: 2016-312
Bill Num....: S-81

Recv'd 05/10/16 04:52pm SLF

SPONSOR

Qub
CO-SPONSORS

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SENATE ACTION

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill.

SB 81

years 27 nays 0 abstain 0

PATRICK HARRIS,
Secretary

I hereby certify that the notice & proof is attached to the Bill. SB _____ as required in the General Acts of Alabama, 1975 Act No. 919.

PATRICK HARRIS,
Secretary

CONFERENCE COMMITTEE

Senate Conferees

FURTHER HOUSE ACTION (OVER)

DATE: 1/17 2016

RD 1 RFD 59

REPORT OF STANDING COMMITTEE

This bill having been referred by the House to its standing committee on State Government was acted upon by such committee in session, and returned therefrom to the House with the recommendation that it be Passed, w/amend(s) w/sub

This 13th day of April, 2016.
W. J. M. Tapp, Chairperson

DATE: 1/13 2016

RF RD 2 CAL

DATE: 20

RE-REFERRED RE-COMMITTED
Committee

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, SB _____

YEAS _____ NAYS _____
JEFF WOODARD,
Clerk