

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 294

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO STATE GOVERNMENT; AMENDING CHAPTER 23, TITLE 67, IDAHO CODE, BY  
2 THE ADDITION OF A NEW SECTION 67-2359, IDAHO CODE, TO PROHIBIT A PUBLIC  
3 ENTITY FROM ENTERING INTO CERTAIN CONTRACTS WITH COMPANIES OWNED OR OP-  
4 ERATED BY THE GOVERNMENT OF CHINA, TO DEFINE TERMS, TO PROVIDE THAT CER-  
5 TAIN CONTRACTS SHALL BE VOID, TO PROVIDE APPLICABILITY, AND TO PROVIDE  
6 RULEMAKING AUTHORITY; AND DECLARING AN EMERGENCY AND PROVIDING AN EF-  
7 FECTIVE DATE.  
8

9 Be It Enacted by the Legislature of the State of Idaho:

10 SECTION 1. That Chapter 23, Title 67, Idaho Code, be, and the same is  
11 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
12 ignated as Section 67-2359, Idaho Code, and to read as follows:

13 67-2359. CONTRACT WITH A COMPANY OWNED OR OPERATED BY THE GOVERNMENT  
14 OF CHINA PROHIBITED. (1) A public entity in this state may not enter into a  
15 contract with a company to acquire or dispose of services, supplies, infor-  
16 mation technology, or construction unless the contract includes a written  
17 certification that the company is not currently owned or operated by the gov-  
18 ernment of China and will not for the duration of the contract be owned or op-  
19 erated by the government of China.

20 (2) As used in this section:

21 (a) "Government of China" means the People's Republic of China led by  
22 the Chinese communist party.

23 (b) "Company" means any for-profit or not-for-profit organization,  
24 association, corporation, partnership, joint venture, limited part-  
25 nership, limited liability partnership, limited liability company,  
26 or other entity or business association, including all wholly owned  
27 subsidiaries, majority-owned subsidiaries, parent companies, or af-  
28 filiates of those entities or business associations.

29 (c) "Public entity" means the state of Idaho or any political subdi-  
30 vision thereof, including all boards, commissions, agencies, institu-  
31 tions, authorities, and bodies politic and corporate of the state, cre-  
32 ated by or in accordance with state law or regulations.

33 (3) The provisions of this section shall apply to contracts executed on  
34 and after July 1, 2023. Upon discovering that a contract fails to comply with  
35 the provisions of this section, the contracting authority shall have a pe-  
36 riod of ninety (90) days to obtain the certification described in subsection  
37 (1) of this section. After such time, any contract continuing to violate the  
38 provisions of this section shall be void as against public policy. Any con-  
39 tract executed prior to July 1, 2023, that violates the provisions of this  
40 section will not be renewed.

41 (4) The department of administration shall have authority to promul-  
42 gate rules to implement the provisions of this section as long as they are

1 consistent with the provisions of this section and do not create any excep-  
2 tions to it.

3 SECTION 2. An emergency existing therefor, which emergency is hereby  
4 declared to exist, this act shall be in full force and effect on and after  
5 July 1, 2023.