

FIRST REGULAR SESSION

SENATE BILL NO. 122

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BURLISON.

Pre-filed December 1, 2018, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0584S.02I

AN ACT

To amend chapter 537, RSMo, by adding thereto one new section relating to a cause of action against a public body for offering certain services.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 537, RSMo, is amended by adding thereto one new
2 section, to be known as section 537.048, to read as follows:

**537.048. 1. This section shall be known and may be cited as the
2 "Stop Socialism Act".**

3 2. For purposes of this section, the following terms mean:

**4 (1) "Competitive service", a wholesale or retail offering of a
5 service by a person that is substantially similar to a service being
6 offered by the public body;**

**7 (2) "Person", a person, firm, a partner in a firm, corporation or
8 a shareholder in an S corporation doing business in the state of
9 Missouri and subject to the state income tax imposed by the provisions
10 of chapter 143, or a corporation subject to the annual corporation
11 franchise tax imposed by the provisions of chapter 147, including any
12 charitable organization which is exempt from federal income tax and
13 whose Missouri unrelated business taxable income, if any, would be
14 subject to the state income tax imposed under chapter 143, or an
15 insurance company paying an annual tax on its gross premium receipts
16 in this state, or other financial institution paying taxes to the state of
17 Missouri or any political subdivision of this state pursuant to the
18 provisions of chapter 148, or an express company which pays an annual
19 tax on its gross receipts in this state pursuant to chapter 153, or an
20 individual subject to the state income tax imposed by the provisions of
21 chapter 143;**

22 (3) "Public body", the state or any of its agencies, any county,
23 city, town, village, or other political subdivision.

24 3. Any person shall have a cause of action against a public body
25 if the public body provides, or offers to provide, a competitive service
26 that is also provided by the person within the jurisdiction of the public
27 body. Upon showing by a preponderance of the evidence that the
28 public body offers a competitive service that is also offered by the
29 person to the economic detriment of the person, the court shall award
30 the person damages in an amount equal to the amount of revenue lost
31 by the person due to the public body offering the competitive service.
32 A court may also enjoin the public body from continuing to offer the
33 competitive service that is the subject of the cause of action.

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Bill

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