

FIRST REGULAR SESSION

# SENATE BILL NO. 308

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR ONDER.

Read 1st time January 28, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0791S.03I

## AN ACT

To amend chapter 34, RSMo, by adding thereto one new section relating to prohibiting public entities from contracting with companies discriminating against Israel.

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

Section A. Chapter 34, RSMo, is amended by adding thereto one new section, to be known as section 34.600, to read as follows:

**34.600. 1. This section shall be known as the "Anti-Discrimination Against Israel Act".**

**2. A public entity may not enter into a contract with a company to acquire or dispose of services, supplies, information technology, or construction unless the contract includes a written certification that the company is not currently engaged in, and will not for the duration of the contract, engage in, a boycott of goods or services from Israel or territories under its control. This section shall not apply to contracts with a total potential value of less than one hundred thousand dollars or to contractors with fewer than ten employees.**

**3. As used in this section, the following terms and phrases shall mean:**

**(1) "Boycott Israel" and "boycott of the State of Israel", engaging in refusals to deal, terminating business activities, or other actions that are intended to discriminate against, inflict economic harm, or otherwise limit commercial relations specifically with the State of Israel or territories under its control, or persons or entities doing business in the State of Israel or territories under its control. A company's statement that it is participating in boycotts of the State of Israel or territories under its control, or that it has taken the boycott**

21 action at the request, in compliance with, or in furtherance of calls for  
22 a boycott of the State of Israel or territories under its control, shall be  
23 considered to be conclusive evidence that a company is participating  
24 in a boycott of the State of Israel or territories under its control,  
25 provided however, that a company that has made no such statement  
26 may still be considered to be participating in a boycott of the State of  
27 Israel or territories under its control if other factors warrant such a  
28 conclusion. At no time shall the "State of Israel" be construed to be  
29 inconsistent with any provision of federal law, including, but not  
30 limited to 50 U.S.C. Sections 4602, 4605 or 4607, as amended;

31 (2) "Company", any for-profit or not-for-profit organization,  
32 association, corporation, partnership, joint venture, limited  
33 partnership, limited liability partnership, limited liability company, or  
34 other entity or business association, including all wholly owned  
35 subsidiaries, majority-owned subsidiaries, parent companies, or  
36 affiliates of those entities or business associations;

37 (3) "Public entity", the state of Missouri, or any political  
38 subdivision thereof, including all boards, commissions, agencies,  
39 institutions, authorities, and bodies politic and corporate of the state,  
40 created by or in accordance with state law or regulations.

41 4. Any contract which fails to comply with the provisions of this  
42 section shall be void against public policy.

43 5. The commissioner of administration may promulgate  
44 regulations to implement the provisions of this act so long as they are  
45 consistent with this section and do not create any exceptions to it. Any  
46 rule or portion of a rule, as that term is defined in section 536.010, that  
47 is created under the authority of this section shall become effective  
48 only if it complies with and is subject to all of the provisions of chapter  
49 536 and, if applicable, section 536.028. This section and chapter 536 are  
50 nonseverable and if any of the powers vested with the general assembly  
51 pursuant to chapter 536, to review, to delay the effective date, or to  
52 disapprove and annul a rule are subsequently held unconstitutional,  
53 then the grant of rulemaking authority and any rule proposed or  
54 adopted after August 28, 2019, shall be invalid and void.

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