

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 739

100TH GENERAL ASSEMBLY

Reported from the Committee on Government Reform, March 5, 2020, with recommendation that the Senate Committee Substitute do pass.

3587S.03C

ADRIANE D. CROUSE, Secretary.

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 shall 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 shall not, for the duration of the contract, engage in a boycott of goods or services from the State of Israel; companies doing business in or with Israel or authorized by, licensed by, or organized under the laws of the State of Israel; or persons or entities doing business in the State of Israel. 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 to discriminate against, inflict economic harm, or otherwise limit commercial relations specifically with the State of Israel; companies

20 doing business in or with Israel or authorized by, licensed by, or
21 organized under the laws of the State of Israel; or persons or entities
22 doing business in the State of Israel, that are all intended to support a
23 boycott of the State of Israel. A company's statement that it is
24 participating in boycotts of the State of Israel; companies doing
25 business in or with Israel or authorized by, licensed by, or organized
26 under the laws of the State of Israel; or persons or entities doing
27 business in the State of Israel, or that it has taken the boycott action
28 at the request, in compliance with, or in furtherance of calls for a
29 boycott of the State of Israel; companies doing business in or with
30 Israel or authorized by, licensed by, or organized under the laws of the
31 State of Israel; or persons or entities doing business in the State of
32 Israel shall be considered to be conclusive evidence that a company is
33 participating in a boycott of the State of Israel; companies doing
34 business in or with Israel or authorized by, licensed by, or organized
35 under the laws of the State of Israel; or persons or entities doing
36 business in the State of Israel; provided, however that a company that
37 has made no such statement may still be considered to be participating
38 in a boycott of the State of Israel; companies doing business in or with
39 Israel or authorized by, licensed by, or organized under the laws of the
40 State of Israel; or persons or entities doing business in the State of
41 Israel if other factors warrant such a conclusion;

42 (2) "Company", any for-profit or not-for-profit organization,
43 association, corporation, partnership, joint venture, limited partnership,
44 limited liability partnership, limited liability company, or other entity or
45 business association, including all wholly-owned subsidiaries,
46 majority-owned subsidiaries, parent companies, or affiliates of those
47 entities or business associations;

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

52 4. Any contract that fails to comply with the provisions of this
53 section shall be void against public policy.

54 5. The commissioner of administration or his or her designee
55 may promulgate regulations to implement the provisions of this act so
56 long as they are consistent with this section and do not create any

57 exceptions. Any rule or portion of a rule, as that term is defined in
58 section 536.010, that is created under the authority of this section shall
59 become effective only if it complies with and is subject to all of the
60 provisions of chapter 536 and, if applicable, section 536.028. This
61 section and chapter 536 are nonseverable and if any of the powers
62 vested with the general assembly pursuant to chapter 536, to review, to
63 delay the effective date, or to disapprove and annul a rule are
64 subsequently held unconstitutional, then the grant of rulemaking
65 authority and any rule proposed or adopted after August 28, 2020, shall
66 be invalid and void.

Unofficial

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Bill

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