

SECOND REGULAR SESSION

SENATE BILL NO. 739

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR ONDER.

Pre-filed December 1, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

3587S.011

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 of goods or services from the State of Israel or territories under its control", 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

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

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

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

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

44 5. The commissioner of administration may promulgate
45 regulations to implement the provisions of this act so long as they are
46 consistent with this section and do not create any exceptions to it. Any
47 rule or portion of a rule, as that term is defined in section 536.010, that
48 is created under the authority delegated in this section shall become
49 effective only if it complies with and is subject to all of the provisions
50 of chapter 536 and, if applicable, section 536.028. This section and
51 chapter 536 are nonseverable and if any of the powers vested with the
52 general assembly pursuant to chapter 536 to review, to delay the
53 effective date, or to disapprove and annul a rule are subsequently held
54 unconstitutional, then the grant of rulemaking authority and any rule
55 proposed or adopted after August 28, 2020, shall be invalid and void.