

# SENATE AMENDMENT NO. \_\_\_\_\_

Offered by \_\_\_\_\_ of \_\_\_\_\_

Amend SS/SCS/Senate Bill No. 758, Page 20, Section 34.100, Line 22,

2 by inserting after all of said line the following:

3 "34.710. 1. A public body, when engaged in procuring  
 4 or letting contracts for any purpose, shall ensure that  
 5 bidders, offerors, contractors, or subcontractors are not  
 6 discriminating based on an environmental, social, and  
 7 governance score.

8 2. This section applies only to a contract that:

9 (1) Is between a public body and a company with ten or  
 10 more full-time employees; and

11 (2) Has a value of fifty-thousand dollars or more that  
 12 is to be paid wholly or partially from public funds of the  
 13 public body.

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

16 (1) "Company", a for-profit entity, other than a sole  
 17 proprietorship, but including an organization, association,  
 18 corporation, partnership, joint venture, limited  
 19 partnership, limited liability partnership, or limited  
 20 liability company, including any wholly-owned subsidiary,  
 21 majority-owned subsidiary, parent company, or affiliate of  
 22 those entities or business associations, that exists to make  
 23 a profit;

24 (2) "Environmental, social and governance score", an  
 25 evaluation conducted by an entity that takes into  
 26 consideration one or more of the following:

27           (a) The use of energy and raw materials by the bidder,  
28 offeror, contractor, or subcontractor;

29           (b) Whether the bidder, offeror, contractor, or  
30 subcontractor spends funds on social welfare or makes  
31 charitable donations;

32           (c) The wages and working hours of the employees of  
33 the bidder, offeror, contractor, or subcontractor;

34           (d) The environmental policies of the bidder, offeror,  
35 contractor, or subcontractor;

36           (3) "Public body", the state, any agency of the state,  
37 any political subdivision of the state, or any  
38 instrumentality thereof.

39           4. The commissioner of administration or his or her  
40 designee may promulgate regulations to implement the  
41 provisions of this section so long as they are consistent  
42 with this section and do not create any exceptions. Any  
43 rule or portion of a rule, as that term is defined in  
44 section 536.010, that is created under the authority  
45 delegated in this section shall become effective only if it  
46 complies with and is subject to all of the provisions of  
47 chapter 536 and, if applicable, section 536.028. This  
48 section and chapter 536 are nonseverable and if any of the  
49 powers vested with the general assembly pursuant to chapter  
50 536 to review, to delay the effective date, or to disapprove  
51 and annul a rule are subsequently held unconstitutional,  
52 then the grant of rulemaking authority and any rule proposed  
53 or adopted after August 28, 2022, shall be invalid and  
54 void."; and

55           Further amend the title and enacting clause accordingly.