

HOUSE BILL NO. 3290

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE PLANK.

7182H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal section 34.600, RSMo, relating to public entity contracts.

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

Section A. Section 34.600, RSMo, is repealed, to read as follows: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 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, that are all intended to support a boycott of the State of Israel. A company's statement that it is participating in boycotts of 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, or that it has taken the boycott action at the request, in compliance with, or in~~

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

25 ~~furtherance of calls for a boycott of the State of Israel; companies doing~~
26 ~~business in or with Israel or authorized by, licensed by, or organized under the~~
27 ~~laws of the State of Israel; or persons or entities doing business in the State of~~
28 ~~Israel shall be considered to be conclusive evidence that a company is~~
29 ~~participating in a boycott of the State of Israel; companies doing business in or~~
30 ~~with 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 Israel;~~
32 ~~provided, however that a company that has made no such statement may still~~
33 ~~be considered to be participating in a boycott of the State of Israel; companies~~
34 ~~doing 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 business in the~~
36 ~~State of Israel if other factors warrant such a conclusion;~~

37 ~~(2) "Company", any for-profit or not-for-profit organization,~~
38 ~~association, corporation, partnership, joint venture, limited partnership,~~
39 ~~limited liability partnership, limited liability company, or other entity or~~
40 ~~business association, including all wholly owned subsidiaries, majority-owned~~
41 ~~subsidiaries, parent companies, or affiliates of those entities or business~~
42 ~~associations;~~

43 ~~(3) "Public entity", the state of Missouri or any political subdivision~~
44 ~~thereof, including all boards, commissions, agencies, institutions, authorities,~~
45 ~~and bodies politic and corporate of the state created by or in accordance with~~
46 ~~state law or regulations.~~

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

49 ~~5. The commissioner of administration or his or her designee may~~
50 ~~promulgate regulations to implement the provisions of this section so long as~~
51 ~~they are consistent with this section and do not create any exceptions. Any~~
52 ~~rule or portion of a rule, as that term is defined in section 536.010, that is~~
53 ~~created under the authority of this section shall become effective only if it~~
54 ~~complies with and is subject to all of the provisions of chapter 536 and, if~~
55 ~~applicable, section 536.028. This section and chapter 536 are nonseverable~~
56 ~~and if any of the powers vested with the general assembly pursuant to chapter~~
57 ~~536 to review, to delay the effective date, or to disapprove and annul a rule are~~
58 ~~subsequently held unconstitutional, then the grant of rulemaking authority and~~
59 ~~any rule proposed or adopted after August 28, 2020, shall be invalid and void.]~~

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