

FIRST REGULAR SESSION

HOUSE BILL NO. 1011

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HICKS.

2061H.011

DANA RADEMAN MILLER, Chief Clerk

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 action at the request, in compliance with, or in furtherance of calls for

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.

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

25 (2) "Company", any for-profit or not-for-profit organization, association,
26 corporation, partnership, joint venture, limited partnership, limited liability partnership,
27 limited liability company, or other entity or business association, including all wholly
28 owned subsidiaries, majority-owned subsidiaries, parent companies, or affiliates of those
29 entities or business associations;

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

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

35 5. The commissioner of administration may promulgate regulations to implement
36 the provisions of this act so long as they are consistent with this section and do not create
37 any exceptions to it. Any rule or portion of a rule, as that term is defined in section
38 536.010, that is created under the authority of this section shall become effective only if it
39 complies with and is subject to all of the provisions of chapter 536 and, if applicable,
40 section 536.028. This section and chapter 536 are nonseverable and if any of the powers
41 vested with the general assembly pursuant to chapter 536, to review, to delay the effective
42 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the
43 grant of rulemaking authority and any rule proposed or adopted after August 28, 2019,
44 shall be invalid and void.

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