HOUSE BILL NO. 985

AN ACT PROVIDING A PREFERENCE FOR MEAT AND MEAT PRODUCTS PRODUCED OR PROCESSED, OR BOTH, IN MISSISSIPPI; TO AMEND SECTION 31-7-15, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) As used in this section, the following terms shall have the following meanings ascribed to them:

(a) "Meat" and "meat products" means beef and products made from those meats.

(b) "Other products" includes other meat and other meat products and means products which are produced, processed and harvested outside the state.

(c) "Procurement officer" or "purchasing agent" means any government official so designated having general or special authority to negotiate for and make private contract for or purchase for any governing authority.

(2) Each procurement officer, purchasing agent or similar official who procures or purchases products under the provisions of this section shall procure or purchase Mississippi products which are equal in quality to other products if the cost of the Mississippi products does not exceed the cost of other products by more than seven percent (7%).

(3) In order to qualify as Mississippi products for the purpose of this section, meat and meat products shall be processed in Mississippi from animals which are alive at the time they enter the processing plant.
(4) Notwithstanding any other provision of this section to the contrary, each procurement officer, purchasing agent or similar official who procures or purchases products under the provisions of this section shall procure or purchase other meat and meat products which are further processed in Mississippi under the grading and certification service of the Mississippi Department of Agriculture and Commerce and which are equal in quality to other meat and meat products if the cost of the further processed meat and meat products does not exceed the cost of other meat or meat products by more than four percent (4%).

SECTION 2. Section 31-7-15, Mississippi Code of 1972, is amended as follows:

31-7-15. (1) Except as otherwise provided herein, whenever two (2) or more competitive bids are received, one or more of which relates to commodities grown, processed or manufactured within this state, and whenever all things stated in such received bids are equal with respect to price, quality and service, the commodities grown, processed or manufactured within this state shall be given preference. A similar preference shall be given to commodities grown, processed or manufactured within this state whenever purchases are made without competitive bids, and when practical the Department of Finance and Administration may by regulation establish reasonable preferential policies for other commodities, giving preference to resident suppliers of this state. Meat and meat products shall be given the preference that is provided in Section 1 of House Bill No. , 2001 Regular Session.

(2) Any foreign manufacturing company with a factory in the state and with over fifty (50) employees working in the state shall have preference over any other foreign company where both price and quality are the same, regardless of where the product is manufactured.
(3) On or before January 1, 1991, the Department of Finance and Administration shall adopt bid and product specifications to be utilized by all state agencies that encourage the procurement of commodities made from recovered materials. Preference in awarding contracts for commodities shall be given to commodities offered at a competitive price.

(4) Each state agency is required to procure products made from recovered materials when those products are available at a competitive price. For purposes of this subsection, "competitive price" means a price not greater than ten percent (10%) above the lowest and best bidder. A decision not to procure products made from recovered materials must be based on a determination that such procurement:

(a) Is not available within a reasonable period of time; or
(b) Fails to meet the performance standards set forth in the applicable specifications; or
(c) Is not available at a competitive price.

SECTION 3. This act shall take effect and be in force from and after July 1, 2001.