

By: Representative Holland

To: Agriculture

HOUSE BILL NO. 985

1 AN ACT PROVIDING A PREFERENCE FOR MEAT AND MEAT PRODUCTS
2 PRODUCED OR PROCESSED, OR BOTH, IN MISSISSIPPI; TO AMEND SECTION
3 31-7-15, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR
4 RELATED PURPOSES.

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

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

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

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

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

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

23 (3) In order to qualify as Mississippi products for the
24 purpose of this section, meat and meat products shall be processed
25 in Mississippi from animals which are alive at the time they enter
26 the processing plant.

27 (4) Notwithstanding any other provision of this section to
28 the contrary, each procurement officer, purchasing agent or
29 similar official who procures or purchases products under the
30 provisions of this section shall procure or purchase other meat
31 and meat products which are further processed in Mississippi under
32 the grading and certification service of the Mississippi
33 Department of Agriculture and Commerce and which are equal in
34 quality to other meat and meat products if the cost of the further
35 processed meat and meat products does not exceed the cost of other
36 meat or meat products by more than four percent (4%).

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

39 31-7-15. (1) Except as otherwise provided herein, whenever
40 two (2) or more competitive bids are received, one or more of
41 which relates to commodities grown, processed or manufactured
42 within this state, and whenever all things stated in such received
43 bids are equal with respect to price, quality and service, the
44 commodities grown, processed or manufactured within this state
45 shall be given preference. A similar preference shall be given to
46 commodities grown, processed or manufactured within this state
47 whenever purchases are made without competitive bids, and when
48 practical the Department of Finance and Administration may by
49 regulation establish reasonable preferential policies for other
50 commodities, giving preference to resident suppliers of this
51 state. Meat and meat products shall be given the preference that
52 is provided in Section 1 of House Bill No. , 2001 Regular
53 Session.

54 (2) Any foreign manufacturing company with a factory in the
55 state and with over fifty (50) employees working in the state
56 shall have preference over any other foreign company where both
57 price and quality are the same, regardless of where the product is
58 manufactured.

59 (3) On or before January 1, 1991, the Department of Finance
60 and Administration shall adopt bid and product specifications to
61 be utilized by all state agencies that encourage the procurement
62 of commodities made from recovered materials. Preference in
63 awarding contracts for commodities shall be given to commodities
64 offered at a competitive price.

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

72 (a) Is not available within a reasonable period of
73 time; or

74 (b) Fails to meet the performance standards set forth
75 in the applicable specifications; or

76 (c) Is not available at a competitive price.

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