HOUSE BILL NO. 563

AN ACT TO PROHIBIT STATE AGENCIES, DEPARTMENTS AND INSTITUTIONS FROM ENGAGING IN COMPETITION WITH ANY PRIVATE ENTERPRISE BASED IN MISSISSIPPI BY PRODUCING OR PROVIDING THE SAME GOODS OR SERVICES AS THE PRIVATE ENTERPRISE THROUGH THE USE OF STATE-FUNDED MATERIALS, SUPPLIES, EQUIPMENT, FACILITIES, PERSONNEL OR SERVICES, WITH CERTAIN EXCEPTIONS; AND FOR RELATED PURPOSES.

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

SECTION 1. (1) As used in this section, the term "private enterprise" means an individual, firm, partnership, joint venture, corporation, association or any other legal entity engaging in the manufacturing, processing, sale, offering for sale, rental, leasing, delivery, dispensing, distributing or advertising of goods or services for profit.

(2) No agency, department or institution of the State of Mississippi, including state institutions of higher learning, may engage in competition with any private enterprise based in Mississippi by producing or providing the same goods or services as the private enterprise through the use of materials, supplies, equipment, facilities, personnel or services that are funded in whole or in part with taxes or fees imposed or authorized by state law.

(3) Notwithstanding the provisions of subsection (2) of this section:

(a) An officer or employee of a state agency, department or institution may engage in activities that compete with a private enterprise if those activities are undertaken apart from the person's employment with the agency, department or institution and on the person's own time.
(b) A state agency, department or institution may provide training that also is provided by a private enterprise if the amount charged for the training by the agency, department or institution is not more than the actual cost of providing the training.

(c) A state agency, department or institution may provide goods or services to persons at no charge if specifically authorized by law to do so or if the agency, department or institution determines that would be in the best interest of the public welfare.

(d) One (1) state agency, department or institution may provide goods or services to another state agency, department or institution under an agreement between the agencies.

SECTION 2. This act shall take effect and be in force from and after July 1, 2003.