

By: Representatives Miles, Ward

To: Appropriations

HOUSE BILL NO. 563

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

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

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

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

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

24 (a) An officer or employee of a state agency,  
25 department or institution may engage in activities that compete  
26 with a private enterprise if those activities are undertaken apart  
27 from the person's employment with the agency, department or  
28 institution and on the person's own time.



29           (b) A state agency, department or institution may  
30 provide training that also is provided by a private enterprise if  
31 the amount charged for the training by the agency, department or  
32 institution is not more than the actual cost of providing the  
33 training.

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

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

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

