

1-1 By: Zaffirini S.B. No. 1107
1-2 (In the Senate - Filed March 5, 2013; March 12, 2013, read
1-3 first time and referred to Committee on Government Organization;
1-4 March 25, 2013, reported favorably by the following vote: Yeas 7,
1-5 Nays 0; March 25, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			

1-15 A BILL TO BE ENTITLED
1-16 AN ACT

1-17 relating to the preference given by state and local governmental
1-18 entities to agricultural products produced or grown in this state.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Subsections (a) and (b), Section 44.042,
1-21 Education Code, are amended to read as follows:

1-22 (a) A school district that purchases agricultural products
1-23 shall give preference to those produced, processed, or grown in
1-24 this state if the cost to the school district is equal and the
1-25 quality is equal. A school district that purchases agricultural
1-26 products may give preference to products produced, processed, or
1-27 grown in this state if the cost to the school district does not
1-28 exceed 107 percent of the cost of agricultural products produced or
1-29 grown outside of this state and the quality is equal.

1-30 (b) If agricultural products produced, processed, or grown
1-31 in this state are not given a preference under Subsection (a) [~~equal~~
1-32 ~~in cost and quality to other products~~], the school district shall
1-33 give preference to agricultural products produced, processed, or
1-34 grown in other states of the United States over foreign products if
1-35 the cost to the school district is equal and the quality is equal.

1-36 SECTION 2. Subsections (a) and (b), Section 2155.444,
1-37 Government Code, are amended to read as follows:

1-38 (a) The commission and all state agencies making purchases
1-39 of goods, including agricultural products, shall give preference to
1-40 those produced or grown in this state or offered by Texas bidders as
1-41 follows:

1-42 (1) goods produced or offered by a Texas bidder that is
1-43 owned by a service-disabled veteran who is a Texas resident shall be
1-44 given a first preference and goods produced in this state or offered
1-45 by other Texas bidders shall be given second preference, if the cost
1-46 to the state and quality are equal; and

1-47 (2) agricultural products grown in this state shall be
1-48 given first preference if the cost to the state and quality are
1-49 equal, and may be given first preference if the cost to the state
1-50 does not exceed 107 percent of the cost of agricultural products
1-51 grown outside of this state and the quality is equal, and
1-52 agricultural products offered by Texas bidders shall be given
1-53 second preference, if the cost to the state and quality are equal.

1-54 (b) If goods, including agricultural products, produced or
1-55 grown in this state or offered by Texas bidders are not given
1-56 preference under Subsection (a) [~~equal in cost and quality to other~~
1-57 ~~products~~], then goods, including agricultural products, produced
1-58 or grown in other states of the United States shall be given
1-59 preference over foreign products if the cost to the state and
1-60 quality are equal.

1-61 SECTION 3. Subchapter Z, Chapter 271, Local Government

2-1 Code, is amended by adding Section 271.909 to read as follows:

2-2 Sec. 271.909. PREFERENCE FOR TEXAS AGRICULTURAL PRODUCTS.

2-3 (a) In this section, "local governmental entity" means a
2-4 municipality, county, special-purpose district or authority, or
2-5 other political subdivision of this state. The term does not
2-6 include a school district.

2-7 (b) A local governmental entity that purchases agricultural
2-8 products shall give preference to those produced or grown in this
2-9 state if the cost to the local governmental entity is equal and the
2-10 quality is equal.

2-11 (c) A local governmental entity that purchases agricultural
2-12 products may give preference to those products produced or grown in
2-13 this state if the cost to the local governmental entity does not
2-14 exceed 107 percent of the cost of agricultural products produced or
2-15 grown outside of this state and the quality is equal.

2-16 SECTION 4. The changes in law made by this Act apply only to
2-17 a contract for which a state agency or local governmental entity
2-18 first advertises or otherwise solicits bids, proposals, offers, or
2-19 qualifications on or after the effective date of this Act. A
2-20 contract for which a state agency or local governmental entity
2-21 first advertised or otherwise solicited bids, proposals, offers, or
2-22 qualifications before that date is governed by the law in effect
2-23 when the first advertisement or solicitation was given, and the
2-24 former law is continued in effect for that purpose.

2-25 SECTION 5. This Act takes effect September 1, 2013.

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