

By: Zaffirini

S.B. No. 39

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the preference given by state and local governmental
3 entities, including public institutions of higher education, to
4 agricultural products produced or grown in this state.

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

6 SECTION 1. Sections 44.042(a) and (b), Education Code, are
7 amended to read as follows:

8 (a) A school district that purchases agricultural products
9 shall give preference to those produced, processed, or grown in
10 this state if the cost to the school district is equal and the
11 quality is equal. A school district that purchases agricultural
12 products may give preference to those products produced, processed,
13 or grown in this state if the cost to the school district does not
14 exceed 107 percent of the cost of agricultural products produced or
15 grown outside of this state and the quality is equal.

16 (b) If agricultural products produced, processed, or grown
17 in this state are not given a preference under Subsection (a) [equal
18 in cost and quality to other products], the school district shall
19 give preference to agricultural products produced, processed, or
20 grown in other states of the United States over foreign products if
21 the cost to the school district is equal and the quality is equal.

22 SECTION 2. Section 51.941(a), Education Code, is amended to
23 read as follows:

24 (a) An institution of higher education that purchases

1 agricultural products shall give first preference to products
2 grown, produced, or processed in this state if the cost to the
3 institution and the quality of the products are equal to the cost
4 and quality of other available products. An institution of higher
5 education that purchases agricultural products may give preference
6 to those products produced, processed, or grown in this state if the
7 cost to the institution does not exceed 107 percent of the cost of
8 agricultural products produced or grown outside of this state and
9 the quality is equal.

10 SECTION 3. Sections 2155.444(a) and (b), Government Code,
11 are amended to read as follows:

12 (a) The commission and all state agencies making purchases
13 of goods, including agricultural products, shall give preference to
14 those produced or grown in this state or offered by Texas bidders as
15 follows:

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

21 (2) agricultural products grown in this state shall be
22 given first preference if the cost to the state and quality are
23 equal, and may be given first preference if the cost to the state
24 does not exceed 107 percent of the cost of agricultural products
25 grown outside of this state and the quality is equal, and
26 agricultural products offered by Texas bidders shall be given
27 second preference, if the cost to the state and quality are equal.

1 (b) If goods, including agricultural products, produced or
2 grown in this state or offered by Texas bidders are not given
3 preference under Subsection (a) [~~equal in cost and quality to other~~
4 ~~products]~~, then goods, including agricultural products, produced
5 or grown in other states of the United States shall be given
6 preference over foreign products if the cost to the state and
7 quality are equal.

8 SECTION 4. Subchapter Z, Chapter 271, Local Government
9 Code, is amended by adding Section 271.909 to read as follows:

10 Sec. 271.909. PREFERENCE FOR TEXAS AGRICULTURAL PRODUCTS.

11 (a) In this section, "local governmental entity" means a
12 municipality, county, special-purpose district or authority, or
13 other political subdivision of this state. The term does not
14 include a school district.

15 (b) A local governmental entity that purchases agricultural
16 products shall give preference to those produced or grown in this
17 state if the cost to the local governmental entity is equal and the
18 quality is equal.

19 (c) A local governmental entity that purchases agricultural
20 products may give preference to those products produced or grown in
21 this state if the cost to the local governmental entity does not
22 exceed 107 percent of the cost of agricultural products produced or
23 grown outside of this state and the quality is equal.

24 SECTION 5. The changes in law made by this Act apply only to
25 a contract for which a state agency or local governmental entity
26 first advertises or otherwise solicits bids, proposals, offers, or
27 qualifications on or after the effective date of this Act. A

1 contract for which a state agency or local governmental entity
2 first advertised or otherwise solicited bids, proposals, offers, or
3 qualifications before that date is governed by the law in effect
4 when the first advertisement or solicitation was given, and the
5 former law is continued in effect for that purpose.

6 SECTION 6. This Act takes effect September 1, 2015.