

By: Zaffirini

S.B. No. 60

A BILL TO BE ENTITLED

AN ACT

relating to the preference given by state and local governmental entities, including public institutions of higher education, to agricultural products produced, processed, or grown in this state.

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

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

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

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

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

(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 grown, produced, or processed in this state if the  
7 cost to the institution does not exceed 107 percent of the cost of  
8 agricultural products grown, produced, or processed outside of this  
9 state and 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

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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, 2017.