

HOUSE BILL 1809

By Tidwell

AN ACT to amend Tennessee Code Annotated, Title 4;
Title 5; Title 6; Title 7; Title 12 and Title 49, relative
to preference for purchasing Tennessee products.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 12-4-121, is amended by deleting subsections (a), (b) and (c) in their entireties and substituting instead the following:

(a) Notwithstanding any other law to the contrary, all departments and agencies making purchases of goods, including agricultural products and building materials, shall give preference to those produced or grown in this state or offered by Tennessee bidders as follows:

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

(2) Agricultural products grown in this state shall be given first preference and agricultural products offered by Tennessee bidders shall be given second preference, if the cost to the state and quality are the same; and

(3)

(A) Building materials that are produced or manufactured in this state using either recycled materials or nonhazardous by-products of manufacturing or energy production processes shall be given first preference, if the cost to the state and quality are the same;

(B) Building materials produced or manufactured in this state using materials other than those identified in subdivision (A) shall be given second preference, if the cost to the state and quality are the same; and

(C) Building materials offered by Tennessee bidders shall be given third preference, if the cost to the state and quality are the same.

(b) If goods, including agricultural products and building materials, produced or grown in this state or offered by Tennessee bidders are not equal in cost and quality to other products, then goods, including agricultural products and building materials, produced or grown in other states of the United States shall be given preference over foreign products if the cost to the state and quality are equal.

(c) As used in this section, unless the context otherwise requires:

(1) "Agricultural products" includes textiles and other similar products;

(2) "Building materials" includes paper, paperboard, gypsum board, wood panel products, corrugated containers, and other materials used or consumed in the construction, renovation, repair, or remodeling of improvements to real property;

(3) "Service-disabled veteran" means a person who is a veteran as defined by 38 U.S.C. Section 101(2) and who has a service-connected disability as defined by 38 U.S.C. Section 101(16); and

(4) "Tennessee bidder" means a business:

(A) Incorporated in this state;

(B) That has its principal place of business in this state; or

(C) That has an established physical presence in this state.

SECTION 2. Tennessee Code Annotated, Title 7, Chapter 51, is amended by adding the following language as a new part:

7-51-1801.

(a) Notwithstanding any other provision of law to the contrary, all government entities making purchases of goods, including agricultural products and building materials, shall give preference to those produced or grown in this state or offered by Tennessee bidders as follows:

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

(2) Agricultural products grown in this state shall be given first preference and agricultural products offered by Tennessee bidders shall be given second preference, if the cost to the governmental entity and quality are the same; and

(3)

(A) Building materials that are produced or manufactured in this state using either recycled materials or nonhazardous by-products of manufacturing or energy production processes shall be given first preference, if the cost to the governmental entity and quality are the same;

(B) Building materials produced or manufactured in this state using materials other than those identified in subdivision (A) shall be given second preference, if the cost to the governmental entity and quality are the same; and

(C) Building materials offered by Tennessee bidders shall be given third preference, if the cost to the governmental entity and quality are the same.

(b) If goods, including agricultural products and building materials, produced or grown in this state or offered by Tennessee bidders are not equal in cost and quality to other products, then goods, including agricultural products and building materials, produced or grown in other states of the United States shall be given preference over foreign products if the cost to the governmental entity and quality are equal.

(c) As used in this section, unless the context otherwise requires:

(1) "Agricultural products" includes textiles and other similar products;

(2) "Building materials" includes paper, paperboard, gypsum board, wood panel products, corrugated containers, and other materials used or consumed in the construction, renovation, repair, or remodeling of improvements to real property;

(3) "Service-disabled veteran" means a person who is a veteran as defined by 38 U.S.C. Section 101(2) and who has a service-connected disability as defined by 38 U.S.C. Section 101(16); and

(4) "Tennessee bidder" means a business:

(A) Incorporated in this state;

(B) That has its principal place of business in this state; or

(C) That has an established physical presence in this state.

(d) A governmental entity making purchase of vegetation for landscaping purposes, including plants, shall give preference to Tennessee vegetation native to the region if the cost to the state is not greater and the quality is not inferior.

(e) A governmental entity procuring services shall give preference to a Tennessee bidder if:

(1) The services meet the governmental entity's requirements regarding the service to be performed and expected quality; and

(2) The cost of the service does not exceed the cost of other similar services of similar expected quality that are offered by a bidder that is not entitled to a preference under this subsection.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.