

By: Senator(s) Robertson

To: Universities and
Colleges; Fees, Salaries and
Administration

SENATE BILL NO. 3057

1 AN ACT TO CREATE A NEW SECTION TO BE CODIFIED AS SECTION
2 37-101-413, MISSISSIPPI CODE OF 1972, TO REAUTHORIZE THE EQUIPMENT
3 LEASING AND PURCHASE PROGRAM OF THE BOARD OF TRUSTEES OF STATE
4 INSTITUTIONS OF HIGHER LEARNING FOR THE USE OF ITS INSTITUTIONS;
5 TO GRANT THE BOARD OF TRUSTEES CERTAIN POWERS AND DUTIES WITH
6 REGARD TO SUCH PROGRAM; TO REQUIRE ALL INSTITUTIONS OF HIGHER
7 LEARNING DESIRING TO PURCHASE, LEASE OR LEASE/PURCHASE EQUIPMENT
8 INVOLVING AN EXPENDITURE IN EXCESS OF \$5,000.00 TO UTILIZE THE
9 EQUIPMENT LEASING AND PURCHASE PROGRAM; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** The following provision shall be codified as
12 Section 37-101-413, Mississippi Code of 1972:

13 37-101-413. (1) The Board of Trustees of State Institutions
14 of Higher Learning is authorized and empowered to establish an
15 Equipment Leasing and Purchase Program for the use of its
16 institutions; to adopt policies and procedures to implement such
17 program; to establish such offices or subordinate units as may be
18 necessary for the administration of such program; to adopt rules
19 and regulations pertaining to such program; to acquire by
20 purchase, lease or lease/purchase contract and retain or transfer
21 ownership or possession of instructional and other equipment; to
22 contract for the leasing of such properties and for the financing
23 of leases and purchases; to enter into contracts with others to
24 provide any and all of the services deemed necessary and advisable
25 by the board in carrying out the provisions of this section; to
26 make such purchases and enter into such leases according to the
27 requirements of the purchase laws of the State of Mississippi and
28 the requirements of the laws establishing the Mississippi
29 Department of Information Technology Services for the state; to
30 enter into lease financing agreements in connection therewith; and

31 to require the transfer of appropriations for general funds or
32 self-generated funds from the institutions to such funds as the
33 board may determine appropriate or useful in the repayment to any
34 revolving fund or as may be required in connection with any lease
35 financing agreements.

36 (2) The board is authorized and empowered to develop
37 administrative methods for determining age, useful life,
38 replacement value, current use, condition and other
39 characteristics of instructional and research equipment at the
40 state universities and research facilities; to determine
41 obsolescence of such equipment and to establish priorities for
42 replacement and/or provision of such equipment or its transfer to
43 another institution which can continue to utilize it; to develop
44 long-range plans for the orderly and systematic acquisition and
45 utilization of such instructional and research equipment to
46 eliminate waste and duplication and provide the maximum efficiency
47 of use for expenditures and to achieve equitable allocations of
48 equipment funds to such institutions consistent with the roles of
49 such and disciplines served.

50 (3) All institutions of higher learning desiring to
51 purchase, lease or lease/purchase equipment involving an
52 expenditure or expenditures in excess of Five Thousand Dollars
53 (\$5,000.00) shall procure such equipment under the Equipment
54 Leasing and Purchase Program, unless funds for the procurement of
55 such equipment under the program are unavailable or such equipment
56 can be procured elsewhere at an overall cost lower than that for
57 which such equipment can be procured under the program.

58 (4) As used in this section, "institutions of higher
59 learning" means those institutions identified in Sections 37-101-1
60 and 37-102-21 and the University Research Center.

61 **SECTION 2.** This act shall take effect and be in force from
62 and after its passage.