

Act 16 of the 1989 Regular Session.

Act 16

SB97

By: Senators Chaffin, C. Bell and Malone

"AN ACT TO AMEND ARKANSAS CODE 6-61-211 TO INCREASE THE AMOUNT OF DATA PROCESSING EQUIPMENT WHICH MAY BE ACQUIRED BY AN INSTITUTION WITHOUT APPROVAL FROM THE STATE BOARD OF HIGHER EDUCATION; AND FOR OTHER PURPOSES."

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

SECTION 1. Arkansas Code 6-61-211 is hereby amended to read as follows:
"6-61-211. Data processing equipment or services.

(a) In order to promote a coordinated system of higher education in Arkansas and to assure an orderly and effective development of each of the publicly supported institutions of higher education, the board shall have the power and duty to receive and have approval authority over requests for new or additional data processing equipment or services from the state-supported institutions of higher education, evaluate existing data processing equipment and services, determine whether the equipment and services are adequate for the needs of the institution, and recommend the manner in which those needs should be satisfied.

(b) The requests shall be governed and reviewed according to the following conditions:

(1) Items of data processing equipment or services with a purchase price of less than fifteen thousand dollars (\$15,000), whether purchased, leased, or acquired by other means, shall require no approval by the Department of Higher Education or the Department of Computer Services but acquisitions of such equipment or services shall be reported to the Department of Higher Education for inventory purposes no more than thirty (30) days following their acquisition;

(2) Items of data processing equipment or services with a purchase price of fifteen thousand dollars (\$15,000) or more but less than fifty thousand dollars (\$50,000), whether purchased, leased, or acquired by other means, shall be approved by the Department of Higher Education before entering into any agreements and before requests for quotes are released to vendors but shall not require the approval of the Department of Computer Services;

(3) Items of data processing equipment or services with a purchase price of fifty thousand dollars (\$50,000) or more, whether purchased, leased, or acquired by other means, shall be approved by both the Department of Higher Education and the Department of Computer Services before entering into any agreements and before requests for quotes are released to vendors. These requests shall first be submitted to the Department of Higher Education and, if approved, forwarded to the Department of Computer Services;

(4) Amounts appearing in subdivisions (b)(1), (2), and (3) to determine the level of review for items of data processing equipment or services may be increased or decreased in response to the data processing market with the approval of the Communications Study Committee as established by 10-3-1201 et seq.

(5)(A) Data processing equipment for use solely for research or for instruction as self-contained units in laboratory settings shall be excluded from review.

(B) Further, equipment used primarily for research or for

instruction as self-contained units in laboratory settings may be excluded upon determination by the Department of Higher Education.

(c) The Department of Higher Education shall, with the approval of the Communications Study Committee as established by 10-3-1201 et seq., establish written rules and procedures for the acquisition of data processing equipment or services as included in subdivisions (b)(2), (3), and (4) and make these written rules and procedures available to all state-supported institutions of higher education.

(d) If the Department of Higher Education, or the Department of Computer Services in the case of items with a purchase price of fifty thousand dollars (\$50,000) or more, rejects requests for new or additional data processing equipment or services, it shall be unlawful for the state-supported institutions of higher education to make any expenditure of public funds, whether state appropriated or cash funds, to acquire those items for which approval was denied.

(e) All state-supported institutions of higher education shall strictly comply with the provisions of the State Purchasing Law, 19-11-201 et seq., and applicable provisions of the General Accounting and Budgetary Procedures Law of this state, 19-4-101 et seq., in the acquisition by any means of data processing equipment or services."

SECTION 2. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 3. All laws and parts of laws in conflict with this act are hereby repealed.

APPROVED: February 3, 1989
