

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas  
2 81st General Assembly  
3 Regular Session, 1997  
4  
5 By: Senator Mahony  
6  
7

## A Bill

SENATE BILL 548

### For An Act To Be Entitled

9 "AN ACT TO REPEAL ARKANSAS CODE ANNOTATED § 6-61-211  
10 PERTAINING TO STATE BOARD OF HIGHER EDUCATION APPROVAL  
11 AUTHORITY OVER REQUESTS FOR DATA PROCESSING EQUIPMENT OR  
12 SERVICES FROM INSTITUTIONS OF HIGHER EDUCATION; AND FOR  
13 OTHER PURPOSES."

### Subtitle

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16 "TO REPEAL ARKANSAS CODE ANNOTATED  
17 § 6-61-211."  
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. Arkansas Code Annotated § 6-61-211 pertaining to State Board  
22 of Higher Education approval authority over requests for data processing  
23 equipment or services from institutions of higher education is repealed:

24 ~~\_\_\_\_\_ 6-61-211. Data processing equipment or services.~~

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

34 ~~\_\_\_\_\_ (b) The requests shall be governed and reviewed according to the~~  
35 ~~following conditions:~~

36 ~~\_\_\_\_\_ (1) Items of data processing equipment or services with a purchase price~~

~~1 of less than fifteen thousand dollars (\$15,000), whether purchased, leased, or  
2 acquired by other means, shall require no approval by the Department of Higher  
3 Education or the Department of Computer Services, but acquisitions of such  
4 equipment or services shall be reported to the Department of Higher Education  
5 for inventory purposes no more than thirty (30) days following their  
6 acquisition;~~

~~7 — (2) Items of data processing equipment or services with a purchase price  
8 of fifteen thousand dollars (\$15,000) or more but less than fifty thousand  
9 dollars (\$50,000), whether purchased, leased, or acquired by other means,  
10 shall be approved by the Department of Higher Education before entering into  
11 any agreements and before requests for quotes are released to vendors but  
12 shall not require the approval of the Department of Computer Services;~~

~~13 — (3) Items of data processing equipment or services with a purchase price  
14 of fifty thousand dollars (\$50,000) or more, whether purchased, leased, or  
15 acquired by other means, shall be approved by both the Department of Higher  
16 Education and the Department of Computer Services before entering into any  
17 agreements and before requests for quotes are released to vendors. These  
18 requests shall first be submitted to the Department of Higher Education and,  
19 if approved, forwarded to the Department of Computer Services;~~

~~20 — (4) Amounts appearing in subdivisions (b)(1), (2), and (3) of this  
21 section to determine the level of review for items of data processing  
22 equipment or services may be increased or decreased in response to the data  
23 processing market with the approval of the Arkansas Communications Study  
24 Committee as established by <sup>§</sup> 10-3-1201 et seq.~~

~~25 — (5)(A) Data processing equipment for use solely for research or for  
26 instruction as self-contained units in laboratory settings shall be excluded  
27 from review.~~

~~28 — (B) Further, equipment used primarily for research or for instruction  
29 as self-contained units in laboratory settings may be excluded upon  
30 determination by the Department of Higher Education.~~

~~31 — (c) The Department of Higher Education shall, with the approval of the  
32 Arkansas Communications Study Committee as established by <sup>§</sup> 10-3-1201 et seq.,  
33 establish written rules and procedures for the acquisition of data processing  
34 equipment or services as included in subdivisions (b)(2), (3), and (4) of this  
35 section and make these written rules and procedures available to all  
36 state-supported institutions of higher education.~~

1 ~~— (d) If the Department of Higher Education, or the Department of Computer~~  
2 ~~Services in the case of items with a purchase price of fifty thousand dollars~~  
3 ~~(\$50,000) or more, rejects requests for new or additional data processing~~  
4 ~~equipment or services, it shall be unlawful for the state-supported~~  
5 ~~institutions of higher education to make any expenditure of public funds,~~  
6 ~~whether state appropriated or cash funds, to acquire those items for which~~  
7 ~~approval was denied.~~

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

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

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18 SECTION 3. If any provision of this act or the application thereof to  
19 any person or circumstance is held invalid, such invalidity shall not affect  
20 other provisions or applications of the act which can be given effect without  
21 the invalid provision or application, and to this end the provisions of this  
22 act are declared to be severable.

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24 SECTION 4. All laws and parts of laws in conflict with this act are  
25 hereby repealed.

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