

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 84th General Assembly  
3 Regular Session, 2003

# A Bill

SENATE BILL 928

4  
5 By: Senator Gullett  
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## For An Act To Be Entitled

8  
9 AN ACT TO LIMIT THE AMOUNT THAT A STATE-  
10 SUPPORTED, POST-SECONDARY EDUCATIONAL INSTITUTION  
11 MAY CHARGE FOR TEXTBOOKS; AND FOR OTHER PURPOSES.  
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## Subtitle

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14 AN ACT TO LIMIT THE AMOUNT THAT A STATE-  
15 SUPPORTED, POST-SECONDARY EDUCATIONAL  
16 INSTITUTION MAY CHARGE FOR TEXTBOOKS.  
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. (a) No state funds or book vouchers derived from student  
22 financial aid programs or funds appropriated for any state-supported, post-  
23 secondary educational institution's operating budget may be used at a campus  
24 bookstore that charges more than twenty percent (20%) above actual cost for  
25 textbooks that are required for any class offered by the educational  
26 institution.

27 (b) The Department of Higher Education shall develop procedures and  
28 guidelines, which include random checking of pricing practices of bookstores,  
29 to ensure that students, institutions, and bookstores are not violating  
30 provisions of this act.

31 (c) The Arkansas Higher Education Coordinating Board shall promulgate  
32 regulations as necessary to implement the provisions of this act.  
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34 SECTION 2. TEXTBOOK ADOPTIONS.

35 (a) It is found and determined by the General Assembly that the costs  
36 to students for textbooks and other printed materials that are adopted or



1 recommended for use by institutions of higher education are extraordinarily  
2 high and have increases that are apparently out of control. It is further  
3 determined that it is in the best interest of the citizens of the state that  
4 the costs associated with textbooks and other required or recommended printed  
5 materials be kept as affordable as possible. Another major factor that  
6 contributes to the high cost of textbooks to students is the practice by some  
7 publishers to publish new editions of textbooks annually or biannually and  
8 then declare that the most recent older edition of the textbook is no longer  
9 in print or available for sale. The new editions of textbooks sometimes have  
10 minimal content changes or inclusion of new and essential material but always  
11 cost more. When this happens, the newer, higher cost edition must be adopted  
12 and sold and this precludes the use of the earlier edition that could have  
13 been sold as used textbooks at a lower cost to students.

14 (b) Therefore, no institution of higher education may adopt a  
15 textbook, including a workbook, manual, or other printed material, for  
16 required or recommended use by students in an undergraduate, graduate, or  
17 professional course, unless the publisher of that textbook, including  
18 workbooks, manuals or other printed materials, shall guarantee in writing to  
19 the institution that the specific edition of the textbook, including  
20 workbook, manual, or other printed materials, which is to be or has been  
21 adopted or recommended shall be in print and available for purchase from the  
22 publisher and used by the institution for a period of not less than three  
23 years following the first use of the textbook or printed materials in a  
24 course.

25 (c) The only exceptions to this three year availability requirement  
26 may be for certain technical, computer, medical, science, or specialized  
27 courses where the principle and majority of the instructional objectives of  
28 the courses are related to specific equipment, apparatus, procedures, or  
29 software that are likely to be updated and become obsolete within three  
30 years. Any newly adopted textbook edition will, therefore, contain  
31 substantive changes.

32 (d) It is the intent of the General Assembly that this three-year  
33 availability requirement would apply to textbooks and printed materials used  
34 in the vast majority of undergraduate courses. Any and all exceptions to  
35 this three-year availability requirement shall only be made by the president  
36 or chancellor of the institution after sufficient written documentation has

1 been reported to justify it. All such exceptions that may have occurred  
2 during a fiscal year shall be reported by the president or chancellor to the  
3 Director of the Department of Higher Education no later than July 1 for the  
4 exceptions that were approved during the preceding twelve-month fiscal year.  
5 The report shall include a description of the former textbook with its  
6 wholesale and retail new and used cost and a description of the new textbook  
7 and its wholesale and retail cost. The Director of the Department of Higher  
8 Education shall, in turn, report this information to the Higher Education  
9 Coordinating Board, the Governor, and the Legislature.

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