

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.

Act 1205 of the Regular Session

1 State of Arkansas

As Engrossed: S2/12/07 S2/14/07 S3/19/07

2 86th General Assembly

A Bill

3 Regular Session, 2007

SENATE BILL 29

4
5 By: Senators Madison, Capps, *Salmon*

6 By: Representatives Harrelson, Greenberg, Burris

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9 **For An Act To Be Entitled**

10 AN ACT TO REQUIRE STATE-SUPPORTED INSTITUTIONS OF
11 *HIGHER EDUCATION TO PERMIT LOCAL PRIVATE*
12 *RETAILERS ACCESS TO STUDENT SALES; AND FOR OTHER*
13 *PURPOSES.*

14
15 **Subtitle**

16 TO REQUIRE STATE-SUPPORTED INSTITUTIONS
17 *OF HIGHER EDUCATION TO PERMIT LOCAL*
18 *PRIVATE RETAILERS ACCESS TO STUDENT*
19 *SALES.*

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21
22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

23
24 SECTION 1. Arkansas Code Title 6, Chapter 60 is amended to add an
25 additional subchapter to read as follows:

26 Subchapter 6 – Textbooks and course materials

27 6-60-601. Campus bookstore advertising.

28 (a)(1) If any state-supported institution of higher education
29 advertises or allows an on-campus bookstore to submit advertising for
30 inclusion in orientation packets or through the electronic media services of
31 the state-supported institution of higher education, or as part of a
32 presentation to any student group, then the state-supported institution of
33 higher education shall allow a private local textbook vendor access to
34 distribute the private local textbook vendor's advertising by the same
35 distribution method, if requested in writing by the private local textbook



1 vendor.

2 (2) The state-supported institution of higher education:

3 (A) Shall distribute the advertising of a private local
4 textbook vendor contemporaneously with the advertising of the on-campus
5 bookstore;

6 (B) May request a modification of the advertising of the
7 on-campus bookstore or a private local textbook vendor if the advertising
8 does not reflect the public interests of the State of Arkansas; and

9 (C) Is under no obligation to accept advertising from the
10 on-campus bookstore or a private local textbook vendor.

11 (3) An on-campus bookstore and a private local textbook vendor
12 shall be responsible for the costs related to the preparation and production
13 of all advertising material.

14 (b) As used in this section:

15 (1) "Advertising" means not more than two (2) pages of
16 promotional material describing the availability and terms of sale of
17 textbooks or course materials; and

18 (2) "State-supported institution of higher education" means any
19 college, university, vocational school, trade school, or other postsecondary
20 educational institution that receives any funding from the State of Arkansas.

21 (c) A violation of subsection (a) of this section:

22 (1) Shall be reported with ten (10) business days by the state-
23 supported institution of higher education to the:

24 (A) Chief fiscal officer of the institution;

25 (B) Chief legal counsel of the institution; and

26 (C) Legislative Council; and

27 (2) May be reported to the parties identified in subdivision
28 (c)(1) of this section by any business or consumer.

29
30 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
31 General Assembly of the State of Arkansas that textbooks and course materials
32 for state-supported institution of higher education students are often
33 purchased at higher prices than necessary or not at all due to a lack of
34 competitive advertising; that students sometimes do not purchase needed
35 textbooks and course materials due to a lack of funds; and that the passage
36 of this act is immediately necessary to enable students to obtain the

1 textbooks and course materials needed to help ensure a quality education at a
2 more affordable price. Therefore, an emergency is declared to exist and this
3 act being immediately necessary for the preservation of the public peace,
4 health, and safety shall become effective on:

5 (1) The date of its approval by the Governor;

6 (2) If the bill is neither approved nor vetoed by the Governor,
7 the expiration of the period of time during which the Governor may veto the
8 bill; or

9 (3) If the bill is vetoed by the Governor and the veto is
10 overridden, the date the last house overrides the veto.

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12 */s/ Madison*

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14 *APPROVED: 4/5/2007*