

State of Arkansas
86th General Assembly
Regular Session, 2007

A Bill

SENATE BILL 29

By: Senator Madison
By: Representatives Harrelson, Greenberg, Burris

For An Act To Be Entitled

AN ACT TO REQUIRE STATE-SUPPORTED INSTITUTIONS OF
HIGHER LEARNING TO PERMIT PRIVATE RETAILERS
ACCESS TO STUDENT SALES; AND FOR OTHER PURPOSES.

Subtitle

TO REQUIRE STATE-SUPPORTED INSTITUTIONS
OF HIGHER LEARNING TO PERMIT PRIVATE
RETAILERS ACCESS TO STUDENT SALES.

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

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

Subchapter 6 – Textbooks and course materials

6-60-601. Sales to higher education students.

(a)(1) If any state-supported institution of higher learning sells or
advertises the sale or purchase of textbooks, course materials, or school
supplies, it shall disseminate the similar advertising of textbooks, course
materials, or school supplies provided to the institution by a private
retailer of the same or similar goods in the same manner as the institution's
promotional material is disseminated.

(2) If the state-supported institution of higher learning
advertises by electronic mail, it shall disseminate the similar advertising
of textbooks, course materials, or school supplies provided to the
institution in electronic mail form by a private retailer of the same or
similar goods within one (1) hour of the institution's electronic mail.



1 (3) If the state-supported institution of higher learning
2 includes promotional material of textbooks, course materials, or school
3 supplies in a handout or packet of information to students, the institution
4 shall include the similar advertising provided to the institution by a
5 private retailer of the same or similar goods immediately following the
6 institution's promotional material.

7 (b) As used in this section:

8 (1) "Advertising" means not more than two (2) pages of
9 promotional material describing the availability and terms of sale of
10 textbooks, course materials, or school supplies.

11 (2) "Disseminate" means to:

12 (A) Provide advertising to students at any student
13 orientation if received at least ten (10) calendar days prior to the
14 orientation;

15 (B) Post advertising conspicuously at or near the entrance
16 of each building where the textbooks or school supplies are offered for sale
17 by the institution; and

18 (C) Post notice on the institution's website of the
19 availability of the textbooks or school supplies from each private seller
20 that provides advertising to the institution under subsection (a) of this
21 section; and

22 (3) "State-supported institution of higher learning" means any
23 college, university, vocational school, trade school, or other postsecondary
24 educational institution that receives any funding from the State of Arkansas.

25 (c)(1) A violation of subsection (a) of this section:

26 (A) Shall be reported within ten (10) business days by the
27 state-supported college or university to the:

28 (i) Department of Higher Education; and

29 (11)(a) President Pro Tempore of the Senate and
30 Speaker of the House of Representatives during a regular or special session
31 of the General Assembly; or

32 (b) Legislative Council when the General
33 Assembly is not in session; and

34 (B) May be reported to the parties identified in
35 subdivision (c)(1) of this section by any business or consumer.

36 (2) If the Department of Higher Education determines that a

1 violation of subsection (a) of this section has occurred, it shall notify the
2 state-supported college or university of the violation.

3 (3) Upon receipt of notice from the Department of Higher
4 Education under subdivision (c)(2) of this section, the state-supported
5 college or university shall for the next one (1) semester be prohibited from
6 advertising or disseminating promotional material concerning the sale or
7 purchase of textbooks, course materials, or school supplies.

8
9 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
10 General Assembly of the State of Arkansas that textbooks and course materials
11 for state-supported college and university students are often purchased at
12 higher prices than necessary or not at all due to a lack of competitive
13 advertising; that students sometimes do not purchase needed textbooks and
14 course materials due to a lack of funds; and that the passage of this act is
15 immediately necessary to enable students to obtain the textbooks and course
16 materials needed to help ensure a quality education at a more affordable
17 price. Therefore, an emergency is declared to exist and this act being
18 immediately necessary for the preservation of the public peace, health, and
19 safety shall become effective on:

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

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

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