

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.

State of Arkansas

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

86th General Assembly

A Bill

Regular Session, 2007

SENATE BILL 29

By: Senators Madison, Capps, *Salmon*

By: Representatives Harrelson, Greenberg, Burris

For An Act To Be Entitled

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

Subtitle

TO REQUIRE STATE-SUPPORTED INSTITUTIONS
OF HIGHER EDUCATION TO PERMIT LOCAL
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 education advertises the sale or purchase of textbooks, course materials, or school supplies other than the advertisement of a promotional item or special sale item within its own bookstore, it shall disseminate the similar advertising of textbooks, course materials, or school supplies provided to the institution by a local private retailer of textbooks or course materials in the same manner as the institution's promotional material is disseminated.

(2) If the state-supported institution of higher education advertises textbooks, course materials, or school supplies by electronic



1 mail, it shall disseminate the similar advertising of textbooks, course
2 materials, or school supplies provided to the institution in electronic mail
3 form by a local private retailer of textbooks or course materials within one
4 (1) hour of the institution's electronic mail.

5 (3) If the state-supported institution of higher education
6 includes promotional material of textbooks, course materials, or school
7 supplies in a presentation, handout, or packet of information to students,
8 the institution shall notify any local private retailer of textbooks or
9 course materials that the institution will include the similar promotional
10 material of the local private retailer in the presentation, handout, or
11 packet of information.

12 (b) As used in this section:

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

16 (2) "Disseminate" means to:

17 (A) Provide advertising to students at any student
18 orientation if received at least ten (10) calendar days prior to the
19 orientation; and

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

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

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

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

30 (A) Chief fiscal officer of the institution;

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

32 (C) Legislative Council; and

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

35
36 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the

General Assembly of the State of Arkansas that textbooks and course materials for state-supported *institution of higher education* students are often purchased at higher prices than necessary or not at all due to a lack of competitive advertising; that students sometimes do not purchase needed textbooks and course materials due to a lack of funds; and that the passage of this act is immediately necessary to enable students to obtain the textbooks and course materials needed to help ensure a quality education at a more affordable price. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

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

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

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

/s/ Madison