

## **Summary of Textbook Bills Passed by the 86<sup>th</sup> General Assembly Regular Session, 2007**

The full text of the following textbook bills can be found at the link to the State of Arkansas Legislature website: <http://www.arkleg.state.ar.us>. After accessing the website, expand the “Acts” folder and select “Full Text of an Act” and type in the Act number to be viewed.

The summaries paraphrased below were taken partially from the National Association of College Stores (NACS) summary on State Bills which can be accessed at <http://www.nacs.org/news/statebills.asp?id=cm>.

### **Act 105 (Senate Bill 27)**

#### **To Prohibit Inducements to Require Specific Textbooks**

Act prevents any state-supported institution, department, or employee of higher education in this state from receiving anything of value as an inducement for requiring students to purchase a specific textbook for classes. Faculty may still receive sample copies, instructor’s copies, and instructional material required for coursework or instruction. This Act shall not prevent an employee of the institution of higher education from receiving royalties or other compensation from the sale or publication of a textbook that includes the employee’s own writing or work. See Act 106 for further guidelines regarding royalties.

Act 105 was signed into law 2/14/07 and will primarily impact the Faculty. This Act will not impact the Bookstore and therefore the Bookstore will not have any role in ensuring compliance. Violations shall be reported within 10 days by the institution to the Chief Academic Officer of the institution, Chief Legal Counsel of the institution, and Legislative Council. Any business or consumer can report violations as well.

### **Act 106 (Senate Bill 30)**

#### **To Regulate the Use of Royalties**

Act is designed to regulate royalties earned by faculty on textbooks and course materials adopted for their own courses. The institution shall establish guidelines that acknowledge the conflict of interest and specify how the royalties may be used, giving priority consideration to programs that benefit students academically.

Act 106 was signed into law 2/14/07 and will impact any faculty member that decides to adopt his/her own textbooks or course materials and will also impact the area in charge of establishing and monitoring the guidelines for the use of such royalties. This Act will not impact the Bookstore and therefore the Bookstore will not have any role in ensuring compliance.

Act 175 (Senate Bill 24)

To Require Prompt Notice of the Adoption of Textbooks and Course Materials

Act requires a list of all textbooks and course materials to be posted at the bookstore and published on the institution's website for **undergraduate** courses. Lists have to be posted by noon on April 1<sup>st</sup> for the summer and fall semesters and November 1<sup>st</sup> for the spring semester. Late adoptions would need special permission.

Act 175 was signed into law 3/1/07 and should not impact the Bookstore nor any Faculty (unless undergraduate courses will be offered in the future). At the present time, the Bookstore is not carrying any textbooks or course materials for undergraduate courses.

Act 277 (Senate Bill 31)

To Prohibit Referrals to Websites of Textbook Retailers That Are Not Required to Collect Arkansas Sales and Use Taxes

Act prohibits any links to another retailer's website from the institution's website or the Bookstore's website that does not report and pay Arkansas sales and use taxes and does not obtain an Arkansas use tax permit. However, a faculty member can refer students to any source for required or suggested textbooks or course materials.

Act 277 was signed into law 3/16/07 and impacts all UAMS websites including the Bookstore's website. The Bookstore is currently working with our online partners to see if they will apply for an Arkansas sales and use tax permit and start collecting Arkansas sales and use taxes. In the interim, these links have been removed from our website. Violations of subsection (a) of this law shall be reported to the Department of Finance and Administration and if it is determined that a violation has occurred, the Department of Finance and Administration will notify the institution.

Act 1205 (Senate Bill 29)

To Permit Local Private Retailers Access to Student Sales

Act is designed to make the same channels for advertising of textbooks and course materials available to private local vendors that are used by on-campus bookstores. Advertising channels include orientation packets, presentations to any student group, or through the electronic media of the institution. Advertising means no more than two pages of promotional material describing the availability and terms of sale of textbooks or course materials. The private local vendor has to request to use the same distribution methods in writing. The institution can request modification of any advertisement material if not in the public interest and is under no obligation to accept advertising from the on-campus store or private

local vendor. All advertising costs incurred shall be the responsibility of the on-campus bookstore or the private local vendor.

Act 1205 was signed into law 4/5/07 and could impact the Bookstore and the Faculty only if the Bookstore chooses to participate in advertising of textbooks and course materials in this manner. The Act does not speak to and therefore does not preclude the Bookstore from advertising any merchandise outside of textbooks and course materials. Therefore we can choose to advertise those items without making the same advertising channels available to private local vendors. Violations shall be reported within 10 days by the institution to the Chief Fiscal Officer of the institution, Chief Legal Counsel of the institution, and Legislative Council. Any business or consumer can report violations as well.