

THE HOUSE OF REPRESENTATIVES
Tuesday, April 15, 2008

Committee Substitute for
ENGROSSED
Senate Bill No. 1738

COMMITTEE SUBSTITUTE FOR ENGROSSED SENATE BILL NO. 1738 - By:
SCHULZ of the Senate and COVEY AND SHUMATE of the House.

(Higher education - instructional materials -
effective date)

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

- 1 SECTION 1. AMENDATORY Section 2, Chapter 368, O.S.L. 2007 (70 O.S.
2 Supp. 2007, Section 3241.1), is amended to read as follows:
3 Section 3241.1 A. The Legislature finds that:
4 1. The bundling of higher education textbooks, workbooks, CD-ROMs, and other
5 course-related instructional materials can be unnecessary since many students do not
6 use all of the materials included and may realize cost savings if materials are also offered
7 separately; ~~and~~
8 2. Many higher education faculty and staff select textbooks and instructional
9 materials uninformed of the retail costs and differences between versions;
10 3. Textbooks and course materials are often purchased at higher prices than
11 necessary or not at all due to a lack of competitive advertising; and

1 4. Students sometimes do not purchase needed textbooks and course materials due
2 to a lack of funds.

3 B. It is the intent of the Legislature to:

4 1. Give students enrolled in institutions in The Oklahoma State System of Higher
5 Education more choices for purchasing textbooks and instructional materials;

6 2. Encourage higher education faculty and staff to work closely with bookstores and
7 publishers to implement the least costly option without sacrificing educational content;
8 and

9 3. Provide maximum cost savings to students.

10 C. As used in this section:

11 1. "Instructional material" means any textbooks, workbooks, CD-ROMs, and other
12 course-related material ~~required or recommended by the higher education faculty or staff~~
13 ~~for a given course~~ that are published with the intent that they be used for or in
14 conjunction with classroom instruction and that are adopted for academic use by faculty
15 or the person or entity in charge of selecting learning materials at the public institution
16 of higher education; ~~and~~

17 2. "Bundled" means a textbook and other supplemental instructional materials that
18 may be packaged together to be sold as course materials for one price but shall not
19 include ~~instructional materials that are designed solely for sale as an integrated~~
20 ~~combination of two or more units or~~ integrated textbooks, materials that cannot be sold
21 separately due to third-party contractual agreements, custom editions, or special
22 editions;

1 3. "Integrated textbook" means a college textbook that:

2 a. is combined with materials developed by a third party and that, by
3 third-party contractual agreement, may not be offered by publishers
4 separately from the college textbook with which the materials are
5 combined, or

6 b. includes functionally interdependent course materials designed to be
7 used solely as a single unit and whose separation would substantially
8 degrade the academic content so that its components would not be
9 useful to the student; and

10 4. "Custom textbook" means a college textbook that is compiled at the direction of a
11 faculty member or any other person or entity in charge of selecting course materials at a
12 university, including selections from original instructor materials, previously copyrighted
13 publisher materials, copyrighted third-party works and elements that are unique to a
14 specific educational institution such as commemorative editions.

15 D. Each board of regents of an institution or group of institutions within The
16 Oklahoma State System of Higher Education shall adopt an instructional material policy
17 that requires:

18 1. Bookstores located on campus or bookstores which contract with the institution
19 to provide bookstore services to students that:

20 a. provide students with the option of purchasing instructional materials
21 that are unbundled when possible, disclose to faculty and staff the

1 costs to students of purchasing instructional materials, and disclose
2 publicly how new editions vary from previous editions,
3 b. actively promote and publicize book buy-back programs, and
4 c. disclose retail costs for instructional materials on a per-course basis to
5 faculty and staff and make this information publicly available; ~~and~~
6 2. Higher education faculty and staff members to consider the least costly practices
7 in assigning instructional materials for a course, such as adopting the least expensive
8 edition available when educational content is comparable as determined by the faculty
9 and working closely with publishers and bookstores to create bundles and packages if
10 they deliver cost savings to students; and
11 3. Each institution to provide information to students during freshman orientation
12 on options available for purchasing instructional materials.
13 E. In developing an instructional material policy as required in subsection D of this
14 section, each board of regents shall work with and seek input from bookstores,
15 publishers, students and faculty representatives.
16 F. Each publisher of instructional material used by students enrolled at
17 institutions in The Oklahoma State System of Higher Education shall make available to
18 the faculty and staff of that institution the:
19 1. Price at which the publisher will make the instructional materials available to
20 bookstores, either those located on campus of the institution or those which have a
21 contract with the institution to provide bookstore services to students; and

1 2. A list of the substantial revisions for the instructional materials since the last
2 published edition, if any.

3 SECTION 2. This act shall become effective November 1, 2008.

4 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION, dated 04-14-08 - DO
5 PASS, As Amended and Coauthored.