

SB 1738

Senate Bill No. 1738  
As Amended

SENATE BILL NO. 1738 - By: SCHULZ of the Senate and COVEY of the House.

[ higher education - instructional materials - effective date ]

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

SECTION 1. AMENDATORY Section 2, Chapter 368, O.S.L. 2007 (70 O.S. Supp. 2007, Section 3241.1), is amended to read as follows:

Section 3241.1 A. The Legislature finds that:

1. The bundling of higher education textbooks, workbooks, CD-ROMs, and other course-related instructional materials can be unnecessary since many students do not use all of the materials included and may realize cost savings if materials are also offered separately; ~~and~~

2. Many higher education faculty and staff select textbooks and instructional materials uninformed of the retail costs and differences between versions;

3. Textbooks and course materials are often purchased at higher prices than necessary or not at all due to a lack of competitive advertising; and

1        4. Students sometimes do not purchase needed textbooks and  
2 course materials due 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  
5 System of Higher Education more choices for purchasing textbooks and  
6 instructional materials;

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

10       3. Provide maximum cost savings to students.

11       C. As used in this section:

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

15       2. "Instructional material" means any textbooks, workbooks, CD-  
16 ROMs, and other course-related material required or recommended by  
17 the higher education faculty or staff for a given course; and

18       ~~2.~~ 3. "Bundled" means a textbook and other supplemental  
19 instructional materials that may be packaged together to be sold as  
20 course materials for one price but shall not include instructional  
21 materials that are designed solely for sale as an integrated  
22 combination of two or more units or materials that cannot be sold

1 separately due to third-party contractual agreements, custom  
2 editions, or special editions.

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

6 1. Bookstores located on campus or bookstores which contract  
7 with the institution to provide bookstore services to students:

- 8 a. provide students with the option of purchasing  
9 instructional materials that are unbundled when  
10 possible, disclose to faculty and staff the costs to  
11 students of purchasing instructional materials, and  
12 disclose publicly how new editions vary from previous  
13 editions,  
14 b. actively promote and publicize book buy-back programs,  
15 and  
16 c. disclose retail costs for instructional materials on a  
17 per-course basis to faculty and staff and make this  
18 information publicly available; ~~and~~

19 2. Higher education faculty and staff members to consider the  
20 least costly practices in assigning instructional materials for a  
21 course, such as adopting the least expensive edition available when  
22 educational content is comparable as determined by the faculty and

1 working closely with publishers and bookstores to create bundles and  
2 packages if they deliver cost savings to students; and

3 3. Equal access to distribute advertising as follows:

- 4 a. if a bookstore located on campus is allowed to submit  
5 advertising for inclusion in student orientation  
6 packets or through the electronic media services of  
7 the institution, or as part of a presentation to any  
8 student group, then the institution shall allow a  
9 private local textbook vendor access to distribute the  
10 private local textbook vendor's advertising by the  
11 same distribution method, if requested in writing by  
12 the private local textbook vendor,
- 13 b. the institution shall distribute the advertising of a  
14 private local textbook vendor contemporaneously with  
15 the advertising of the on-campus bookstore,
- 16 c. the institution may request a modification of the  
17 advertising of the on-campus bookstore or a private  
18 local textbook vendor if the advertising does not  
19 reflect the public interests of this state,
- 20 d. the institution shall be under no obligation to accept  
21 advertising from the on-campus bookstore or a private  
22 local textbook vendor, and

1           e.    an on-campus bookstore and a private local textbook  
2                   vendor shall be responsible for the costs related to  
3                   the preparation and production of all advertising  
4                   material.

5           E.    In developing an instructional material policy as required  
6    in subsection D of this section, each board of regents shall work  
7    with and seek input from bookstores, publishers, students and  
8    faculty representatives.

9           F.    Each publisher of instructional material used by students  
10   enrolled at institutions in The Oklahoma State System of Higher  
11   Education shall make available to the faculty and staff of that  
12   institution the:

13           1.   Price at which the publisher will make the instructional  
14   materials available to bookstores, either those located on campus of  
15   the institution or those which have a contract with the institution  
16   to provide bookstore services to students; and

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

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

20   COMMITTEE REPORT BY: COMMITTEE ON EDUCATION, dated 2-18-08 - DO  
21   PASS, As Amended and Coauthored.