

THE HOUSE OF REPRESENTATIVES  
Thursday, February 26, 2009

Committee Substitute for  
House Bill No. 1882

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1882 - By: JORDAN AND KERN  
of the House and SCHULZ of the Senate.

An Act relating to schools; amending Section 2, Chapter 368, O.S.L. 2007 (70 O.S. Supp. 2008, Section 3241.1), which relates to higher education instructional materials; deleting certain findings; modifying definitions; adding definitions; modifying requirement to submit a list of revisions to instructional materials; providing an effective date; and declaring an emergency.

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. 2008, 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 ~~B. It is the intent of the Legislature to:~~

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

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

6 3. Provide maximum cost savings to students.

7 ~~C. B.~~ As used in this section:

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

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

20 3. "Integrated textbook" means a textbook that:

21 a. is combined with materials developed by a third party and that, by  
22 third-party contractual agreement, may not be offered by publishers

1 separately from the textbook with which the materials are combined,  
2 or  
3 b. is combined with other materials that are so interrelated with the  
4 intent of the textbook that the separation of the textbook from the  
5 other materials would render the textbook unusable for its intended  
6 purpose; and

7 4. “Custom edition” means instructional material that is compiled by a publisher  
8 at the direction of a faculty member or other person or adopting entity in charge of  
9 selecting course materials at an institution, and may include, alone or in combination,  
10 items such as selections from original instructor materials, previously copyrighted  
11 publisher materials, copyrighted third-party works, and elements unique to a specific  
12 institution, such as commemorative editions.

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

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

- 18 a. provide students with the option of purchasing instructional materials  
19 that are unbundled when possible, disclose to faculty and staff the  
20 costs to students of purchasing instructional materials, and disclose  
21 publicly how new editions vary from previous editions,  
22 b. actively promote and publicize book buy-back programs, and

1 c. disclose retail costs for instructional materials on a per-course basis to  
2 faculty and staff and make this information publicly available; and

3 2. Higher education faculty and staff members to consider the least costly practices  
4 in assigning instructional materials for a course, such as adopting the least expensive  
5 edition available when educational content is comparable as determined by the faculty  
6 and working closely with publishers and bookstores to create bundles and packages if  
7 they deliver cost savings to students.

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

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

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

17 2. ~~A list of the revisions for the instructional materials since the last published~~  
18 description of the substantial content revisions made between the current edition of the  
19 textbook or supplemental material and the previous edition, if any.

20 SECTION 2. This act shall become effective August 1, 2009.

UNDERLINED language denotes Amendments to present Statutes.  
**BOLD FACE CAPITALIZED** language denotes Committee Amendments.  
~~Strike thru~~ language denotes deletion from present Statutes.

1           SECTION 3. It being immediately necessary for the preservation of the public  
2 peace, health and safety, an emergency is hereby declared to exist, by reason whereof  
3 this act shall take effect and be in full force from and after its passage and approval.  
4 COMMITTEE REPORT BY: COMMITTEE ON HIGHER EDUCATION AND CAREER  
5 TECH, dated 02-25-09 - DO PASS, As Amended and Coauthored.