

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 1738 By: Schulz of the Senate
3 and
4 Covey of the House
5
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7 (higher education - instructional materials -
8 effective date)
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11 AUTHOR: Add the following House Coauthor: Shumate

12 AMENDMENT NO. 1: Strike the stricken title, enacting clause and
13 entire bill and insert

14 "(higher education - instructional materials -
15 effective date)
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18 SECTION 1. AMENDATORY Section 2, Chapter 368, O.S.L.
19 2007 (70 O.S. Supp. 2007, Section 3241.1), is amended to read as
20 follows:

21 Section 3241.1 A. The Legislature finds that:

22 1. The bundling of higher education textbooks, workbooks, CD-
23 ROMs, and other course-related instructional materials can be
24 unnecessary since many students do not use all of the materials

1 included and may realize cost savings if materials are also offered
2 separately; and

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

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

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

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

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

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

18 3. Provide maximum cost savings to students.

19 C. As used in this section:

20 1. "Instructional material" means any textbooks, workbooks, CD-
21 ROMs, and other course-related material ~~required or recommended by~~
22 ~~the higher education faculty or staff for a given course~~ that are
23 published with the intent that they be used for or in conjunction
24 with classroom instruction and that are adopted for academic use by

1 faculty or the person or entity in charge of selecting learning
2 materials at the public institution of higher education; and

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

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

11 a. is combined with materials developed by a third party
12 and that, by third-party contractual agreement, may
13 not be offered by publishers separately from the
14 college textbook with which the materials are
15 combined, or

16 b. includes functionally interdependent course materials
17 designed to be used solely as a single unit and whose
18 separation would substantially degrade the academic
19 content so that its components would not be useful to
20 the student; and

21 4. "Custom textbook" means a college textbook that is compiled
22 at the direction of a faculty member or any other person or entity
23 in charge of selecting course materials at a university, including
24 selections from original instructor materials, previously

1 copyrighted publisher materials, copyrighted third-party works and
2 elements that are unique to a specific educational institution such
3 as commemorative editions.

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

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

9 a. provide students with the option of purchasing
10 instructional materials that are unbundled when
11 possible, disclose to faculty and staff the costs to
12 students of purchasing instructional materials, and
13 disclose publicly how new editions vary from previous
14 editions,

15 b. actively promote and publicize book buy-back programs,
16 and

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

20 2. Higher education faculty and staff members to consider the
21 least costly practices in assigning instructional materials for a
22 course, such as adopting the least expensive edition available when
23 educational content is comparable as determined by the faculty and
24

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

3 3. Each institution to provide information to students during
4 freshman orientation on options available for purchasing
5 instructional materials.

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

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

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

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

20 SECTION 2. This act shall become effective November 1, 2008."
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1 Passed the House of Representatives the 22nd day of April,
2008."

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5 Presiding Officer of the House of
Representatives

6 Passed the Senate the ____ day of _____, 2008.

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9 Presiding Officer of the Senate