

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO.

Senate Bill 929

PRINTER'S NO.

2062

AMOUNT

No adverse fiscal impact

FUND

General

DATE INTRODUCED

June 5, 2009

PRIME SPONSOR

Senator Dinniman

HISTORY OF BILLReferred to EDUCATION, June 5, 2009Reported as amended, June 23, 2009

First consideration, June 23, 2009

Re-referred to APPROPRIATIONS, July 9, 2009Re-reported as amended, June 14, 2010**DESCRIPTION AND PURPOSE OF BILL**

Senate Bill 929 establishes the College Textbook Affordability, Accountability and Accessibility Act.

Publisher Requirements

The bill requires publishers to provide faculty members or persons in charge of selecting course material with the following information: (1) the price of a textbook; (2) copyright dates for three previous editions of a textbook; (3) substantial content revisions between the current edition of a textbook and the previous edition; and, (4) whether a textbook is available in another format and its price. It also requires publishers that bundle textbook materials to sell them as separate items and disclose the price of custom order textbooks prior to accepting an order.

Faculty Responsibilities

The bill requires faculty members or academic departments selecting textbooks to: (1) consider least costly practices in assigning textbooks; (2) to consider use of textbooks for a longer period of time; (3) work with bookstores to order and stock materials, disclose textbook costs to students, and promote book buyback programs; (4) provide a written statement to the office designated by the president or chancellor detailing the textbooks required for a course and indicating, if possible, whether an earlier edition would be effective for use by a student enrolled in the course; and, (5)

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encourage participation in textbook rental programs. The bill prohibits faculty and academic departments from demanding or receiving an inducement for assigning a specific textbook, but allows faculty and academic departments to receive sample copies and royalties from the sale of textbooks that include their writing or work. Language is also included stating a violation of these provisions may result in the institution seeking disciplinary action.

Responsibilities of Higher Education Institutions

The bill requires institutions to make available at student registration, on their internet websites and upon written request a listing of all textbooks, including the international standard book number (ISBN), required for the upcoming semester. It requires institutions to make available to bookstores, including off-campus bookstores, the following information: (1) the institution's course schedule for the upcoming semester; (2) the textbooks used for each course; (3) the number of students enrolled in each course; and, (4) the maximum enrollment for each course. Institutions are also encouraged to provide information about the following: (1) textbooks rental programs; (2) purchasing used textbooks, (3) textbook buyback programs; (4) availability of alternative content, such as digital books; and, (5) a list campus and off-campus bookstores.

College Textbook Rental Programs

The bill authorizes institutions to establish textbook rental programs and accept federal and private funding to support the programs. Institutions that authorize rental programs may convene a task force to determine rental program policies and procedures. The bill also prohibits a program from limiting the faculty's right to select textbooks and permits fines to be charged when books are returned late, lost or damaged.

Electronic Version of Textbooks

The bill requires publishers, to the extent practicable, make college textbooks available for sale in an electronic format when commercially reasonable not later than January 1, 2020.

College Textbook Adoption Policies

The bill allows for institutions to adopt textbook policies that promote efforts to minimize cost. Institutions that adopt textbook policies are required to ensure: (1) adoption of a textbook for a course by a faculty member is made within enough time to ensure availability; (2) all items ordered are intended for use; (3) consideration is given by faculty members to the educational value and cost of the textbook; and, (4) textbooks are made available to students who are unable to afford them.

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College Textbook Advisory Committee

The bill provides for the establishment of the a standing committee of the State Board of Education entitled the College Textbook Advisory Committee and directs the Department of Education to provide staff support to the committee. The committee is comprised of the Deputy Secretary of Higher Education, the chair of the State Board's Higher Education Council, a faculty member representing the State System of Higher Education, a faculty member representing each of the state-related institutions, a faculty member representing the community colleges, a faculty member representing the private colleges and universities, the minority and majority chairman of the Education Committees in the Senate and the House of Representatives and nine members appointed by the chairman of the State Board of Education. The advisory committee is charged with the following responsibilities: (1) making recommendations to ensure affordable access of textbooks; (2) identifying ways to decrease costs; (3) encouraging cooperation between faculty and publishers; (3) encouraging innovation in the development and use of materials; (4) ensuring accurate and relevant pricing information is available to faculty; and, (5) making recommendations to the General Assembly and the State Board to strengthen state laws and provide regulations relative to textbooks.

The bill is scheduled to take effect July 1, 2010, or immediately, whichever is later.

FISCAL IMPACT:

The enactment of Senate Bill 929 will have no adverse fiscal impact on Commonwealth funds. The administrative responsibilities to staff the Textbook Advisory Committee placed on the Department of Education can be accomplished within its existing operating budget. Colleges and universities may experience minimal administrative costs relative to complying with the provisions contained in the legislation.