

By: Senator(s) Wilemon

To: Universities and
Colleges

SENATE BILL NO. 2066

1 AN ACT TO ENACT THE "MISSISSIPPI POSTSECONDARY TEXTBOOK
2 PRICING AND ACCESS ACT OF 2010"; TO DIRECT UNIVERSITY INSTRUCTORS
3 TO PROVIDE ADEQUATE NOTICE OF ORDERS TO APPROPRIATE BOOKSTORES IN
4 ORDER THAT THE INSTRUCTOR SHALL BE INFORMED AS TO PRICE, FORMAT
5 AVAILABILITY, AND ANY PLANS FOR REVISION OF THE TEXTBOOK; TO
6 REQUIRE THE BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER
7 LEARNING TO DEVELOP MATERIALS NECESSARY TO INFORM FACULTY AND
8 STUDENTS AS TO METHODS TO OBTAIN THE LOWEST TEXTBOOK COST; TO
9 AUTHORIZE THE ESTABLISHMENT OF A PILOT TEXTBOOK RENTAL PROGRAM FOR
10 UNIVERSITY STUDENTS; AND FOR RELATED PURPOSES.

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

12 **SECTION 1. Textbook Pricing and Access. (1) Short title.**

13 This section may be cited as the "Mississippi Postsecondary
14 Textbook Pricing and Access Act of 2010."

15 (2) **Purpose and intent.** The increasing cost of
16 postsecondary education and the sharp increase in the price of
17 textbooks, along with new and costly packaging techniques, puts a
18 greater financial burden on the students and threatens their
19 opportunity for higher education. The purpose of this section is
20 to ensure that every student in higher education is offered better
21 and more timely access to affordable textbooks. It is the policy
22 of the State of Mississippi that any university that receives
23 money from the state must work to find ways to decrease the cost
24 of textbooks for students. Therefore, the Legislature finds and
25 declares all of the following:

26 (a) It is in the best interests of the State of
27 Mississippi that high-quality course materials be available and
28 affordable to students attending universities.

29 (b) It is critical that each student has access to all
30 required textbooks prior to the start of their classes.



31 (c) To deliver high-quality materials that are
32 affordable to students, all of the following should occur:

33 (i) Faculty should consider the least costly
34 practices in assigning textbooks, consistent with educationally
35 sound practices;

36 (ii) Bookstores should work with faculty to review
37 timeliness and processes for ordering and stocking textbooks,
38 disclose textbook costs, and actively promote and publicize book
39 buyback programs; and

40 (iii) Universities should do everything possible
41 to promote a vibrant used book market, including, but not limited
42 to, exchange programs, buyback programs and textbook rental
43 programs.

44 (3) **Definitions.** For the purposes of this section, the
45 following words shall have the meanings ascribed herein:

46 (a) "Bundled" means a textbook and any other learning
47 material packaged together to be sold for one (1) price,
48 including, but not limited to, workbooks, dictionaries, CD-ROMS
49 and books.

50 (b) "Bookstore" means a store that is in the business
51 of selling textbooks, supplemental learning materials, bundled
52 textbook packages or school-related supplies on the campus of or
53 in the near vicinity of a university in Mississippi.

54 (c) "Publisher" means publishing house, firm, or
55 company that publishes printed material.

56 (d) "Required textbook" means any textbook, bundled or
57 unbundled, that is required for a course.

58 (e) "Supplemental learning material" means learning
59 materials used in teaching a course that supplement the primary
60 textbook in the form of another book, workbook or a CD-ROM.

61 (4) **Faculty specificity for textbooks.** Any faculty member
62 or entity in charge of selecting textbooks, supplemental learning
63 materials and bundled textbook packages:



64 (a) Must consider the least costly practices in
65 assigning textbooks, consistent with educationally sound practices
66 as determined by the appropriate faculty or entity;

67 (b) Must consider the use of textbooks, supplemental
68 learning materials, and bundled textbook packages for a longer
69 period of time, to the extent they are not outdated;

70 (c) Work with bookstores to review timeliness and the
71 processes involved in ordering and stocking selected course
72 materials, disclose textbook costs to students, and actively
73 promote and publicize book buyback programs;

74 (d) Must provide a written statement to the president
75 or chancellor of the university detailing the textbooks or
76 supplemental learning materials, whether bundled or unbundled,
77 that are required for each course and any textbooks or
78 supplementary learning materials, bundled or unbundled, that are
79 recommended for the course; and

80 (e) Must provide a written statement to the president
81 or chancellor of the university indicating the earliest edition of
82 any required textbook that may be effective for use by a student
83 for a particular course.

84 Nothing in this section shall prohibit the faculty member
85 from requiring the most recent edition of a textbook.

86 The Board of Trustees of State Institutions of Higher
87 Learning shall develop materials necessary to inform faculty and
88 students as to the methods to obtain the lowest textbook cost.

89 (5) **Bundling restrictions.** (a) A publisher may bundle
90 together a required textbook and any other required textbook or
91 required supplemental learning material.

92 (b) Any bookstore or faculty member that places an
93 order with a publisher for a required textbook or required
94 supplemental learning material bundled with a textbook or
95 supplemental learning material that is not required must also
96 order the textbook in an unbundled form in at least the same



97 quantity as in the bundled form. The requirement for ordering
98 equal quantities does not apply after an initial shipment of
99 bundled and unbundled textbooks if both the faculty member and the
100 bookstore determine that there is a disproportionate need for
101 either bundled or unbundled textbooks.

102 (6) **Notice to purchase.** At student registration, all
103 bookstores and universities shall make available a listing of all
104 textbooks and supplemental learning materials required and
105 recommended for courses taught during the upcoming term. The list
106 must include the International Standard Book Number (ISBN) for
107 each textbook. The listing must be available on the Internet with
108 the link communicated to students, or posted in a nonrestricted
109 area of the bookstore if a Web site is unavailable.

110 (7) **Textbook affordability.** Bookstores under this section
111 must adopt policies to price required textbooks and supplemental
112 learning materials so these are affordable to students. All
113 universities that distribute financial aid to students must
114 establish policies and procedures to provide credit or financial
115 aid for the purchase of required textbooks and supplies at any
116 bookstore under this section.

117 **SECTION 2. Textbook Rental Pilot Programs.** (1) The Board
118 of Trustees of State Institutions of Higher Learning is authorized
119 to establish a textbook rental program for the students of a
120 single campus under their jurisdiction that meets the following
121 conditions:

122 (a) The student government association of the campus
123 votes to request a textbook rental program; and

124 (b) Any existing contracts or other established
125 arrangements with entities operating bookstores allow or can be
126 made to accommodate a textbook rental program.

127 (2) A campus with a pilot project may convene a task force
128 to determine recommended policies and procedures to establish and
129 operate a textbook rental program. The task force must include,



130 but is not limited to, students, faculty, administrators and
131 bookstore managers.

132 (3) A pilot textbook rental program must comply with the
133 following requirements:

134 (a) The program must be self-sustaining through revenue
135 generated from student tuition and fees, excluding the initial
136 start-up costs to be paid from supplemental funding from other
137 sources;

138 (b) The average annual textbook rental cost for
139 full-time students must not exceed thirty-three percent (33%) of
140 the average annual retail purchase cost of textbooks for full-time
141 students;

142 (c) The program must not limit the rights of faculty to
143 select appropriate textbooks in accordance with established
144 policies and procedures;

145 (d) Students must have the option to purchase textbooks
146 they rent under the program;

147 (e) The program may be disbanded with the approval of
148 the student government association of the campus; and

149 (f) The campus must report to the Board of Trustees of
150 State Institutions of Higher Learning for a minimum of four (4)
151 years any information required to effectively evaluate the pilot
152 textbook rental program, including savings to students, system
153 efficiency and faculty satisfaction. After four (4) years, the
154 board of trustees shall report the findings of the pilot textbook
155 rental study to the chairs of committees of the Legislature
156 responsible for higher education.

157 (4) A participating campus with a textbook rental program
158 may do the following:

159 (a) Charge a campus-based or course-based textbook
160 rental fee to each student as a part of tuition or mandatory fees
161 to cover the costs of administering the program and maintaining an
162 appropriate stock of textbooks;



163 (b) Establish policies for the program, including, but
164 not limited to, implementing practices to achieve the best
165 possible purchase price for textbooks and for the provision of
166 rental services;

167 (c) Charge students a fine for any late, lost or
168 damaged book, as determined by the textbook rental service; and

169 (d) Establish other procedures required to establish
170 and operate a textbook rental program in accordance with the
171 provisions of this act.

172 **SECTION 3.** This act shall take effect and be in force from
173 and after July 1, 2010.

