

House Engrossed

State of Arizona
House of Representatives
Forty-eighth Legislature
Second Regular Session
2008

HOUSE BILL 2230

AN ACT

AMENDING TITLE 15, CHAPTER 14, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 9;
RELATING TO UNIVERSITIES AND COMMUNITY COLLEGES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 15, chapter 14, Arizona Revised Statutes, is amended
3 by adding article 9, to read:

4 ARTICLE 9. COLLEGE COURSE MATERIALS INFORMATION

5 15-1891. College course materials; information; definitions

6 A. THE PUBLISHER OF COURSE MATERIALS SHALL PROVIDE THE FOLLOWING
7 WRITTEN INFORMATION IN ACCORDANCE WITH THE POLICIES ADOPTED BY THE ARIZONA
8 BOARD OF REGENTS AND THE GOVERNING BOARD OF EACH COMMUNITY COLLEGE DISTRICT
9 TO FACULTY MEMBERS AND ANY OTHER EMPLOYEES WHO ARE IN CHARGE OF SELECTING OR
10 ADOPTING COURSE MATERIALS FOR A UNIVERSITY UNDER THE JURISDICTION OF THE
11 ARIZONA BOARD OF REGENTS OR A COMMUNITY COLLEGE UNDER THE JURISDICTION OF A
12 COMMUNITY COLLEGE DISTRICT IN THIS STATE WHENEVER THE PUBLISHER PROVIDES A
13 FACULTY MEMBER OR EMPLOYEE WITH INFORMATION ABOUT COURSE MATERIALS:

14 1. A LISTING OF RELEVANT COURSE MATERIALS OFFERED BY THE PUBLISHER AND
15 WHETHER EACH OF THE COURSE MATERIALS ARE OFFERED IN A BUNDLED PACKAGE OR SOLD
16 SEPARATELY.

17 2. THE SUGGESTED RETAIL PRICE, THE ESTIMATED WHOLESALE PRICE OR THE
18 PRICE THAT THE PUBLISHER MAKES AVAILABLE TO THE PUBLIC FOR THE COURSE
19 MATERIALS. THE PUBLISHER MAY INCLUDE THE TIME PERIOD DURING WHICH THE
20 PRICING IS APPLICABLE.

21 3. THE COPYRIGHT DATES OF THE PREVIOUS EDITION IF THE COPYRIGHT DATES
22 DO NOT APPEAR IN THE COURSE MATERIALS.

23 4. A SUMMARY OF THE SUBSTANTIVE CONTENT DIFFERENCES BETWEEN THE
24 CURRENT EDITION OF THE COURSE MATERIALS AND THE IMMEDIATE PREVIOUS EDITION.

25 B. A UNIVERSITY UNDER THE JURISDICTION OF THE ARIZONA BOARD OF REGENTS
26 OR A COMMUNITY COLLEGE UNDER THE JURISDICTION OF A COMMUNITY COLLEGE DISTRICT
27 IN THIS STATE SHALL NOTIFY FACULTY MEMBERS AND EMPLOYEES OF THE REQUIREMENTS
28 PURSUANT TO SUBSECTION A AND ADOPT POLICIES THAT INSTRUCT A FACULTY MEMBER OR
29 EMPLOYEE WHO IS IN CHARGE OF SELECTING OR ADOPTING COURSE MATERIALS TO PLACE
30 ORDERS WITH SUFFICIENT LEAD TIME TO ENABLE THE UNIVERSITY OR COMMUNITY
31 COLLEGE DISTRICT BOOKSTORE OR CONTRACT MANAGED BOOKSTORE TO CONFIRM THE
32 AVAILABILITY OF THE REQUESTED MATERIALS.

33 C. ON OR BEFORE JANUARY 1, 2009, THE ARIZONA BOARD OF REGENTS AND THE
34 GOVERNING BOARD OF EACH COMMUNITY COLLEGE DISTRICT SHALL ADOPT POLICIES THAT
35 INSTRUCT FACULTY MEMBERS OR ANY OTHER EMPLOYEES WHO ARE IN CHARGE OF ADOPTING
36 COURSE MATERIALS TO MAKE A REQUEST FOR INFORMATION PURSUANT TO SUBSECTION A.

37 D. NO FACULTY MEMBER OR EMPLOYEE OF A UNIVERSITY UNDER THE
38 JURISDICTION OF THE ARIZONA BOARD OF REGENTS OR A COMMUNITY COLLEGE UNDER THE
39 JURISDICTION OF A COMMUNITY COLLEGE DISTRICT IN THIS STATE SHALL DEMAND OR
40 RECEIVE ANY PAYMENT, LOAN, ADVANCE, GOOD OR DEPOSIT OF MONEY PRESENT OR
41 PROMISED FOR SELECTING OR PURCHASING SPECIFIC COURSE MATERIALS REQUIRED FOR
42 COURSEWORK OR INSTRUCTION, EXCEPT THAT THE FACULTY MEMBER OR EMPLOYEE MAY
43 RECEIVE:

1 1. FREE REVIEW COPIES, COMPLIMENTARY TEACHER EDITIONS OR INSTRUCTIONAL
2 MATERIALS THAT ARE NOT INTENDED TO BE SOLD BY ANY FACULTY, STAFF OR
3 BOOKSTORE.

4 2. ROYALTIES OR OTHER COMPENSATION FROM THE SALE OF COURSE MATERIALS
5 THAT INCLUDE THE FACULTY MEMBER'S OWN WRITING OR WORK.

6 3. HONORARIA FOR ACADEMIC PEER REVIEW OF COURSE MATERIALS.

7 4. TRAINING IN THE USE OF COURSE MATERIALS AND LEARNING TECHNOLOGIES.

8 E. A BOOK BUYER OR VENDOR OF COURSE MATERIALS SHALL NOT SOLICIT A
9 FACULTY MEMBER OR EMPLOYEE OF A UNIVERSITY UNDER THE JURISDICTION OF THE
10 ARIZONA BOARD OF REGENTS OR A COMMUNITY COLLEGE UNDER THE JURISDICTION OF A
11 COMMUNITY COLLEGE DISTRICT IN THIS STATE FOR THE PURPOSE OF SELLING OR
12 TRADING A FREE SAMPLE COPY OR COMPLIMENTARY TEACHER EDITIONS PROVIDED AT NO
13 CHARGE BY A PUBLISHER TO A FACULTY MEMBER OR EMPLOYEE.

14 F. THIS SECTION SHALL NOT BE CONSTRUED IN A MANNER THAT VIOLATES
15 ACADEMIC FREEDOM.

16 G. FOR THE PURPOSES OF THIS SECTION:

17 1. "BOOK BUYER" MEANS ANY PERSON OR ENTITY, INCLUDING A UNIVERSITY OR
18 COMMUNITY COLLEGE DISTRICT BOOKSTORE, ENGAGED IN THE PURCHASE OR SALE OF
19 COURSE MATERIALS.

20 2. "BUNDLED" MEANS ONE OR MORE COURSE MATERIALS THAT ARE PACKAGED
21 TOGETHER TO BE SOLD AS COURSE MATERIALS FOR A SINGLE PRICE.

22 3. "COMPLIMENTARY TEACHER EDITIONS" MEANS A BOOK WITH INFORMATION THAT
23 IS MEANT FOR THE EXCLUSIVE USE OF FACULTY MEMBERS, COMMONLY LABELED AS AN
24 "INSTRUCTOR EDITION" OR "INSTRUCTOR MANUAL" AND THAT CONTAINS ANSWERS AND
25 SOLUTIONS, TEST QUESTIONS AND PEDAGOGICAL TECHNIQUES.

26 4. "COURSE MATERIALS" MEANS ANY TEXTBOOK OR OTHER INSTRUCTIONAL TOOL
27 PUBLISHED FOR THE PURPOSE OF CLASSROOM INSTRUCTION AND USED FOR OR IN
28 CONJUNCTION WITH A COURSE IN A UNIVERSITY UNDER THE JURISDICTION OF THE
29 ARIZONA BOARD OF REGENTS OR A COMMUNITY COLLEGE UNDER THE JURISDICTION OF A
30 COMMUNITY COLLEGE DISTRICT IN THIS STATE.

31 5. "PUBLISHER" MEANS ANY PUBLISHING HOUSE, FIRM OR COMPANY THAT
32 PRODUCES COURSE MATERIALS.

33 6. "SAMPLE COPY" MEANS ANY BOOK THAT IS THE SAME AS THE REGULAR
34 STUDENT EDITION.

35 7. "SUBSTANTIVE CONTENT" MEANS PORTIONS OF A COLLEGE TEXTBOOK,
36 INCLUDING NEW CHAPTERS, ADDITIONAL ERAS OF TIME, NEW THEMES OR NEW SUBJECT
37 MATTER.

38 8. "WRITTEN INFORMATION" MEANS INFORMATION PROVIDED ON PRINT MATERIAL.
39 WRITTEN INFORMATION INCLUDES ELECTRONIC COMMUNICATION OR PUBLICATION ON A
40 WEBSITE.