S T A T E O F N E W Y O R K

5991

2009-2010 Regular Sessions

I N A S S E M B L Y

February 23, 2009

Introduced by M. of A. PERALTA -- read once and referred to the Committee on Higher Education

AN ACT to authorize the trustees of the state university of New York and of the city university of New York to create academic review boards for the review of textbooks sold, purchased or used for academic purposes at all institutions of higher education

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The trustees of the state university of New York are hereby authorized and directed to immediately take all actions to create an academic review board, to consist of twelve members of the full-time faculty of the various institutions of higher education, whose goals shall be to serve as an interface between the publishing industry and the management of the independent bookstores and to explore the issue of textbook costs at all institutions of higher education providing a course of study leading to the granting of a post-secondary degree, certificate or diploma. Such trustees working in conjunction with the academic review board shall establish all necessary rules and regulations, not later than October 1, 2009, to implement the provisions of this act which shall include, but not be limited to:

1. establishing guidelines for the academic review board in which such board will create and mandate cost control policies for the sale and purchase of all textbooks in independent bookstores on all campuses of institutions of higher education. Such guidelines shall include, but not be limited to recommendations:

(a) from the trustees of the state university of New York determining the disciplines under the jurisdiction of the academic review board;

(b) from questionnaires, created by the academic review board, which are circulated by such board within institutions of higher education; and

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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(c) from members of the publishing industry advising alternative less expensive ways of producing textbooks;

2. authorizing the academic review board to require that all publishing companies planning to introduce a new edition of an existing textbook shall first justify, based on academic review board criteria, the necessity of a new edition prior to such new textbook edition being sold, purchased, or used for academic purposes by any institution of higher education;

3. authorizing the academic review board to establish a ceiling for an acceptable percentage increase on the cost of the same edition of a textbook which is being reprinted with no changes to the actual text; and

4. requiring that all publishers selling textbooks to be used for academic purposes at all institutions of higher education mail marketing brochures promoting such textbooks to instructors or professors at all institutions of higher education. Complimentary copies of actual textbooks, including but not limited to instructor's editions or review copies, shall not, under any circumstances, be sent to any such instructor or professor unless such instructor or professor has specifically made such a request.

S 2. The trustees of the city university of New York are hereby authorized and directed to immediately take all actions to create an academic review board, to consist of twelve members of the full-time faculty of the various institutions of higher education, whose goals shall be to serve as an interface between the publishing industry and the management of the independent bookstores and to explore the issue of textbook costs at all institutions of higher education providing a course of study leading to the granting of a post-secondary degree, certificate or diploma. Such trustees working in conjunction with the academic review board shall establish all necessary rules and regulations, not later than October 1, 2009, to implement the provisions of this act which shall include, but not be limited to:

1. establishing guidelines for the academic review board in which such board will create and mandate cost control policies for the sale and purchase of all textbooks in independent bookstores on all centers of instruction of institutions of higher education. Such guidelines shall include, but not be limited to recommendations:

(a) from the trustees of the city university of New York determining the disciplines under the jurisdiction of the academic review board;

(b) from questionnaires, created by the academic review board, which are circulated by such board within institutions of higher education; and

(c) from members of the publishing industry advising alternative less expensive ways of producing textbooks;

2. authorizing the academic review board to require that all publishing companies planning to introduce a new edition of an existing textbook shall first justify, based on academic review board criteria, the necessity of a new edition prior to such new textbook edition being sold, purchased, or used for academic purposes by any institution of higher education;

3. authorizing the academic review board to establish a ceiling for an acceptable percentage increase on the cost of the same edition of a textbook which is being reprinted with no changes to the actual text; and

4. requiring that all publishers selling textbooks to be used for academic purposes at all institutions of higher education mail marketing

brochures promoting such textbooks to instructors or professors at all institutions of higher education. Complimentary copies of actual textbooks, including but not limited to instructor's editions or review copies, shall not, under any circumstances, be sent to any such instructor or professor unless such instructor or professor has specifically made such a request.

S 3. This act shall take effect immediately.