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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 2730

03/27/2019 Authored by Wolgamott, Klevorn and Nornes
The bill was read for the first time and referred to the Committee on Ways and Means

1.1 A bill for an act
1.2 relating to higher education; creating programs in the Minnesota State Colleges
1.3 and Universities to increase open textbook usage; requiring reports; appropriating
1.4 money; amending Minnesota Statutes 2018, section 136F.58, subdivision 3, by
1.5 adding subdivisions.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2018, section 136F.58, is amended by adding a subdivision
1.8 to read:

1.9 Subd. 1a. Definitions. (a) For purposes of this section, the following terms have the
1.10 meanings given.

1.11 (b) "Custom textbook" means course materials that are compiled by a publisher at the
1.12 direction of a faculty member or, if applicable, the other adopting entity in charge of selecting
1.13 course materials for courses taught at a state college or university. Custom textbooks may
1.14 include items such as selections from original instructor materials, previously copyrighted
1.15 publisher materials, copyrighted third-party works, or elements unique to a specific state
1.16 college or university.

1.17 (c) "Incentive" means anything provided to encourage the use of open textbooks,
1.18 including but not limited to financial compensation.

1.19 (d) "Open textbook" means a textbook that is distributed using an open copyright license
1.20 that at a minimum allows a student to obtain, retain, reuse, and redistribute the material at
1.21 no cost.

1.22 (e) "System office" means the Minnesota State Colleges and Universities system office.

2.1 Sec. 2. Minnesota Statutes 2018, section 136F.58, subdivision 3, is amended to read:

2.2 Subd. 3. **Notice to purchase.** (a) An instructor or department shall notify a college or
2.3 university bookstore of the final order for required and recommended course material at
2.4 least 45 days prior to the commencement of the term.

2.5 (b) An instructor or department must notify the bookstore, as required in paragraph (a),
2.6 if a previous edition of the textbook is acceptable as a substitute textbook for the course.

2.7 (c) The bookstore must make reasonable efforts to notify students of the following
2.8 information concerning the required and recommended course material at least 30 days
2.9 prior to the commencement of the term for which the course material is required including,
2.10 but not limited to:

2.11 (1) the title, edition, author, and International Standard Book Number (ISBN) of the
2.12 course material;

2.13 (2) the retail price charged in the college or university bookstore for the course material,
2.14 including custom textbooks;

2.15 (3) if applicable, whether a previous edition of the textbook is acceptable as required
2.16 under this subdivision;

2.17 (4) whether the material is available in an alternative format and the cost for the
2.18 alternatively formatted material; and

2.19 (5) the most recent copyright date of the printed course material and the copyright date
2.20 of the most recent prior edition of the course material, if that prior edition is acceptable for
2.21 class use.

2.22 ~~(d) For purposes of this subdivision, "custom textbooks" means course materials that~~
2.23 ~~are compiled by a publisher at the direction of a faculty member or, if applicable, the other~~
2.24 ~~adopting entity in charge of selecting course materials for courses taught at a state college~~
2.25 ~~or university. Custom textbooks may include items such as selections from original instructor~~
2.26 ~~materials, previously copyrighted publisher materials, copyrighted third-party works, or~~
2.27 ~~elements unique to a specific state college or university.~~

2.28 Sec. 3. Minnesota Statutes 2018, section 136F.58, is amended by adding a subdivision to
2.29 read:

2.30 Subd. 5. **Open textbook development.** (a) The Minnesota State Colleges and Universities
2.31 must develop a program to expand the use of open textbooks in college and university
2.32 courses. The system office must provide opportunities for faculty to identify, review, adapt,

3.1 author, and adopt open textbooks. The system office must develop incentives to academic
3.2 departments that identify, review, adapt, author, or adopt open textbooks within their
3.3 academic programs.

3.4 (b) The system office, in coordination with faculty bargaining units, must develop a
3.5 program that identifies high-enrollment academic programs and provides faculty within the
3.6 selected disciplines incentives to jointly adapt or author an open textbook.

3.7 (c) The programs developed under this subdivision must be implemented pursuant to
3.8 faculty collective bargaining agreements that govern academic freedom and textbook choice.

3.9 **Sec. 4. REPORT.**

3.10 The Board of Trustees of the Minnesota State Colleges and Universities must submit
3.11 reports by January 13, 2021, and January 12, 2022, to the chairs and ranking minority
3.12 members of the legislative committees with jurisdiction over higher education. Each report
3.13 must include (1) the number of courses transitioned to using an open textbook resulting
3.14 from the programs in Minnesota Statutes, section 136F.58, subdivision 5, and (2) the total
3.15 amount of student textbook savings resulting from the transitions.

3.16 **Sec. 5. APPROPRIATION.**

3.17 \$250,000 in fiscal year 2020 and \$250,000 in fiscal year 2021 are appropriated from the
3.18 general fund to the Board of Trustees of the Minnesota State Colleges and Universities for
3.19 administrating the open textbook programs under Minnesota Statutes, section 136F.58,
3.20 subdivision 5.