

AMENDED IN ASSEMBLY JUNE 15, 2010

AMENDED IN SENATE APRIL 5, 2010

SENATE BILL

No. 1045

Introduced by Senator Alquist

February 16, 2010

~~An act to amend Section 66410 of the Education Code, relating to postsecondary education. An act relating to postsecondary education.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1045, as amended, Alquist. Donahoe Higher Education Act: textbooks: *reporting requirements*.

~~Existing law, the~~ *The* Donahoe Higher Education Act, sets forth, among other things, the missions and functions of California's public and independent segments of higher education, and their respective institutions of higher education. Among other things, the act requires publishers of textbooks offered for sale at a public or a private postsecondary institution of education to make the textbooks available, in whole or in part, to the extent practicable, in an electronic format by January 1, 2020, and requires electronic versions of textbooks to include the same content as the printed versions *and permits the electronic versions to be copy-protected*.

~~This bill would instead require the electronic versions of textbooks to contain, at a minimum, the same content as printed versions.~~

This bill would require the Legislative Analyst's Office to submit a report to the Legislature by June 1, 2011, with key findings on certain matters relating to electronic textbooks, including the degree to which state and federal copyright protection laws may complicate the implementation of the provisions relating to electronic versions of textbooks.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. *The Legislature finds and declares all of the*
2 *following:*

3 (a) *As the costs of tuition and fees at institutions of higher*
4 *education are expected to rise, students need relief from the costs*
5 *of higher education.*

6 (b) *Electronic textbooks hold the potential to expand student*
7 *access to educational materials at a more affordable rate.*

8 (c) *As this technology is constantly developing, it is not yet clear*
9 *what policy enactments are necessary to ensure rapid*
10 *implementation and integration into California’s institutions of*
11 *higher education.*

12 SEC. 2. (a) *The Legislative Analyst’s Office shall report to*
13 *the Legislature by June 1, 2011, with key findings on the following*
14 *matters:*

15 (1) *The degree to which state and federal copyright protection*
16 *laws may complicate the implementation of subdivision (a) of*
17 *Section 66410 of the Education Code.*

18 (2) *California’s authority to regulate bundling of electronic*
19 *textbooks to the extent practicable, with an emphasis on following*
20 *the intent of the federal Higher Education Opportunity Act of 2008*
21 *(Public Law 110-315).*

22 (b) (1) *The requirement for submitting a report imposed under*
23 *subdivision (a) is inoperative on June 1, 2015, pursuant to Section*
24 *10231.5 of the Government Code.*

25 (2) *A report submitted pursuant to subdivision (a) shall be*
26 *submitted in compliance with Section 9795 of the Government*
27 *Code.*

28 ~~SECTION 1. Section 66410 of the Education Code is amended~~
29 ~~to read:~~

30 ~~66410. (a) No later than January 1, 2020, any individual, firm,~~
31 ~~partnership, or corporation that publishes textbooks offered for~~
32 ~~sale at the University of California, the California State University,~~
33 ~~the California Community Colleges, or a private postsecondary~~
34 ~~educational institution in the state shall, to the extent practicable,~~
35 ~~make the textbooks available, in whole or in part, for sale in an~~

1 ~~electronic format. The electronic version of any textbook shall~~
2 ~~contain, at a minimum, the same content as the printed version~~
3 ~~and may be copy-protected.~~

4 ~~(b) For purposes of this section, “textbook” has the same~~
5 ~~meaning as defined in subdivision (b) of Section 66406.7.~~

6 ~~(c) This section does not authorize any use of instructional~~
7 ~~materials that would constitute an infringement of copyright under~~
8 ~~the Copyright Revision Act of 1976, as amended (17 U.S.C. Sec.~~
9 ~~101 et seq.).~~