

**18A:3B-81 to 18A:3B-83**  
**LEGISLATIVE HISTORY CHECKLIST**

Compiled by the NJ State Law Library

**LAWS OF:** 2019                    **CHAPTER:** 77

**NJSA:** 18A:3B-81 to 18A:3B-83 (Requires institutions of higher education to develop open textbook plan.)

**BILL NO:** S768                    (Substituted for A327/1149/3254)

**SPONSOR(S)** Sandra B. Cunningham and others

**DATE INTRODUCED:** 1/9/2018

**COMMITTEE:**                    **ASSEMBLY:** Higher Education

**SENATE:** ---

**AMENDED DURING PASSAGE:** Yes

**DATE OF PASSAGE:**                    **ASSEMBLY:** 3/25/2019

**SENATE:** 3/25/2019

**DATE OF APPROVAL:** 5/2/2019

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

**FINAL TEXT OF BILL** (First Reprint enacted) Yes

**S768**

**INTRODUCED BILL:** (Sponsor's statement begins on page 3) Yes

**COMMITTEE STATEMENT:**                    **ASSEMBLY:** Yes

**SENATE:** No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at [www.njleg.state.nj.us](http://www.njleg.state.nj.us))

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

**A327/1149/3254**

**INTRODUCED BILL A327:** (Sponsor's statement begins on page 4) Yes

**INTRODUCED BILL A1149:** (Sponsor's statement begins on page 3) Yes

**INTRODUCED BILL A327:** (Sponsor's statement begins on page 3) Yes

**COMMITTEE STATEMENT A327/1149/3254:**                    **ASSEMBLY:** Yes

**SENATE:** No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at [www.njleg.state.nj.us](http://www.njleg.state.nj.us))

(continued)

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** Yes

**FOLLOWING WERE PRINTED:**

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** Yes

Gov. Murphy signs bills to recruit women and minorities, require colleges to develop open textbook plan  
NJBIZ (New Brunswick, NJ) - May 2, 2019

**Also of possible interest to researchers:**

Committee meeting of New Jersey Legislative Select Oversight Committee : the Committee will hear testimony from invited guests concerning the challenges facing survivors of sexual assault, as well as hiring, vetting, and complaint procedures within State government

[February 26, 2019, Trenton, New Jersey]

Call number: 974.90 I62, 2019f

Online at: <http://hdl.handle.net/10929/50492>

RWH/JA

P.L. 2019, CHAPTER 77, *approved May 2, 2019*  
Senate, No. 768 (*First Reprint*)

1 AN ACT concerning college textbooks and supplementing chapter  
2 3B of Title 18A of the New Jersey Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. As used in this act:

8 “Open educational resource” means an educational resource that  
9 is licensed under an open license and made freely available online  
10 to the public.

11 “Open license” means a world-wide, royalty-free, non-exclusive,  
12 perpetual, irrevocable copyright license granting the public  
13 permission to access, reproduce, publicly perform, publicly display,  
14 adapt, distribute, and otherwise use the work and adaptations of the  
15 work for any purpose, conditioned only on the requirement that  
16 attribution be given to authors as designated.

17 “Open textbook” means an open educational resource or set of  
18 open educational resources that either is a textbook or can be used  
19 in place of a textbook for a postsecondary course at an institution of  
20 higher education.

21

22 2. a. Within <sup>1</sup>**【180 days】** one year<sup>1</sup> of the effective date of  
23 P.L. , c. (C. ) (pending before the Legislature as this bill), an  
24 institution of higher education, after consultation with faculty  
25 members at the institution, shall submit a plan to the Secretary of  
26 Higher Education to expand the use of open textbooks and  
27 commercial digital learning materials in order to achieve savings  
28 for students enrolled in the institution. The plan may include  
29 strategies employed by the institution during the last academic year.

30 b. The secretary shall review the plan submitted by an  
31 institution to ensure that the plan has the potential to:

32 (1) achieve the highest level of savings for students through the  
33 sustainable expanded use of open textbooks in courses offered by  
34 the institution;

35 (2) produce the highest quality open textbooks that can be most  
36 easily utilized and adapted by faculty members at the institution,  
37 and correspond to the highest enrollment courses at the institution;

**EXPLANATION** – Matter enclosed in bold-faced brackets **【thus】** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly AHI committee amendments adopted June 18, 2018.

- 1       (3) ensure that the full and complete digital content of each open  
2 textbook created or adapted in accordance with the plan is made  
3 available to students enrolled in the institution:
- 4       (a) on the institution's college bookstore website in an easily  
5 accessible location; and  
6       (b) in a machine readable, digital format that a student can  
7 download;
- 8       (4) ensure that the institution is making a good faith effort to  
9 provide open textbooks to students; and
- 10       (5) provide for the implementation of programs which reduce  
11 the cost of commercial digital learning materials pursuant to 34  
12 C.F.R. s.668.164(c)(2).

13

14       3. The Secretary of Higher Education shall submit a report by  
15 July 1 of each academic year to the Governor, and to the Legislature  
16 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), that  
17 provides information on which institutions of higher education are  
18 offering open textbooks.

19

20       4. This act shall take effect immediately.

21

22

23 \_\_\_\_\_

24

25       Requires institutions of higher education to develop open  
26 textbook plan.

# SENATE, No. 768

## STATE OF NEW JERSEY 218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

**Sponsored by:**

**Senator SANDRA B. CUNNINGHAM**

**District 31 (Hudson)**

**Senator NILSA CRUZ-PEREZ**

**District 5 (Camden and Gloucester)**

**Co-Sponsored by:**

**Senators Ruiz, Gordon and Turner**

**SYNOPSIS**

Requires institutions of higher education to develop open textbook plan.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning college textbooks and supplementing chapter  
2 3B of Title 18A of the New Jersey Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. As used in this act:

8 “Open educational resource” means an educational resource that  
9 is licensed under an open license and made freely available online  
10 to the public.

11 “Open license” means a world-wide, royalty-free, non-exclusive,  
12 perpetual, irrevocable copyright license granting the public  
13 permission to access, reproduce, publicly perform, publicly display,  
14 adapt, distribute, and otherwise use the work and adaptations of the  
15 work for any purpose, conditioned only on the requirement that  
16 attribution be given to authors as designated.

17 “Open textbook” means an open educational resource or set of  
18 open educational resources that either is a textbook or can be used  
19 in place of a textbook for a postsecondary course at an institution of  
20 higher education.

21

22 2. a. Within 180 days of the effective date of P.L. ,  
23 c. (C. ) (pending before the Legislature as this bill), an  
24 institution of higher education, after consultation with faculty  
25 members at the institution, shall submit a plan to the Secretary of  
26 Higher Education to expand the use of open textbooks and  
27 commercial digital learning materials in order to achieve savings  
28 for students enrolled in the institution. The plan may include  
29 strategies employed by the institution during the last academic year.

30 b. The secretary shall review the plan submitted by an  
31 institution to ensure that the plan has the potential to:

32 (1) achieve the highest level of savings for students through the  
33 sustainable expanded use of open textbooks in courses offered by  
34 the institution;

35 (2) produce the highest quality open textbooks that can be most  
36 easily utilized and adapted by faculty members at the institution,  
37 and correspond to the highest enrollment courses at the institution;

38 (3) ensure that the full and complete digital content of each open  
39 textbook created or adapted in accordance with the plan is made  
40 available to students enrolled in the institution:

41 (a) on the institution’s college bookstore website in an easily  
42 accessible location; and

43 (b) in a machine readable, digital format that a student can  
44 download;

45 (4) ensure that the institution is making a good faith effort to  
46 provide open textbooks to students; and

1 (5) provide for the implementation of programs which reduce  
2 the cost of commercial digital learning materials pursuant to 34  
3 C.F.R. s.668.164(c)(2).

4  
5 3. The Secretary of Higher Education shall submit a report by  
6 July 1 of each academic year to the Governor, and to the Legislature  
7 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), that  
8 provides information on which institutions of higher education are  
9 offering open textbooks.

10  
11 4. This act shall take effect immediately.

12  
13  
14 STATEMENT

15  
16 This bill provides that within 180 days of the bill's effective date,  
17 each institution of higher education, after consultation with faculty  
18 members, must submit a plan to the Secretary of Higher Education to  
19 expand the use of open textbooks and commercial digital learning  
20 materials to achieve savings for students enrolled in the institution. An  
21 open textbook is an open educational resource that either is a textbook  
22 or can be used in place of a textbook for a postsecondary course at an  
23 institution of higher education.

24 Under the bill, the secretary will review the plan to ensure that the  
25 plan has the potential to: 1) achieve the highest level of savings for  
26 students through the expanded use of open textbooks in courses  
27 offered by the institution; 2) produce the highest quality open  
28 textbooks that can be easily utilized and adapted by faculty members;  
29 3) ensure that the full and complete digital content of each open  
30 textbook is made available to students enrolled in the institution; 4)  
31 ensure that the institution is making a good faith effort to provide open  
32 textbooks to students; and 5) provide for the implementation of  
33 programs which reduce the cost of commercial digital learning  
34 materials pursuant to federal regulations at 34 C.F.R. s.668.164(c)(2).  
35 These federal regulations allow an institution of higher education to  
36 apply a student's federal funds under Title IV of the "Higher  
37 Education Act of 1965" to books and supplies, including digital or  
38 electronic course materials, under conditions that the publisher  
39 arranges for use of these materials at below competitive market rates.

40 The bill requires the secretary to submit a report by July 1 of each  
41 academic year to the Governor and the Legislature that provides  
42 information on which institutions of higher education are offering  
43 open textbooks.

44 This bill implements a recommendation of the College  
45 Affordability Study Commission included in its September 2016 final  
46 report.

# ASSEMBLY HIGHER EDUCATION COMMITTEE

## STATEMENT TO

### **SENATE, No. 768**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: JUNE 18, 2018

The Assembly Higher Education Committee reports favorably Senate Bill No. 768 with committee amendments.

As amended, this bill provides that within one year of the bill's effective date, each institution of higher education, after consultation with faculty members, must submit a plan to the Secretary of Higher Education to expand the use of open textbooks and commercial digital learning materials to achieve savings for students enrolled in the institution. An open textbook is an open educational resource that either is a textbook or can be used in place of a textbook for a postsecondary course at an institution of higher education.

Under the bill, the secretary will review the plan to ensure that the plan has the potential to: 1) achieve the highest level of savings for students through the expanded use of open textbooks in courses offered by the institution; 2) produce the highest quality open textbooks that can be easily utilized and adapted by faculty members; 3) ensure that the full and complete digital content of each open textbook is made available to students enrolled in the institution; 4) ensure that the institution is making a good faith effort to provide open textbooks to students; and 5) provide for the implementation of programs which reduce the cost of commercial digital learning materials pursuant to federal regulations at 34 C.F.R. s.668.164(c)(2). These federal regulations allow an institution of higher education to apply a student's federal funds under Title IV of the "Higher Education Act of 1965" to books and supplies, including digital or electronic course materials, under conditions that the publisher arranges for use of these materials at below competitive market rates.

The bill requires the secretary to submit a report by July 1 of each academic year to the Governor and the Legislature that provides information on which institutions of higher education are offering open textbooks.

As amended and reported by the committee, this bill is identical to the Assembly Committee Substitute for Assembly Bill Nos. 327, 1149, and 3254, which also was reported on this same date.



COMMITTEE AMENDMENTS:

The committee amended the bill to require the institution of higher education to submit its open textbook plan to the Secretary of Higher Education within one year of the bill's effective date rather than 180 days as provided under the bill as introduced.

# ASSEMBLY, No. 1149

## STATE OF NEW JERSEY 218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

**Sponsored by:**

**Assemblyman BENJIE E. WIMBERLY**

**District 35 (Bergen and Passaic)**

**Assemblywoman ANGELA V. MCKNIGHT**

**District 31 (Hudson)**

**SYNOPSIS**

Requires institutions of higher education to offer open textbooks.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning college textbooks and supplementing chapter  
2 3B of Title 18A of the New Jersey Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. As used in this act:

8 “Open educational resource” means an educational resource that  
9 is licensed under an open license and made freely available online  
10 to the public.

11 “Open license” means a world-wide, royalty-free, non-exclusive,  
12 perpetual, irrevocable copyright license granting the public  
13 permission to access, reproduce, publicly perform, publicly display,  
14 adapt, distribute, and otherwise use the work and adaptations of the  
15 work for any purpose, conditioned only on the requirement that  
16 attribution be given to authors as designated.

17 “Open textbook” means an open educational resource or set of  
18 open educational resources that either is a textbook or can be used  
19 in place of a textbook for a postsecondary course at an institution of  
20 higher education.

21

22 2. a. Within 90 days of the effective date of P.L. , c. (C. )  
23 (pending before the Legislature as this bill), an institution of higher  
24 education, after consultation with faculty members at the institution,  
25 shall submit a plan to the Secretary of Higher Education to make  
26 open textbooks and commercial digital learning materials available  
27 to students enrolled in the institution in order to achieve savings for  
28 those students. The plan may include strategies employed by the  
29 institution during the last academic year.

30 b. The secretary shall review the plan submitted by an  
31 institution within 30 days of its submission to ensure that the plan  
32 has the potential to:

33 (1) achieve the highest level of savings for students through the  
34 sustainable expanded use of open textbooks in courses offered by  
35 the institution;

36 (2) produce the highest quality open textbooks that can be most  
37 easily utilized and adapted by faculty members at the institution,  
38 and correspond to the highest enrollment courses at the institution;

39 (3) ensure that the full and complete digital content of each open  
40 textbook created or adapted in accordance with the plan is made  
41 available to students enrolled in the institution:

42 (a) on the institution’s college bookstore website in an easily  
43 accessible location; and

44 (b) in a machine readable, digital format that a student can  
45 download; and

46 (4) provide for the implementation of programs which reduce  
47 the cost of commercial digital learning materials pursuant to 34  
48 C.F.R. s.668.164(c)(2).

1 c. (1) If the secretary approves the plan submitted by an  
2 institution pursuant to this section, the institution shall make open  
3 textbooks and commercial digital learning materials available to  
4 students enrolled in the institution by the first day of the next  
5 academic semester; except that if the first day of the next academic  
6 semester is less than 30 days following the secretary's approval of  
7 the plan, open textbooks and digital learning materials shall be  
8 made available to students by the first day of the second subsequent  
9 semester.

10 (2) If the secretary does not approve the plan submitted by an  
11 institution pursuant to this section, the institution shall submit a  
12 revised plan to the secretary within 30 days of the secretary's  
13 disapproval of the original plan. Upon the secretary's final  
14 approval of the plan, the institution shall provide open textbooks  
15 and commercial digital learning materials as required pursuant to  
16 paragraph (1) of this subsection  
17

18 3. The Secretary of Higher Education shall submit a report by  
19 July 1 of each academic year to the Governor, and to the Legislature  
20 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), that  
21 provides information on which institutions of higher education are  
22 offering open textbooks and commercial digital learning materials  
23 at the time of the submission of the report, and an estimate of when  
24 each of the remaining institutions will be offering such textbooks  
25 and materials.  
26

27 4. This act shall take effect immediately.  
28  
29

30 STATEMENT  
31

32 This bill provides that within 90 days of the bill's effective date,  
33 each institution of higher education, after consultation with faculty  
34 members, must submit a plan to the Secretary of Higher Education  
35 to make open textbooks and commercial digital learning materials  
36 available to students enrolled in the institution in order to achieve  
37 savings for those students. An open textbook is an open  
38 educational resource that either is a textbook or can be used in place  
39 of a textbook for a postsecondary course at an institution of higher  
40 education.

41 Under the bill, the secretary will review the plan to ensure that  
42 the plan has the potential to: 1) achieve the highest level of savings  
43 for students through the expanded use of open textbooks in courses  
44 offered by the institution; 2) produce the highest quality open  
45 textbooks that can be easily utilized and adapted by faculty  
46 members; 3) ensure that the full and complete digital content of  
47 each open textbook is made available to students enrolled in the  
48 institution; and 4) provide for the implementation of programs

1 which reduce the cost of commercial digital learning materials  
2 pursuant to federal regulations at 34 C.F.R. s.668.164(c)(2). These  
3 federal regulations allow an institution of higher education to apply  
4 a student's federal funds under Title IV of the "Higher Education  
5 Act of 1965" to books and supplies, including digital or electronic  
6 course materials, under conditions that the publisher arranges for  
7 use of these materials at below competitive market rates.

8 The secretary will have 30 days to review the plan submitted by  
9 an institution. If the secretary approves the plan, the institution  
10 must make open textbooks and commercial digital learning  
11 materials available to students by the first day of the next academic  
12 semester. If the first day of the next academic semester is less than  
13 30 days following the secretary's approval of the plan, open  
14 textbooks and commercial digital learning materials will then be  
15 made available to students by the first day of the second subsequent  
16 semester. If the secretary disapproves the submitted plan, the  
17 institution must submit a revised plan within 30 days of the  
18 secretary's disapproval of the original plan.

19 The bill requires the secretary to submit a report by July 1 of  
20 each academic year to the Governor and the Legislature that  
21 provides information on which institutions of higher education are  
22 offering open textbooks and commercial digital learning materials  
23 at the time of the submission of the report, and an estimate of when  
24 all other institutions of higher education will be offering such  
25 textbooks and materials.

26 This bill implements a recommendation of the College  
27 Affordability Study Commission included in its September 2016  
28 final report.

# ASSEMBLY, No. 327

## STATE OF NEW JERSEY 218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

**Sponsored by:**

**Assemblywoman NANCY J. PINKIN**

**District 18 (Middlesex)**

**Assemblywoman MILA M. JASEY**

**District 27 (Essex and Morris)**

**Assemblyman WAYNE P. DEANGELO**

**District 14 (Mercer and Middlesex)**

**Assemblyman JOE DANIELSEN**

**District 17 (Middlesex and Somerset)**

**Co-Sponsored by:**

**Assemblyman Mukherji**

**SYNOPSIS**

Requires institutions of higher education to develop open textbooks available to students at no charge and requires buyback of used textbooks at 50 percent of purchase price.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



**(Sponsorship Updated As Of: 6/15/2018)**

1 AN ACT concerning college textbooks and supplementing chapter  
2 3B of Title 18A of the New Jersey Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. This act shall be know and may be cited as the “Affordable  
8 College Textbook Act.”

9

10 2. The Legislature finds and declares that:

11 a. The high cost of college textbooks continues to be a barrier  
12 for many students in achieving a higher education;

13 b. According to the College Board, during the 2012-2013  
14 academic year, the average student budget for college books and  
15 supplies was \$1,200;

16 c. The Government Accountability Office found that new  
17 textbook prices increased 82 percent over the last decade;

18 d. The growth of the Internet has enabled the creation and  
19 sharing of digital content, including open educational resources that  
20 can be freely used by students, teachers, and members of the public;  
21 and

22 e. Using open educational resources in place of traditional  
23 materials in large-enrollment college courses can reduce textbook  
24 costs by 80 to 100 percent.

25

26 3. As used in this act:

27 “Open educational resource” means an educational resource that  
28 is licensed under an open license and made freely available online  
29 to the public.

30 “Open license” means a world-wide, royalty-free, non-exclusive,  
31 perpetual, irrevocable copyright license granting the public  
32 permission to access, reproduce, publicly perform, publicly display,  
33 adapt, distribute, and otherwise use the work and adaptations of the  
34 work for any purpose, conditioned only on the requirement that  
35 attribution be given to authors as designated.

36 “Open textbook” means an open educational resource or set of  
37 open educational resources that either is a textbook or can be used  
38 in place of a textbook for a postsecondary course at an institution of  
39 higher education.

40

41 4. a. Within 180 days of the effective date of this act, a four-  
42 year public or independent institution of higher education, after  
43 consultation with faculty members at the institution, shall submit a  
44 plan to the Secretary of Higher Education to expand the use of open  
45 textbooks in order to achieve savings for students enrolled in the  
46 institution.

47 b. The secretary shall review the plan submitted by an  
48 institution to ensure that the plan has the potential to:

- 1 (1) achieve the highest level of savings for students through the  
2 sustainable expanded use of open textbooks in courses offered by  
3 the institution;
- 4 (2) produce the highest quality open textbooks that can be most  
5 easily utilized and adapted by faculty members at the institution,  
6 and correspond to the highest enrollment courses at the institution;
- 7 (3) ensure that the full and complete digital content of each open  
8 textbook created or adapted in accordance with the plan is made  
9 available free-of-charge to student's enrolled in the institution:
  - 10 (a) on the institution's college bookstore website in an easily  
11 accessible location; and
  - 12 (b) in a machine readable, digital format that a student can  
13 download; and
- 14 (4) ensure that open textbooks are available to students by July  
15 1, 2020.
  - 16 c. The provisions of this section shall not be applicable to an  
17 independent institution of higher education having a total  
18 endowment of more than \$1,000,000,000.  
19
- 20 5. a. The bookstore of a four-year public or independent  
21 institution of higher education, whether operated directly by the  
22 institution or by an auxiliary organization established pursuant to  
23 P.L.1982, c.16 (C.18A:64-26 et seq.), or by any other entity, shall  
24 buy back a used book from the student who purchased the book  
25 from the bookstore, whether originally purchased as a new book or  
26 as a used book, at 50 percent of the amount the student paid for the  
27 book provided that the student has proof of purchase and the book  
28 is deemed to be in good condition. Any dispute in regard to good  
29 condition or the buyback price shall be resolved by the institution's  
30 Office of Student Affairs or such similar office as determined by  
31 the institution.
- 32 b. The provisions of this section shall not be applicable to an  
33 independent institution of higher education having a total  
34 endowment of more than \$1,000,000,000.  
35
- 36 6. No later than July 1, 2020, the secretary shall prepare and  
37 submit a report to the Senate Higher Education Committee and the  
38 Assembly Higher Education Committee, or their successor  
39 committees, detailing:
  - 40 a. the open textbooks created or adapted by the institutions of  
41 higher education;
  - 42 b. the extent to which open textbooks are used at the  
43 institutions of higher education;
  - 44 c. the savings generated by open textbooks and the buyback of  
45 used textbooks for students enrolled in the institutions; and
  - 46 d. the impact of open textbooks on the cost of textbooks  
47
- 48 7. This act shall take effect immediately.



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STATEMENT

This bill provides that within 180 days of the bill’s effective date, each four-year public and independent institution of higher education, after consultation with faculty members, must submit a plan to the Secretary of Higher Education to expand the use of open textbooks in order to achieve savings for students enrolled in the institution. An open textbook is an educational resource that is licensed under an open license and made freely available online to the public.

Under the bill, the secretary will review the plan to ensure that the plan has the potential to: 1) achieve the highest level of savings for students through the expanded use of open textbooks in courses offered by the institution; 2) produce the highest quality open textbooks that can be easily utilized and adapted by faculty members; 3) ensure that the full and complete digital content of each open textbook is made available free-of-charge to students enrolled in the institution; and 4) ensure that open textbooks are available to students by July 1, 2020.

The bill also requires a college bookstore at a public or independent institution of higher education to buy back a used book from the student who purchased the book, whether originally purchased as a new book or a used book, at 50 percent of the amount the student paid for the book provided that the student has proof of purchase and the book is deemed to be in good condition.

Finally, the bill requires the secretary to prepare and submit a report no later than July 1, 2020 to the Senate and General Assembly Higher Education Committees providing detailed information on the open textbook and buyback requirements established under the bill.

The bill excludes an independent institution of higher education that has a total endowment of \$1 billion or more.

# ASSEMBLY HIGHER EDUCATION COMMITTEE

## STATEMENT TO

### ASSEMBLY COMMITTEE SUBSTITUTE FOR ASSEMBLY, Nos. 327, 1149, and 3254

# STATE OF NEW JERSEY

DATED: JUNE 18, 2018

The Assembly Higher Education Committee reports favorably an Assembly Committee Substitute for Assembly Bill Nos. 327, 1149, and 3254.

This committee substitute provides that within one year of the bill's effective date, each institution of higher education, after consultation with faculty members, must submit a plan to the Secretary of Higher Education to expand the use of open textbooks and commercial digital learning materials to achieve savings for students enrolled in the institution. An open textbook is an open educational resource that either is a textbook or can be used in place of a textbook for a postsecondary course at an institution of higher education.

Under the substitute, the secretary will review the plan to ensure that the plan has the potential to: 1) achieve the highest level of savings for students through the expanded use of open textbooks in courses offered by the institution; 2) produce the highest quality open textbooks that can be easily utilized and adapted by faculty members; 3) ensure that the full and complete digital content of each open textbook is made available to students enrolled in the institution; 4) ensure that the institution is making a good faith effort to provide open textbooks to students; and 5) provide for the implementation of programs which reduce the cost of commercial digital learning materials pursuant to federal regulations at 34 C.F.R. s.668.164(c)(2). These federal regulations allow an institution of higher education to apply a student's federal funds under Title IV of the "Higher Education Act of 1965" to books and supplies, including digital or electronic course materials, under conditions that the publisher arranges for use of these materials at below competitive market rates.

The substitute requires the secretary to submit a report by July 1 of each academic year to the Governor and the Legislature that provides information on which institutions of higher education are offering open textbooks.

As reported by the committee, this substitute is identical to Senate Bill No. 768, which was amended and also reported by the committee on this same date.

# ASSEMBLY, No. 3254

## STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED FEBRUARY 12, 2018

**Sponsored by:**

**Assemblyman ADAM J. TALIAFERRO**

**District 3 (Cumberland, Gloucester and Salem)**

**SYNOPSIS**

Requires institutions of higher education to develop plan to offer open textbooks to students.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning certain textbooks and supplementing chapter  
2 3B of Title 18A of the New Jersey Statutes.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5 *of New Jersey:*

6

7 1. As used in this act:

8 “Open educational resource” means an educational resource that  
9 is licensed under an open license and made freely available online  
10 to the public.

11 “Open license” means a world-wide, royalty-free, non-exclusive,  
12 perpetual, irrevocable copyright license granting the public  
13 permission to access, reproduce, publicly perform, publicly display,  
14 adapt, distribute, and otherwise use the work and adaptations of the  
15 work for any purpose, conditioned only on the requirement that  
16 attribution be given to authors as designated.

17 “Open textbook” means an open educational resource or set of  
18 open educational resources that either is a textbook or can be used  
19 in place of a textbook for a postsecondary course at an institution of  
20 higher education.

21

22 2. a. Within 180 days of the effective date of P.L. ,  
23 c. (C. ) (pending before the Legislature as this bill), a public  
24 or independent institution of higher education, after consultation  
25 with faculty members at the institution, shall submit a plan to the  
26 Secretary of Higher Education to expand the use of open textbooks  
27 and commercial digital learning materials in order to achieve  
28 savings for students enrolled in the institution.

29 b. The secretary shall review the plan submitted by an  
30 institution to ensure that the plan has the potential to:

31 (1) achieve the highest level of savings for students through the  
32 sustainable expanded use of open textbooks for courses offered by  
33 the institution;

34 (2) produce the highest quality open textbooks;

35 (3) ensure that the full and complete digital content of each open  
36 textbook is made available to students:

37 (a) on the institution’s college bookstore website in an easily  
38 accessible location; and

39 (b) in a machine readable, digital format that a student can  
40 download; and

41 (4) ensure that open textbooks are available to students by July  
42 1, 2020.

43

44 3. The Secretary of Higher Education shall submit a report by  
45 June 30 of each academic year to the Governor, and to the  
46 Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1),  
47 that details the open textbook models being offered at each public  
48 and independent institution of higher education and the impact of

1 the open textbook programs on reducing student costs. The  
2 secretary shall post the report in a prominent location on the  
3 website of the Office of the Secretary of Higher Education so that  
4 the information on successful open textbook models is accessible  
5 for replication by other institutions of higher education.

6

7 4. This act shall take effect immediately.

8

9

10

#### STATEMENT

11

12 This bill provides that within 180 days of the bill's effective  
13 date, each public and independent institution of higher education,  
14 after consultation with faculty members, must submit a plan to the  
15 Secretary of Higher Education to expand the use of open textbooks  
16 in order to achieve savings for students enrolled in the institution.  
17 An open textbook is an educational resource that is licensed under  
18 an open license and made freely available online to the public.

19 Under the bill, the secretary will review the plan to ensure that  
20 the plan has the potential to: 1) achieve the highest level of savings  
21 for students through the expanded use of open textbooks in courses  
22 offered by the institution; 2) produce the highest quality open  
23 textbooks; 3) ensure that the full and complete digital content of  
24 each open textbook is made available to students enrolled in the  
25 institution; and 4) ensure that open textbooks are available to  
26 students by July 1, 2020.

27 The bill directs the secretary to submit an annual report to the  
28 Governor and the Legislature that details the open textbook models  
29 being offered by each public and independent institution and the  
30 impact of the open textbook programs on reducing student costs.



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# Newark, N.J.

## Governor Murphy Takes Action on Legislation

05/2/2019

**Trenton** – Today, Governor Phil Murphy signed the following bills into law:

**S368** (Rice, Turner/Verrelli, Reynolds-Jackson, Swain) – Authorizes political subdivisions to set aside 0.5 percent of public works funds to recruit and train women and minorities and promote local hiring.

**S768** (Cunningham, Cruz-Perez/Pinkin, Jasey, DeAngelo, Danielsen, Wimberly, McKnight, Taliaferro) – Requires institutions of higher education to develop open textbook plan.

**S1857** (Turner, Diegnan/Pinkin, Jasey, Karabinchak, Holley) – Designates Thomas Alva Edison as State Inventor.

**A4897** (Lopez, Benson/O’Scanlon, Singleton) – Permits 20 year ferry boat local public contracts; permits 50 year local public contracts for certain capital improvements and extends prevailing wage requirements to certain work performed under those contracts.

**A5159** (Reynolds-Jackson, Verrelli, Karabinchak/Diegnan, Greenstein) – Permits county commissioner of registration and board of elections to use electronic poll books

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