

1-1 By: Van de Putte S.B. No. 1716
1-2 (In the Senate - Filed March 11, 2005; March 30, 2005, read
1-3 first time and referred to Subcommittee on Higher Education;
1-4 April 12, 2005, reported favorably to Committee on Education;
1-5 April 25, 2005, reported adversely, with favorable Committee
1-6 Substitute from Committee on Education by the following vote:
1-7 Yeas 6, Nays 0; April 25, 2005, sent to printer.)

1-8 COMMITTEE SUBSTITUTE FOR S.B. No. 1716 By: Van de Putte

1-9 A BILL TO BE ENTITLED
1-10 AN ACT

1-11 relating to the sale of instructional materials to students of
1-12 institutions of higher education.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subchapter Z, Chapter 51, Education Code, is
1-15 amended by adding Section 51.949 to read as follows:

1-16 Sec. 51.949. INFORMATION FOR BOOKSTORES RELATING TO
1-17 INSTRUCTIONAL MATERIALS. (a) In this section:

1-18 (1) "Institution of higher education" has the meaning
1-19 assigned by Section 61.003.

1-20 (2) "Instructional materials" means any printed or
1-21 computer-generated educational material, including textbooks, or
1-22 any equipment or supplies that a student is required or recommended
1-23 to use in connection with a course.

1-24 (3) "University-affiliated bookstore" means a store
1-25 that sells instructional materials, regardless of whether the store
1-26 is located on the campus of an institution of higher education, and
1-27 that is operated by or with the approval of the institution through
1-28 ownership, a management agreement, a lease or rental agreement, or
1-29 otherwise.

1-30 (b) Each institution of higher education shall provide on
1-31 request to a retailer or other provider of instructional materials
1-32 any list of required or recommended instructional materials for a
1-33 semester or other academic term at the same time the institution
1-34 provides the list to the operator of a university-affiliated
1-35 bookstore.

1-36 (c) To the extent that space for an activity described by
1-37 this subsection is available, an institution of higher education
1-38 shall provide to a retailer or other provider of instructional
1-39 materials the same opportunity as an operator of a
1-40 university-affiliated bookstore to participate in any programs
1-41 related to the dissemination or provision of instructional
1-42 materials for students of the institution, including providing
1-43 information at student orientation or participating in a program of
1-44 repurchasing instructional materials.

1-45 (d) An institution of higher education may not charge
1-46 another provider of instructional materials an amount greater than
1-47 the amount charged the operator of a university-affiliated
1-48 bookstore for an activity described in Subsection (c).

1-49 (e) If an institution of higher education works in
1-50 conjunction with a university-affiliated bookstore to provide a
1-51 method for the extension of credit or the ability of a student to
1-52 charge or otherwise delay the payment of the costs of instructional
1-53 materials, including the extension of credit under Section
1-54 51.929(b), the institution shall provide any other person providing
1-55 instructional materials to students of the institution with equal
1-56 access and opportunity to use or develop the same or similar method
1-57 of payment at a reasonable cost to that person.

1-58 SECTION 2. (a) This Act applies only to a semester or term
1-59 that begins on or after the effective date of this Act.

1-60 (b) As soon as practicable on or after the effective date of
1-61 this Act, each institution of higher education shall designate an
1-62 officer or employee of the institution to ensure the institution's
1-63 compliance with Section 51.949, Education Code, as added by this

2-1 Act.
2-2 SECTION 3. This Act takes effect immediately if it receives
2-3 a vote of two-thirds of all the members elected to each house, as
2-4 provided by Section 39, Article III, Texas Constitution. If this
2-5 Act does not receive the vote necessary for immediate effect, this
2-6 Act takes effect September 1, 2005.

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