

A BILL TO BE ENTITLED

AN ACT

relating to the sale of instructional materials to students of public institutions of higher education.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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

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

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

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

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

(b) This section does not apply to an institution of higher education with a university-affiliated bookstore if the bookstore is owned and operated by the institution.

(c) Each institution of higher education shall make

1 available for public inspection through the Internet or in person a  
2 list of required or recommended instructional materials for a  
3 semester or other academic term at the same time the institution  
4 provides the list to the operator of a university-affiliated  
5 bookstore.

6 (d) To the extent that space for an activity described by  
7 this subsection is available, an institution of higher education  
8 shall provide to a retailer or other provider of instructional  
9 materials that holds a sales tax permit issued to the provider under  
10 Subchapter F, Chapter 151, Tax Code, the same opportunity as an  
11 operator of a university-affiliated bookstore to participate in any  
12 programs related to the dissemination or provision of instructional  
13 materials for students of the institution, including providing  
14 information at student orientation or participating in a program of  
15 repurchasing instructional materials. If sufficient space is not  
16 available for each provider of instructional materials, other than  
17 an operator of a university-affiliated bookstore, that holds a  
18 sales tax permit and that applies to participate in an activity  
19 described by this subsection, the institution shall provide the  
20 available space in the same order as those providers applied to  
21 participate in the activity.

22 (e) An institution of higher education may charge to a  
23 provider of instructional materials, other than an operator of a  
24 university-affiliated bookstore, a reasonable fee for  
25 participation in an activity described by Subsection (d).

26 (f) If an institution of higher education works in  
27 conjunction with a university-affiliated bookstore to provide a

1 method for the extension of credit or the ability of a student to  
2 charge or otherwise delay the payment of the costs of instructional  
3 materials, including the extension of credit under Section  
4 51.929(b), the institution shall provide to any other provider of  
5 instructional materials to students of the institution that holds a  
6 sales tax permit issued to the provider under Subchapter F, Chapter  
7 151, Tax Code, equal access and opportunity to use or develop the  
8 same or similar method of payment at a reasonable cost to that  
9 person.

10 (g) Subsection (f) does not restrict an institution of  
11 higher education from adopting or enforcing a policy that is  
12 necessary to ensure the institution's compliance with a rule or  
13 policy of the National Collegiate Athletic Association or of  
14 another organization governing intercollegiate athletic  
15 competition of which the institution is a member.

16 SECTION 2. (a) This Act applies only to a semester or term  
17 that begins on or after the effective date of this Act.

18 (b) This Act does not affect the terms of a contract entered  
19 into before the effective date of this Act.

20 (c) As soon as practicable on or after the effective date of  
21 this Act, each public institution of higher education to which  
22 Section 51.949, Education Code, as added by this Act, applies shall  
23 designate an officer or employee of the institution to ensure the  
24 institution's compliance with that section.

25 SECTION 3. This Act takes effect immediately if it receives  
26 a vote of two-thirds of all the members elected to each house, as  
27 provided by Section 39, Article III, Texas Constitution. If this

S.B. No. 114

- 1 Act does not receive the vote necessary for immediate effect, this
- 2 Act takes effect September 1, 2007.

COMMITTEE AMENDMENT NO. 1

Amend S.B. No. 114 (senate engrossment) as follows:

(1) Between SECTIONS 1 and 2 of the bill (page 3, between lines 15 and 16), insert the following:

SECTION \_\_\_\_ . Subchapter Z, Chapter 51, Education Code, is amended by adding Section 51.9491 to read as follows:

Sec. 51.9491. TEXTBOOK PUBLISHERS: AVAILABILITY OF INFORMATION TO FACULTY CONCERNING TEXTBOOK PRICES AND REVISIONS.

(a) In this section:

(1) "Faculty member" means a person who is employed by an institution of higher education as a member of the faculty or staff and whose duties include teaching one or more courses at the institution.

(2) "Institution of higher education" has the meaning assigned by Section 61.003.

(3) "Textbook" means a book published primarily for the instruction of postsecondary students. The term includes any edition of a textbook or set of textbooks and any items considered supplemental specifically to the textbook, regardless of whether the textbook and supplemental items are sold together or separately. The term does not include a custom textbook or a special edition of a textbook.

(4) "University-affiliated bookstore" has the meaning assigned by Section 51.949.

(b) A textbook publisher shall make available to a faculty member of an institution of higher education:

(1) the price at which the publisher would make

1 available to a university-affiliated bookstore that serves  
2 students of the institution a textbook that:

3 (A) is published by the publisher; and

4 (B) is in an academic discipline in which the  
5 faculty member teaches a course at the institution; and

6 (2) the history of any revisions to a textbook  
7 described by Subdivision (1).

8 (2) In Subsection (a), SECTION 2, of the bill (page 3, line  
9 16), strike "This Act" and substitute "Section 51.949, Education  
10 Code, as added by this Act,".

11 (3) In Subsection (b), SECTION 2, of the bill (page 3, line  
12 18), strike "This Act" and substitute "Section 51.949, Education  
13 Code, as added by this Act,".

14 (4) Renumber SECTIONS of the bill accordingly.