

BILL ANALYSIS

C.S.H.B. 1096
By: Vo
Higher Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Incoming students at Texas universities, especially students attending orientation sessions, often are unaware of the available options for acquiring textbooks. In many cases this results in an assumption that a student must buy the required or recommended textbooks for a course from a university-affiliated bookstore, where textbooks may be overpriced.

C.S.H.B. 1096 requires Texas universities to provide a written or electronic notice to all enrolled students explaining that students are under no obligation to purchase required textbooks from the university-affiliated bookstore by noting the availability of those textbooks through multiple retailers, including retailers not affiliated with the university.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Higher Education Coordinating Board in SECTIONS 1 and 2 of this bill.

ANALYSIS

C.S.H.B. 1096 amends the Education Code to require the Texas Higher Education Coordinating Board to prescribe procedures by which each institution of higher education is required to provide to each student enrolled at the institution written notice regarding the availability of required or recommended textbooks through university-affiliated bookstores and retailers other than university-affiliated bookstores. The bill requires the procedures to require the institution to provide the notice as follows:

- to each student of the institution during the week preceding each fall and spring semester;
- to each student enrolled at the institution in a semester or summer term during the first three weeks of each semester or the first week of a summer term, as applicable; and
- to students or prospective students of the institution attending an orientation conducted by or for the institution.

C.S.H.B. 1096 requires the notice to be provided in a hard-copy or electronic format in a manner that ensures that the notice is reasonably likely to come to the attention of a student receiving the notice. The bill requires the notice to contain the following statement: "A student is not under any obligation to purchase a textbook from a university-affiliated bookstore, and the same textbook may also be available from an independent retailer, including an online retailer." The bill defines "institution of higher education" and "university-affiliated bookstore."

C.S.H.B. 1096 requires the coordinating board to adopt rules to administer these provisions as soon as practicable after the bill's effective date, and, for that purpose, authorizes the coordinating board to adopt the initial rules in the manner provided by law for the adoption of emergency rules. The bill makes its provisions applicable beginning with the 2009 fall semester.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 1096 differs from the original by requiring the Texas Higher Education Coordinating Board to prescribe procedures for the notification of students at higher education institutions regarding the availability of required or recommended textbooks through both university-affiliated bookstores and through retailers other than university-affiliated bookstores, whereas the original provides for notification of the availability of those textbooks through retailers other than university-affiliated bookstores. The substitute adds provisions not in the original requiring notice to be given to each student during the week preceding each fall and spring semester and to students or prospective students attending an orientation conducted by or for the institution, in addition to providing the notice to students during the first three weeks of each semester or the first week of a summer term, as in the original.

C.S.H.B. 1096 requires the notice to be provided in either an electronic format or in a hard-copy format, whereas the original requires only a hard-copy format for the notice; the substitute also requires the giving of notice in a manner that ensures the notice is reasonably likely to come to the attention of a student receiving the notice, rather than coming to the attention of each student as in the original. The substitute differs from the original by specifying the text to be included in the notice, whereas the original more generally describes the content of the notice; the substitute also removes a provision in the original requiring the notice to be written in at least 10-point type. The substitute removes a provision in the original requiring the notice to state that a textbook may be available at a lower price than the price charged for the book by a university-affiliated bookstore.