

1-1 By: Vo, et al. (Senate Sponsor - Van de Putte) H.B. No. 1096
1-2 (In the Senate - Received from the House April 29, 2009;
1-3 May 4, 2009, read first time and referred to Committee on Higher
1-4 Education; May 13, 2009, reported favorably by the following vote:
1-5 Yeas 4, Nays 0; May 13, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the provision of notice regarding the availability of
1-9 higher education textbooks through multiple retailers.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subchapter Z, Chapter 51, Education Code, is
1-12 amended by adding Section 51.9705 to read as follows:

1-13 Sec. 51.9705. NOTICE REGARDING AVAILABILITY OF TEXTBOOKS
1-14 THROUGH MULTIPLE RETAILERS. (a) In this section:

1-15 (1) "Institution of higher education" has the meaning
1-16 assigned by Section 61.003.

1-17 (2) "University-affiliated bookstore" means a
1-18 bookstore that:

1-19 (A) sells textbooks for courses offered by an
1-20 institution of higher education, regardless of whether the
1-21 bookstore is located on the campus of the institution; and

1-22 (B) is operated by or with the approval of the
1-23 institution through ownership, a management agreement, a lease or
1-24 rental agreement, or otherwise.

1-25 (b) The Texas Higher Education Coordinating Board shall
1-26 prescribe procedures by which each institution of higher education
1-27 shall provide to each student enrolled at the institution written
1-28 notice regarding the availability of required or recommended
1-29 textbooks through university-affiliated bookstores and through
1-30 retailers other than university-affiliated bookstores. The
1-31 procedures must require the institution to provide the notice:

1-32 (1) to each student of the institution during the week
1-33 preceding each fall and spring semester;

1-34 (2) to each student enrolled at the institution in a
1-35 semester or summer term during the first three weeks of the semester
1-36 or the first week of the summer term, as applicable; and

1-37 (3) to students or prospective students of the
1-38 institution attending an orientation conducted by or for the
1-39 institution.

1-40 (c) The notice shall be provided in a hard-copy or
1-41 electronic format in a manner that ensures that the notice is
1-42 reasonably likely to come to the attention of a student receiving
1-43 the notice. The notice must contain the following:

1-44 "A student of this institution is not under any obligation to
1-45 purchase a textbook from a university-affiliated bookstore. Be
1-46 aware that the same textbook may also be available from an
1-47 independent retailer, including an online retailer."

1-48 (d) The coordinating board shall adopt rules to administer
1-49 this section.

1-50 SECTION 2. (a) The change in law made by this Act applies
1-51 beginning with the 2009 fall semester.

1-52 (b) The Texas Higher Education Coordinating Board shall
1-53 adopt rules under Section 51.9705, Education Code, as added by this
1-54 Act, as soon as practicable after this Act takes effect. For that
1-55 purpose, the board may adopt the initial rules in the manner
1-56 provided by law for adoption of emergency rules.

1-57 SECTION 3. This Act takes effect immediately if it receives
1-58 a vote of two-thirds of all the members elected to each house, as
1-59 provided by Section 39, Article III, Texas Constitution. If this
1-60 Act does not receive the vote necessary for immediate effect, this
1-61 Act takes effect September 1, 2009.

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