

By: Rose

H.B. No. 3283

A BILL TO BE ENTITLED

AN ACT

relating to measures to increase the affordability of textbooks used for courses at public institutions of higher education; authorizing a penalty.

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

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

SUBCHAPTER I. TEXTBOOKS

Sec. 51.451. DEFINITIONS. In this subchapter:

(1) "Coordinating board" means the Texas Higher Education Coordinating Board.

(2) "Faculty member" has the meaning assigned by Section 51.917.

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

(4) "Supplemental material," with respect to a textbook, means instructional material developed to accompany the textbook, including printed materials, computer disks, website access, and electronically distributed materials, other than material that is part of an integrated textbook.

(5) "Textbook" means a book published primarily for instruction in connection with a particular course or courses offered to postsecondary students by an institution of higher education. The term includes any edition of a textbook or set of

1 textbooks and any item considered supplemental specifically to the
2 textbook, regardless of whether the textbook and supplemental item
3 are sold together or separately.

4 (6) "University-affiliated bookstore" means a
5 bookstore that:

6 (A) sells textbooks for courses offered to
7 postsecondary students by an institution of higher education,
8 regardless of whether the bookstore is located on the campus of the
9 institution; and

10 (B) is operated by or with the approval of the
11 institution through ownership, a management agreement, a lease or
12 rental agreement, or otherwise.

13 Sec. 51.452. DISSEMINATION OF COURSE SCHEDULE AND LIST OF
14 REQUIRED TEXTBOOKS. (a) Each institution of higher education
15 shall:

16 (1) for each semester or academic term, compile a
17 course schedule indicating each course offered for the semester or
18 term to postsecondary students by the institution;

19 (2) include with the schedule a list of required
20 textbooks that specifies, for each textbook in each course, the
21 following information to the extent practicable:

22 (A) the retail price;

23 (B) the author;

24 (C) the publisher;

25 (D) the most recent copyright date;

26 (E) the International Standard Book Number

27 assigned, if any; and

1 (F) the availability of the textbook in an
2 electronic format;

3 (3) at the time required by Subsection (b)(2), publish
4 the course schedule and textbook list in hard copy format and on the
5 institution's Internet website and make the information available
6 to university-affiliated bookstores and other bookstores that
7 generally serve the students of the institution; and

8 (4) as soon as practicable after the information
9 becomes available, disseminate as required by Subdivision (3)
10 specific information regarding any revisions to the institution's
11 course schedule and textbook list.

12 (b) To allow for timely placement of textbook orders by
13 students, each institution of higher education shall:

14 (1) establish a deadline by which faculty members must
15 submit information to be included in the course schedule and
16 textbook list required by Subsection (a); and

17 (2) disseminate the institution's course schedule and
18 textbook list as required by Subsection (a)(3) as soon as
19 practicable after the institution has compiled the schedule and
20 list but not later than the 30th day before the first day that
21 classes are conducted for the semester or other academic term for
22 which the schedule and list are compiled.

23 Sec. 51.453. TEXTBOOK PUBLISHERS: AVAILABILITY OF
24 INFORMATION TO FACULTY CONCERNING ELECTRONIC TEXTBOOKS. When a
25 textbook publisher provides information regarding a textbook or
26 supplemental material to a faculty member or other person in charge
27 of selecting course materials at an institution of higher

1 education, the publisher shall also provide to the faculty member
2 or other person written information that includes:

3 (1) information as to whether the textbook or
4 supplemental material is available in an electronic format; and

5 (2) if applicable, the price at which the publisher
6 will make the electronic textbook or supplemental material
7 available to a university-affiliated bookstore or other bookstore
8 that generally serves the students of the institution.

9 Sec. 51.454. UNIVERSITY-AFFILIATED BOOKSTORES:

10 AVAILABILITY OF INFORMATION TO STUDENTS CONCERNING ELECTRONIC
11 TEXTBOOKS. An institution of higher education shall require, as a
12 condition of an affiliation agreement or otherwise, a
13 university-affiliated bookstore affiliated with the institution to
14 disclose, on request by any person, information regarding:

15 (1) whether a specific textbook or specific
16 supplemental material is available in an electronic format; and

17 (2) if applicable, the price at which the electronic
18 textbook or supplemental material is available to the students of
19 the institution.

20 Sec. 51.455. STUDY ON USE AND AVAILABILITY OF ELECTRONIC

21 TEXTBOOKS. (a) The coordinating board shall conduct a study and
22 recommend policies regarding the use and availability of electronic
23 textbooks in higher education in this state and in other states.

24 The study and policy recommendations must include a specific focus
25 on the results of the pilot program implemented by The University of
26 Texas at Austin with respect to the use of electronic textbooks and
27 must address methods for encouraging the use of electronic

1 textbooks at public or private institutions of higher education in
2 this state.

3 (b) Each student regent serving under Section 51.355 or
4 51.356 shall assist the coordinating board in performing the
5 board's duties under Subsection (a). The coordinating board shall
6 establish procedures to assist a student regent in complying with
7 this subsection.

8 (c) The coordinating board may solicit and accept gifts and
9 grants from any public or private source to conduct the study and
10 develop policy recommendations under this section.

11 (d) Not later than December 1, 2010, the coordinating board
12 shall make an initial report and recommendations based on the study
13 to the governor, lieutenant governor, speaker of the house of
14 representatives, and presiding officer of each legislative
15 standing committee with primary jurisdiction over higher
16 education. This subsection expires January 31, 2011.

17 Sec. 51.456. ADMINISTRATIVE PENALTY. (a) The coordinating
18 board shall adopt rules under which the coordinating board may
19 impose a reasonable administrative penalty against a person that
20 knowingly violates this subchapter. The rules must provide for the
21 coordinating board to hold a hearing to determine whether a penalty
22 is to be imposed and the amount of any penalty. The coordinating
23 board shall base the amount of any penalty on:

- 24 (1) the seriousness of the violation;
25 (2) any history of a previous violation;
26 (3) the amount necessary to deter a future violation;
27 (4) any effort to correct the violation; and

1 (5) any other matter justice requires.

2 (b) The attorney general may bring an action to collect an
3 administrative penalty that is not paid as directed by the
4 coordinating board.

5 SECTION 2. (a) Subchapter I, Chapter 51, Education Code, as
6 added by this Act, applies beginning with the 2010 fall semester.

7 (b) Section 51.454, Education Code, as added by this Act,
8 does not affect the terms of an affiliation contract or agreement
9 entered into before the effective date of this Act, except that if
10 the contract or agreement is renewed, modified, or extended on or
11 after the effective date of this Act, Section 51.454 applies to the
12 contract or agreement beginning on the date of renewal,
13 modification, or extension.

14 SECTION 3. This Act takes effect September 1, 2009.