

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**April 17, 2009**

**TO:** Honorable Judith Zaffirini, Chair, Senate Committee on Higher Education

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: SB145** by Ellis (relating to the sale by textbook publishers of bundled instructional material for use by students at public institutions of higher education; providing a penalty.),  
**Committee Report 1st House, Substituted**

**No significant fiscal implication to the State is anticipated.**

The bill would require publishers that offer textbook bundles for sale directly to students enrolled at an institution of higher education, or to university-affiliated bookstores for resale, to also provide each individual item of the bundled instructional material separately. Publishers would be required, within reason, to price the individual items so that the total cost of the items, purchased individually, would not exceed the cost of the complete bundled package.

The bill would also require the Coordinating Board to adopt rules to impose an administrative penalty on any publisher that willingly violates the provisions of this bill. An institution of higher education would be required to maintain a record of any publisher that violates the provisions of this bill. The bill allows the Attorney General to bring an action against a publisher to collect such a penalty.

Revenue collected from the penalties under this subsection would be used to fund the TEXAS grant program. The number of publishers who would violate the provisions of this bill is unknown, therefore the revenue gain from this bill cannot be estimated.

The bill would apply to material offered for sale on or after September 1, 2010.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 710 Texas A&M University System Administrative and General Offices, 720 The University of Texas System Administration, 758 Texas State University System, 768 Texas Tech University System Administration, 769 University of North Texas System Administration, 781 Higher Education Coordinating Board, 783 University of Houston System Administration

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